

**NATIONAL ASSEMBLY OF THE SECOND SESSION OF THE
EIGHTH PARLIAMENT OF GUYANA (2002 – 2006)**

**REPORT OF
THE SPECIAL SELECT COMMITTEE
OF THE NATIONAL ASSEMBLY ON
AMERINDIAN BILL 2005**

BILL NO. 13/2005

Presented to the National Assembly

By

The Chairman of the Committee

On

19th January, 2005

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**REPORT OF THE SPECIAL SELECT COMMITTEE OF THE
NATIONAL ASSEMBLY ON THE AMERINDIAN BILL 2005
BILL NO. 13/2005**

Publication of Bill

The Amerindian Bill 2005 – (Bill No. 13/2005) which seeks to provide for the recognition and protection of the collective rights of Amerindian Communities, the granting of land to Amerindian Communities and the promotion of good governance within Amerindian Communities was published on 3rd August, 2005.

Introduction and First and Second Readings

2. The Bill was introduced in the National Assembly and read the first time on 4th August, 2005.
3. It was debated and read the second time on 20th October, 2005.

Committal to Select Committee

4. Following its second reading the Bill was committed by the National Assembly for consideration by a Special Select Committee.

Members of the Special Select Committee

5. At a meeting held on 27th October, 2005 the Committee of Selection nominated the following Members to comprise the Special Select Committee to consider the Bill 2005:

From the Peoples Progressive Party/Civic PPP/C (5)

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

The Hon. Manzoor Nadir, M.P.
Minister of Tourism, Industry and Commerce

The Hon. Dr. Leslie S. Ramsammy, M.P.
Minister of Health

The Hon. Carolyn Rodrigues, M.P.
Minister of Amerindian Affairs

Mrs. Pauline R. Sukhai, M.P.

From the Peoples National Congress/Reform PNC/R (3)

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

Mr. Vincent Alexander, M.P.

Dr George Norton, M.P.

From the Guyana Action Party/Working Peoples Alliance GAP/WPA (1)

Mrs. Shirley J. Melville, M.P

First Meeting of the Committee – Election of Chairman

6. The first meeting of the Committee was held on 3rd November, 2005, at which the Hon. Carolyn Rodrigues, M.P. was elected Chairperson of the Committee.

Other Meetings of the Committee

7. The Committee met on 10 other occasions.

Consultation Process

8. The Committee agreed that it have consultations by inviting the public, that is, individual and organisations, to make written and oral presentations.
9. The Committee fixed 19th November, 2005 as the deadline to receive written presentation and invitation to make oral presentation.
10. As a consequence advertisements were placed in the media from 6th November to 21st November, 2005 extending invitation to members of the public, organisations and individuals, to forward written submission of their views on the provisions of the Amerindian Bill 2005.
11. The Committee fixed Tuesday, 22nd November, from 2.00 p.m. and Wednesday, 23rd November, 2005 from 1.00 p.m. for the oral presentations and those wishing to make oral presentation were asked to indicate to the Committee the date of their choice.

Response to the Invitations

12. The Committee received a total of 53 written submissions and invitation to make oral presentations from 7 organizations and 46 individuals as follows:

Organisations	Region
Amerindian NGO's of Guyana comprising	
Amerindian Peoples Association)	
The Amerindian Action Movement of Guyana)	4
Guyanese Organisations of Indigenous Peoples)	
Guyana Nationalist Party	4
National Front Alliance	4
Guyana Human Rights Association	4

Waramadong Village Council	7
APA Unit of Paramakatoi	8
Toshaos & Councillors, Potario Village	9

Individuals

Region No. 1

Mr. Fermin Singh
 Mr. Maurice Henry
 Mr. Reuben Gonsalves
 Mr. Paul Pierre
 Mr. Marco Desouza
 Mr. David Newsum

Candace Phillips
 Ms. Vanda Radzik

Region No. 5

Mr. Colin Andrews

Region No. 6

Mr. Carl Peneux

Region No. 2

Mr. Lloyd Perreira
 Mrs. Doreen Jacobs
 Mr. Earl Thomas
 Ms. Yvonne Pearson

Region No. 7

Ms. Laura George
 Mr. Anderson Hastings
 Mr. John Andries
 Mr. Lawrence Anselmo

Region No. 3

Clive Patterson

Region No. 8

Mr. Matheson Williams
 Mr. Noel Thomas
 Mr. Jimmy James
 Mr. Ian Williams
 Mr. Bruno Matin
 Mr. Herbert James
 Ms. Juanita Garcia
 Mr. Clarence Alfred
 Mr. Roger Alfred

Region No. 4

Mr. Leyland Clenkian
 Ovid Williams
 Mr. Matin Cheong
 Mr. Vernon James
 Mr. Peter Persaud
 Mr. Collins Herman
 Ms. Pamela Mendonca
 Mr. David James

Region No. 9

Mr. Bryan Allicock
Mr. Clarindo Rudolph
Mr. Wilson Lorintino
Mr. John Alfred
Mr. Ron James
Mr. Eugene Isaacs

Ms. Vannie David

Region No. 10

Mr. Willbert Hall
Ms. Rosalee Couchman

Ms. Sylvia Alfred

Hearings

Oral Presentations

13. The oral presentations were held as follows:

- 22nd November, 2005 - Presentations were received from 1 organisation and 7 individuals

- 23rd to 24th November, 2005 - Presentations were received from 2 organisations and 25 individuals

The names of the organisations and individuals who made oral presentations are recorded in the months of the above dates.

Consideration of the Clauses of the Bill

14. **PART 1 – Preliminary**

Clause 1 agreed to as printed.

Clauses 2 and 3 were amended.

15. **PART II – Entry and Access**

Clauses 5, 7, 8 and 9 were amended.

Clauses 4 and 6 were agreed to as printed.

16. **PART III – Governance**

Clauses 10, 13, 14, 16, 18, 19, 22, 23, 26, 27, 28, 31, 33, 35, 36 were amended.

Clauses 11, 12, 15, 17, 20, 21, 24, 25, 29, 30, 32, 34, 37 were agreed to as printed.

17. **PART IV – National Toshias Council**

Clauses 39, 40, 41 and 43 were amended.

Clauses 38 and 42 were agreed to as printed.

18. **PART V – Community Lands**

Clauses 46, 47, 48, 49, 50, 51, 55, 58 were amended.

Clauses 44, 45, 52, 53, 54, 56, 57 were agreed to as printed.

19. **PART VI – Grants of Community Land to Amerindian Communities and Amerindian Groups**

Clauses 59, 60, 61, 63 were amended.

Clauses 62 and 64 were agreed to as printed.

20. **PART VII - Elections**

Clauses 66, 71, 72, 77 were amended.

Clauses 65, 67, 68, 69, 70, 73, 74, 75, 76 were agreed as printed

21. PART VIII – Offences

Clauses 78, 79 and 80 were agreed to as printed.

22. PART IX – Minister’s Functions and Powers

Clause 81 were amended.

Clauses 82, 83 and 84 were agreed to as printed.

23. PART X – Community Council

Clauses 85 and 87 amended.

Clauses 86, 88 and 89 agreed to as printed.

24. Schedules

First Schedule was agreed to as printed

Second Schedule was agreed to as printed.

25. A list of the details of the amendments made to the Bill by the Committee as drafted by the Deputy Chief Parliamentary Counsel, is attached at Appendix I.

Report of the Special Select Committee

26. At its meeting held on 17th January, 2006, the Special Select Committee on the Amerindian Bill 2005 agreed that this Report on the Bill should be presented to the National Assembly.

27. The Report is accordingly herby submitted.

Minutes

28. The Minutes of proceedings of the meetings of the Committee are at Appendix II.

Verbatim Records

29. Verbatim Records of the proceedings of meetings of the Committee have been prepared and can be seen at the Parliament Office.

.....*Carolyn Rodrigues*.....

Hon. Carolyn Rodrigues, M.P
Minister of Amerindian Affairs

Chairperson – Special Select Committee on the Amerindian Bill 2005

Committees Division
Parliament Office
Public Buildings
Brickdam
Georgetown

18th January, 2006

APPENDIX I

AMERINDIAN BILL 2005

BILL No. 13/2005

AMENDMENTS

ARRANGEMENT OF SECTIONS

4. Prosecutions - Move up to PART 1 PRELIMINARY

Substitute the word "Village" for the word "Community" wherever it occurs.

Part VI – Substitute the word "Villages" for the word "Communities" and substitute the word "Communities" for the word "Groups"

Long title

Insert the words "Villages and" before the word "Communities" wherever it occurs.

PART I PRELIMINARY

Clause 2

Substitute the following definition -

"Amerindian" means any citizen of Guyana who

- (a) belongs to any of the native of aboriginal peoples of Guyana; or
- (b) is a descendant of any person mentioned in paragraph (a);

In the definition:

"Amerindian group" - substitute the words "Community or Amerindian Community" for the word "group"

"Amerindian monument" - add the words "by order" after the words "by the Minister"

"Community" - substitute the words "Village or Amerindian Village" for the word "Community" and delete the words "in which there is a Village Council"

"Community lands" - substitute the word "Village" for the word "Community"

"large scale mining" - replace the definition with the words "has the same meaning as assigned to it under the Mining Act 1989"

Add a margin note "No. 20 of 1989"

"miner" - add the words, "or intending to carry out" after the words "carrying out".

“resident” - delete the words “or on State land” in paragraph (a) and substitute the word “Village” for the word “Community” wherever it occurs

“traditional mining privilege” - substitute the word “Village” for the word “group”

“traditional right” add the word “subsistence” after the words “means any” and substitute the word “Village” for the word “group” wherever it occurs.

“voter” - add the words “compiled by the Village Council under section 69(1)” after the words “electoral list”

From Clause 3 to Clause 89:

Substitute “Village” for “Community” wherever it occurs

Substitute “Villages” for “Communities” wherever it occurs

Substitute “Amerindian Community” for “Amerindian group” wherever it occurs

Substitute “Amerindian communities” for “Amerindian groups” wherever it occurs

Clause 3

In subsection (2) substitute the words “An Amerindian Village or an Amerindian” for the word “A” and insert the word “or Community” after the word “Village”. Clause now reads:

“An Amerindian Village or an Amerindian Community may include in its name or in any description of itself the name of the native or aboriginal peoples to which it belongs, the name of the village or community or its location, any traditional name, or any term which is of cultural or social significance.

PART II ENTRY AND ACCESS

Move the heading “PART II ENTRY AND ACCESS” and insert after Clause 4.

Clause 5

In subsection (3) substitute the words, “any scientific, anthropological or archaeological research or any other research or study which relates to biological diversity, the environment or natural resources or any use or knowledge thereof within Village lands,” for the words, “any scientific, anthropological, archaeological or other research or study within Community lands”

Clause 5 (3) now reads:

“Any person other than a person referred to in section 8 who wishes to conduct any scientific, anthropological or archaeological research or any other research or study which relates to biological diversity, the environment or natural resources or any use or knowledge thereof within Village lands shall apply for and obtain in advance.”

Clause 7

In subsection (2) substitute the words “giving a reasonable opportunity to be heard” for the words “affording him an opportunity to make representations”

In subsection (5) substitute the words “a person who obtains permission from” for the words “a permission granted by”

Clause 8

Add the words “or who is acting under the authority of any written law or is otherwise lawfully authorised” after the words, “official business for the Government”

Clause 9

Add a new subsection (2)

“A Village Council and any residents of a Village shall not obstruct the lawful passage of any person through Village lands.”

PART III GOVERNANCE

Clause 10

Substitute the words “A Village Council is established to administer a Village” for the words “The Minister may by order establish a Village Council to administer a Village”

Clause 13

Delete paragraph (b) and renumber the paragraphs accordingly.

In the renumbered paragraph (c) substitute the words “planning” for the words “good governance”

In the renumbered paragraph (h) add the words “within Village lands and which” after the words “ensure that places and artefacts located”

In the renumbered paragraph (j) delete the words “to meetings of the Regional Democratic Council or” and the word “other”

In the renumbered paragraph (k) insert the words “and provide to the Minister and the auditor a copy of the accounts” after the word “kept”

Add a new function (l) “levy taxes on residents”

Add a new subsection (3)

“In carrying out its functions a Village Council shall at all times

- (a) act in the best interests of the Village; and
- (b) provide for the good governance of the Village.”

Clause 14

In subsection 1 paragraph (d) delete the word “occupation”

In subsection 1 paragraph (m) delete the words “subject to the law governing intellectual property”

Renumber paragraph (q) as (r)

Add a new paragraph (q) “for the planning and development of the Village”

In subsection (2) add the words “not more than” immediately before the words “nineteen thousand”

Add a new subsection (3)

“A rule made by a Village Council shall not be inconsistent with any other law and shall be void to the extent of such inconsistency.”

Add a new subsection (4)

“The Minister may by order, subject to negative resolution of the National Assembly, increase the maximum penalty imposed under subsection (2)”

Clause 16

In subsection (3) substitute the words “as specified in accordance with Section 14(2)” for the words “of not more than nineteen thousand dollars”

Clause 18

Insert the words “after consultation with the Village” immediately before the words “levy taxes on residents”

Clause 19

In paragraph (b) substitute the word “summary” for the word “copy”

Clause 22

In paragraph (e) delete the words “convened by the Regional Democratic Council or by the Minister”

Clause 23

Delete subsection (2) and replace with

- (2) If a Toshao is incapacitated or otherwise unable to carry out his functions for more than four months the Village Council shall call a Village general meeting to decide whether the deputy Toshao should be sworn in as Toshao or whether elections for a new Toshao should be held and the Village Council shall notify the Minister of the decision of the Village general meeting within one month of the date of the meeting.
- (3) If a Toshao dies the Village Council shall call a Village general meeting to decide whether the deputy Toshao should be sworn in as Toshao or whether elections for a new Toshao should be held and the Village Council shall notify the Minister of the decision of the Village general meeting within one month of the date of the meeting.

Renumber subsection (3) as subsection (4)

Clause 26

In paragraph (d) substitute the words "section 24 (3), section 24(5), section 25(1) or section 25(2)" for the words "section 24 or section 25"

Clause 27

At the end of subsection (3) insert the words "or if a separate petition is presented to the Minister"

Clause 28

In subsection (6) paragraph (a) substitute the words "that person" for the word "he"

In subsection (6) paragraph (b) substitute the words "the reasons for the Minister's decision" for "the Minister's reasons for his decision"

Clause 31

In subsection 1 insert the word "Village" before the words "Council may"

Clause 33

At the end of subsection (1) insert the words "and provided that audits shall not be carried out more frequently than annually, unless requested by the Village general meeting or otherwise deemed necessary."

Clause 35

Substitute the words “District Councils” for the “Audits” in the margin note

In subsection (1) delete the words “at least three Village Councils make such a request in writing” and insert the following new paragraphs

- “(a) at least three Village Councils make such a request in writing;
- (b) the Village Councils making the request are in the same geographic area;
- (c) none of the Village Councils is a member of another District Council; and
- (d) each Village Council has obtained the approval of its Village general meeting.”

Clause 36

In paragraph (b) add the words “as far as reasonable” after the words Village Council

In paragraph (f) substitute a semi-colon for the full stop and add the word “and”

Add a new paragraph (g)

“to provide technical advice and assistance to the constituent Village Councils or to other Village Councils at their request.”

