

# National Assembly Debates

**PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF  
THE SECOND SESSION (2002-2003) OF THE EIGHTH PARLIAMENT  
OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE  
REPUBLIC OF GUYANA HELD IN THE CONVENTION CENTER  
OCEAN VIEW INTERNATIONAL HOTEL LILIENDAAL**

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9TH SITTING

2.00 PM

THURSDAY 8 May, 2003

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

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

The Hon. Clinton C. Collymore, M.P.	- Minister in the Ministry of Local Government and Regional Development
The Hon. Satyadeow Sawh, M.P.	- Minister of Fisheries, Other Crops and Livestock (Region No. 5- Mahaica/Berbice)
*The Hon. S. Rudolph Insanally, O.R., C.C.H., M.P.	- Minister in the Office of the President with responsibility for Foreign Affairs (AOL)
*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 (Absent)
The Hon. Dr. Leslie S. Ramsammy, M.P.	- Minister of Health
Mr S. Feroze Mohamed, M.P.	- Chief Whip
Mr Cyril C. Belgrave, C.C.H., J.P., M.P.	- (Region No. 4- Demerara/Mahaica)
Mr. Donald R. Ramotar, M.P.	- (Region No. 7- Cayana/Mazaruni)
Mr Husman Alli, M.P.	- (AOL)
Mr. Komal Chand, C.C.H., J.P., M.P.	- (Region No. 4- Demerara/Mahaica)
Mrs Indranie Chandarpal, M.P.	- (Region No. 2- Pomeroon/Supermain)
Mr Bernard C. DeSantos, S.C., M.P.	- (Region No. 6- East Berbice/Corentyne)
Mrs Shirley V. Edwards, J.P. M.P.	- (Region No. 6 - East Berbice/ Corentyne)
Mr Odinga N. Lumumba, M.P.	- (Region No. 6 - East Berbice/ Corentyne)
Mr Heeralall Mohan, J.P., M.P.	- (Region No. 6 - East Berbice/ Corentyne)
Mr Ramesh C. Rajkumar, M.P.	- (Region No. 6 - East Berbice/ Corentyne)
Mr Khemraj Ramjattan, M.P.	- (Region No. 6 - East Berbice/ Corentyne)
Dr Bheri S. Ramsaran, M.D., M.P.	- (Region No. 6 - East Berbice/ Corentyne)
Mrs Philomena Sahoye Shary, C.C.H., J.P., M.P.	- Parliamentary Secretary, Ministry of Housing and Water (Region No. 1- Barima/Waini)
Mrs Pauline R. Sukhai, M.P.	- (Region No. 1- Barima/Waini)
Mr Zulfikar Mustapha, M.P.	- (Region No. 1- Barima/Waini)

\* Non-Elected Minister

\*\* Elected Member from The United Force

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**Members of the Opposition (30)**

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

- Mr Robert H. O. Corbin, M.P.  
Mr Winston S. Murray, C.C.H., M.P.  
Mrs Clarissa S. Richl, M.P.  
Mr E. Lance Carberry, M.P.  
Mr Ivor Allen, M.P.  
Mrs Deborah J. Backer, M.P.  
Mr Deryck M.A. Bernard, M.P.  
Mr C. Stanley Ming, M.P.  
Mr Raphael G. C. Trotman, M.P.  
Mr Vincent L. Alexander, M.P.  
Mr Andy Goveia, M.P.  
Mrs Volda A. Lawrence, M.P.  
Dr Dalglish Joseph, M.D., M.P.  
Miss Anna Ally, M.P.  
Miss Sandra M. Adams, M.P.  
Mr Jerome Khan, M.P.  
Dr George A. Norton, M.P.  
Miss Myrna E. N. Peterkin, M.P.  
Mr James K. McAllister, M.P.
- Deputy Speaker of the N.A  
- Chief Whip  
- (Region No.2-Pomeroon/Superamahj)  
  
- (Region No.4-Demerara/Mahaica)  
  
- (Region No.5-Mahaica/Berbice)  
- (Region No.10-Upper Demerara Berbice)  
  
- (Region No.4-Demerara/Mahaica)  
- (Region No.3-Essequibo Islands West Demerara)  
- (Region No.4-Demerara/Mahaica) (AOL)  
- (Region No.10-Upper Demerara/Berbice)  
- (Region No.1-Barima/Waini)  
- (Region No.8-Potaro/Siparuni)  
- (Region No.6-East Berbice/Corentyne)  
- (Region No.7-Cuyuni/Mazaruni)  
- (Region No.4-Demerara/Mahaica)

*(There is one vacancy)*

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

- Mrs Sheila V.A. Holder, M.P.  
Mrs Shirley J. McVillie, M.P.
- (Upper Takutu/Upper Essequibo)

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

- Mr Ravindra Dev, M.P.

**OFFICERS**

Mr Sherlock E. Isaacs, Clerk of the National Assembly

Mrs Lilawati Coorjahn, Deputy Clerk of the National Assembly

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## **PRAYERS**

**The Clerk** reads the prayer.

## **ANNOUNCEMENTS BY THE SPEAKER**

Leave

Leave from today's sitting have been granted to the Honourable Mr Rudolph Insanally and Honourable Member, Mrs Lurlene Nestor.

## **INTRODUCTION OF BILLS**

### **Presentation and First Reading**

## **CONSTITUTION (AMENDMENT) BILL 2003**

*By The Attorney General and Minister of Legal Affairs*

## **PUBLIC BUSINESS**

### **MOTIONS**

#### **1. MODALITIES TO GIVE EFFECT TO PROVISIONS FOR ARTICLE 119C**

Assembly resumes considerations of the following Motion which was moved by the Minister of Culture, Youth and Sport at the sitting on 2 May 2003.

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WHEREAS in respect of each Commission in column 1 of the TABLE the National Assembly has, in relation to the corresponding article in Column 2 of the TABLE, the power mentioned in column 3 of the TABLE;

<b>COMMISSION</b>	<b>ARTICLE</b>	<b>POWERS</b>
Judicial Service Commission	198 (2) (b)	The meaningful consultation with such bodies as appear to it to represent attorneys-at-law in Guyana to be done by the National Assembly and the signification of its choice of Members to be made to the President
Public Service Commission	200 (1) (b)	Two members appointed by the President upon nomination by the National Assembly after it has consulted such bodies as appear to represent public officers or classes of public officers
Police Service Commission	210 (1) (c)	Four members appointed by the President upon nomination by the National Assembly after it has consulted such bodies as appear to it to represent the majority of the members of the Police Force and any other such body it deems fit

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Ethnic Relations Commission	212B (1) (a)	The determination of the consensual mechanism entrusted to the National Assembly and the determination of the entities to make nominations entrusted to the National Assembly
Women and Gender Equality Commission	212Q (2) (a)	The determination of consensual mechanism entrusted to the National Assembly and the determination of the entities to make nominations entrusted to the National Assembly
Indigenous Peoples' Commission	212S (2) (a)	The determination of consensual mechanism entrusted to the National Assembly and the determination of the entities to make nominations entrusted to the National Assembly
	(b)	Three persons, at least one being a woman, nominated by the Toushaos Council and two persons, including one woman, nominated by the Amerindian

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organizations determined by the votes of not less than two-thirds of all elected members of the National Assembly

Rights of the Child  
Commission

212U (2) (a)

The determination of consensual mechanism entrusted to the National Assembly and the determination of the entities to make nominations entrusted to the National Assembly

Public Procurement  
Commission

212X (1) and (2)

The five members of the Public Procurement Commission should have expertise and experience in procurement, legal, financial and administrative matters, and be nominated by the Public Accounts Committee and approved by not less than two-thirds of the elected members of the National Assembly

AND WHEREAS article 119C reads-

*“There shall be a Standing Committee of the National Assembly which shall have the responsibility for initiating or otherwise taking such action or addressing such matters as may be entrusted to the Committee by the Na-*

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*tional Assembly in respect of functions required to be discharged by the Assembly under the Constitution in relation to the appointment of a member of a Commission established under the Constitution."*

NOW, THEREFORE, BE IT RESLOVED that "the Standing Committee to address matters to the appointment of members of Commissions established under the Constitution", appointed by the Committee of Selection on April 4, 2003, as provided for by and pursuant to article 119C of the Constitution and under the provisions of Standing Order 70A:

- (a) shall identify the appropriate bodies for consultation in the appointment of the relevant members of the Commission, conduct the necessary consultations with them and, where necessary, receive nominations from appropriate bodies;
- (b) shall make recommendations to the National Assembly:
  - (i) for a Consensual Mechanism for the Ethnic Relations Commission, the Women and Gender Equality Commission, the Indigenous Peoples' Commission and the Rights of the Child Commission;
  - (ii) for the appointment of members of the Commissions with the exception of the Public Procurement Commission; and
  - (iii) in connection with any other matter referred to it by the National Assembly from time to time.
- (c) shall report to the National Assembly in relation to each Commission as soon as possible upon the discharge [d] of its functions in relation thereto.



