

# National Assembly Debates

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF  
THE SECOND SESSION (2002-2005) OF THE EIGHTH PARLIAMENT  
OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE  
REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

Part 1 of 2

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71ST SITTING

14.00 H

Thursday 27 October 2005

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## 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 (37)*

*People's Progressive Party/Civic (34)*

*(ii) Non Elected Ministers (2)*

*(iii) The United Force (1)*

The Hon. Samuel A.A. Hinds, M.P.

- *Prime Minister and Minister  
of Public Works and Communications*

The Hon. Reepu Daman Persaud, O.R., J.P., M.P.

- *Minister of Parliamentary Affairs*

The Hon. Clement J. Rohee, M.P.

- *Minister of Foreign Trade and  
International Co-operation*

The Hon. Harripersaud Nokta, M.P.

- *Minister of Local Government  
and Regional Development*

The Hon. Gail Teixeira, M.P.

- *Minister of Culture, Youth and Sport*

The Hon. Dr. Henry B. Jeffrey, M.P.

- *Minister of Education*

**NAD 27 OCTOBER 2005**

The Hon. Saisnarine Kowlessar, M.P. (AOL)

- *Minister of Finance*

The Hon. Shaik K.Z. Baksh, M.P.

- *Minister of Housing and Water*

The Hon. Rev. Dr. Ramnauth D.A. Bisnauth, M.P.

- *Minister of Labour, Human Services and Social Security*

The Hon. Clinton C. Collymore, M.P.

- *Minister in the Ministry of Local Government and Regional Development*

The Hon. Satyadeow Sawh, M.P.

- *Minister of Fisheries, Other Crops and Livestock (Region No. 5 - Mahaica/Berbice)*

\*The Hon. S. Rudolph Insanally, O.R., C.C.H., M.P.

- *Minister in the Office of the President with responsibility for Foreign Affairs*

\*The Hon. Doodnauth Singh, S.C., M.P.

- *Attorney General and Minister of Legal Affairs*

The Hon. Dr. Jennifer R.A. Westford, M.P.

- *Minister of the Public Service*

The Hon. C. Anthony Xavier, M.P.

- *Minister of Transport and Hydraulics*

The Hon. Bibi S. Shadick, M.P.

- *Minister in the Ministry of Labour, Human Services and Social Security (Region No. 3 - Essequibo Islands/West Demerara)*

\*\*The Hon. Manzoor Nadir, M.P.

- *Minister of Tourism, Industry and Commerce*

The Hon. Carolyn Rodrigues, M.P.

- *Minister of Amerindian Affairs*

The Hon. Dr. Leslie S. Ramsammy, M.P.

- *Minister of Health*

\* *Non-Elected Minister*

\*\* *Elected Member from The United Force*      71/2

**NAD 27 OCTOBER 2005**

- Mr S. Feroze Mohamed, M.P.  
- *Chief Whip*
- Mr Cyril C. Belgrave, C.C.H., J.P., M.P.  
- *(Region No. 4 - Demerara/Mahaica)*
- Mr. Donald R. Ramotar, M.P.
- Mr Husman Alli, M.P.  
- *(Region No. 7 – Cuyuni/Mazaruni)*
- Mr. Komal Chand, C.C.H., J.P., M.P.
- Mrs Indranie Chandarpal, M.P.
- Mr Bernard C. DeSantos, S.C., M.P.  
- *(Region No. 4 - Demerara/Mahaica)*
- Mrs Shirley V. Edwards, J.P. M.P.
- Mr Odinga N. Lumumba, M.P.
- Mr Heeralall Mohan, J.P., M.P.  
- *(Region No. 2 -Pomeroon/Supenaam)*
- Mr Ramesh C. Rajkumar, M.P.  
- *(Region No. 6 - East Berbice/Corentyne)*
- Dr Bheri S. Ramsaran, M.D., M.P.
- Mrs Philomena Sahoye-Shury, C.C.H, J.P, M.P.  
- *Parliamentary Secretary, Ministry of  
Housing and Water*
- Mrs Pauline R. Sukhai, M.P.  
- *(Region No. 1 - Barima/Waini)(Absent)*
- Dr. Moti Lall, C.C.H., M.P.
- Mr Zulfikar Mustapha, M.P.
- Mr Neendkumar, M.P.  
- *(Region NO. 4 - Demerara/Mahaica)*
- Mr Khemraj Ramjattan, M.P.  
- *(Region No. 6 - East Berbice/Corentyne)(Absent)*

NAD 27 OCTOBER 2005

**Members of the Opposition (30)**  
**(i) People's National Congress/Reform (27)**

Mr. Robert H. O. Corbin, M. P.  
Mr. Winston S. Murray, C.C.H., M.P.  
Mrs Clarissa S. Riehl, M.P.  
    - *Deputy Speaker of the N.A*  
Mr. E. Lance Carberry, M.P.  
    - *Chief Whip*  
Mr. Ivor Allen, M.P.  
    - *(Region No.2-Pomeroon/Supenaam)*  
Mrs. Deborah J. Backer, M.P.  
Mr. Deryck M.A. Bernard, M.P. (Absent)  
Mr. C. Stanley Ming, M.P. (AOL)  
Mr. Vincent L. Alexander, M.P.  
    - *(Region No.4-Demerara/Mahaica)*  
Mr. Basil Williams, M.P.  
Mrs. Volda A. Lawrence, M.P. (AOL)  
Dr Dagleish Joseph, M.D.,M.P.  
Miss Amna Ally, M.P.  
    - *(Region No.5-Mahaica/Berbice)*  
Miss Sandra M. Adams, M.P.  
    - *(RegionNo.10-Upper Demerara Berbice)*  
Mr. Jerome Khan, M.P.  
Dr George A. Norton, M.P.  
Miss Myrna E. N. Peterkin, M.P. (AOL)  
    - *(Region No.4-Demerara/Mahaica)*  
Mr. James K. McAllister, M.P.  
    - *(Region No.3-Essequibo Islands  
    West Demerara)*  
Dr Carl Max Hanoman, M.P.  
Miss Lurlene A. Nestor, M. P. (AOL)  
    - *(Region No.4-Demerara/ Mahaica)*

**NAD 27 OCTOBER 2005**

Mr Abdul Kadir, J.P., M.P.  
- *(Region No.10-Upper Demerara/Berbice)*  
Mr Ricky Khan, M.P.  
- *(Region No.1-Barima/Waini)*  
Mr. Raphael G. C. Trotman, M.P. (AOL)  
Mrs. Rajcoomarie Bancroft, M.P.  
- *(Region No.8- Potaro/Siparuni)*  
Mr Nasir Ally, J.P., M.P.  
- *(Region No.6 -East Berbice/Corentyne)*  
Miss Judith David, M.P.  
- *(Region No.7-Cuyuni/Mazaruni)*  
Miss Genevieve Allen, M.P.  
- *(Region No.4 -Demerara/Mahaica)*

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

Mrs Sheila V.A. Holder, M.P. (AOL)  
Mrs Shirley J. Melville, M.P.  
- *(UpperTakutu/Upper Essequibo)*

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

Mr Ravindra Dev, M.P. (AOL)

**OFFICERS**

Mr Sherlock Isaacs, *Clerk of the National Assembly*

Ms Bibi Baldeo, *Principal Assistant Secretary (F)*

## PRAYERS

*[The Clerk read the Prayers]*

## ANNOUNCEMENTS BY THE SPEAKER

### Seat of Mr Raphael Trotman

Honourable Members, I had received a letter which I had reported on at our last session from the Honourable Leader of the Opposition requesting that I declare the seat of the Honourable Member Mr Trotman vacant. Under Article 156 (3) of the Constitution, he had made a declaration that he was no longer supporting the party on whose list he was elected to the National Assembly. I have today replied to Mr Corbin informing him that I have no jurisdiction to make such an order and relied on Sections 64 and 163 of the Constitution.

Section 64 says:

*All questions as to membership of the National Assembly shall be determined by the High Court in accordance with the provisions of Article 163*

And Article 163 says that -

*Subject to the provisions of this Article, the High Court shall have jurisdiction to determine any question whether any member of the Assembly is required under the provisions of Articles 156 (2) and (3) to cease to exercise his functions as a Member thereof.*

So on those grounds; I have declined the request made by the Honourable Member Mr Corbin. There has been another request, but I will ask Mr Corbin to proceed to write me formally on that one. Mr Corbin, on that request I will refer you to Article 163 (2) of the Constitution. It seems to be quite clear. Thank you Honourable Members.

## PUBLIC BUSINESS

## MOTIONS

## 1. CONSIDERATION OF FINANCIAL PAPER NO. 4/2005

*BE IT RESOLVED:*

*That this Assembly approves of the proposals set out in Financial Paper No. 4/2005 - Supplementary Estimates (Current and Capital) totaling \$970,605,112 for the period 2005-06-22 to 2005-10-14.*

### **Assembly in Committee of Supply**

The Honourable Minister of Housing and Water

**Hon Shaik KZ Baksh:** Mr Chairman, in accordance with Article 171 (2) of the Constitution, I signify that Cabinet has recommended for consideration by the Assembly the Motion for the approval of the proposals set out in Financial Paper No. 4/2005 - Supplementary Estimates (Current and Capital) totaling \$970,605,112 for the period 2005-06-22 to 2005-10-14 and I now move the motion.

**Question is proposed.**

**The Chairman:** We will now consider the paper as usual. Items will be taken from both the Current and Capital Estimates in the order for which the Minister is responsible.

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### **SECTION 'A'- CURRENT ESTIMATES**

#### **ITEM 1 - AGENCY CODE 01/1 - OFFICE OF THE PRESIDENT, Chart of Account 6321**

Question is proposed that the sum of \$1,618,761 for Agency Code 01/1 - Office of the President, Chart of Account 6321 - Subsidies and Contributions to Local Organisations - stands part of the Estimates.

The Honourable Member Mr Winston Murray

**Mr Winston S Murray:** Mr Chairman, could the Honourable Minister tell this House whether this provision for the payment of rental of accommodation is a new one since there is no

historical precedent that I can find for the payment of rental accommodation for the Director of IAST?

**Hon Shaik KZ Baksh:** Mr Chairman, this is a new contract. As part of that new contract, there is provision for rental of accommodation.

**Mr Winston S Murray:** A follow-up please, Mr Chairman. Could the Minister then tell the National Assembly whether there is now a new Director of the IAST and what are the other terms of his contract?

**Hon Shaik KZ Baksh:** Yes, there is new Director of the IAST, but I cannot give the other terms of the contract, but this can be circulated.

**Mr Winston S Murray:** Can the Honourable Minister tell the House how soon this will be circulated?

**Hon Shaik KZ Baksh:** Before the next sitting of the Assembly.

**Agency Code 01/1 - Office of the President, Chart of Account 6321 - Subsidies and Contributions to Local Organisations - \$1,618,761 - agreed to and ordered to stand part of the Estimates.**

**ITEM 2 -AGENCY CODE 31/1 - MINISTRY OF PUBLIC WORK AND COMMUNICATIONS, Chart of Account 6321**

Question is proposed that the sum of \$75,000,000 for Agency Code 31/1 - Ministry of Public Works and Communications, Chart of Account 6321 - Subsidies and Contributions to Local Organisations - stands part of the Estimates.

**The Chairman:** The Honourable Member Mr Murray

**Mr Winston S Murray:** Mr Chairman, could the Honourable Minister indicate to this House whether there is now new policy of subsidizing the Transport and Harbours Department, because I can find no position provision in the Estimates for payment of monies to the Transport and Harbours Department. Is this a new policy of subsidization?

**The Chairman:** The Honourable Minister of Transport and Hydraulics

**Hon C Anthony Xavier:** Mr Chairman, I do not believe that there is a new policy concerning that, but the Government has been giving subventions to the T&HD throughout the years, but this basically as the Legend clearly states is to support the Transport and Harbours Department to



meet the cost of purchases of fuel. Everyone knows there was a significant increase in the price of fuel and lubricants, for at least since 1998 to now; fuel has increased by \$352 per gallon. So this is basically to assist the Transport and Harbours Department to pay off their fuel and lubricant bill.

**Mr Winston S Murray:** Mr Chairman, I heard the explanation of the Honourable Minister, but could the Honourable Minister point me to where there is a provision in the Estimates for monies for the Transport and Harbours Department, because it has always been my understanding that in recent years they have been taking care of their current expenditure and if it is that \$75,000,000 are going to be given to them to help to meet fuel purchases then whether we call it a system or some other name, it is in order to enable them to be subsidized, because they will not be recovering this money from their activities? Would the Minister not agree that that this then becomes a charge on the public coffers and will widen the current account deficit of the government by this amount?

**The Chairman:** The Honourable Minister of Transport and Hydraulics

**Hon C Anthony Xavier:** I would have to agree with the Honourable Member, but as I said, every year when we come to do the budget, monies are given to the Transport and Harbours Department to facilitate the repairs to vessels, acquisition spares, et cetera, to keep the entity moving. You have to also remember that the T&HD has not increased fares to commuters for over the last five years. So it is basically because of the high increase that we have had to give this money to support them.

**The Chairman:** The Honourable Member Mr Murray

**Mr Winston S Murray:** Mr Chairman, may I ask the Minister if he could kindly answer the question as to whether he agrees that the payment of \$75,000,000 not provided for in the budget would aggravate the budget deficit on current account?

**Hon C Anthony Xavier:** I do not agree.

**Agency Code 31/1 - Ministry of Public Works and Communications, Chart of Account 6321 - Subsidies and Contributions to Local Organisations - \$75,000,000 - agreed to and ordered to stand part of the Estimates.**

**ITEM 3 - AGENCY CODE 53/1 - GUYANA DEFENCE FORCE, Chart of Account 6231**

Question is proposed that the sum of \$46,000,000 for Agency Code 53/1 - Guyana Defence Force, Chart of Account 6231 - Fuel and Lubricants - stands part of the Estimates.

**Agency Code 53/1 - Guyana Defence Force, Chart of Account 6231 - Fuel and Lubricants - \$46,000,000 - agreed to and ordered to stand part of the Estimates.**

**ITEM 4 - AGENCY CODE 79/3 - REGION 9: PUBLIC WORKS, Chart of Account 6321**

Question is proposed that the sum of \$15,000,000 for Agency Code 79/3 - Region 9: Public Works, Chart of Account 6321 - Subsidies and Contributions to Local Organisations.

**The Chairman:** The Honourable Member Mr Murray

**Mr Winston S Murray:** Mr Chairman, could the Honourable Minister kindly tell the House what steps, if any, he proposes to take to ensure efficient use of fuel? I am minded to ask this question, because I do not know if the Minister is aware, but in Region 9 the Public Accounts Committee has had the experience of fuel being lost through evaporation and various other misnomers - the representations to us. So, hence the question!

**The Chairman:** The Honourable Prime Minister

**Hon Samuel AA Hinds:** This here is for the Lethem Power Company which provides electricity to the Lethem area and you may recall that there was a failure of the hydro scheme in some rainfall two or three years ago, and since then they have been utilizing diesel generation and there has been this significant increase in diesel prices and we are making this additional contribution so that some hours of electricity could be provided to Lethem as a subsidized rate, but which we think is sufficiently subsidized so that everyone can get a bit of electricity.

**Mr Winston S Murray:** Mr Chairman, with great respect to the Honourable Prime Minister, I do not think that he has touched anywhere near the question that I have asked. What steps, if any, are being put in place or have been put in place to ensure efficient use of the fuel. That was my question, Sir.

**Hon Samuel AA Hinds:** Mr Chairman, there are records of production of electricity and consumption of fuel and so on and those are checked to ensure that the fuel is being utilized at that location and is being utilized efficiently to produce electricity.

**Agency Code 79/3 - Region 9: Public Works, Chart of Account 6321 - Subsidies and Contributions to Local Organisations - \$15,000,000 - agreed to and ordered to stand part of the Estimates.**

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## **SECTION 'B' - CAPITAL ESTIMATES**

### **ITEM 1 - AGENCYCODE 501 - OFFICE OF THE PRESIDENT, Subhead 24002**

Question is proposed that the sum of \$2,306,000 for Agency Code 501 - Office of the President, Subhead 24002 - Land Transport - stands part of the Estimates.

The Honourable Member Mr Winston Murray

**Mr Winston S Murray:** Is the Honourable Minister aware that under Article 220 of our Constitution the function of advances from the Contingencies Fund is where there is an urgent need and if the Minister is so aware, could the Minister kindly explain to this National Assembly, what in the acquisition of a minibus to transport media personnel in the Office of the President was so urgent in terms of the need? And what in terms of the urgency could have arisen when there was an agency called GINA which has vehicles and which has media personnel who are transported by these vehicles, why in addition to these vehicles was a further specific vehicle needed in the Office of the President for transportation of media personnel?

**The Chairman:** Honourable Minister Baksh

**Hon Shaik KZ Baksh:** Mr Chairman a minibus was in place and that minibus cease to operate, because the engine ceased up. So there was an emergency to procure another vehicle. There was a vehicle in place already, so it is really a replacement of that vehicle.

**Mr Winston S Murray:** Will the Minister then agree that this is a misnomer and could indeed be misleading and that the Legend should have read acquisition of replacement minibus in which case the question may have been averted.

**Hon Shaik KZ Baksh:** Yes, quite rightly so.

**Agency Code 501 - Office of the President, Subhead 24002 - Land Transport - \$2,306,000 - agreed to and ordered to stand part of the Estimates**

**ITEM 2 - AGENCY CODE 505 - CONSTITUTIONAL AGENCIES, Subhead 25010**

Question is proposed that the sum of \$108,481,120 for Agency Code 505 - Constitutional Agencies, Subhead 25010 - Guyana Elections Commission - stands part of the Estimates.

**Mr Winston S Murray:** Mr Chairman, could the Minister kindly explain to the House whether this sum of \$108,481,120 is the full amount that has been requested by the Guyana Elections Commission for continuous registration and if it is not, could the Minister -

- (a) say what that sum is; and
- (b) whether that sum will be released in order to facilitate expeditious work on continuous registration?

**Hon Shaik KZ Baksh:** Mr Chairman, I would not be in a position right now to state whether this is the final amount, but clearly the government is committed to supporting the Guyana Elections Commission and will make further sums available depending on requests made.

**Mr Winston S Murray:** Does the Minister understand that there is a difficulty in what he is saying, because if he does not know the total sum requested, how could he say that the government is committed at this time with only \$108,481,120 being provided? Where is the evidence of that if he cannot even tell me the amount that is requested?

**Hon Shaik KZ Baksh:** Mr Chairman, a request was made for \$108,481,120; that is the request we have and which was considered and for which voted provision is now being requested.

**Agency Code 505 - Constitutional Agencies, Subhead 25010 - Guyana Elections Commission - \$108,481,120 - agreed to and ordered to stand part of the Estimates**

**ITEM 3 - AGENCY CODE 507 - MINISTRY OF HOME AFFAIRS, Subhead 12002**

Question is proposed that the sum of \$46,100,000 for Agency Code 507 - Ministry of Home Affairs, Subhead 12002 -Police Stations and Buildings - stands part of the Estimates.

**Agency Code 507 - Ministry of Home Affairs, Subhead 12002 - Police Stations and Buildings - \$46,100,000 - agreed to and ordered to stand part of the Estimates.**

**ITEM 3 - AGENCY CODE 507 - MINISTRY OF HOME AFFAIRS, Subhead 26004**

Question is proposed that the sum of \$2,400,000 for Agency Code 507 - Ministry of Home Affairs, Subhead 26004 - Other Equipment - stands part of the Estimates

**Agency Code 507 - Ministry of Home Affairs, Subhead 26004 - Other Equipment - \$2,400,000 - agreed to and ordered to stand part of the Estimates.**

**ITEM 4 - AGENCY CODE 516 - MINISTRY OF HEALTH, Subhead 25002**

Question is proposed that the sum of \$2,105,670 for Agency Code 516 - Ministry of Health, Subhead 25002 - Equipment Medical - stands part of the Estimates

**The Chairman:** The Honourable Member Mr Murray

**Mr Winston S Murray:** Mr Chairman, could the Honourable Minister explain why it was not possible to have this item costing \$82,105,000 put within the project profiles so that the public could see what the project was and how it was going to be financed? Why did it have to come under the Contingencies Fund? Could the Minister explain why this could not have been foreseen and planned and included as a project that would have been scrutinized by the Ministry of Finance?

**The Chairman:** The Honourable Minister of Health

**Hon Dr Leslie S Ramsammy:** Mr Chairman, there was an opportunity that came up this year for us to establish a cardiac centre at the Georgetown Public Hospital. A proposal was presented by a group of cardiologists from the United States of America and the Government has accepted this proposal for a joint service to be provided for the people of Guyana. And that is what we did.

**The Chairman:** The Honourable Member Mr Murray

**Mr Winston S Murray:** Mr Chairman, could the Minister then say whether or not this group is financing any aspect of this project and if they are, what is the financing that is the counterpart of this being put in by those interested people?

**Hon Dr Leslie S Ramsammy:** The initial cost for capitalisation is approximately US \$2 million.

**The Chairman:** The Honourable Member Dr Joseph

**Dr Dagleish Joseph:** Mr Chairman, was this equipment tendered? Can the Honourable Minister state whether this equipment was subjected to tender and who won the tender?

**The Chairman:** The Hon Minister of Health

**Hon Dr Leslie S Ramsammy:** Mr Chairman, this is a soul sourcing from GE.

**Dr Dagleish Joseph:** That does not answer my question. I asked whether it was subject to public tender.

**Hon Dr Leslie S Ramsammy:** Mr Chairman, I said it was soul sourcing from the manufacturer of the equipment.

**Dr Dagleish Joseph:** A supplementary question - What is the brand of this equipment?

**The Chairman:** The Honourable Member is asking what the brand is.

**Hon Dr Leslie S Ramsammy:** I said just now GE - General Electric.

**Agency Code 516 - Ministry of Health, Subhead 25002 - Equipment Medical - \$2,105,6000  
- agreed to and ordered to stand part of the Estimates**

**The Chairman:** We will now go to the next Item 5

**Mr Winston S Murray:** Did you deal with the one on the Health Sector Programme Sir? I did not hear that one put - the counterpart contribution, because there is a second item.