PART IV NATIONAL TOSHAOS COUNCIL

Clause 39

In subsection 1 substitute the words “shall elect a Chairman, a Secretary and a Treasurer and may elect other officers for the words “may elect a Chairman and other office bearers”

Clause 40

Substitute the words “The National Toshaos Council may establish a Secretariat” for the words “The Minister may establish a Secretariat for the National Toshaos Council”

Clause 41

In paragraph (c) substitute the word “Villages” for the word “Communities” and add after the words “to promote good governance in Villages,” the words “including investigating matters as requested by a Village and making recommendations, provided that the NTC may not investigate any matter which has been referred to the Minister and must ensure that any person involved in the investigation is given a reasonable opportunity to be heard”

In paragraph (h) add the word “and integrate” after the words “to coordinate”

In paragraph (j) add the words “and District Council elections” after the words “Village Council elections”

Clause 43

In subsection 1 substitute the words "in consultation with" for the words "subject to the approval of".

Add a new subsection (3)

"The National Toshaos' Council shall

- (a) publish notice of its meetings in at least one national newspaper at least one month in advance;
- (b) allow Amerindians to attend its meetings; and
- (c) publish an annual report of its activities and annual accounts and provide a copy to the Minister and each Village."

PART V VILLAGE LANDS

Clause 46

In subsection (1) paragraph (d) add the words "and provided it is in the best interests of the Village" immediately before the semi-colon

In subsection (2) paragraph (a) substitute the word "lessee" for the word "lease"

In subsection (3) substitute the word "shall" for the word "may"

In subsection (4) substitute the word "shall" for the word "may"

In subsection (6) substitute the words "the Minister" for the word "him"

Clause 47

Add the words "Advice and" before the words "Consents required"

In subsection (2) add the words "and obtain the consent of at least seventy-five percent of those present and entitled to vote at the Village general meeting"

In subsection (3) substitute the words "fifty-one percent of those present and entitled to vote" for the words "seventy-five percent of those entitled to vote and present"

Subsection (4) substitute the words "is void" for the words "shall not be granted".

Clause 48

In subsection (1) paragraph (c) insert the word "written" before the word "summary"

In subsection 1 paragraph (e) insert the word "Village" before the word "Council"

In subsection 1 paragraph (f) insert the word "Village" before the word "Council"

In subsection 1 paragraph (g) substitute the words "two-thirds of those present and entitled to vote at a Village general meeting" for the words "four-fifths of the residents entitled to vote and present at a Village general meeting"

Clause 49

In subsection (1) substitute the words "After the Village has given its consent under section 48, the Village Council, acting on behalf of the Village, shall enter into a written agreement with the miner" for the words "A miner who receives the Community's consent under section 48 must enter into a written agreement with the Village Council on behalf of the Community."

In subsection (3) substitute the words "a protocol regulating the behaviour of the miner and his employees and agents including restrictions on firearms and alcohol" for the words "that the conduct of the miner, his employees and agents be good and shall include restrictions on the use of alcohol and the carrying of firearms"

Clause 50

In subsection (1) paragraph (c) subparagraph (iii) substitute the word "activities" for the word "operations"

In subsection (2) delete the entire subsection and replace with "No mining shall take place for a period of 60 days from the declaration made by the Minister and the Minister with responsibility for mining, during which time the Village shall have the right to require the miner to enter into negotiations and the Village and the miner shall negotiate in good faith with a view to reaching agreement before mining commences upon the expiry of the 60 days period."

Insert a new clause 50 (3)

If the miner and the Village fail to reach agreement under sub-section 50 (2) the Minister

- (a) shall require the miner to enter into an agreement with the Minister on behalf of the Village which contains the provisions in section 49(2) and
- (b) may require the miner to enter into an agreement with the Minister on behalf of the Village covering the items specified in section 49(3).

Clause 51

In subsection (2) after the words "large scale mining" add the words "and in the case where the Village has refused its consent such tribute shall be agreed between the Minister and the miner before the mining activities commence."

Clause 55

Replace the word "Community" with the word "Village" wherever it occurs.

In subsection (1) paragraph (e) substitute the words "two thirds of those present and entitled to vote at a Village general meeting" for the words "four fifths of those present at Community general meeting"

Clause 58

In subsection (3) delete the words "contiguous with Community lands or lands."

Subsection (3) (a) and (b) delete the words "or Amerindian group."

PART VI GRANTS OF LAND TO AMERINDIAN VILLAGES AND AMERINDIAN COMMUNITIES

Clause 59

In subsection (1) paragraph (f) substitute the words "Village Council to make" for the words "making of"

In subsection (2) paragraph (d) delete the words "requested and its approximate size" after the words "a description of the area"

Clause 60

In subsection (2) add a new paragraph (g) "the nature of the relationship which the Village or Community has with the land" and renumber accordingly.

Clause 61 - In the renumbered paragraph (h) delete the word "special" and insert the words "or rights" after the word "interest" and delete the word "requested" and insert the words "of land requested" after the word "area"

Clause 63

In subsection (2) insert the words "by order" after the words "the Minister shall"

In subsection (3) insert the words "by order " after the words "the Minister shall"

PART VII ELECTIONS

Clause 66

In subsection (1) substitute the words "shall appoint another person to act in his stead" for the words "the Minister may appoint a person to so act"

Clause 71

In subsection (1) paragraph (a) insert the words "of at least" after the words "is an Amerindian"

Clause 72

In subsection (13) paragraph (c) add the words “in sealed envelopes in their respective ballot boxes” and delete the word “their”

Clause 77

In subsection (1) insert paragraph (b) “shall set a date for new elections”

PART IX MINISTER’S POWERS AND FUNCTIONS

Clause 81

Renumber clause 81 as clause 81 subsection (1).

Add as subsection (2) “If the Minister does not approve a rule made by a Village Council within six calendar months of receiving it, the Minister shall inform the Village Council in writing and shall give reasons for the rejection.”

PART X COMMUNITY COUNCIL

Clause 85

Insert the word “Council” after the words “The Minister may by order recognise as a Community” and delete the word “Community” immediately after the comma and the word “a.”

Clause now reads:

The Minister may by order establish as a Community Council a Council which was established by an Amerindian Community no later than 31st December 2003

Clause 87

Insert the word “their” immediately before the words “traditional rights”

SECOND SCHEDULE Insert the words “SECOND SCHEDULE” immediately before the table of amendments.

APPENDIX II

1. **MINUTES of 1st MEETING held on 3rd November, 2005**
2. **MINUTES of 2nd MEETING held on 9th November, 2005**
3. **MINUTES of 3rd MEETING held on 22nd November, 2005**
4. **MINUTES of 4th MEETING held on 23rd November, 2005**
5. **MINUTES of 5th MEETING held on 29th November, 2005**
6. **MINUTES of 6th MEETING held on 7th December, 2005**
7. **MINUTES of 7th MEETING held on 13th December, 2005**
8. **MINUTES of 8th MEETING held on 18th December, 2005**
9. **MINUTES of 9th MEETING held on 6th January, 2006**
10. **MINUTES of 10th MEETING held on 13th January, 2006**
11. **MINUTES of 11th MEETING held on 17th January, 2006**

APPENDIX II

1. **MINUTES of 1st MEETING held on 3rd November, 2005**
2. **MINUTES of 2nd MEETING held on 9th November, 2005**
3. **MINUTES of 3rd MEETING held on 22nd November, 2005**
4. **MINUTES of 4th MEETING held on 23rd November, 2005**
5. **MINUTES of 5th MEETING held on 29th November, 2005**
6. **MINUTES of 6th MEETING held on 7th December, 2005**
7. **MINUTES of 7th MEETING held on 13th December, 2005**
8. **MINUTES of 8th MEETING held on 18th December, 2005**
9. **MINUTES of 9th MEETING held on 6th January, 2006**
10. **MINUTES of 10th MEETING held on 13th January, 2006**
11. **MINUTES of 11th MEETING held on 17th January, 2006**

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 – 2005)**

**MINUTES OF THE
1st MEETING OF THE SPECIAL SELECT COMMITTEE
ON THE AMERINDIAN BILL 2005 - BILL NO. 13/2005
HELD AT 3.55 P.M.
ON THURSDAY, 3RD NOVEMBER, 2005
IN THE SPEAKER'S CEREMONIAL OFFICE,
PUBLIC BUILDINGS, GEORGETOWN**

ATTENDANCE

Chairman

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

MEMBERS

From the Peoples Progressive Party/Civic PPP/C (4)

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

The Hon. Manzoor Nadir, M.P.
Minister of Tourism, Industry and Commerce

The Hon. Carolyn Rodrigues, M.P.
Minister of Amerindian Affairs

The Hon. Dr. Leslie S. Ramsammy, M.P.
Minister of Health

Mrs. Pauline R. Sukhai, M.P. - (Excused)

From the Peoples National Congress/Reform PNC/R (3)

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

Mr. Vincent Alexander, M.P.

Dr George Norton, M.P.

From the Guyana Action Party/Working Peoples Alliance GAP/WPA (1)

Mrs. Shirley J. Melville, M.P

Officers

Mr. Maurice B. Henry - Head of Committees Division
Ms. Debra H. Cadogan - Assistant Head of Committees Division

ITEM 1: CALL TO ORDER

- 1.1 The Speaker as Presiding Officer for the election of a Chairperson of the Committee called the meeting to order at 3.55p.m.

ITEM 2: ELECTION OF CHAIRMAN OF THE AMERINDIAN BILL 2005 – BILL NO. 13/2005

- 2.1 The Speaker called for the nominations of a Chairperson of the Committee.
- 2.1.1 The Hon. Dr Ramsammy proposed and the Hon. Nokta seconded the nomination of the Hon. Carolyn Rodrigues.
- 2.1.2 There being no other nominations, the Speaker declared the Hon. Carolyn Rodrigues, the Chairperson of the Committee.

ITEM 3: ANY OTHER BUSINESS

- 3.1 **Date of Next Meeting**
- 3.1.1 The Committee agreed that the next meeting would be held on Wednesday, 9th November, 2005 at 5.30 p.m. in the Parliamentary Library, Public Buildings, Georgetown.
- 3.2 **Date to Receive Oral Evidence from Members of the Public**
- 3.2.1 The Committee agreed that it would receive oral evidence from members of the public on 22nd and 23rd November, 2005.
- 3.2.2 The Committee also agreed that the dates to receive oral evidence from members of the public would be extended if necessary.

Adjournment

At 4.05 p.m. the meeting was adjourned to 5.30 p.m. on Wednesday, 9th November, 2005.

Confirmed on this 9th day of November, 2005

C. Rodrigues
.....
Hon. Carolyn Rodrigues, M.P.
Chairperson

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 - 2005)**

**MINUTES OF THE
2nd MEETING OF THE SPECIAL SELECT COMMITTEE
ON THE AMERINDIAN BILL 2005 - BILL NO. 13/2005
HELD AT 5.30 P.M.
ON WEDNESDAY, 9TH NOVEMBER, 2005
IN THE PARLIAMENTARY LIBRARY, PUBLIC BUILDINGS, GEORGETOWN**

ATTENDANCE

Chairman

(Nominated by the Committee of Selection on 27th October, 2005)

Elected by the Committee on 3rd November, 2005

The Hon. Carolyn Rodrigues, M.P.
Minister of Amerindian Affairs

MEMBERS

From the Peoples Progressive Party/Civic PPP/C (4)

(Nominated by the Committee of Selection on 27th October, 2005)

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

The Hon. Manzoor Nadir, M.P.
Minister of Tourism, Industry and Commerce

The Hon. Dr. Leslie S. Ramsammy, M.P.
Minister of Health

Mrs. Pauline R. Sukhai, M.P.

From the Peoples National Congress/Reform PNC/R (3)

(Nominated by the Committee of Selection on 3rd November, 2005)

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

Mr. Vincent Alexander, M.P.

Dr George Norton, M.P.

From the Guyana Action Party/Working Peoples Alliance GAP/WPA (1)
(Nominated by the Committee of Selection on 3rd November, 2005)

Mrs. Shirley J. Melville, M.P

Officers

Mr. Maurice B. Henry - Head of Committees Division
Ms. Debra H. Cadogan - Assistant Head of Committees Division

ITEM 1: CALL TO ORDER

1.1 The Meeting was called to order at 5.30 p.m. by the Chairperson.

ITEM 2: ANNOUNCEMENTS

2.1 **Welcome**

2.1.1 The Chairperson extended a warm welcome to Members and Officials.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the meeting:

- (i) Notice of 2nd Meeting dated 4th November, 2005; and
- (ii) Minutes of the 1st Meeting held on 3rd November, 2005.

ITEM 4: CONFIRMATION OF MINUTES OF THE 1ST MEETING HELD ON 3RD NOVEMBER, 2005

4.1 The Minutes were confirmed, without corrections, on a motion moved and seconded by the Hon. Harripersaud Nokta and Mr. Vincent Alexander, respectively.

ITEM 5: CONSIDERATION OF PROCEDURE TO BE ADOPTED -

5.1 Submissions by the Public

5.1.1 The Chairperson informed the Committee that it would have to be notified by the public on or before 18th November, 2005 of written submissions on the Amerindian Bill 2005 and requests to make oral presentations.

5.1.2 In reply to a query, the Chairperson advised the Committee that in addition to the advertisement in the media, Regional Development Officers in the hinterland were involved in informing the people of the opportunity for written and oral submissions.

5.2 Public Hearings

5.2.1 The Committee agreed that public hearings would be held on

- Tuesday, 22nd November, 2005 from 2.00 p.m.
- Wednesday, 23rd November, 2005 from 1.00 p.m.

5.2.2 The Committee, being reminded of its earlier decision on the extension of the dates for public hearings, agreed to continue hearings on the morning of 24th November for those persons who would have to overnight in Georgetown, and if necessary, fix another date for other presentations.


5.3 Consideration of clauses of the Bill

5.3.1 The Committee agreed that it would commence consideration of clauses of the Bill on Friday, 25th November, 2005 at 5.00 p.m. but would revisit this decision at its meeting on the 23rd.

Adjournment

At 3.55 p.m. the meeting was adjourned to 2.00 p.m. on Tuesday, 22nd November, 2005.

Confirmed this 22nd day of November, 2005


.....
Hon. Carolyn Rodriguez, M.P.
Minster of Amerindian Affairs
Chairperson

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 - 2005)**

**MINUTES OF THE
3RD MEETING OF THE SPECIAL SELECT COMMITTEE
ON THE AMERINDIAN BILL 2005 - BILL NO. 13/2005
HELD AT 2.15 P.M.
ON TUESDAY, 22ND NOVEMBER, 2005
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN**

ATTENDANCE

Chairman

**(Nominated by the Committee of Selection on 27th October, 2005)
Elected by the Committee on 3rd November, 2005**

The Hon. Carolyn Rodrigues, M.P.
Minister of Amerindian Affairs

MEMBERS

**From the Peoples Progressive Party/Civic PPP/C (4)
(Nominated by the Committee of Selection on 27th October, 2005)**

The Hon. Harripersaud Nokta, M.P. - (Excused)
Minister of Local Government and Regional Development

The Hon. Manzoor Nadir, M.P. - (Excused)
Minister of Tourism, Industry and Commerce

The Hon. Dr. Leslie S. Ramsammy, M.P.
Minister of Health

Mrs. Pauline R. Sukhai, M.P.

