

National Assembly Debates

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2001) OF THE EIGHTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA

18TH SITTING

2.00 PM

Thursday, 29th November, 2001

MEMBERS OF THE NATIONAL ASSEMBLY (68)

Speaker (1)

The Hon. Hari N. Ramkarran, S. C., M. P. - *Speaker of the National Assembly*

Members of the Government - People's Progressive Party/Civic (34)

- | | |
|--|---|
| The Hon. Samuel A.A. Hinds, M.P. | - <i>Prime Minister and Minister of Public Works and Communications</i> |
| The Hon. Reepu Daman Persaud, O.R., J.P., M.P. | - <i>Minister of Parliamentary Affairs</i> |
| The Hon. Clement J. Rohee, M.P. | - <i>Minister of Foreign Trade and International Co-operation</i>
(Absent -on Leave) |
| The Hon. Harripersaud Nokta, M.P. | - <i>Minister of Local Government and Regional Development</i> |
| The Hon. Gail Teixeira, M.P. | - <i>Minister of Culture, Youth and Sport</i> |
| The Hon. Dr. Henry B. Jeffrey, M.P. | - <i>Minister of Education</i> |
| The Hon. Saisnarine Kowlessar, M.P. | - <i>Minister of Finance</i> |
| The Hon. Shaik K.Z. Baksh, M.P. | - <i>Minister of Housing and Water</i> |
| The Hon. Navindranauth O. Chandarpal, M.P. | - <i>Minister of Agriculture</i>
(Region No.4-Demerara/Mahaica) |
| The Hon. J. Ronald Gajraj, M.P. | - <i>Minister of Home Affairs</i>
(Region No. 3-Essequibo Islands/West Demerara) |
| The Hon. Rev. Dr. Ramnauth D.A. Bisnauth, M.P. | - <i>Minister of Labour, Human Services and Social Security</i> |

The Hon. Clinton C. Collymore, M.P.	- Minister in the Ministry of Local Government and Regional Development
The Hon. Satyadeow Sawh, M.P.	- Minister of Fisheries, Other Crops and Livestock (Region No. 5 - Mahaica/Berbice)
*The Hon. S. Rudolph Insanally, O.R., C.C.H., M.P.	- Minister in the Office of the President with responsibility for Foreign Affairs (Absent-on-Leave)
*The Hon. Doodnauth Singh, S.C., M.P.	- Attorney General and Minister of Legal Affairs (Absent)
The Hon. Dr. Jennifer R.A. Westford, M.P.	- Minister of the Public Service
The Hon. C. Anthony Xavier, M.P.	- Minister of Transport and Hydraulics
The Hon. Bibi S. Shadick, M.P.	- Minister in the Ministry of Labour, Human Services and Social Security (Region No. 3 - Essequibo Islands/West Demerara)
**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
Mr S. Feroze Mohamed, M.P.	- Chief Whip
Mr Cyril C. Belgrave, C.C.H., J.P., M.P.	- (Region No. 4 - Demerara/Mahaica)
Mr. Donald R. Ramotar, M.P.	
Mr Husman Alli, M.P.	- (Region No. 7 - Cuyuni/Mazaruni)
Mr. Komal Chand, C.C.H., J.P., M.P.	
Mrs Indranie Chandarpal, M.P.	- (Absent-on-Leave)
Mr Bernard C. DeSantos, S.C., M.P.	- (Region No. 4 - Demerara/Mahaica)
Mrs Shirley V. Edwards, J.P. M.P.	
Mr Odinga N. Lumumba, M.P.	
Mr Heeralall Mohan, M.P.	- (Region No. 2 - Pomeroon/Supenam)
Mr Ramesh C. Rajkumar, M.P.	- (Region No. 6 - East Berbice Corentyne)
Mr Kumkaran Ramdas, M.P.	
Mr Khemraj Ramjattan, M.P.	- (Region No. 6 - East Berbice/ Corentyne)
Dr Bheri S. Ramsaran, M.D., M.P.	
Mrs Philomena Sahoye-Shury, C.C.H., J.P., M.P.	- Parliamentary Secretary, Ministry of Housing and Water
Mrs Pauline R. Sukhai, M.P.	- (Region No. 1 - Barima/Waini)

* Non-Elected Minister

** Elected Member from The United Force

Members of the Opposition (30)

(i) People's National Congress/Reform (27)

Mr. Hugh Desmond Hoyte, S.C., M.P.	- <i>Leader of the Opposition</i>
Mr. Robert H. O. Corbin, M. P.	
Mr. Winston S. Murray, C.C.H., M.P.	
Mrs Clarissa S. Riehl, M.P.	- <i>Deputy Speaker of the National Assembly (Absent-on-Leave)</i>
Mr E. Lance Carberry, M.P.	- <i>Chief Whip</i>
Mr Ivor Allen, M.P.	- <i>(Region No.2-Pomeroon/Supenaam)</i>
Mrs. Deborah J. Backer, M.P.	
Mr. Deryck M.A. Bernard, M.P.	
Mr. C. Stanley Ming, M.P.	- <i>(Absent-on-Leave)</i>
Mr. Raphael G. C. Trotman, M.P.	- <i>(Absent-on-Leave)</i>
Mr Vincent L. Alexander, M.P.	- <i>(Region No.4-Demerara/Mahaica)</i>
Mr. Andy Goveia, M.P.	
Mrs. Volda A. Lawrence, M.P.	- <i>(Absent-on-Leave)</i>
Dr Dalglish Joseph, M.D.,M.P.	
Miss Amna Ally, M.P.	- <i>(Region No.5-Mahaica/Berbice)</i>
Miss Sandra M. Adams, M.P.	- <i>(Region No.10-Upper Demerara/Berbice)</i>
Mr. Jerome Khan, M.P.	
Dr George A. Norton, M.P.	
Miss Myrna E. N. Peterkin, M.P.	- <i>(Region No.4-Demerara/Mahaica)</i>
Mr. James K. McAllister, M.P	- <i>(Region No.3-Essequibo Islands-West Demerara)</i>
Miss Lurlene A. Nestor, M.P.	- <i>(Region No.4-Demerara/Mahaica)</i>
Mr Abdul Kadir, J.P., M.P.	- <i>(Region No.10-Upper Demerara/Berbice)</i>
Mr Ricky Khan, M.P.	- <i>(Region No.1-Barima/Waini)</i>
Mrs. R. Bancroft, M.P.	- <i>(Region No.8 - Potaro/Siparuni)</i>
Mr Nasir Ally, J.P., M.P.	- <i>(Region No.6 -East Berbice/Corentyne)</i>
Miss Judith David, M.P.	- <i>(Region No.7-Cuyuni/Mazaruni)</i>
Miss Genevieve Allen, M.P.	- <i>(Region No.4-Demerara/Mahaica)</i>

(ii) Guyana Action Party/Working People's Alliance Party (2)

Mrs Sheila V.A. Holder, M.P.	
Mrs Shirley J. Melville, M.P.	- <i>(Region No. 9 - Upper Takutu/Upper Essequibo)</i>

(iii) Rise, Organise and Rebuild Party (1)

Mr Ravindra Dev, M.P.

OFFICERS

Mr Frank A. Narain, C.C.H., Clerk of the National Assembly
Mr Sherlock E. Isaacs, Deputy Clerk of the National Assembly

PRAYERS

The Clerk read the Prayers

ANNOUNCEMENTS BY THE SPEAKER

Leave

Hon. Members, leave has been granted to the Hon. Members, Mr Clement Rohee, Mr Rudolph Insanally, Mrs Clarissa Riehl and Mrs Volda Lawrence for today's sitting, Mrs Indranie Chandarpal up to the 16th December and Mr Stanley Ming up to the 5th December.

PRESENTATION OF PAPERS AND REPORTS ETC.

The following papers were laid:

By the Minister of Finance, Hon Saisnarine Kowlessar

(i) Financial Paper No. 2/2001 - Supplementary Estimates (Current and Capital) totalling \$742,265,595, for the period 5th July, 2001 to 9th November, 2001 - Advances made from the Contingencies Fund.

(ii) Financial Paper No. 3/2001 - Supplementary Estimates (Current and Capital) totalling \$7,405,529, 861, for the period ending 31st December, 2001.

[The Minister of Finance named Thursday, 6th December, 2001, the day for consideration of the two Financial Papers]

(iii) Agreements (3) between the Inter-American Development Bank and the Government of Guyana as detailed below:

(a) Loan Contract No.1044/SF-GY dated June 14,2000 for US\$27,000,000 for the low Income Settlement Programme.

(b) Water Supply and Sewerage Programme II; and

(c) Loan Contract No. 1052/SF-GY dated May 24, 2000 for US\$900,000 for the Environmental Improvement of the Georgetown Interim Disposal Site.

