

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**

25TH SITTING

2.00 PM

Thursday, 09th May, 2002

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)

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| 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 (Absent-on Leave)</i> |
| 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 (Absent)</i> |
| The Hon. Shaik K.Z. Baksh, M.P. | - <i>Minister of Housing and Water</i> |
| The Hon. Navindranauth O. Chandapal, M.P. | - <i>Minister of Agriculture (Region No. 4-Demerara/Mahaica)</i> |
| The Hon. J. Ronald Gajraj, M.P. | - <i>Minister of Home Affairs (Region No. 3-Essequibo Islands/West Demerara)</i> |
| 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. | - <i>Minister in the Ministry of Local</i> |

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

* Non-Elected Minister

** Elected Member from The United Force

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

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

Mr Ravindra Dev, M.P.

OFFICERS

Mr Sherlock E. Isaacs, *Deputy Clerk of the National Assembly*
(Performing the functions of Clerk of the National Assembly)

Mrs Lilawtie Coonjah, *Principal Assistant Secretary (Finance)*
(Performing the functions of Deputy Clerk of the National Assembly.)

The Clerk read the Prayer.

ANNOUNCEMENTS BY THE SPEAKER

(i) Mr Frank Alston Narain, C.C. H., vacated the Office of Clerk of the National Assembly

Hon Members, Mr Frank Alston Narian, C.C.H. vacated the Office of Clerk of the National Assembly with effect from 1st May, 2002.

Mr Narain served the Government and Parliament of Guyana for a period of fifty-one (51) years. On behalf of the Members of the Assembly and on my behalf, I wish to extend our most grateful thanks to Mr Narain for the long, dedicated and efficient service he has given to the Government and Parliament of Guyana.

We would also like to wish Mr Narain continued good health, long life and a pleasant retirement.

(ii) Functions of Clerk and Deputy Clerk of the National Assembly

Mr Sherlock E. Isaacs, Deputy Clerk of the National Assembly and Mrs Lilawtie Coonjah, Principal Assistant Secretary (Finance) are now performing the functions of Clerk of the National Assembly and Deputy Clerk of the National Assembly respectively.

(iii) Leave

Leave has been granted from today's sitting to the Hon. Member, Mr Dalgleish Joseph.

PRESENTATION OF PAPERS AND REPORTS, ETC.

(1) By the Speaker of the National Assembly:

(i) Report of the Auditor General on the Public Accounts of

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Guyana and on the Accounts of Ministries, Departments and Regions for the fiscal year ended 31st December, 2000.

(ii) Annual Report of the Ombudsman for the year 2000.

(2) By the Minister of Housing and Water:

National Policy on land and House Lot Distribution

PUBLIC BUSINESS

MOTIONS

(1) CONSIDERATION OF FINANCIAL PAPER NO. 1/2002

BE IT RESOLVED:

That this Assembly approve of the proposals set out in Financial Paper No. 1/2002 - Supplementary Estimates (Current and Capital) totalling \$276,590,960, for the period 10th November, 2001 to 31st December, 2001 - advances made from the Contingencies Fund.

The Speaker: Hon. Members, we will now deal with Item 1 on our Main Order Paper, which is the consideration of the Financial Paper No. 1/2002. The Assembly will resolve itself into Committee of Supply to consider Financial Paper No. 1/2002.

In Committee

The Chairman: The Assembly is in Committee of Supply.

The Hon. Minister of Finance.

[The Minister of Housing and Water on behalf of the Minister of Finance]

Hon. Shaik K.Z. Baksh: In accordance with article 171 (2) of the

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Constitution and on behalf of the Minister of Finance I signify that Cabinet has recommended for consideration by the National Assembly the Motion for the approval of the proposals set out in Financial Paper No. 1/2002, *Schedule of Supplementary Provisions for Current and Capital Estimates for the period 10th November, 2001 to 31st December, 2001, totalling \$276,590,960* and I do move the motion.

The Chairman: Thank you, Hon. Minister.

Question proposed.

The Chairman: We will now consider the proposals of the Financial Paper. I draw your attention to Section A of the Current Estimates, page 1.

Any questions? [*Pause*]

Page 2 – Section B – Capital Estimates.

The Hon Member, Mrs Sheila Holder. Is it Section B or page 2?

Mrs Sheila V.A. Holder: Section B, the first item, with respect to the payment of the third quarterly installment of the HMS ORWELL. I would like to know if this ship retains its name, Her Majesty's name. What is the new name of the ship and why is it so named? Is this a contractual arrangement where the name is retained?

The Chairman: The Hon. Prime Minister.

Hon. Samuel A.A. Hinds: Mr Chairman, that ship has been renamed the GDFS ESSEQUIBO. [*Applause*]

The Chairman: There being no further questions, this completes... Sorry! The Hon. Member, Mrs Sheila Holder.

Mrs Sheila V.A. Holder: I have another question pertaining to Item 507- the Fire Tenders. In view of the recent upsurge of fires in the city and the general dissatisfaction of the public regarding the service provided

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by the Fire Service, could you say for me, please, whether these fire tenders are already in existence and in operation and where?

The Chairman: The Hon. Minister of Home Affairs.

Hon J. Ronald Gajraj: Thank you, Mr Chairman. The Fire Tenders are not here in existence. They are expected to be here later this year.

The Chairman: There being no other questions, Hon. Members, this completes the consideration of the Financial Paper. I will now put the Motion.

Question that -

the Committee of Supply approve of the proposals set out in Financial Paper No. 1/2002, Schedule of Supplementary Estimates (Current and Capital) totaling \$276,590,690, for the period 10th November, 2001 to 31st December, 2001 - Advances made from the Contingencies fund.

put and agreed to.

Assembly Resumes

The Speaker: The Hon. Minister of Housing and Water representing the Minister of Finance

Hon. Shaik K.Z. Baksh: Mr Speaker, I have to report to the Assembly that the Committee of Supply has considered Financial Paper No.1/2002 and passed it without amendment. I now move that this Assembly doth agree with the Committee's Resolution.

Question put, and agreed to.

Motion carried.

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BILLS/Second Readings

2. ENERGY SECTOR (HARMONISATION OF LAWS) BILL 2002 – Bill No. 1/2002 (Published 2002-03-11)

A Bill intituled, an act to harmonise laws governing regulatory functions in the restructured electricity and energy sectors.

The Speaker: Hon. Members, we will now proceed with the Second reading of the Energy Sector (Harmonisation of Laws) Bill.

The Hon. Prime Minister.

Hon. Samuel A.A. Hinds: Mr Speaker, Hon. Members, I rise to move the Second reading of the Energy Sector (Harmonisation of Laws) Bill 2002. This Bill seeks to harmonise laws relating to the regulatory framework in the electricity sector and to eliminate any potential conflict or ambiguities. This Harmonisation Bill comes out of considerations of the functions falling to three named entities:

- **The Public Utilities Commission**, which is an independent regulatory body,
- **The Office of the Prime Minister**, which currently carries responsibility for the Energy Sector at the executive level; and
- **The Guyana Energy Agency.**

The Bill arose out of the deep review of the PUC Act 1999, the GEA Act of 1999 and the Hydro-electric Act of 1956. The model, which has been adopted and implemented in the relevant legislation and statutory instruments, seeks to ensure the effective utilisation of personnel and financial resources. The Government's hope is for all the groups involved to develop, over time, their capabilities to handle their responsibilities well.

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Mr Speaker, Hon. Members, following the privatisation of the Guyana Electricity Corporation and the enactment of the ESRA 1999 and the PUC Act of 1999, it was thought that it would be a good thing to have an independent review, a third party review of all the relevant laws and so the consulting firm Stone and Webster of Washington, USA, was hired to review the applicable laws, working with a local support team and to make recommendations for the efficient administration of the restructured legal and regulatory environment with respect to energy, including electricity. Most of the recommendations presented by that team were accepted by my Government and are embodied in this Bill, which is now before this House for approval. Also those recommendations that could have been handled by ministerial guidelines were so treated in guidelines issued in November, 2000.

The amendments proposed in this Bill are limited to the Hydro-electric Power Act Chapter 56:03 and the Guyana Agency Act No. 31 of 1997. If we go to the Hydro-electric Power Act, and if we go to the Harmonisation Bill that is before us today, in Section 3 of the Harmonisation Bill, it seeks to amend section 6 (iii) of the Hydro-electric Power Act to make it discretionary rather than mandatory for the Minister to include in a licence for hydro-electric production, the rates at which hydropower may be sold to consumers. This amendment takes cognisance of the fact that the Hydro-electric Power Act was enacted in 1956 and since then there is the Public Utilities Commission. So the amendment provides the flexibility for the Public Utilities Commission to determine, on a periodic basis, the electricity rates which a hydro-electric producer may charge (I repeat) to a public utility. So whilst previously as envisaged in the Act of 1956, the Minister responsible for electricity would be the person setting the prices, this amendment here opens the door for the PUC to be involved in setting the price for electricity when it is to be sold to a public utility for onward sale to the consuming public.

Clause 3 of the Bill also adds a new proviso to Section 6 (iii) of the Hydro-electric Power Act that parallels the standards for issuance of licences to independent power projects under Section 4 of the Electricity Sector Reform Act 1999 and, among other standards, the provision

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requires, as I said earlier, that prior to the issuance of the final licence the Public Utilities Commission will approve the rate at which an independent hydro-power producer would supply electricity to a public supplier.

I would say here that we are conserving in these amendments the freedom for purely private sector relationships, that is, if someone is developing a hydro-electric station for sale of electricity to a related or unrelated smelter, for example, or for export to Brazil as some people speak about at this time, then there is no necessity for the prices to be included in the licence nor for the prices approved by the PUC, once it is not a case where electricity power prices are being passed on to the consuming public.

The further proviso in Clause 3 of this Bill ensures that the Boards of the enterprises concerned would have approved of the prices necessary

Clause 4 of the Bill amends the Guyana Energy Agency Acts in the following three ways:

Firstly in Subsection 5 (iii) of the GEA Act, which empowered the Guyana Energy Agency to establish and operate commercial energy related companies, that Section has been deleted.

The purpose of this amendment is to focus the Guyana Energy Agency on its role to develop and implement national energy policy and to monitor the performance of the whole energy sector in Guyana as it relates to the production, importation, distribution and utilisation of fuel and energy.

The removal of the right of the Guyana Energy Agency to establish commercial enterprises will remove any conflict that would likely arise, if it were to be at the same time in the business, where it may be required to monitor companies which it might be in competition with and the judgment is that that particular conflict would be one of concern to people in the private sector. There has been some concern established and so we have removed that section.

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Let me say, however, that whenever it is deemed appropriate and crucial for the government's involvement as an equity partner in any energy venture, then a vehicle other than the GEA can be considered, whether an existing vehicle, for example, like NICIL or one can create a special purpose company for that participation.

The second amendment to the Guyana Energy Agency Act has to do with the Authority for granting, modifying and revoking licences for hydro-electric powers, and the amendment seeks to put it with the Minister rather than at the level of the Guyana Energy Agency.

This amendment does consolidate authority over licencing functions under the Hydro-electric Power Act with similar functions under the Electricity Sector Reform Act, where those licences are vested in the Minister.