**From the Peoples National Congress/Reform PNC/R (3)
(Nominated by the Committee of Selection on 3rd November, 2005)**

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

Mr. Vincent Alexander, M.P.

Dr George Norton, M.P.

From the Guyana Action Party/Working Peoples Alliance GAP/WPA (1)
(Nominated by the Committee of Selection on 3rd November, 2005)

Mrs. Shirley J. Melville, M.P

Officers

Mr. Maurice B. Henry	-	Head of Committees Division
Ms. Debra H. Cadogan	-	Assistant Head of Committees Division
Ms. Melissa Jankie	-	Legal Adviser to the Minister of Amerindian Affairs

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the Meeting to order at 2.15 p.m.

ITEM 2: ANNOUNCEMENTS

2.1 **Excuses**

2.1.1 The Chairperson informed the Committee that the following persons had asked to be excused from the meeting:

- (i) The Hon. Harripersaud Nokta, M.P.
- (ii) The Hon. Manzoor Nadir, M.P.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the meeting:

- (i) Notice of 3rd Meeting dated 17th November, 2005;
- (ii) Minutes of the 2nd Meeting held on Wednesday, 9th November, 2005;
- (iii) Memorandum to all Members dated 18th November, 2005 from Head of Committees Division with first list of submissions;
- (iv) Memorandum to all Members dated 21st November, 2005 from Head of Committees Division with second list of submissions.

3.2 The following document was circulated at the meeting:

- Public Hearing - Summary of Presenters According to Regions as at 21st November, 2005.

ITEM 4: CONFIRMATION OF MINUTES OF THE 2ND MEETING HELD ON 9TH NOVEMBER, 2005

4.1 The Minutes of the 2nd Meeting held on 9th November, 2005 were confirmed, without corrections, on a motion moved and seconded by the Hon. Dr Leslie Ramsammy and Mrs. Shirley Melville, respectively.

ITEM 5: ORAL PRESENTATIONS

5.1 The Committee agreed that it would have the individual presentations first.

5.2 **Mr Fermin Singh**

5.2.1 At 2.20 p.m. the Committee welcomed Mr. Fermin Singh, Ex Toshao of Hotoquoi to make his presentation.

5.2.2 Mr. Singh's presentation was specific in highlighting the following:

- his support for the bill
- his preference for the word 'Amerindian' being used as the title of and throughout the bill rather than the word 'Indigenous'
- Amerindians should abide by the rules for elections, and
- he was satisfied with the manner in which the bill addressed the land issues.

5.2.3 The discussions that followed Mr. Singh's presentation was in light of the difference between the word 'Amerindian' and 'Indigenous'.

5.2.4 Members who asked questions and sought clarifications included Dr Norton, Mrs. Sukhai, Mrs. Melville and Mr. Alexander.

5.2.5 The Chairperson then thanked Mr. Singh for his presentation.

5.3 **Mr. Maurice Henry**

5.3.1 At 2.43 p.m. the Committee received Mr. Maurice Henry's presentation.

5.3.2 Mr. Henry informed the Committee that his presentation was on behalf of his community on the following:

- they supported the use of the word "Amerindian" in the bill
- they also supported the provisions for leases and forestry in the bill.

5.3.3 Owing to a Member's objection of Mr. Henry being questioned about his awareness of the percentage of persons who wished to be addressed as Indigenous Peoples, the Committee decided to consider its approach to the procedure to be adopted with regard to hearing the presentations.

5.3.4 At the invitation of the Chairperson, the Head of Committees Division informed the Committee that the hearings could be conducted in the domain of the public.

5.3.5 The Committee agreed that it would continue to have the presentations.

5.4 **Mr. Rueben Gonsalves**

5.4.1 At 3.02 p.m. Mr. Reuben Gonsalves made a presentation on behalf of his community, Red Hill.

5.4.2 He indicated that they had supported the bill in its entirety including its being named 'Amerindian Bill'. They however had no problem with the word 'Indigenous'.

5.4.3 The Chairman thanked Mr. Gonsalves for his presentation.

5.5 Upon calling the next witness, some Members expressed their dissatisfaction with the manner in which the Committee was proceeding with the public hearings. It was suggested that the members of the public should withdraw from the Chamber to allow the Committee to deal with some 'in-house' matters.

5.5.1 The Committee, however, once again proceeded to continue the presentations in public after hearing that it was the Head of the Committees Division who had compiled the list of presenters from written and oral requests.

- 5.6 **Mr. Clive Patterson**
- 5.6.1 At 3.14 p.m. Mr. Clive Patterson, Former Toshao and Counsellor of Santa Rosa Mission presented on behalf of his community.
- 5.6.2 Mr. Patterson indicated that his community had accepted the bill in its entirety and had welcomed the provisions on communal lands and leases.
- 5.6.3 Questions were asked and clarifications sought by Mrs. Riehl, Dr. Norton and Mr. Alexander.
- 5.7 **Mr. Ovid Williams**
- 5.7.1 At 3.29 p.m. Mr. Ovid Williams proceeded to make a presentation in his personal capacity.
- 5.7.2 Mr. Williams indicated that he had no problem with the title being 'Amerindian' and that he was satisfied that the bill had provided for self-determination. He suggested that communities should have at least 60 days to negotiate before any mining was done in that community and urged that the bill be enacted as early as possible.
- 5.7.3 Dr. Norton, Mr. Alexander, Mrs. Melville and the Chairperson asked questions and sought clarifications from Mr. Williams on his presentation.
- 5.8 **Mr. Martin Cheong**
- 5.8.1 At 3.45 p.m. Mr. Martin Cheong delivered his presentation on the bill.
- 5.8.2 Mr. Cheong informed the Committee that the bill did not fulfill all of his expectations hence he suggested that it be reviewed. He highlighted the following:
- communities should be able to do their own research;
 - the Minister should work in consultation with the National Toshao Council (NTC);
 - the NTC should play an extensive role and assist with making rules;
 - the Minister should not be an *ex officio* member of the NTC;
 - measures should be put in place for the granting of land and protection against large scale mining;

- the time granted for oral presentations should be extended;
- more persons should have been assisted with the cost for attendance and making presentations;
- the Committee should have been visiting some communities to receive oral presentations.

5.8.3 Questions were then asked and clarifications sought on his presentation by Mr. Alexander, Mrs. Riehl and the Chairperson.

5.9 **Mr. Peter Persaud**

5.9.1 At 4.28 p.m. Mr. Peter Persaud made his presentation in a personal capacity. Mr. Persaud proposed that the Committee should work out a mechanism which would be beneficial as to whether the name 'Amerindian Bill' should be retained or changed to the 'Indigenous Peoples Bill'.

5.9.2 In his presentation he alluded to the summary of recommendations based on consultations and the High Commissioner of the Human Rights in Geneva Report which provided a definition for the word Indigenous Peoples. He undertook to provide the Committee with a copy of the report.

5.9.3 Mr. Persaud was however cautioned that the document to which he referred provided a framework for a working definition and not a definition of the word 'Indigenous'.

5.9.4 Questions were asked and clarifications sought by the Chairperson and Mrs. Melville.

5.9.5 The Chairperson then thanked Mr. Persaud for his presentation.

5.10 **Joint Submission of the Amerindian Peoples Association (APA), the Amerindian Action Movement of Guyana (TAAMOG) and the Guyanese Organisation of Indigenous Peoples (GOIP)**

5.10.1 Mr. David James delivered the presentation on behalf of the above three Non-Governmental Organisations (NGOs).

5.10.2 He said that the time granted to receive oral presentations was limited and that there was a document being submitted in the Rupununi as though the bill had been enacted.

5.10.3 Mr. James in the presentation referred to issues which are documented and fully explained in the NGOs written submission.

5.10.4 At the end of his presentation, the questions and answers aspect of the presentation was deferred to the next day.

Verbatim Records

Details of the presentation and questions asked by Members are recorded in the verbatim records of proceedings of this date.

Adjournment

At 6.35 p.m. the meeting was adjourned to 1.00 p.m. on Wednesday, 23rd November, 2005.

Confirmed this 24th day of November, 2005


.....
Hon. Carolyn Rodrigues, M.P.
Minster of Amerindian Affairs
Chairperson

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 - 2005)**

**MINUTES OF THE
4TH MEETING OF THE SPECIAL SELECT COMMITTEE
ON THE AMERINDIAN BILL 2005 - BILL NO. 13/2005
HELD AT 1.10 P.M.
ON WEDNESDAY, 23RD NOVEMBER, 2005
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN**

ATTENDANCE

Chairman

**(Nominated by the Committee of Selection on 27th October, 2005)
Elected by the Committee on 3rd November, 2005**

The Hon. Carolyn Rodrigues, M.P.
Minister of Amerindian Affairs

MEMBERS

**From the Peoples Progressive Party/Civic PPP/C (4)
(Nominated by the Committee of Selection on 27th October, 2005)**

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

The Hon. Manzoor Nadir, M.P. - (Excused)
Minister of Tourism, Industry and Commerce

The Hon. Dr. Leslie S. Ramsammy, M.P.
Minister of Health

Mrs. Pauline R. Sukhai, M.P. - (Excused)

**From the Peoples National Congress/Reform PNC/R (3)
(Nominated by the Committee of Selection on 3rd November, 2005)**

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

Mr. Vincent Alexander, M.P.

Dr George Norton, M.P.

From the Guyana Action Party/Working Peoples Alliance GAP/WPA (1)
(Nominated by the Committee of Selection on 3rd November, 2005)

Mrs. Shirley J. Melville, M.P

Officers

Mr. Maurice B. Henry	-	Head of Committees Division
Ms. Debra H. Cadogan	-	Assistant Head of Committees Division
Ms. Melissa Jankie	-	Adviser to the Minister of Amerindian Affairs

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the Meeting to order at 1.10 p.m.

ITEM 2: ANNOUNCEMENTS

2.1 **Excuses**

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

- (i) The Hon. Manzoor Nadir, M.P.
- (ii) Mrs. Pauline Sukhai, M.P.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated at the meeting:

- (i) Notice of the 4th meeting dated 23rd November, 2005;
- (ii) Copy of written submission dated 15th November, 2005 from Mr. Winsley Daniels & others of Hotoquai Village, Region No. 1;
- (iii) List of Presenters brought forward from Tuesday, 22nd November, 2005.

ITEM 4:

CONTINUATION OF ORAL PRESENTATIONS

- 4.1 When the Committee reconvened Members asked questions and clarifications from Mr. David James, who presented on behalf of the three NGOs.
- 4.1.1 They included Mr. Alexander, Dr. Norton, Mrs. Melville, Mrs. Riehl, the Chairperson and Ms. Jankie.
- 4.2 **Mr. Colin Andrews**
- 4.2.1 At 2.43 p.m. Mr. Colin Andrews made his presentation on behalf of his community, Marakubai and also expressed his personal views.
- 4.2.1 Mr. Andrews informed the Committee that his community
- supported the bill;
 - had preferred the word 'Indigenous', however, after listening to the presentation he felt that the word should be "Amerindian";
 - the community still needed advice on a lot of issues on the bill; and
 - noted that a lot of privileges were given to the Village Councils;
- 4.2.2 At the end of his presentation, Mrs. Melville sought clarification.
- 4.2.3 The Chairperson then thanked Mr. Andrews for his presentation.
- 4.3 **Mr. Carl Peneux**
- 4.3.1 At 3.10 p.m. Mr. Carl Peneux made his presentation on behalf of his community, Orella.
- 4.3.2 Mr. Peneux informed the Committee that his community fully support Part III (Governance) of the bill because of the corrupt practices experienced in the past. He also sited a few examples of what had taken place in his community.
- 4.3.3 The Chairperson thanked Mr. Peneux for his presentation.
- 4.4 **Ms. Laura George**
- 4.4.1 At 3.30 p.m. Ms. Laura George presented.

- 4.4.2 She informed the Committee that she was from Mazaruni but was not representing the majority of persons in her community, since the time given was too short. Ms. George requested that the deadline be extended or the Committee should visit the community.
- 4.4.3 Ms. George supported the recommendation that the word 'Indigenous' be used instead of 'Amerindian'.
- 4.4.4 She commented on the sections for Village Councils and communal lands and suggested that large scale mining be withdrawn from the bill since her community was plagued with numerous health, environmental and social problems.
- 4.4.5 At the end of the presentation, questions were asked and clarifications sought from Mr. Alexander, Dr Norton, Mrs. Melville and the Chairperson.
- 4.4.6 The Chairperson then thanked Ms. George for her presentation.
- 4.5 **Mr. Bryan Allicock**
- 4.5.1 At 4.21 p.m. Mr. Bryan Allicock gave a brief presentation in his personal capacity in favour of the word 'Amerindian' and the power of the Toshaos.
- 4.5.2 The Chairperson thanked Mr. Allicock for his presentation.
- 4.6 **Mr. Clarindo Rudolph**
- 4.6.1 At 4.36 p.m. Mr. Clarindo Rudolph presented in a personal capacity.
- 4.6.2 Mr. Rudolph indicated that he felt that the autonomy provided in the bill could be destructive and expressed his concerns with traditional lands.
- 4.6.3 Mr. Rudolph proposed that the Ministry of Amerindian Affairs remain open to give advice to Amerindians and that the bill be enacted as early as possible.
- 4.6.4 Questions were asked by Mrs. Melville at the end of Mr. Rudolph's presentation.
- 4.6.5 The Chairperson thanked Mr. Rudolph for his presentation.

4.7 **Mr. Wilson Lorintino**

4.7.1 At 5.01 p.m. Mr. Wilson Lorintino gave a brief presentation on behalf of his community. He said that they fully support the bill and the name 'Amerindian'.

4.7.2 The Chairperson thanked Mr. Lorintino for his presentation.

4.8 **Ms. Rosalee Couchman**

4.8.1 At 5.05 p.m. Ms Rosalee Couchman gave a brief presentation in support of the bill and the word 'Amerindian'. She also commented on the sections relating to forestry.

4.8.2 The Chairperson thanked Ms. Couchman for her presentation.

Suspension

At 5.08 p.m. the Committee suspended oral presentations.

Resumption

At 5.30 p.m. the Committee resumed receiving oral presentations.

4.9 **Mr. David Newsum**

4.9.1 At 5.30 p.m. Mr. David Newsum presented.

4.9.2 Mr. Newsum highlighted the following:

- the name 'Indigenous Peoples' should be used instead of 'Amerindian';
- rights to communal lands should be clearly spelt out in the bill;
- considerations should only be granted for small scale mining;
- communities should be allowed to make their own rules for the approval of the Minister;
- the bill should be designed to defend, protect and guarantee the rights of Indigenous Peoples; and
- an extension should be granted to have a detailed report on the bill submitted.