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BE IT FURTHER RESOLVED that this National Assembly approves that under-mentioned entities shall be included among the entities to be consulted in respect of the appointment of the Service Commissions mentioned below:

- i The Guyana Bar Association and the Guyana Association of Women Lawyers, with the respect to the Judicial Service Commission
- ii the Guyana Public Service Union and the Senior Staff Association with respect to the Public Service Commission; and
- iii the Guyana Police Association, the Association of former members of the Guyana Police Force and the National Community Policing Executive with respect to the Police Service Commission.

**The Speaker:** The Assembly will resume consideration of the Motion.

The Honourable Member, Mr Lance Carberry, will continue his presentation.

**Mr E Lance Carberry:** Mr Speaker, when I broke off, I was making the point that this Motion represents an important contribution to creating a balance between the functions of the executive and the functions of the Legislature, in that the National Assembly has now been tasked with the responsibility of discharging certain consultative functions, which were previously within the sole domain of the President. I think that this is a very good step and, in fact, it is part and parcel of the process we are engaged in to create a democratic culture in our country.

Mr Speaker, the provisions of this Motion, as you know are essentially to ensure that the modalities for converting the expectations of Article 119C into operational reality is given effect, and I believe that the

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Motion captures that adequately. But, in the interim, Mr Speaker, it has become necessary for us to look at a provision in this Motion, and by agreement, it has been determined that the last Be It Resolved Clause of the Motion as presently tabled, will be removed. Mr Speaker, we support that, and we believe that it is really a testimony to a willingness on our side to find consensual positions.

Mr Speaker, I had already gone through the Table in this Motion to indicate the requirements which would have to be fulfilled as a consequence of the work of the Appointive Committee, and it is perhaps instructive for us to be reminded of the activities which will need to be undertaken by the Appointive Committee on behalf of the National Assembly.

The Committee shall identify the appropriate Bodies for consultation in the appointment of the relevant Members of the Commission, and conduct the necessary consultations with them and, where necessary, receive nominations from appropriate bodies.

- the Committee will also make recommendations to the National Assembly;
- the Committee will be responsible for the tabling of a consensual mechanism to ensure that the Rights Commissions are able to appoint nominees to those Commissions; and
- the Committee will also be responsible for making nominations and to advise the National Assembly on all issues with respect to appointments to Commissions as specified in the Constitution.

Mr Speaker, I believe that we have made a lot of progress, and I sincerely hope that the progress will remain, will be built on and continued. Thank you, Mr Speaker.

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

The Honourable Member, Mrs Shelia Holder.

**Mrs Shelia VA Holder:** Mr Speaker, the Motion relating to the appointment and modalities of a Standing Committee of this National Assembly which, in turn, will be responsible for the appointment, as provided for in article 119C of the Constitution of Guyana, is in fulfillment of the wishes of the Guyanese people, as expressed in the Constitutional Reform Commission Report submitted to the National Assembly in 1999.

The wishes of the Guyanese people, Mr Speaker, is unequivocally that all Constitution Commissions be independent, be autonomous, and be free from political interference. In keeping with this wish, Mr Speaker, the National Assembly of Guyana has been assigned, for the first time, the important task of ensuring that meaningful consultation is entered into, with what I would call Commissions Specific Organisations, in the context of the Service Commissions, the Rights Commissions, the Public Procurement Commission and the Ethnic Relations Commission. The operative word here is *meaningful*. In the Unabridged version of the Webster Dictionary, I checked the meaning of the word *meaningful* and it is described as having *significance*. So, clearly, this exercise is expected to be a substantial and worthwhile one that will be expected to show positive outcomes accruing, not only to the Commissions, but also to specific service organisations to be consulted and, most importantly, to the Guyanese people whose interests this exercise is intended to serve.

The Motion, Mr Speaker, has not come a moment too soon, since it has come at a time when the people's faith in their institutions has reached the lowest ebb, as has been evident in recent times. Therefore, Mr Speaker, the agreement reached between the Administration and the People's National Congress/Reform to activate the provisions to establish these long overdue modalities deserve my endorsement and, indeed, those of GAP/WPA, the party that I represent.

I see this Motion as the beginning of a long-awaited process to rebuild the people's faith in their institutions, given the circumstances of Guyanese politics where many slips could be predicted, not only between the cup and the lip, but between the cup and the other political forces in the country, I feel obliged, Mr Speaker, to state the obvious

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that Members of this Standing Committee have a fiduciary responsibility to act with impartiality and wisdom. As a Member of this Standing Committee, I pledge to do so now, and challenge the Guyanese people to exercise their responsibility to hold public officials to the high standard of conduct deserving of their support. Thank you.

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

The Honourable Minister of Health.

**Hon Dr Leslie S Ramsammy:** Mr Speaker, I stand in support of the Motion moved by the Honourable Member, Minister Gail Teixeira. Mr Speaker, the events of the last week or so that have seen the appointment of the new Leader of the Opposition, the return to Parliament of the PNC/R, and the passing of the Motion establishing the Bipartisan Management Committee for Parliament in many ways forge a new beginning for Guyana's Parliament, and for our fledgling democracy.

These events provide us with yet another opportunity to foster a new form of engagement between our various stakeholders, especially the engagement between the political parties in Parliament. Although we continue to hear the gloom and doom stories about Guyana and our model of governance, the fact is that we do make small but important strides everyday in building a more tolerant and a more inclusive society, and in building our democracy. Today's sitting, Mr Speaker, during which we would approve the Motion to establish an Appointments Committee, to make nominations for appointment to the Service Commissions, and to other Statutory Commissions, contributes to building the inclusive society that we all speak of these days. Today's sitting is possible because the Government and the Opposition have worked together for accommodation. In spite of our difficulties, and in spite of sometimes great, seemingly overwhelming, acrimony, we always find ways to accommodate each other. For some of us this has taken too long, Mr Speaker. Whether we do so with great diligence or not, whether we stumble on the way or not, whomever deserves the credit, the fact is, Guyana has been evolving towards an inclusive democracy over the last

decade.

The adoption last week of the Motion to establish the Management Committee, and now the Motion to establish an Appointment Committee, together with the agenda established out of the engagement between the President and the Leader of the Opposition, ensure that Guyana is moving towards a governance arrangement that embraces inclusiveness as its building block. Eventually, credit for this model will be shared by all Guyanese.

One thing is for sure, the creation of this ideal, inclusive society is not an overnight project, and would not result through a one-shot effort. It would be painstaking and would involve great sensitivity, an enormous amount of patience, magnanimity, and compromises. It would be a long, painful journey, and the process would involve building trust and good faith with enormous amounts of give and take, and this cannot happen overnight, and certainly cannot happen outside of Parliament alone. If an inclusive governance is to become a reality, it must be forged with the involvement of Parliament. Parliament is important in this process, and the journey we have been taking for the last several months in engagement, and now in Parliament, has made this Body a more powerful Body. The Parliament, Mr Speaker, in which we all sit today, is a very different one from the Parliaments of the past. The fact is that, while vast room exists for improvement, Guyana's Parliament has been evolving into a truly meaningful Body. It is evolving, and the implications are obvious, many more changes will have to be worked out, much more painstaking efforts will have to be made. But we note the changes and, this afternoon, we seek to approve a Motion that bestows greater power on Parliament, that enables Parliament now to play a more meaningful role in the appointment of various persons - in this case persons in the Service and other Statutory Commissions.