The Guyana Energy Agency will continue to serve as a key advisory agency to the Minister on licencing issues under both the Hydro-electric Power Act and the Electricity Sector Reform Act of 1999, because it relates to national energy policy and technical engineering aspects.

The third amendment to Section 10 (i) of the Guyana Energy Agency Act adds words that are intended to define the purpose for which the Guyana Energy Agency may request information from energy sectors, enterprises and with a view of initiating summary proceedings against defaulters.

The concerns have been perceived here, as the law is written. It says that the Agency may ask of enterprises information (more or less information as the words are). If we read the original law:

the Agency may request any producer, importer, distributor, processor, consumer of energy or any source of energy to provide any information in respect of his production...

but there has been concern that this may be interpreted much too widely and therefore the amendment is made which goes this way:

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We put in the words in the performance of its specified functions under Sections 5, 6 and 8. The Agency may require this information. So that it is beyond any doubt as to what sorts of information the Agency may require of enterprises in the energy sector.

Lastly, Clause 5 of this Harmonisation Bill. Jurisdiction is transferred from Electricity Sector Reform Act 1997, which has been repealed to the Electricity Sector Reform Act of 1999.

Mr Speaker, Hon. Members, when the ESRA was being revised in 1999 following the GEA Act to ESRA 1997, thought was given to what corrections, if any, needed to be made and they were handled, but it does appear that it escaped notice at that time, that we needed an amendment to ensure or to enact that references in the GEA Act to ESRA 1997 should be construed as references in ESRA 1999. So, Mr Speaker, Hon Members, this is but a tidying up Harmonisation Bill here coming out after there were significant reviews, changes in the sector and it sought also to bring up-to-date the Hydro-electric Act of 1956 - to bring it in line with the recent laws in this Sector. Mr Speaker, I would like to propose that this Bill be read a Second time. The Speaker: Thank you, Hon. Member. Mr Odinga N. Lumumba: I rise to support this Bill for many reasons. I think the most important factor here is that it reflects the Government's desire for openness particularly in the way it allows public scrutiny for major projects that will eventually affect the development of our society. Prior to the return to power of the People's Progressive Party/Civic it has become a norm, Mr Speaker, that projects, particularly those of grave economic significance, would be approved and implemented without scrutiny from public officials, the public, as a whole, and those entities that have the capacity to isolate, identify and pin-point corruption. In many ways, this Bill creates a window of opportunities where no one can accuse the Minister who is responsible of being draconian while implementing government's policy or being part of some clandestine operation to issue a contract to a company, whose offerings or benefits can be questioned in society.

In this case, Mr Speaker, the Minister in many ways will become

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almost a servant of the public and the Public Utilities Commission, in the sense that it can only issue an interim licence when a company seeks to invest in the energy field and even so at his discretion, the rate might be part of the initial agreement.

Mr Speaker, the final licence can only be issued with approval of rates that have been sanctioned and approved by the Public Utilities Commission. In essence, Mr Speaker, what this does is that it strengthens scrutiny and transparency. But, Mr Speaker, there is another element in this process that will lead towards more efficiency and transparency. It sends a signal to the international world that no longer there will be bottlenecks for investors in Guyana in particular within the energy sector.

An energy sector investor can interact with the Minister, who once he is convinced, based on scientific analysis, by means of relevant documentation and proper feasibility studies and once he assumes or believes that the project would not be detrimental to society and our environment he can immediately issue an interim licence which allows the investor to accelerate the process of raising capital.

Mr Speaker, another important aspect of this Bill is elimination of parallel decision making processes in particular the energy sector. In the past, we had too many shepherds among the sheep.

- This Bill will strengthen good governance,
- this Bill will eliminate conflict of interest,
- this Bill would clearly pinpoint the responsible entity as it relates to the decision making in the energy sector,
- this Bill also will go for a cost of fuel or renewable energy resources.

It will become clear now, Mr Speaker, that GEA will no longer be involved in the processing of these licences, issuing of licences, making pronouncements except it is a policy position on behalf of the Government.

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This Bill will only allow a one-track decision making process and that track will lead to the Minister, not to the GEA or any friend, just the Minister. However, in doing so, we must ensure that policy issues and areas of monitoring in particular, monitoring as it relates to quality of fuel as that comes in our country, in areas of sulphur content, *et cetera*, it still becomes and remains a fundamental concern of our Government. Thus the GEA will continue to become the watchdog in that area and also spend significant time to formulate policy that will expand investment opportunities or those who have capital to access our energy resources.

In essence, Mr Speaker, GEA must use its resources to study our total potential for development in the energy sector, but these studies must not remain on the shelf. GEA must collaborate with Agencies like GO-INVEST, the Private Sector Commission and other entities to make sure that our commercial resources become known entities by investors and professional studies and brochures, resource information kit must be developed, so that our resources can be marketed and eventually, we can have a more dynamic energy related field, which will eventually lead to the reduction of the cost of electricity not only to home owners but to our industrial and manufacturing sector. Thank you, Mr Speaker.
[Applause]

The Speaker: Thank you, Hon. Member.

Mrs Sheila V.A. Holder: Mr Speaker, I am grateful to the Hon. Prime Minister for putting into perspective what in fact was the intention of this Bill, as it pertains to the policy the Government envisages for the sector.

I would, however, like to point out what appears from my perspective to be contradictions.

The Hon Prime Minister pointed out to us that one of the objectives of the amalgamation of the Act is to create opportunities (let me read it specifically). It says here a standard, that the provisions require that prior to the issuance of a final licence, the rate at which power will be sold by an independent power producer, hydro-power or otherwise to

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a public supplier, will be approved by the Public Utilities Commission.

This is, from the perspective of the public, I am sure, a desirable occurrence. What puzzles me is how this policy can be related only to the providers as they pertain to the hydro-electric sector and not to the electricity sector generally. We must take, under advice, the fact that what plagues our nation at the moment is unbridled monopoly control of the electricity at the moment, by the GPL.

I would like, if possible, to hear that the Government has a long-term objective to deal with this undesirable reality. The consumer movement throughout the world had taken the position and they maintain it to this day, that monopolies are problematic for consumers wherever they are and whichever part of the world they function and so to the extent that the status quo would remain the same with respect to the operations of the monopoly supplier in this country, the future looks bleak for the consuming public and I would like to see and hear at which point in time this particular concern will be addressed by the Government of Guyana. The Hon. Member, Mr Lumumba, made the point that this will provide an opportunity for strengthening the scrutinizing and transparency aspect of this sector. Well, this is good news, this is extremely good news to members of the public, because the general belief is, that there is need for greater transparency and greater scrutiny in all our activities at the national level, to the extent that provision is only provided for an interim licence and not a full licence, is to some extent understandable, but I think it is necessary that the administration understands that there exists in the country, a real degree of doubt with respect to the element of transparency in the granting of licences of this sort. So to the extent that this will alleviate those suspicions, we can only express our pleasure as long as this reality comes to fruition. Thank you.

The Speaker: Thank you, Hon. Member.

Hon Samuel A.A. Hinds: Mr Speaker, Hon Members, I think that I want to set the Hon. Member's concerns at rest, that with respect to approving of rates for sale of electricity between a hydro-producer and

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a public utility whilst this Harmonisation Bill seeks to make it very much so, very sure by amending the Hydro-Electric Act, it already exists in ESRA that any ITP that is selling power to a public utility, those rates need to be approved by the PUC, but the law does allow that where there is an arrangement between an ITP and a large enterprise, that in those cases the public is not involved. It can be a company transaction. Although we are not here discussing the issue of how the electricity sector is regulated at this time. I nevertheless, would like to respond to some comments by the Hon. Member about monopoly and electricity sector.

One can make a distinction, and in many places does make distinctions between the generating sides of the electricity sectors as a whole, the transmission and distribution side, the commercial side and so on. In many jurisdictions where there is a monopoly, there is also restriction(s) on self-generation. I would like to say again here, that in our law, everyone has the right to self-generate and this may be a particular concern to companies, large consumers, everyone within the area of GPL or any utility in Guyana has the right to self-generate.

Also in the arrangement, seeing the position we take from many generation problems, T and D problems, we have put in place that within five years of that Act from October 1999 to October 2004, from that point on, power generation would be fully competitive. Even as it is, and, if I recall, the ESRA did take notice of proposals at the time by GUYSUCO for co-generation and for offering power to the utility and it took notice also of the Amelia Hydro-electric Project which was being pursued at the time. So even now, the utility, the Guyana Power and Light has to take notice of those developments, but after 2004, the generation of electricity would be totally opened and competitive and one of the task of all those in the regulatory environment would be to get in place by 2004, all the detailed regulations and procedures for advertising for proposals for generation as it is required by the utility.

I know too, there are some people who speak about going steps further. There is a term called *wheeling* where individual producers, generators can sell to customers of their choice and to utilise transmission

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and distribution systems of the utility. In fact, I remember seeing, Mr Gaskin making a very pertinent point in comparison ...*[Interruption]*

The Speaker: You mean Mr Ramond Gaskin.

Hon Samuel A.A. Hinds: Yes, Mr Ramond Gaskin, making a very pertinent point once, comparing electricity sector and the telecoms sector as of today that with the advent of cellular technology, wireless technology, it has more or less greatly remove the arguments for monopoly in the telecoms sector.

In the electricity sector, there is still the need for cables transmitting power between generators and consumers. So we are looking at that area, we are aware that in larger jurisdictions there are arrangements called *wheeling*, as I said earlier where there are generating companies and they can have any number of selected consumers at different points in the system, but those systems are very large systems and they are very well-developed systems. We have, today, a very small system still eighty-five megawatts maximum and still in very early stages of development and layout. We are still looking to put in the first sub-station. Basically we are just at the very first step of a generator and a long feeder line going out to people without sub-station. So, we think that at some time it may be appropriate to take those further steps that when those times come, we certainly would do those things.

Let me say too, on the question of transparency, just to remind that the procedure requires that all licences be published in the Official Gazette. So all licences are published and people who are interested do obtain to that.

So, Mr Speaker, with those further explanations, I would like to move that this Harmonisation Bill, 2002, be read a Second time.

Question put and agreed to.

Bill read a second time

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The Speaker: The Assembly will now resolve itself into Committee to consider the Bill clause by clause.

Assembly In Committee

The Chairman: Clauses 1 to 5

Clauses 1 to 5 agreed to and ordered to stand part of the Bill as printed.

Assembly Resumes

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

3. GUYANA TOURISM AUTHORITY BILL 2002 – Bill No.2/2002 (Published 2002-03-11)

A Bill intituled, an Act to provide for the incorporation of the Authority, to define its functions and for matters connected therewith or incidental thereto.

The Speaker: Hon. Minister of Tourism, Industry and Commerce.

Hon Manzoor Nadir: Mr Speaker, I beg to move that the Guyana Tourism Authority Bill be now read a Second time.

Mr Speaker, I am of the strong conviction that the development of tourism is seeking another watershed with the passage of this Bill and the operationalisation of the Guyana Tourism Authority.