(iv) Heavily Indebted Poor Countries Initiative (HIPCDI) Relief Agreements (7) between the Multilateral Creditors and the Government of Guyana pursuant to the Original HPIC Debt Initiative Framework approved by the joint IMF/ World Bank Boards on May 13, 1999 as detailed below:

HPIC Debt Relief agreement No. HPIC-006-GY between the International Fund for Agricultural Development (IFAD) and the Government of Guyana for SDR805,992 signed on October 18,2000;

HPIC Debt Relief Agreement between the OPEC Fund for International Development and the Government of Guyana for US\$7,300,000 signed on January 26, 2001;

HPIC Debt Relief Agreement between the Caribbean Development Bank and the Government of Guyana for US7,500,000 signed on October 21, 1999.

HPIC Debt Relief agreement between the European Commission and the Government of Guyana for EUR6,440,000 signed on February 16,2000;

HPIC Debt Relief Agreement between the CARICOM Multilateral Clearing Facility and the Government of Guyana for US\$28,600,000 signed on May 14, 1999;

HPIC Debt Relief Agreement No. TF022456 between the International Development Association and the Government of Guyana for US\$27,108,000 signed on July 22, 1999; and

HPIC Debt Relief Agreement between the Inter-American Development Bank and the Government of Guyana signed on July 30, 1999.

Bilateral Agreement (5) on the reduction and consolidation of the external debt between the following Bilateral Creditors and the Government of Guyana in accordance with the fifth Paris Club Agreed Minute of June 25, 1999 as detailed below:

(a) UK/Guyana Debt Agreement No. 5 between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Guyana for US\$15,191,033.22 and GBP1,969,073.73 signed on September 11, 2000 in accordance with the fifth Paris Club agreed Minute of June 25, 1999;

(b) Bilateral Agreement on the reduction and consolidation of the external debt service obligations of the Government of Guyana to the Government of the Netherlands for US\$140,101.65 and NLG4,298,919.69 entered into on August 3, 2000 in accordance with the fifth Paris Club Agreed Minute of June 25, 1999.

(c) Agreement between the Government of the United States of America and the Government of Guyana regarding the reduction and the reorganisation of certain debts owed to, guaranteed by, or insured by the United States (Ex-Im Bank) and U.S. Agency for International Development (USAID) for US\$1,1761,780.17 and US\$178,520.91 respectively, signed on December 20, 2000 in accordance with the fifth Paris Club agreed Minute of June 25, 1999.

Thursday, 29th November, 2001

(d) Agreement between the Government of the Kingdom of Denmark and the Government of Guyana on the reduction and consolidation of debt for US\$566,268.69 signed on November 17, 2000 in accordance with the fifth Paris Club Agreed Minute of June 25, 1999; and

(e) Agreement between the Government of the Federal Republic of Germany and the Government of Guyana on the reduction and consolidation of foreign debt of the Government of Guyana for DM698,065,076.56 (FRG portion) and DM3,250,606.11 (Ex-GDR portion), signed on December 13, 2000 in accordance with the fifth Paris Club Agreed Minute of June 25, 1999.

By the Minister of Tourism, Industry and Commerce, Hon. Manzoor Nadir.

Sanata Textiles Limited (Dissolution and Transfer of Assets and Liabilities) Order 2000, (No. 49 of 2000).

PUBLIC BUSINESS

BILLS - Second Reading

1. MEDICAL PRACTITIONERS (AMENDMENT) BILL 2001 - Bill No. 13/2001

A Bill intituled, An Act to amend the Medical Practitioners Act 1991.

The Speaker: Hon. Members, we will now proceed with the second reading of the Medical Practitioners (Amendment) Bill 2001. The Hon. Minister of Health.

.Hon. Dr Leslie S. Ramsammy: Mr Speaker, I stand this afternoon, to move the Medical Practitioners (Amendment) Bill, 2001 - No. 13/2001 for its second reading.

This is a simple Bill, with the intention to advance the practice of medicine and to strengthen the democratic foundation of our country by extending democratic processes to yet another vital organisation. It is no secret also, that this Bill is necessary at this time in order for us to resolve an impasse and an untenable situation that has existed since September, 1998.

Mr Speaker, for us to appreciate the necessity of this Amendment, we need first of all to consider the overall functions of the Medical Council among which is, the registering of physicians. In doing so, it must ensure that individuals are properly qualified to practice medicine. Thus the Council verifies the qualifications of persons who are desirous of practicing medicine in Guyana. In addition it ensures that physicians remain in good standing in order for them to maintain registration, therefore the Council has the power to de-register persons from the register of qualified physicians.

The Council also has a role in certifying local institutions for medical training, thus, for example, the Georgetown Public Hospital has been certified as a training site for medical internships.

The Council serves as a watchdog to ensure that people practising medicine are duly registered to do so, to ensure that registered positions maintain certain standards and it is also a place for persons to make complaints when they perceive that they may have been inappropriately treated. This includes for example, the frequent complaints from women of sexual molestation. Given these roles, it is imperative that the Medical Council be made up of persons that enjoyed the confidence of the doctors and the public at large. There will always be great dissatisfaction when such persons are hand-picked.

The parent Act in 1991, defined a mechanism for selection that

Thursday, 29th November, 2001

involved consultation between the Minister and a body or bodies that represent physicians. The question of consultation and what it means have always caused some controversy.

Minister Gail Teixeira attempted to resolve the issue and at the same time to introduce a more democratic way of selecting nominees for appointment. She asked in 1996, that the Guyana Medical Association elect six nominees. An election was conducted among all physicians for that purpose, and that Council worked well. The Council served until September, 1998. The attempt to democratisation by Minister Teixeira was then reversed, when the Guyana Medical Association simply chose six Members of the Executive of the Association to be their nominees. The then Minister, Minister Henry Jeffrey, was concerned that the democratic process initiated by Minister Teixeira was being reversed by this action.

In addition, Minister Jeffrey was faced with demands from the vast majority of doctors that were being excluded from participation by being denied the right to vote for their nominees as Minister had initiated in 1996.

The Berbice Medical Association in writing demanded that they wanted a say. The doctors at the Georgetown Public Hospital Corporation demanded that they wanted a say, doctors in private practice and at private hospitals demanded to have a say. They claimed that the election for the Guyana Medical Association's Executive excluded them, since those elections excluded them on the basis that they were not registered members or financial members to the Association. The election for nominees to the Council was not dependent on being a member of the Association.

Minister Jeffrey responded by naming four of the nominees that the Guyana Medical Association presented to him to be members of the new Council and excluded two of the Guyana Medical Association's nominees. The Minister inserted two other nominees that have the support of various groups. This move by the Minister was challenged in

Thursday, 29th November, 2001

Court and it was agreed that the Minister did not have to appoint all the nominees, but that the Minister should have consulted with the bodies that represent physicians and given reasons why those persons were not chosen. The Minister was able to talk to many doctors including the Berbice Medical Association, the doctors at the Georgetown Public Hospital Association and a group of concerned doctors, but he was unable to talk with the Guyana Medical Association since they refused to meet with him.

In the mean time the 1999 Amendment Bill - No 3/1999, that had developed quite independently of the impasse and that evolved, sought to resolve this issue by formalising the Teixeira Initiative to democratise the process and to remove the controversy of what constitutes consultation and with whom the consultation should be done.

The 1999 Amendment sought to have the nominees chosen through elections and for the Minister to appoint those elected. As I said it worked well in 1996.

The Minister signalled his intention to call the election in 2000, but this was also challenged in the Courts on the basis that the Minister had not made regulations that govern the elections. Judge Jainarine Singh ordered that the Minister must make those regulations before elections were to be held.. The Minister was thus again stymied as he attempted to simply restore order by democratising the process. The simple act of making regulations proved difficult. The Minister could not consult with the Guyana Medical Association and with the Council since they were not talking to him.

The parent Act also required the Minister to make regulations on the advice of the Council. Such advice was not about to be given. Again the Minister sought to consult with all physicians by inviting all physicians to an open meeting. Almost one hundred doctors attended and it was agreed that a Committee headed by Dr Searwar be established to make the regulations. Those regulations were

prepared by the Committee, but the Minister was unable to make them since the process required a Council to advise the Minister.

In 2000, President Bharrat Jagdeo, brokered a deal that put together an Interim Council and also called for the Minister and the Guyana Medical Association to put together a joint Committee to deal with the issue of regulations. The Council was to advise the Minister to make regulations as proposed by the Joint Committee by October, 2000. The Joint Committee never materialised and the October deadline elapsed. Thus the simple process of making the regulations to hold elections was thwarted again.