We have been innovative in some ways, and bold in many ways, in taking the steps to enhance inclusiveness; and I am sure more boldness will have to be shown in the future. But, Mr Speaker, in addressing the Motion this afternoon, we go even further. The political parties have had

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discussions and, during this engagement, we have found ways, all of us, to improve what we present to this Nation. It is in this spirit, Mr Speaker, that, as I offer my support to the Motion, that I would like to introduce an Amendment to the Motion. This Amendment has been discussed, as I said before, between the political parties, and we have all agreed, and so I take this opportunity to introduce the Amendment, that the last Be It Resolved Clause in the Motion be deleted. I ask for the support of all the Members of Parliament, thank you very much.

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

The Honourable Member, Mr Ravindra Dev.

**Mr Ravindra Dev:** Mr Speaker, I rise to lend my support to the Motion before the House on the Modalities to Give Effect to Provisions for Article 119C. The original intent of our Service Commissions in our Constitution, and even the Constitutions preceding, the 1980 Constitution, was to give effect to the desire that, in the formation of a State, that there be created, in the words of Hegel, a universal class of people - individuals who look only at the interest of the state as a whole, and not from any narrow partisan perspective. We have seen, in the execution of this task in a small country like Guyana, that it is possible to almost degut the powers of these Commissions, and to vitiate whatever the original intent might be if, in the appointments to these Commissions, there are only inputs from one particular side, when the whole society is not involved. Therefore ROAR looks at these changes here, and looks at it with the perspective of broadening the process towards the appointment into these Commissions, of individuals who can best represent all of Guyana, and not any narrow partisan position. We therefore encourage all the political parties, and all the Members of Parliament, that this process of ensuring that the State that we are creating will be empowered and will be given the individuals to conduct its business, that it will now be above partisan interest. Again we support this Motion on the Modalities to Give Effect to Provisions of Article 119C. Thank you, Mr Speaker.

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

The Honourable Minister of Tourism, Industry and Commerce.

**Hon Manzoor Nadir:** Mr Speaker, I, too, rise to lend my support, and the support of the Organisation that I represent to this Motion. Mr Speaker, while some may have said that this Motion is long overdue, and because it is now coming at this particular time, we have lost sight of the gains, and the unanimous support this all the Parties in the National Assembly gave at the onset, when this was being discussed during the Constitutional Reform Process. And I thought that I will rise to at least make that point, that the parties in the National Assembly, those who contributed to the Constitutional Reform Process, ought to give themselves a tap on the back, and congratulate themselves; because, when I sat through the process which preceded this particular Motion, there was not a single Party in the process that did not readily agree to the significant changes, changes which you will not find, I will assure you, Mr Speaker, in any other Constitution of the Caribbean, the Commonwealth Caribbean. And so this is not a case of long overdue, this is a case where all Parties who have been contesting this political process, and who want to see a participatory democracy enlarged beyond casting of a vote in a ballot box, have consented, have agreed, and have agreed readily, to this and, because we are only coming at this time with this Motion, I think we have lost sight of the significant agreements we had two years ago, and before, on these particular changes to the Constitution. Thank you.

**The Speaker:** Honourable Member, Mr Robert Corbin.

**Mr Robert HO Corbin:** Mr Speaker, I rise to lend my support to this Motion which seeks, as the last Speaker indicated, to operationalize some aspects of our Constitutional Reform, which were agreed upon some two years ago. This Motion in itself provides an opportunity for us to seriously address the issue of Parliamentary democracy in our Parliament. I will not be as bold enough as my colleague on the other side of the House to suggest that we have already achieved Parliamentary de-

mocracy. I would be factual and say that we are now laying the legal framework to ensure Parliamentary democracy is operationalized. A lot will depend on how we, in this Parliament, give spirit and meaning to the provisions of these Articles in our Constitution. A lot will depend upon how effectively the various committees that are to be appointed function. A lot will be dependent, for example, on this particular Motion, and on how the Appointive Committees perform in the pursuit of the mandate which the National Assembly is about to bestow upon it.

We are optimistic that, having regard to the history of this Motion, and the implementation of those Constitutional provisions that all of us in this Parliament will be anxious to ensure, and to work vigorously to ensure, that they work well. Indeed, Mr Speaker, you will recall that this Motion forms part of a much larger menu of measures, if I may use that term, which has been agreed upon by the Chief Executive of our country and the Leader of the Opposition. That document, the Communique of which this Motion forms an integral part, has many provisions and, more importantly, it puts certain time constraints upon our performance. It gives us also, an opportunity to monitor how well we are performing within the given time frames, so that issues are measurable.

The present Motion provides for a new consultative mechanism, through the Parliament, so that representatives on the various Service Commissions reflect a process, and also reflect the confidence of those who are likely to be affected by the decisions which they make. It is for this reason that we support the Amendment which has been moved by the Honourable Member, Dr Ramsammy, this afternoon in the last resolved Clause. But because of the concerns which have been expressed by various interest groups in Guyana, and other stakeholders, perhaps it is important that we as Parliamentarians give a full explanation so that there is no misunderstanding by our stakeholders that we, in the Parliament, are failing to honour our obligations to consult.

This Motion which has been amended, which sought to specify some specific organisations that would be included in consultation, has been a cause of concern of some stakeholders and that, I think, is why



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publicity has been given to this, particularly by the Guyana Trades Union Congress, the Public Service Union. There are some concerns about the Police Commission and, therefore, in order to ensure that the Appointive Committee can examine these issues fully, rather than put them in a straitjacket, so to speak. I think Parliament will, in effect, be mandating the Appointment Committee to really examine some of those issues which are not put in a straitjacket at this particular point in time, so we can take account, in the process of consultation which the Motion is intended, to usher in a wide consultation with those persons and agencies, as well as organisations that are likely to be affected by the work of these Commissions. And it is not in any way an intention, less the Bar Association or the Women's Lawyers or the Guyana Public Service Union or the Senior Staff Association or the Guyana Police Association feel that somehow we have gotten together in the Parliament and decided that we are not consulting anybody at all, because we have removed that last resolved Clause. In any event, the last Clause said Including, so that it was not intended to exclude anyone, but, because of concerns which have been raised, I believe that it is more acceptable to allow the Appointments Committee, when established, to engage in an examination; and I suspect that Committee will be able to report to the Parliament on the work, in this area to, ensure that maximum consultation has taken place between those interested organisations.

Our approach to this situation has shown that we have the will to deal with the issues that are of concern to us all, and to the people of Guyana. We do have other time frames. I am happy this afternoon that we have introduced, in the Parliament, the Constitution Amendment Bill amending Article 197A which, indeed, was the deadline which has been set to ensure that it reaches the Parliament. We had hope that we could take it through all the stages this afternoon but I think that would be putting too much pressure upon you, Mr Speaker, and so we have recognised that looking at the Agenda this afternoon, it may not be possible to go through all the stages; but we hope that the other deadlines will not be affected by it, and that we will find the opportunity to ensure that the other provisions can be met. Indeed, if one looks at the Communique, one would have seen that this afternoon we should have also had the

Motion, but better legal council has prevailed, and we were advised that the Constitution Amendment must be passed first in order to facilitate the Terms of Reference of the Commission of Inquiry, the Discipline Service Commission, so that, in doing so, we will be passing a Motion that does not, in any way, violate any of the principles of the existing provisions of the Constitution. I think, Mr Speaker, you will very well appreciate that fact more than many of us here, and therefore we understand that this Constitution Amendment Bill, Article 197A must be passed to facilitate the Motion, and we have no objections to ensuring that the Constitution Amendment Bill is taken to its conclusion as quickly as possible, and that the Motion will be constitutional when passed, so that we will still keep those deadlines. This is in the spirit in which we hope that the Parliament will function. It is not my intention, this afternoon, to steal this opportunity to go into the details of the Communique. I am sure an opportunity will be provided sometime, and I do not want you to start using your powers so early to rule any comment that I may make as irrelevant to the issue of the specific Motion, though one can argue that it is, having regard to the context in which it is brought to this Parliament.