**The Chairman:** There is a second item, I missed that but it is not itemized, so I supposed there are two items under that one head. It is a sub-item. I do not have to put that to the vote, but if you want to ask a question, I will come back to it.

**Mr Winston S Murray:** May I, Sir?

**The Chairman:** Okay.

**Mr Winston S Murray:** Much obliged, Sir, I am grateful

**ITEM 4 - AGENCY CODE 516 - MINISTRY OF HEALTH, Subhead 44004**

Question is proposed that the sum of \$8,048,398 for Agency Code 516 - Ministry of Health, Subhead 4404 - Health Sector Programme - stands part of the Estimates

**The Chairman:** Go ahead.

**Mr Winston S Murray:** Is the Minister not aware that this sum of \$160,000,000 originally voted was identified in the project profile as monies contributed by the Inter American

Development Bank and would the Minister is he was so aware not further aware that there is the need for counterpart financing when these loans are made by these international institutions, so why was it not possible even if the amount may have been inaccurate in the beginning to have foreseen that counterpart contributions would have been necessary at the time when this voted provision was being sought at the National Assembly at the time of the budget? Would the Minister not agree that such an oversight represents some degree of less than adequate efficiency?

**The Chairman:** The Honourable Minister of Health

**Hon Dr Leslie S Ramsammy:** Mr Chairman, this relates to the construction of the new hospital at Linden and it relates to the initial work of the architectural design for the hospital and for the construction and the initial mobilizing by the contractor. These requests were made to the Ministry of Finance.

**The Chairman:** The Honourable Member Mr Murray

**Mr Winston S Murray:** I know that the Honourable Minister does not have to answer my question, but I rather think it is an oversight on his part and not intentional, but he did not answer the question, so with your kind permission, I will re-put it. Is the Minister aware that the sum of \$160,000,000 as a loan from the IDB requires counterpart financing and since the \$160,000,000 were put in the original voted provisions, why was it not possible at that time to have put the counterpart finance that was necessary, because it is know that that is a condition of these loans? I could understand an inadequacy, but not a putting of nil.

**Hon Dr Leslie S Ramsammy:** Mr Chairman, I thought I made it clear. The Ministry of Health had placed this in its budget request at the time, however, the loan agreement had not yet been signed, but the Ministry did make a request lat year for the 2005 budget for the inclusion of counterpart funding.

**Mr Winston S Murray:** Mr Chairman, is the Minister saying that it is an oversight on the part of the Ministry of Finance and not the Ministry of Health?

**The Chairman:** Did you answer?

**Hon Dr Leslie S Ramsammy:** No, Mr Speaker, I did not say that.

**The Chairman:** I do not have to put that to the vote, it is already voted on.

**Agency Code 516 - Ministry of Health, Subhead 4404 - Health Sector Programme - \$8,048,398 - agreed to and ordered to stand part of the Estimates**

**ITEM 5 - AGENCY CODE 519 - MINISTRY OF PUBLIC WORKS AND COMMUNICATIONS, Subhead 15005**

Question is proposed that the sum of \$56,300,000 for Agency 519 - Ministry of Public Works and Communications, Subhead 15005 - Emergency Sea Defences - stands part of the Estimates.

The Honourable Member Mr McAllister

**Mr James K McAllister:** Mr Chairman, could the Honourable Minister say what is the nature of the work to be done at Craig on the sea defence?

**Hon C Anthony Xavier:** Mr Chairman, this contract is for the construction of 1000 linear feet of revetment works at Craig.

**The Chairman:** The Honourable Member Mr Winston Murray

**Mr Winston S Murray:** Mr Chairman, could the Minister kindly say whether this is likely to be a recurring revetment process, because I think this is not the first time this kind of emergency work is being conducted, Sir? And is there in contemplation some kind of more permanent resolution of this problem?

**The Chairman:** The Honourable Minister of Transport and Hydraulics

**Hon C Anthony Xavier:** Mr Chairman, this revetment work will be able to withstand the normal high tides, but if there are any other extra-ordinary tides and there is over-topping, well we cannot do anything about that.

**The Chairman:** The Honourable Member Mr McAllister

**Mr James K McAllister:** Mr Chairman, could the Honourable Minister say if the revetment is a permanent revetment or whether it is temporary works?

**The Chairman:** The Honourable Minister of Transport and Hydraulics

**Hon C Anthony Xavier:** Permanent.

**Agency Code 519 - Ministry of Public Works and Communications, Subhead 15005 - Emergency Sea Defences - \$56,300,000 - agreed to and ordered to stand part of the Estimates.**



**ITEM 6 - AGENCY CODE 520 - MINISTRY OF PUBLIC WORKS AND COMMUNICATIONS, Subhead 14010**

Question is proposed that the sum of \$10,000,000 for Agency Code 520 - Ministry of Public Works and Communications, Subhead 14010 - Dredging - stands part of the Estimates.

**The Chairman:** The Honourable Member Mr Murray

Before you proceed, Mr Murray, there are three sub items there:

- Dredging;
- Stellings; and
- Reconditioning of Ships.

I am just drawing that to you attention.

**Mr Winston S Murray:** May I deal with them together or one after the other?

**The Chairman:** As you please; one after the other would be better.

**Mr Winston S Murray:** Okay, Sir. Thank you very much.

Mr Chairman, would the Honourable Minister acknowledge that in the Project Profile for the Public Sector, under this particular item - Dredging - that no provision has been made in that project for the facilitation of an alternative ferry operation in the Berbice River. Could the Minister kindly indicate to the National Assembly therefore whether this \$10,000,000 represents a separate project or part of a separate project? That is why I am minded to ask to deal with the other two subheads at the same time, because again I would ask the Minister is he aware that under Project 102 dealing with Stellings no provision was made in the Project profile for an alternative ferry operation in the Berbice River and as a result an alternative Stelling.

Similarly Sir, under Project 107, which deals with the reconditioning of ships, no provision has been made for an alternative ferry operation in the Berbice River. All three of these Subheads therefore represent completely new monies and what the Minister really ought to tell this National Assembly, because it is not explicit is whether in fact these total sums of \$33.7 million represents a self-contained project relating to facilitation of an alternate ferry operation in the Berbice River and if that is so, he should so inform this House so that we could know and we should, would he agree not have a project profile so that for the purposes of transparency one could see what the contents of that project are.

**The Chairman:** The Honourable Minister of Transport and Hydraulics

**Hon Anthony C Xavier:** Mr Chairman, I acknowledge all the things that the Honourable Member Mr Murray said. This \$10,000,000 is to facilitate an alternative operation in the Berbice River was not included in the original profile in our budget, because when we realized this year that there was an increase pressure at the New Amsterdam and Rosignol crossings, we decided now to start to look for a new crossing at Blairmont/Stanley Town, which initiated this first dredging of the River in those two locations and also the remedial works at the various Stellings. The repairs to Sandaka and Baramani Vessels in order to facilitate that additional service also was decided upon and it was not included in the original profile figure of \$95,000,000. I hope that answers the Honourable Member's questions.

**The Chairman:** The Honourable Member Mr Murray

**Mr Winston S Murray:** Mr Chairman, I wish to compliment the Minister for his candidness, but I would like to ask him whether it would be his intention since no such project is before the National Assembly to concretize this project so that it could be brought properly to the attention of the National Assembly and assessed on its own merits; we have no in principle disagreement with enhancing the facilities to enable people to cross more conveniently and indeed more people to cross with any given time, but could I ask whether he would so undertake for the purposes of transparency and accountability.

**Hon C Anthony Xavier:** Yes.

**Agency Code 520 - Ministry of Public Works and Communications, Subhead 14010 - Dredging - \$ 10,000,000 agreed to and ordered to stand part of the Estimates.**

**ITEM 6 - AGENCY CODE 520 - MINISTRY OF PUBLIC WORKS AND COMMUNICATIONS, Subhead 16003**

Question is proposed that the sum of \$13,000,000 for Agency Code 520 - Ministry of Public Works and Communications, Subhead 16003 - Stelling - stands part of the Estimates.

**Agency Code 520 - Ministry of Public Works and Communications, Subhead 16003 - Stelling - \$13,000,000 - agreed to and ordered to stand part of the Estimates**

**ITEM 6 - AGENCY CODE 520 - MINISTRY OF PUBLIC WORKS AND COMMUNICATIONS, Subhead 27001**

Question is proposed that the sum of \$10,700,000 for Agency Code 520 - Ministry of Public Works and Transport, Subhead 27001 - Reconditioning of Ships - stands part of the Estimates

**Agency Code 520 - Ministry of Public Works and Communications, Subhead 27001 - Reconditioning of Ships - \$10,700,000 agreed to and ordered to stand part of the Estimates**

**ITEM 7 - AGENCY CODE 543 - MINISTRY OF EDUCATION, Subhead 12001**

Question is proposed that the sum of \$33,000,000 for Agency 543 - Ministry of Education, Subhead 12001 - Construction of St Cuthbert's Secondary School - stands part of the Estimates.

**The Chairman:** The Honourable Member Mr Murray

**Mr Winston S Murray:** Mr Chairman, Would the Minister agree and if he would not, would he please check the Estimates that there is no such Item Construction of St Cuthbert's Secondary School under Agency Code 543 Project 26, which deals with Chart of Account 12001; what is listed there is Ascension Nursery, St Gabriel's Primary, Kingston Community High, St Ann's Primary, Sophia Nursery and Carmel HC? Would the Ministry agree that it would therefore be misleading to have a description of a project which is not in the project profile? Further could the Minister explain whether the sum of \$33,000,000 therefore is the total sum that is being sought for the Construction of the St Cuthbert's Mission Secondary School and if that is so would he also undertake to prepare a project profile so it could be properly and transparently be put before the House. Thank you, Sir.

**Hon Shaik KZ Baksh:** The Item head should read Nursery Primary and Secondary Schools.

**The Chairman:** The Honourable Member Mrs Melville

**Mrs Shirley J Melville:** Mr Chairman, could the Honourable Minister explain for the St Cuthbert's Mission Secondary School whether an auditorium is included, because this has been one of the many areas in having secondary schools constructed without an auditorium and when there are functions in the secondary schools, the primary school students are normally displaced?

**The Chairman:** The Honourable Minister

**Hon Shaik KZ Baksh:** Mr Chairman, I would not be able to answer that question now, but I can provide the information to the Honourable Member.

**The Chairman:** The Honourable Member Mr Murray

**Mr Winston S Murray:** Mr Chairman, my follow-up is ... in fact it is not a follow-up, because I posed it in the first instance, but it was not addressed; could the Honourable Minister kindly inform the National Assembly whether the sum of \$33,000,000 represents the total cost for construction of the St Cuthbert's Mission Secondary School or is it a partial cost? Would the Minister further say whether it would be his intention to prepare and present a project profile for purposes of transparency and accountability?

**Hon Shaik KZ Baksh:** Mr Chairman, the sum of \$33,000,000 is projected as cost for 2005.

**Agency Code 543 - Ministry of Education, Subhead 12001 -Construction of St Cuthbert's Secondary School - \$33,000,000 - agreed to and ordered to stand part of the Estimates.**

**The Chairman:** We will now move to the last item on the Paper - Item No 8.

**ITEM 8 - AGENCY CODE 548 - MINISTRY OF PUBLIC WORKS AND COMMUNICATIONS, Subhead 12005**

Question is proposed that the sum of \$10,000,000 for Agency Code 548 - Ministry of Public Works and Communications, Subhead 12005 - West Demerara Four Lane Road - stands part of the Estimates.

The Honourable Member Mr Murray:

**Mr Winston S Murray:** Mr Chairman, would the Minister agree that this particular activity - relocation of trunk mains, Peter's Hall to National Stadium is not part of the Four Lane Road's Project or if it is, there is no identification of it under the description of the project in the Project Profile Book at Project 291 and if it is not part of the project, would the Minister not agree that it would be inaccurate that if not improper to put this sum of money as part of the cost of the Four Lane Project?

**The Chairman:** The Honourable Minister of Transport and Hydraulics

**Hon C Anthony Xavier:** This is part of the extension of the West Demerara Four Lane Road Project. I do not know if the Honourable Member is aware, but we have extended the project from the Demerara Harbour Bridge to the Cricket Stadium at Providence and this sum is to

facilitate the relocation of the trunk mains by GT&T so that we could start moving with the road works.

**The Chairman:** The Honourable Member Mr Murray

**Mr Winston S Murray:** Mr Chairman, again I want to compliment the Minister for his very forth right answer to the question posed. My follow-up is whether the Minister could say given the extension of this project what is the total cost of the extension from Peter's Hall to the Cricket Stadium and how is that going to be financed? For example, we know that in the case of the Four Lance Highway, it was financed by external resources. Is it going to be financed from government's resources or are we going to have an external loan?

**Hon C Anthony Xavier:** Mr Chairman, this extension will be funded by extensions from the original contract which was from the Demerara Harbour Bridge to the Ruimveldt Arch. There was a savings of approximately US \$3.98 million and the cost for this extension, I believe, is around \$3.6 million. That is how it is going to be met; from the savings on the original contract.

**The Chairman:** The Honourable Member Mr Corbin

**Mr Robert HO Corbin:** Mr Chairman, I wonder whether the Minister will be good enough to inform the House if there is such a great saving having regard to public pronouncements about the contractor not meeting the schedules and cost overrun whether there was an error in their projection, engineering estimates or whether the quality of the work which should be done on the road has been reduced to stretch the money over a longer distance.

**The Chairman:** The Honourable Minister of Transport and Hydraulics

**Hon C Anthony Xavier:** Mr Chairman, there was savings under the contract and there is where we are going to source the money to fund the extension.

**The Chairman:** The Honourable Member Mr McAllister

**Mr James K McAllister:** Mr Chairman, I wish to return to the Four Lane Road on the issue of savings, could the Honourable Minister say whether the savings of US \$3.7 million was a result in the reduction in the quantities or a reduction in the scope of the works?

**The Chairman:** The Honourable Minister of Transport and Hydraulics

**Hon C Anthony Xavier:** Mr Chairman, I understand some of the concerns being raised by some of my colleagues and I may have made a wrong use of the word savings, I believe it came out of the Contingencies Fund of that project. So I apologise for that error. So it is not a case of reduced scope of works and that sort of thing that is where it exactly was. I am sorry about that

**Agency Code 548 - Ministry of Public Works and Communications, Subhead 12005 - West Demerara Four Lane Road - \$10,000,000 - agreed to and ordered to stand part of the Estimates.**

**ITEM 8 - AGENCY CODE 548 - MINISTRY OF PUBLIC WORKS AND COMMUNICATIONS, Subhead 14003**

Question is proposed that the sum of \$37,856,633 for Agency Code 548 - Ministry of Public Works and Communications, Subhead 14003 - Black Bush Polder - stands part of the Estimates.

**The Chairman:** The Honourable Member Mr Ally

**Mr Nasir Ally:** Mr Chairman, under Subhead 14003 - Black Bush Road, I see a provision is made for \$37,856,633 and further on Financial Paper No. 5 (if I may go to that extent) there is another provision made for \$74,548,428. I would like to ask the Honourable Minister why were two additional provisions made in the same year and further Black Bush has twenty-two miles of road, while the whole of the Corentyne Highway has fifty miles of road and I have not seen a provision as large as this for the Corentyne Highway. Could the Minister then say what is the extent of work was being done?

**The Chairman:** Honourable Minister of Transport and Hydraulics

**Hon C Anthony Xavier:** Mr Chairman, this is an ongoing rehab of the critical areas of the Black Bush Polder road as the Honourable Member knows twenty-two miles of ring road. The total project cost is \$191,000,000 and the total anticipated expenditure to the 31 December 2005 is \$157.405 million, which is to be met \$37.857 million from the Contingency Fund and \$74,548 million from the Supplementary Provision plus the voted provision of \$45,000,000.

**Agency Code 548 - Ministry of Public Works and Communications. Subhead 14003 - Black Bush Polder - \$37,856,000 - agreed to and ordered to stand part of the Estimates**

**ITEM 8 - AGENCY CODE 548 - MINISTRY OF PUBLIC WORKS AND COMMUNICATIONS, Subhead 14005**

Question is proposed that the sum of \$217,382,031 for Agency Code 548 - Ministry of Public Works and Communications, Subhead 14005 - Miscellaneous Roads - stands part of the Estimates

**Agency Code 548 - Ministry of Public Works and Communications, Subhead 14005 - Miscellaneous Roads - \$217,382,031 - agreed to and ordered to stand part of the Estimates.**

**ITEM 8 - AGENCY CODE 548 - MINISTRY OF PUBLIC WORKS AND COMMUNICATIONS, Subhead 14006**

Question is proposed that the sum of \$194,906,369 for Agency Code 548 - Ministry of Public Works and Communications, Subhead 14006 - Urban Roads - stands part of the Estimates.

**Agency Code 548 - Ministry of Public Works and Communications, Subhead 14006 - Urban Roads - \$194,906,000 - agreed to and ordered to stand part of the Estimates.**

**The Chairman:** Honourable Members, can we now move to the next Financial Paper. This deals with Capital Estimates

**2. CONSIDERATION OF FINANCIAL PAPER NO. 5/2005**

*BE IT RESOLVED:*

*That this Assembly approve of the proposals set out in Financial Paper No. 5/2005 - Supplementary Estimate (Capital) totaling \$4,360,003,429 for the period ending 2005-12-31*

Honourable Minister of Housing and Water

**Hon Shaik KZ Baksh:** Mr Chairman, in accordance with Article 171(2) of the Constitution, I signify that Cabinet has recommended for consideration by the Assembly the Motion for the

approval of the proposals set out in Financial Paper No. 5/2005 - Supplementary Estimates (Capital) totaling \$4,360,003, 429 for the period 2005-12-31 and I now move the motion.

**Question proposed.**

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**SECTION 'B' - CAPITAL ESTIMATES**

**ITEM 1 - AGENCY CODE 519 - MINISTRY OF PUBLIC WORKS AND COMMUNICATIONS - SEA DEFENCE, Subhead 15001**

Question is proposed that the sum of \$747,000,000 for Agency Code 519 - Ministry of Public Works and Communications and Communications - Sea Defence, Subhead 15001 - Essequibo Coast and West Demerara - stands part of the Estimates

**Agency Code 519 - Ministry of Public Works and Communications - Sea Defence, Subhead 15001 - Essequibo Coast and West Demerara - \$ 747,000,000 - agreed to and ordered to stand part of the Estimates**

**ITEM 2 - AGENCY CODE 526 - MINISTRY OF FINANCE, Subhead 19002**

Question is proposed that the sum of \$40,000,000 for Agency Code 526 - Ministry of Finance, Subhead 19002 - Basic Needs Trust Fund (BNTF) -5 - stands part of the Estimates

The Honourable Member Mr Winston Murray

**Mr Winston S Murray:** Mr Chairman, could the Honourable Minister say again why it was not possible in the case of a loan of \$605,000,000 known at the time of the passage of the Budget to have put the counterpart financing that was necessary for that loan rather than under a supplementary provision?

**Hon Shaik KZ Baksh:** Mr Chairman, this programme (Basic Needs Trust Programme) has been administered very efficiently and effectively therefore it requires additional local counterpart funding to meet the additional inflows from that fund.



**Agency Code 526 - Ministry of Finance, Subhead 19002 - Basic Needs Trust Fund (BNTF) - 5 - \$ 40,000,000 - agreed to and ordered to stand part of the Estimates**

**ITEM 2 - AGENCY CODE 526 - MINISTRY OF FINANCE, Subhead 45001**

Question is proposed that the sum of \$ 154,000,000 for Agency Code 526 - Ministry of Finance, Subhead 45001 - Linden Economic Advancement Programme (LEAP). - stands part of the Estimates

**Agency Code 526 - Ministry of Finance, Subhead 45001 - Linden Economic Advancement Programme (LEAP) - \$ 154,000,000 - agreed to and ordered to stand part of the Estimates**

**ITEM 3 - AGENCY CODE 541 - MINISTRY OF CULTURE, YOUTH AND SPORT, Subhead 19001**

Question is proposed that the sum of \$700,000,000 for Agency Code 541 - Ministry of Culture, Youth and Sport, Subhead 19001 - National Stadium - stands part of the Estimates

**Agency Code 541 - Ministry of Culture, Youth and Sport, Subhead 19001 - National Stadium - \$700,000,000 - agreed to and ordered to stand part of the Estimates**

**ITEM 4 - AGENCY CODE 543 - MINISTRY OF EDUCATION, Subhead 45006**

Question is proposed that the sum of \$550,000,000 for Agency Code 543 - Ministry of Education, Subhead 45006 - Education for Fast Track Initiative - stands part of the Estimates

**Agency Code 543 - Ministry of Education, Subhead 45006 - Education for Fast Track Initiative - \$ 550,000,000 - agreed to and ordered to stand part of the Estimates.**

**ITEM 5 - AGENCY CODE 548 - MINISTRY OF PUBLIC WORKS AND COMMUNICATIONS - BRIDGES/ROADS, Subhead 12004**

Question is proposed that the sum of \$ 520,800,000 for Agency Code 548 Ministry of Public Works and Communications - Bridges/Roads, Subhead 12004 - Mahaica/Rosignol - stands part of the Estimates

The Honourable Member Mr Winston Murray

**Mr Winston S Murray:** Mr Chairman, may I ask whether you intend to take these sequentially, my questions have to do with Black Bush Polder.

**The Chairman:** You can ask what questions you want on any of them.

**Mr Winston S Murray:** Thank you, Sir.

**Agency Code 548 - Ministry of Public Works and Communications -Bridges/Roads, Subhead 12004 - Mahaica/Rosignol - \$ 520,800,000 - agreed to and ordered to stand part of the Estimates**

**ITEM 5 - AGENCY CODE 548 - MINISTRY OF PUBLIC WORKS AND COMMUNICATIONS - BRIDGES/ROADS, Subhead 12005**

Question is proposed that the sum of \$ 635,000,000 for Agency Code 548 - Ministry of Public Works and Communications - Bridges/Roads, Subhead 12005 - West Demerara Four Lane Road - stands part of the Estimates.

**The Chairman:** The Honourable Member Mr McAllister

**Mr James K McAllister:** Mr Chairman, West Demerara Four Lane - Can the Honourable Minister say what the supplementary provision was needed for?