When I was appointed Minister, I took a conciliatory position and decided to consult with Members of the then expired Interim Council and with the Guyana Medical Association, essentially going back to the President's initiative of 2000. The Guyana Medical Association agreed to meet with me and agreed to put together the Joint Committee to make recommendations and it was that Committee that requested six weeks in order to complete the regulations. I gave them eight weeks, but after two meetings, the GMA's President asked for unlimited time for the process.

On the 24th April, less than one week after being appointed Minister of Health, I requested my Permanent Secretary to call Dr Ramsahoye to arrange a meeting. I personally called Dr Ramsahoye on the 25th of April. He refused to meet in a most derogatory way possible, he followed up his abusive telephone rejection by writing letters to that effect, and I have copies of those letters, and, Mr Speaker, I will give you those copies, or any Member, to look at. *[Noisy Interruption: 'I have those letters and I will show them to any Member of this House if he/she so requests']*.

Mr Speaker, the Ministry and the Government are determined in our efforts to democratise the process and to resolve the impasse so that we can begin the hard work, of advancing the practice of medicine in Guyana.

Thursday, 29th November, 2001

We want to hold elections among all practitioners as soon as possible. This Amendment makes it possible for us to do so. It provides the Minister with the power to make those regulations that will make possible the holding of elections. First of all, this is not an unusual power given to a Minister - it is replete in the laws of Guyana. Ministers have been given this power for decades without this being questioned. Importantly, the regulations only pertain to holding elections to nominate the Members of the Council. Mr Speaker, I don't know why anyone would be opposed to such a mechanism. And why is it that those who want to be Members of the Council cannot face their peers and be elected by their peers? *[Applause]*

Mr Speaker, the provision in the parent Act for the Council to advise the Minister to make regulations has not been tampered with - it remains in tact. This provision has existed since 1991, and the Council that was then mandated to make regulations to govern the practise of medicine in this country, ten years later has never made a single recommendation for the Minister to make regulations.

Further, Mr Speaker, the Amendment seeks to broaden representation by including non-medical persons on the Council. This is already agreed to in the 1999 Amendment. This is an attempt to make the watchdog role of the Council more effective and to establish greater confidence of the public in the process. When we were contemplating this in 1998, we consulted with doctors in various groups. In addition, we wrote to all registered doctors in 1998, approximately one hundred doctors responded in writing and only one was opposed to that provision and those are also here.

The Amendment also seeks to avoid the situation that we find ourselves in now by making provisions that in the unusual circumstance, that a Council's life comes to an end and another cannot be immediately appointed, that the Minister can appoint an Interim Council for six months.

All in all therefore, this Amendment seeks to democratise the

Thursday, 29th November, 2001

appointment of Members to the Council, to broaden representation and make more effective the watchdog role of the Council and to avoid possible impasse in the future.

I ask, Mr Speaker, that all Members support this Bill.

Mr Speaker, before I sit down, please permit me - I see all of our Members wearing red ribbons and we look good with them. It is a signal that all of us would work together and provide the leadership we need in this country, as all of our people unitedly fight against HIV/AIDS. Thank you very, very much. *[Applause]*

The Speaker: Hon Members, the Motion is proposed.

The Hon. Member, Mr Hoyte.

Mr Hugh Desmond Hoyte: Mr Speaker, the French have a saying *rappartons notre feuille*, meaning literally let us return to our sheet. This means that when there is a discussion and we stray far away from the subject, we should return to the nob of the matter.

The Hon. Minister said that this is a simple Bill and, indeed, it is, but I would caution him in the words of A.N. Whitehead, an English philosopher *seek implicitly and distrust him*.

We are not opposed to this Bill. It is well-known, Mr Speaker, that there has not been the friendliest relations between recent Ministers of Health and the medical profession. There have been many unseemly rows ending up in many Court actions. As a matter of fact there are some Court actions still pending and I think it is time that we bring an end to this dispute by having in place legislations acceptable to all sides which enable the Minister and his staff to focus on policy and matters of interest and importance to the people of this country.

It is for this reason, I will concentrate upon the Bill, because, as the Bill stands now, it will become a fruitful source of continued

legislation.

I want to draw attention to some of the problems which are inherent in the Bill and express the hope as our proposal that we send the Bill to Select Committee, which in my judgement, need not require more than two sittings at most, to refine and elucidate some aspects of the Bill so that we can proceed to have this Bill passed next week and, having placed arrangements, as I said, put an end to unseemly disputes.

Mr Speaker, in Clause 2 of the Bill, the proviso to paragraph (ii), the Minister seems to accept that there is no Council legally accepted in force and therefore he cannot consult such a Council prior to the passing of regulations and so the draftsman has attempted to deal with this reality by saying *that he shall be deemed to have consulted with the Council*. That is all well and good.

The only problem with this, is the way this proviso has been drafted, the Minister *shall be deemed to have consulted with the Council* not merely with respect to the first elections, but for succeeding elections. Therefore, this section here - this proviso - will have to be amended to make it very clear that the deeming aspect refers only to the first election, but thereafter, once the Council is established, the Minister shall consult with the Council.

Secondly, Mr Speaker, Clause 3 of the Bill, referring to the power to make regulations, provides that *[the Members of a Council, however constituted, shall vacate office when a new Council is constituted, and Members thereof enter upon the duties of their office]*.

Now, the phrase *however constituted*, makes no sense, because on the one hand in Clause 2, the Minister is conceding that there is no Council legally constituted and here in Clause 3, he seems to be saying that there is a possibility that you have a Council which, somehow or the other, has some kind of powers. Our proposal is that that inelegance be

deleted so that there could be no doubt about what the legal position is with respect to the Councils.

There is also, Mr Speaker, a need for consistency. Clause 4, refers to *medical practitioners*, when I think that the standard form is *duly registered medical practitioners* and out of abundant caution, I would urge that that simple formula be used, so that nobody goes to the Court to distinguish between a duly registered practitioner and some practitioner who has not been registered, but who asserts a right maybe to be elected to the Council.

Mr Speaker, Clause 4, regarding the appointment of lay members: In that Clause, it is provided that the Minister should seek the approval of the President. Now that is, in my judgement, unwise, unnecessary and undesirable. It is either that the Minister appoints or the President appoints. There is little precedent for a situation where a Minister bothers the President with respect to matters which fall within his jurisdiction. I would urge that we do not put in our legislation this kind of inelegant formulation that the Minister asserts his responsibility to name the lay members to the Council.

Now, in Clause 4 again, Mr Speaker, I think there is a provision for an Interim Council. From the way the legislation is structured, there could never be a situation when there is no Council, because what this Bill says, what the Act will say, is that once a Council is instituted or constituted, it remains in office until the succeeding Council enters upon its function. So a Council never goes out of Office, as this Bill is saying - its life never comes to an end until a succeeding Council enters upon its functions.

Those are some of the matters, Mr Speaker, which we would urge that we sit down and iron out, lest we find ourselves passing a bit of legislation and ending up into trouble again.

The Hon. Member will know, his predecessor certainly does, that lawyers have fertile minds and they are not going to allow

ambiguities to escape unchallenged.

Now, a few other matters - I hope that the Minister has his regulations in draft, because he has only sixty days after the Council is constituted to promulgate his regulations and certainly one wouldn't want to have a situation where that period elapses, the regulations aren't there and somebody runs to the Court again.

The other matter has to do with the transitional arrangements. Now, as I said, this whole Bill is based upon the premise that there is no legal Council, but in fact there has been a body which has been registering doctors, which has even been attempting to discipline doctors. Those things have happened and it seems to me that we ought to have a validating clause here which says that those acts and those registrations shall be deemed to be valid, otherwise we are going to have a very serious problem coming upon us.

Finally, between now, and since there is no Council, whenever the Minister promulgates the regulations, there is hiatus, there is nothing, there is no Council, we are still in the same position and I would suggest that some temporary transitional provisions be made to deal with who come up now to be registered or make their complaints or to have their matter dealt with by what should be a Council.

The Regulations have to make provisions for elections and this is just a suggestion that, maybe, the Minister might consider asking the Chairman of the Elections Commission or the Chief Elections Officer to put in place some set of arrangements which would enable the elections to proceed smoothly.

In those circumstances, Mr Speaker, we don't oppose the Bill as such, we are saying that there are some defects, there are some ambiguities, which are likely to cause problems and we would suggest that the matter be referred to a Select Committee. That Committee could meet urgently - Monday, Tuesday - my own view is that it

Thursday, 29th November, 2001

wouldn't take more than two meetings for these matters to be ironed out and the Bill be read for a third time on Thursday of next week. Thank you, Mr Speaker. *[Applause]*

The Speaker: Thank you very much, Mr Hoyte

The Hon. Member, Dr Ramsammy.