However, permit me just to say that we will not move forward in Guyana unless we act in good faith, and the provisions which this Motion introduces, together with the Bill, and a Motion which was passed at the last sitting on the Parliamentary Management Committee, gives us an early opportunity to put into practice some of these new changes, to usher in this new democracy that my colleagues have ably spoken about earlier today on both sides of the House. Indeed, some of the problems we have experienced this afternoon informally, as you will have seen, Mr Speaker, rushing behind the scenes, trying to work out arrangements, look at matters which can be dealt with today, as well as matters which we may not be able to proceed with, is an indication of how relevant the Parliamentary Management Committee is, and how urgent is its need to be quickly put into operation.

I am advised by my colleague, Mr Carberry, that there is goodwill, and that might happen very quickly, and I think that it will give us an opportunity to avoid last minute discussions in the Parliament, which we

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hope will be a thing of the past. It is in that context, too, that we hope that one of our suggestions about one of the Bills this afternoon will be taken. Even though I know that our colleagues are anxious to proceed with one of them, we have not had the full opportunity of dealing with all the issues which relate to it, the alternative would have been to probably send it to a Select Committee; but we felt that that too should benefit from some further discussion on this side of the House. I myself am at a disadvantage. I did not even walk with a copy of the Bill, having been bogged down with the Communique. I speak, Mr Speaker, of the Kidnapping Bill, that we believe that there is need for some careful examination. We are prepared to deal with the others, but, as I said, it demonstrates that we need to get the Management Committee working very quickly, so that they can sit down under your chairmanship and we can really have consultations in accord, of course, because I know that we have been away a long time from this Parliament, and it will be necessary for Members to acquaint themselves with the necessary Bills that have been laid in this House. So I look forward to our cooperation in that area with respect to the Kidnapping Bill this afternoon, and I hope my colleague has been able to do his consultation, because I recognise that he, too, needs to do some consultation with his colleagues on this matter; but we seriously recommend this direction.

The issues of the Communique, as I said, Mr Speaker, will take time to work, but I want to emphasize that the matters in the Communique do not alone represent the many issues which affect us as a country, and that is why I am saying it provides an opportunity for us to deal with them. There are already matters of concern, which I would not deal with this afternoon, because they have nothing to do with this Bill. Therefore I would hope that we will proceed in good faith. We take the words of the President of Guyana very seriously, and our commitments made by him. We hope that the Government also takes the words of the Leader of the Opposition and the other Members of this side of the House also very seriously, and I believe we have good reason to, having regard to our most recent past. Therefore we march forward, as I said, in good faith, and hope that even those little glitches which must happen as we quickly hurry to put things into place will be made smooth very

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quickly; and one expects that there will be glitches. When I was leaving office today, I got a very rude letter from one of our own leaders in one of the Regions chastising me, asking how I could have agreed to certain matters in Region 10, for example, with all the full involvement, but already he said that there is some non-involvement taking place. I assured him that he is mistaken, and that really what has happened, obviously, was that we worked all night, and therefore the message has not been transmitted, as yet, to all our Members, supporters and officials from the various parties around the country. But I am sure that, as the Communique is transmitted around the country, and all our officials understand where we would like to go, that we would be able to represent these issues very quickly. I look forward to participating meaningfully in this Parliament and, before I take my seat, in giving support to this Motion, I again would like to record my personal thanks and appreciation for the able help and consultation which I received from many in and out of Guyana:

The Commonwealth Secretary General, his active interest in Guyana as a Commonwealth country, his representative, Sir Paul Reeves, and his representatives,

Members of the Diplomatic Community,

Members of the Business Community of Guyana,

Stakeholders,

Political Parties,

Trade Unions,

Human Rights Organisations, all of whom have made a contribution.

I believe that, because of this wide consultation and wide interest, and the words that I have seen appearing in the media over the past few days, that with similar interest we look forward to full support nationally and internationally, as we monitor effectively the implementation of these

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matters that we have all agreed upon. I have great pleasure therefore, Mr Speaker, in supporting the Motion which is before this House. Thank you. *[Applause]*

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

The Honourable Minister of Culture, Youth and Sport.

**Hon Gail Teixeira:** Mr Speaker, I wish to thank all the Members of this House for having supported the Motion that is in my name on the Modalities to Give Effect to the provisions for Article 119C of the Constitution. I wish also to lend my support to the Amendment as proposed by Dr Leslie Ramsammy, which has also gained the support from the speakers of this House. I wish to join with all those who have spoken already on the fact that this is a major step forward in the development of this Parliament, and Parliamentary Democracy. As I said, when I tabled this Motion, that the significance of this is the only Parliament in the Commonwealth Caribbean that has, in fact, created changes to the Constitution that allows for the executive, that is, the President or the Head of State to cede powers to the Parliament and, in fact, what we have is the development and creation of an executive Parliament and, therefore, I think we have to recognise how innovative and actually revolutionary this is. In fact what we commenced on May the third in this House with the Motion for the Management Committee, and the discussions we commenced on this particular Motion, and on which we are coming to conclusion that, in fact, these are two very significant steps in the consolidation of the democracy that we have fought so hard for. So as the Leader of the Opposition, Mr Robert Corbin, and Mr Nadir stated the democratic process is not only at elections every five years, it is also the consolidation of democracy in one's Constitution, in the Parliament, in the process and procedures which one develops in order to ensure that these can never be removed ever again in the future.

The fact is that this Motion, and the one on the Management Committee, came through a whole process of consensus-building, of consensus-making, that is actually quite new to all of us in the country. We

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hope that, with the Communique that was signed by the Leader of the Opposition and his Excellency the President, combined with what we are doing in Parliament last Friday, today, and in the weeks to come, will strengthen confidence-building in our society, strengthen consensus-building in our society and, in fact, as I said before, consolidate the democratic processes and systems, not only in the Constitution, but in the way in which we operate. We have reached agreement after many, many hours of discussions, telephone calls, and many rewrites and writes and rewrites, and there are many persons on both sides of this House who were part of it. In my earlier presentation, I gave recognition to those who worked so hard to bring this Motion to the House in a form that was acceptable to all and, even I must say, in the agreement to the present Amendment that is being made, that this was also a process of consensus and discussion. I wish to thank the Leader of the Opposition, Mr Corbin, for having clarified the reasons for the removal of the last Be It Resolved Clause. It therefore, in doing so, and to add to what the Leader of the Opposition said, it puts the onus on the Committee, the Appointive Committee, to debate this issue, to analyse it, and to find consensus there as well; so that those whose names have gone up to the Appointive Committee can work efficiently. We have a lot of work to do, and I say we, because my name has also been put up by my Party to be on the Appointive Committee, and those of you who are from all sides of the House, we have reached agreement, and consensus agreement, on the other areas of the sectoral committees, the Constitution Reform Commission, the Disciplined Forces Commission and, therefore, I am sure that these will be coming soon to this House for discussion. These, together, will lay the foundation for an amazing amount of work and responsibilities for all Members of the House. The sectoral committees and all the other areas will demand, of those of us who are Members of Parliament, tremendous amount of preparation, discussion and hours of work and, therefore, the workload that has increased for the Members of Parliament has been intensified. The challenges for all of us is not only to pass these Motions here, and this particular one, but the challenge will be to implement them, to nurture them through the process of evolution from this point to the committees, the Appointive Committee, to come to

an agreement on the organisations that will be approached for the service commissions, and the other commissions, and then to bring them back to the House once the process of consultation has reached fruition.