**Hon C Anthony Xavier:** This is to meet additional inflows.

**Mr James K McAllister:** What are they?

**Hon C Anthony Xavier:** I do not have the breakdown of the additional inflows, but if the Honourable Member wants I can provide them for him.

**Agency Code548 - Ministry of Public Works and Communications - Bridges/Roads, Subhead 12005 - West Demerara Four Lane - \$635,000,000 - agreed to and ordered to stand part of the Estimates**

**ITEM 5 - AGENCY CODE 548 - MINISTRY OF PUBLIC WORKS AND COMMUNICATIONS - BRIDGES/ROADS, Subhead 14003**

Question is proposed that the sum of \$74,548,000 for Agency Code 548 Ministry of Communications -Bridges/Roads, Subhead 14003 - Black Bush Polder - stands part of the Estimates

**Mr Winston S Murray:** May I ask the Honourable Minister with respect to Subhead 14003 - Black Bush Polder whether the Minister is aware that the original voted provision for this project was \$45,000,000 and the total supplementary he is seeking on Financial Papers Nos. 4 and 5 taken together amount to significantly more, in fact \$113,405,000, a 252 percent increase over the original vote, and if the Minister is so aware, does he not agree that this completely changes the nature of the project defined in the project profile at 295 and that there should be an updated project profile so that the full scope of this project could be known and understood?

**Hon C Anthony Xavier:** To answer the Honourable Member Mr Murray, the \$45,000,000, obviously to rehabilitate twenty-two miles of road, was clearly with the whole idea in mind of putting this type of material - the bauxite capping - to cover all the pot holes in certain sections of the road where we have certain types of filling. But the road became very, very bad ... The Honourable Member was there ... and so we decided that we will have an extensive road-capping job done in the pot-holed area, but I do agree that the amount is significant enough to have the profile more clearly identified.

**Mr Winston S Murray:** Mr Chairman, again I wish to congratulate the Minister for his very forthright answer. My questions really are the same on the other two in terms of the thrust that in the case of miscellaneous roads, where we have an original allocation of \$600,000,000; we are now having a total supplementary provision in the two papers together of \$573,000,000 which is almost the scope of the original voted provision thereby changing, I would think in a very fundamental way, the scope of the project. So again I would ask and I guess his answer would be the same.

**Hon C Anthony Xavier:** Yes, I agree.

**Mr James K McAllister:** Mr Chairman, I ask this question because when the Honourable Minister was responding to the questions on Financial Paper No. 4, he did say that there is some money still available in the Contingency aspect of the project for them to be able to go on to extend the project unto the Stadium, but now I am seeing that supplementary provision was sought to proceed with the work. So I am trying to have a clarification as to what this money was needed for.

**The Chairman:** Is there a contradiction? That is what you are asking?

**Mr James K McAllister:** Yes.

**The Chairman:** And if so, explain.

Yes, Honourable Member

**Hon C Anthony Xavier:** There is no contradiction in my opinion. Mr Chairman, as far as I am aware these additional inflows are basically to cover the cost for supervision and construction.

**The Chairman:** The Honourable Member Mr McAllister

**Mr James K McAllister:** Mr Chairman, I think the Honourable Minister will need to say whether this provision is for the stretch between Peter's Hall and the Stadium. If it is, then there is no contradiction, but in fact if it is between Peter's Hall and the Arch, well then there is a contradiction and so that is what I am trying to get from him.

**The Chairman:** The Honourable Minister of Transport and Hydraulics

**Hon C Anthony Xavier:** Mr Chairman, I believe it covers the extension from the Demerara Harbour Bridge to Providence.

**Agency Code 548 - Ministry of Public Works and Communications - Bridges/Roads, Subhead 14003 - Black Bush Polder - \$74,548,000 - agreed to and ordered to stand part of the Estimates.**

**ITEM 5 - AGENCY CODE 548 - MINISTRY OF PUBLIC WORKS AND COMMUNICATIONS - BRIDGES/ROADS, Subhead 14005**

Question is proposed that the sum of \$355,991,153 for Agency Code 548 - Ministry of Public Works and Communications - Bridges/Roads, Subhead 14005 - Miscellaneous Roads - stands part of the Estimates

**Agency Code 548 - Ministry of Public Works and Communications - Bridges/Roads, Subhead 14005 - Miscellaneous Roads - \$355,991,153 - agreed to and ordered to stand part of the Estimates**

**ITEM 5 - AGENCY CODE 548 - MINISTRY OF PUBLIC WORKS AND**

**COMMUNICATIONS - BRIDGES/ROADS, Subhead 14006**

Question is proposed that the sum of \$205,663,848 for Agency Code 548 - Ministry of Public Works and Communications - Bridges/Roads, Subhead 14006 -Urban Roads/Drainage - stands part of the Estimates

**The Chairman:** The Honourable Member Mr Murray

**Mr Winston S Murray:** With 297 the Urban Roads Project, the original provision was \$170,000,000 and you are seeking a supplementary provision of \$400,000,000; 235 percent increase over the original voted provision and clearly this distorts what is written in the Project Profile and given to the public as what is intended to be done, which is not a question for the Minister, but it is a general question. Whether or not under the guise of these emergency scope of works that are funded out of Contingencies Fund, there could not be an interpretation of intent to withhold information at the time of the presentation of the budget and spring these things, because in the Project Profile there is no public accounting for what is proposed and no identification and that is the purpose for these Project Profiles, I would think. So I do not know what the Honourable Member Mr Ramotar is complaining about. Sir, through you!

**The Chairman:** The Honourable Minister of Transport and Hydraulics

**Hon Anthony C Xavier:** I thought I heard the Honourable Member said that this is not a question for the Minister.

**The Chairman:** I am sorry.

**Mr Winston S Murray:** The question is the same as in the first one. That is what I thought I has said, by these additional sums so much in excess of the originally voted provisions, whether the Minister agrees that there would be a total distortion of what was originally put in the budget as the voted provisions and whether or not he agrees that the project profiles for these ought to be developed so that the public can see what the scope of the projects really are.

**Agency Code 548 - Ministry of Public Works and Communications - Bridges/Roads, Subhead 14006 - Urban Roads/Drainage - \$205,663,848 - agreed to and ordered to stand part of the Estimates**

**ITEM 6 - AGENCY CODE 553 - MINISTRY OF EDUCATION - BEAMS, Subhead 12001**

Question is proposed that the sum of \$ 365,000,000 for Agency Code 553 Ministry of Education, Subhead 12001 - Basic Education Access Management Support Programme - stands part of the Estimates

**Agency Code 533 - Ministry of Education, Subhead 12001 - Basic Education Access Management Support Programme - \$365,000,000 - agreed to and ordered to stand part of the Estimates**

## **Assembly Resumed**

**The Speaker:** Honourable Members, we will now deal with the Supplementary Appropriation (No. 3) Bill.

### **SUSPENSION OF STANDING ORDERS NOS. 12 AND 46**

The Honourable Minister of Parliamentary Affairs

**Hon Reepu Daman Persaud:** Mr Speaker, it is a simple formality. With you leave, I move that Standing Orders No 12 and 46 be suspended to enable the Supplementary Appropriation (No. 3 for 2005) Bill 2005 - Bill No. 16/2005 to be introduced at this stage.

### **Report of Financial Papers Nos. 4 and 5**

Honourable Members, unfortunately I missed out on a significant procedural aspect on our business for the Financial Papers. So I wish to go back. We are doing it while the House is resumed

Honourable Minister of Finance, there is a portion there; you ought to have corrected me Honourable Member; sometimes we all make mistakes; sometimes I forget these things. You ought to have stood up and told me that I am in error.

You may proceed Honourable Member.

**Hon Shaik KZ Baksh:** Mr Speaker, I beg to report that the Committee of Supply has approved of the proposals set out in Finance Papers Nos. 4 and 5 of 2005 and I now move that the Assembly doth agree with the Committee in the said Resolution.

**Question put and agreed to.**

**Motion carried.**

## **SUSPENSION OF STANDING ORDERS NOS. 12 AND 46**

**The Speaker:** The Honourable Minister of Parliamentary Affairs, will you move that suspension again

**Hon Reepu Daman Persaud:** Mr Speaker, I move with your leave that Standing Orders Nos. 12 and 46 be suspended to enable the Supplementary Appropriation (No. 3 of 2005) Bill - Bill No. 16/2005 to be introduced at this stage.

**Question put and agreed to.**

**Motion carried.**

## **BILL - FIRST, SECOND AND THIRD READINGS**

### **3. SUPPLEMENTARY APPROPRIATION (NO. 3 FOR 2005) BILL 2005 - Bill No. 16/2005 published on 2005-10-19**

*A Bill intituled, an Act to provide for the issue from the Consolidated Fund for the sums necessary to meet the expenditure (not otherwise lawfully charged on the Consolidated Fund) of Guyana for the fiscal year ending 31<sup>st</sup> December, 2005, estimates whereof have been approved by the National Assembly and for the appropriation of those sums for the specified purposes, in conformity with the Constitution.*

**The Speaker:** The Honourable Minister of Housing and Water

**Hon Shaik KZ Baksh:** Mr Speaker, in accordance with Paragraph 2 of Article 171 of the Constitution, I signify that Cabinet has recommended the Supplementary Appropriation (No.3

for 2005) Bill - Bill No. 16/2005 for consideration by the National Assembly and I now present the Bill to the Assembly and move that it be read the First time.

**Question put and agreed to.**

**Motion carried**

**Bill read the First time.**

**The Speaker:** The Honourable Minister of Housing and Water

**Hon Shaik KZ Baksh:** Mr Speaker, I move that the Bill be read a Second time.

**Question put and agreed to.**

**Motion carried.**

**Bill read the Second time.**

**The Speaker:** The Honourable Minister of Housing and Water

**Hon Shaik KZ Baksh:** Mr Speaker, I move that the Supplementary Appropriation (No. 3 for 2005) Bill - Bill No. 16/2006 be read the Third time and passed as printed.

**Question put and agreed to.**

**Motion carried.**

**Bill read the third time and passed as printed.**

**The Speaker:** We will now move to the next item on the Order Paper.

4. **ENVIRONMENTAL PROTECTION (AMENDMENT) BILL - Bill No. 14/2005  
published on 2005-10-12.**

*A Bill intituled, an Act to amend the Environmental  
Protection Act 1996*

The Honourable Prime Minister

**Hon Samuel A A Hinds:** Mr Speaker, Honourable Members, I rise to introduced the Second reading of the Environmental Protection (Amendment) Bill - Bill No. 14/2005.



Mr Speaker, Honourable Members, while we live we must work; we must produce to feed, clothe and house ourselves and provide for ourselves ... [*Interruption: 'That is cooperation man.'*] I thought you would like that; it is a truism ... many of the additional things upon which modern man has come to depend. We must grow crops, rear livestock; we must mine; we must manufacture; we must build roads; we must put up gasoline stations, sawmills, rice mills, laundries and so on.

In all of these activities and in our very living we inevitably impact the environment in general and our neighbours in particular. We cannot live without having impacts; without making impacts; without imposing impacts. However, the choice before us is not between living and the environment, but in finding ways to live and to live steadily more prosperously whilst creating minimum negative impacts on the environment in general and on our neighbours in particular.

Our country is at an early stage of its development and we are anxiously looking for rapid growth and development.

With this desire for rapid growth and conscious also of the need to mitigate negative impacts and taking into account the experiences and approaches of more developed countries, Guyana enacted the Environmental Protection Act No. 11 of 1996, which I see as assented to on World Environmental Day 5 June 1996. I recall that as the Bill was being developed, a number of judgments had to be made about various procedures which needs to be put in place and we made those judgments with the understanding that as we gain experience we would make a number of refinements.

The amendments today are refinements coming out of our first nine years of implementing the Environmental Protection Act. These are not the first refinements; there has been a number along the way although of an administrative nature and not needing amendments to the principal Act.

The amendments today are to expedite the processing times for granting environmental authorizations to proceed with various new enterprises and also to streamline the administrative work of the agencies and related authorities.

More particularly as is stated in the Explanatory Memorandum, *Clause 2* of the Bill seeks to amend Section 11(3) (a) of the Environmental Protection Act 1996, to reduce the period from sixty to thirty days within which a person affected by an exemption from the requirement of an

environmental impact assessment may lodge an appeal with the Environmental Assessment Board.

*Clause 3* seeks to amend Section 52 of the Act, to remove the necessity and mark what I say, to remove the necessity for a fulltime Chairman and for the Vice-Chairman to be an Attorney at law.

*Clause 4* seeks to amend Section 55 (3) of the Act to educe the period from twenty-eight days to fourteen days with which an appeal instituted shall be filed from the date of the service on the person seeking to appeal the decision of the Authority.

Mr Speaker, Honourable Members, the major factors prompting these proposed amendment is the concerns expressed by many of our smaller developments about the length of time in getting their projects going and in many of these cases their codes of practices being developed in particular the small ones where an environmental and impact assessment is not required and where this judgment has to be published and those persons who feel differently have an opportunity to protest.

Our experience over the last nine years has shown that the process of lodging and appeal not on onerous one and can easily be accomplished within a week or two so that thirty days is not an unreasonable contraction of the time that is from sixty days to thirty days since Section 20 of the principal Act only requires that the appeal must be writing and must set out the reasons why the person appealing believes that an Environmental Impact Assessment (EIA) is necessary.

So, Mr Speaker, Honourable Members, this section has to do with those recurring kinds of projects and developments where the EPA Management has gained enough experience and has established enough codes and practices internally that they may mane a judgment that an EIA is not necessary. The law gives opportunity for persons to protest, but at the present time they have up to sixty days to make such a protest and the submission s process is not an onerous one. And so we are proposing here to reduce this time from sixty to thirty days so that many of our projects may be initiated and implemented more quickly.

As these amendments relate to Clause 4, which seeks to amend Section 55 (3) of the Act to reduce the period from twenty-eight days to fourteen days within which an appeal instituted shall be filed from the date of the service on the person seeking to appeal the decision of the authority. This here is the case where a developer feels differently from the EPA and has made an appeal and the appeal has not been allowed, he has now fourteen days in stead of twenty-eight days to

make a further appeal. Should an appeal go to the Environmental Appeals Tribunal (EAT), which is the next level of appeal, there is a further deliberation that lengthens the decision making process before a project is finally allowed to develop or not.

Secondly and in all fairness, an aggrieved party should know their position within fourteen days of an EAB decision and make this know to the EAT. This would serve to considerably shorten the decision making process.

Further, Mr Speaker, Honourable Members, many may know that fourteen days is consistent to the period given to lodge most appeals as for example the period to appeal a decision of the Magistrate's Court to the full Court or of the High Court or to make an appeal to the Court of Appeal from a decision of the High Court. *[Interruption: 'Six weeks!']* Well then I have been improperly advised, Sir. May I retain you? Would you be willing to offer your services, Sir?

Clause 3 seeks to amend Section 52 of the Act to remove the requirement for a fulltime Chairman and for the Vice-Chairman to be an Attorney-at-Law. The establishment of the Environmental Appeals Tribunal is one of the things that still needs to be done - let me admit in fully establishing all the authorities that are established by the EPA Act of 1996 and to this end we have seen that there is not the need for fulltime person or fulltime Chairman of the EAT. So we are seeking to make this provision to remove the necessity for a fulltime Chairman of the Environmental Appeals Tribunal.

Also the provision in the original Act required that both the Chairman and the Vice-Chairman be Attorney-at-Law and we think at this time that it would be sufficient if the Chairman alone be required to be an Attorney-at-Law and allow the Vice-Chairman to be someone qualified, but who may not be an Attorney-at-Law.

So, Mr Speaker, Honourable Members, this is the nature of the amendments that we seek to the Environmental Protection Act of 1996 to streamline a bit more the processes of granting or disallowing applications for authorizations to proceed with projects and I urge all Members of this Honourable to support these amendments. I thank you. *[Applause]*

**The Speaker:** Thank you Honourable Prime Minister  
The Honourable Member Mr Carberry

**Mr E Lance Carberry:** Mr Speaker, This Amendment that is proposed is really yet another example of an issue I have raised in this House before, that here we have a very progressive legislation setting up a very important national agency - the Environmental Protection Agency - and really we just tinkering at the margins why there are very important issues to be dealt with. In the case of this particular amendment, our concern is the reduction of the appeal time from twenty-eight days to fourteen days. It seems to us as though twenty-eight days is a reasonable time and I am not sure that in fact it does not put the appellants to a disadvantage. But I want to raise with the Prime Minister some issues which I believe are of greater import with respect to the operations of the Environmental Protection Agency.

There are many complaints and grumbles on the streets about the transparency of stakeholder consultation process. I am not saying that all of these complaints are correct and true, but I believe that it is incumbent on the Prime Minister that these issues are addressed and addressed properly. But the fact is as he himself has said Guyana is a resource-rich country and as a resource-rich country, apart from the environmental challenges which we face internally, there are external concerns about the way in which we go about using our resources. Therefore one would expect that the Environmental Protection Agency would spend a lot more of its energy and time doing the kind of research and putting the kind of policy positions that would help us to deal with those issues in a very structured way and a very sensible way. If they are doing it, maybe it is being done for internal purposes, but I, as a member of the public and a Member of this Parliament would like to know what it is they are doing and what it is they are addressing.

I will give you two examples of what I mean:

One example is the issue of climate change. It is quite obvious that what we are seeing happening along our coast is not a phenomenon that will pass away and disappear, but the phenomenon that we are seeing is a phenomenon that can lead to the complete destruction of habitation of the coast. Now that is not something that we can ignore, it is something that we need to look at and we need to spend energy and time addressing, but yet the EPA is very silent about this kind of issue. This not just an engineering issue; it is an issue of environmental implications that are tremendous and we need to address that.

There is a second example that I want to deal with. The Biodiversity Convention was passed in 1992 and in that Convention, a number of very innovative provisions were made which in fact are beneficial to developing countries - very beneficial. It was expected that with the passage

with that convention that the developing countries would in fact import into their domestic or municipal legislation the provisions of this convention, so that in fact we would end up protecting our people. One example is the protection of local knowledge of Indigenous and other communities in Guyana. There is no provision in our law which recognizes the value of Indigenous knowledge, so that what could happen, anybody could come to Guyana, go and spend a little time in an Indigenous village, acquire information; acquire the knowledge and in fact the village does not benefit or the country does not benefit. Now the provisions of the Biodiversity Convention in fact were intended to protect us against these things, but yet again, we have seen no move on the part of the Environmental Protection Agency which is the agency with the responsibility and which in fact is empowered by this Act to do anything about those things.

Therefore I want to urge our colleague, the Honourable Prime Minister to seek to ensure that the EPA takes more seriously the wider responsible that it has. The EPA was not set up only to deal with the Environmental Impact Assessments and it seems as though they are confining themselves to environmental impact assessments, but the environmental impact assessments are just one of a range of other responsibilities which they have and which they have not been discharging. Now I do not know whether the reason they are not discharging is because they are not properly equipped in terms of personnel and resources, because again, there seems to be many complaints about the whole business of recruitment and training and retention of staff. And therefore, I believe that the Prime Minister owes it to us to be very forthcoming and helpful so that in fact we as citizens can be assured that this agency on our behalf is dealing with those issues that are fundamental to our existence in this country. Thank you Sir. *[Applause]*

**The Speaker:** Thank you Honourable Member

The Honourable Minister of Fisheries, Other Crops and Livestock

**Hon Satyadeow Sawh:** Mr Speaker, I rise to lend support to the Amendment proposed by the Honourable Prime Minister to the Environmental Protection Bill.

There are many justifications in terms of what the EPA has achieved and the outline it has put for its future role in this country. It is an agency that is evolving over time taking cognizance of the changing world reality in which we live.

The Honourable Member Mr Carberry referred to issues like climate change and biodiversity and asked that the EPA be more receptive and I do not think that anybody can quarrel with such a request. The EPA over the years has been reforming itself to impact more positively on the environmental issues pertaining to Guyana which of course is a country that is very much agricultural with a lot of natural resources, therefore issues of the environment and the proper use and protection of the environment is of great necessity and I wish to assure the Honourable Member that as we evolve, as we gain more experience, the issues that are of concern to us in the world like climate change and the change in temperature; all of these things are factored into our environmental reality here in our own country.

Mr Speaker, as I said these amendments are part of the process to streamline the statutory requirements placed that investors in our country sometimes face and have to deal with primarily reducing the decision-making time for the need for an environmental impact assessment; reducing the decision-making time for an appeal by an investor against a decision and expediting the process of establishing the appeals tribunal by reducing the burden placed on the Chairman and the Vice-Chairman. This is particularly important for small and medium size scale investors who are less likely to require an EIA and who would be most affected by a lengthy and drawn decision-making process. The issue is to make the investor friendly - the climate friendly for investors and that is to minimize and to streamline the process thus the reduction of the time for the appeals as we are proposing are reasonable and will facilitate those particularly in the small to medium scale bracket. This is particularly so for small scale operators in the forestry, mining, aquaculture, agriculture sectors. For example, all of these people in the forestry sector, the establishment of a new mill or a project to harvest lumber from the forest of Guyana would require an EIA. A new mining operation that extracts natural resources is likely to require an EIA. Aquaculture will be the same; setting up of a new rice mill for example will be the same. This is not only in the traditional sectors that will be affected; we are looking at the non-traditional sectors as well that would require environmental impact assessment, a process which is proposed the amendment will facilitate.

Investors in the non-traditional sectors have particular times sensitive investments; these are small investors; they are not as well established like the other investors in the traditional sectors in the economy and therefore they need to be facilitated as quickly as possible within the confines of the laws of our Republic.

Specifically the Amendments and justifications -

The first Amendment addresses the authorization process, where an exemption is granted that a project does not need to do an EIA and that is Section 11 (3) (a), where from sixty days to thirty days within which a person affected by the decision to exempt the project from the requirement of the EIA may lodge an appeal with the EAB. We have already spoken about the frustration some developers have by the lengthy period by which they have to wait for their permit and to reduce the processing time for these applications not requiring an EIA, because most of these are small and medium scale operators as we have explained. There is still ample time and I wish to allay the fear that the Honourable Member Mr Lance Carberry spoke about - reduction of the appeal from twenty-eight days to fourteen days. That is still fourteen days, an appropriate time for someone to lodge an appeal if may so wish.