The Guyana Tourism is being established to give focus and greater attention to the development of this industry. This, Mr Speaker, is in the box thinking - thinking that has worked. Tourism Authorities or Boards have helped accelerate tourism development in every country where such bodies have been established. It is interesting to note, Mr Speaker, that Hawaii, (I guess ½ million tourists per month) moved in 1999 to establish such an authority, while Costa Rica, after decades of driving tourism

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development from within the Government, had to move to establish such a body.

Mr Speaker, the authorities work better than Government Departments because they allow for the separation of policy from execution. This Authority as I said earlier will operationalised the execution of Government's policy, it will allow us to focus on the role of facilitation and planning so as to ensure the medium and long term goals for the industry. While the Authority itself will look at the execution of programmes to fulfill that policy, it will also look at the analysis of what is happening in the industry and at generating new proposals for further consideration as we have technical experts and those who are participating in that sector come together towards developing long-term goals for the sustainable development of tourism.

Mr Speaker, secondly, why Authorities work better is because they allow for speedier decision- making. The Tourism Authority brings with it the ability for greater flexibility and speed in executing the much-needed mandate of tourism development.

Marketing decisions often need to be made in a less bureaucratic fashion and to be eased out of the bureaucratic conditions that exist within Government.

Mr Speaker, we have a very good example to show how bureaucracy can reduce the speedy implementation of proposals when marketing conditions change suddenly. If you look at the Caribbean Emergency Marketing Programme, after September 11, which has twelve different governments signing on to it, that programme never got going and is now about to be implemented.

Mr Speaker, the Authority will allow for better staffing. Given the current wage structure within the Guyana Public Service, the Authority would be in a position to offer a better package and so attract appropriately qualified staff and much needed other resource persons to serve in this sector.

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Mr Speaker, perhaps the most important rationale for establishing this Authority is that it will promote better the concept of PPP. Mr Speaker, I am speaking of greater Public/Private Sectors partnership. *[Applause]*

The industry will only see exponential growth that we want, if there is this formal and legal structure of cooperation between the Private and Public Sectors. Over the last ten years the relationship between the Government and the Private Sector within the Tourism Industry has grown tremendously. Today, we sit around a table and share and co-ordinate our annual work plan. This exercise ensures that we are complimenting each other with our activity and bring even more ideas to the table. In an environment of limited financial and human resources such exercises are essential.

For these reasons, Mr Speaker, the call for an Authority has resonated from all sectors and for a very long time. For some years, the Private Sector has called for a Tourism Board or Authority that would give the once ad hoc, though improved, relationship between Government and the Private Sector a formalised structure. This legislation seeks to do just that by creating that institutionalized framework in which the Public/Private Sectors partnership can be effective.

Mr Speaker, in May 1996, the report from the National Development Strategy Tourism group called for a legislation to be enacted to establish a Tourism Board.

In addition to the NDS, Mr Speaker, the Tourism and Hospitality Association noted in February of 1999, at the Third Annual Policy forum that the absence of a Tourism Board is perhaps the single major deficiency in Guyana's tourism marketing strategy. Mr Speaker, the Hon. Dunstan Barrow, then sitting member of the People's National Congress, in the 2000 Budget Debate issued an urgent call for a legislation to support the Tourism Industry. This GTA Bill does that also.

Admittedly, Mr Speaker, the gestation period for this piece of

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legislation has been longer than anticipated, but participatory democracy does take time. The positive results of that is that we have had time to consult with the stake holders and the many circulations of drafts, comments from especially the Tourism and Hospitality Association have led to a document today, that is largely consensus in nature.

Mr Speaker, what will be the functions of this Authority? These are outlined in Section 4 of the Bill. We have identified marketing as one of the important functions of the Authority and this was set out in the National Development Strategy and I have that before me and I quote:

One of the main functions of the Authority will be marketing Guyana as a tourism destination.

Indeed internationally, we are still confronted with the no-image or negative image syndrome, but this is changing as more people visit our beautiful country and the positive word is spread. We do need to accelerate the pace of our image creation and our recreation and to take advantage of the opportunities that are available for the type of tourism we are advocating.

Mr Speaker, the Authority will make national positions. It will ensure that we make plans and adopt positions that will deal with the industry and not of special interests within the industry.

The Authority will be able to seek funding from a wide range of sources from regional and international bodies and stand to benefit from the range of opportunities available only to PPP bodies (again Public/Private Sector Bodies).

The development of standards was also captured in the Bill. This Bill has in it the development of standards for the regulation of the industry, which is vital to give us the competitive edge that we need.

The tourist in 2002, whether domestic or foreign is more educated, more exposed and is demanding higher standards and greater value for its money. It is imperative that we deliver in order to compete in a

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globalised economy in an industry that has very high standards.

Mr Speaker, the Guyana Tourism Authority is said to ensure that the sustainable development of the tourism sector, which is critical to Guyana's economic success does happen.

The scope of the Authority is broad and in any one-year the work plan focuses on many different segments. At the national level we will be institutionally stronger, more human resources will be devoted to development of one of our priority sectors - a welcoming situation, far removed from what government's policy over ten years ago was. At this time we are not going to become a masked market for millions of tourist per year, but we are putting the institutions in place to make tourism a leading sector in our economy as it is in the world economy.

Mr Speaker, on March 27, the Leader of the Opposition, Mr Hoyte said, the prospects for tourism are bright as quotes in the *Stabroek News* of March 27,

The prospects for tourism are bright and there is a special responsibility on Government to craft appropriate development policies for the sector.

Mr Speaker, the prospect for tourism is bright because of the policies, which the Government has set in train since it came to Office and it started with the policy way back in 1993. Mr Hoyte, in that article, spoke of abolishing visa requirement. He is talking about that in 2002, when that was done in 1993 by the PPP Government. Mr Hoyte, in that article, spoke of an incentive regime. The incentive regime was set in place in 1995 by the Government and has been further enhanced in 2002 with this Budget. Mr Hoyte spoke of setting the policy position in place as he delivered that feature address to the Tourism and Hospitality Association. In the National Development Strategy, one of the more comprehensive strategy outlined was the Tourism Development Strategy 1996. Between 1992 and 2002, the Government has embarked on a programme to promote Guyana overseas as a tourism destination, and

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in 2002, we are at the point where we are going to formalise all of that work within the Guyana Tourism Authority.

Mr Speaker, here we are today at this watershed period, when we are putting in place the regulations, the structures for financing, the ability to set a formal public/private sector position in place so that we also can develop the largest industry in the world, Tourism, in Guyana. Mr Speaker, I beg the House to support this Bill. I thank you. *[Applause]*

Motion proposed.

The Speaker: Hon. Members, if you wish to speak please stand because if you fiddle with the button, I will not see you. It doesn't go on immediately. When you stand, I see you...

Yes, Hon. Member, Mrs Sheila Holder

Mrs Sheila V.A. Holder: Mr Speaker, the Guyana Tourism Authority Bill has indeed been very long in the waiting. The Tourism and Hospitality Association takes the position that amounts to one that says, better this Bill than no Bill at all.

My consultations with them indicate that they hope that an opportunity will be presented for them to achieve what they believe is necessary amendment to this Bill, so that it may in fact be similar to other sector legislation in the region.

The TUF Leader and now Minister responsible for Tourism, Mr Nadir, advocated that the Private Sector should be given the freedom and the latitude to function as the private sector to allow it to be the engine of our economic growth. As Minister with responsibility for the sector, he has been very useful in many regards, I have been told by the Tourism Association and I must say that to his credit, he has championed their cause and the cause of the sector and earn many a kudo for the efforts and assistance he has given to date to the tourism sector in this country. Why then, the question must be asked, should he fall prey to a political culture that exemplifies the uncontrollable desire for control?

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This Bill gives the Minister the power to give discretion, albeit, of a general nature to the Tourism Authority.

The Bill gives the Minister power to specify the terms and conditions of the instrument of appointment and re-appointment of the Authority.

The Bill gives the Minister power to terminate the appointment of Members on the Authority.

The Bill gives the Minister power to approve or disapprove the dismissal of the Director of the Authority.

The Bill gives the Minister power to approve the Authority's arrangement with persons upon such terms and conditions as he may see fit for the supply of services and facilities.

In addition an aggrieved person is also expected to appeal through the Minister a decision of the Authority, when it is the Minister who virtually approves everything done by the Authority.

And most of them concern the power given to the Minister to approve the appointment, terms and conditions of the Director, Legal Counsel and other such officers and employees as may be necessary for the discharge of the Authority's function.

It should be clear to all who have eyes to see that this Bill as presently crafted fails to embrace the new element re-enacted in Article 13 of our Constitution which says very clearly, must provide increasing opportunities for the participation of citizens and their organisations in the management of decision making processes of the State with particular emphasis on those areas of decision making that affect their well-being.

Furthermore, it is amazing that so much control and influence in the hands of the subject Minister is not seen to be out of sync with the new amendment to the Constitution. It is, indeed, out of sync also with similar sector legislation in the CARICOM Region and I understand that we have a responsibility to deal with the harmonization efforts of legislation

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in a Region where we are talking of having a single market and economy.

I would strongly recommend that Clause 17 be removed since it is perceived to be odious and leans very heavily in the direction of political control of the Tourism Authority. I submit that the more control exercised in administering the affairs of State, the more distrust and suspicion you circulate in the society. To put it another way, what you sow is what you are likely to reap. Thank you.

The Speaker: Thank you, Hon. Member.

The Hon Member, Miss Gail Teixeira.

Hon Gail Teixeira: Thank you, Mr Speaker.

This afternoon, there are two important Bills before the House, the Harmonisation of the Energy Sector and the Tourism Authority Bill. Both involve laying the foundations and creating conditions for economic growth and development through the legislative process and through providing legal measures to do so and they are both important terms, in looking at the economic development of Guyana. Obviously, all of this is premised on the political stability and issues of what the conditions are like in the country. I think we are told to recognize that whilst there are comments about the Bill taking a long time to come here, we also are to recognize what the tourism sector is like internationally, that unless we were able as a government to improve the level of water and electricity and in the case of telecommunications and roads, one could not then move towards really seriously addressing tourism. We all know in this House and outside of this House what the country was like before 1992, and what measures have been taken to try to reconstruct this country. So tourism itself and a legislative change or a legal change will do nothing if a number of these areas are still weak or the issues have not been addressed. I think we have to recognize that preparing the conditions for creating a tourism industry is also related to the level of investment in the issues of water, electricity, roads, communications and so on.

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regularisation of this sector, but I would like to comment before I get into the Bill itself on some comments that were made by the Hon. Member Mrs Holder.

I think one has to understand in these Bills, particularly those where there are entities that have been set up that are basically State entities and in which for all intent and purposes, at least now and in the near future, they would heavily rely on taxpayers' money and funds coming from the Consolidated Fund of this country, that someone has to call the shots, someone has to be the final person who is going to face the responsibility. Therefore until the time that a number of these entities are fully dependent on funds coming from their own sources and funds being raised (one hundred per cent of it being raised) by their own means, and there is Government Funds being used as allocation to these entities that there will have to be some oversight and responsibility taken on by a Ministry or a Minister particularly in terms of the issues raised in the Public Accounts Committee. So I think, we can't wish those issues away. It is a reality, when one looks at the Bill and sees how the funding will be appropriated for the Guyana Tourism Authority Bill, having been in Government for almost ten years now and looking at a number of these enterprises, the level of funds that are garnered outside of the government's funds are extremely limited, in most cases below ten to fifteen per cent of what is the overall operating cost.