- 4.10 **Ms Yvonne Pearson**
- 4.10.1 At 5.40 p.m. Ms Yvonne Pearson, Toshao, Mainstay presented on behalf of her community.
- 4.10.2 Ms. Pearson stated that the Amerindians were called Indigenous Peoples in the Constitution and as such should be addressed as Indigenous in the Bill.
- 4.10.3 She shared with the Committee her community views on issues such as land territories and resources, mining the National Toshao Council, the Indigenous Peoples Commission and rights to self-determination.
- 4.10.4 Ms. Pearson also stated that too much authority was given to the Minister.
- 4.10.5 At the end of her presentation, questions were asked and clarifications sought by Dr. Norton and the Chairperson.
- 4.10.6 The Chairperson then thanked Ms. Pearson for her presentation.
- 4.11 **Mr. Collins Herman**
- 4.11.1 At 5.50 Mr. Collins Herman shared a historical review – on the word “Amerindian”. He supported the view that the title of the bill should be changed.
- 4.11.2 Dr. Norton, Mrs. Melville and the Chairperson asked questions and sought clarifications.
- 4.11.3 The Chairperson then thanked Mr. Herman for his presentation.
- 4.12 **Mr. David James**
- 4.12.1 At 6.16 p.m Mr. David James shared with the Committee his personal views in relation to land issues, right to self-determination and the word ‘Amerindian’ being changed to ‘Indigenous Peoples’.
- 4.12.2 Questions were asked and clarifications sought from Dr. Norton and Mrs. Melville at the end of his presentation.
- 4.12.3 The Chairperson thanked Mr. James for his presentation.

4.13 **Guyana National Party**

4.13.1 At 7.00 p.m Mr. Vaughn Phillips delivered his presentation on behalf of the Guyana Nationalist Party.

4.13.2 Mr. Phillips highlighted the following:

- the village council should not have the right to say who should pass through the village;
- the Minister should make the rules;
- the bill over-regulates thus could be seen as the separation of Amerindians;
- movement and activities of foreigners should be controlled; and
- the bill was anti-Guyanese and anti-apartheid.

4.13.3 At the end of his presentation questions were asked and clarifications sought by Dr. Norton, Mrs. Melville, Ms. Jankie and the Chairperson.

4.13.4 The Chairperson then thanked Mr. Phillips for his presentation.

4.14 **Mr. Candace Phillips**

4.14.1 At 7.20 p.m Ms. Candace Phillips presented.

4.14.2 Ms. Phillips spoke on issues such as the short title, good governance, self determination, titled and untitled communities, large scale mining. She supported the name being changed to Indigenous Peoples.

4.14.3 Ms. Phillips also made some general comments on the bill such as, the need for cooperation between the Minister and Villagers and free access to villages.

4.14.4 Questions were asked and clarifications sought at the end of her presentation by Mrs. Melville, Ms. Jankie and the Chairperson.

4.15 **Mr. Anderson Hastings**

4.15.1 At 7.56 p.m Mr. Anderson Hastings, Toshao gave a brief presentation in support of the name being changed to 'Indigenous Peoples'.

4.15.2 Mr. Hastings also supported the sections on land rights and suggested that the sections on large scale mining be deleted.

4.15.3 The Chairperson granted a period of two weeks in reply to Mr. Hastings' request for other Toshoas to submit presentations.

4.15.4 The Chairperson then thanked Mr. Hastings for his presentation.

Request for Adjournment

At 8.08 p.m. Dr Norton requested that the proceedings be adjourned to another day.

The Chairperson rejected the request on the ground that there was a Sitting of the National Assembly on the following day and the remaining presenters had come from far flung areas.

4.16 **Mr. John Andries**

4.16.1 At 8.08 p.m Mr. John Andries gave a brief presentation.

4.16.2 Mr. Andries criticised the short notice given and spoke on the name being changed to Indigenous Peoples, community lands and large scale mining.

4.16.3 Dr. Norton and the Chairperson asked questions and sought clarification at the end of his presentation.

4.16.4 The Chairperson then thanked Mr. Andries for his presentation.

4.17 **Mr. Lawrence Anselmo**

4.17.1 At 8.21 p.m Mr. Lawrence Anselmo gave a personal presentation.

4.17.2 Mr. Anselmo highlighted the following.

- the name being changed to 'Indigenous';
- community lands should include waters;
- grants of communal lands to Amerindian communities and groups;
- entry and access, scientific and other research;
- functions of District Councils; and
- large scale mining.

4.17.3 Mr. Anselmo suggested that the National Toshao Council secretariat should be given more responsibilities.

4.17.4 Ms. Melville asked questions and sought clarification at the end of his presentation.

- 4.17.5 The Chairperson then thanked Mr. Anselmo for his presentation.
- 4.18 **Mr. Bruno Martin**
- 4.18.1 At 9.21 p.m. Mr. Bruno Martin made a personal presentation.
- 4.18.2 Mr. Martin supported the name being changed to 'Indigenous' and large scale mining be deleted. He said that Toshias should be paid a salary and Councillors a stipend.
- 4.18.3 At the end of his presentation questions were asked and clarifications sought by Dr. Norton, Mrs. Melville and the Chairperson.
- 4.19 **Mr. John Alfred**
- 4.19.1 At 9.45 Mr. John Alfred gave a brief presentation in support of the title of the bill being the Indigenous Peoples Act and land issues.
- 4.20 **Ron James**
- 4.20.1 At 9.51 Mr. Ron James gave a presentation on behalf of his community, South Rupununi.
- 4.20.2 Mr. James expressed his dissatisfaction at the short notice received. He then delivered his presentation in relation to the word 'Amerindian' vs. 'Indigenous', access and entry, petitions for removal, audits and his personal views on land issues.
- 4.20.3 He suggested that the National Toshao Council should be autonomous and should make their own rules.
- 4.20.4 Questions were asked and clarifications sought by Dr. Norton, Mrs. Melville and the Chairperson.
- 4.21 **Mr. Eugene Isaacs**
- 4.21.1 At 10.35 p.m. Mr. Eugene Isaacs delivered his presentation.
- 4.21.2 Mr. Isaacs highlighted the following:
- the need for public awareness on the bill;
 - the establishment of the Indigenous Peoples Commission and the National Toshias Council;
 - the name being changed to Indigenous;
 - collective rights being defined;

- large scale mining;
- rights of state lands and state forests;
- the law should provide for repossession of lands; and
- the need for the community being provided with a legal adviser to advice on the bill.

4.21.3 At the end of the presentation questions were asked and clarifications sought by Dr. Norton, Mrs. Melville and the Chairperson.

4.22 **Ms. Vannie David**

4.22.1 At 11.10 p.m Ms. Vannie David presented.

4.22.2 Ms. David expressed her dissatisfaction in relation to the short notice provided.

4.22.3 Ms. David supported the name being changed to 'Indigenous' and spoke on issues such as land including territories and resources, audits and the National Toshaos Council.

4.22.4 Dr. Norton and Mrs. Melville asked questions and sought clarifications.

4.23 **Mr. Paul Pierre**

4.23.1 At 11. 23 p.m Mr. Paul Pierre gave a brief presentation on behalf of his community, Kubana in Region No. 1.

4.23.2 Mr. Pierre said that his community fully supported the bill. He also spoke on the powers of the village councils and expressed the view that the communities were in a better position to make rules.

4.23.3 The Chairperson thanked Mr. Pierre for his presentation.

4.24 **Mr. Marco DeSouza**

4.24.1 At 11.35 p.m Mr. Marco DeSouza presented on behalf of Santa Rose Village.

4.24.2 Mr. DeSouza supported the bill fully, the name 'Amerindian' and proposed that Deputy Toshaos should also be appointed.

4.24.3 Dr. Norton asked questions at the end of his presentation.


4.24.4 The Chairperson then thanked Mr. DeSouza for his presentation.

- 4.25 **Mr. Lloyd Perreira**
- 4.25.1 At 11.46 p.m Mr. Lloyd Perreira, Former Toshao, Wakapou gave a brief presentation in support of the bill.
- 4.25.2 The Chairperson thanked Mr. Perreira for his presentation.
- 4.26 **Ms. Doreen Jacobis**
- 4.26.1 At midnight Ms. Doreen Jacobis – Toshao of Takuba presented on behalf of her community.
- 4.26.2 Ms. Jacobis supported the word ‘Amerindian’ being used and spoke on entry and access to the village.
- 4.26.3 The Chairperson thanked Ms. Jacobis for her presentation
- 4.27 **Ms. Vanda Razik**
- 4.27.1 At 12.10 p.m Ms. Vanda Razik delivered an oral presentation and undertook to submit a written submission to the Committee.
- 4.27.2 Ms. Razik commended the Government on the sections which dealt with governance, the National Toshao Council and the Non Governmental Organisation.
- 4.27.3 Ms. Radzik spoke on issues pertaining to community lands and suggested that large scale mining should be deleted from the bill.
- 4.27.4 She also suggested that the language of the bill should be gender-neutral and that the Committee might wish to consider using the words ‘Amerindian/Indigenous’ in the bill.
- 4.27.5 Dr. Norton, Mrs. Melville and the Chairperson asked questions and sought clarification at the end of her presentation.
- 4.28 The Chairperson thanked those who presented and endorsed the comments that the public should keep an open mind since there would be changes in the bill after it would have passed through the Select Committee.

Adjournment

At 12.40 a.m. the meeting was adjourned *sine die*.

Confirmed this ^{4th} 29 day of November, 2005


.....
Hon. Carolyn Rodrigues, M.P.
Minster of Amerindian Affairs
Chairperson

THE NATIONAL ASSEMBLY OF THE SECOND SESSION
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 ¥ 2005)

MINUTES OF THE
5TH MEETING OF THE SPECIAL SELECT COMMITTEE
ON THE AMERINDIAN BILL 2005 - BILL NO. 13/2005
HELD AT 2.10 P.M.
ON TUESDAY, 29TH NOVEMBER, 2005
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN

ATTENDANCE

Chairman

(Nominated by the Committee of Selection on 27th October, 2005)

Elected by the Committee on 3rd November, 2005

The Hon. Carolyn Rodrigues, M.P.
Minister of Amerindian Affairs

MEMBERS

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Deputy Speaker of the National Assembly

Mr. Vincent Alexander, M.P.

- (Excused)

Dr George Norton, M.P.

From the Guyana Action Party/Working Peoples Alliance GAP/WPA (1)
(Nominated by the Committee of Selection on 3rd November, 2005)

Mrs. Shirley J. Melville, M.P

Officers

Mr. Maurice B. Henry - Head of Committees Division - (Excused)
Ms. Debra H. Cadogan - Assistant Head of Committees Division

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the Meeting to order at 2.10 p.m.

ITEM 2: ANNOUNCEMENTS

2.1 Excuses

2.1.1 The Chairperson informed the Committee that Mr. Vincent Alexander had asked to be excused from the meeting.

2.1.2 In reply to a query, the Chairperson informed the Committee that meetings could be held once there was a quorum.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following document was circulated prior to the meeting:

- Notice of 5th Meeting dated 24th November, 2005.

3.2 The following documents were circulated at the meeting:

- (i) Minutes of the 3rd and 4th Meetings held on 22nd and 23 November, 2005;
- (ii) Copies of Memorandum dated 29th November, 2005 Re: Request from Chairman of Guyana Elections Commission
- (iii) Summary of Written Submissions excluding NGOs and GHRA.

ITEM 4: CONFIRMATION OF MINUTES

4.1 Minutes of 3rd Meeting held on 22nd November, 2005

Corrections

4.1.1 Page 4, paragraph 5.4.2

4.1.1.1 Substitution of the words “However they” for “They however” at the beginning of the second sentence in the second line.

4.1.2 Page 5, paragraph 5.6.1

4.1.2.1 Substitution of the words “Santa Mission” for the words “Santa Rosa Mission” in the second line.

4.1.3 Thereafter the Minutes were confirmed on a motion moved and seconded by the Hon. Dr Ramsammy and Mrs. Sukhai, respectively.

4.2 Minutes of 4th Meeting held on 23rd November, 2005

Corrections

4.2.1 Page 3, paragraph 4.2.1

4.2.1.1 Substitution of the word ‘Moraikabai’ for ‘Marakubai’ before the word ‘and’ in the second line.

4.2.2 Page 3, paragraph 4.3.1

4.2.2.1 Substitution of the word ‘Orealla’ for ‘Orella’ in the last line.

4.2.3 Page 5, paragraph 4.7.1

4.2.3.1 Substitution of the word ‘supported’ for ‘support’ before the word ‘not’ in the second line.

4.2.4 Page 5, paragraph 4.9.2, 3rd bullet

4.2.4.1 Insertion of the word ‘not’ after the word ‘should’ in the first line.

4.2.5 Page 6, paragraph 4.10.3

- (i) substitution of the word ‘community’s’ for the word ‘community’ before the word ‘views’ in the first line;**
- (ii) insertion of a comma after the word ‘mining’ in the second line.**

- 4.2.6 Page 6, paragraph 4.12.3
- 4.2.6.1 Substitution of the word 'by' for 'from' after the word 'sought' in the first line.
- 4.2.7 Page 7, paragraph 4.13.2,
- (i) Insertion of the word 'not' after the word 'should' in the second bullet;
 - (ii) Deletion of the word 'anti' before 'apartheid' at the last bullet.
- 4.2.8 Page 8, paragraph 4.16.2
- 4.2.8.1 Insertion of the words 'the deletion of' before the word 'large' in the last line.
- 4.2.9 Page 9
- (i) Insertion of the words 'also spoke on' before the word 'land' in the second line of paragraph 4.19.1;
 - (ii) Insertion of "He also spoke on the short notice given." as a new paragraph.
- 4.2.10 Page 9, paragraph 4.21.2, second bullet
- (i) Insertion of the words "and a more effective role of those bodies" at the end of the second bullet;
 - (ii) Substitution of the word 'over' for the word 'of' after the word 'rights' in the sixth bullet.
- 4.2.11 Page 10, paragraph 4.23.1
- 4.2.11.1 Substitution of the word 'Kwebana' for 'Kubana' in the last line.
- 4.2.12 Page 10, paragraph 4.26.1
- 4.2.12.1 Substitution of the word 'Tapakuma' for 'Tapakuba' in the last line.
- 4.2.13 Page 11, paragraph 4.27.2
- 4.2.13.1 Substitution of the following for the above paragraph:
- "Ms. Razik commended the Government and the Non- Governmental Organisations on the sections which dealt with governance and the National Toshao Council."

4.2.15 Insertion of the following new paragraph 4.28:

“Dr Ramsammy commended the presenters. He said that he did not make any comments during the presentation since he was there to listen and learn from the process.”

4.2.15 Renumber paragraph 4.28 as paragraph 4.29.

4.2.16 Deletion of the name “Ms Jankie” wherever it appeared among those who asked questions and sought clarifications and insertion of a new paragraph “Ms Jankie provided explanations/advice.”

4.2.17 Thereafter the Minutes were confirmed on a motion moved and seconded by the Hon. Dr. Ramsammy and the Hon. Nokta, respectively.

4.3 **Presentation of Minutes**

4.3.1 Some members of the Committee expressed their dissatisfaction in relation to the manner in which the Minutes were presented. They felt that it was too lengthy for Minutes of a Special Select Committee. There should have also been a standard presentation for all the presenters.

4.3.2 It was also suggested that the names of the villages that the presenters represented should have been mentioned.

4.3.3 The view was also expressed that staff should be commended for the production of the Minutes and other documents for the meeting within such a short period.

4.4 **Verbatim Records**

4.4.1 It was suggested that the verbatim records should have been submitted along with the Minutes.

ITEM 5: CONSIDERATION OF THE CLAUSES OF THE BILL IN CONJUNCTION WITH SUBMISSIONS

5.1 The Chairperson informed the Committee that it should have been considering the clauses of the bills in conjunction with the submissions of the presenters. However, neither the summary of presentations nor the verbatim records were available. Hence the Committee would be unable to proceed with this item.