The second Amendment - Section 52 (a) to change a fulltime Chairman to a Chairman - The trend for the past nine years of the EPA operations show that the need for the EAT to be in place fulltime is not necessary as only one instance of an appeal against the EPA's decision was ever made. This case eventually went to the Court of Appeal for a resolution. So a fulltime attorney in this case would be a cost to the State.

Section 52 (b) and changing the requirements that both the Chairman and Vice-Chairman of the EAT - both Attorneys-at-Law to just the Chairman being Attorney-at-Law. The reasoning is straightforward. The President may appoint qualified persons to the Tribunal and should the Chairman who is the Attorney-at-Law not be available to preside over the matters before the tribunal, other members appointed could have legal expertise and not necessarily the Vice-Chairman, thus the rationale for the change that we are proposing.

Thirdly, Section 55 (3) that is to change the twenty-eight days required for persons to challenge the decision to fourteen. Should an appeal go to the EAT, there is a further deliberation that lengthens the decision-making process before a project is finally allowed to develop or not. An aggrieved party should know his decision within fourteen days of an EAT's decision and make this known to the EAT and this shortens the decision-making process. Certainly, I do not think that there is any one of us in this House, who would disagree that the shorter the process in terms of knowing where we stand for an environmental permit, the better we are all off in terms of making that investment, because the business people of today time is essential; time is money as the old saying goes.

Mr Speaker, in both cases of appeal the time is shortened from sixty days to thirty days and from twenty-eight to fourteen. There will be no change in the method of notice to the public. That is one publication in the daily newspapers and there will be no change in the method in which appeals. So for these and all of the other reasons as explained earlier, I commend this Amendment to the Environmental Protection Bill 2005 and ask that all Members of this Honourable House support it. Thank you, Sir. *[Applause]*

**The Speaker:** Thank you Honourable Member

The Honourable Prime Minister and Minister of Public Works and Communications

**Hon Samuel AA Hinds:** Mr Speaker, Honorable Members, I sense is that there is little contention on this Amendment and therefore I would like to ask that it be read a Second time.

**Question put and agreed to.**

**Bill read a Second time.**

## **Assembly in Committee**

### *Clause 1*

Question proposed, put and agreed to.

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

### *Clause 2*

Question proposed, put and agreed to

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

### *Clause 3*

Question proposed

**Hon Samuel AA Hinds:** Mr Chairman, maybe let me just point out a typo for the records sake. In Part (b) Subsection 2 by deletion of the words *and Vice-Chairman*, there should also be a deletion of the word *each*.

**The Chairman:** Where is this *each* coming in this Bill?



**Hon Samuel AA Hinds:** In the next line, Chairman and Vice-Chairman ... as it reads now in the law, the Chairman and Vice-Chairman of the Tribunal shall *each* be an Attorney-at Law; we want to take out and Vice-Chairman, so just the Chairman of the Tribunal shall be an Attorney-at-law. So we need to take out that *each* also.

**The Chairman:** I am completely lost. Could you tell me if the word *each* appears one time in that section?

**Hon Samuel AA Hinds:** Yes.

**The Chairman:** It appears one time. I will put the amendment first that the word *each* be deleted in Subsection 3 (b).

**Hon Samuel AA Hinds:** 52 (2).

**The Chairman:** Subsection 3 (b) be amended by adding; in Subsection 2 by the deletion of the words and Vice-Chairman immediately after the word Chairman and the word *each*. Would that be correct?

**Hon Samuel AA Hinds:** Yes

**The Chairman:** And the word *each*.

**Hon Samuel AA Hinds:** Yes

Amendment -

Clause 3 (b) - At the end of Clause 3 (b) delete the full stop and insert and the word *each*

**Proposed, put and agreed to.**

**Amendment carried**

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

*Clause 4*

**Question proposed, put and agreed to.**

**Clause 4, as printed agreed to and ordered to stand part of the Bill**

## **Assembly resumed**

**Bill reported with an amendment, read the Third time and passed as amended.**

**The Speaker:** Can we move to the next item on the Order Paper?

### **5. NATIONAL REGISTRATION (AMENDMENT) (NO. 2) BILL 2005 - Bill No. 15/2005 published on 2005-10-14**

*A Bill intituled, an Act to amend the National Registration Act*

Honourable Attorney General and Minister of Legal Affairs

**Hon Doodnauth Singh:** May it please you Mr Speaker ... The National Registration (Amendment) (No. 2) Bill 2005 - Bill No. 15/2005 seeks to make important, consequential and other amendments to the National Registration Act Chapter 19:08, as amended by Act No. 14 of 2005.

You will recall that Act No. 14 of 2005 ushered in for the first time the process of continuous registration in the electoral system. However, in the Bill No. 15/2005 a number of sections were deliberately not amended, because it was felt by GECOM Officials that Officers who performed certain functions would only commence the performance of those functions when the registration process would have reached the stage set out in Sections 14 and 15 of the Act. As you see in the Act, these sections deal with claims and objections.

However, after consideration, it has led to the conclusion that certain amendments which we have affected by this Act were absolutely necessary for example substituting record for card; registration record for registration record; registration officer for divisional registrar and registrar. Further every reference to a registrar now includes a reference to an assistant registration officer.

An important amendment is to Section 19 - the Regulation making power, which at the moment states inter alia that the Commission may make regulations prescribing forms for the due administration of the Act. This provision has been amended to give the Commission the power

to determine such forms and to determine how they maybe amended. This change has been designed to meet the exigencies of the operation of the Commission.

*Clause 10* is a validating clause, which in effect validates the amendments affected by the National Registration Residents (Amendment) Regulations 2005 - No. 8/2005 and the National Registration (Amendment) Regulations 2005 - No. 9/2005 which amendments are now being made by this Bill.

Mr Speaker, I now seek to have the Bill read for the Second time.

**The Speaker:** Thank you Honourable Member

The Honourable Member Mr Alexander

**Mr Vincent L Alexander:** Mr Speaker, I rise to add my bit to this debate on Bill No. 15/2005 which is before this Honourable House.

Mr Speaker, the People's National Congress/Reform does not have any problems with the provisions of this Bill. In fact, the People's National Congress/Reform had expected that these provisions would have been brought to this House much earlier.

That expectation has gained even more validity in the face of the commencement so-called of continuous registration also so-called on Monday of last week. Because, Mr Speaker, what in effect has happened, is that we have had the commencement of national registration - continuous registration co-called announced and pronounced upon when in fact if one were to visit the centres, one would become immediately aware of the fact that in many instances we did not go past the pronouncement. We were told approximately two months ago that of the intended twenty-three centres, twenty-two were operational; had already been identified and equipped, but on the 17<sup>th</sup> when the process was supposed to have started many of those twenty-two centres did not have the required equipment and in fact there were even instance where the physical buildings had not yet been acquired and therefore the Elections Commission was in no position to commence registration at those centres. For example, the centre at Wismar, as I stand here, I am not even sure if that centre is yet operational. I know for a fact that as late as Saturday of last week the centre in Mahdia though it had been acquired, though it had been staffed; it was not operational for the want of equipment and for the want of the list. The same applies for other centres in the hinterland. Annai was not operational. Paramakatoi was not operational. I am

making this point that we have a situation where the Guyana Elections Commission seem to be joining those who in some regards specialize in administration by propaganda rather than administration by effective and efficient implementation of the task, which is supposed to be done.

Mr Speaker, we have to be very careful and cautious that an institution like the Elections Commission, which is responsible for such an important exercise can descend into administration by propaganda and not be truthful to this nation. We know that elections is one of the most controversial things we have had over the decades and there are those who would want to accuse the People's National Congress/Reform of all sorts of machinations and would not recognise at least publicly with deficiencies in the system, deficiencies which have to be corrected if we are going to get it right as a nation in relation to elections.

Mr Speaker, this situation which I referred to is not one of recent vintage. The Elections Commission and I dare say, here I am not referring to the entire institution, I am making a distinction between the decision makers, the Commissioners under the Chairman of Dr Surujbally and the administration because there have been many instances where the administration has rendered advice, has made proposals and the Commission has not heeded the advice, has not implemented the proposals and has not done anything to suggest that there was good reason for the non-implementation of the advice.

Mr Speaker, I want to draw the house's attention to one such instance on which this nation has been misled and on which we are still to make conclusive decisions. I have here with me a report on Attachment to the Electoral Office Jamaica 5 to 17 May 2003. In that report it was recommended since May 2003 that there should be thirty-five registration centres. It was subsequently recommended that it should be fifty-three. The Commission has put in place twenty-three centres. I have already alluded to the fact that many of the centres were not functioning.

But when one looks at this question of twenty-three centres, what reality is one faced with? He is faced with the reality where someone who resides in Aishalton is being asked in these hot guava season times to travel from Aishalton to Lethem to effect a registration.

Someone who lives in Kwakwani, a depressed community, high rate of unemployment, very little hope in terms of the future, those persons are being asked to come from Kwakwani to Linden to effect a registration.

In the case of the people who live on the highway, they are being asked to come to Providence and I am told that there is now no certainty as to whether the centre will continue to be at Providence.

The people in the Berbice River, Kimbia and beyond are being asked to come to Linden. I am not interested in the mouthings about mobile registration, because as I have already said, even the static registration is not yet properly off the ground and you are promising people mobile registration when we have a history of poor and ineffective implementation of mobile registration in the past. And so we wish to take cognisance of this state of affairs as we lend our support to this Bill, because what is required is not merely pronouncements and bits of law here and there, what is required is an Elections Commission that is fruitful to itself and the nation and that is efficient and effective in the implementation of its mandate. *[Interruption]*

**The Speaker:** Honourable Member, if you have a while more, I think, perhaps we should take the suspension now and you can continue after we resume.

Honourable Members, Members of the Committee of Selection have been circulated with a notice for a meeting of the Committee of Selection in my Chamber immediately after. I would hope that Members would take the opportunity and come immediately after we suspend rather than to waltz in about fifteen minutes after or I have to send people to search for you. Just to remind us who are the Members of the Committee:

Honourable Member Mr Reepu Daman Persaud;

Honourable Member Ms Gail Teixeira;

I note Dr Henry Jeffrey is here, he is a Member;

Honourable Member Mr Feroze Mohamed ;

Honourable Member Mr Donald Ramotar;

Honourable Member Mrs Clarissa Riehl;

Honourable Member Mr Lance Carberry;

Honourable Member Dr Dagleish Joseph;

Honourable Member Dr Carl Max Hanoman.

We will take the suspension now.

#### **4:00H - SUSPENSION OF SITTING**

#### **4:40H - RESUMPTION OF SITTING**

**Mr Vincent L Alexander:** Mr Speaker, I was making the point that twenty-three centres have posed enormous difficulty for the citizens throughout this country to be able to exercise the right to be registered, the right which in fact would eventually have the impact on the right to vote.

Mr Speaker, one would have assumed that in a situation where there are only twenty-three centres that a much greater effort would have been made to mobilize the public for registration, but what have we found? There has been little or no public education. I think there was a notice in the papers on the 16<sup>th</sup> October, but since then there has been little or no public education about registration. People simply do not know where to go to register even those who live in close proximity to the registration centre have not been communicated with in relation to the commencement of registration and to the location of the registration centre. Mr Speaker, it is very clear that GECOM has to get its act together, because if GECOM does not get its act together and we go to an election with this level of inefficiency and ineffectiveness then GECOM will have to bear responsibility for the consequences. We know that there is a situation where there is a lack of confidence in GECOM. We know the manner in which people responded in the past and where they have pointed their fingers. GECOM has got to ensure by its performance that it builds confidence in the electoral and in the institutions which is responsible for the electoral system. That is why I find it so important to bring to the attention of this House these areas of incompetence or neglect, but certainly deficiencies in the system.

Mr Speaker, earlier I alluded to the report of 5 to 17 May in relation to the visit which was paid to Jamaica by officials of the Guyana Elections Commission. Mr Speaker, when one turns to Page 41 of that Report, what does one find? On Page 41 (4) and this comes under the heading of recommendations, it is stated that the systems to be implemented in the Information Systems Department must have electronic cross-matching of finger prints and all other data as the critical element to be used for identifying applicants for registration and for the preparation of a clean voters' list. Mr Speaker, the point I want to underline here is that the Administrative staff of the Elections Commission in May of 2003, came to the conclusion that Guyana needed electronic cross-matching of finger prints. They came to this conclusion after a visit to Jamaica where they were exposed to the system in Jamaica - 2003, but one would have been led to believe by the Elections Commission of this country that this visit had never been paid and that they have

absolutely no knowledge of the existence of such a system, of the efficacy of such a system and of the possibility of implementing such a system in Guyana. It took the Opposition parties time, resources to repeatedly bring to the nation's attention that this possibility existed and after over one year, the Commission was still in a state of denial - denial of something which they have in their own records and it really asks the question, is it incompetence; is it a design not to proceed along a certain path without giving good reason why one should not proceed along that path? But in any instance it does point to their problems in the Guyana Elections Commission - a problem which has to be resolved if the nation and the political parties are to repose their confidence in that Commission. Mr Speaker, the day may have been saved I am told, GECOM last week ventured to Jamaica; for me that is a waste of money that they ventured, because a team went in 2003 and the information that they went to bring back in 2005 is contained in a report that that team presented to the Commission in 2003. Evidence of this fact is in the Concept Paper on Continuous Registration, because once again the Administration in the Concept Paper presented this possibility and GECOM pretended that this was some strange thing that did not exist and did not seek to resolve the matter. As I said, the day may have been won; I am told that the idea is not for the Jamaicans to come as we had proposed when we last met with the Commission. We has proposed that there was no use in the Commission going to Jamaica, let Jamaica come here. We are now told that they are likely to come, but I would like to make one observation and that is that the Commission ventured to make a statement prior to the engagement of Jamaica that if perchance they find out that what in Jamaica is workable, then they will consider its implementation if it ell not cause a delay in their agenda. Well for me, the one agenda has two meanings here. I do not know what agenda they have that caused them not to have done earlier what they should have done. I do not know if they are clearly responsible for not having done what they should have done, they can now impose upon us an agenda that excludes what they should have done.

So in closing, I repeat the People's National Congress/Reform has little or no quarrel with what is before us. What we are concerned about is the agenda of the Commission, the efficacy of the Commission and the effectiveness of the Commission. We are prepared to cooperate as we have done for the realization of the election of an acceptable standard. We do not separate dateline from standard, the two have to go hand in hand. We therefore expect that the Commission will make it possible to have finger printing for the purpose of cross-referencing of those finger prints

to ensure that multiple registration is eliminated so that over time like what happened in Jamaica, they can build the confidence of the people of this country and ensure that we overcome the problems we have encountered previously at elections. I would want to ask, even though it may fall on deaf ears ... I must clear my conscience and ask those Members of this House on the other side, who may better understand GECOM's agenda than I do, to recognize that the nation must be put first and to join us in this call on GECOM for them to do what is right: for them to be efficient, effective, objective and provide this nation with a breather after the elections intended for 2006. Thank you Mr Speaker. *[Applause]*

**The Speaker:** Thank you Honourable Member  
The Honourable Member Mr Donald Ramotar

**Mr Donald R Ramotar:** Mr Speaker, I also want to join with my colleagues who spoke before me on this Bill and to support this Bill. Because as it is well known, we have given the authority to the Elections Commission - we all here - to make these regulations and they are here with us at the moment. I am associated myself with a lot of the concerns that the Honourable Member Mr Alexander made in his presentation, but the difference with us would be in our approach. I do not know on the one hand that he could be shouting about having confidence in the system and GECOM's responsibility and so forth as if he himself or his party is detached from the system. I am of the view that we are all stakeholders in the process and what is necessary is for us to cooperate as much as possible to ensure that at the end of the day, we all have a result that we would like and that we can live with. *[Interruption: "That is not possible. All of us cannot live with it." "No, what I mean that we will have a clean, free and fair election, transparent and we can therefore live with the results after the PPP/C's victory that you can all say yes, yes, yes" "You nearly forget to say that." "No, I did not forget to say, I just did not want to antagonize you."]*

I also have the same concerns about the quantity of fixed offices that exist - permanent offices. But I would also like to give the Elections Commission's explanation to us ... Mr Alexander and I attended a meeting with the Elections Commission and I would prefer to give their proposals an opportunity to work. What they explained to us is that some areas are very small; they can have an office and finish the work in one week, but then it would be a permanent office and be there



for ever. But what have also said is that they have mobile teams to try to deal with some of these problems and they promised and I think this is a promise that we should jointly hold them to that when the process gets into motion, if they find that the amount of offices are not enough, because I think it was I who asked that question specifically and they said yes, they would be ready to review their position in having additional offices. At this point in time, I would not ... I know what the Honourable Member Mr Alexander is speaking about; some of the problems in some of the offices that have started to work. I wish to look at that as being more teething problems and try to see how much we can overcome these problems, to cooperate with GECOM and not to create the kind of atmosphere - a lack of confidence in GECOM - because that road can only lead to problems and what we should more or less be focusing on is to try for all of us to have the outcome that we would like to have.

I would also like to talk about the whole issue of ... I think Mr Alexander avoided very skillfully some things about the Jamaican system and he was speaking all the time in this Parliament and outside of this Parliament in their Thursdays press conferences ... [*Interruption: 'Donald we do not see your own.'*] That is your loss my dear. They were always harping on this issue that Jamaica got live finger prints and we should do the same. But he mentioned just now about this team of persons going to Jamaica and coming back. What I have seen here that the Jamaican system is saying that they have no live scans in the fields. On page 2 - Finger print scanning - here is what it says:

*The EOJ ... that is the Elections Office of Jamaica ... carries out live scan finger printing only on a very limited basis.*

In fact we were told by the Field staff that the only the EOJ headquarters possessed live print scanners. No such equipment existed in the fields. So this talk that we were hearing all the time about Jamaica is doing it; Haiti is doing it and therefore we should do it; we of course on this side of the House would like to do everything. Our position on this side of the House is to do everything to ensure the security and to ensure that we have everything above board. I was just telling my friend Mr Carberry in the lunch room that he is pushing at an open door, because nobody wants that more than us, but our argument has always been the time factor that that will take for the time that we have for the run-up for elections. So we are not ... but Mr Corbin that is not exactly true. You started to call for that after your attempts to destabilize the database at the Elections Commission were frustrated by people coming in here and saying that that was not

so. So our position is that scans clearly and I have mentioned at another forum where the live scan was tried like places like Venezuela, in Kosovo and other countries or we talked about Haiti. We are seeing right now that the elections in Haiti have been postponed for December. They could not be held at the time when they were to be held and heavens know if they will reach that timetable to hold the elections in December. So I while I appreciate and support the concerns of Mr Alexander and share a lot of those issues and problems, we are willing to cooperate with the Elections Commission and with the serious opposition that is going to contest the elections and for us ... *[Interruption: 'What about Franklin and them?']* ... You have already corralled him, so I might be forced in that way. But we are willing to work with all the stakeholders to ensure that we have an election that all Guyana can be proud of. Thank you very much for your attention. *[Applause]*

**The Speaker:** Thank you very much Honourable Member.

The Honourable Member Mr Corbin

**Mr Robert HO Corbin:** Mr Speaker, I shall be very brief. I support the Bill before the House, but I think I would like to record my appreciation for the remarks made by Mr Donald Ramotar, the General Secretary of the PPP/C, who has in fact said that we are pushing at an open door, if I am using his word correctly; meaning that I understand him to say that the PPP/C has come around or is willing to ensure that all systems are put in place; to ensure that multiple registration, duplication and all systems which are required; to ensure that a voters' list will be satisfactory will be fully supported the PPP/C and put in place. I do not want to hash at the past, this indeed is a welcome development and we look forward to the necessary responses at the level of the Elections Commission to see that the Elections Commission can indeed be encouraged by both sides of the House to do what the law requires them to do to ensure that the list is satisfactory. We, in this House are empowering them with great powers. That is what this Bill is really doing; we are giving the Elections Commission powers to change forms and to do a number of acts without coming to this Parliament. And if we are doing that, it is indeed delegating a great deal of responsibility to that body.

I would like to assure Mr Ramotar and Members of this House that the position of the People's National Congress/Reform has always been one of full cooperation with the Elections

Commission and I am sure that Mr Ramotar is aware of this as he would see that for the last two years, we have promptly responded to the Elections Commission on every issue on which they have asked the political parties to comment. We have made suggestions and recommendations. We are indeed happy that finally there is a recognition that Jamaica and the Jamaican experience ... *[Interruption: 'And Haiti.']* ... No, no, not in Haiti, in Jamaica it is one which the Elections Commission now finds acceptable.

I do not want to get into a difficult area, but I could also quote from a document dated 2003 from the first official of the Elections Commission, who visited Jamaica two years ago. In his official report recommended that the very system of finger -printing that was employed there ought to be employed by the Guyana Elections Commission. It took two years, quite contrary to my friend's suggesting that we were busy talking about the database, this matter of biometrics originated from that report, from a technical officer from the Elections Commission, who was sent to Jamaica by the Elections Commission and one must understand why it was that the People's National Congress Reform and all Parliamentary opposition parties found it strange that having had such a technical report within the Elections Commission since 2003, we have had to wage such a powerful campaign on radio and generally in the community at large to the extent that it appeared that we were attacking the Commission or trying to create as Mr Ramotar said a lack of confidence in the Commission. The only reason we have had to respond in that way is because the Commission itself appeared not to be taking seriously the recommendations which not only we had made, but which some of their own technical officers has made.

Let me just respond to Mr Ramotar about the report. I do not want to comment on this report, I have seen a report which suggests that the Jamaicans have gone in one Parish not only to have live finger prints in the registration, but actually at the polling stations in experimental stage at two Parishes; not only at registration where when you go to vote you put your finger on the machine and the ballot paper comes out. But in terms of the registration what they had had to do was to introduce biometrics by scanning their finger prints that were already un-captured on the registration cards and they found that a convenient method, because of the advanced in technology which has occurred, because of the rise in terrorism and the advance of a number of technologies particularly by COGENT a company that specializes in this kind of security devices with whom the Jamaicans work with. They have been able to develop the technology to the point, where they are saying that even if they capture part of a finger print on the old mass of

registration card, the technology is of such that they can scan it into the computer and they can use that as a basis for cross-referencing and looking for double registration, which is what the PNC/R was seeking to arrive at; to have a system by which the biometric feature could become meaningful in the electoral process. In the past all that happened with the mass of registration card was that your finger print was taken on a mass of registration card and stored in some office at the elections Commission. It was never used for the purpose it was intended and the biometrics that we were asking for to put it in its proper perspective was to provide a basis for cross referencing electronically to ensure that we eliminate multiple and duplicate registration.