The other aspect is about Discretionary Powers - discretionary powers for Ministers and/or Government Officials are enshrined in many pieces of legislation in various parts of the world and particularly having to do with areas as sensitive as tourism, where:

1. Issues relate to security, both for your own citizens and for those who are coming.
2. Issues to do with concerns of health and safety of those, again, who are here and who are coming.
3. The issues of safety in relation to the occupation of various areas

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of the country or visiting of various areas in the country.

One has to have those types of discretionary powers. I think the interpretation of discretionary powers is being used in very narrow political sense, but if there is an epidemic in your country or there are people coming in to your country from another country where there has been an epidemic, there are rules and responsibilities of a Government to protect either your citizens or those who are coming in and those discretionary powers which are not listed in the Bill will allow for a Minister of Health to advise the Minister of Tourism or a responsible Minister to control both or to check persons coming in, and for those of us who may have travelled around the world, you know, when you go to certain countries what health checks you are put through to ensure that you are not in any way contaminating their environment.

There are other important issues to do with the discretionary powers by a Minister from a security point of view and I think that these cannot be wished away by a level of Bohemian thought, as far as I am concerned, as to who calls the shots and who takes the responsibility. It is only at the Government level and mankind has not devised another method in governance to be able to determine who finally is responsible in certain sectors and in all ways of life. For example there are interesting cases in other parts of the world where there has not been certain controls and in which finally when the law suites come, it is the Attorney Generals of those countries and the relevant Ministers who ultimately face the responsibility, because they did not have an oversight even if controlled or given those powers by legislation. Ultimately the bucks stop somewhere. I think we have to be careful, otherwise you are producing a society that is anarchistic and in which there is no capacity by a Tourism Authority Board at this point to be able to have access to the kind of information and sensitive information that deals with tourism issues all over the world. So, you have visitors but that is not what happens when you look at tourism in many parts of the world. It does not mean that there are certain oversight or security mechanisms that are put in place, otherwise we would be extremely naïve.

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But to go back into other aspect of the Bill, I think that the Bill is extremely timely. It is important for us to regularise this sector and to establish standards and to improve the efficiency of the sector, which is presently in place and in the embryonic state right now. The efficiency methodology would make sure that even those of us who are Guyanese citizens, when we go to hotels, are served promptly, that their services are courteous, that the food is of a good quality. The impact on this can help us as Guyanese living here to also not be subjective to substandard hospitality services in a variety of places throughout this country. We would, also, hopefully, benefit, although it is rather perverse that we would have to have visitors here in order for us to benefit from a better standard of hospitality services. But the regularisation of this sector is important. Again, and the Bill points out the areas that the Tourism Authority Board will be looking at and in which a number of issues they will have to advise on are cross-sectoral, inter-sectoral and involving combinations of recommendations for amendments relating to both the private and the public sectors and including local government, communities, villages so that there is proper participation.

The important aspect, too, of this Bill is that it does open doors for economic opportunities both in terms of investment and, with the investment growth code and incentives regime that has been presented in this Parliament, it allows for some opportunities for those who wish to invest in this sector at the small family level by resident Guyanese or those overseas who would like to invest in a larger way.

The economic opportunities for this sector are there, but my own experience and observation of tourism in many parts of the world including the kind of tourism that we would be offering here is that these are not quick-fix investments, these are investments that will have to involve consistent efforts over a number of years before the fruits of that labour will be borne.

One of the aspects that I would particularly like about this Bill and the issue of tourism, is that it will and it does state in the Bill that the need for new skills to be developed in a variety of areas in terms of research

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survey work, marketing strategies, doing proper analyses of the types of interest people have in our overseas and in particular Guyanese in the diaspora who would want to come home and who also are interested in seeing Guyana, as many people who have lived here have not been able to see much of it.

But it also offers training opportunities and job creation and I am particularly interested in this for the hinterland residents and areas of Guyana where the eco-tourist resorts are now, and those that can be created in the future will offer jobs and skills training for those living in those communities, so it will lead to an improvement in the economic way of life of people living in those areas. Obviously there are also dangers in that and there are risks involved in that and it requires that the Tourism Authority Board in the promotion of tourism and the awareness of educational programmes work closely in tandem at the community level wherever these resorts or programmes and tour-guides will be going.

I think it is important that this sector offers areas for investment and, as I said, various levels of investment and certainly, we would hope that the Tourism Authority Board would also help in the modernisation of the approach towards tourism in Guyana. This involves, being able to get all the inter-sectoral, cross-sectoral issues right and there are major ones that are going to take quite a while to sort out, the airline packages between the airlines coming in to Guyana and matching up the connecting times and the visiting and special packages and hotel packages to make it attractive and not to put us out way beyond the reach of many people.

This industry, as Minister Nadir correctly pointed out is one of the fastest growing and the largest in the world, but does require extremely sophisticated high-powered arrangements and it is an extremely competitive industry across the world. As people get bored with maybe just white sand and blue seas, they want to look at something a little more adventurous, but not too adventurous and not too risky.

We have also seen the fragile nature of the industry - September 11 occurs and the Caribbean Tourists Industry is having major problems.

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But in the Guyanese context, there are things happening which we can build on in tourism, not only in eco-tourism, but also in conference tourism, events tourism, culture and sport tourism and what is a new area that is emerging of youth tourism. A specific type of tourist package arrangement for young people specifically between the ages of sixteen and twenty-five. Negotiations are going on with a number of these agencies particularly in the youth area to encourage that type of exchange which also leads to better relations between young people from different countries but allows for tourists to visit and to see various parts of Guyana.

Mashramani, for example, is one of the main events that brings visitors to Guyana. This is an area in which the Mash Committee has recognised our skills in terms of marketing. The event itself is weak and we hope with the new Tourism Authority Board and THAG, that we would be able to market Mashramani as the major festival in Guyana. From 2000 to 2001, we have brought in over 2,000 people just for Mash on an annual basis.

In the Sports sector, we know the amount of sports events and competitions that are being held in Guyana, that we have increased the number of persons coming in, either as contestants, officials or visitors for the various sports events. 1,000 people in the year 2000 to 2000 people in the year 2001 and we anticipate that that number will increase this year. This includes all the various events, the test cricket, the various competitions with the rifle association, rugby, weightlifting, football, *et cetera*.

There are major events being planned for Guyana in sports which have a tourist aspect and which can lead to increased visitors. These are, for example, coming up in the years 2004 and 2007 and this would also require, again, the inter-sectoral collaboration at the government level and the Tourism Authority Board and THAG to ensure that we have enough hotels, enough restaurants and so on, but some events will require a large number of visitors coming in and will put tremendous pressure on the variety of areas of government and the private sector to fulfill these needs, whether it is how we clear customs and immigration,

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the efficiency of the planes coming in, the service they offer, punctuality and movement around the country. These are going to be very interesting areas for new development in new areas for tourist endeavours.

One last comment and this is in terms of the recognition in the Region, not only by Ministry of Tourism and CTO, but also by the cultural sectors. Recently, there has been a meeting of UNESCO at the Regional level on what is called cultural industries, and the cultural industry is a contributor to the growth of tourism, because since September 11, the Ministers of Culture are looking more at pumping up the various festivals and carnivals in the Caribbean region to be able to bring people in as visitors even for short periods, to fill the gap of what is going on now. At this meeting a lot of attention was paid to the festivals being marketed properly and including Mashramani. So I believe that we have taken a while to get to where we have got to, but there are reasons why. These are not excuses, they are very clear objective reasons and we have to now move forward. This will challenge us in the government and, as I said, the tour operators and all the various people involved in this sector.

We have to organise our own mental approach to things, we have to develop much more sophisticated technical skills to be able to move forward.

Another issue - We require political stability. Last night's ranting and raving by the Leader of the Opposition does not help in any attempt to move the tourism industry forward and therefore we cannot ignore the behaviour of what the opposition is doing, in creating a climate that may or may not be helpful to moving this sector forward. As I said this is a fragile sector.

So we want to support Minister Nadir and also the work that has gone into this Bill, all the consultations that went on with major players and all the players that I know of in THAG and the Private Sector, various communities and Regions. I think this has been an important initiative. We wish to support it and as the Minister of Culture, Youth and Sport, we publicly pledge our support to those involved in developing

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the tourism sector and we believe we can be a firm and strong ally to work with. Thank you very much. [Applause]

The Speaker: Thank you, Hon Member.

The Hon. Member, Mr Ravi Dev.

Mr Ravi Dev:

I agree totally with Minister Nadir that tourism is a sector that holds great potential for our country, which I think almost every Guyanese would agree with.

I also agree with him that there is an absolute necessity for a Tourism Board to accomplish all of the functions that are enumerated in Section 4.

My comment goes to what Mr Nadir has himself set a stage for, which is, that in setting up this Board, he seeks to go outside of the box created by the constraints by a Government Department and I would like to feel that it is not only in terms of salary, because salary constraints merely are indices of the calibre of people that you hire. So I think that the box that has been sought to get into, is a new box, where there is potential for great creativity that is needed to awaken this sleeping giant. You know we hear it that we have so many sleeping giants in Guyana, but not many have been awakened, but I think that Minister Nadir would agree also that whatever institution we establish to awaken this particular giant will need great creativity. With that in mind, therefore, and all of what Minister Nadir has implicitly or explicitly articulated, I would like to offer these comments. And I, too, see in the overall ambit of this Bill too much control by the Minister. Creativity is something that needs a bit of freedom to express itself. I agree with the concerns stated by the Minister of Culture that ultimately the buck has to stop somewhere and, in this instance, it has to stop with the Minister of Tourism. But I would not like to believe that if we constitute a Board of the calibre of people that the instructions that we now have in constituting a Board, the flexibility it gives us, that we cannot give those positions to individuals who would it gives us, that we cannot give those positions to individuals who would

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not take their mandate seriously. If that is not so, then I don't think we can go anywhere in any endeavour in this country. I would like to say therefore that in terms of, let's give an instance, Article 5, where it says:

The Minister may, after consultation with the Authority or otherwise, give to the Authority such directions of a general character ...

That phrase *general character*, gives the Minister the ability to get into very specific instructions and we have seen in other instances where Ministers and other Officials of Government have interfered into workings of Boards such as this one as we seek to establish that goes to the very minutia of the operations of such board and it really demoralises such institutions and vitiates any effects that we are seeking to give them. I would have thought that a better phrasing would have echoed that of Barbados, where it says that such directions on policy and that is enough... that the Minister may couch his comments to the Board in reference to policy because that is what you set up these Boards with... that the Minister has set broad policy guidelines and that the Board will then execute such policies; but for the specifics of the execution, you have to give the Members of that Board some degree of leeway that is not intimidated by this more specific phraseology here.