- 5.1.1 The FCE representative undertook to provide the Committee with the summary of the presentations by Friday, 2nd December, 2005 and the verbatim record by Wednesday, 7th December, 2005.

ITEM 6: ANY OTHER BUSINESS

6.1 Date of Next Meeting

- 6.1.1 The Committee agreed that its next meeting would be held on Wednesday, 7th December, 2005.

6.2 Ms Melinda Jankie

- 6.2.1 In response to a query as to whether or not Ms Melinda Jankie, Legal Adviser to the Minister, has the required qualifications and experience to advise the Committee on legal issues relating to Indigenous and International matters, the Chairperson replied in the affirmative.

6.3 Request from Chairman of Guyana Elections Commission

- 6.3.1 The Chairman drew Members' attention to the request from the Chairman of the Guyana Elections Commission to appear before the Committee to discuss components of the bill that could be interpreted as being in conflict with elements intrinsic to GECOM's activities.

- 6.3.2 The Committee agreed that the Secretariat should write GECOM requesting them to submit their concerns in writing for its consideration.

6.4 Absence from Meeting

- 6.4.1 Ms Melville informed the Committee that the Parliamentary Sectoral Committee on Natural Resources has scheduled a visit to Region No. 9 during the period 12th to 16th December, 2005, and as such would wish to be excused from any meeting scheduled during that period.

Adjournment

At 3.15 p.m. the meeting was adjourned to 1.00 p.m. on Wednesday, 7th December, 2005.

Confirmed this 7th day of December, 2005

Carolyn Rodrigues
.....
Hon. Carolyn Rodrigues, M.P.
Minster of Amerindian Affairs
Chairperson

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 - 2005)**

**MINUTES OF THE
5TH MEETING OF THE SPECIAL SELECT COMMITTEE
ON THE AMERINDIAN BILL 2005 - BILL NO. 13/2005
HELD AT 2.15 P.M.
ON WEDNESDAY, 7TH DECEMBER, 2005
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN**

ATTENDANCE

Chairman

**(Nominated by the Committee of Selection on 27th October, 2005)
Elected by the Committee on 3rd November, 2005**

The Hon. Carolyn Rodrigues, M.P.
Minister of Amerindian Affairs

MEMBERS

**From the Peoples Progressive Party/Civic PPP/C (4)
(Nominated by the Committee of Selection on 27th October, 2005)**

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

The Hon. Manzoor Nadir, M.P. - (Excused)
Minister of Tourism, Industry and Commerce

The Hon. Dr. Leslie S. Ramsammy, M.P.
Minister of Health

Mrs. Pauline R. Sukhai, M.P.

**From the Peoples National Congress/Reform PNC/R (3)
(Nominated by the Committee of Selection on 3rd November, 2005)**

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

Mr. Vincent Alexander, M.P.

Dr George Norton, M.P.

From the Guyana Action Party/Working Peoples Alliance GAP/WPA (1)
(Nominated by the Committee of Selection on 3rd November, 2005)

Mrs. Shirley J. Melville, M.P

Advisers

Ms. Melinda Jankie - Legal Adviser to the Minister of Amerindian Affairs
Mr. Charles Fung-a-Fat - Deputy Chief Parliamentary Counsel

Officers

Mr. Maurice B. Henry - Head of Committees Division
Ms. Debra H. Cadogan - Assistant Head of Committees Division

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the Meeting to order at 2.15 p.m.

ITEM 2: ANNOUNCEMENTS

2.1 **Excuses**

2.1.1 The Chairperson informed the Committee that the Hon. Manzoor Nadir had asked to be excused from the meeting.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the meeting:

- (i) Notice of 6th Meeting dated 24th November, 2005;
- (ii) Minutes of 5th Meeting held on 29th November, 2005;
- (iii) Unedited Extract Recommendations by Presenters on Tuesday, 22nd November, 2005
- (iv) Unedited Extract Recommendations by Presenters on Wednesday, 23rd November, 2005;
- (v) Unedited Record of Proceedings of the 3rd Meeting of the Committee held on Tuesday, 22nd November, 2005.

3.2 The following documents were circulated at the meeting:

- (i) Unedited Extract Recommendations by Presenters on Wednesday, 23rd and Thursday, 24th November, 2005; and
- (ii) Unedited Records of Proceedings of the 4th Meeting of the Committee held on Wednesday, 23rd and Thursday, 24th November, 2005.
- (iii) Summary of the Recommendations made by Amerindian Communities and Amerindian Non-Governmental Organisations on the revision of the Amerindian Act CAP 29:01

ITEM 4: CONFIRMATION OF MINUTES 6TH MEETING HELD ON 29TH NOVEMBER, 2005

Corrections

4.1 **Page 2, paragraph 2.1.1**

4.1.1 Insertion of the words “and requested that the bill be not considered” after the word “meeting” at the end of the sentence.

4.2 **Page 2, paragraph 3.2**

4.2.1 Substitution of the words “documents were” for “documentswere” in the first line.

4.3 **Page 5, paragraph 4.2.13.1**

4.3.1 Substitution of “Ms. Radzik” for “Ms. Razik” in the first line.

4.4 **Page 6, paragraph 5.1**

4.4.1 Substitution of the word “bill” for “bills” after the word “the” in the second line.

4.5 Thereafter the Minutes were confirmed on a motion moved and seconded by the Hon. Dr Ramsammy and the Hon. Nokta, respectively.

ITEM 5: MATTERS ARISING

5.1 **Page 6, paragraph 6.3: Request from Chairman of GECOM to appear before the Committee**

5.1.1 The Committee was informed that the letter was sent to GECOM but no response had been received.

5.2 **Page 7, paragraph 6.4.1: Absence from Meeting**

5.2.1 Dr Norton informed the Committee that since both Mrs. Melville and himself would be involved with the visit to Region 9, the Committee should not meet during that period.

5.2.1 This view did not find favour with some of the Members of the Committee. They felt that to request the Committee not to meet for a week was being unreasonable.

5.2.2 It was then suggested that the Committees Division should timetable its meetings in a manner that members would not have to make choices as to which meetings they would attend.

5.2.3 From the discussions which followed, the Committee agreed that, as far as possible, it would try to avoid clashes with other committee meetings. However, its meetings would be conducted once there was a quorum.

5.2.4 The Chairperson informed the Committee that she had received information that the visit to Region 9 had since been cancelled.

ITEM 6: CONSIDERATION OF THE CLAUSES OF THE BILL IN CONJUNCTION WITH SUBMISSIONS

6.1 The Committee proceeded to consider the clauses of the Amerindian Bill 2005 – Bill No. 13 of 2005 clause by clause.

6.1.1 The Committee agreed that it would defer consideration of whether the word “Amerindian” and/or “Indigenous” would be used in the title of the Bill.

6.1.2 **Clause 1:** The Committee decided to defer this clause.

6.1.3 **Clause 2:**

6.1.3.1 The following amendments were made:

(i) Substitution of the following for the definition of “Amerindian”

“Amerindian” means -

- (a) any person who is a citizen of Guyana and belongs to any of the native or aboriginal peoples of Guyana; or
- (b) a descendant of any person mentioned in paragraph (a).”

6.1.3.2 **Substitution of the following for the definition of “Community”**
“Community” means a group of Amerindians occupying or using community lands.”

6.1.3.3 **The Committee decided to revisit the clause.**
The clause was deferred.

6.1.4 **Clause 3 was accepted as presented.**

6.1.5 **Clause 4:** The Committee decided to defer consideration of this clause.

6.1.6 **Clause 5:**
The Committee decided to defer consideration of this clause, specifically with respect to subsection (3) (c).

The clause was deferred.

6.1.7 **Clause 6:**

6.1.7.1 The Committee decided to defer consideration of this clause because it felt that a time-frame should be given to persons who are required to provide copies of research or study undertaken. This should be provided for in the regulations.

The clause was deferred.

6.1.8 **Clause 7:**

(i) Subsection (1) was **accepted as presented.**

(ii) Subsection (2) was amended as follows:

- Insert the words “and giving him a reasonable opportunity to be heard” at the end of the

subsection.

(iii) Subsections (3), (4) and (5) were **accepted as presented.**

The clause was **accepted as amended.**

6.1.9 **Clauses 8 and 9 were accepted as presented.**

6.1.10 **Clause 10:**

(i) The Committee decided to **defer** consideration of subsection (1);

(ii) Subsections (2) and (3) were **accepted as presented.**

The clause was **deferred.**

6.1.11 **Clause 11 was accepted as presented.**

ITEM 7: ANY OTHER BUSINESS


7.1 **Date of Next Meeting**

7.1.1 The Committee agreed that its next meeting would be held on Tuesday, 13th December, 2005.

Adjournment

At 6.10 p.m. the meeting was adjourned to 2.00 p.m. on Tuesday, 13th December, 2005.

Confirmed this ^{13th} day of December, 2005


.....
Hon. Carolyn Rodrigues, M.P.
Minster of Amerindian Affairs
Chairperson

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 - 2005)**

**MINUTES OF THE
7TH MEETING OF THE SPECIAL SELECT COMMITTEE
ON THE AMERINDIAN BILL 2005 - BILL NO. 13/2005
HELD AT 2.20 P.M.
ON TUESDAY, 13TH DECEMBER, 2005
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN**

ATTENDANCE

Chairman

**(Nominated by the Committee of Selection on 27th October, 2005)
Elected by the Committee on 3rd November, 2005**

The Hon. Carolyn Rodrigues, M.P.
Minister of Amerindian Affairs

MEMBERS

**From the Peoples Progressive Party/Civic PPP/C (4)
(Nominated by the Committee of Selection on 27th October, 2005)**

The Hon. Harripersaud Nokta, M.P.
Minister of Local Government and Regional Development - (Excused)

The Hon. Manzoor Nadir, M.P.
Minister of Tourism, Industry and Commerce

The Hon. Dr. Leslie S. Ramsammy, M.P.
Minister of Health

Mrs. Pauline R. Sukhai, M.P.

**From the Peoples National Congress/Reform PNC/R (3)
(Nominated by the Committee of Selection on 3rd November, 2005)**

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

Mr. Vincent Alexander, M.P.

Dr George Norton, M.P.

From the Guyana Action Party/Working Peoples Alliance GAP/WPA (1)
(Nominated by the Committee of Selection on 3rd November, 2005)

Mrs. Shirley J. Melville, M.P

-

(Excused)

Advisers

Ms. Atwell - Legal Adviser
Mr. Charles Fung-a-Fat - Deputy Chief Parliamentary Counsel
Mr. David James - Legal Adviser to the Opposition

Officers

Mr. Maurice B. Henry - Head of Committees Division
Ms. Sherene Warren - Assistant Clerk of Committees

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the Meeting to order at 2.20 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 from the meeting:

- (i) Hon. Harripersaud Nokta, M.P., and
- (ii) Mrs. Shirley Melville, M.P.

2.2 Corrections

2.2.1 The Chairman asked Members to make the following corrections:-

Notice

2.2.2 Substitute the following for item (iii):-

“Confirmation of Minutes of the 6th Meeting held on 7th December, 2005.”

Minutes

2.2.3 On the Cover Page change 5TH MEETING to 6th MEETING

2.2.4 **Page 3:** In the caption at ITEM 4 substitute “ 7th DECEMBER, 2005” for “29TH NOVEMBER, 2005”.

2.3 Opposition’s Legal Adviser

2.3.1 The Chairperson informed Members that Mr. David James would be attending the meeting as Legal Adviser to the Opposition.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the meeting:

- (i) Notice of 7th Meeting dated 8th December, 2005;
- (ii) Minutes of 6th Meeting held on 7th December, 2005;

ITEM 4: CONFIRMATION OF MINUTES

4.1 Corrections

4.1.1 Page 4, paragraph 5.2.3

4.1.1.1 Delete the last sentence in this paragraph.

4.1.2 Page 5, paragraph 6.1.7.1

Substitute the following for the paragraph:

“Clause 6 was accepted as presented”.

4.1.3 Thereafter the Minutes were confirmed as corrected on a motion moved and seconded by the Hon. Dr. Ramsammy and Mr. Vincent Alexander, respectively.

ITEM 5: MATTERS ARISING

5.1 **Page 4, paragraph 5.1.1**
Request from Chairman of GECOM to appear before the Committee.

- 5.1.1 In response to Mr. Alexander's enquiry, the Chairperson informed Members that no reply had been received from the Chairman of GECOM.

ITEM 5: CONTINUATION OF THE CONSIDERATION OF THE CLAUSES OF THE BILL IN CONJUNCTION WITH SUBMISSIONS.

- 5.1 The Committee proceeded to continue consideration of the clauses of the Bill .
- 5.2 Clause 12 was **accepted as presented.**
- 5.3 **Clause 13**
- 5.3.1 Subsection (1) was referred to the Deputy Chief Parliamentary Counsel for redrafting for the purpose of differentiating principles from functions of a Village Council.
- 5.3.2 Subsection 2 was **accepted as presented.**
- Clause 13 was then deferred.
- 5.4. **Clause 14**
- 5.4.1 Subsection 1
- (i) Renumber paragraphs (c) to (p) as (d) to (q) and insert the following as paragraph (c):
- “make rules for the planning and development of the community.”.
- (ii) In the renumbered paragraph (e) delete the word “occupation” in line one.
- 5.4.2 Subsection 2
- The Committee agreed that this subsection should be re-drafted to reflect a fine of “no more than nineteen thousand dollars” and for changes in penalties to be made without recourse to amendments to the Act.

The Deputy Chief Parliamentary Counsel advised the Committee that the matter had to be researched.

5.4.3 **Clause 14** was then deferred.

5.5. **Clause 15** paragraph (a) was **accepted as presented**.

5.5.1 Paragraph (b)

The Committee agreed that this paragraph should be re-drafted by the Deputy Chief Parliamentary Counsel to indicate precisely the nature of approval by the Minister.

5.5.2 **Clause 15** was then deferred.

5.6 **Clause 16**

5.6.1 Subsections 1 and 2 were **accepted as presented**.

5.6.2 **Subsection 3**

The Deputy Chief Parliamentary Counsel was instructed to examine this subsection and section 14(2) and to decide which should be deleted.

5.6.3 **Subsection 4**

Insert the words "no more than" after the word "for" in *line two* .

5.6.4 **Clause 16** was then deferred.

5.7 **Clause 17** was **accepted as presented**.

5.8 **Clause 18** was **accepted as presented**.

5.9 **Clause 19**

5.9.1 Paragraph (a) was **accepted as presented**.

5.9.2 Paragraph (b)

Insert the words "summary of the" before the word "previous".