I am happy that the Chairman and team that went to Jamaica are now fully satisfied that what the People's National Congress/Reform and other Parliamentary opposition parties were saying all along was quite feasible; was not a logistical nightmare and I understand from the report, they have said that it can be done within three to four months. I hope therefore they will get here very quickly and with such high expectation in mind especially with the full support of Mr Ramotar and the PPP/C, I have no hesitation in supporting this Bill. *[Applause]*

**The Speaker:** Thank you Honourable Member

The Honourable Member Mrs Melville

**Mrs Shirley J Melville:** Mr Speaker, I rise to make my contribution before this Honourable House and I am very happy to hear that it is the duty of all the stakeholders in ensuring that we have a free and fair election.

Mr Speaker, one of the great concerns of the people of the hinterland and I am sure that my colleagues from the other regions could support this also is that we are aware of the efforts being made by the respective Ministry with regard to birth certificates of our people. Mr Speaker, this continues to be a great problem and now it is rising up again seeing persons have to come from very far distances to the registration centre just to learn that the birth certificate is not in place as yet and they need to have that in order to register in order to register. So, I feel that it is most appropriate to make this point that all stakeholders and the respective Ministries continue to work together with the regional centres to ensure that the people of the hinterland are in a position to exercise their democratic right come election 2006. Thank you. *[Applause]*

**The Speaker:** Thank you Honourable Member

The Honourable Attorney General and Minister of Legal Affairs

**Hon Doodnauth Singh:** May it please to Mr Speaker, as Mr Corbin and Mr Alexander have both said, the members of the Elections Commission have recently visited Jamaica and have returned with a report. I am hopeful that that report will find acceptability by all the political parties and implemented.

With respect to the inadequacy of the registration centre, Mr Llewellyn John and a voter have instituted proceedings in the High Court challenging the non-availability of the sufficiency of registration centres and the Attorney General Chambers is defending the Elections Commission in those proceedings, but I expect that that matter would be resolved amicably and that as a result adequate registration centres will put in places.

In the circumstances, I ask that the Bill be read for the Second time.

**The Speaker:** Thank you Honourable Member

**Question put and agreed to.**

**Bill read a Second time.**

**IN COMMITTEE**

**The Chairman:** I understand that there are no amendments proposed

*Clauses 1 -10*

**Question proposed, put and agreed to.**

**Clauses 1-10, agreed to and ordered to stand part of the Bill.**

**Bill considered and approved**

**Assembly resumed.**

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

**The Speaker:** We can now proceed to the next Item on the Order Paper.

## **BILL - Report from Special Select Committee and Third Reading**

### **6. AGE OF CONSENT BILL 2004 - Bill No 22/2004 published on 2004-11-29**

The Honourable Minister of Labor, Human Services and Social Security

**Hon Rev Dr Remnant DA Bismuth:** Mr Speaker, colleagues, I rise to speak on the Report of the Age of Consent Bill 2004 - Bill No. 22/2004 and then to go on to move for the adoption of this Report by this Honourable House.

You will recall, Sir that Report of the Special Select Committee on the Bill was presented to the National Assembly on 4 August 2005, by me in my capacity as Chairman of the Special Select Committee.

You will recall too, Mr Speaker, that the Bill which seeks to amend the Criminal Law Offences Act and the Marriage Act was introduced in the National Assembly by the Hon Bib Safora Shadick and read for the first time on 29 November 2004. That it was debated and read the Second time on 9 December 2004 and committed by the National Assembly for consideration by a Special Select Committee. That Committee comprised of the Honourable Members Gail Teixeira, Doodnauth Singh, Philomena Sahoye-Shury, Clarissa Riehl, Volda Lawrence, Sheila Holder, Ravendra Dev with myself as Chairman. Those names are listed on page 2 of the Report although, Sir, I wish to point out for our correction that the Honourable Member Mrs Clarissa Riehl, who is the Deputy Speaker and not as it is listed here as Sheila Holder; certainly not as yet.

The Committee benefited from the advice of the Chief Parliamentary Counsel and his deputy Messrs Cecil Dhurjon and Charles Fung-a-Fat respectively as well as from the support of officers from Parliament particularly Mr Maurice B Henry and Ms Debra H Cadogan.

The duly constituted meetings of the Special Select Committee were characterized by serious discussions in an atmosphere of frankness and mutual respect. I wish to thank the Committee for its work and for the manner in which it worked. Something of the process employed by the

Special Select Committee is indicated in paragraphs 8 and 9 of the Report and I wish to read these two paragraphs:

*The Committee felt that it would make a decision on the pertinent clauses until it canvass the views of the wider public. To this end it invited members of the public through the media newspapers, radio and television to submit their views in writing to it on the change of the age of consent and if they were desirous to indicate their willingness to appear before the Committee to give oral evidence.*

*The Committee also took into consideration the group that the Age of Consent Bill seeks to protect. It was agreed that students of upper forms of secondary and community high schools were representative of that group. The Committee therefore approached those students through their headmasters and headmistresses to submit their views on the Bill.*

Written and oral submissions were made by a number of organisations. The list is given on pages 3, 4 and 5 of the Report.

I wish, Mr Speaker, on behalf of the Committee to express our gratitude to those who made submissions. Their desire to protect young females of our society from sexual exploitation at the hands of males is very commendable and deserves the applause of all of us.

Appendix 3 of the Report summarizes the submission in a matrix. Quite a few individuals, organizations and students advocate eighteen as the age of consent. Two positively sought the retention of the age thirteen and quite a few organizations and students advocate sixteen. Compelling as the arguments were for the age eighteen, the Committee felt compelled to reject that age since eighteen is the age of majority for males and for females. That fact alone indicates that females of that age can legally give consent for sexual intercourse. It is to be noted that in the great range of countries studied that there is a differential between the age of consent and the age of majority. Invariably the age of consent is lower than the age of majority.

In the course of the Committee's discussion issues tangentially related to the Bill arose. In the light of these, the Committee would suggest that early consideration be given to the drafting and enacting of legislation which would treat comprehensively with sexual offences. The Committee could not treat with these issues because of its specificity of its mandate. Mr Speaker, in keeping with that mandate the Committee considered the Bill clause by clause.

Clauses 1 to 3 were considered and agreed to as presented. Clauses 1 and 2 seek to amend Section 69 of the Criminal Law Offences Act Chapter 8 and Paragraph 1. The amended Section 69 would read:

- (1) *Everyone who unlawfully and carnally knows any girl of or above the age of fifteen years and under the age of sixteen years shall be guilty of a misdemeanour and liable to imprisonment for ten years.*
- (2) *It shall be a sufficient defence to any indictment under this section if it is made to appear to the Court or Jury that the accused person had reasonable cause to believe that the girl was of or above the age of sixteen years.*

The amended Clause 3 that is Section 70 of the Criminal Law Offences Act reads:

*Everyone who unlawfully and carnally knows any girl under the age of fifteen years whether he believes her to be of or above that age or not shall be guilty of a felony and liable to imprisonment for life.*

Clause 4 was agreed on by the Committee as amended. Clause 4 amends Section 87 of the Criminal Law Offences. As amended that section would read.

- (1) *Everyone who being the owner or occupier of any premises or having or acting or assisting in the management or control thereof induces or knowingly suffers any girl of the age mentioned in this Section to resort to or to be in or upon those premises for the purpose of being unlawfully and carnally know by any person whether the carnal knowledge is intended to be with any particular person or generally shall -*
  - (a) *if the girl is of or above the age of fifteen years and under the age of sixteen years be guilty of a misdemeanour and liable to imprisonment for ten year; and*
  - (b) *If the girl is under the age of fifteen years be guilty of a felony and liable for imprisonment for life.*
- (2) *It shall be a sufficient defence to any indictment under this section if it is made to appear to the court of jury that the accused person has reasonable cause to believe that that girl was of or above the age of sixteen years.*



In relation to Clause 5, which seeks to amend Section 32 of the Marriage Act, the Committee recommends strongly and unanimously that this clause be deleted in its entirety. The deletion of Clause 5 would lead to two things:

- (i) An amendment to the title of the Bill to read Criminal Law Offences (Amendment) Bill 2004;
- (ii) The removal of the second sentence from the Explanatory Memorandum.

Mr Speaker, the amended title should emphasize the fact that the Bill addresses the issue of statutory rape. This is the subjective; it is not about consensual sex. If removed, the misconception that the Bill gives licence to girls who attain the age of sixteen to indulge in physical sexual activity or to get married and in preparation for marriage to forego their education or forego the marriage or overlook the risks to their lives of the responsible sexual behaviour at too early an age.

One final point, Mr Speaker, the raising of the age of consent from thirteen to sixteen (thirteen is that age at the present time) brings us in line with other CARICOM countries, where from Antigua and Barbuda to St Kitts Nevis, Barbados, Jamaica, Belize and the Bahamas; from Trinidad and Tobago to Suriname, the age of consent is sixteen. This may not be a condition which we have to satisfy in order to be CSME ready, but with the free movement of persons which the CSME anticipates, it may not be an insignificant point.

And so, Mr Speaker, if I may, I move that the Report of the Special Select Committee on the Age of Consent Bill 2004 be adopted. *[Applause]*

**The Speaker:** Thank you Honourable Member  
The Honourable Member Mrs Clarissa Riehl

**Mrs Clarissa S Riehl:** Mr Speaker, just a few words in support of what the Honourable Minister has said. We went into this Special Select Committee with a Bill named the Age of Consent Bill and we came out with one amendment to the Criminal Law Offences Act, which I think is very apt. Because we found out that the provisions relating to the marriage sections where the ages were up was already amended by Act No. 19 of 1990 and this is one instance in which the Special Select Committee's work was considerably enhanced by legal advisers, because although there was a couple of lawyers, we had forgotten that the marriage area of the

Age of Consent Bill that we took into the Special Select Committee had already been changed. So there was no need to change it. That facilitated the name change much easier, because all the aspects that were amended really related only to the criminal aspect of the Bill.

Sir, I would like to recommend Item 18.1 which is on page 6 of this Report and to read for the benefit of the House:

*The Committee recommends that early consideration be given to the drafting and enacting of a law or laws which deal comprehensively with sexual offences.*

We think that the time has come for this to take place, because many of our bits of legislation and when we change them along these lines do not affect the male gender. The areas of the criminal law that speak of sexual matters are not gender neutral. So, in this age where there are so many criminal acts of homosexuality and so, I think the time has come for our sexual offences area of the Criminal Law Act to at least be changed, which brings me to an even older situation where we have spoken in this House, I think, since 1998 or some time like that of having a complete law revision - a total revision of the laws. I remember when the Honourable Member Mr De Santos was the Attorney General, whenever that was; he had said that they were to embark on that. I think the government should give some serious thought to having that exercise be gone through in this country.

Having said these few words, the Special Select Committee worked very well as usual and it was even among ourselves there were members - I know on our side, the other Member Mrs Lawrence was adamant that age of consent should be eighteen until she was persuaded otherwise, because as the Honourable Minister has said earlier that the age of majority is eighteen. So this Bill is meant to address and not to give young girls or boys for that matter the opportunity to go out and be promiscuous. One would expect that family lives or family values would prevail and the youngsters' lives, but this is to protect the more vulnerable in our society, who do not come perhaps from families where these things are thought to them at early stages and prevent them from behaving in any promiscuous fashion, but as I said, to go after the more vulnerable and to protect them from (I do not want to say) the male predators out there ...  
*[Interruption: 'What about the females?']* ... and some female predators. I have to speak on both sides having made my earlier comment - male and female predators out there. So that is the reason why the Act is there as most of the criminal lawyers that minimum standard and those

sets of persons who are not able to protect themselves or who do not have the necessary parental care in the background to look after them.

So, with those few words, Sir, I also commend this Report to the House. *[Applause]*

**The Speaker:** Thank you Honourable Member

Do you have anything further to say Honourable Minister?

**Hon Rev Dr R Dale A Bisnauth:** Just wanted to move the adoption of the Report, Sir

**The Speaker:** The adoption of the Report and that the Bill be read a Third time. There are two things you need.

**Hon Rev Dr R Dale A Bisnauth:** Yes.

**The Speaker:** The Motion calls for the adoption of the Report and for the Bill to be read a Third time.

**Hon Rev Dr R Dale A Bisnauth:** I therefore would want to move that the Age of Consent Bill be read a Third time and passed as amended.

**The Speaker:** Thank you very much. I would put the Motion first.

Question -

That the Report of the Special Select Committee on the Age of Consent Bill 2004 be adopted.

**Put and agreed to.**

**Motion carried.**

Question -

That the Age of Consent Bill be read a Third time and passed as amended.

**Put and agreed to.**

**Bill read the Third time and passed as amended.**

**The Speaker:** Honourable Members, we will now move to the next item on the Order Paper

## MOTION

### 7. REPORT AND ADDENDUM OF THE NEEDS ASSESSMENT OF THE GUYANA NATIONAL ASSEMBLY

*WHEREAS on the 4<sup>th</sup> August, 2005 the Needs Assessment of Guyana National Assembly and Addendum of the Needs Assessment of the Guyana National Assembly dated 18<sup>th</sup> February, 2005 and 18<sup>th</sup> May 2005 respectively, were laid in the National Assembly;*

*AND WHEREAS the said Report makes recommendations in connection with the functioning of the National Assembly;*

**BE IT RESOLVED:**

*That the National Assembly notes the said Report and its recommendations;*

**BE IT FURTHER RESOLVED:**

*That a Special Select Committee be appointed to make recommendations to the National Assembly on the implementation of the said recommendations after considering prioritization, methodology and the advisory papers of James Pender.*

The Honourable Minister of Health, the Motion is in your name.

**Hon Dr Leslie S Ramsammy:** Mr Speaker, we have in our possession two Reports:

- The Sir Michael Davies Report including its Addendum; and we also have
- The James Pender's Report.

Reports that are part of the Needs Assessment of the Guyana National Assembly; these Assessments have been undertaken with the collaboration of the Commonwealth Secretariat and have been commissioned by the Guyana Government.

You, Mr Speaker, have played a pivotal role in coordinating the work of the Commonwealth Parliamentary Advisers Sir Michael Davies and Mr James Pender. The Guyana Government would like to thank the Commonwealth Secretariat; we would like to thank Sir Michael Davies and Mr James Pender for the work they have done on our behalf.

Mr Speaker, I am privileged to be introducing this Motion this afternoon.

The Motion seeks to establish a Special Select Committee to consider the recommendations contained within the Sir Michael Davies Report including its Addendum and including the recommendations made by Mr James Pender. It is intended that a Special Select Committee will consider these recommendations and advise the National Assembly on a way forward. This is a process. Sir Davies himself recognized that this is a process and is time dependant. He said that some of my recommendations cannot (I accept) be implemented immediately, but I have laid out a blue print for the future.

Mr Speaker, the proposed Special Select Committee has an opportunity to debate and consider the recommendations in their entirety and set an agenda for Parliament's consideration of further changes to Guyana's Parliament. In so doing, the Government has set in motion another menu of actions intended to improve the functioning of the National Assembly and to further enhance and to further enhance its role in strengthening and sustaining Guyana's democracy. Some will consider this move as one intended to reform Guyana's Parliament and that we are now attempting to embark on a Parliamentary reform process. For sure the changes that will inevitably follow the Special Select Committee's consideration of the recommendations made in the Commonwealth Team's Report would further change the way our national Parliament functions. I reiterate changes are inevitable, but the changes will be additional changes adding to the many other changes that have occurred over the last thirteen years. The many changes that have occurred in the last thirteen years have been reforming changes and the further that are inevitable will further enhance the reformation of Guyana's National Assembly. Thus the Parliamentary reform movement in Guyana is not a phenomenon waiting to occur. The reforms in the functioning of the National Assembly started thirteen years ago, with the restoration of democracy. It is a process - an ongoing process and the PPP/C Members in this House are proud to be part of this noble objective.

On 5 October 1992, the people themselves decided that they wanted a representative Parliament. Thus when the Sixth Parliament assembled in December 1992, with representatives who are

elected in a free and fair election, it was a Parliament that was solidly placed on a path of reform; a refreshing breeze entered our Parliament after 5 October elections. For the people who sat in these very chairs were persons who were elected by the people; they were the people's representatives even Members of Parliament in the opposition benches sat with pride for there were for the first time since independence legitimately sitting in their seats as the people's representatives.

On 17 December 1992, Cheddi Jagan addressed this House and declared as follows:

- Today, the world can proclaim that for the first time since independence, we have a Parliament which is truly representative of the people; and
- President Jagan declared that day in all our endeavours Parliament will be central as the highest legislative authority in the land.

But that Parliament which we the people's representative inherited was very steep in old non-democratic practices. The practices that were part of the previous Parliament were entirely inconsistent with the new democratic era. Sir Michael Davies acknowledged the degradation suffered by the Parliament of the pre-1992 era. Sir Michael therefore was not surprised that the tradition of parliamentary government was badly damaged and he concluded the tradition of parliamentary government will take to develop.

The new government - the PPP/C Government - in 1992 realised that it would be a long struggle to transform Parliament into a truly deliberative body; a body that could be the symbol of our freedom; a body that could be the beacon of our democracy. The reform movement to transform Parliament started then. Indeed, Mr Speaker, one early attempt was by amending the Standing Orders. The Standing Orders were amended by the addition of 70A to provide for Standing Committees to enact the vision of President Cheddi Jagan of a truly deliberative body monitoring government.

Unfortunately, Mr Speaker, the first attempt by the then Minister of Foreign Affairs the Hon Clement Rohee to establish a Standing Committee on Foreign Affairs met with less than enthusiastic response from the opposition. They were absent from most of the meetings. As a result, we had to wait until the reforms of the Constitution in 2000/2001 to get this process going for the recommendation for the establishment of Sectoral Committees which were enshrined in Section 119 B of the Constitution. The new changes that would inevitably derived from consideration from Sir Michael Davies Report and the recommendation on the Standing Orders

made in the Pender's Report would be more changes in a series of reform moves piloted by the PPP/C Government since 1992. It was not a case of the PPP/C Government suddenly realizing in 1992 that our Parliament was contaminated with the autocratic spirit that characterized our governance model for more than two decades prior to 1992. Cheddi Jagan and the PPP had always held that position that the non-representative nature of the Parliament and the draconian way that the Parliament's business was conducted in those years were major contributory factors in our under-development. Thus the PPP/C manifesto for the 1992 elections had promised that reform in the way Guyana's Parliament function must be a priority development goal. It stated that the new State will be a republic founded on the principles of freedom, equality and solidarity, where the only paramount institution will be the Parliament guided by a new government fashioned by the Guyanese people.

We have had thirteen years of gradual but significant changes in the way this Parliament functions. The cumulative effect has transformed our Parliament into a body quite distinct from the Parliament we inherited in 1992. No honest could reasonably try to equate the pre-1992 Parliament with the post-1992 Parliament. You see, Mr Speaker, we in the PPP/C believe that Parliament is an important starting point for inclusive in governance. The fact is that while many could strongly argue today for a greater role of Parliament still, Guyana's Parliament has been evolving into a meaningful and a more deliberative Parliamentary body. *[Applause]*

In the Davies Addendum, Sir Michael acknowledged the improvement in governance in Guyana since 1992 and stated as follows:

*I am delighted to applaud the improvement that were started some thirteen years ago by the PPP/C Government and recognized that improvement is a continuous process. Creating an environment for a more effective Parliament is a process and this process is evolving in Guyana thus the implication is that many other changes would be necessary.*

In this context the Davies Report and the Pender's Report provide further avenues for additional opportunities for improvement, but it is also important to recognize these changes and the other changes that have been introduced in our Parliament already.

Today, we seek to provide an opportunity for all our Members of Parliament to consider the work of Sir Michael Davies and James Pender, but as we do so, it is important to acknowledge the steadfastness of our efforts in realizing our vision of Parliament in a robust democracy. It is

in this context that I must pay tribute to the very professional way you yourself has sought to guide the work of this National Assembly. *[Interruption]*

**The Speaker:** Thank you Honourable Member

**Hon Dr Leslie S Ramsammy:** You have brought a non-partisan and professional approach to the Speaker's role in the National Assembly and I do not believe that this is an insignificant change in the way Parliament functions.

It is in this context too that we must evaluate the budget of the Parliament Office. We have seen a steady and dramatic increase in the budgetary allocation of the Parliament Office and there have also been direct grants and programmes funded outside of the budget that Parliament has benefited from. I can understand that some of my colleagues from the other side would not want to hear this part, because indeed if I has gone back and peruse the budgets from 1980 unto now and if we look for example in 1992, the budget of this Parliament Office was a mere \$12.5 million compared to \$343 million that was allocated this year. Mr Speaker, the capital budget for this Parliament Office this year was \$45 million. Mr Speaker, if we look from 1993 to now, every single year there has been a capital allocation to the Parliament Office. I attempted to go back and see what the capital was like prior to 1992. Mr Speaker, from 1980 to 1992, I could not find any evidence of one single dime allocated to the capital budget of this National Assembly. So I can understand that my colleagues on the other side would not want to hear anything of this sort.

It is also in this context that I want to return to you again. I would like to applaud again your leadership of the improvement of the physical space we occupy. Yes, Mr Speaker and the Honourable Member Mr Kadir air conditioning this room has provided a vastly more comfortable environment for our sometimes extremely long and often trying deliberations. The new Committee rooms and the new rest rooms, et cetera, are important improvements. I understand the mezzanine floor with four rooms for the use of government, the opposition and committees and space for MPs will soon be completed, making available internet services among other things. Mr Speaker, indeed there is an IT space right now in the Library for Members of Parliament and I understand that all of us in this House on both sides rarely make use of that facility. As well as the main Committee room in the old PUC area will be shortly completed and another room for MPs will be refurbished. The Government of Guyana, the PPP/C Government has taken cognizance of the need for a comfortable environment for our Members, for our guests,



for the media and for the staff, but outside of the physical infrastructure, the overall provision of equipment, the provision of technology and the staffing of the Parliament are other areas where we see visible concrete improvement.