Another instance of control that to me is stifling is in terms of appointment. The Minister may appoint all of the members - every member - of the Authority including the Chairperson and the Vice-Chairperson - *shall* meaning it is mandatory by the Minister. One would have thought that an organisation such as THAG and other institutions that have already proven their willingness to be serious in this field, that they might have been allowed to nominate a certain number of members. The Minister would still pass over them but at least there would have been an input from the players who are represented by institutions such as that.

Another instance is again in terms of termination, that the Minister basically can fire at will, and the only recourse is by Section 11 (e):

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The appointment of a member shall not be terminated under this section unless he has been given a reasonable opportunity to be heard. By whom? By the Minister? This is rather a circular arrangement which I don't think goes well for the functioning of this Authority. I don't want to go on ad nauseum. I just want to reiterate my major points, that if we are all serious about the development of this country, the experience of all of the countries which have shown development, it has shown that you can pump as much money as you want, you can push as much capital as you want, for instance most of the eastern bloc countries, but where they fail is that insisted on too much control, that in this modern economy, this modern globalised economy, you have to incorporate the creativity of the individual where their particular genius can address the particular circumstances that confront the institution or the business. When there is too much central direction we have seen that inevitably the Minister may have all the best intentions but in the real world out there we need the combined good intentions of all the people who are under us to be able to do the best job. So, with that comment I would plead that if, perchance, there can be any amendments at this stage that they be done towards loosening up the structures and then maybe the hope that beats in my breast may have some justification. *[Applause]*

The Speaker: Thank you Hon Member.

Hon Minister:

Hon Manzoor Nadir: Mr Speaker, first let me thank the Hon Minister Gail Teixeira for supporting me on the Bill and the Hon Member Mrs Sheila Holder for her kind words at the beginning of her presentation.

Mr Speaker, both Hon Members, Mrs Holder and Mr Dev, have made a mountain out of a mole hill with respect to the issue of control by the Minister. They are also forgetting that this is a state institution. This is not a private sector institution, it is a state institution and it will have to have the oversight of a responsible Government person, for example, the Minister. *[Applause]* If it was as simple as just creating an autonomous agency outside of government, and that this issue of tourism development

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had no Government business then the private sector could have established easily a board that it wants and perhaps with the Opposition members that it needs. But, this is a partnership to develop Guyana, to develop Guyana's tourism. So, we have chosen to go the route of a public/private sector partnership by going this route with the board.

In the Caribbean there is a situation, like Guyana is now in, with no Authority where Government can literally do what it wants. Or we can go to the other end of the spectrum, like the Bahamas that has an Authority independent of Government but with great collaboration between Government and the Authority. That is the spectrum. We have chosen to locate somewhere within that spectrum as most other Tourism Authorities have done. And, so, while my colleagues on the Opposition benches have made a lot of this whole issue of the control of the Minister, I think, what they are trying to do here is to spin a theory of the Government wanting to control all aspects of the private sector development of the country. We have dispensed with that since 1992.

Mr Speaker, we have inherited the Westminster System. In the Westminster System all such legislation has a responsible Minister. The Hon Member Mr Dev knows of the American system too well where there is a separation between the Legislature and the Executive. For example, the American Executive would make proposals to Congress - Congress can propose - and Congress can veto. In fact, that is what is reflected in this Bill. It is not that the Minister can fire at will. The Minister does not initiate action, the Tourism Authority does. That is where action is initiated. Nowhere in the Bill speaks of the Minister giving specific directions. It speaks of general directions not inconsistent with the functions of the Board. Those functions are clearly specified under Section 4(1).

Under Section 5(1) which the Hon Member Mr Dev spoke about, line 3 says,

... such directions of a general character not inconsistent with the provision of this Act

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The Minister's hand is bound by the Act.

Mr Speaker, on the whole issue of control, the Hon Member Mrs Holder said when she quoted Article 19 that the Minister has to approve of the supply of such services, facilities and so forth. She took a small part out of fourteen (14) lines. She focused on three (3) lines and ignored completely the whole section. The Section says:

With the approval of the Minister the Authority may enter into arrangements with persons under such terms and conditions for the supply of services and so forth

except that:

the Authority shall not seek the approval of the Minister... if the arrangements contemplated in Section 1 are satisfied, that the full financial implications have been communicated to all the Board members.

So here we are saying that for this Authority to make decisions everybody must be informed so you don't send the data to a few and withhold it from some.

And that *the costs to the Authority resulting from the actions can be met from the funds of the Authority.* All we are ensuring is that the Authority cannot spend from a bottomless purse. Financial prudence is the responsibility of the Consolidated Fund, the Government.

Mr Speaker, this whole issue of control is being confused with responsibility. The Government by getting a majority mandate at elections has the responsibility for the people. *[Applause]* Tourism development, the development of the economy, is part of the responsibility. The financial prudence of how we deal with taxpayers dollars is important.

If you note, Mr Speaker, in this year's Budget \$20 million is being allocated to this Authority - twenty million dollars - money of the peoples of Guyana The person best representing the people is the Government

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of the day, for example, through a Minister. So they are confusing the whole issue of control. There is no place in this Bill that speaks about the Minister wanting to control this Board and this Authority. If we wanted to do that we would not have created an Authority, we would have kept it within the Ministry. We are not going to shirk from the responsibility, from the mandate that was delivered by more than 52% of the people. And our Westminster tradition, our Westminster System, says there must be a responsible Minister.

Mr Speaker, Hon Member Mrs Holder also said that we should expunge Section 17 from the Bill. Again, we cannot allow the Authority to enter into contracts with people that would run the Authority bankrupt after the first year. We have guidelines. She wants us to take out how the Board will fix remuneration, conditions of service, totally from any Government oversight. That is what she is asking to be done. If you expunge that you are removing what little oversight exists in the hands of the Minister.

Mr Speaker, the final aspect that the Hon Member Mr Dev raised is the issue of the composition of the Board. He is alluding to the fact that there may, and there could be only Government appointees on the Board. He wants us to inbuild in the legislation maybe X number of people from the stakeholder organisations. One of the problems we have with the stakeholder organisations is who truly represents who. And while at this time the Ministry of Tourism, Industry and Commerce and the Government fully recognise the Guyana Tourism and Hospitality Association as speaking on behalf of the industry that body can change and be challenged, as the Hon Member Mrs Holder has been challenging the Guyana Consumers Association. So if we put THAG's name within the Bill and there is a split in THAG and the other organisation claims that it has greater representation and speaks on behalf of the industry, what happens if the Guyana Association of Travel Agents say we speak on behalf of the Tourism Industry? The Bill would have handcuffed us to one organisation. And so in principle, many times in Bills that have consumer representatives it does not name the Guyana Consumers Association. It is public knowledge of the Government's principled

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position of involving stakeholders in such boards and also the Opposition.

So this whole issue of the composition of the Bill that the Hon Member raised, I want to assure you, Mr Speaker, is, in my view, just a fly in the ointment and nothing of substance.

Mr Speaker, I urge that we support the Bill. *[Applause]*

The Speaker: Thank you Hon Member.

Question that -

the Guyana Tourism Authority Bill No. 2/2002 be read a Second time

put and agreed to.

Bill read a second time.

The Speaker: The Assembly will now resolve itself into Committee to consider the Bill clause by clause

In Committee

The Chairman: Hon Members, I have had no notification of any amendment to the Bill. With your permission, therefore, unless there is going to be an amendment, I would like to put all the clauses at one time. Is there any Member who wishes to move an amendment because I would except that clause.

Hon Minister.

Hon Manzoor Nadir: Mr Chairman, it is not an amendment but there are several errors of omissions. The article 'the' in front...

The Chairman: That would be an amendment. Could you mention the Sections which are affected?

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Hon Manzoor Nadir: I do not know if we start directly with the first page of the Bill. Section 3 on the contents page - *Establishment and Incorporation of 'the' Authority*.

The Chairman: We do not normally put those Sections. We start from Section 1, so I presume you can amend those without necessarily... The Bill starts from An Act to provide for the incorporation... So anything from there. Would you have those Sections available so I can except then?

Hon Manzoor Nadir: Another point of information, the note in the columns under Section 3 where I have several of such amendments.

The Chairman: What I am trying to get from you, Hon Member, is if you can indicate to me the clauses which you propose to amend so that I will put to the House all of the clauses save and except those which you wish to amend and then we will come back to those particular clauses and deal with your amendments.

Hon Manzoor Nadir: Clauses 3, 10, 18, 24 and 41. Mr Chairman, the Explanatory Memorandum, is that included too?

The Chairman: No.

Clauses 1 to 44, save and except Clauses 3, 10, 18, 24 and 41 proposed.

Clauses 1 to 44, save and except Clauses 3, 10, 18, 24 and 41 as printed agreed to and ordered to stand part of the Bill.

Clause 3

The Chairman: Hon Members, I propose the question that Clause 3 stands part of the Bill.

Hon Manzoor Nadir: Mr Chairman, I propose that we insert 'the' in the title in the margin of Clause 3 before 'Authority'.

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Amendment that -

the word 'the' be inserted before the word 'Authority' in the marginal column

put and agreed to.

Clause 3 as amended, agreed to and ordered to stand part of the Bill.

Clause 10

The Chairman: Hon Members I put the question that Clause 10 stands part of the Bill.

Mr Manzoor Nadir: Mr Chairman, for Clause 10, I propose to amend in line 2 the penultimate word 'fails'. It should be 'falls'.

Amendment that -

the word 'fails' in line 2 be deleted and the word 'falls' be substituted therefor

put and agreed to.

Clause 10 as amended, agreed to and ordered to stand part of the Bill.

Clause 18

The Chairman: Hon Members, I put the question that Clause 18 stands part of the Bill.

Mr Manzoor Nadir: Mr Chairman, Clause 18 in the margin - Powers and duties of Director. The word 'the' should be before 'Director'.

Amendment that -

the word 'the' be inserted before the word 'Director' in the marginal

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column
put and agreed to.

Clause 18 as amended, agreed to and ordered to stand part of the Bill.

Clause 24

The Chairman: Hon Members, I put the question that Clause 24 stands part of the Bill.

Hon Manzoor Nadir: Mr Chairman, the marginal note again - *Accounts and records of Authority* - that the word 'the' be inserted before 'Authority'.

Amendment that -

the word 'the' be inserted before the word 'Authority' in the marginal column

put and agreed to.

Clause 24 as amended, agreed to and ordered to stand part of the Bill.

Clause 41

The Chairman: Hon Members, I put the question that clause 41 stands part of the Bill.

Hon Manzoor Nadir: Mr Chairman the marginal note - Appeal of decision of Authority - that the word 'the' be inserted before 'Authority'.

Amendment that -

the word 'the' be inserted before the word 'Authority' in the marginal column

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put and agreed to.

Clause 41 as amended, agreed to and ordered to stand part of the Bill.

The Chairman: Let the Assembly resume

Assembly Resumes

The Speaker: Hon Minister.

Hon Manzoor Nadir: Mr Speaker, I beg to report that the Guyana Tourism Authority Bill No. 2/2002 was considered in Committee clause by clause and passed with amendments. I now move that the Bill be read a Third time.

Question that -

the Guyana Tourism Authority Bill No.2/200 be read a Third time and passed as amended

put and agreed to.

Bill read the Third time and passed as amended.

The Speaker: Thank you, Hon Members.