Hon. Dr Leslie R. Ramsammy: Mr Speaker, please permit me to thank the Leader of the Opposition and the Members in the Opposition benches for supporting the intent of this Bill. The arguments made by the Hon. Leader of the Opposition are reasonable and we do not have problems in sending this Bill to a Select Committee and therefore I am requesting that the Bill be sent to a Select Committee. Thank you very much. *[Applause]*

The Speaker: We will have to conclude the formality, Hon. Members.

I will now put the question, which is that the Medical Practitioners Bill (Amendment) Bill 2001, be read a second time. Those in favour say *Aye*, those against say *Noe*.

Question put and agreed to.

Motion carried

Bill read the second time.

Hon. Reepu Daman Persaud: I think this is the appropriate time to move the Motion, Mr Speaker. I formally move, pursuant to Standing Order 49, that the Bill be referred to a Special Select Committee with the undertaking that it be expedited and we have it reported next Thursday in the Parliament. I crave your indulgence for the Committee of Selection to meet tomorrow to name the Committee. I now propose the Motion.

Question - that the Bill be referred to the Select Committee

Put and agreed to.

Motion carried.

The Speaker: The Bill is referred to the Select Committee.

**2. LOCAL AUTHORITIES (ELECTIONS)
(AMENDMENT) BILL 2001 - Bill No. 12/2001**

A Bill intituled, An Act to amend the Local Authorities (Elections) Act to provide for the postponement of elections of councillors of local democratic organs.

The Speaker: We can now proceed to the Second reading of the Local Authorities (Elections) (Amendment) Bill 2001 - Bill No. 12/2001.

The Hon. Minister of Local Government and Regional Development

Hon. Harripersaud Nokta: Mr Speaker, the Bill before this Honourable House, which is the Local Authorities (Elections) (Amendment) Bill 2001, postponement of elections is quite straightforward and I am certain that Members on the other side of this House will give due consideration to it, because we are in an atmosphere, where many things are happening. We saw just now in this Parliament, where we have gotten an agreement on the Second reading of the Bill that was just passed. I am hoping today that in that same atmosphere we will have similar approval today.

The General and Regional Elections in March of this year brought about many things. A process of meetings and discussions between His Excellency, President Bharrat Jagdeo and Leader of the Opposition, Hon. Hugh Desmond Hoyte and since that dialogue started all Guyana have been looking on with optimism and we are hoping that the same atmosphere will continue for the good of all.

Out of those discussions, it was decided that four Committees be set up, one of which to deal with Local Government Reform.

In keeping with that agreement, its joint task force comprising representatives from the PPP/C, the PNC/Reform and the GGG was appointed. That Committee is headed by no other than my Colleague, the Hon. Minister Clinton Collymore, Minister of Local Government within the Ministry of Local Government. He has the responsibility to look after Neighbourhood Councils and Municipalities and since the appointment of that Committee, we have seen a vast amount of activities going on in the workings of that Committee. I want to say that that Committee has been meeting regularly recognising the importance of Local Government and its role in the democratic process and the desire to extend and deepen that process. Changes in the Local Government Laws have become necessary. To do so, countrywide consultations were carried out in every region - approximately thirty such meetings were held in the Ministry's Boardroom, in fact, every Tuesday, and for these countrywide consultations, one was held yesterday, 28th November, 2001 in the city of Georgetown, in the Town Hall. I understand that that is the last of these countrywide consultations and having gone that far, it is indicative of the Committee's anxiety to ensure that the process moves on rapidly so that we can achieve what we have set out to do in order to bring about changes and reforms in the Local Government Laws so that we can have a Local Government system work better in the interest of the Guyanese people.

Conscious of its role and the need to speed up its process, the task force is moving ahead at good pace so that all the changes agreed on, will be effected for the Local Government Elections to be held without delay, and I want to repeat, Mr Speaker, *to be held without delay*. It is incumbent on all the Members of the Committee to meet as regularly as possible, if possible every Tuesday or even more than that to ensure that we are able to come to this House with

Legislation in order to have changes in the laws of Local Government.

The Elections Commission has already started to address the matter and is putting things in place to have an early election whenever the green light is given. In keeping with that objective, the spirit of the dialogue, that is the dialogue between His Excellency, President Bharrat Jagdeo and the Leader of the Opposition, Hon. Hugh Desmond Hoyte, the need to have changes in the Local Government Laws, to ensure more involvement of people at the grassroots level in managing their own affairs. More time is needed and this Bill seeks just that to extend the date for the holding of the next Local Authorities Elections to elect Members of the Local Democratic Organs. Such elections which are to be held on or before the 1st December, 2001, may now be held within twelve months of that day.

So, Mr Speaker, having presented in brief the purpose of this Bill, which I feel has no controversy, it is just asking for some more time so that both sides of this House, Government and Opposition can sit down as they are doing now and work assiduously to have the framework of legal changes made so that we can have Local Government elections held expeditiously.

I have been in everyday contact with my colleague and he shares the view too like all of us and like all Guyanese that we must have Local Government Elections as early as possible. I see my colleague is smiling because he knows he has been doing a very good job and having concluded yesterday the countrywide consultations, he will move on to have the other necessities done in order that we can come back to this august House to pass legislation and to have elections held as early as possible.

So with these few remarks, Mr Speaker, I commend this Bill to the House and ask that it be given support from both sides so that we can move on with our work. I thank you. *[Applause]*

The Motion proposed.

The Speaker: The Hon. Member, Mr Alexander.

Mr Vincent L. Alexander: Mr Speaker, I rise this afternoon to indicate that on this side of the House, we have got no problems with the content of the Bill, but we do recognise that the Bill is deficient by way of an omission.

Mr Speaker, in this very House today, we have had various references to democracy and the democratic processes. We have before us a Bill which seeks for good reason to postpone the Local Government elections.

Mr Speaker, we have seen the practice over the last four years, over which period these elections have in fact been repeatedly postponed, of a postponement of internal elections in the Local Democratic Organs.

Mr Speaker, we have seen projections coming from the other side of the House suggesting that Local Government elections be slated for December of next year, not later than December of next year. In fact, it is projected for December of next year in certain documents. We can see no reason, Mr Speaker, why Mayors, Deputy Mayors, Chairmen and Vice-Chairmen of Local Democratic Organs should not be involved in the democratic process of accounting and giving stewardship to their fellow councillors and where their fellow councillors find it necessary why there shouldn't be changes in those personnel. So, in that regard, Mr Speaker, in the appropriate time, I am going to propose an amendment to the Bill, to ensure and to provide for internal elections.

Mr Speaker, really there should be no such amendment because the law as they stand do provide for such elections, but they have not been held in the last four years and there are those who have argued that the amendment which have been put in the past provided for the postponement of internal elections as well. So to make it unambiguous, abundantly clear where we stand, we are going to

propose, as I said, at the appropriate time an amendment to the Bill to provide for elections of Mayors, Deputy Mayors of Municipal Councils and of Chairmen and Vice-Chairman of Neighbourhood Democratic Councils.

Mr Speaker, much reference has been made to the work of the Joint Task Force which is established by President Bharrat Jagdeo and Mr Hugh Desmond Hoyte, Leader of the Opposition, but in these references there are some inaccuracies and for the purpose of the records of this House, I would like first of all to correct those inaccuracies.

The first such inaccuracy, Mr Chairman, is that the Task Force of the Local Government Reform, like all of the other joint Committees is co-chaired and not led by any one individual. In this regard, the Joint Task Force is Co-chaired by the Hon. Member, Minister Clinton Collymore and by yours truly.

The second inaccuracy I would like to correct is a continuous reference here and in other places to the composition of the Task Force made up of Members of the PPP/C, the PNC/R and the GGG.

My own recollection is, Mr Speaker, that the President and the Leader of the Opposition nominated a number of persons without necessarily referring to them as PPP/C, PNC/R or to any other group of persons. They primarily made nominations. It may be coincidental that one of the persons who was nominated by the President happens to be associated with the GGG, but it would be a breach of all the principles we have followed, if we were to have a committee comprising the PPP/C, the PNC/R and the GGG without any reference to the other parties which have been elected to this House. The PNC/R would not wish at all to be a part of such a formula and so I wish that that correction be made. We have got nominees from the two originators of the Committee and it is merely a coincidence that one of the Members happens to be associated (I am not even quite sure of the nature of the association) with the GGG.

Thursday, 29th November, 2001

In that regard, I want to go on to caution that we, in attempting to project the Committee as comprising members of the PPP/C and the PNC/R, there are instances where we have a Permanent Secretary refer to himself as a representative of the PPP/C, probably it needs to be 'R' for them to get it right [*Laughter*] That gentleman is worthy of his position on the Committee, but it is in breach of all the principles of neutrality of the Public Service for him to refer to himself on that Committee as a representative of the PPP/C. So, I thought I would make reference to that as well, but I don't want us to lose our way.