5.9.3 Paragraph (b) was **accepted as amended**.

- 5.9.4 Paragraphs (c) and (d) were **accepted as presented.**
- 5.9.5 Clause 19 was **accepted as amended.**
- 5.10 **Clause 20** was **accepted as presented.**
- 5.11 **Clause 21** was **accepted as presented.**
- 5.12 **Clause 22**
- 5.12.1 Paragraphs (a) to (d) were **accepted as presented.**
- 5.12.2 Paragraph (e)
- The Committee agreed that this paragraph should be deferred to permit its re-drafting by the Deputy Chief Parliamentary Counsel.
- 5.12.3 Paragraph (f) and (g) were **accepted as presented.**
- 5.12.4 Substitute the following for paragraph (h)
- “the Toshao is responsible for the transmittal to the Minister a copy of the annual accounts prepared by the Village Council; ”
- 5.12.5 Paragraph (h) was **accepted as amended.**
- 5.12.6 Paragraph (i) was **accepted as presented.**
- 5.12.7 Clause 22 was then deferred.
- 5.13 **Clause 23**
- 5.13.1 Subsection 1 was **accepted as presented.**
- 5.13.2 Subsection 2 was amended as follows:
- Substitution of the words “shall within one month call a meeting to”
for the words “meeting may” in *line three.*
- 5.13.3 Subsection 2 was **accepted as amended.**
- 5.13.3 Subsection 3 was amended as follows:
- Substitution of the word “unless” for the word “until” in *line two.*

- 5.13.5 The Committee requested the Deputy Chief Parliamentary Counsel to review this subsection to ensure that the amendment was in order.
- 5.13.6 Clause 23 was then deferred.
- 5.14 **Clause 24**
- 5.14.1 Substitute the following for subsection (1)
“The Toshao be paid a stipend which shall be a budgetary allocation in the Ministry of Amerindian Affairs.”
- 5.14.2 Subsection 1 was **accepted as amended**.
- 5.14.3 Subsection 2
Insertion of the words “General Meeting” after the word “Community” in line one.
- 5.14.4 Subsection 2 was **accepted as amended**.
- 5.14.5 Subsection 3 was **accepted as presented**.
- 5.14.6 Subsection 4
Insertion of the words “General Meeting” after the word “Community” in line one.
- 5.14.7 Subsection 4 was **accepted as amended**.
- 5.14.8 Subsection 5 was **accepted as presented**.
- 5.14.9 Clause 24 was then **accepted as amended**.
- 5.15 **Clause 25 was accepted as presented**.
- 5.16 **Clause 26**
- 5.16.1 Subsection 1:
- 5.16.2 Paragraphs (a) and (b) were **accepted as presented**.
- 5.16.3 Paragraph (c)


The Committee agreed that this paragraph be referred to the Deputy Chief Parliamentary Counsel for redrafting.

- 5.16.4 Paragraph (d) was amended as follows:
Substitution of the words "section 24(5)" for the words "section 24"
and the words "section 25(1) and (2)" for the words "section 25".
- 5.16.5 Paragraph (d) was **accepted as amended**.
- 5.16.6 Subsections (2) to (4) were **accepted as presented**.
- 5.16.7 Clause 26 was then **deferred**.

Adjournment

At 5.03.p.m. the meeting was adjourned to 1.00 p.m. on Monday, 19th December, 2005.

Confirmed this ^{9th} 11th day of December, 2005


.....
Hon. Carolyn Rodriguez, M.P.
Minster of Amerindian Affairs
Chairperson

THE NATIONAL ASSEMBLY OF THE SECOND SESSION
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 - 2005)

MINUTES OF THE
8TH MEETING OF THE SPECIAL SELECT COMMITTEE
ON THE AMERINDIAN BILL 2005 - BILL NO. 13/2005
HELD AT 2.20 P.M.
ON TUESDAY, 18TH DECEMBER, 2005
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN

ATTENDANCE

Chairman

(Nominated by the Committee of Selection on 27th October, 2005)
Elected by the Committee on 3rd November, 2005

The Hon. Carolyn Rodrigues, M.P.
Minister of Amerindian Affairs

MEMBERS

From the Peoples Progressive Party/Civic PPP/C (4)

(Nominated by the Committee of Selection on 27th October, 2005)

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

The Hon. Manzoor Nadir, M.P.
Minister of Tourism, Industry and Commerce

The Hon. Dr. Leslie S. Ramsammy, M.P.
Minister of Health

Mrs. Pauline R. Sukhai, M.P.

From the Peoples National Congress/Reform PNC/R (3)

(Nominated by the Committee of Selection on 3rd November, 2005)

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

- Absent

Mr. Vincent Alexander, M.P.

Dr George Norton, M.P.

From the Guyana Action Party/Working Peoples Alliance GAP/WPA (1)
(Nominated by the Committee of Selection on 3rd November, 2005)

Mrs. Shirley J. Melville, M.P

-

(Excused)

Advisers

Ms. Vonetta Atwell - Legal Adviser
Mr. Charles Fung-a-Fat - Deputy Chief Parliamentary Counsel

Officers

Mr. Maurice B. Henry - Head of Committees Division
Ms. Debra H. Cadogan - Assistant Head of Committees Division

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the Meeting to order at 2.20 p.m.

ITEM 2: CIRCULATION OF DOCUMENTS

2.1 The following documents were circulated prior to the meeting:

- (i) Notice of 8th Meeting dated 14th December, 2005;
- (ii) Minutes of 7th Meeting held on 13th December, 2005;
- (iii) Copies of Memorandum dated 15th December, 2005 Re: Response from the Chairman of GECOM; and
- (iv) Record of Proceedings of the 2nd Meeting of the Special Select Committee on the Amerindian Bill 2005 - Bill No. 13 of 2005 held on Wednesday, 9th November, 2005.

2.2 The following documents were circulated at the meeting:

- 2.2.1 (i) Memorandum from the National Front Alliance (NFA) to the Special Select Committee on the Amerindian Bill No. 13 of 2005;
- (ii) Deputy Chief Parliamentary Counsel's Draft Amendments to the Amerindian Bill 2005: clauses 13 to 16, 18, 20, 22 to 24 and 26.

ITEM 3: CONFIRMATION OF MINUTES OF 7TH MEETING HELD ON 13TH DECEMBER, 2005

Corrections

- 3.1 Page 7, paragraph 5.15
- 3.1.2.1 Substitution of the following:
“The Committee agreed that the clause be referred to the Deputy Chief Parliamentary Counsel for redrafting.”
- 3.1.3 Page 8, paragraph 5.1.6.6
- 3.1.3.1 Substitution of “(4)” for “(40)” before the word “were”.
- 3.1.4 Thereafter the Minutes were confirmed, as corrected, on a motion moved and seconded by the Hon. Dr. Ramsammy and the Hon. Nadir, respectively.

ITEM 4: MATTERS ARISING

- 4.1 Page 4, paragraph 5.1.1: Request from Chairman of GECOM to appear before the Committee
- 4.1.1 The Chairperson drew Members’ attention to the letter received from the Chairman of GECOM dated December 13, 2005.
- 4.1.2 She noted that their concerns were in relation to entry and access into communities in the bill, which seemingly, were in conflict with GECOM’s laws.
- 4.1.3 The Deputy Chief Parliamentary Counsel was asked to review the relevant sections in relation to GECOM’s concerns and advise the Committee accordingly.
- 4.2 Draft Amendments
- 4.2.1 The Committee agreed to the following matters referred to the Deputy Chief Parliamentary Counsel for his advice:
- 4.2.2 Clause 13 (b) was deleted.
- 4.2.3 Clause 13 (1) (d) was redrafted to read - “provide for the planning and development of the Community.”

- 4.2.4 Add to clause 13(1) (f) the following:
“provide to the Minister and the Auditor a copy of the accounts”.
- 4.2.5 **Clause 13 (1)(k):**
- 4.2.5.1 The Committee noted that this subsection was not intended to change the structure of the Regional Democratic Council. It only catered for attendance by Toshaos and accompanying members as the RDC’s might see fit. This could not be changed to the Toshaos being members of the RDC since the regime was set up by another Act and the provision was not inconsistent with that regime.
- 4.2.5.2 It therefore made the following amendments to the subsection -
- (i) Delete the words “to meetings of the Regional Democratic Council or” after “Toshaos”,
 - (ii) Delete the words “other” and “or” in line 3.
- 4.2.6 **Clause 13 (2)** was renumbered 13 (3).
- 4.2.7 The following was inserted as the new clause 13 (2) -
- 4.2.7.1 In carrying out its functions, a Village Council shall at all times:
- (a) act in the best interest of the Community; and
 - (b) provide for the good governance of the Community.
- 4.2.8 In clause 14 (2) after the word “of” add “not more than”.
- 4.2.9 **Clause 15 (b):**
- 4.2.9.1 The Committee noted that there was no need for the subsection to be detailed since it was understood that the rules must be consistent with the Constitution.
- 4.2.9.2 It also noted that delegated legislation had to be subject to the control by the responsible Minister. This was a basic administrative law point since Parliament did not delegate the power to make legally binding rules unless Parliament could control either directly through making the rules subject to a resolution of the National Assembly or indirectly through requiring the Minister’s consent.
- 4.2.9.3 The Deputy Chief Parliamentary Counsel was, however, requested to redraft the subsection to provide for the Minister to give the reason for the disapproval of any rule.

- 4.2.10 In clause 16 (3) delete the words "of not more than nineteen thousand dollars" and add the words "specified in subsection 14 (2)".
- 4.2.11 Concerning change in penalties without recourse to amendments of the Act, it was noted that the practice had been not to change penalties without going back to the National Assembly for amendment to the Act. However, in rare cases the Minister might ~~by order~~ amend minor penalties by order subject to negative resolution of the National Assembly.
- 4.2.11.1 It was agreed that clause 16 be further amended to enable changes in the penalties subject to negative resolution of the Assembly.
- 4.2.12 **Clause 18: Taxes**
- 4.2.12.1 It was decided that the function of levying taxes should be listed under clause 13 (1).
- 4.2.13 In clause 20 (2) delete the full stop and add "and he shall take the oath required to be taken before he performs the functions of a rural constable."
- 4.2.14 **Clause 22 (e) - See comments at 13 (1) (k).**
- 4.2.15 **Clause 23 (2) was redrafted as follows:**
- (2) If a Tushao is incapacitate or otherwise unable to carry out his functions for more than four months the **Village Council shall call within one month** a Community General Meeting to decide whether the Deputy Tushao should be sworn in as Tushao or whether elections for a new Tushao should be held and the Village Council shall notify the Minister of the decision of the Community General Meeting within one month of the date of the meeting.
- (3) If a Tushao dies the **Village Council shall call** a Community General Meeting within one month to decide whether the Deputy Tushao should be sworn in as Tushao or whether elections for a new Tushao should be held and the Village Council shall notify the Minister of the decision of the Community General Meeting within one month of the date of the meeting."
- 4.2.16 **Renumber clause 23 (3) as clause 23 (4).**

- 4.2.17 **Clause 26 (1) (c):**
- 4.2.17.1 The Committee noted that since the members of the Village Council were free to come and go as long as they did not fail to carry out their duties could be changed. They might have to be out of the Community in the process of carrying out their duties. This sub-section basically catered for an extended period without the Village Council being informed of their absence.
- 4.2.18 Clause 26 (d) was redrafted to read “he contravenes sections 24 (3), 24 (5), 25 (1) or 25 (2)”.

ITEM 5: CONTINUATION OF THE CONSIDERATION OF THE CLAUSES OF THE BILL IN CONJUNCTION WITH SUBMISSIONS

- 5.1 The Committee then proceeded to continue consideration of the clauses of the Bill.
- 5.2 **Clause 27:**
- 5.2.1 Subsections (1) and (2) were accepted as presented.
- 5.2.2 **Subsection (3):**
- 5.2.2.1 Insertion of the words “or separately present a petition to the Minister” at the end of the subsection.
- 5.2.3 Clause 27 was then accepted as amended.
- 5.3 **Clause 28:**
- 5.3.1 Subsection (1) was accepted as presented.
- 5.3.2 **Subsection (2):** The word “shall” was substituted for the word “may”.
- 5.3.2.1 The Deputy Chief Parliamentary Counsel was asked to review this subsection with respect to including a time-frame.
- 5.4.3 Subsections (3) to (5) were accepted as presented.
- 5.4 **Subsection (6):**
- 5.4.1 Paragraph (a) was accepted as presented.

- 5.4.1.1 Paragraph (b):
Substitution of the following for paragraph (b): “the reasons for the Minister’s decision.”
- 5.4.1.2 Subsection (7) was accepted as presented.
- 5.4.2 Clause 28 was then deferred.
- 5.5 Clauses 29 to 31 were accepted as presented.
- 5.6 Clause 32 was accepted as presented, in principle.
- 5.6.1 The Deputy Chief Parliamentary Counsel was required to provide a definition for the word “community plan”.
- 5.7 Clause 33:
- 5.7.1 Subsection (1): The following amendment was made:

Insertion of the following words at the end of the subsection:

“and provided that audits shall not be carried out more frequently than annually, unless requested by the Community General Meeting or otherwise deemed necessary.”
- 5.7.2 Subsections (2) to (6) were accepted as presented.
- 5.7.3 Clause 33 was then accepted as amended.
- 5.8 Clause 34 was accepted as presented.
- 5.9 Clause 35:
- 5.9.1 Substitution of “District Councils” for “Audits” in the marginal notes.
- 5.9.2 Clause 35 was then accepted as amended.
- 5.10 Clause 36:
- 5.10.1 Paragraph (a) was accepted as presented.
- 5.10.2 Paragraph (b): The following amendment was made:

Insertion of the words “as far as possible” at the end of the paragraph.

- 5.10.3 Paragraph (c): The following amendments were made:
- (i) Insertion of a comma after the word “advice”
 - (ii) Insertion of the words “ technical and other assistance” after the word “advice”.
- 5.10.4 Paragraphs (d) to (f) were accepted as presented.
- 5.11 Clauses 37 and 38 were accepted as presented.
- 5.12 Clause 39:
- 5.12.1 Subsection (1) was accepted as presented.
- 5.12.2 Subsection (2): The following amendment was made:
- Substitution of the word “shall” for the word “may” after the word “committee’ in the first line.
- 5.12.3 Clause 39 was then accepted as amended.
- 5.13 Clause 40 was deferred to enable the Deputy Chief Parliamentary Counsel to draft an amendment to provide for the National Toshihos Council to set up the Secretariat and for it to receive a subvention.
- 5.14 Clause 41:
- 5.14.1 Paragraphs (a) to (g) were accepted as presented.
- 5.14.2 Paragraph (h): The following amendment was made:
- Insertion of the words “and integrate” after the word “coordinate”.
- 5.14.3 Paragraph (i) was accepted as presented.
- 5.14.4 Paragraph (j): The following amendment was made:
- Insertion of the words “and District Councils” before the word “elections”
- 5.14.5 Insertion of the following as the new paragraphs (k) and (l):
- “(k) to investigate matters as requested by the community; and
 - (l) to provide advice to the District Councils.”

- 5.14.6 Clause 41 was then accepted as amended.
- 5.15 Clause 42 was accepted as presented.
- 5.16 Clause 43 was deferred.
- 5.17 Clause 44 was accepted as presented.
- 5.19 Clause 45:
- 5.19.1 Subsections (1) to (6) were accepted as presented.
- 5.19.2 Subsection (7) was deferred.
- 5.19.3 Subsection (8) was accepted as presented.
- 5.19.4 The clause was then deferred.

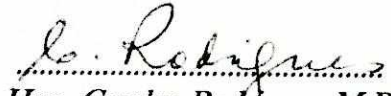
ITEM 6: ANY OTHER BUSINESS

- 6.1 **Date of Next Meeting**
- 6.1.1 The Committee agreed that its next meeting would be held at 2.00 p.m. on Friday, 6th January, 2006.

Adjournment

At 4.40 p.m. the meeting was adjourned to 2.00 p.m. on Friday, 6th January, 2006.