Hon Members, I think this is an appropriate time for us to take the adjournment.

Assembly Suspended at 15:56 H

Assembly Resumed at 16:34 H

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4. MOTOR VEHICLE AND ROAD TRAFFIC (AMENDMENT) BILL 2002 - Bill No. 3/2002, published 2002-03-11

A Bill intituled an Act to amend the Motor Vehicles and Road Traffic Act.

The Speaker: Hon Minister of Home Affairs.

Hon J. Ronald Gajraj: Thank you, Mr Speaker. I beg to move that the Motor Vehicles and Road Traffic (Amendment) Bill No. 3/2002 be read for the second time.

This Bill is one of a number of Bills which is proposed to be presented before this Hon House with respect to Traffic matters and in particular the Amendment of the Motor Vehicle and Road Traffic Act. That Act was enacted on 20th December, 1940 and even though over the years there have been some amendments there are still some deficiencies in the Act to meet the current traffic situation. As such the Motor Vehicles and Road Traffic (Amendment) Bill No. 3/2002 dealing with safety belts is one of a number of areas that are intended to be covered.

Mr Speaker, this Bill is an amendment of the Motor Vehicles and Road Traffic Act, like I said, and extends Section 45 of that Act to deal with the seat belts or the safety belts. There are basically six provisions the conjoint effect of which is to ensure greater safety in the use of the roads of this country. We are not singular in this regard. As a matter of fact several Caribbean jurisdictions have already enacted similar legislation. That underscores the importance of such a Bill. Perhaps, if at all, we might be somewhat slow in bringing the Bill before this Hon House. But, that, Mr speaker, resulted from a process which was embarked upon by the Government of Guyana having regard to its policy of inclusiveness. We have had consultations throughout the country and have been cognisant of the views, opinions, suggestions and recommendations that have been advanced by members of the public as well as other stakeholders in arriving at the provisions that constitute the

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Bill that is before this Hon House. It, perhaps, might be argued, Mr Speaker, that it is somewhat unfortunate that we have to, sort of, impose discipline on the part of the travelling public. We have tried, we have started, we are continuing and we will continue to seek to educate the public as to the advantages of the use of the road safety seat belts. We feel, Mr Speaker, that it is now appropriate for us to introduce legislation that will make it mandatory for certain passengers in vehicles to be wearing seat belts. We are cognisant as well, Mr Speaker, that having regard to the resurfacing of roads that have been done within recent years, speeds of varying degrees have embraced our roads resulting in accidents that saw untold suffering, severe injuries, loss of limbs and even loss of lives. The objective of this Bill is to reduce, if not prevent, such injuries, such loss of limbs, such loss of lives, not to mention the economic drain that it has caused to this country.

Mr Speaker, several studies have shown that the safety belt use is the most effective short term way to significantly reduce deaths and injuries from traffic accidents. Increased use of safety belts, therefore, must be one of the nations highest traffic safety priorities. Studies have shown also, Mr Speaker, that safety belts reduce injuries in accidents involving drunk drivers, speeding, aggressive drivers and other road traffic related factors. Buckling up substantially reduces serious injuries and fatalities in roll over crashes as well. Against that background, Mr Speaker, this Bill has been drafted. As stated in the title it amends the Motor Vehicles and Road Traffic Act and will come into operation on such date as the Minister, by order, will appoint. Different sections shall come into operation at different times as the Minister may determine.

Mr Speaker, Clause 2 of this Bill introduces a number of definitions including the definition of the seat belt. Basically we have come up with four devices that can be considered sufficiently safe to be used by passengers particularly in the front seat of the vehicle. It is mandatory that the drivers of motor vehicles, except in limited cases, wear seat belts. And every passenger who travels in the front of the vehicle is also required to wear a seat belt.

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Section 45, Mr Speaker, has had added to it six sections, the first of which prescribes the type of seat belts that are approved for use in the vehicles and in addition gives the Minister the power to approve any seat belt assembly duly certified by the Guyana National Bureau of Standards.

Early in this Hon House, Mr Speaker, my colleague sought to differentiate between control and responsibility. And while authority is granted to the National Bureau of Standards to determine what might be an acceptable device to be used in a vehicle as a seat belt, it is for the Minister to give approval and he does so by way of publication in the Official Gazette as well as in a daily newspaper.

Section 45(D), perhaps the most important section in the Bill, stipulates that every motor vehicle shall appropriately be equipped with a seat belt assembly for the front seats, for the driver and every passenger, and prescribes a maximum penalty of not less than \$10,000 or more than \$15,000. It is apposite to point out here, Mr Speaker, that on the first offence, the guilty party is liable to a fine of not less than \$7,500 nor more than \$10,000. But on a second or subsequent conviction he/she is liable to a fine of not less than \$10,000 or more than \$15,000. There has been much debate as to the severity of sentence, and, of course, the Courts have been granted certain discretion with respect to the penalty to be imposed. But in the provision of this Bill, Mr Speaker, it will be noted that that discretion is, to some extent, limited in that it has a lower ceiling as well as an upper ceiling. It is up to the discretion of the court to award a penalty that fits anywhere between the lower and the upper ceiling.

The Bill, Mr Speaker, does not make provision for any custodial penalty. However, it is felt that the fine would be substantial enough to serve as a deterrent and, as such, drivers and front seat passengers will ensure that the vehicles are fitted with approved seat belt devices, and not only are the vehicles fitted but that the seat belts are used. So, while there is an obligation on the part of the driver to ensure that the vehicle has fitted, approved seat belt devices, an obligation is also imposed on

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the passengers to ensure that he/she wears the seatbelt whenever travelling in the front of the vehicle.

Section 45(E) (2), Mr Speaker, is also a penalty clause and that takes into consideration the motor vehicle being used in contravention of the provisions of this Bill. Similar penalties have been provided for the none compliance of the motor vehicle with respect to the fitting of approved safety belt devices. Section 45(E) specifically states that,

every person who drives or rides in the front seat of a motor vehicle shall wear a seat belt.

There are, however, exceptions to this rule. For instance, a person who holds a valid exemption certificate issued by a registered medical practitioner on a specified form, approved by the prescribed authority, or, a person driving or riding an invalid carriage. It also provides a penalty for the person who would have ridden a vehicle without complying with the provisions of this Bill.

Not only does the Bill address seat belts with respect to adults, Mr Speaker, it takes into consideration children who are carried as passengers in a vehicle. What is significant to note here is that in this Bill the determining factor of a child is not the age, according to the interpretation clause. The determining factor is the physical proportions of the individual. In a nutshell, Mr Speaker, what determines a child is if the height, the size and other physical features of that individual are as such that it could possibly pose problems with the upper fastening end of the seat belt. If it does then that individual is considered a child for the purpose of this Act. It is significant to note that a person, be it a child, as defined by this Act, or be it an adult, as is defined by the interpretation of the General Clauses Act, all are covered with respect to the use of the safety belt. Mr Speaker, it is apposite for me to point out here that we are cognisant that there might be some vehicles out there that are not fitted with safety belt devices. I wish to inform this Hon House that the Government is disposed to consider duty free concessions for the importation of seatbelts, seatbelt devices and components of seatbelt devices. We want to ensure and

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we want to give everyone an opportunity to put himself as well as his vehicle in order so that every passenger who travels in the vehicle will be afforded the opportunity to wear the seatbelt, failing which he/she does so to his/her prejudice.

Mr Speaker, I wish also to inform this Hon House that it is the hope of the Government to have presented very shortly for debate in this Hon House other Bills dealing with matters incidental to road safety. For example, the use of radar guns, the use of breathalysers, among others, so that we can have a comprehensive road traffic legislation to deal with the dynamics of the traffic situation as it occurs on an everyday basis.

Therefore, Mr Speaker, I would wish to commend this Bill to this Hon House for approval.

Thank you. *[Applause]*

The Speaker: Thank you Hon Minister.

Hon Member Mrs Sheila Holder.

Mrs Sheila V.A. Holder: Mr Speaker, we would like to give our support to this Bill because it has been found that precious lives could be saved in road accidents if the occupants of vehicles were to buckle up before setting out on their mission.

Research done on the safety benefits to be derived from the adoption of a policy of compulsory use of seatbelts reveal that this safety measure was particularly observed when passengers occupying back seats were made to wear seatbelts as well. So, we are pleased that the amendments to the Motor Vehicle and Road Traffic (Amendment) Bill No. 3/2002 takes cognisance of this very important fact. We are however, concerned, Mr Speaker, that adequate time will be given to the driving public to have their vehicles properly fitted with the new seat belt requirement.

We also note that the Bill omitted to include another crucial safety measure, namely, the prohibiting of the use of a cell phone while operating

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a vehicle. Significant evidence exists today from research conducted in other parts of the world to prove that driving while operating a cellular telephone is the cause of a rapidly increasing number of road accidents around the world. In the circumstances, Mr Speaker, I would recommend to the Hon Minister of Home Affairs that he gives serious consideration to including a clause prohibiting the use of a cellular phone while driving a vehicle, with appropriate penalties for breaches of such a safety requirement.

I would like to take this opportunity, Mr Speaker, to appeal to conductors and drivers on behalf of minibus operators in particular to observe the law and to play their music low enough to allow passengers to recapture the art of conversation while travelling in their minibuses. One well known commuter has made the point to me that an attraction of travelling by minibuses used to be the ability to converse with each other. This is no longer possible very often these days because the operators, too often, play their music far too loudly in spite of the efforts on the part of the Guyana Police Force to curtail this particular activity.

In closing, the authorities as well as the general public, indeed, have a lot more to do and somewhere more to go before some semblance of order could be seen to prevail on the roads of our country.

Thank you. *[Applause]*

The Speaker: Thank you Hon Member.

Hon J. Ronald Gajraj: Mr Speaker, I want to thank the Hon Member for her contribution.

We are cognisant of the hambug that cell phones can be when used by drivers as vehicles are in motion. As I pointed out to this Hon House, this is only one of a number of issues to be dealt with. The loud music, the radar guns, the breathalysers, the cell phones among others are being addressed and, like I said, very shortly the relevant Bills should be presented before this Hon House.

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The Speaker: Thank you Hon Member.

Question that -

the Motor Vehicles and road Traffic (Amendment) Bill No. 3/2002
be read a Second time

put and agreed to.

Bill read a Second time

The Speaker: The Assembly will now resolve itself into Committee to consider the Bill clause by clause.

In Committee

The Chairman: Hon Members, since there are several amendments which are going to be proposed, and the Bill is a short one, I will put them clause by clause.

Clause 1

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

Clause 2

The Chairman: I propose the question that Clause 2 stands part of the Bill.

Hon J. Ronald Gajraj: Mr Chairman I propose that in Clause 2 (c)(i) the words 'a suitable' be replaced by the word 'an'.

Amendment that -

the words 'a suitable' in Clause 2(c)(i) be deleted and the word 'an' be substituted therefor

put and agreed to.

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Clause 2(c)(i) as amended, agreed to and ordered to stand part of the Bill.

The Speaker: There is another amendment, Hon Minister.