Mr Speaker, I also want to say that we have to be careful that we do not make elections and only elections the overriding factor in this process of reform. I am glad to see today, that the Hon. Minister has referred to the reform process and has mentioned the expectations that should come out of that process. I hope that he is very serious in that reference. It is not a mere reference for the audience which we have today, because, Mr Speaker, mere elections will not bring about any changes, any enhancement in a democratic process and there are many aspects of things that the reform committee will have to look at other than elections, which, if not achieved, may well make the elections themselves meaningless in terms of a movement, in terms of reform, in terms of change and development of the Local Government system.

But if, indeed, Mr Speaker, the Hon. Minister and those on the other side of the House are committed to democracy then that commitment requires of them that they allow those Councils which will be in existence for at least almost another year to have internal democracy and to have elections within the required period so that during the course of the next year, the people who will be at the head of those Councils would be people who are duly elected and will have the confidence of the persons who are members of those Councils.

Mr Speaker, we must not forget that in recent times, the Minister in the Ministry of Local Government has found it necessary to intervene in the Eccles/Ramsburg Council and in the Rosignol

Thursday, 29th November, 2001

Council and to have those Councils replaced. We are also aware of the fact that on a previous occasion, a vote of no-confidence was passed in the Municipality of Rose Hall and subsequently the Mayor in that Municipality resigned.

There is evidence that there is a need for the Councils to be able to be actively involved in the democratic processes insofar as it is possible and within the context of the Amendment which is before us for the postponement of these elections, and it is essentially for that reason, and because we do not rhetorically, but because we earnestly embrace democracy that we are calling on the other side to see wisdom in what we are saying and to give way at the appropriate time of the Amendment and to make it unambiguously clear that these Councils will have elections and that, in fact, will be a demonstration that there is commitment to the democratic process.

Mr Speaker, on that note I close my case. I look forward not to a mere act of a use of a majority when the time arises to deal with the Amendment, but if there is good reason and sound reason, I wish to hear that good and sound reason for what has happened over the past four years and what is being attempted once again for the postponement of internal elections when there is always this big hue and cry that we have a rebirth of democracy and democracy is taken seriously. I am challenging my colleagues on the other side of the House not only to return the colony to democracy, but let us see democracy at work. I thank you. *[Applause]*

The Speaker: Thank you Hon. Member, Mr Alexander.

The Hon. Member, Mrs Sheila Holder.

Mrs Sheila V.A. Holder: Mr Speaker, I am grateful for Mr Alexander's clarification of the situation with respect to the participation of the GGG to the obvious exclusion of GAP/WPA. It is important that I make this point, Mr Speaker, because it is becoming pellucidly clear to many of us that even though there is a great deal of talk about the

Thursday, 29th November, 2001

return to democracy, if one is not boisterous and demanding of one's rights, one is very likely to be ignored. I am therefore very disappointed that the Hon. Minister considers it appropriate to include GGG and thinks nothing of excluding GAP/WPA. May I remind him that we are here, we are very much here, we do not plan to go anywhere and we don't take kindly to be ignored. *[Applause]*

Mr Speaker, both sides of the House agreed that Local Government Elections should be held soon, as soon as possible, in an attempt to bring to an end the many glaring deficiencies in the management of the affairs of Municipalities and Neighbourhood Democratic Councils.

These elections are now some seven years overdue and by postponing them for a third time, Government is sentencing citizens to a further period of frustration and degradation in their communities. Corrupt officials will get a new lease of life, to continue their corrupt activities. NDCs that have failed to provide proper leadership would continue to hold on to those positions regarding retarded progress in their communities.

As to the question who is responsible for this state of affairs, quite frankly citizens of Georgetown and New Amsterdam do not care. What they care about, is ridding their communities of garbage, fixing their roads with potholes and improving the ambiance and the environment where they live. People are slowly but surely beginning to wake up to the reality that voting for a political party at the Local Government level is not bringing them the improvements they desire to see take place in their communities. The persons elected to serve them often end up serving their political masters and not the people. Meanwhile the talk about good governance continues unabated at all levels of the society as Local Governments fall far short of the mark. What needs to be prescribed is a lessening of the hold, government has maintained on Local Government Institutions. There are persuasive arguments for this based on strengthening the democratic process that we hear so much about and the principle of the devolution of power at the level of local governments and the CDCs.

I would like to remind this House that my predecessor, Dr Roopnaraine fought assiduously for the inclusion in the CRC's recommendations for, and I quote and I think it is item 72 in those recommendations,

It should be included villages and communities and Community Councils, where there is need for such Councils and where the people request their establishment shall be vital organs of Local Democratic Power.

I hope the current which exercises are being conducted on the Local Government issue is this fact is made known to the public as it provides a marvellous opportunity for villages and communities to mobilise for mandatory local government representation.

So they should be allowed statutory authority to direct their affairs particularly as the ten regions are clearly too large for proper management and participation by the Regional Democratic Councils and the people in the regions. Thank you. *[Applause]*

The Speaker: Thank you, Hon. Member. Sorry, Mr Corbin, you wanted to say something?

Mr Robert H. O. Corbin: Thank you very much, Mr Speaker. Had the promise of consultative democracy, which was promised to this Parliament by the other side when the Parliament began, manifested itself in the approach to this Bill, I might not have been compelled to make a few remarks on this Bill this afternoon.

Mr Speaker, I rise to speak on this Bill because of my firm personal conviction about the development of the process of local democracy in Guyana and my intimate involvement in the development of that process over the years. Yes, I would like to remind my good friends of the saying that *while the grass is growing the horse is starving*. *[Interruption: 'But it is staying green, you know'] [Laughter] [Applause]*

Mr Speaker, we are here this afternoon, agreed through a con-

sultative process of the need to have Local Government Reform. There is no dispute on this. The goodly Minister clearly pointed out that there were consultations at a high level on the need for us to have the kind of local government reform that will give in effect true representation to the people in the various communities and so the Bill which ought to have been presented to this House, is a Bill which ought to correct the mischief, as I understand it, and that mischief which this Bill ought to be correcting is to provide a leeway for the consultation process to continue and for new legislation to be passed for local government elections. That is the mischief.

My understanding, little as it is of legislations, Sir, is that if the draftsman is drafting something then he should address the mischief. It is my submission this afternoon, that this Bill before the House does not only seek to correct that mischief, but in effect, through the back door, is creating another mischief.

The Act which we are attempting to amend is Chapter 28:03 which deals with the Local Authorities Elections Act. It deals with the process of elections which embodies the voting population, Section 36, which is the section that has been amended in the past and will be amended by this legislation, deals with exactly the mischief which I spoke about and originally this Chapter. 28:03 dealt with the day for the holding of elections and the electoral system. In fact, originally it stated that if the Minister was satisfied that holding an election, election day was not possible because of certain hardships, matters attended by danger, he may postpone the elections. That was the original intent of section 36 of Chapter 28:03, so that this section deals with the electoral system. What in fact occurred and has been occurring, is that in attempting to deal with the electoral system which deals with the general elections, by inference, this amendment is affecting Chapter 28:01 which is the Municipal and District Councils Act that deals primarily with the Management and Organisation of the various councils and how they can carry out their work efficiently and effectively to serve their communities. This Act, Chapter 28:01, Sections 9 and 10 specifically points out that the Mayor and Deputy

Mayor shall be elected annually from among the persons entitled under Subsection 2 to vote at their elections. It has nothing to do with the electoral system and then it makes it *pellucidly clear*, as my good friend Reggie Hall used to say. In section 10 by stating, I quote:

The term of Office of the Mayor and that of the Deputy shall, subject to this Act, be one year commencing from the first day of January following upon the election at the expiration of which they shall retire.

So in effect this Municipal and Districts Councils Act provides several avenues for the proper management of the affairs of the Councils.

During the period that elections are to be postponed, it is not expected that these Councils will grind to a halt. It is expected that they will continue to manage the affairs of their various communities. If that was so, why then do we not suspend all the other regulations in the Municipal and District Councils Act for example, Part 11 of this Act, Section 305, which gives the Minister all kinds of power to interfere, suspend, remove, appoint interim committees, all of those, if the Councils are not functioning. I believe these are some of the provisions that will be affected and I hope changed in the new legislation that all these sweeping powers to affect the democratic process will be removed in the new legislation. But Section 305 is not affected by this suspension or this postponement of elections, because I believe, and I would submit that it was recognised by the government and those who are responsible for the management of the Local Democratic System, that in the period ahead it is quite possible that there may be difficulties which could arise and the Minister may have to exercise his powers under Section 305.