Confirmed this ^{6th} day of January, 2006


.....
Hon. Carolyn Rodrigues, M.P.
Minster of Amerindian Affairs
Chairperson

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 - 2006)**

**MINUTES OF THE
9TH MEETING OF THE SPECIAL SELECT COMMITTEE
ON THE AMERINDIAN BILL 2005 - BILL NO. 13/2005
HELD AT 2.24 P.M.
ON FRIDAY, 6TH JANUARY, 2006
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN**

ATTENDANCE

Chairman

(Nominated by the Committee of Selection on 27th October, 2005)
Elected by the Committee on 3rd November, 2005

The Hon. Carolyn Rodrigues, M.P.
Minister of Amerindian Affairs

MEMBERS

From the Peoples Progressive Party/Civic PPP/C (4)
(Nominated by the Committee of Selection on 27th October, 2005)

The Hon. Harripersaud Nokta, M.P.
Minister of Local Government and Regional Development - (Excused)

The Hon. Manzoor Nadir, M.P.
Minister of Tourism, Industry and Commerce

The Hon. Dr. Leslie S. Ramsammy, M.P.
Minister of Health

Mrs. Pauline R. Sukhai, M.P.

From the Peoples National Congress/Reform PNC/R (3)
(Nominated by the Committee of Selection on 3rd November, 2005)

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

Mr. Vincent Alexander, M.P.

Dr George Norton, M.P.

From the Guyana Action Party/Working Peoples Alliance GAP/WPA (1)
(Nominated by the Committee of Selection on 3rd November, 2005)

Mrs. Shirley J. Melville, M.P - (Excused)

Advisers

Mr. Charles Fung-a-Fat - Deputy Chief Parliamentary Counsel

Officers

Ms. Debra H. Cadogan - Assistant Head of Committees Division
Ms. Sherene Warren - Assistant Clerk of Committees

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the Meeting to order at 2.24 p.m.

ITEM 2: WELCOME AND PRELIMINARY REMARKS

2.1 The Chairperson welcomed Members to their first meeting for the year 2006 and extended best wishes to them.

ITEM 3: ANNOUNCEMENTS

3.1 **Excuses**

3.1.1 The Chairperson informed Members that the following Members had asked to be excused from that day's meeting:

- (i) The Hon. Harripersaud Nokta, M.P., and
- (ii) Mrs. Shirley Melville, M.P.

ITEM 4: CIRCULATION OF DOCUMENTS

4.1 The following documents were circulated prior to the meeting:

- (i) Notice of 9th Meeting dated 3rd January, 2006;
- (ii) Minutes of 8th Meeting held on 19th December, 2005.

4.2 The following document was circulated at the meeting:

- Document captioned "Amerindian Bill Select Committee Advice/Changes Made by Deputy Chief Parliamentary Counsel 6th January, 2006".

ITEM 5: CONFIRMATION OF MINUTES OF 8TH MEETING HELD ON 18TH DECEMBER, 2005

5.1 **Corrections**

5.1.1 **Page 3, paragraph 3.1**

5.1.1.1 Substitution of "paragraph 5.14.1" for paragraph "5.15".

5.1.2 **Page 5, paragraph 4.2.15 (2) line 1**

5.1.2.1 Correct the spelling of the word "Toushao" to read "Toshao" and "incapacitate" to read "incapacitated".

5.1.3 **Page 5, paragraph 4.2.15 (3) line 1**

5.1.3.1 Correct the spelling of the word "Toushao" to read "Toshao".

5.1.4 **Page 6, paragraph 4.2.17.1**

5.1.4.1 Delete the word "since" after the word "that" in line 1 and the words "could be changed" in line 3.

5.1.4.2 Insert "The change was not necessary" at the end of the paragraph.

5.1.5 **Page 8, paragraph 5.13**

5.1.5.1 Substitution of the following for paragraph 5.13 "The Committee deferred this paragraph to a further date to allow Members to review the operations of other statutory bodies.

5.1.5.2 Thereafter the Minutes were confirmed, as corrected, on a motion moved and seconded by the Hon. Manzoor Nadir and the Hon. Dr. Leslie Ramsammy, respectively.

ITEM 6:

MATTES ARISING

- 6.1 The Chairperson explained to Members that the document comprising the advice/changes made by the DCPC would be looked at in conjunction with the items as they arise.
- 6.2 **Page 3, paragraph 4.1.3: GECOM Concerns**
- 6.2.1 The Chairperson instructed the Secretariat to write GECOM on behalf of the Committee and to inform them that their concerns were being addressed by the Committee.
- 6.3 **Page 4, paragraph 4.2.9.3: Clause 15 (b)**
- 6.3.1 The Committee noted that the DCPC had not redrafted the subsection to provide for the Minister to give reason for the disapproval of any rule. He was requested to redraft the subsection accordingly.
- 6.4 **Page 5, paragraph 4.2.11.1: Clause 16 (3)**
- 6.4.1 The following amendment was accepted to permit the Minister to increase the maximum fine:-
- Insert after subsection (4) the following subsection:
- “(5) The Minister may, subject to negative resolution of the National Assembly, by order increase the maximum penalty imposed under sub-section 14 (2)”.
- 6.5 **Page 6, paragraph 5.3.2: Clause 28**
- 6.5.1 Clause 28(b): The following amendment was accepted:
- Substitute the words “that persons” for the word “he”.
- 6.5.2 On the recommendation of the DCPC the amendment made to subsection (2) at the previous meeting was withdrawn, that is, the word “may” was reinstated.
- 6.6 **Page 7, paragraph 5.6.1: Definition for the word “community plan” in Clause 32**

- 6.6.1 The Committee accepted the advice of the DCPC that a definition to the word “community plan” was not necessary “since the ingredients for a community plan was specified at section 32(1). It should be also noted that community plans may vary from community to community”.
- 6.7 **Page 7, paragraph 5.7: Clause 33 (1)**
- 6.7.1 The following amendment was accepted to clause 33(1)
- Add: “provided that audits shall not be carried out more frequently than annually unless requested by the Community General Meeting”.
- 6.7.2 The DCPC was advised to insert the words “or otherwise deemed necessary” at the end of this amendment.
- 6.8 **Clause 34 (4):**
- 6.8.1 The following amendment was accepted:
- Substitute the words “not less than” for the words “at least”.
- 6.9 **Clause 35 (1):**
- Insert the following for District Council - Criteria
- “(1) The Minister may be order establish a District Council if:
- (a) at least three Village Councils make such a request in writing;
 - (b) the Village Councils making the request are in the same geographic area and adjacent to each other;
 - (c) none of the Village Councils is a member of another District Council; and
 - (d) each Village Council has obtained the approval of its Community General Meeting”
- 6.10 **Page 7, paragraph 5.10.2: Clause 36**
- 6.10.1 (i) The Committee agreed for the amendment to be changed to read “as far as reasonable” instead of “as far as possible” in paragraph (b).
- (ii) Add a new (g) and alter the full stop at the end of (f) to “;and”.

“(g) to provide technical advice and assistance to the constituent Village Councils or to other Village Councils at their request.”

6.11 **Page 8, paragraph 5.12.2: Clause 39 (1) (b)**

6.11.1 The Committee agreed to the following amendment:

“(b) The Executive Committee shall elect a Chairman, Secretary and Treasurer and may elect other officers”.

6.12 **Clause 41:**

6.12.1 The following amendments were accepted:

(i) Substitute the following for paragraph (b)

“to promote good governance in the Communities, including investigating matters as requested by the Community and making recommendations, provided that the NTC may not investigate any matter which has been referred to the Minister and shall ensure that any person involved in the investigation is given a reasonable opportunity to be heard”.

(ii) Substitute the following for paragraph (j)

“to send an observer to Village Council and District Council Elections”.

(iii) Insert the following as paragraph (k)

“to provide advice to the District Council at its request”.

ITEM 7: CONTINUATION OF THE CONSIDERATION OF THE BILL CLAUSE BY CLAUSE

7.1 The Committee proceeded to continue consideration of the clauses of the Bill.

7.1.1 **Clause 46:**

Subsection (1)

Paragraphs (a) and (b) were accepted as presented.

Paragraphs (c): The DCPC was requested to redraft this paragraph with respect to including that the lease was granted at rent comparable to state lands.

Paragraph (d): The following amendment was made:

Insert the words "provided it is in the best interest of the community" at the end of the paragraph.

Paragraph (e) was accepted as presented.

Subsection (1) was then agreed to as amended.

7.1.2 Subsection (2) was accepted as presented.

7.1.3 Subsection (3): the following amendment was made:

Insertion of the words "or may not" after the word "may" in line 1.

7.1.4 Subsections (4) and (5) were accepted as presented.

7.1.5 Subsection (6)

Paragraph (a) was accepted as presented.

Paragraph (b):

Substitution of the words "him/her" for the word "him" in line 1.

7.1.6 Clause 46 was then accepted as amended

7.2 **Clause 47:**

7.2.1 Insertion of the words "Advice and" before the words "Consents required" in the marginal notes.

7.2.2 Subsection (1) was accepted.

7.2.3 Subsection (2): the following amendment was made:

"(2) If a lease is to be granted to a non-resident or if a lease granted to a non-resident is to be amended, the Village Council shall call a Community general meeting and shall obtain the consent of at least 75% of the adult residents present".

- 7.2.4 Subsection (3): the following amendment was made:
Substitution of the word “fifty-one” for the words “seventy five” in line 3.
- 7.2.5 Subsection (4) was accepted as presented.
The Committee noted Mr. Alexander’s comments that the subsection should include a two-phase approach with the leasing of lands:
(i) the community should develop the criteria;
(ii) if qualified, it should be published and resident should indicate their consent by voting.
- 7.2.6 Clause 47 was then accepted as amended.
- 7.3 Clause 48:
- 7.3.1 Subsection (1):
Paragraphs (a) to (f) were accepted as presented.
- 7.3.2 Subsection (1) (g) the following amendment was made:
“(g) obtain the consent of at least two-thirds of those residents who are present and entitled to vote at a Community general meeting.
- 7.3.3 The Committee noted the comments of Mr. Alexander that the principle relating to mining should be a policy decision and not an administrative one.
- 7.3.4 Subsections (2) and (3) were accepted as presented.
- 7.3.5 Clause 48 was accepted as amended.
- 7.4 **Clause 49**
- 7.4.1 Subsection (1) was referred to the DCPC for redrafting.
- 7.4.2 Subsection (2) was accepted as presented.
- 7.4.3 Subsection (3)
Paragraphs (a) to (e) were accepted as presented.

Paragraph (f):

The Committee referred this paragraph to the DCPC for redrafting to ensure that conflict relates to the agreement in the subsection.

Paragraphs (g) and (h) were accepted as presented.

7.5 Clause 49 was then deferred.

7.6 **Clause 50:**

7.6.1 Subsection (1) was accepted as presented.

7.6.2 Subsection (2):

The DCPC was required to redraft the subsection to include that the miner could also reopen negotiations if mining commences.

7.7 Clause 51 was accepted as presented.

7.8 Clause 52 was accepted as presented.

7.9 Clause 53 was accepted as presented.

The Committee noted the concerns of Mr. Alexander that the Amerindians should be granted priority with regards to mining.

7.10 Clause 54 was accepted as presented.

7.11 **Clause 55:**

7.11.1 Subsection (1) paragraphs (a) to (d) were accepted as presented.

Paragraph (e) the following amendment was made:

Substitution of the words "two thirds" for the words "four-fifths" in line 2.

7.11.2 Subsections (2) to (4) were accepted as presented.

7.11.3 Clause 55 was accepted as amended.

7.12 Clauses 56 to 64 were accepted as presented.

7.13 **Clause 65:**

7.13.1 Subsection (1) was accepted as presented.

- 7.13.2 Subsection (2) was referred to the DCPC for redrafting.
- 7.13.3 Subsection (3) and (4) were accepted as presented.
- 7.13.4 Clause 65 was then deferred.
- 7.14 Clauses 66 to 70 were accepted as presented.
- 7.15 **Clause 71:**
- 7.15.1 Subsection (1)
- Paragraphs (a) to (c) were accepted as presented.
- Paragraph (d)
- The Committee referred this paragraph to the DCPC for his perusal and clarification as to whether a person who was convicted and had served their time could be elected to office.
- 7.15.2 Subsections (2) and (3):
- The Committee agreed to defer the consideration of these subsections based on Dr. Norton's opinion that they were discriminatory.
- 7.15.3 Clause 71 was then deferred.
- 7.16 Clauses 72 to 75 were accepted as presented.
- The Committee noted Mr. Alexander's comments that the Guyana Elections Commission was the recognized entity for all electoral matters and as such provisions pertaining to elections should be referred to this entity. Hence, the relevant provisions of this Bill should be amended accordingly.
- 7.17 Clauses 76 to 89 were accepted as presented.
- 7.18 Schedule 1 was accepted as presented.
- 7.19 Schedule 2 was deferred.

ITEM 8: ANY OTHER BUSINESS

8.1 Date of Next Meeting

8.1.1 The Committee agreed that its next meeting would be held at 2.00 p.m on Friday, 13th January, 2006.

8.2 Agenda for Next Meeting

8.2.1 The Committee decided that at its next meeting it would re-examine the clauses that were deferred and its Preliminary Report.

8.2.2 The Secretariat was required to circulate the draft preliminary Report.

Adjournment

At 6.05 p.m. the meeting was adjourned to 2.00 p.m. on Friday, 13th January, 2006.

Confirmed this ^{13th} day of January, 2006


.....
Hon. Carolyn Rodrigues, M.P.
Minster of Amerindian Affairs
Chairperson

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 - 2006)**

**MINUTES OF THE
10TH MEETING OF THE SPECIAL SELECT COMMITTEE
ON THE AMERINDIAN BILL 2005 - BILL NO. 13/2005
HELD AT 2.30 P.M.
ON FRIDAY, 13TH JANUARY, 2006
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN**

ATTENDANCE

Chairman

(Nominated by the Committee of Selection on 27th October, 2005)

Elected by the Committee on 3rd November, 2005

The Hon. Carolyn Rodrigues, M.P.
Minister of Amerindian Affairs

MEMBERS

From the Peoples Progressive Party/Civic PPP/C (4)

(Nominated by the Committee of Selection on 27th October, 2005)

The Hon. Harripersaud Nokta, M.P.
Minister of Local Government and Regional Development - (Excused)

The Hon. Manzoor Nadir, M.P.
Minister of Tourism, Industry and Commerce

The Hon. Dr. Leslie S. Ramsammy, M.P.
Minister of Health

Mrs. Pauline R. Sukhai, M.P.

From the Peoples National Congress/Reform PNC/R (3)

(Nominated by the Committee of Selection on 3rd November, 2005)

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

Mr. Vincent Alexander, M.P. - (Absent)

Dr George Norton, M.P.

From the Guyana Action Party/Working Peoples Alliance GAP/WPA (1)
(Nominated by the Committee of Selection on 3rd November, 2005)

Mrs. Shirley J. Melville, M.P. - (Excused)

Advisers

Ms. Melinda Jankie - Legal Adviser to the Hon. Minister of Amerindian Affairs
Mr. Charles Fung-a Fat - Deputy Chief Parliamentary Counsel

Officers

Ms. Debra H. Cadogan - Assistant Head of Committees Division
Ms. Claudia Daniels- Greenidge - Clerk of Committees

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the Meeting to order at 2.29 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 from the meeting:

- (1) The Hon. Harripersaud Nokta., M.P; and
- (2) Ms. Shirley Melville, M.P.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the meeting:

- (i) Notice of 10th Meeting dated 10th January 2006;
- (ii) Minutes of the 9th Meeting held on 6th January, 2006
- (iii) Draft Preliminary Report of the Special Select Committee on the Amerindian Bill 2005 – Bill No. 13/2005.