This is a whole new stage; the committee system in this Parliament is going through an evolution, a maturation, that I believe all of us may even require some additional training to prepare us for these responsibilities. But it is also noteworthy, Mr Speaker, that the Communique signed by his Excellency the President, and by the Leader of the Opposition, Mr Corbin, in fact points out the areas of the committees,

- The whole area of Parliamentary and Constitution Reforms,
- The appointment of the seven new Standing Committees,
- The Parliament Management Committee,
- The Four Sector Committees,
- The additional responsibilities for Parliamentarians,
- The establishment of the Ethnic Relations Commission,
- The appointment of the Public Procurement Commission and
- The issue of the Human Rights Commission as well as
- The Commissions for Women and Gender, Indigenous Peoples' and the Rights of the Child.

And therefore the Communique also, I would like to suggest that those who have not read it in the House, should study it, because this will also guide us on our approach to work and the implementation of these areas. Mr Speaker, I think we should recognise the fact that we have seen a speeding up of the process from the time we started this New Year and that, between the two Parties we are pleased with the fact that, from February to now, we have been able to have forward-movement in overcoming some of the areas of disagreement. The fact that the Leader

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of the Opposition and the President, when their teams met from Monday May 5 in the afternoon to Tuesday May 6 at approximate 7 or 7:30 in the morning, is, I believe, a sign of their commitment to bringing progress to our country, to creating an atmosphere of constructive engagement so that we will find a way to overcome difficulties. And to repeat what the Honourable Member, Mr Corbin, said, that we must expect glitches, that we cannot always agree on everything; but that the test will be on how we are able to come to consensus and agreement on how to proceed even if it is to proceed, in a way in which we disagree. That that is all within the context of democracy and a maturation of the evolution of the Parliamentary process and the Parliamentary democracy of our country.

Mr Speaker, I am very proud to be the mover of this Motion, and I again, to repeat, thank you, The Speaker, and The Clerk, for all the support that was given to us in all the discussions that led to this culmination of a support for a Motion that, I believe, will bring us to the next stage of development.

I wish to just make one last comment, that the Communique is a sign of good faith between our two Parties, and that the consensus that we have built in bringing the last management committee Motion is also a sign of good faith between the negotiators, and between the Members of this House and the Parties that they represent. It behooves us, as Members of this Parliament, to act in a responsible way, and to uphold the good faith that is symbolized by the Communique, and by the work that is being done on the Motions that have been presented here, including this one, and those that will be coming in the near future. So, Mr Speaker, I thank you, and I thank all the Members for supporting this.  
*[Applause]*

**The Speaker:** Thank you, Honourable Members. I will deal with the amendment first. We will take this by voice vote unless a division is required. As I mentioned on the last occasion, we will need to take the Motion on a division.



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Question--

That the last resolved clause be deleted.

**Put and agreed to.**

**Amendment carried.**

I will ask the Clerk to take the division on the Motion as amended.

**FOR**

Mr Dev

Mrs Melville

Mrs Holder

Miss Allen

Miss David

Mr Ally

Mrs Bancroft

Mr R Khan

Mr Kadir

Miss Peterkin

Dr Norton

Mr J Khan

Miss Ally

**FOR**

Mr Mustapha

Mrs Sukhai

Mr Ramjattan

Mr Rajkumar

Mr Mohan

Mr Lumumba

Mrs Edwards

Mrs Chandarpal

Mr Alli

Mr Ramotar

Mr Belgrave

Mr Mohamed

Dr Ramsammy

Mr Nadir

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Dr Joseph	Miss Shadick
Mrs Lawrence	Mr Xavier
Mr Goveia	Mr Sawh
Mr Alexander	Mr Collymore
Mr Trotman	Dr Bisnauth
Mr Ming	Mr Gajraj
	Mr Chandarpal
Mrs Backer	Mr Baksh
Mr Allen	Dr Jeffrey
Mr Carberry	Miss Teixeira
Mrs Riehl	Mr Nokta
Mr Murray	Mr Rohee
Mr Corbin	Mr Hinds

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**Dr Bheri S Ramsaran:** Mr Speaker ... *[Interruption]*

**The Speaker:** I cannot hear you while the division is in progress, Honourable Member. As soon as the division is finished, I will hear you.  
*[Pause]*

[The vote for the motion is 55; that is, more than two-thirds of all sixty-

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five (65) elected Members of the Assembly] [None against.]

Honourable Members, I declare that the Motion has been carried by a two-thirds division.

Honourable Member, Dr Ramsaran, were you saying something?

**Dr Bheri S Ramsaran:** Yes, Mr Speaker, unfortunately, I was two minutes or two seconds late in getting back to my seat, and I would have liked to add my positive vote to the motion.

**The Speaker:** We have heard you, Dr Ramsaran, and I do not think that that will change the result in any way.

Honourable Members, we will now proceed with the next item on the Order Paper.

## **BILLS - SECOND READING**

### **ITEM 2 - FISCAL ENACTMENTS (AMENDMENT) BILL 2003 - Bill No. 3/2003 - published on 2003-04-14**

A Bill intituled, an Act to amend the Tax Act and the Income Tax

Who is moving it on behalf of the Minister of Finance?

The Minister of Housing and Water.

**Hon. Shaik KZ Baksh:** Mr Speaker, I beg to move that the Fiscal Enactments (Amendment) Bill 2003, be now read a second time. Mr Speaker, this Bill seeks to give Legislative effects to certain Budget measures that were announced in the 2003 Budget. Mr Speaker, you will no doubt recall that the Government announced intention of embarking on a programme of reform on our tax system, in terms of both policy and administration. In this regard, three important aspects come to mind:

- (i) To expand the tax base;

- (ii) to improve the efficiency and effectiveness of tax administration; and
- (iii) to enhance transparency and equity in the tax system.

In this year's Budget, a number of initiatives aimed at achieving these objectives were announced. Among these was the commencement of preparations for the introduction of a system of VAT. This is a major development in the modernisation of our tax system. It presents many challenges and much preparation will have to be put into the implementation of such a system. Mr Speaker, with effect from this year, we will also be taking a number of initiatives to improve the quality of tax administration. These will include legislation to streamline the incentive's regime aimed at improving transparency and efficiency and, secondly, introducing legislation to enforce presumptive assessments on professionals and other categories of self-employed persons as part of our initiatives to include these categories of persons in the tax nets.

In order to ensure improvement in tax administration, significant allocations have been made in the Budget for the Guyana Revenue Authority in order to recruit key and critical staff, and to provide the necessary hardware and software equipment; all aimed at reducing revenue leakages.

Consistent with the broad strategy, the current Fiscal Enactments Bill introduces amendments aimed at the achievement of the objectives of this strategy.

Firstly, in anticipation of the introduction of VAT and a first initiative to broaden the tax base to achieve more effective taxation of services, we have extended the tax on telephone domestic calls, and you will be aware that, already, overseas calls are subject to a ten percent tax. These measures, therefore, serve to remove any discrimination between local and overseas calls.

Clause 2 of the Bill seeks to amend Section 12 A 1(a) of the Tax Act, to extend the imposition of a tax on every domestic telephone call,

cell phone call, or fax message.

Clause 7 seeks to amend the Third Schedule to the Income Tax Act in order to provide for a withholding tax of twenty percent on all gross distributions, payments and discounts to Treasury Bills. This measure establishes the basic rates, that is, twenty percent applicable to income received from employment, profits from trade and business, and other sources of income, investments, shares, earnings, and saving accounts held at commercial banks, Treasury Bills et cetera. It seeks to remove the current distributions in the tax rates whereby interest incomes have been taxed at fifteen percent, while income from all other sources would be taxed at twenty percent. In respect of earnings received by non-residents from investments in Guyana such as payments towards management fees, patents, copyrights, royalties, dividends and shares, interests on saving account, et cetera. These would now be taxed at the same rate of twenty percent, as individuals who are resident in Guyana, and thus it will remove the discrimination that currently exists, and which favoured non-residents and investment income.