Hon J. Ronald Gajraj: Clause 2(f), Mr Chairman, I propose that the words 'and an attachment which is anchored at an anchorage point to the structure of the seat of a motor vehicle by appropriate means' be removed and the words 'and attachments anchored to the motor vehicle in accordance with section 45 A(1)' be substituted therefor.

Amendment that -

the words 'and an attachment which is anchored at an anchorage point to the structure of the seat of a motor vehicle by appropriate means' in Clause 2(f) be deleted and the words 'and attachments anchored to the motor vehicle in accordance with section 45 A(1)' be substituted therefor

put and agreed to.

Clause 2(f) as amended, agreed to and ordered to stand part of the Bill.

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

Clause 45

Clause 45 A, B and C.

Clause 45 A, B and C as printed, agreed to and ordered to stand part of the Bill.

The Chairman: I propose the question that Clause 45 (D) stands part of the Bill.

Hon J. Ronald Gajraj: Mr Chairman, I propose, with respect to Clause 45 D(1), that the word 'used' be removed and the word 'driven' be substituted therefor. And with respect to Clause 45D(2) the word 'uses'

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be removed and the word 'drives' be substituted therefor.

Amendment that -

the word 'used' in Clause 45 D(1) be deleted and the word 'driven' be substituted therefor

put and agreed to.

Amendment that -

the word 'uses' in Clause 45 D(2) be deleted and the word 'drives' be substituted therefor

put and agreed to.

Clause 45 D(1) and 45 D(2) as amended, agreed to and ordered to stand part of the Bill.

Clause 45 D as amended, agreed to and ordered to stand part of the Bill

The Chairman: I propose the question that Clause 45 E stands part of the Bill.

Hon J. Ronald Gajraj: Mr Chairman, I propose that Clause 45 E(2)(e) be deleted altogether and letter 'f' following immediately thereafter be deleted and the letter 'e' in brackets be substituted therefor.

Amendment that -

the Clause 45 E(2)(e) be deleted and that the letter 'f' thereafter be deleted and the letter 'e' in brackets be substituted therefor

put and agreed to.

Clause 45 E as amended, agreed to and ordered to stand part of the Bill.

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The Chairman: I propose the question that Clause 45 F stands part of the Bill.

Yes, Hon Minister.

Hon J. Ronald Gajraj: Mr Chairman, I propose that the word 'or' in Clause...

The Chairman: Hon Minister I will allow you to go back to Clause 45 E. You missed that one, didn't you, Sir? I am giving you permission to return to Clause 45 E.

Hon J. Ronald Gajraj: Mr Chairman, I crave your indulgence with respect to Clause 45 E(4).

The Chairman: Proceed, Hon Member.

Hon J. Ronald Gajraj: Thank you very much, Mr Chairman. That the word 'or' be removed and the word 'on' be substituted therefor.

Amendment that -

the word 'or' in Clause 45 D (4) be deleted and the word 'on' be substituted therefore

put and agreed to

Clause 45 D as amended, agreed to and ordered to stand part of the Bill.

Clause 45 F

Clause 45 F as printed, agreed to and ordered to stand part of the Bill.

Clause 45 as amended, agreed to and ordered to stand part of the Bill.

Assembly Resumes

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Bill reported with amendments as amended, read the Third time and passed with amendments.

MOTIONS

5. ESTABLISHMENT OF COMMITTEE TO REVIEW PUBLIC HOLIDAYS

BE IT RESOLVED:

That this National Assembly approves of the establishment of a Special Select Committee to review the public holidays appointed by the Public Holidays Act, Chapter 19:07, with a view to including as public holidays, the following days, namely :

Independence Day, that is to say, the 26th May, or, if that day is a Sunday, the following day, and

Arrival day, that is to say, the 5th May, or, if that day is a Sunday, the following day.

The Speaker: Hon Minister Mr Reepu Daman Persaud.

Hon Reepu Daman Persaud: Mr Speaker, I rise to move the motion standing in my name. The motion seeks to set up a Special Committee of the National Assembly to examine the calendar of national holidays with a view to incorporating Independence Day, May 26 and Indian Arrival Day, May 5 in the national holidays structure. For many years our holiday structure has not been examined and reviewed and, I think, it is most appropriate that Parliament devote and dedicate some time to have this done. With the passage of the motion expeditiously the Committee will be appointed to commence its works so that it can report as quickly as possible to the Assembly. This exercise will allow all who so desire or are inclined to make representation to do so because while two holidays have been identified - and they are well known, very popular - it does not in any way restrict or inhibit anybody else from making other

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suggestions generally on the structure. I thought of it as a simple motion and we need it because the permanent holidays of the country come under Chapter 19:07. It is headed Public Holidays Act.. All the holidays are listed in this act. Consequently, if there are to be changes, those changes can only come about with the approval of the National Assembly. I want to appeal to all Hon Members to give support to this simple motion and let us move the process speedily and give the nation an opportunity to pronounce generally on the holidays of the country.

Thank you very much. [Applause]

The Speaker: Thank you Hon Member.

If there are no speakers I will put the question.

Question that -

this National Assembly approves of the establishment of a Special Select Committee to review the public holidays appointed by the Public Holidays Act, Chapter 19:07, with a view to including as public holidays, the following days, namely :

Independence Day, that is to say, the 26th May, or, if that day is a Sunday, the following day, and

Arrival day, that is to say, the 5th May, or, if that day is a Sunday, the following day

put and agreed to.

Motion referred to Special Select Committee.

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**5. ESTABLISHMENT OF COMMISSION OF INQUIRY RE:
MATTERS CONCERNING GUYANA POLICE FORCE**

WHEREAS the Guyana Police Force is statutorily charged with the responsibility of crime detection and prevention and has since its establishment faithfully fulfilled its mandate in the face of difficult circumstances and should be so recognised and applauded;

AND WHEREAS despite the dedicated and gallant efforts of the overwhelming majority of ranks within the Police force to fulfil the mandate, the conduct of some policemen, particularly of the Target Special Squad, popularly known as the Black clothes Police, continue to engage in extra judicial killings, brutality, corruption and high handedness in relations with the public;

AND WHEREAS allegations of such brutality and extra-judicial killings have gone without proper or no investigation and prosecution and have been met with silence by the Guyana Police Force hierarchy, the Government and civil society:

BE IT RESOLVED:

That the National Assembly in expressing general satisfaction and appreciation to the Police force strongly condemn the high incidence of extra-judicial killings, abuse and mistreatment of citizens and call on the President to forthwith establish a Commission of Inquiry into the Leadership functions and effectiveness of the Guyana Police Force to make recommendations thereon which will redound to the benefit of the Guyana Police Force in particular and citizenry in general.

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The Speaker: The Hon Member who gave notice of this motion is not here. In the circumstances I direct that the motion be removed from the Order Paper.

BILLS/Second Reading

**5. WATER AND SEWERAGE BILL 2002 - BILL NO. 4/2002
(Published 2003-03-23)**

A Bill intituled an act to provide for the ownership, management, control, protection and conservation of water resources, the provision of safe water, sewerage services and advisory services, the regulation thereof and for mater incidental thereto or connected therewith.

The Speaker: The Hon Minister of Housing and Water.

Hon Shaik K.Z. Baksh: Mr Speaker, I beg to move that the Water and Sewerage Bill be now read a Second time.

Mr Speaker, the Government has embarked on a very ambitious modernisation programme for the water sector. This Bill will provide the framework for continuing this modernisation programme. The Government strongly believes that water is a crucial resource and is a key to sustainable development - social, economic and environmental. And the Government has the vision, that vision is to provide universal access to safe and affordable water over the next five (5) years. The Government also believes that there is a very strong linkage between the supply of water resources and the alleviation of poverty in this country. To that extent over the last decade the Government has committed significant resources for the rehabilitation of the water infrastructure in this country. Over the last ten (10) years over \$10 billion were spent on upgrading the water sector, specifically to replace thousands of miles of pipelines, both distribution and transmission systems, refurbishment and modernisation of over one hundred and twenty (120) pumping stations and the building of water factories (five of which have been completed or are in the process of being built right now). We have also drilled a

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large number of wells throughout country - over one hundred and fifty (150) - both on the coastland and in the interior locations. The results have been significant because many communities across Guyana are receiving a very good supply of safe and potable water. But, much more needs to be done and that is the reason why this legislation is before us today. We want to ensure water security for the entire population. Therefore, this Bill deals with the sustainability of water resources and the equity in its distribution. These are the guiding principles. The object of the legislation, as stated in the Bill is to provide for the ownership, management, control, protection and conservation of water resources; the provision of safe water, sewerage services and advisory services, the regulation thereof, and for matters incidental thereto.

Firstly, the Bill will set up a National Water Council which is an advisory body to formulate policy recommendations and to advise the Minister and to oversee the national water policy. This is much needed because when we look at times of El Nino, La Nina we know what happens, there is need for better coordination of the water resources of this country. This body will be able to assist in this direction.

Again, the Bill provides for a strengthened Hydrometeorological Department. It is important to note that the Bill provides for a distinction between the extraction of water and the distribution of water. At the present time the Guyana Water Authority has the sole authority for both the abstraction and distribution of water. But here now, the Hydrometeorological Department will be the body, the agency to grant licences for the abstraction of water and the new Utility which is to come into being, and will be known as Guyana Water, will be in charge of transmission, distribution and treatment of water.

There is a system of licencing which is embodied in this Bill. There are two important things to note. One is that existing rights of users will be protected, but, it also provides for fees to be charged for those private companies or private individuals which will be licenced to abstract water. There will be an annual administration fee and an annual abstraction fee based on the volume of water used. But it is important to note that the

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recovery cost will be no more than the administrative and resource monitoring expenses by the Hydrometrological Department.

Again, the Bill provides for a public supplier. And the public supplier will be Guyana Water which will have an exclusive licence to provide potable water and sewerage services. We are moving to a position whereby we have two major utilities, the Guyana Sewerage and Water Commissioners - which provides water services for Georgetown; and the Guyana Water Authority - which provides water services for other areas of the country especially the rural areas. This Bill will provide for that single utility to come into being and known as the public supplier.

Studies conducted by the KPMG and other groups have shown - and which the Government has accepted - that there are much benefits to be derived from having a single utility in terms of cost benefit analysis. Both in quantitative and qualitative terms a single utility has distinct advantages. In terms of the advantages I don't want to go into all of them.

Now, in terms of the public supplier, Section 48 deals with the rates to be charged and empowers the Public Utilities Commission to determine rates. But Section 49(1) provides, in the interim, before the Public Utilities Commission is charged with the determination of rates, I quote:

That the rates to be charged by a public supplier shall be determined in accordance with the mechanisms, formulae, principles and procedures set out in the licences granted to the public supplier.

It further goes on to state,

Notwithstanding the provisions of subsection 1 the Minister may, by order, fix a date upon which the rates to be charged by a public supplier shall be governed by Section 48

which gives the Public Utilities the right to set rates.

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But we need some time period before this can come into being. We need to strengthen the capacity of the PUC to properly regulate the water sector. Therefore, we have obtained assistance from the Department for International Development of the British Government to move in that direction of strengthening the PUC over the next two years. But it is contemplated that full regulation will take place in two years or shortly thereafter.