Indeed, we have heard the Minister and my learned friend, the Hon. Member, Mr Alexander, make reference to the use of those powers under Section 305 by the Minister at Rose Hall. It was used

in my own Neighbourhood Democratic Council. I have experienced it, I live in RepublicPark under the Eccles/Ramsburg District Council and I know what can happen when a Council is not functioning properly. The Minister under Section 305 had to intervene to bring order.

In Anna Regina (I have been reading in the newspapers) which is not a Council that is dominated by the People's National Congress there have been leading spokesmen for another political party bemoaning the functioning of certain officials in that town and pleading for some kind of aid or assistance, or, as my good friend said, relief, in order to ensure that the affairs of the town could be managed.

Today, circulated in this Parliament, Mr Speaker, I don't know if you have got a copy yet but I have received a letter, I believe you may get yours from the Municipality of Linden, appealing to this Parliament to ensure that they are able to manage the affairs of Linden and that we do not attempt to legislate in such a way as to interfere with the proper and effective management of their council in the Municipality of Linden. I mentioned this because it is not unique to the town of Linden, Mr Speaker.

This legislation by reference I would say, because we are not amending Section 28:01 and so the provisions of Sections 28:01 (9) and (10) are still law and that is why I believe, the plaintiff in this Action No. 642 (W) of 2000, Mr Llewellyn John, challenged this very amendment some time ago in 2000 in Action 642 and he was saying in the Action and seeking a declaration that the failure to hold elections of the Mayor and Deputy Mayor of Councils of Georgetown for the year 1999 and 2000 is a breach of the Constitutional right of the plaintiff as a democratically elected Member of the Mayor and Council of Georgetown, to exercise his right in voting for election of a Mayor and Deputy Mayor for the City for the years 1999 and 2000.

He was also seeking a declaration that the Local Authorities Elections (Amendment) Act of 1999 worded in the same manner that we are approving, because all we are doing is extending the period, it is the same law being challenged here. It is unconstitutional and null and void in so far as it denies the plaintiff the right to exercise his vote for the Offices of Mayor and Deputy Mayor for the years aforesaid.

I mentioned this, Mr Speaker, to point out, of course as you are fully aware of the legal procedure, even though a matter like this which challenges or questions certain constitutional rights as we heard earlier, a request for hearing was filed since November, 2000, (let me be sure I am not giving misleading information) because of a long process, it was filed since 14th August and unto November and this is now another November, 2001 and the Courts are yet to determine the constitutionality of the original law which we passed amending Chapter 28:03, the Local Authorities Elections Bill, and by reference, amending, in fact, sections (9) and (10) of the Municipal and District Councils Act Chapter 28:01.

But forgetting the legality of all of this, Mr Speaker, that is a matter which the Courts at some point will have to determine. We who sit in this Parliament must be concerned about important issues of people's involvement. In the debate today, I heard the Hon. Minister of Health regale this Parliament (and I commend him on the great consultative process that he embarked upon) and defending to the hilt the need for election among the peers. To quote him *[why they cannot face their peers in an election.]*

Defending of course, that within the Medical Association, the doctors or the duly registered medical practitioners will be allowed to exercise their votes as to who they want to represent them. It is the same principle that is enshrined in Sections (9) and (10) of the Municipal and District Councils Act which gives the Councillors who are elected an opportunity among themselves, among the peers that Mr Ramsammy spoke about to determine how the affairs of the

Thursday, 29th November, 2001

Council are to be managed in between elections: it has nothing to do with the electoral system and the periodic holding of elections. It has to do with the internal operations of the elections.

Mr Speaker, when we hear that the whole purpose of the delay of this election is for the democratic process be given meaning to involvement of the grassroots in the management of their affairs, surely my good friends on the other side must be hearing the voices from the grass root in the various villages and communities and towns, shouting their dissatisfaction of some of the management styles in the various local government areas and towns. They must be hearing those voices from the grass roots and in an effort to give some meaning, some relief pending this process of elections, one would have thought it automatic that the government would demonstrate tangibly that they are committed to this democratic process and ensure that internally this election would be held. But, alas, Mr Speaker, as I said, I spoke with the Minister of Local Government, Mr Harripersaud Nokta after the last Parliament. I said, look at the problems. I spoke with Mr Collymore. I didn't come here first, I said, look this is a problem that is affecting every political party and every community in this country if you have your ears to the ground. He said, well elections are going to be held soon. I said, yes, but while the grass is growing the horse is starving. It is true that we all would like to have local government elections quickly, but you yourself, Mr Speaker, more than I, you are very experienced in the area of how lawyers react to drafting legislation. I think you are fully knowledgeable that despite our great aspirations as laymen, in these matters, legal draftsmen are very*[Interruption: 'Yes, I am a layman in terms of legal drafting but I understand sufficient to tell you']* that with my exposure to legal draftsmen here and elsewhere, that legal draftsmen, when they are dealing with legislation, will tell you it is not a simple exercise particularly with the state of our laws in Guyana. These laws have matters in them since 1918, you check it. We are amending regulations in 1918, 1949 and when you are going to bring a new piece of legislation, to bring a new system in, it is true that we would like to have, as the

Minister said, we would like to have these elections without delay and we are committed to working every day on it, but when this Committee makes its recommendations to the Leaders and to the Parliament or to their stakeholders who commissioned them to do this work, it will still have to fall in the lap of the legal draftsmen to give reality to those aspirations.

It is my contention, Mr Speaker, that even if it were six months and we were to have those elections in six months, six months is too long a time, the period is too long for us to ensure that we give meaning to Sections (9) and (10), which I am sure will be challenged again in the Courts as soon as we pass this legislation. It will be challenged again. But of course in the legal process we might be here after the elections still waiting for the constitutionality of the Bill that we are about to pass. So while we support in principle the Bill, which postpones the Local Authority Elections for the various local democratic organs and for the towns until after the revision of the legislation, we urge the government to see wisdom in giving reality to the whole thrust of local democracy and ensure that the legislation which is intended to correct the mischief in Chapter 28:03, is not used through the back door for some other reasons, and I hope I can get some good reasons, if that is the mischief we are trying to correct, why we are using that amendment by inference to interfere with Sections (9) and (10) of the Municipal and District Councils Act which is very clear.

Mr Speaker, my remarks outside of this Chamber have failed in the past, I hope that even at this last minute, perhaps, with the letter which the Linden Councillors have written to this Parliament asking individual MPs to ensure that they don't stifle initiatives, that that perhaps may have some effect on influencing the government, when the amendment comes up so that we can give meaning to the process of democracy in this country. Thank you very much. *[Applause]*

The Speaker: Thank you very much Hon. Member, Mr Corbin.

The Hon. Member, Mr Collymore.

Hon Clinton C. Collymore: Thank you, Mr Speaker. I just want to say a few words because much has been said, though some of it was just hot air, but much has been said. Members on the opposite side have indicated that they are in support of the Bill to postpone elections, but they have a concern or concerns about parts of the several clauses which indicate that certain persons should remain in Office.

Before I come to that, Mr Speaker, let me say that the amendment which we are proposing to reschedule elections for 2002, does not in any way prevent anybody from tendering their resignations. We are not stopping anybody from resigning. *[Laughter]*

Mr Speaker, last year we had the same kind of debate, virtually. At that time the fly in your ointment was Mr Alphonso in New Amsterdam. When the Council in that area passed a no-confidence motion against him, he bluntly refused to tender his resignation. Certain amendments were brought up on that side of the House and they were not accepted. Mr Alphonso is not an isolated case. The Hon. Member, Mr Alexander mentioned what happened in Rose Hall. Also I can tell him what happened at Anna Regina and elsewhere, where the People's Progressive Party/Civic has some influence over the Mayor and the Deputy as the case may be. When these motions were brought up and there were nothing in the legislation to compel them to quit, we went and we spoke to them. These laws are not ours, we spoke to them and eventually, they saw the wisdom of resigning and they resigned.

I have information. I was at Linden and have been there on several occasions. I have spoken to the Mayor and have to speak with the Councillors and the workers. I understand that the Hon. Member, Mr Corbin went there in order to fuse tempers and he didn't succeed. It was the same kind of violent reaction he got as what was received from Mr Alphonso.

Thursday, 29th November, 2001

Mr Speaker, what I want to say is that Mr Stan Smith was put in Office as Mayor by the People's National Congress and if Mr Stan Smith is a dutiful Member of that Party, he should respond to the whip of the Party. A very senior person like Mr Corbin went there and he just threw his advice aside and continues to be there and now the Minister is being asked to move Mr Stan Smith.