Income Tax Threshold - Clause 3, 4 and 6 of the proposed Amendment seeks to amend Sections 8 (i), 8 (iv), 20 and 60 (i) of the Income Tax Act in order to give effect to the increase in the personal Income Tax Threshold, the amount, which is currently \$216,000 is to be increased to \$240,000 with effect from January 1, 2003.

In addition, Clause 5 seeks to amend Section 36 of the Income Tax Act in order to retain the \$350,000 ceiling on the twenty percent band. This will result in reducing the band currently from \$134,000 to \$110,000.

The main purpose of the threshold increase is to provide relief to the low income earners, and to exempt them from filing returns. This will indeed include a large section of the tax paying population of this country. It is significant that the benefits of the tax savings would also be enjoyed by all taxpayers. Clearly, Mr Speaker, these measures reflect the Government's commitment to reducing the burden of taxes on taxpayers.

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In conclusion, Mr Speaker, it is well-known that, over the years, the Government has consistently increased the minimum wage and, in addition, the Income Tax Threshold has been increased from \$48,000 in 1991 to \$240,000 in 2003, which is a five-fold increase. Even if you denominate this in US \$ terms the increase has been very significant indeed. *[Applause]*

Mr Speaker, this bears testimony to the commitment of this Government to improving the quality of life to all of our citizens. Despite all the challenges, locally and internationally, we continue to push ahead with our policies and programmes to deliver increased social and economic benefits to the population.

Mr Speaker, we must look at the overall objectives to these measures that we are now introducing, and, in so doing, you will appreciate the need for making the decisions quickly and therefore support this Bill.

It is against this background that I commend this Bill to this Honourable House for your support. Thank you. *[Applause]*

**The Speaker:** The Honourable Member, Mr Winston Murray.

**Mr Winston S Murray:** Mr Speaker, this afternoon I heard the Honourable Minister Gail Teixeira say that the fact that we had signed on to so many agreements between us does not mean that there will not be differences of opinion. Indeed, Sir, the fact that there will be cooperation is not synonymous with Capitulation. It is in those circumstances, Sir, that I rise, on behalf of the People's National Congress/Reform, to make our contribution to the Fiscal Enactments (Amendment) Bill 2003.

Mr Speaker, we accept the objectives of the expansion of the tax base, modernisation of our tax system, and improvement of the Administration of our tax system. It is our respectful submission this afternoon, that modernisation of the tax system and improvement of the tax administration, neither of those is reflected in anything in this Bill which is before us today, so we can discount them. Insofar as expanding the tax base goes, the Honourable Minister is right when he says that by putting

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a ten percent tax on local telephone calls, that is expanding the tax base, but I respectfully submit, Sir, that is a very punitive imposition on people's improvement in their welfare.

Local telephone calls are often the source of comfort among people who have had trying times in surviving, and in the afternoons, their exchanges via the telephone are intended to relieve the tensions imposed upon them by the system throughout the day. It is unfortunate that, in view of the security situation, when people need to be so much in touch with each other, I think, it is highly regrettable that the Government should seek to impose a tax on those internal telephone calls.

But, Sir, we have an even more fundamental disagreement with this Bill. Clause 2 of the Bill seeks to bring the Amendment to the tax Act and to the Third Schedule of the Income Tax Act into operation with effect from 1<sup>st</sup> April, 2003. Sir, today is 8<sup>th</sup> May, 2003. There are completed transactions that have taken place in this economy, that are about to be taxed retroactively. Telephone calls that people would have made since 1 April, and into this date, they are now seeking to tax retroactively. This is morally wrong and legally unsound, and it could be challenged Constitutionally. I just put the Government on warning in that regard.

Similarly, Sir, the Amendment to the Schedule to the Income Tax seeks to impose, retroactively, an increased withholding tax from fifteen to twenty percent on savings that have already accumulated interest up to this point in time, and dividends that may have been distributed up to this point in time. Again, I say Sir, it is morally wrong and legally improper, if not Constitutionally incorrect, to impose these taxes in this way.

The Budget Speech this year was read on 28<sup>th</sup> March, 2003, that was a Friday. The Monday following that would have been 31<sup>st</sup> March, 2003. I respectfully submit, Sir, that the way these matters have been done an efficient administration would have so ensured that, at latest by 31<sup>st</sup> March, 2003, that this measure would have been passed into law, so that it could properly have come into effect on April 1, 2003 without

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these ramifications that I have just pointed out, and the inefficiency of the Government should not be visited upon the people of the country. [Applause]

Sir, I have proposed an amendment to this particular sub-clause and, with your permission, I am suggesting that the operational date, especially for those two categories of taxes, should be 1<sup>st</sup> June, 2003, because that is what would make this matter Constitutionally and legally correct, and morally acceptable to the people; even though we continue to object to the imposition of the tax at all.

Sir, the next issue that I want to address really has to do with the Income Tax Threshold. Obviously any increase in the Income Tax Threshold, which brings relief to the working population of this country is to be welcomed. The Government, through the Minister who introduced this measure, has thought to boast, albeit in my respectful view, groundlessly about the significant increases in the minimum wage. What he has failed to tell this Assembly is that the increase in the minimum wage in 2002, is conceptually, as far as we of the PNC/R are concerned, is the minimum that is needed, or is perceived at this point in time, to enable people to barely make ends meet. We therefore say, if that is the case, then at the very minimum, the Income Tax Threshold should be at the level of the minimum wage. The Income Tax Threshold proposed here is \$240,000, the minimum wage is \$21,000 per month (and a little bit) and, if you multiply that, it comes to \$264,000 per annum.

Hence, my second Amendment, which I hope the Government will find it proper to agree to, and that is in Section 3 of this Bill, to substitute for the words *two hundred and forty thousand* the words *an amount of two hundred and sixty four thousand dollars*, so that the people who earn the minimum wage in this country will be exempted from the payment of Income Tax. [Applause] Sir, withholding taxes have been increased ... [Interruption: "You are embarrassing the PNC."] I understand your embarrassment, Mr Ramotar, through you, Sir, I understand your predicament. [Laughter]



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The third point on which I want to make a comment relates to the increase of the withholding tax and payments. In the case of payments, I think, and we have not been told, but it is a fact, that the withholding tax on payments up until now has been ten percent, not fifteen percent. So, in that case, there is a doubling of the tax on payments. In the case of savings, dividends and other distributions, increasing that tax from 15 percent to 20 percent is a 33 1/3 percent increase. I want to put this in context, that, at the time when these taxes were put in place, we had interest rates in this system of 20/21/22 and 30 percent, that was the context in which we applied a withholding tax of 15 percent. Today, rates of interest on savings, or any other account, is three and five percent, if you could get five percent, you are lucky.

I say, Sir, that in such a context, to raise the withholding tax on the interest that has now been substantially reduced is really a discouragement to people to save in this country, [Applause] and I urge the Government to withdraw this proposed increase.

Sir, if you look at these measures in total, what we have before us here, I respectfully submit, is an ill thought out approach to the function and effects of the tax system.

Distributions come in the form of dividends, we want to encourage people to make investments in Companies. That is the way we want to develop this country. We want to encourage the ordinary person to make investments to different companies; to acquire shares. Sir, I say, if that is what we would like to do, do not increase the taxes on them, but rather, we should decrease the taxes on them as an incentive to invest. [Applause] We need to increase savings generally. People put their monies in the Bank as a way of increasing savings. We all know, the economists from the IMF and the World Bank come to tell us here, occasion after occasion, that Guyana needs to encourage an increase in the savings in this economy. Sir, none of these measures here does that. Am I to understand that the Government is eschewing that as a philosophical approach in dealing with the question of Taxation? If it is, Sir, I urge a fundamental rethink if they do believe that savings and investment

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are two sides of the same coin. If you encourage savings, you will encourage investments, these taxes are penalties on savings and, therefore, a discouragement for investment.