3.2 The following document was circulated at the Meeting:

- Document captioned "Submission by Deputy Chief Parliamentary Counsel January 13th, 2006" .

ITEM 4: CONFIRMATION OF MINUTES OF 9TH MEETING HELD ON 6TH JANUARY, 2006

Corrections

4.1 Page 4, Paragraph 6.5.1: Clause 28

4.1.1 Substitute the words "that person" for the words "that persons"

4.2 Page 5, Paragraph 6.9: Clause 35 (1)

4.2.1 Substitute the word "by" for "be" in clause one.

4.3 Page 6, Clause 46 Paragraph (c)

4.3.1 Substitute the following for paragraph (c):

"The DCPC was requested to verify the correct terminology of the word rent or rate and report to the Committee which one should be used".

4.4 Page 7, Paragraph 7.1.5: Paragraph (b):

4.4.1 Substitute the word " Minister" for the words "him/her"

4.5 Page 7, paragraph 7.2.4: Subsection (3)

4.5.1 Change the word "substitution" to "substitute" at the beginning of the paragraph.

4.5.2 Change "words" to "word".

4.6 Page 9, Paragraph 7.13.2: Subsection 2

4.6.1 Substitute the following for the above paragraph:

"Subsection (2) was accepted as presented".

4.6.2 Delete paragraph 7.13.4

- 4.7 Thereafter the Minutes were confirmed, as corrected, on a motion moved and seconded by the Hon. Ramsammy and Dr Norton, respectively.

ITEM 5: MATTERS ARISING

5.1 Page 2: Attendance

- 5.1.1 Dr. Norton informed Members that once again Mrs. Melville was being recorded as excused from the Meeting while her absence was due to the late notification of the meeting.

- 5.1.2 The Chairperson requested the Secretariat to inform Members, especially in outlining areas, of the meeting as early as possible, since the Committee would schedule the date for the next meeting at the end of each meeting.

5.2 Page 3, Paragraph 5.1.51: Status of National Toshao Council (NTC)

- 5.2.1. The DCPC informed the Committee that the National Toshao Council, like any other public body, could receive a subvention from the Consolidated Fund.

5.3 Page 4, Paragraph 6.2.1: GECOM Concerns

- 5.3.1 The Committee was informed that the letter was sent to GECOM informing them that their concerns were being addressed.

5.4 Page 4, Paragraph 6.3.1: Clause 15.(b)

- 5.4.1 The DCPC was reminded to redraft the subsection to provide for the Minister to give reason for the disapproval of any rule.

- 5.5 At this point the Minister informed the Committee that the document comprising advice/changes made by the DCPC would be looked at in conjunction with the other items as they arise.

5.6 Clause 46 (1):

- 5.6.1 Paragraph (c): The Committee accepted the advice of the DCPC that paragraph (c) should remain unchanged as the term "rent" was correct.

5.6.2 **Paragraph (d):**

Insert the words “provided it is in the best interest of the community” at the end of the paragraph.

5.7 **Page 7, paragraph 7.1.3 subsection 3**

5.7.1 The Committee accepted the advice of the DCPC that the insertion of the words “or may not” made at the previous meeting should be withdrawn.

5.7.2 The Committee agreed to substitute the word “shall” for the word “may” in the subsections (3) and (4).

5.7 **Page 7, paragraph 7.1.5: Clause 46 (b) (b):**

5.7.1 Substitute the word “Minister” for the word “him” at the beginning of the subsection.

5.8 **Page 7, paragraph 7.2.1: Clause 47:**

5.8.1 The Committee accepted the change to the marginal note at clause 47 to “Advice and Consents”;

5.8.2 The Committee also accepted the following amendment:

“(2) If a lease is to be granted to a non-resident or if a lease granted to a non-resident is to be amended, the Village Council shall call a Community General Meeting and obtain the consent of at least 75% of those present and entitled to vote.”

The Committee agreed that the DCPC would also amend the other provisions, where necessary, in the bill to reflect “being present and entitled to vote”.

5.8.3 Subsection (3) – substitute “fifty-one” for the word “seventy five”

5.8.4 Subsection (4) – substitute “is void” for “shall not be granted”.

5.9 **Page 8, paragraph 7.3.2: Clause 48 (1) (g):**

5.9.1 The Committee agreed to the following amendment:

“(g) obtain the consent of at least two-thirds of those residents who are present and entitled to vote at a Community General Meeting.”

5.10 **Page 8, paragraph 7.4.1: Clause 49 (1):**

5.10.1 The Committee agreed to the following amendment:

“(1) After the community has given its consent under section 48, the Village Council acting on behalf of the community shall enter into a written agreement with the miner.”

5.11 **Page 8, paragraph 7.4.3: Subsection (3) (f):**

5.11.1 The Committee accepted the recommendation of the DCPC that the paragraph related to the agreement. Hence there was no need for a change.

5.12 **Page 9, paragraph 7.6.2: Clause 50:**

5.12.1 The Committee agreed to the following amendments:

(i) Substitute the following for subsection (2):

“(2) No mining shall take place for a period of 60 days from the declaration made by the Minister and the Minister with responsibility for mining, during which time the Community shall have the right to require the miner to enter into negotiations and the community and the miner shall negotiate in good faith with a view of reaching agreement before mining commences upon the expiry of the 60 days period.”

(ii) Insert the following as a new clause 50 (3):

“(3) If the miner and the community fail to reach agreement under sub-section 50 (2) the Minister

(a) shall require the miner to enter into an agreement with the Minister on behalf of the community which contains the provisions in section 49(2) and

(b) may require the miner to enter into agreement with the Minister on behalf of the community in accordance with section 49 (3).

5.13 **Clause 51 (2):**

5.13.1 The Committee agreed to the following amendment:

Insert the following words after the word "mining"- "and in the case where the community has refused its consent such tribute should be given between the Minister and the miner."

5.14 **Page 10, paragraph 7.15.1: Clause 71 (1) (d):**

5.14.1 The Committee noted the response of the DCPC that an amendment was not necessary since paragraph (d) was drafted along the same lines of those of the Constitution.

ITEM 6: CONSIDERATION OF CLAUSES OF THE BILL (DEFERRED CLAUSES)

6.1 **Clause 2: Definition of Communities with titled and untitled lands**

6.1.1 The Committee agreed to the following:

- (i) untitled land would be referred to as "Amerindian Community Group"; and
- (ii) titled land would be referred to as "Amerindian Village".

The DCPC was requested to make the amendments to the provisions in Bill, where necessary.

6.2 **Clause 5: Subsection (3): Access to the Amerindian Community.**

6.2 The Committee agreed to the following amendments at the subsection (3):

6.2.1 Deletion of the:

- (i) words "referred to" after the words "than a person".
- (ii) word "shall" after the word "Community lands".

6.2.2 Insertion of the:

- (i) words "research or any other research or" after the word "archaeological".

(ii) words “which relates to biological diversity, the environment or natural resources or any use or knowledge thereof within Village lands” after the word “Study”.

6.2.3 Substitute the word “must” for the word “shall” in the last line.

6.3 The Committee agreed that clause 10 (1) would remain as presented.

6.4 **Clause 43: The National Toshaos Council**

6.4.1 The Committee agreed that clause 43 (2) would remain as presented.

6.4.2 The Committee agreed to the following insertion as the new clause 43 (3):

“The National Toshaos Council shall

- (a) publish notice of its meeting in at least one national newspaper at least one month in advance;
- (b) allow Amerindians to attend its meetings; and
- (c) publish an annual report of its activities and annual accounts and provide a copy of the report to the Minister.”

6.5 **Clause 65: Elections of Toshaos and Councilors**

6.5.1 The DCPC advised the Committee that GECOM did not have the statutory authority to conduct elections at the Amerindians locations. The local regional authority would be conducting elections with the representative of the Ministry of Amerindian Affairs.

6.5.2 Following a discussion a division was taken on the question that GECOM conduct the elections with the following result:

FOR	AGAINST	ABSTAINED
Mrs. Clarissa Riehl	The Hon. Ramsammy	Nil
Dr. George Norton	Mrs. Pauline Sukhai	Nil
2	2	Nil

6.5.3 There being an equality of votes the Chairperson cast her vote against the question

6.6 The Committee agreed to Schedule 2 as presented.

6.7 **Title of the Bill**

6.7.1 An invitation to amend the title of the Bill to- "Indigenous People Bill" and put to a division with the following result:

FOR AMERINDIAN	FOR INDIGENOUS PEOPLES	ABSTAINED
The Hon. Ramsammy	Mrs. Clarissa Riehl	Nil
Mrs. Pauline Sukhai	Dr. George Norton	Nil
2	2	Nil

6.7.2 There being an equality of votes, the Chairperson cast her vote against the motion.

6.7.3 It was then agreed that the word "Amerindian" would be used throughout the Act.

6.7.4 The main opposition members recorded their objection of the word Amerindian.

ITEM 7: TO CONSIDER THE PRELIMINARY REPORT OF THE SPECIAL SELECT COMMITTEE ON THE AMERINDIAN BILL – BILL No. 13/2005

7.1 The Committee deferred this item to its next meeting due to the unavailability of the draft amendments to the bill.

7.2 The DCPC undertook to forward the amendments to the Committees Division for circulation to Members.

ITEM 8: ANY OTHER BUSINESS

8.1 The Committee agreed that its next meeting would be held at 5.00 p.m. on Tuesday, 17th January, 2006.

Adjournment

At 5.40 p.m. the meeting was adjourned to 5.00 p.m. on Tuesday, 17th January, 2006.

Confirmed this day of January, 2006

Carolyn Rodrigues
.....
Hon. Carolyn Rodrigues, M.P.
Minster of Amerindian Affairs
Chairperson

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 - 2006)**

**MINUTES OF THE
11TH MEETING OF THE SPECIAL SELECT COMMITTEE
ON THE AMERINDIAN BILL 2005 - BILL NO. 13/2005
HELD AT 5.15 P.M.
ON FRIDAY, 17TH JANUARY, 2006
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN**

ATTENDANCE

Chairman

**(Nominated by the Committee of Selection on 27th October, 2005)
Elected by the Committee on 3rd November, 2005**

The Hon. Carolyn Rodrigues, M.P.
Minister of Amerindian Affairs

MEMBERS

**From the Peoples Progressive Party/Civic PPP/C (4)
(Nominated by the Committee of Selection on 27th October, 2005)**

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

The Hon. Manzoor Nadir, M.P.
Minister of Tourism, Industry and Commerce - (Excused)

The Hon. Dr. Leslie S. Ramsammy, M.P.
Minister of Health

Mrs. Pauline R. Sukhai, M.P.

**From the Peoples National Congress/Reform PNC/R (3)
(Nominated by the Committee of Selection on 3rd November, 2005)**

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

Mr. Vincent Alexander, M.P.

Dr George Norton, M.P.

From the Guyana Action Party/Working Peoples Alliance GAP/WPA (1)
(Nominated by the Committee of Selection on 3rd November, 2005)

Mrs. Shirley J. Melville, M.P - (Excused)

Advisers

Ms. Melinda Jankie - Legal Adviser to the Hon. Minister of Amerindian Affairs
Mr. Charles Fung-a Fat - Deputy Chief Parliamentary Counsel

Officers

Ms. Debra H. Cadogan - Assistant Head of Committees Division
Ms. Claudia Daniels-Greenidge - Clerk of Committees

ITEM 1: CALL TO ORDER

1.1 The Chairperson called the Meeting to order at 5.15 p.m.

ITEM 2: ANNOUNCEMENTS

2.1 **Excuses**

2.1.1 The Chairperson informed the Committee that Mrs. Shirley Melville, had asked to be excused from the meeting

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the meeting:

- (i) Notice of 11th Meeting dated 14th January 2006;
- (ii) Minutes of the 10th Meeting held on 13th January, 2006
- (iii) Draft Report of the Special Select Committee on the Amerindian Bill 2005 – Bill No. 13/2005.
- (iv) Document captioned Amerindian Bill 2005 Bill No. 13/2005 Amendments.

ITEM 4: CONFIRMATION OF MINUTES OF 10TH MEETING HELD ON 13TH JANUARY, 2006

Corrections

4.1 Page 1, Excuses

4.1.1 In light of Mr. Alexander's remarks that he had informed the Clerk of the National Assembly that he would be out of the vicinity, the Committee agreed that he should be recorded as excused.

4.2 Page 7, Paragraph 5.13.1: Clause 51 (2)

4.2.1 Delete the words "should be given" after the word "tribute" in the second line.

4.2.2 Insert the words "shall be agreed" after the word "tribute" and the words "before the mining activities commence" after the word "miner" at the end of the paragraph.

4.3 Page 7, Paragraph 6.1.1: Clause 2: Definition of Communities with titled and untitled lands

4.3.1 Substitution of the following for the above paragraph:

"(i) Communities without titled land would be referred to as "Amerindian Community" or "Community"; and

(ii) Communities with titled land would be referred to as "Amerindian Village" or "Village"."

4.4 Page 8, paragraph 6.5.1 Election of Toshias and Councillors

4.4.1 Delete the words "with the representative of the Ministry of Amerindian Affairs" at the end of the paragraph.

4.4.2 Insert the words "as being done at present" after the word "elections" in the penultimate line.

4.5 Thereafter the Minutes were confirmed, as corrected, on a motion moved and seconded by Dr Norton and the Hon. Rodrigues, respectively.

ITEM 5: MATTERS ARISING

5.1 There were no matters arising from the Minutes.

ITEM 6: TO CONSIDER THE PRELIMINARY REPORT OF THE SPECIAL SELECT COMMITTEE ON THE AMERINDIAN BILL – BILL No. 13/2005

- 6.1 The Committee proceeded to consider the draft Report of the Special Select Committee on the Amerindian Bill – Bill No. 13/2005.
- 6.1.1 Paragraphs 1 to 6 were accepted as presented.
- 6.1.2 **Page 3, Paragraph 7**
- 6.1.2.1 Substitute the word “organisations” for “organsiation” in the last line.
- 6.1.3 Paragraphs 8 to 12 were accepted as presented.
- 6.1.4 **Page 5, Paragraph 13**
- 6.1.4.1 Substitute the word “are” for the word “one” after the word “presentations” in the first line.
- 6.1.5 Paragraphs 14 to 29 were accepted as presented.
- 6.1.6 Thereafter the Committee agreed that its Final Report be presented at the next sitting of the National Assembly.

ITEM 7: ANY OTHER BUSINESS

- 7.1 **Expression of Thanks**
- 7.1.1 The Hon. Dr Ramsammy congratulated the Chairperson for her stewardship of the Committee and expressed sincere thanks to the other members of the Committee, Legal Advisers and Officials.
- 7.1.2 The Chairpersons also expressed thanks to the Members of the Committee, the Legal Advisers and Officials for their support during the tenure of the Committee.

Conclusion

At 5.45 p.m. the meeting concluded.

(Unconfirmed)