Mr Speaker, I would like to ask the People's National Congress/Reform to redouble its efforts to prevail upon Mr Stan Smith to tender his resignation. Once he tendered his resignation, there will be a vacancy and that vacancy could be filled without recourse to the Minister.

Mr Speaker, it is quite simple, it means that there is a rebel in the ranks of the PNC and they cannot control the rebellion, *[Applause]* where matters like Stan Smith and Errol Alphonso are concerned. It is a matter of principle, functional integrity. A no-confidence motion was passed against a person that he should resign. He should resign. Why he is not resigning?

Mr Speaker, the Hon. Member, Mr Corbin mentioned about mischief. He said that mischief is afoot. I don't see any mischief anywhere. I don't see any. I just want to correct the record a bit. *[Noisy interruption from a female Member of Parliament... "Can you keep this lady quiet? [Laughter] Protect me from this lady, protect me."]* *[Laughter]*

Mr Speaker, I just want to correct a slight mistake made by the Hon. Member, Mr Corbin. He mentioned Chapter 28:03. It is not Chapter 28:03, it is Chapter 28:02. The Municipal and District Councils Act is Chapter 28:01 and Chapter 28:02 pertaining to Local Government Act which deals with Neighbourhood Democratic Councils, 12/1980 pertaining to the Regional Democratic Council. All these Acts including the Amerindian Act come under the Minister of Local Government. He is saying... *[Interruption]*

[Mr R.H.O. Corbin rose on a point of order]

Mr Robert H.O. Corbin: Mr Speaker, the Member is incorrect, I think. I was correct when I spoke of Chapter 28:01 and I think you would know that. I was speaking of Municipal and District Councils Act Chapter 28:01 and the Local Authorities Elections Act which is Chapter 28:03. I did not speak about Chapter 28:02 because that was not my concern. I was speaking of the towns.

Hon. Clinton C. Collymore: I accept your explanation. Mr Speaker, the Hon. Member, Mr Corbin seems to regret sweeping powers of the Minister. I want to tell him, to remind him that these so-called sweeping powers were not put there by the People's Progressive Party/Civic.

Finally, Mr Speaker, if you will permit me, let me for the record read the salient parts of the original amendment which the Hon Members are fulminating so much against. That was in 1997. I read 36 A (i),

And every person who is a councillor, including the Mayor, Deputy Mayor, Chairman and Deputy Chairman, on the date on which the election should be held shall continue in, and discharge the functions of, his office until his successor enters upon the duties of his office.

We want to speed up the process so that we can hold local government elections as early as possible and we do not want to have partial changes, we want to change everybody at the same time. Why single out Mayors and Deputy Mayors, Chairman and Deputy Chairman? What about the councillors? The councillors need to be changed. *[Applause]* Let us work towards changing all the councillors. Mr Speaker, I wish to say at this point in time that we do not see it possible or logical to accept the amendments which are before us.

Thank you. *[Applause]*

The Speaker: Hon Member, Mr Nokta.

Hon. Harripersaud Nokta: Mr Speaker, having listened the Hon.

Thursday, 29th November, 2001

Members on the opposite side, I wish to say that every time I listen, I learn. I have learned that the Hon. Member Mr Alexander has not been mentioned as the Co-Chairman of this Committee. I made note of that. All the others whose names I did not mention I made note of that. What I know is that he, being Co-Chairman, should be happy that he is involved in a process and should expedite the process for the election to be held earliest. As Co-Chairman, you have that responsibility, and you should do it. *[Applause]*

They talk about elections not being held in four (4) years. Okay. If it wasn't held in four years, yes, that is a long time, but a couple months more will not make any difference. That depends on the Committee.

Mr Speaker, he talked about commitment to democracy. Who is more committed to democracy than we over on this side of the House? *[Applause]* Where was local government election from 1970 to 1994? *[Interruption: "Twenty-four (24) years - no elections ... Shame! Shame!"]*

I listened to the Hon. Member Mr Corbin talk about mischief. Any mischief is over there in connection with local government election. Anyway, let us move away from that. We are in a different era. We are in the era of dialogue at the highest level of this nation. *[Applause]* And if that dialogue can carry us somewhere and in the direction in which we want to go in relation to local government election and reform, let the process continue. *[Applause]* The Committee has that responsibility.

I listened to Hon Member Mrs Holder, and she attempted to tell us about a former Member of this House who made recommendations pertaining to village councils and so on. Okay. It is not too late if he is not in the country or he is not in a position to repeat them, then it is incumbent on that Member to talk to the Committee about your views so that they will make note of it.

Mr Speaker, I was heartened when I listened to Hon Member Mr Corbin and he pledged their support in principal, for this Bill. Well, support is support. Don't say , *I support, but...* Support is support, that is what we want of you. Give us the support you expressed and let us move on with the task of promoting and extending the democratic process and bring about the necessary legislative and other changes so that we can have the desired reforms in local government to run this country for the benefit of all Guyanese.

Mr Speaker, having listened to those on the other side I need not go any longer, since my colleague has dealt with most of the points. I wish to ask that this Bill be put to the House and for it to be supported.

Thank you very much. [*Applause*]

The Speaker: Thank you, Hon Member.

I will now put the question that the Local Authorities (Elections) (Amendment) Bill 2001 be read a second time. Those in favour say Aye, those against Noe.

Question put and agreed.

The Bill was read a second time.

In Committee

Clause 1:

Clause 1 as printed, agreed to and ordered to stand part of the Bill.

Clause 2:

The Chairman: Mr Alexander.

Mr Vincent L Alexander: Mr Chairman, I rise to propose an amendment to Clause 2.

To provide that election of Mayors and Deputy Mayors shall proceed in accordance with the provisions of Section 9:1 and 13:1 of the Municipal and District Council's Act Chapter 28:01 and

The elections of Chairmen and Deputy Chairmen shall proceed in accordance with the provisions of Section 5A of the Local Democratic Organs Act of 1980..

The Chairman: Hon Member, I have to interrupt you. Your amendment is in relation to the addition of another Clause. If you allow me to put Clause 2 to the House, we will then take your amendment to add Clause 3. Your amendment is to add Clause 3.

Mr Vincent L Alexander: My understanding is, Mr Chairman, that the amendment affects, in the final analysis, what will be the content of Clause 2, generally speaking. It is in that regard that I am seeking to put the amendment now.

The Chairman: Well, the amendment I have before me says, add the following as Clause 3. So it is not an amendment to Clause 2. It may well affect Clause 2 but it is not an amendment to Clause 2.

Clause 2 as printed, agreed to and ordered to stand part of the Bill.

The Chairman: Yes, Mr Alexander.

Mr Vincent L Alexander: Thank you, Mr Chairman. I rise to move an amendment to the Bill, that there be an addition in the form of Clause 3, to read as follows:

That Section 36 A (i) of the Principal Act be amended by the addition of the following provisions:

The election of Mayors and Deputy Mayors, shall proceed in accordance with the provision of Subsection 9:1 and 13:1 of the Municipal and District Councils Act Chapter 28:01 and

Thursday, 29th November, 2001

The elections of Chairmen and Deputy Chairmen shall proceed in accordance with the provisions of Section 5A of the Local Democratic Organs Act of 1980 and Section 28 of the Local Government Act Chapter 28:02.

Mr Chairman, if one looks carefully at the original amendment which we are now seeking to extend one would see that the intention of that amendment at that time was focused on the Local Government Elections Act Chapter 28:03, and in no way referred to, or was intended to affect, the Municipal and District Councils Act or the Local Government Act, Chapters 28:01 and 28:02. So in the first instance, Mr Chairman, this amendment is intended to clarify a misapplication of the original amendment since it is our understanding that it was never intended to affect the internal operations of the various local democratic organs. The intention of the Bill as it was then, and as it is before us now, is to postpone the elections, to postpone the general elections of local democratic organs and not to postpone the internal arrangements, including the internal elections of Mayors, Deputy Mayors, Chairmen and Deputy Chairmen.

Mr Chairman, I have heard absolutely no reason in the House where we are supposed to relate to each other on the basis of reason. There can be no dialogue without reason. I have heard absolutely no reason why we are seeking through the back door, in fact, to act unlawful, to postpone internal elections when there can be no detriment by having those elections. I challenge any Member on the other side to show any one detriment that can be derived if we were to have those elections. On the contrary, Mr Chairman, the Members on the other side, if they are faithful to their rhetoric, their constant rhetoric about democracy, can do no other act but to allow the councillors to elect their leadership for the ensuing year. That is a basic democratic principle. But not only is it a democratic principle, it is legally required and that is why the matter has been challenged in the Court, and I dare say, will again be challenged in court. So those on the opposite side have an opportunity to demonstrate their commitment to democracy. They have an opportunity to put forward

argumentation to show that there is a detriment to democracy if such elections are to be held.