Also to note, in terms of service quality, Section 50 deals with that. It states,

... by order the PUC shall be responsible for monitoring regulating and enforcing service quality and dealing with customer complaints.

Mr Speaker, I want to draw attention to Part 11 Section 76,79 and 80 of Offences. Section 76 deals with tampering of water metres because the Government is moving, and the single utility, Guyana Water, is moving, over the next five (5) years, on to an aggressive water metering programme throughout this country. As we improve water supplies in various areas we are moving on to metering.

Section 79 deals with the negligence and willful waste of water. We have to conserve on water in this country and therefore certain penalties are imposed for that.

Section 80 deals with the pollution of water works, and here again we have a number of penalties.

Mr Speaker, the creation of Guyana Water will take place by Order of the Minister and this will be done very shortly. I want to assure this House that the Bill provides for the safeguard of the services of employees of the new entity. Section 90 (9)(a) provides for the continuity of service of the employees [*Applause*]

Section 90 (3) deals with the rights and obligations under the collective agreements to be protected.

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Section 90 (9)(b) deals with the terms and conditions of employment of the employees which are to be maintained.

So, Mr Speaker, overall, this Bill will really set the pace for the modernisation of the water Sector in Guyana which, when enacted, will be an envy to the entire Caribbean.

Mr Speaker, I commend this Bill to the National Assembly.
[Applause]

The Speaker: Thank you Hon Member.

Hon Member Mrs Sheila Holder.

Mrs Sheila V.A. Holder: Mr Speaker, the Minister has laid the foundation to provide the members of the Opposition with an adequate rationale for giving its support to this Bill being considered by this National Assembly at this point.

I would like, however, to make the point that regrettably this Bill that was published in the National Gazette on 23rd March, 2002 was only circulated to us a few days ago. In the circumstances I regret to say that the opportunity was not presented to us to consult with the appropriate stakeholders to ascertain their opinion with respect to this Bill. It is regrettable that this humongous Bill of some ninety odd clauses would be made available to us at such a short notice when in fact it was published on 23rd March, 2002.

May I, on this occasion, Mr Speaker, request that we break with this custom, as existed in the past, of giving these Bills their first reading but not circulating them simultaneously, particularly as the administration has expressed on a number of occasions its desire to break with the past and to be more transparent.

In the circumstances, therefore, all I can say is that a preliminary look at the Bill appears to be one that would lead us to give our support. But the support cannot therefore be forthcoming because we have not

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been given an opportunity to consult with the other stakeholders.

Thank you.

The Speaker: Thank you Hon Member.

Hon Member Mr Navin Chandarpal.

Hon Navin O. Chandarpal: Mr Speaker, I rise to support this Bill presented by my colleague, Hon Minister Baksh. Indeed, this Bill represents a most welcome development in that it treats water correctly as a natural resource and as it says in Clause 4,

Water is a natural resource and should be used so as to meet the needs of the present generation without compromising the ability of future generations to meet their needs.

Water resources should be equitably allocated for the social and economic benefit of the people of Guyana.

These two points, Mr Speaker, identify water as a resource which is central to our economic development. Guyana as a country which is heavily dependant on the agriculture sector will need to have proper management of water as that resource. The events of a few months ago, toward the end of last year when we experienced a long period of dry weather and the difficulty when the last rice crop started only serve to highlight this point.

Mr Speaker, in proposing the National Water Council in Clause 3 it is stated that among the functions of the council are

To review the National Water Policy and recommend such amendments as may, in the opinion of the Council, be reasonable in order to ensure the conservation, protection and wise use of water resources.

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I repeat,

in order to ensure the conservation, protection and wise use of water resources.

It goes further to state in Clause 5 that,

the Minister shall discharge his functions under the Act in the manner which is best calculated to ensure that,

(a) water resources are equitably allocated for the social and economic benefit of Guyana.

(b) water resources are used in an efficient and sustainable manner

(c) water environment is adequately safeguarded

(d) communities and assets are protected from severe hydrological events and

(e) changing patterns of water availability and use are sensibly accommodated.

Mr Speaker, these five points which are stated here to guide the Minister in his actions point to a wide range of needs in dealing with water as a natural resource. Here in this Bill we are providing for shared responsibility, that in carrying out its functions the new company and the water council will be heavily dependent on the support of the Hydrometeorological Department because this Bill goes beyond dealing with the provision of water to the consumers.

It goes further, Mr Speaker, to treat with water resources at the source, to treat with water resources in terms of the fact that we are dependent on the water that we deliver to people from a number of natural resources. It is here, Mr Speaker, that we find another welcome development in this Bill. That is, it gives us an example of inter-agency cooperation and it also gives us an example of the way in which we need

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to have, in various aspects of our national development an integrated development approach. By this, I refer to the fact that what is proposed in this Bill is very much consistent with what has been developed in the National Environmental Action Plan. In that National Environmental Action Plan there are a number of cross-sectoral issues that are highlighted. One of these is Integrated Water Resources Management. That National Environmental Action Plan proposes a number of actions to deal with Integrated Water Resources Management. I just want, Mr Speaker, to point to what these are. It says here under the Action,

1. Streamline through technology the improvement in hydrological data collection, compilation systems and coordinate the effective dissemination and exchange of information.
2. Develop and promote long term studies of ground water aquifers to determine resource capability, capacity and sustainability potential.
3. Coordinate action programmes for watershed management, water conservation and land use management.
4. Coordinate action programmes for improved testing and monitoring of water control, quality and delivery through the control, safe use and management of industrial chemicals, fertilizers and agriculture pesticides.
5. Coordinate action programmes for the rehabilitation of coastal sea defenses, drainage and irrigation systems, for surface water storage, availability and quality.
6. Coordinate action programmes for national environmental public health and education awareness.
7. Oceanographic monitoring of water quality and dynamics.

Mr Speaker, we see here the fact that in the development of the water sector we are following those actions which are suggested in the National Environmental Action Plan. And this is the way it needs to be.

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The Integrated Water Resources Management needs to bring into focus all these different aspects. We need to study and understand our water sources. We need to find out whether the continued use over the years have depleted these resources. We need to put in place systems for continuous monitoring. And by what is proposed in this Bill we are also looking to the Hydrometeorological Department to coordinate and to lead that process.

Mr speaker, the Bill also provides for licencing of those who wish to utilise these water sources in a way that would impact with some degree of severity. An introduction of the licencing process would allow for greater control to ensure that whenever someone seeks to utilise our ground water resources or water from our aquifers that these processes would be carried out in a way that would ensure that we protect these sources.

It goes further in terms of inter-agency cooperation to say that wherever the request for use of these sources would seem to have a significant impact on the environment that the Environmental Protection Agency would be required to give the necessary environmental impact assessment approval. So, Mr Speaker, we are seeing here a well thought out and developed approach which allows for total protection of water as a natural-resource for it to be used for the common good and in the end for water to contribute to the development of those sectors of our economy which will only lead to greater production, productivity and greater benefits for the people of our country. In the same way as water is an important social element, it is something which people need for their lives. We can therefore see the use of water as a resource in Guyana for the betterment of the entire nation, the national economy and the people as a whole.

With that, Mr speaker, I would like to commend this Bill and ask that we give it our full and total support. *[Applause]*

The Speaker: Thank you Hon Member.

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Hon Member Mr Ravi Dev.

Mr Ravi Dev: Mr Speaker, I just want to be on record that I fully agree that water as a basic need for human existence, much less life, is there, and that it is very unfortunate that we have had almost no time to actually go through this Bill with our constituents. It then forces me to comment based on my personal problems with water and the Guyana Water Authority. I was very happy to see in Clause 54 that when the Authority rips roads they are going to restore them to, I quote,

as good a condition as they were before.

Personally, I have had to pass over at De Willem a trench, perhaps not as large as the one at Buxton, but then they have more enthusiastic workers there than the Guyana Water Authority, and no one has repaired it.

I have a question, because there is a penalty if the road is not brought back to snuff. I am being educated by Minister Nadir that the buck stops at the Minister. In the Penalties Schedule, Penalties C it says,

there will be a fine of \$20,000 and four months imprisonment.

So, am I to assume that the Minister will be imprisoned for four months if the road is not fixed according to the condition it was in before, Mr Speaker?

Mrs Shirley J. Melville: Mr Speaker, I am very happy to hear about the emphasis placed on the importance of water.

Speaking on behalf of my Region also, I would like to remind the Minister that there is definitely the need for consultation when expensive costing of wells are being done. We have had some very terrible experiences recently and it was definitely because consultation was not done within the community. A very expensive well had to be abandoned.

Also, I would like the Minister to clarify the 'bit' on the bore holes,

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of existing ground water and uses of ground water. We are in question about existing wells that are used by the majority of the people within our communities. We would like a clarification here as to whether we, the people within the hinterland would also have to be applying for the licence for wells that are privately owned already, because you must know that there are quite a majority of wells being privately owned within the Region. Thank you.

The Speaker: The Hon. Minister of Housing and Water.

Hon. Shaik K.Z. Baksh: Mr Speaker, in reply to the Hon Member Mr Dev, this is intentional, on the part of the Minister, to ensure that the public utility does not get away with breaking up of roads and this was directly incorporated into this Bill here, to protect the various communities...*[Interruption]*

The Speaker: Without doubt, Hon. Minister, the breaking up of the road in Kingston is continuing for several months with great interruption to the people of Georgetown and it is part of this.

Hon. Shaik K.Z. Baksh: There is a tremendous technical difficulty with that leakage which has occurred with one of the main transmission lines and it is taking quite some time. We have to acquire more up-to-date technology and this is what this whole process is about. As you know, Mr Speaker, we are bringing a performance based management contract for the single utility, Guyana Water.

With respect to the other, Hon Mrs Melville – the Lethem Water – yes, all, we would want to have a register of all the wells including the wells in the hinterland. It is good to monitor the use of water and for the development of the aquifers and so on. But it protects, as I said, existing users of ground water and surface water. As I mentioned, in the Bill Clause 18 (ii) states:

All existing rights to own, use, abstract, manage and control the flow of water are hereby saved upon the terms

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of the grant or other lawful authority to which they are held.

And also there is a clause here about the protection of Amerindian areas. I am trying to get the clause here, it is in the Bill. It provides for the protection of the Amerindian areas. It states here, saving of existing rights again, we are strengthening that – Clause 94 (ii):

All lands occupied or used by an Amerindian Community and all lands necessary for the quiet enjoyment of any Amerindian settlement shall be deemed lawfully occupied by them.

Thank you.

The Speaker: Thank you, Hon. Member.

Question put, and agreed to.

Bill read a Second time.

In Committee

The Chairman: **The Assembly is in Committee. Hon. Members, the Bill has ninety-five clauses. I take it that you will have no objection if I put all the Clauses including the first and the second Schedules as one at the same time.**

Question Proposed

that Clauses 1 to 95 and inclusive of Schedules I and II stand part of the Bill

put, and agreed to.

Bill considered and approved.

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Assembly Resumes

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

ADJOURNMENT

The Speaker: Thank you, Hon. Members. That concludes our business for today.

The Hon. Minister of Parliamentary Affairs.

On a motion by the Minister of Parliamentary Affairs the Assembly was adjourned to a date to be fixed.