Sir Michael Davies acknowledged the government's commitment by stating that the government has the interest of the National Assembly in mind.

Mr Speaker, gone is the neglect, gone is the degradation of our Parliament. These physical and technological changes together with staffing improvements only tell part of the story. Consider for example the long list of changes; changes that have brought Guyana's Parliament effectively out of the era of degradation that Sir Davies spoke about.

For example the present Parliament has a functional Public Accounts Committee - an actively functioning Public Accounts Committee - to which our colleague the Honourable Member Mr Winston Murray chairs. This Committee, I understand, has now completed the examination of the Auditor General's Report to the end of 2003 and is waiting for 2004, making Guyana the most up-to-date country in this respect within CARICOM. *[Applause]* And that is a Parliament function doing its monitoring work and the government takes the reports seriously. This year, for the first time in our history the Treasury Memorandum outlining the changes this government has made in its financial accountability framework in response to the findings of the Public Accounts Report has been submitted. This is an indication that the accountability framework has been taken seriously by this government. The functions of the Public Accounts Committee have been extended by an amendment to the Constitution Act 6 of 2001 and Article 224 outlines the extended responsibility of the Public Accounts Committee. It now has responsibility for the Auditor General's Office as outlined in Articles 226 (5), (6) and (7). The Auditor General's Office no longer reports to the Ministry of Finance. This very important office in terms of financial accountability now reports to the Public Accounts Committee of Parliament. *[Interruption]*

**The Speaker:** Honourable Member, just pause for one minute. Could you exchange your speaker?

**Hon Dr Leslie S Ramsammy:** Mr Speaker, another important provision is that the Public Accounts Committee of Parliament subjects the budget of the Auditor General's Office to approval and the approved appropriations come directly from the Consolidated Fund and not through a Ministry.

Article 212 X (2) mandates the Public Accounts Committee to nominate persons to constitute the Public Procurement Commission and the nominees must be approved by a two-thirds majority of Parliament. This shows that in the reform the Parliament is far from being a rubber stamp that belongs to a previous era in Guyana.

Mr Speaker, the Constitution also makes provision for the establishment of various Human Rights Commissions. For example Article 212 G ... and Commissions as I said just now to add to the Public Procurement Committee. The appointment of members of these Commissions and their functioning are in various ways under the control of the National Assembly.

The Human Rights Commission that oversees Commissions for Indigenous Peoples, for Children, for Women and Gender Equality and for Ethnic Relations not only create avenues for shared political responsibility in terms of appointments, but also expand the inclusiveness principle by extending governance to civic society ... *[Interruption]*

**Mrs Deborah J Backer:** Mr Speaker, on a point of order, while I am a lover of history, I am enjoying the Minister ramblings into the past. I am looking at Standing Order 35 (1) - Contents of Speech - and it seems to me in my humble way of thinking that the Honourable Minister is in breach of Standing Order 35 (1):

*Subject to these Standing Orders debates upon any Motion, Bill or Amendment shall be relevant to such Motion, Bill or Amendment and a Member shall confine his observations ...*

That brings to mind observation wards

*... to the subject under discussion*

He shall confine his observations to the subject under discussion.

**The Speaker:** Honourable Members, let me make a ruling. Honourable Member, I appreciate your sentiments. In four years of sitting here I might have stopped maybe one or two persons and the occasions must have been one or two; those occasions might have been when those persons were really bad. The Honourable Member Dr Ramsammy has not reached that stage as yet and please rest assured that if he gets really bad I will stop him.

Please continue Honourable Member.

**Hon Dr Leslie S Ramsammy:** Thank you Mr Speaker. Those of us on this side of the House are extremely gratified by our efforts in bringing to this Honourable House a plethora of recommendations in context of the changes that we have had in our Parliament over the last

thirteen years. I am sure and I can understand that the members on the other side would not like to hear of all the things the PPP/C Government has piloted through this Parliament.

Mr Speaker, the Human Rights Commission oversees these things. *[Applause]* The Ethnic Relations Commission has been functioning now for more than two years. It is unfortunate that we have not been able to appoint the other Commissions as yet. Parliament indeed has a Standing Committee to consider appointment matters relating to the Rights Commission in Article 119 C. We have been unable to complete our nominations for appointments to several of these Commissions. As Members we have to be diligent in our approach and we must work in a cooperative spirit to see that the appointments are made. It is all of us responsibility and we have a Constitution that mandates us to work together since many of the appointments must be done through the inclusive mechanism of a two-thirds majority. In spite of long discussions, in spite of many concessions and in spite of consensus support within the Appointive Committee, the House did not find it possible to provide a two-thirds endorsement of the Appointive Committee's nominations for the Women and Gender Equality Commission. This is a good example that the Parliament is not a rubber stamp body. The opposition not only has a say, they have the ability to frustrate legitimate activities of the Parliament and we see various examples of this being played out in various ways. Mr Speaker, fortunately the impasse that has caused the non-appointments of the Rights Commission did not prevent the Appointive Committee from completing the naming of members for the various Service Commissions. Previously that is prior to the 2000/2001 reforms of the Constitution, Parliament had no role in the appointment of any member of the Service Commissions. This was mostly done by the President in consultation with the Leader of the Opposition. Some of the prerogatives of the President were shifted to the Parliament giving the Parliament more responsibility and a greater role in governance.

The provisions to establish Standing Sector Committees for natural resources, for economic services, social services and foreign relations in Parliament provide enormous avenues for shared responsibility. All of these Standing Committees have been established, all are meeting and I for example was very proud to be called to engage the Sector Committee on Social Services on the policies and programmes of the Ministry of Health. Mr Speaker, I cherished the opportunity to appear before the Social Services Committee again.

Agreement was reached between the Parliamentary political parties for the establishment of a Parliamentary Management Committee. The Parliamentary Management Committee's

engagement in the conduct of the business of the House has moved Guyana ahead of most of the CARICOM countries.

Because the 2001 elections were held under a reformed Constitution the Eighth Parliament - this Parliament - has been enhanced through the presence of elected regional representatives thus each region now has specific persons representing them in Parliament. These regional representatives have made important contributions to our deliberations in the National Assembly. Mr Speaker, the issue of women participation in governance was also advanced as part of the reforms and the enhancement of our National Assembly. Political parties now must ensure that thirty-three percent of their candidates for political elections are women candidates. The result is that women represent thirty-one percent of the elected representatives in Parliament in Guyana, one of the highest in the region of the Americas. Women have played an invaluable role in Guyana's Parliament from Janet Jagan to the present women who share membership with us today. Women have brought grace and quality to the work we do in the National Assembly. Greater use has been made of the Special Select Committees during the last thirteen years. For example, Special Select Committees improved many Bills:

- The Medical Termination of Pregnancy Bill piloted by Minister Gail Teixeira;
- The Trades Union Recognition Bill;
- The Public Utilities Commission Bill;
- The Integrity Commission Bill;
- The Pesticides Bill;
- The Amendment for the Medical Practitioners' Act;
- The Animal Movement Bill;
- The Pharmacy Practitioners' Bill;
- The Investment Bill;
- The Small Business Bill;
- The Ministry of Health Bill;
- The Trafficking in Persons Bill;
- The Domestic Violence Bill;
- The recently passed VAT Bill;
- The Age of Consent Bill that came up today and many others.

- Indeed, the Amerindian Bill 2005 which was passed through its Second reading last week has been referred to a Special Select Committee.

A positive development is that the Special Select Committees have begun to approach civic individuals and groups to make representation to Special Select Committees. We saw this recently with the VAT Bill; we saw this with the age of Consent Bill; we saw this with the Domestic Violence Bill; we saw this with the Medical Termination of Pregnancy Bill. Thus, Mr Speaker, not only have provisions have been made to improve deliberations between Members of Parliament, but we have created space for the involvement of the public in our deliberations not only by making presentations, but by opening up the deliberations of the Special Select Committees to the public. These are not trivial steps although bigger steps we still desire.

Mr Speaker, in recent times, several motions and dozens of questions have come out of the Opposition benches. For example a recent motion moved by the Opposition on the EU Sugar Proposal provided the opportunity for solidarity in the House.

I peruse the records of Parliament over the last twenty years. For example, in 1991 no question appeared on the Order Paper. If we look at the records of Parliament so far this year on the Order Paper thirty-eight questions have appeared and have been answered. Mr Speaker, the problem is that these questions in the past were routinely ignored. Today, there are several opportunities for Members of the Opposition to become more involved in Parliament. Mr Speaker, even if the government at one time was tardy and was not as diligent in answering questions in written for or orally, it is the responsibility of Members from the Opposition to ask questions of the government. In recent times such questions have been answered with greater diligence in this House. The fact is that the Opposition Members must also show the same enthusiasm and the same diligence in asking questions. This is a change in the workings of Guyana's Parliament. The arrogance with which government treated questions being asked of government ministers has been replaced with a willingness to answer all questions. Order Papers today contain questions and these are answered. The government is committed to improving this area in the functioning of Parliament and initiatives in this area have been ongoing for some time now. We believe that this is an important function for Parliament and thus the government has endeavoured especially in recent times to answer all questions. Thus we appreciate the comments and recommendations made both Sir Michael Davies and Mr James Pender in this regard.

A constitution should be a dynamic blue print for good governance, constantly recognizing new avenues for increased participation and inclusiveness of all Parliaments. This Eighth Parliament has a Parliamentary Standing Committee for Constitutional Reform; a Committee that would periodically review the Constitution in order to ensure that it is constantly improved and that the principle of inclusive governance is strengthened and these are all areas that is addressed in the Report.

Mr Speaker, the Constitution provides Parliament with a role in examining the performance of the discipline services. Article 197A provides for the National Assembly to establish a Discipline Services Commission and this Parliament has done so.

Mr Speaker, the meetings of Parliamentary Committees can now be opened to the public, because the Standing Orders which had no gone through any significant changes for decades were changed to accommodate attendance by the public - another issue raised by Sir Davies.

Mr Speaker, there are several other existing mechanisms that could under the right circumstances serve to enhance inclusiveness.

The Parliamentary mechanism of shadow ministers is an effective way of consultation and inclusiveness by extending dialogue to Ministers and their counterparts. The PPP/C used this to good effect in those harsh years of being in opposition; those years when cooperation was near zero. The opposition would contribute more effectively by utilizing this mechanism.

We have never been comfortable with the practice of taking a Bill through its various stages in one day. This is a practice that we have essentially brought to an end. There are limitations in the area of timely preparation of legislation and the government is trying to have Bills presented with enough notice to Members of Parliament.

Let me hasten to add, Mr Speaker, that even with the cast changes Guyana's Parliament is still not the ideal deliberative body that Cheddi Jagan and the PPP/C envisioned. More changes in form; more changes in content are needed. We, from the PPP/C are determined to lead the process in completing the transformation of our Parliament. We want a truly deliberative body. Our vision was well presented by President Jagan in this House on 17 December 1992, when he said that -

*Our Parliament must remain sacrosanct and it must guarantee the protection of the interest and wishes of the general populace with which it has been entrusted.*

*The Public Gallery of this Parliament Chamber must be utilized to its capacity*

*and deliberations of Parliament must be fully ventilated. Its current configuration allows for the full and frank exchange of views on the Order Paper. Thus while ensuring that decisions are taken only after adequate ventilation of ideas, this Parliament has the capacity to preserve the ideas, which a Parliament in a true democracy is duty bound to respect.*

*The minority must be able to rest assured that decisions have been made only after opposing views have been expressed. That alone must be the cause for comfort and that alone must assure the electorate that parliamentary democracy is being practiced for the collective good of the nation.*

Mr Speaker, Dr Jagan in that address also said:

*To carry out its functions effectively, Parliament must be a truly deliberative body with a strong Committee system. All major legislation coming before this House must be thoroughly examined and there must be prior consultation with those whose interests are directly affected.*

And Mr Speaker, President Jagan in expressing Guyana's gratitude to the British Government for providing assistance with acquiring recording equipment stated the preparation of Hansards has been a problem in the past. This is a matter of urgency since I think your work here will not be complete without the speedy preparation of Hansards. Mr Speaker, since 1992, all the meetings of Parliament have been recorded and we do have Hansards. *[Applause]* None is available for vast periods of the pre-1992 era. We are fortunate that the verbatim reports of our deliberations are available. Sir Michael also reflected on President Jagan's remarks in Parliament in 1992 concerning the Hansards. Now that we have the Hansards, we must endeavour to be more timely with its production. However, this is one of the examples of how improvements are being made and how it is time dependent.

Mr Speaker, I must reiterate that our desire and our commitment to creating a more participatory and a more effective parliamentary tradition is not today being driven simply by the Michael Davies Report or the James Pender's Report. Indeed these are initiatives that the Guyana Government has pursued in our own efforts to improve our Parliament and to establish Guyana's Parliament as a corner stone of our democracy. The PPP, as I have shown has a rich tradition of advocacy in this area. We did this without flinching in the pre-1992 era; we did it at a time when it was easy for the then government to trample recklessly on any principle and democratic norms.

Today our advocacy has also turned into effective action. Mr Speaker, we are not shy in taking credit for the changes that have come about in the last thirteen years. When we proclaim that our Parliament today is better, far better than it was in 1992, we do so not with arrogance; we do so with pride in our accomplishment. We have championed the cause of a strong, democratic and effective Parliament. It is with conviction; it is with pride that we list the enhancement of Guyana's Parliament as one of the significant accomplishments of the PPP/C Government over the last thirteen years of our tenure.

Mr Speaker, we see merit in many of the recommendations that are contained in the Sir Michael Davies Report and in the James Pender's Report. We can do less since an examination of our views, our policies over the years would reveal that many of the suggestions in the Davies and in the Pender's Reports are within the trajectory of our own plans, policies and programmes over the last thirteen years as I have unequivocally shown this afternoon. But it is also recognised in the various reports many of the suggested approaches would take time to implement. We, in government cannot do it alone, clearly everyone recognises that this is a shared responsibility making this Parliament an effective tool of democratic governance is a task for collaborative arrangements between all of the Members of Parliament as so eloquently articulated by Sir Davies in his Report.

Mr Speaker, while we take credit for the transformation of Guyana's Parliament, we also hasten to add that we cannot claim we alone are responsible for the process so far. There has been exemplary cooperation too between the Government and the Opposition in implementation on some of these reforms.

The greatest difficulty arose in connection with the composition of various committees including the Parliamentary Management Committee and the Sectoral Committee. As you well know, Mr Speaker, the discussions and as everyone in this country know were long, arduous and difficult, but persistence and goodwill eventually prevailed and we succeeded in having the Parliamentary Management Committee and the Sectoral Committees established. Compromises were made on both sides - Government and Opposition - and as a result of which the Committees were established and are now functioning. Had not the main Opposition Party boycotted the National Assembly for more than two years this process would have been further advanced?

Mr Speaker, the Motion asked the National Assembly to note the recommendations. This in no way signifies the Government's lack of broad support for the recommendations and the thrust of



the Reports. We are aware that the Opposition has expressed support as well, but some recommendations may present difficulties for example it is recommended that there should be no rotation of the Chairpersons for the Sectoral Committees. This position was arrived at after long negotiations, the Government has not formulated a view on this recommendation would like the opportunity to discuss it with the Opposition in Special Select Committee before committing itself to a position. There are several such recommendations in both the Sire Davies Report and in the James Pender's Report.

Mr Speaker, as a Member of the PPP/C Government, I stand with great pride, because I believe that we have done a good job of moving Guyana out of the morass we found ourselves before 1992.

Mr Speaker, as Sir Michael Davies said, the PPP/C has much to be proud of in the way they have improved governance since 1992. *[Applause]*

And so Mr Speaker, I am delighted to ask that the Members of the National Assembly note the recommendations made by Sir Michael Davies and Mr James Pender and I ask that the National Assembly establish a Special Select Committee to consider the recommendations and develop an implementation agenda. Thank you very much. *[Applause]*

**The Speaker:** Thank you Honourable Member

The Honourable Member Mr Carberry

**Mr E Lance Carberry:** Mr Speaker, it is a sad situation listening to my colleague on the other side speaking in a manner that confirms what I believe the Nazis had a propagandist called Gobels and his view was that if you repeat the same inaccuracies often enough people would believe you and I believe that this what our colleague on the other side was attempting to illustrate.

But Mr Speaker, this Motion which is before us, I believe, should be strengthened and it should be strengthened to recognize as our colleague on the other side has said that what Sir Michael Davies has recommended is in fact what is needed for the improvement and strengthening of the Parliament. I believe that a deficiency in this Motion is that it does not recognize that. As a consequence we have circulated some proposed amendments which will be dealt with at the appropriate time.

Mr Speaker, I would like to make it clear that the People's National Congress/Reform fully endorses these Reports and we welcome the assistance which was granted to this National Assembly and I want to make it clear, it was assistance granted to this National Assembly by the Commonwealth Secretariat to help us to improve the effectiveness and efficiency of this Parliament. That is what it was intended to do.

The twenty-seven recommendations in Sir Michael Davies Report are useful and valuable recommendations. In fact, if Sir Michael Davies is to be faulted is because he sometimes failed to understand some of the local nuances that exist here. Perhaps it is a good thing that he did not understand some of them and I am going to come to deal with some of them since my colleague was in fact attempting to misrepresent them.

Let me say a couple of things here about this Report. If we look at the recommendations of Sir Michael Davies and we look at the Addendum to his Report, I believe that what he said in the Addendum to his Report should have been very instructive to our colleagues on the other side and I will read for the benefit of my colleagues what he said:

*But when I arrived to make a Needs Assessment of the National Assembly, I had not been asked to look backwards nor would I have considered it very fruitful to do so. My purpose was to see what is still needed to be done to make the National Assembly of political dialogue in Guyana.*

That is what he said and I think it should have been instructive to my colleagues on this side.

Mr Speaker, if the constitutional reforms and Parliamentary reforms which were agreed unanimously and passed unanimously by this National Assembly all before the end of the third quarter of 2001, if they were implemented, Sir Michael Davies Report would have been unnecessary. It became necessary because of the failure to implement what was agreed and what was passed unanimously in this Parliament. That is why Sir Michael Davies had to come.

Mr Speaker, you know there are some people who have very short memories. When the constitutional reform process began it was quite evident and I will refer my colleague to the 1992 Manifesto of the People's Progressive Party, which stated very emphatically that it rejected the 1980 Constitution as a dictatorial constitution and since 1992 the PPP/C in Office has fought tooth and nail to retain every iota of that same Constitution. *[Applause]* In fact, it is because of that that Sir Michael Davies became necessary.

My colleague has failed to recognise that the Communiqué of 2003 recorded what it is that we have had to do and reason why Sir Michael Davies has had to come here is because even in 2003 the government failed to implement what was agreed in this Communiqué. And therefore for him to stand up there in a brass face way to say that in fact there has been these improvements, all of the improvements have come about only when international community or the People's National Congress held heel of the PPP/C to the fire. It is only then that changes have been made and I want to make it clear that if it becomes necessary for us to continue to apply the pressure, we will, because we want to see a Parliament that functions as an effective institution to ensure the accountability and transparency of governance.

Mr Speaker, I believe that Sir Michael Davies recognised that one of the problems that we faced is that there is really no real separation between the Executive and the Legislature and that the Executive has sought to dominate the work of the Legislature. In fact that is really the problem that has been created and it is really problems of that nature that has caused him to make some of the recommendations he has made.

Now let us look very carefully at the recommendations and the reasons for them and I believe, Sir, that one of the interesting and instructive thing for my colleague on the other side would be a reference to the Latimer House guidelines; because it would be interesting to know whether the Government of Guyana is committed to those guidelines; because if it was and if it has now become committed, we would have no argument about the implementation of these recommendations, because they are all consistent with commitments under the Latimer House Guidelines.

Mr Speaker, on Page 8 of this Report in Paragraph 18, I want to read this for the benefit of my colleagues on the other side.

*Steps must be taken to establish the National Assembly as an Institution independent of the Executive.*

And perhaps I should read it again for him very slowly:

*Steps must be taken to establish the National Assembly as an Institution independent of the Executive.*

This is necessary to ensure that the Legislature can truly keep the Executive under scrutiny. Right! That is what was said in Paragraph 18.

In Paragraph 19 and again for the benefit of my colleague who seem to be reading the wrong report; throughout this Report I have identified areas where the separation of powers is not observed in respect of the National Assembly.

*Meetings of the Assembly are entirely at the whim of the Executive.*

*Control of the Order Paper is entirely in the hands of the Executive.*

*The Assembly's budget is too tightly controlled by the Executive.*

*The staffing of the Assembly is not independent of the Executive and Committee work is subject to frustration.*

That is what Sir Michael Davies said in his Report. And if I look at Paragraph 20:

*Furthermore an independent Legislature requires information which is accurate timely and usable. Only in this way can Members of the Legislature have the means of questioning public policy. If the Executive makes it difficult to obtain such or provides it too late for the purposes for which it was sought, then the Legislature is in the hands of the Executive and cannot assert its independence. The difficulty of obtaining census figures from the government has been mentioned to me on several occasions. This illustrates the importance that freedom of information has in correcting the imbalance between the government and Parliament.*

And I will read just one more paragraph - Paragraph 21 and again for the benefit of my colleague:

*It is constitutionally wrong for the Parliament Office which serves the National Assembly to be subject to the provisions of the Fiscal Management and Accountability Act 2003 as in the same way as ministries and to be accountable to a Minister rather than to the Assembly.*

That is what is said in the Report. I believe that perhaps my colleague did not understand the importance of what was being said.