Mr Chairman, the laws are there for a particular reason. The laws provide for Mayors, Deputy Mayors, Chairmen and Deputy Chairmen to face their peers (I am using the words of the Hon Member, Dr Ramsammy) at the end of each year. We are here crying for them to face their peers, not at the end of one year, it's now four (4) years since they haven't faced their peers. And we have Members who have the temerity to say that democracy is about resignation not about election. We are now substituting the conscience of one person for the will and conscience of entire councils which represent the interest of the people. That is what we are trying to do when talking about resignation.

Yes, accountability, another one of those fashionable words. What about accountability? Accountability will be realised if they are brought to bear at the end of this year at the electoral process. That is the accountability we are talking about. *[Applause]* Let them be accountable. I don't see why there is this tremendous fear. In Corriverton, the PPP/C has the majority on that municipality. In Rose Hall, they have a majority. In Anna Regina, they have a majority. Where is this fear? Of sixty-five (65) Neighbourhood Democratic Councils they have a majority in forty-six (46) of those Councils. Where is the fear? What is the problem? We are calling on you to practice democracy even within your own ranks. Even within their own ranks they are denying their membership, their representatives, from exercising a right and to express a view. The fact of the matter is, if you are convinced that you can influence, like you did in Rose Hall and Anna Regina, well, you have three (3) more Municipalities to influence. What is the problem? Influence them so those changes would occur. You have forty-seven more Neighbourhood Democratic Councils to influence. We have a different approach. We allow the Councillors as peers within the context of the law to practice democracy. What we are asking this House to do is not to interfere with that right, because what, in fact, the House has done is

to breach the rule of law by virtue of allowing these Councils to go into a fifth year without elections, which are due, without the internal elections. *[Interruption: "Talk to the lawyers?" "The lawyers have been spoken to already. The deficiency is in the Judicial System. The problem is that we talk to the lawyers, you probably talk to the Judge."] [Laughter]*

So, Mr Chairman, the case is clear, there should really be no debate on this matter.

[Mr Khemraj Ramjattan rose on a point of order]**Mr Khemraj Ramjattan:** On a point of order, and also a point in relation to the Standing Order 50, we are not dealing with policy or the merits here at this stage. We are dealing at the Committee stage with some details and a lot of latitude is being given to Mr Alexander, but that latitude, I urge at this stage, should be brought to an end for the very last remark about judges. The insinuation is rather dangerous and is very malicious as regard judges. *[Applause]*

The Chairman: Mr Alexander, Rule 35, Sub-section 4 says, with regard to the content of speeches:

It shall be out of order to use offensive and insulting language to Members of the Assembly.

It might be construed to be offensive if you accuse another Hon Member of speaking to a judge. So I ask you, please, to withdraw the statement about the Hon Member and proceed

Mr Vincent L Alexander: Mr Chairman, I withdraw the statement. *[Applause]*

Mr Khemraj Ramjattan: Mr Chairman, is there a ruling on Standing Order 50? This is Committee Stage and we are having an extraordinary lengthy discussion. *[Interruption]*

The Chairman: The Hon Member has withdrawn the remark Mr

Ranjattan. Thank you.

Mr Vincent L Alexander: Mr Chairman, I must commend the Members on the other side for the wisdom which placed you in the Chair or else we might have been subjected to some of these misunderstandings of the Standing Order.

Mr Chairman, I would like to close my case by urging my friends, some of whom make frequent references to democratic centralism, that there is a fundamental difference between the two. We are talking about democracy not democratic centralism. If they have an understanding of what democracy is they will understand that they have not themselves put forward any reason why we should thwart the democratic process and not allow these Councils to have their elections, not allow peers to judge peers, and not allow a fresh breath of leadership during the course of the next year.

Thank you. *[Applause]*

The Chairman: Thank you Hon. Member.

Hon. Harripersaud Nokta: Mr Chairman, I said I am learning all along. and having listened to the Hon Member I am learning. His was a very passionate plea. Of course, that is his right to plea, however passionately. We listened to the pleas. But you made three (3) points which I would want to deal with because my colleague dealt with the others already in the debate on the amendment.

This Bill that we present is a mis-application of the original Bill. There is no such thing as mis- application. We have been advised by our lawyers and the lawyers drafting this Bill, I am certain, have done so ably. So that is a misconception. To postpone the Local Government Elections for the purpose I mentioned already (I need not go over them) is not an unlawful act, it is a necessary process to bring about things that we will want to have lawfully put in the constitution. And to say that the PPP/C has the majority in so many

Thursday, 29th November, 2001

Councils is a complement to the PPP/C if since 1994, the PPP/C can control its members in councils where we have a majority, even in their dissatisfaction. Let the PNC/R do their homework, that's all. Control your Members and when ours go out of line pull them in and correct whatever wrong they are doing. That' all. Don't blame the Bill, don't blame the House. All that we are doing, Mr Chairman, is asking for some more time to have Local Government Elections properly done when the time comes.

Thank you very much.

The Chairman: Thank you Hon Member.

I will now put the amendment. Those in favour say Aye, those against say Noe.

Amendment **put** and **negatived**.

Mr Robert H.O. Corbin: Division!

The Chairman: The Clerk will take the Division.

For	Against
Mrs Melville	Mrs Sukhai
Mrs Holder	Mrs Sahoye-Shury
Ms Allen	Dr Ramsaran
Ms David	Mr Ramjattan
Mr Ally	Mr Ramdas
Mrs Bancroft	Mr Rajkumar
Mr R Khan	Mr Mohan

Thursday, 29th November, 2001

Mr Kadir	Mr Lumumba
Ms Nestor	Mrs Edwards
Mr Mc Allister	Mr DeSantos
Ms Peterkin	Mr Chand
Dr Norton	Mr Alli
Mr J Khan	Mr Ramotar
Ms Adams	Mr Belgrave
Ms A Ally	Mr Mohamed
Dr Joseph	Dr Ramsammy
Mr Gouveia	Ms Rodrigues
Mr Alexander	Mr Nadir
Mr Bernard	Ms Shadick
Mrs Backer	Mr Xavier
Mr Allen	Dr Westford
Mr Carberry	Mr Sawh
Mr Murray	Mr Collymore
Mr Corbin	Mr Bisnauth
Mr Hoyte	Mr Gajraj
	Mr Chandarpal

Thursday, 29th November, 2001

Mr Baksh

Mr Kowlessar

Dr Jeffrey

Ms Teixeira

Mr Nokta

Mr Persaud

Mr Hinds

Total 25

33

The Chairman: Hon Members I have to report that the amendment is lost.

The question is that the Bill be reported to the Assembly.

Question put and agreed.

Assembly Resumes

The Speaker: Hon Minister of Local Government and Regional Development.

Hon Harripersaud Nokta: Mr Speaker, I beg to report that Local Authorities (Elections) (Amendment) Bill 2001, Bill 12/2001, was considered in Committee, clause by clause, and passed without amendment. I now ask that the Bill be read a third time and passed as printed.

The Speaker: Hon Members the question is that the Bill be now read a third time and passed as printed. Those in favour say Aye, those against Noe.

Thursday, 29th November, 2001

The Bill reported without amendment, read the Third time and passed as printed.

**3. SEVENTH PARLIAMENT OF THE CO-OPERATIVE
REPUBLIC OF GUYANA (CONSTITUTION AND PRO-
CEEDINGS) VALIDATION BILL 2001 - Bill NO. 5/2001
(Published 17.5.2001)**

A Bill intituled, an Act to validate the constitution and proceedings of the Seventh Parliament of the Co-operative of Guyana, constituted pursuant to the declaration on 19th day of December, 1997 of the results of the national and regional elections, and for matters connected therewith or incidental thereto.

Hon. Reepu Daman Persaud: Mr Speaker, on the other Bill, I wish to report that discussion between Members of the Opposition and the Chief Parliamentary Counsel, that is a legal grouping, is still continuing. I wish to move that the Bill be deferred.

Motion put **and agreed to.**

Bill deferred.

The Speaker: Hon Members, before we conclude today's business, a short while ago the Assembly referred the Medical Practitioners Bill 2001 to a Select Committee. The Members to comprise that Select Committee have to be nominated by the Committee of Selection. It is therefore necessary for the Committee of Selection to meet. As Chairman of that Committee, I am inviting you to a meeting immediately after this session in my Chambers in order to conclude that business.

ADJOURNMENT

Hon. Reepu Daman Persaud: Mr Speaker, I beg to move that the National Assembly stands adjourned to next Thursday, December 6, 2001, at 14:00H

Thursday, 29th November, 2001

The Speaker: The Assembly stands so adjourned.

Adjourned accordingly at 16:00 H