Sir, it is against this background that we of the People's National Congress Reform find ourselves in disagreement with the Government. We agree with the principle of modernisation of the tax system; nothing you say here is about modernisation, this is about penalisation. So, we will have some difficulty in supporting these measures.

I formally table my Amendments, and I hope the Government will see the wisdom in accepting them. Thank you, Sir. *[Applause]*

**The Speaker:** Honourable Member, before you take your seat, could you take us through your first Amendment at Clause 1? I have some difficulty.

**Mr Winston S. Murray:** Sir, do I need to clarify exactly where that Amendment comes? It is Clause 1, sub-clause (ii). I can only think that there has been an inadvertent omission, because in the Schedule to the Income Tax Act, there is no such thing to the Schedule of the Income Tax Act. The Income Tax Act has four Schedules. So, if we say amendments to the Tax Act and the Schedule to the Income Tax Act, it would be a highly ambiguous situation. The specific Schedule that is being amended is the Third Schedule, which deals with the withholding tax and tax on payments. So it is in that context. I have spoken to the Chief Parliamentary Council, and to the Honourable Minister who moved it and, I think, they are prepared to accept that one, but they did not give me the assurance of the others, but I think wisdom will prevail at the time when we vote. Sir. *[Laughter]*

**The Speaker:** The Hon. Member, Mrs Sheila Holder.

**Mrs Sheila VA Holder:** Mr Speaker, this Fiscal Enactments (Amendment) Bill 2003 - No. 3/2003 is five weeks and as many days late in being considered by this National Assembly. The consequences that followed from the late enactment of this Bill are too serious to gloss over.

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Five weeks ago, when the Minister of Finance presented the Budget Speech, this Bill should have been also presented for consideration and approval by this House, or at least soon thereafter, albeit that the Budget Presentation was already three months late. It is a requirement of the Law, Mr Speaker, the mere announcement of these budgetary measures by the Minister of Finance does not make them law. It is only this National Assembly that could make them law by giving its approval.

Therefore, Mr Speaker, the Minister owes this House an explanation for the advertisement which appeared in the daily newspapers, bearing the signature of the Commissioner of Inland Revenue, incorrectly and unlawfully notifying members of the public that the tax measures announced in the 2003 Budget Speech would come into effect on 1<sup>st</sup> April this year. This notice was published even though no Fiscal Enactments (Amendment) Bill was placed before this House at the time. Therefore, Mr Speaker, such a Notice emanating from the Guyana Revenue Authority, the country's premiere revenue collecting Agency, mis-directed the public and, by so doing, subjected this Institution to ridicule and disgrace. How does Government expect this premiere revenue collecting Agency to command public respect when illegal action of this kind so taken? How does Government intend to acquire the moral authority to persuade citizens to be law-abiding when it breaks the law in such an irresponsible and irreprehensible manner? This latest lawlessness of the Administration does not auger well for our country as it sends, indeed, the wrong message. It sends the message that says to our citizens, you must do as we say and not as we do.

Turning now to the budgetary measures intending to increase the withholding tax rate to 20 percent, I take the position, Mr Speaker, that such a decision is irrational and out of sync with the current world realities. The global trend towards withholding tax rates are decreasing, rather than increasing, in relation to the prevailing CARICOM Agreement. For instance, certain payments to non-residents already have a zero tax rate. Anyway, so why this piecemeal tinkering with our tax system, and unwillingness to focus on an attractive and cohesive tax system or tax plan in an orderly manner? I dare say Government should

be looking, instead, at double taxation treaties with major trading partners like the United States, Canada, India and potential trading partners like Brazil. Government should be looking at expanding bilateral trading agreements beyond those inherited from the previous Government.

The Minister of Finance, I understand, should also be made aware of the historical facts, about the withholding tax regime introduced by the previous Administration sometime, I believe, in the late 1970s or 1980s. A brief check by him would have revealed that the interest rates on savings in Guyana's Bank at that time were at all-times high - at some 30/35 percent per annum. So, many Guyanese expatriates and others seize the opportunity to capitalise on this bonanza, since the interest on savings in the US and elsewhere were at all-time low of some three percent. It was, Mr Speaker, as a consequence of this expatriate move to capitalise on high interest paid on savings in Guyana banks that propelled PNC Government, I was informed, to introduce the withholding tax regime. Today, when interest rates on savings in local banks is at an all-time low, the Minister of Finance is increasing the withholding tax rate to 20 percent. Where is the logic of increasing this tax, particularly when no significant revenue increase has been projected to be collected in 2003 budgetary Estimates? I checked them. I saw no significant increase for the last two years.

On the matter of ten percent tax on all forms of local telephone calls, I share the view that it is contra-indicated at this time of economic hardships, low wages and high employment on the Guyanese nation. It is generally known that I hold no brief for GT&T, a Company I consider to be predatory and aberrational, but I have to make the point, Mr Speaker, that as a monopoly telephone provider, Government's three-days notice of its intention to introduce a ten percent telephone tax falls within the realm of extreme inconsideration for the telephone Company, if it expects that Company to serve the role of tax collector.

Further, Mr Speaker, given the fact that the Government is only now attempting to correct its faux pas in failing to give prompt validity to the 2003 budgetary tax measures, a precedent is being created with the

introduction of a retroactive tax.

I would also like the Honourable Minister to tell this House what are, in fact, the real costs and revenue implications of these tax measures, so that the House can make an informed decision on whether this Bill should indeed be approved. Mr Speaker, I hasten to make the point that the retroactive tax is indeed bad in law, the point that was made by the previous speaker, Mr Murray. These tax measures should not be condoned in the new spirit of this House. This House must not be seen to be condoning incompetence, poor drafting and bad law.

In closing, I believe the Minister should feel obliged to tell this National Assembly what steps are being taken to fill the long-standing vacancy of Director-General, the Head of the Guyana Revenue Authority? He should tell this House, as well, when he intends to table the Annual Report of the Guyana Revenue Authority in accordance with the law. It has been three years since the Revenue Authority has been in operation and, so far, not a single report has been tabled even though I am advised that the reports which are due have, in fact, been submitted to the Minister of Finance within the specified time. Thank you. *[Applause]*

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

The Minister of Trade, Industry and Commerce.

**Mr Manzoor Nadir:** Mr Speaker, I stand in support of the Fiscal Enactments (Amendment) Bill and to lay bare some of the criticisms leveled at this Bill. You know, Mr Speaker, what we have been doing over the past few sittings in the National Assembly have been breaking new grounds, and also trampling on several traditions. There has been a sacred tradition in Parliamentary democracy that Financial Bills, Fiscal Bills, are not amended; that Fiscal Bills, which provide the instruments for the Government to manage the economy, are allowed to pass. If we go to a two-tier system as in Canada, for example, the Senate which has the responsibility, the obligation, and the right to second-guess any Bill that comes from the House of Commons, they cannot amend any Fiscal

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Bills. We do not have a Senate here. We have the Westminster Convention and, in that Convention it says that when a budget is tabled in a House, the measures that go with the budget are passed, and actually, in the eleventh year ... *[Interruption]*

**Mr Winston S. Murray:** Mr Speaker, I rise on a point of order.

**Mr Speaker:** Yes, Mr Murray.

**Mr Winston S. Murray:** Mr Murray, through you, could I, as a point of order, request that the Speaker points to the specific sources of this information about the impropriety of requesting amendments. *[Interruption: "That is not a point of order."]*

**The Speaker:** I think the Honourable Member said that there was a Convention. *[Interruption: "Where?"]*

**Mr Manzoor Nadir:** Mr Speaker, this Westminster Parliamentary Democracy tradition that we have, has been built on convention, and I am sure that there may be reference in May's to several of the Parliamentary Conventions that we have, where there are no rules. In my eleven years in this National Assembly, this is actually the first time I have heard any debate on any Fiscal Enactment Bill, but we can excuse them, because the PNC/R chose not to come to the budget debate and wanted to get a few shots in today. We can understand that, and so they make their play, supposedly to the poor man, and speak of the minimum wage et cetera. They make that play, but, Mr Speaker, we had to stand through the torture of Mrs Holder repeating her entire budget speech here also.