Now, Mr Speaker, I believe that I can speak with authority on the negotiations to establish all of these Committees in Parliament. I can speak with authority. The only person on the other side who can speak with equal authority will be Mr Reepu Daman Persaud. No other person on that other side can speak with that authority and let me tell the Hon Mr Ramsammy something about the Parliamentary Management Committee. When the idea of the Parliament Committee was mooted, there were several very shrill arguments which were suggesting that it would bring the

Parliament to a halt, that we will have gridlock, that Parliament would not be able to function as a consequence of it. All of those arguments were put forward and all of those arguments led to the President of the Republic determining that he had to have five ministers representing the Government on the Parliamentary Management Committee including one who may be a honorary minister, but nevertheless all with ministerial status. Five of them; just imagine that - five ministers on the Parliamentary Management Committee. Now one would have expected that the existence of a Committee with five functioning ministers would mean that they have authority, but what we have is a situation where as a consequence of their inability to be decisive. The Committee has been unable to understand the Government's position on the recommendations by Sir Michael Davies. And these are all Ministers of the Government and they sit in the Cabinet and they cannot say, but, you know, it is not my problem; it is yours that the President felt that there were not enough backbenchers on your side who could represent him on the Parliamentary Management Committee.

Now, I would ask you and I am sure that the Speaker knows that there has never been one single incident of gridlock. As a matter of fact the Speaker himself contributed to the crafting of what I would call the most interesting and intricate clause on how to ensure that we could proceed without a quorum. I believe that this has to go down in the annals as one of the most interesting bits of craftsmanship. *[Interruption]*

**The Speaker:** Honourable Member, I also crafted the clause that provided for the quorum for the Elections Commission which was later enshrined in the Constitution and I borrowed this clause for the Parliamentary Management Committee from my work on the Elections Commission. This is the little history to it. *[Applause]*

**Mr E Lance Carberry:** Mr Speaker, I commend you and I am very happy that you have added that historical perspective to this thing. Mr Speaker, what we faced with is a situation where I believe as men of goodwill, we should be seeking to ensure that there is an effective Parliament. Again for the benefit of my colleague and I think that Sir Michael Davies was perhaps naïve enough to believe that there is goodwill, but I myself is an optimist and I think will I read what he said:

*The Government now has the opportunity to further demonstrate its commitment to the Commonwealth principles by discussing the issues and principles I have*

*identified and taking the further steps necessary to enhance the independence and relevance of the National Assembly.*

That is what he said and it is very good advice and let us hope that in fact our colleagues on the other side understand, because he has in fact also pointed out that accountability is currently lacking and the recommendations in my earlier report were directed in establishing a separation of powers so that accountability can develop.

I heard the Hon Dr Ramsammy said that the Office of the Auditor General is now reporting to the National Assembly, but has not yet happened and in fact one of the very interesting aberrations that has taken place is that the Office of the Auditor General is now listed as a Budget Agency reporting to the Office of the President to get its resources. That is right. I am not wrong. I know I am right and the point about it is that all of us would like you to do what you are committed to do; implement fully the constitutional provisions to ensuring that the Auditor General's Office is a constitutionally independent office. *[Applause]* That is what we want you to do; we do not want you to subvert it by putting them surreptitiously as a Budget Agency, which is what you have done.

Mr Speaker, in all of what has been said and given the fact that we have fully endorsed the recommendations of Sir Michael Davies, we still have not heard whether the Government does the same. We do not even know which recommendations they have a difficulty with. We have been hearing this by allusion, but I would say this to you, I believe Sir Michael Davies made a very useful recommendation and the recommendation he said is this:

I believe that the way forward should be to follow a plan drawn up by the Parliamentary Management Committee indicating what is achievable now; what is achievable within two years and what is achievable within four years. This plan should be assessed regularly against what has been achieved to see whether there has been any slippage and whether any readjustment is required.

We agree. Thank you very much, Mr Speaker. *[Applause]*

**The Speaker:** Thank you Honourable Member  
The Honourable Minister of Home Affairs (Ag)

**Hon Gail Teixeira:** Mr Speaker, we have papers by Sir Davies before us and the recommendations to go to a Special Select Committee, which I totally support. I also wish to support the presentation by my colleague Minister Leslie Ramsammy when he informed us that it is the responsibility of this House to look at the whole issue of the Executive, the Legislature and the Judiciary. Sir Davies has quoted in the document about the Commonwealth principles on the accountability and the relationship of the three branches of government, which are as I said:

- Executive;
- Legislature;
- Judiciary; and also
- Quotes from the Latimer Guidelines.

I think it is an important and interesting document and I encourage colleagues in the House to get on the Commonwealth website and pull down these documents, they are not very long but rather simple, so they will be able to see what are the principles that Sir Davies referred to as well as the Latimer Guidelines.

Just the point of gestation of how long it take to change things in that that Latimer Guidelines started to draft in 1998 and finally reach the approval of the Commonwealth Heads of Government in 2003 - a period of over five years. And so even at the international level the gestation period for the evolution of processes are not overnight or rapid. I think it is important for us to look at the Report in a number of ways and to counter it with what we know has been the history of the evolution of this Parliament and I will not do what the Hon Deborah Backer referred to as the history Part II, but I believe, that when you look at Sir Davies Report and some of the language and some of the style, I find problematical, but fundamentally when you look at what he has presented:

The independence of Parliament in terms of the budgetary independence;

Independence staffing;

The Order Paper;

Meetings of the National Assembly;

Legislation and assent;

And those are all one thing - the independence of Parliament.

Secondly, the Committees;

Thirdly, the role of the Opposition;

The capacity building of staff and members;

Other Matters; and

Finally, his recommendations which are on pages 17 and 18 ...

I think one of the issues that we have to recognize is how do we define the Executive? The points are made about no separation of the Executive and the Legislature and that is highly debatable in the sense that is one had paid attention to what Dr Ramsammy was really talking about. In fact when we talk about the whole process of an emerging democracy; of the transition that we are going through as a country, in the Parliament, in the Executive, in the Judiciary and so forth that this is an evolutionary process. It is a process in which one decides what comes first and what does not.

One of the most important things that came first and we can argue for many years to come about who cause what to happen and what and what the catalyst, was it that the opposition was walking with matches and threatening to burn or was it a whole process of actual burning or was it that it was an issue of a number of other variables coming to burn. I think that those are going to be the issues for many years. But I think we would be dishonest if we did not recognize that this country is an emerging democracy and that it has gone through a period of changes in which one of the most fundamental changes and we can all take our kudos and we can all say who did what. But we have to be careful when we define the Executive and define the relationship among the Executive, the Legislature and the Judiciary.

How do we define the Executive? The Executive does not mean the President as some people have interpreted in reading the Sir Davies Report. The Executive is the embodiment of the President and the Cabinet - the Government that is elected. But the references in Sir Davies Report are predominantly to the President and Office of the President. So, I just want to go on record that I think that it is important for this Parliament to be able to make sure that that is clearly understood.

The second thing is that when we are talking about the Legislature, the fact that the Constitution of this country has gone through tremendous changes in which the Judicial Service Commission, the President has one appointee.



In the Public Service Commission the President has to consult and have meaningful consultation with the Leader of the Opposition in order to find a name that is in agreement to him. So the President does not really have a name that he can put.

In the Police Service Commission, in the amendment to the Constitution, it appeared that we were in such a hurry that we actually forgot to give the President at point one in the drafting anybody to appoint in the first place.

So we have to not just bandied and be rhetorical. We have to judge the Executive and the separation of the Executive and the Parliament from what constitutionally and legally is permitted and not permitted.

In the 1980 Constitution, the President had imperial powers over this Parliament which were amended. In fact the President's powers today have been eroded by this House, by agreement in political dialogue more outside the doors of this House than inside of this House that came to the conclusion after much dialogue and so this Parliament has actually been the end result of what had been many dialogue sessions between the political parties quite outside of the parliamentary confines.

The separation of Parliament - when we examine the Sir Davies Report and the examination of the separation, when he said that there is no separation of the Executive and the Parliament, he was never referring to the Constitution or the laws of this country. He was speaking specifically of the managerial and administrative issues, predominantly ninety percent of the Report. Therefore, as a Parliament, we should be proud of the fact that we in this House have one of the most advanced Constitutions, parliamentary procedures and parliamentary framework than any of the other sister CARICOM countries. We must be proud of that, but the contradiction of the Honourable Member Mr Carberry's position is that if the Government which has the majority of seats on this side of the House did not agree to what the opposition was calling for, there would have been no changes. So Mr Carberry's argument is in fact opportune and incorrect.

In addition to that, I think, we must recognize in the Sir Davies Report that all the issues he is talking about in changing are administrative and managerial; not one of them require constitutional change at all. In other words, what I am saying is that constitutional framework allows for and has accommodated the separation of the Executive and the Parliament.

But I caution this House about a number of things. We can get very expansive and I have read in some of the documents about separation and that is why I began with what I said, by saying that

we should look at the Commonwealth principles. What are they talking about? The Commonwealth principles talk about the balance of power not the negation of power among the Executive, the Parliament and the Judiciary; it is talking about power among the three major areas of what is called government. Government is made up of these three arms:

- Executive;
- Parliament; and
- Judiciary.

Those are the three branches of government and therefore sometimes we mix up; we talk about government and executive being the same and leave out Parliament that it is part of the government. Therefore, we have to look at as an emerging democracy, as a country that is based on proportional representation that is based on a unicameral Parliament - one level of Parliament with sixty-five members, forty national and twenty-five geographic, which is highly progressive and different than any other country. We do not have a Westminster system, we have a hybrid and in Sir Davies Report, he talks about maybe moving to a pure republican system. Just out of curiosity, I would like to ask Sir Davies where is the pure republican system in the world and if it is the American system that is offered to me, I am afraid that in the United States the American President has veto powers in relation to the House of Representatives and Congress. We do not have that.

In the balance of power between the Executive and Parliament, there are other issues we have to consider.

One is that the Executive comes about by elections of what are the people's voice. The people vote for the Executive. The Executive can only get into this country if it has majority votes and not on the First-past-the-Post system where the United Kingdom in Britain the Labour Party can get into government with thirty-eight percent of the votes. In Guyana you have to get into government with fifty-one percent of the votes. That is the difference. The difference is that we have to get fifty-one percent of the votes.

In addition to that we have to recognise that in this process where the desire to find answers, the desire to be able to find our space - the role between the government and the opposition - that we are also not adventurous in what we do. And I know the opposition concern will always be ... in fact if I was in the opposition, I would not want to denude the Executive of its relationship - and I have a total separation between the Executive and the Parliament - *[Interruption: 'Why*

*not?'] ... because one day you might be there, but you have a long wait, so you do not have to worry about it. Maybe that is why the opposition is worrying about it, because it is so long you would not be there in ten/twenty years time.*

But I want to make it clear that when we look at the recommendations - these recommendations need to go to a Special Select Committee, but there are some very interesting parts of the Commonwealth principles that I would love to have seen focused on by Sir Davies. In fact to do with the ethical governance and to ensure that Ministers, Members of Parliament, Judicial Officers and Public Office holders should respectfully develop, adopt and periodically review appropriate guidelines for ethical conduct including the conflict of interest and whether actions are perceived with a view to enhance transparency, accountability and public confidence and this goes for all of us.

However, one of the most important issues that has to do with that is the Integrity Commission and the need for us to declare ourselves to the Integrity Commission. In fact, in doing so eventually, we will come to what is the next recommendation of the Commonwealth, not in Sir Davies paper, but in the principles. That is the freedom of information, because in Britain, you can look up your MPs and find out their assets, their personal lives, their birthdays, how many divorces they have had and so on. But when we cannot be arbitrary, we cannot be highly selective when we are talking about the efficient functioning of Parliament.

It is therefore important for us to look at the management issues of The Parliament, because the framework constitutionally and legally has been prepared and Minister Ramsammy very clearly pointed that out and as I said, we must be proud about that.

However, we also have to look at a number of other issues. It is important for us to recognise that the separation of powers is not who looks at the Order Paper. To me, personally that is rather frivolous. The question of Orders Paper is the content on it and does it reflect and allow for the opposition and government to have their time on the floor. Whether it goes administratively to the Office of the President or not, to me, it is a little concern, because the Order Paper by the time it reaches there in most cases have already been decided on.

In Sir Davies Report, they refer to a proposition that was put to the Parliamentary Management Committee of the UG interns. And this is where democracy rules, because it is in the Parliament's Management Committee that that recommendation by the interns was turned down. We also have to recognize democracy at work. We cannot have it at the Committee's work and

then they do not agree on how you work, so then they are no longer democratic. In the Appointive Committee the provisions are there and we succeeded in bringing the Judicial Service Commission, the Public Service Commission and the Police Service Commission to this House. But an example of where not to go is with the Women and Equality Commission, where majority did not count, because in the House here, it has to go to a two-thirds majority vote and therefore it did not win. If it was so that the Executive (State) had control over the Parliament and in the case of the Commission on Women and Children that had been brought to the House and the amendments (the majority) was allowed as in the previous Constitution, then we would have been able to pass it. In fact, what I think we are misinterpreting in the whole exciting period of this Parliament and we must not lose the golden opportunity of dealing with what is the positive friction within the government and opposition in finding the balance between the Executive. It is not a question ... the Executive has to be accountable to Parliament that goes without saying, but you cannot have a total separation, because it is treating Parliament as if it is a separate body completely than the government and it is a part of the government. And so it is important to recognise that in the Parliament we have to define not Sir Davies, not Mr Pender and I would pray that this Parliament does not become a body that is dependant on those who must come in and watch us and put forward things and recommendations, which I do not believe require any consultant and that is to say that salary payments in cash should be ended except for lower paid staff who have no bank accounts. That is a managerial issue and does not require Sir Davies to come and tell us that. But in the Special Select Committee, the whole process of examining the Sir Davies Reports both February and May, and the Pender's Report that we use the opportunity to try to do ... in fact, if we are saying that we are going along with the Commonwealth line that we do what is in the Commonwealth area - the principles - which is talking about the checks and balances between the different agencies of the State - the Executive and the Parliament.

The last one that Sir Davies did not deal with; it was not his mandate was the Judiciary as an important pillar of government. Mr Jerome Khan, you cannot talk and refer to the Commonwealth principles and deal with the accountability and the relationship with the three branches of government, because that is what the Commonwealth principles are talking about. The Commonwealth principles which are referred to in the Sir Davies Report do not say only deal with Parliament. The three are inter-related and inter-dependent and working in tandem and

sometimes in a very positive friction, positive conflict among them. *[Interruption: 'That is selected reading.']*... Well read it yourself, Sir, I do not have time to read it to you. But I think that it is important for us to read the Sir Davies Report with a view of what is our position at this time on the transition in this country. In fact, as Sir Davies said, there are some issues that are urgent and mostly urgent issues he referred to ... *[Interruption: 'You want to throw away the Report.']* ... No, I do not, I never said that. You are not listening as usual, you are just prattling. You prattle all the time, Sir. But the point is a number of the recommendations of 17 and 18 obviously are urgent, many are managerial and administrative. There are other that require policy and discussions and some are required more urgently and others. Sir Davies also pointed out that he saw it as a strategic plan involving us - the Guyanese - the Members of this House - must determine the pace of it.

Mr Speaker, I was fascinated by Sir Davies reference to the Commonwealth principles and so I went and checked it, as I said earlier. I started to see where we had we had in fact implemented some of the very things that are in the Commonwealth principles. In the Commonwealth principles they talk about judicial appointments must be within scrutiny and all those kind of things and also the oversight bodies appointed by the Parliament and so we have them. Constitutional bodies that appoint the Judicial Service so the President now does not set up those. In fact, as I said, most of the Heads of State do that. When we look at the public office holders and ethical governance, we have the basis for that - Integrity Commission and the Ethnic Relations Commission. When we look at the accountability mechanism which is also in this and so people think that I am making up my own story, you can look it up - the Commonwealth principles. Under the accountability mechanisms, the Executive accountability to Parliament, it talks about Parliament and government, because Parliament is made up of both government and opposition (do not ever forget that) should maintain high standards of accountability, transparency and responsibility in the conduct of all public business, which means not only in the confines of these walls. Parliamentary procedures should provide adequate mechanisms to enforce the accountability of the Executive to Parliament. Sir Davies quoted from this line, but please note what it says, Parliamentary procedures should provide adequate mechanisms to enforce the accountability of the Executive - Public Account Committee, Oversight Committees, Special Select Committees and so on. In fact, I will bet my bottom dollar that that are all the issues and I have read some of the documents that led to the Commonwealth principles. These

were some of the issues they were concerned about. It also goes on a law making process, because part of our responsibility here is in law making and policy making. That is what we are supposed to do here. In order to enhance the effectiveness of law making as an essential element of good governance; there should be adequate Parliamentary examination of proposed legislation, where appropriate opportunity should be given for public input into the legislative process. That is also been part of the history and that is what we are learning to do and we are expanding. The Age of Consent one, which was highly controversial, which my colleague here Dr Bisnauth just presented today. It was contested; we had everything from persons who felt that the Bill should not be changed from thirteen to people who thought it should go up to eighteen and higher. That is allowing the input. We have the framework within this Parliament. What we have to look at is the manner in which we manage, we administer and in addition to that even in the Commonwealth principles when it talks about the Parliament having a separate budget in the Latimer Guidelines, it makes it very clear that the budget of the House must go to a Committee of the House to examine it, scrutinize it, before it goes through the normal procedures. So it is saying very clearly that there are mechanisms to enforce even within Parliament its own accountability to the public and to the Members of the Parliament.

Mr Speaker, I therefore want to encourage that the documents before us go before a Special Select Committee in which we will be able to ensure that we are not just looking at the Sir Davies Report just to put it lock, stock and barrel into our Parliament, but that we look at the possibility of making sure, because the balance issue is important and if we do further examination of that and maybe one of the things with the Special Select Committee is that we can invite a number of presentations on both sides of the House not just the Committee Members; jut like we invite the public, we can also invite a number of people who are political scientists to present. Vincent is one of them, I have that area as well, there are others on both sides of the House as well as academics in the society to come forward and discuss the issue of the balances that are required in a Parliament unlike just talking about the views in a rather rhetoric and pragmatic way. *[Interruption: 'Are you ready to go?']* The Parliament is free. *[Interruption: 'You are not answering me.']* I am not the Speaker, Sir - the Select Committee. Are you assuming that I am on the Select Committee? Mr Speaker, protect me. I am not assuming, Sir, that I am on the Select Committee. If I am so and the Select Committee decides it wishes to invite any member including the honourable gentleman, I have no objections.

Mr Speaker, I support the recommendations of my colleague and I ask that this matter go to a Special Select Committee so as to allow us to have more exciting discussions on this issue: Thank you. *[Applause]*

**The Speaker:** Thank you Honourable Member  
The Honourable Member Mr Winston Murray

**Mr Winston S Murray:** Mr Speaker, we heard the Honourable Minister of Health take us on a thirty-fourth footing as he called it, this Motion in historical perspective and he would have had us believe that everything began happening from 1992 and nothing happened prior to that.

Sir, I listened to the Honourable Minister of Home Affairs and for the time being also I believe, you still continue to be the Minister of Sports and Culture ... *[Interruption: 'Yes!']* Yes, as far as she knows and she confirms that ... said to this House that it does not matter who did what and when, and I want to tell her who burnt sugar cane fields and so on and sugar cane and let us not be selective in our quotes. I wonder if that was a slight or small admonition of the Minister of Health and she, I thought was trying to bring us on track to look at the actual reports that are put before this House for its consideration and for the House to adopt a way forward in respect of the reports and that I understand to have been her thrust. But Sir, I do not think that she could con me into just leaving aside everything that the Minister of Health had said by making no reference at all to what he has said.

She herself said that we have one of the most advanced Constitutions in the Caribbean and this is something I have heard ad nauseam. I want to put that in perspective so that this House could understand and the nation at large could understand what we have here.

The advanced Constitution that we have requires us to establish a Procurement Commission; requires us to have a National Procurement Administration and to scrap the system of the Tender Board which hitherto we have had overseeing the award of projects. So we have had a constitutional change which is not reflected in the Constitutions of Commonwealth Caribbean countries, because we have a grave ill in our system and to cure that ill, we had to get a constitutional amendment.

Similarly Sir, in the case of the Auditor General, we must understand what has happened here. We have had to put into our Constitution a proper reporting relationship between the Auditor

General and this National Assembly, because the Government sought to have control over the Auditor General's Office and his report and they brought it to the Minister of Finance. So Sir, given that ill, what we had to do was to amend the Constitution to make for a different kind of relationship between the Auditor General and this august Assembly and that relationship inserted the Public Accounts Committee in the process.

So if we have that it is not something to boast about, it is really something that we should be sad about. If the other Caribbean countries do not have it in, it is because they have a proper functioning democracy that does not require these things to be enshrined in a written constitution. *[Applause]* The deeper the complaint you have, the more radical the surgery has to be and that is what has happened in our case. So when we bandied about this idea of a most advanced Constitution in the Caribbean, we must understand the context in which we have had to insert those things. They do not need to insert them; they do not need an Ethnic Relations Commission, because they do not have an ethnic problem. They have not created an ethnic problem that requires a constitutional provision to deal with ethnic relations. *[Applause]* So when we are bandying about the advanced nature of our Constitution, I ask you to do introspection and to see whether in fact these things do not flow from ills in our society and ills in our system, which ills do not exist in those other proper functioning democracies, which you said you embrace.

Sir, I heard the Minister boasted about the Treasury Memorandum. That was a conditional requirement in a loan. Let us understand that. This is not out of love for democracy as they would have us believe, because I have seen it enshrined there.

Similarly Sir, the birth of the Parliamentary Management Committee and the four sector committees are not things born out of love by the PPP/C, they need money and they have to go to international institutions to get the money and the international institutions put conditions. Sir, I say without fear of contradiction, thank God for those international institutions. They have brought you with your feet to the fire and only then do you get things done. And even when they do them, they do them only on paper, because I want to tell you how the Parliamentary Management Committee functions. It does not function the way in which it is intended to function. Anyone who serves on that Committee could attest to this fact. We have a devil's job; we cannot get the Government to bring to this Parliamentary Committee an agenda of the Parliamentary Legislative Programme for they year; for even a quarter. What they do; they



bypass this Committee, they announce that there will be a parliamentary sitting and post fact they call the Committee to sit; to give sanctions to the decisions the Executive has already taken. So sir, I plead that as we talk about these grand things that have come into being, let us examine what of them have been done voluntarily and what of them have been done with the feet of the government to the fire. Sir, I would not go beyond that.

I now wish to turn my attention to this Motion that is before this Honourable House. I want to say that I have heard them speak about the Report of Sir Michael Davies, but the Honourable Minister who introduced this Motion did not tell this House that Sir Michael Davies had to come here twice. That in fact he came on the first occasion and produced a report. They were angry about the report. I did not say that anything was wrong. I am only stating the facts. So that is a statement of fact. They expressed their anger at the fact as they perceived it that Sir Michael Davies did not consult with them enough and did not give them enough credit for all the things that they did since 1992. So he came back and he said, oh credit - I give you credit for all the things, but as Lance said, when I arrived, I had not been asked to look backwards, I had been asked to look forward and to chart a way forward. *[Applause]* So let us put everything in context. So he came and he gave you what you wanted, but he did not change a single recommendation.

Now Sir, let us come to the treatment of these recommendations. I have heard the Minister how democratic they have been; how all-embracing they have been for change; (what other words he used) the menu of actions they have taken to sustain democracy; we see merit in these recommendations, they are within the trajectory of our own plans. These are all nice sounding words, but look at the Motion they have brought, if these things are within the trajectory of their plans and all of that. Asking the National Assembly to note the said Report; after these are in keeping with their trajectory - their missiles - all they are asking is that this Assembly notes. They said that they believe in the democratic process in widening the consultative process and all they are asking this Assembly to do is to note. In asking us to note, I noted that the Minister of Health said that all cannot be implemented immediately. Sir, is that the problem? If that is the problem, then we can ask that the recommendations be dealt with in phases, but that is a different thing from saying let us merely note the report. So I am saying to this National Assembly on behalf of the People's National Congress/Reform that let us go beyond their mere noting of this Report. If you have no problems with these recommendations, I propose on behalf of the

People's National Congress/Reform that we say we accept the recommendations of the Report. [Applause] That is the true test as to whether in fact they believe in the recommendations that have been submitted to this National Assembly.

Sir, we would therefore like to urge ... and you would note that I have an amendment that I am proposing which takes account of this recommendation I am making orally at this time and I will put it at the appropriate time in the committee.

Sir, let me say further what they go on to say in this Resolution they put before us. They say that a Special Select Committee be appointed to make recommendations to the National Assembly on the implementation of the recommendations after a set of things. But Sir, this is an open-ended process, it has no timeframe; so what we have here is a recipe for shelving this Report. We have had experience where matters have been referred to Special Select Committees and the sole purpose of putting them there is to rest them *sine die* as we say. There is no intention to really pursue this. So if I want to test the resolve of this National Assembly; I want to test the resolve of the Government by suggesting an amendment that we say that the Committee should report to the National Assembly not later than 31 January 2006. [Applause] That is going to show the level of commitment and then what should be the work of the Special Select Committee? Once we here agree that we accept the recommendations; once we hear agree that there is a timeframe of 31 January 2006 for that Committee to report to us, that Committee's work will then be narrow. It will be to say how; what is the mechanism we ought to be using and putting recommendations to the Parliament about those mechanisms that we need to adopt to make sure that the recommendations become implementable. That should be the work of the Special Select Committee. So I am proposing this afternoon that the Government supports strongly the suggestions that I am making orally, that I intend to put more formally, that this National Assembly accepts the recommendations and we shall ask the Special Select Committee within a definite timeframe to report to the National Assembly on the way forward to implement the recommendations. If the Government can agree to that Sir, then I would really take them serious that they are intent on entrenching and deepening the democratic process. Thank you, Sir. [Applause]

**The Speaker:** Thank you Honourable Member

The Honourable Minister of Tourism Industry and Commerce

**Hon Manzoor Nadir:** Mr Speaker, it is strange that listening to Members of the Opposition, you get the view that they are a paragon of virtue, the reservoir of knowledge of democracy, they are the power of enlightenment; that the rule is their way; their way is the only way - the right way - and one listening to them implies that they must have the power of veto.

We heard people talk about Sir Michel Davies spoke about going forward and not looking back. Mr Speaker, Mr Davies himself on Page 5 paragraph 4 in the original Report what he says:

*As I understand the situation from many of those to whom I have spoken and from my own reading, Guyana has had no tradition ...*

No tradition, I emphasize

*... or experience of a truly working parliamentary democracy. The Assembly was suspended frequently during the years. Immediately preceding independence, a minority government was formed in 1964 to take Guyana through to independence, which was achieved in 1966 and beyond.*

This is Mr Davies on the past paragraph 4 of his Report.

Mr Speaker, I will go on:

*Allegedly electoral fraud ensured that a government without popular support remained in power until 1992, when elections were declared to be free and fair and saw the return of the present political party to power.*

I will end the quotation there and settle this issue of the past. Mr Speaker, as I said the paragon of virtues seems to rest with the opposition.

The issue is, the last speaker made it that the government had to be brought kicking and screaming to the fire to burn its feet before it does anything and he spins a tale about the Auditor General, whose report years ago - almost a decade ago - was changed to some to the National Assembly. And to give the Chairman of the Public Accounts Committee and the Public Accounts Committee significant powers which was recently reinforced by over US \$300,000 IDB grant, which the Government of Guyana signed. That is putting our money where our mouths are so that the Parliamentary Sectoral Committee on Economic Services and the Public Accounts Committee could get resources. And so he spins his tale that the Auditor General's Report less than two or three years after the government changed; after democracy was returned and I gave credit from that side of the House during that time to the commitment of the

government to democracy and changes in the laws so that people can speak their minds. And I say again as I said in the last sitting of the House, I criticised the government for value for money in terms of how we expend it and we are still working hard on that. Mr Speaker, he spins his tale about the Auditor General's Report and we hear this over and over again and the Treasury Memorandum. Look what we have today, Mr Speaker. I do not have to go back. He is now up-to-date as Chairman of the Public Accounts Committee in getting the financial statement of the country to peruse and last week we witnessed a very important submission here. The audited accounts of the National Frequency and Management Unit were presented here - ten years of records. The relevance here in three years - the first three years 1991, 1992, 1993, the Auditor General said that he could not pronounce on those accounts as truly representing the statement of affairs, but after that year unto this year, all those audited statements that came from the Auditor General, he said that he feels confident that they truly reflect the statement of the entity. And that demonstrates the change, accountability and people answering, that is demonstrated. So Mr Speaker, this whole tale that the very revered and honourable member is doing and he is doing his job, we cannot fault him for doing his job and doing it well.

What the Honourable Member Mr Carberry said, was because every agency has to have someone responsible for passing those estimates in the House that because that is so and that was introduced to ensure that we have proper accountability in the financial position, he is saying that because there is a government entity that answers for the Auditor General that now we are controlling the Auditor General. Mr Speaker, how far from the truth; all of the budget estimates are brought to this House and there are constitutional offices that we do not question when they come here. Constitutional Offices that the Parliament has no ability to question; those monies are passed without debate. I am very disappointed that the Honourable Member would spin that tale, but he has to do his politics. And so he said again - I have to repeat - the government has to get its feet burnt before it makes any substantial changes.

I want to go back, every single year I refer to the budget debate when the then Minister of Finance in 1989, 1990 and 1988 said the donor community has not released the funds that they are hamstrung and you know why? Because they absolutely refused to make any changes for accountability and it took almost four years and this was not getting their feet warm by the fire, this was burning the feet of the children of the nation, starving them for years after years.

*[Applause]*

At least, time after time, this government is getting its seal of approval from all the international agencies and we are progressing and that is why today there is more development happening and Mr Davies himself acknowledging that there are changes. If we go to his Addendum, paragraph 19 and the Honourable Member passingly said, oh he came and gave them credit and he spoke of this issue of not using his words correctly; Mr Carberry mentioned this issue of constitutionality making it sound as if the Government was acting outside of the laws. When Mr Davies said really, I quote:

*In my past report I used the word constitutional and unconstitutional and I was challenged about their use. In the Guyana constitutional context I was told that the words were wrongly applied. I must make it clear that I was using the terms in the wider sense of best practice for parliamentary democracy not with respect to any specific laws.*

He is implying here. So Mr Carberry made out that the government has been acting unconstitutionally and it was so recognised in the Davies Report. What Mr Davies is saying is that he is using it in what the world's best practice is. *[Interruption: 'You don't know where you are going.']* Where we are going is that all of us could use what Mr Davies has written for and against, but the bottom line is that Mr Davies recognized that there has been significant progress. While the Honourable Member Mr Murray may use one issue of the Procurement Commission, Mr Davies recognised the setting up of Special Select Committees, Permanent Committees, the Parliamentary Management Committee; and more specifically, he recognised the menu of measures; and he recognised the issue that it takes two to play; and he spoke in one part here about the Queen's Loyal Opposition; and he made mention of that specifically that the opposition needs to behave a certain way and to use the Constitutionally fora that are established in order to bring their cause to the people of the nation. That was what he did.

Mr Speaker, more importantly in the Davies Report he made use of the words *that everything cannot be done immediately*. He recognised that and the Motion calls for us to note and to take this matter to a Special Select Committee and all of us in here have worked on Special Select Committees. I will tell you one thing, those that I have sat on have produced their work expeditiously and in a timely manner and bring their recommendations right here to the National Assembly. And we just saw a recent example of that. Perhaps, the one outstanding one is the Special Select Committee on the Disciplined Services that one has to move forward. But let us

take the record of the number of Motions and Bills that went to Special Select Committees and how fast they come back and one will see where the truth is.

And so, Mr Speaker, I want to remind persons of what Mr Davies said about this issue of timeliness and in terms of the National Assembly controlling its own ... [*Interruption: 'Which page, which paragraph?'*] ... Page 6 Paragraph 26 of the Addendum and he mentioned there the issue the National Assembly controlling its budget. The issue of controlling its own budget is directing the expenditure and I think fundamentally we have already accepted this at the Parliamentary Management Committee. This was significantly debated. The issue is we are moving the Motion to a Special Select Committee and in that Special Select Committee we can develop a lot of the recommendations which has been forwarded in this report and we might be able to even better them, but to accept blindly all of the recommendations, I personally have a problem with that, but I have no problem sitting in a Special Select Committee going through all of the recommendations one by one and let us come up with a document that all sides agree on. And again I mentioned that Mr Davies spoke about timeliness. When the Honourable Member Mr Carberry spoke of the blue print - Page 16 Paragraph 78 of the Addendum - What did he say? Some of my recommendations I accept cannot be implemented immediately, but I have laid out a blue print for the future.

In the Special Select Committee we can do that Honourable Member Mr Murray and time and time again he made recommendations of the timing of the implementation of his Report. And that is what I said the best place to look at this to develop the blue print is for a Special Select Committee to look at this Report and many of these are operational issues. As one person said earlier, the Honourable Member Ms Teixeira proceed Davies and let us sit in that Committee and let us sit in that committee and develop that blue print; let us take that recommendation and bring it back here and then when we are finished with it and produced a mandate to the National Assembly; hand it to the Chairman and the Members of the Parliamentary Management Committee for them to oversee the implementation. What is so difficult in all of that?

And so, Mr Speaker, I gladly support the Motion that we note the Report and we move the Report to a Special Select Committee. I have no problems with us even putting the end of November for the Special Select Committee to report. I have no problem at all with that, because I am committed to so doing and let us move ahead with making a better Parliament. Just as you have done in your short space of time, Mr Speaker, to take full control of this Parliament

as Dr Jagan said long ago and Pender's Report pointed to Dr Jagan's speeches in 1993 towards a better and a more effective Parliament. He quoted that and you in your short space of time have already transformed this. In fact, this evening I was mentioning to one Member of Parliament that now that we have a sealed, enclosed, comfortable and air-conditioned Chamber that you cannot even hear from the outside when the sitting starts. We might be able to remove the police barriers and only keep them along one road so that we would not inconvenience the public of Guyana. Thanks to the changes that you have fought hard for. You have accomplished and this is what this Parliament could do in wider principles. Thank you very much. *[Applause]*

**The Speaker:** Thank you Honourable Member  
The Honourable Minister of Health

**Hon Dr Leslie S Ramsammy:** Mr Speaker, first of all let me say thank you to all the Members who have spoken in this Motion. I sat here throughout this discussion and listened to the responses and listened to the jeering and so on both sides. I can appreciate how difficult it is for my colleagues on the other side to sit here and listen to the accomplishments of the PPP/C, the fact is we have real accomplishments to talk and we will talk about them at every opportunity we have. *[Applause]*

Mr Speaker, while I can understand the difficulty of listening to the truth, because the truth hurts, I still believe that we should be not be dishonest and we should not be misrepresenting things.

Mr Speaker, let me say this that Sir Davies came to this country and for whatever reasons, we know some of the difficulties, he had meetings with some of us; he could not meet all of us, but he wrote a report and obviously we have a concern. Obviously if people are going to say about the things we do and do not talk to us, my colleagues on the other side; if it were the shoe was on the other feet, they would do more than express concern. *[Interruption: 'You are not answering the question.']* I am answering your questions. Mr Speaker, this is what Sir Davies said about the fact that he could not speak to all of us:

*This, I regret and I understand the Government's concern.*

Mr Speaker, he acknowledged; he said:

*I acknowledged the understandable perception as some people that were findings were based on a one-sided view of the current Parliamentary situation and of the National Assembly's place in the Constitution.*

That is why this afternoon I took time to show that the issues raised in the two Reports are not new issues. They are issues that we have been addressing and we have a long history of addressing these issues and in many areas we have made changes and improvement.

Mr Speaker, I said in my address this afternoon that the government's side broadly supports the recommendations that are contained in the Davies Report and in the Pender's Report, but I also raised some of the concerns that we have. We worked for several years; we have worked a long time to come to some of the formulations that are presently working right now. No one can deny that the Parliamentary Management Committee has brought another dimension of accountability and transparency in our country. But we worked a long time to come to an agreement on those things. The Sector Committees, the same thing, we worked a long time before we came to agreement. This recommendation is saying to change that and that is why we need to sit down as Members of a Special Select Committee. What is so wrong? Here, we are given an opportunity to Members of Parliament to take something, as adviser role and decide how we are going to implement those things.

Mr Speaker, we must correct the misrepresentation. There was one member who said that we refused to address the issue of constitutional reforms. Prior to 1992 we talked about this Constitution. Soon after the 1992 elections, a special Constitution Commission was established by this Parliament through the initiative of the government and 1997, soon after that another Commission which you, Mr Speaker, headed. It was this government that spearheaded the reform of the Constitution and we will take credit for it. We are not going to apologise that we have a reformed Constitution and we led that process.

Mr Speaker, the Honourable Member, Mr Winston Murray talked about the fact that all these things are happening because we are being forced to do so, because we are working with the international partners. We do work with international partners, because as my colleague here said, when we took government in 1992, there were thousands of people starving in our country, because you bankrupted this country and you pauperised this country and you have the temerity to come and lecture to us. They talked in this House as if they have all the answers; for twenty-eight years those answers pauperized this country. *[Applause]* Mr Speaker, my colleagues on



the other side that have all the answers knew only one way that they can maintain government in this country; they have to steal our votes; they have to steal elections. Do not come and lecture to us.

Mr Speaker, we have led from the front and we will continue to lead. It is a reason why we can go to free and fair elections in this country at any time and we are confident that the people of this country will return us to power. *[Applause]* And they know that. That is why all this machinations about not going to elections. *[Uproar]*

**The Speaker:** Honourable Members, let us try to ... *[Interruption]*

**Hon Dr Leslie S Ramsammy:** Mr Speaker we hear talk about the ... *[Interruption]*

**The Speaker:** Honourable Member, I am speaking ...

**Hon Dr Leslie S Ramsammy:** ... Treasury Memorandum and trying to ridicule the fact that ... *[Interruption: 'The Speaker is addressing you.']*

**The Speaker:** He has not noticed that I have stopped him. *[Pause]* Honourable Member, I am speaking to you and you and you would not allow me to have a word in. The purpose of your response for which you have only fifteen minutes is to respond to what the Honourable Members on this side of the House have been saying. I do not recall them saying about elections. So could you please confine yourself to what they have been saying?

**Hon Dr Leslie S Ramsammy:** Mr Speaker, I am responding to each of the points they raised. Mr Speaker, the fact of the matter is that they have led the process of reforms in this country. The fact is we do have a Parliament that is more deliberative; we do have many examples of Members on the other side talking about the experiences of working in Special Select Committees. There have been many Special Select Committees that have worked well in our country and that is all I am seeking to do, to utilize further the Special Select Committees. A set of recommendations have been made and we are asking that the Special Select address these recommendations and established an agenda for change. I think this is a reasonable request and therefore while we would be willing to consider the amendments as proposed, we are asking that we move with a Special Select Committee so that we can make the changes and further enhance the effectiveness of our National Assembly. Thank you. *[Applause]*

**The Speaker:** Thank you Honourable Member.

Honourable Members, I believe that the ... [*Noisy Interruption*]... let us conclude the formalities - allow me to conclude the formalities and we have, I believe, a beautiful air conditioned lounge and Members can go in there and continue the debate. Just allow us to finish the formalities.

[*Laughter*]

Honourable Members, the amendments have been circulated. I will put the amendments first. There are four amendments. Two are not substantive.

Amendments moved by Mr Winston Murray and seconded by Mr E Lance Carberry :

In the second WHEREAS Clause, in the first line, substitute the word *recommendations* for *recommendations*.

**Question put and agreed to.**

**Amendment carried.**

In the BE IT RESOLVED Clause, delete the words *notes the said Report and its recommendations* and substitute the words *accepts the recommendations of the said Reports*.

**Mr Winston S Murray:** Mr Speaker, just before you put it Sir, I would like to say that on this particular amendment, I have been approached by the Leader of the House and he has suggested to me that instead of saying accepts the recommendations, after the word *accepts* we add the words *in general*. And Sir, I believe if you will kindly permit me a minute to explain, given all that I have heard in the interventions certainly from the Minister of Health who says that they broadly support the recommendations, it would seem to me that insofar as there is reservations about accepting recommendations, there may be but a few. I think a couple was specifically referred to. And Sir, in the interest of compromise, in the interest of finding common ground, we of the People's National Congress/Reform are willing to accept the insertion of those words *in general* so that that amendment would read in the place of *notes the said Report and its recommendations* would read *accepts in general the recommendations of the said Reports*. I believe, Sir, that that then gives the Special Select Committee a framework within which is a

understanding that we broadly accept the recommendations, but there are some that may need a tweet here and there or revisited. We are quite agreeable to that, because as I said, we believe that compromise would be a good thing in this case and we can understand. So the words *in general* to be added after accepts.

**The Speaker:** Thank you Honourable Member.

**Hon Reepu Daman Persaud:** I just simply want to say that any report or recommendation to the National Assembly ought to allow the Members of the National Assembly's scope to look at those recommendations with the right and provision to make changes if they want and this compromise was well intentioned and it shall achieve that objective than to have a fixed resolution with no flexibility.

**The Speaker:** Thank you Honourable Member.

Allow me to put the amendment now.

Amendment -

In the BE IT RESOLVED Clause, delete the words *notes the said Report and its recommendations* and substitute the words *accepts in general the recommendations of the said Reports*.

**Question put and agreed to.**

**Amendment carried.**

**The Speaker:** There is a final amendment to add a Clause (b); to renumber (a) and (b) and then to add a Clause that the Special Select Committee reports to the National Assembly by January 31, 2006.

Amendment -

In the BE IT FURTHER RESOLVED Clause, number the first Clause (a) and add the following as (b):

That the said Special Select Committee reports to the National Assembly by January 31, 2006.

**Mr Winston S Murray:** Again here Sir, based on consultation I have had, well I have noted that the Honourable Minister Nadir suggested November, but ... [*Interruption: 'We will stay with January'*] ... Sorry Prime Minister!

**Hon Samuel AA Hinds:** We will stay with January.

**Mr Winston S Murray:** Oh, you will stay with January. I was going to take him at his words and move January forward, but given the level of that intervention the Prime Minister, we could not but heed and we will say with January 31.

But Sir May I suggest a small amendment after the words *Special Select Committee* insert the words *shall make such interim reports*. In other words, if there are recommendations that the Committee feels it can propose, because there may be three, four, five of them that cause no problem then they will be free to make such interim reports to the National Assembly recommending the adoption of those and it goes on. After the words *National Assembly*, we will put in the words *as it considers necessary*, so it will be only if the Committee itself considers this necessary to make such interim reports that it will do so. If it does not consider it necessary, it will not, but it gives us the added flexibility that should there be common ground and a set of recommendations readily acceptable, we need not wait until 31 January, we may bring those to the National Assembly. Of course, the overriding words are *as it considers necessary* so it is up to the Committee whether or not it considers such interim reports necessary and its final report by 31 January 2006. I recommend that for the adoption of the House.

**Hon Reepu Daman Persaud:** Mr Speaker, we have considered the Amendment as it is: *That the said Special Committee reports to the National Assembly by 31 January 2006* and we support that. My own experience allows me the opportunity to state that if a Special Select Committee is functioning, it can at any stage issue a report. You do not have to write that in a resolution. So there is no need to do that. So we support the Amendment as it is.

**Mr Winston S Murray:** We simply respond by saying that subject to the understanding by which the Leader of the House has uttered namely that the Committee may of its own volition submit interim reports, then I will have no objection to the deletion, but subject to that understanding which he has expressed.

**The Speaker:** Thank you Honourable Members.

**Question put and agreed to.**

**Amendment carried.**

**The Speaker:** I will now put the Motion as amended.

**Question put and agreed to.**

**Amended Motion carried.**

### **Traffic Arrangements during Sittings of the National Assembly**

Before you go, I had intended to raise the issue of the Traffic which causes tremendous disruption to the public. The Honourable Member Mr Persaud reminded me this afternoon and the Honourable Member Mr Nadir mentioned it here. I have instructed the Clerk to undertake discussions with the Police in relation to the traffic under certain conditions. We will have a test, I do not know when, maybe not on the next sitting, sometime shortly; we will have an opening of the traffic; we cannot do it otherwise, we just have to open the barriers and allow the traffic to flow and see it affects us or not. So we are going to work on that. Thank you very much on that, Honourable Members.

**Hon Reepu Daman Persaud:** Mr Speaker, I move that the National Assembly stands adjourn to Thursday, 10 November at 14:00h.

**The Speaker:** The National Assembly is so adjourned.

*Adjourned Accordingly at 19:58h*