Mr Speaker, let me deal, first of all, with this supposed regressive and punitive nature of this supposed increase in the withholding tax. If I quote the Honourable Member, Mr Winston Murray, he said that when the withholding tax was 15 percent, the interest rate was 33/35 percent, and so that is justified. Now this is the first time I am seeing this kind of cock-eyed reasoning, trying to tie interest rates to tax rates. But, I want to deal with the argument that the Honourable Member, Mr Murray, dealt with, because, at 20 percent withholding tax at current interest

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rates, depositors are paying less today in nominal terms than they would have paid when the interest rates were 33 and 35 percent.

Mr Speaker, I will take you and the Honourable Members through a very simple mathematical sum. If the Honourable Member, Mr Murray, had deposited \$10,000 twelve years ago in a savings account at thirty-three percent, he would have paid \$495 in taxes at fifteen percent tax rate. Anybody who would have deposited \$10,000 twelve years ago at fifteen percent tax rate on interest would have paid \$495. Today, that same \$10,000 at 20 percent of only six percent interest, you only pay \$120, much less taxes that you paid under the PNC. *[Applause]*

Mr Speaker, what has happened, and what the Honourable Member failed to mention, was that the tax base has actually shrunk, because the interest rate came down, the withholding tax on interest actually shrunk. This particular measure is not going to be punitive, and it is not going to drive savings away. So I cannot see how we are taking 20 percent of six percent interest. That is physically more money than taking 15 percent of 33 percent. There is some kind of cock-eyeness in the mathematics of the Honourable Speaker.

Mr Speaker, a lot of arguments were made on this issue of telephone calls and the tax on telephone calls. The Honourable Member, Mrs Holder, talked about the rights to improve the tax base, modernise the tax system, improve taxation, she saw nothing in this Bill that addressed that. That is because they looked at the Bill singularly, and completely ignored the entire speech of the Minister of Finance. This is the Budget instrument and this Budget instrument is part of a number of initiatives which the Minister of Finance announced in the Budget Speech. This Bill does not stand alone.

Mr Speaker, I want to come back to the telephone calls. Taxes at ports-of-entry, duties and consumption taxes in Guyana are very high - the taxes are high - and we talk about that sum of money, but the sum of money that we collect at the ports of entry is very high as compared to what we collect at the IRD. In any system, you have to get your taxes

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from profits and PAYE, and there is restructuring of the tax system and on the books the Minister of Finance said that work has begun on introducing the VAT. He also says that this ten percent telephone tax is a new measure of introducing tax on services.

The other issue about the telephone tax is that taxes are imposed where they can be efficiently and effectively collected, and this ten percent tax can be efficiently and effectively administered.

Mr Speaker, I heard the convoluted argument that we are making GT&T a tax-collector. Every employer in this country is a tax-collector, because they have to take the dues for the State, the PAYE. About this particular service - the ten percent tax, the proof of the pudding is going to be at the end of the year and henceforth. If we do not see an increase in telephone services, if we do not see an increase in savings rates, then the argument advanced from the other side would be correct, but I guarantee you, Mr Speaker, that we will see more telephone lines, we will see more telephone calls, we will see more deposits in the banking system. For the benefit of the PNC/R, Mr Speaker, when I prepared my Budget presentation, I specifically looked at the savings because of this. For the benefit of the Honourable Members from the PNC/R, who missed the Budget debate, today Guyanese are putting more money in longer-term deposits than ever before ... *[Noisy Interruption]*

**The Speaker:** Let us have some order, Honourable Members.

**Hon Manzoor Nadir:** Mr Speaker, I can understand why mentioning the Budget Speech and the Budget Debate caused so much of anger on the other side, remember, they barged into your Parliament during the Speech and disrupted the Speech. So I do not expect better from them today, but as politicians know, those who have microphones ought not to let a rowdy crowd put them off the podium.

Mr Speaker, this whole issue of the ten percent, the threshold on telephone calls, are again trying to pander to a constituent that is not there for the Opposition.



The final point made is this issue of the threshold, and the argument is being made that there is a national minimum wage of \$21,000 and so we should have at least put the threshold at \$22,000. The Amendment wanting to be moved by ... *[Interruption: "Moved"]* It is not moved as yet, it has to be seconded, Sir, only Ministers can move a Motion without seconding.

Mr Speaker, there is no national minimum wage. What the Honourable Member, Mr Murray, did was to use the generous minimum level of wages in the Public Service, because today you have pump attendants, you have bar people who earn a minimum of \$3,500 and \$4,000 and they are the ones who are going to benefit from not having to file income tax returns. You were here, Mr Speaker, but if they were here, they would have heard the Minister of Finance, mentioned over 13,000 people will benefit from this. Thirteen thousand taxpayers would not even have to lift a pen and file a tax at the end of May 31 this year, an extended deadline.

So, Mr Speaker, this whole issue of threshold is pandering to a constituency that has been used by forces to stymie the effective administration of Government that is Public Servants.

There are two significant comments I want to make with respect to not supporting the Amendments by the Honourable Member, Winston Murray, the Amendments to clauses 2, 3, 4 and 6. Mr Speaker, this Bill, as I mentioned before, is not a stand-alone Bill. It is a Bill that has to do with the entire Budget presented. Any shift in these numbers will significantly affect the Budget because it will mean us cutting expected revenue, and noting that the Communique signed by His Excellency the President and the Leader of the Opposition/Leader of the PNC/R wants significant changes to Parliamentary salaries and conditions of Parliament - just as we want to cut the Government's revenues, I would like them to tell me where we should cut the corresponding expenses ... *[Noisy Interruptions]*

**The Speaker:** Hon. Members, Mr Alexander, as you would have no-

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ticed, I do not hear a certain amount of heckling, but I hear shouting. So please abstain from making so much noise.

Please continue, Mr Nadir.

**Hon Manzoor Nadir:** So, Mr Speaker, the two points - reducing the tax rates and increasing the threshold, that is one; and going forward to June 1, will significantly alter the revenue projections of the Minister of Finance, and significantly distort the Budget. It is going to put significant pressures on several of the programmes which have already gone full-steam ahead. So, Mr Speaker, it is going to be difficult to support the Amendments that the Honourable Member, Mr Winston Murray is moving, because of these reasons.

Again, I want to point to the Convention, which states that, once measures are announced, we support them, and we expect that these are the taxes that will prevail for the ensuing year. So I want to give full support to the Bill as moved by the Minister of Housing and Water. Thank you.  
*[Applause]*

The Speaker: Thank you, Honourable Member.

Honourable Members, I will refer you to page 693 of my Edition of Erskine May's Parliament Practice. Both Mr Nadir and Mr Murray can borrow my copy and have a look at it.

Honourable Members, I think, this is a good time to take the suspension.

**SUSPENSION OF THE ASSEMBLY at 16:07H**

**RESUMPTION OF THE ASSEMBLY at 16:40H**

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

**Hon. Shaik KZ Baksh:** Mr Speaker, both of the Honourable Members on the other side who spoke on the Bill have mentioned about a

piecemeal approach, in particular the Honourable Member Mrs Holder. She spoke about a piecemeal approach to tax reform and tax modernisation, but this is far from the situation. If they had read the Budget Presentation, which I doubt very much, many of them on the other side, would have seen the framework being set for the modernisation of the tax system in this country, as well as the various tax reform measures which have been proposed. Among those measures were the increases proposed for the withholding tax, the increase on the income tax threshold, and the taxation on services, which will set the basic framework in our preparation for the introduction of VAT in a few years from now. So I want to encourage them to read the Budget presentation when they go home this evening.

Secondly, the Honourable Member, Mr Murray, has made a number of points which my colleague, on this side of the House, has very convincingly destroyed. So, I will limit my summing-up here to deal with his request for certain amendments.

In terms of the request to have the effective date of the Legislation, implementation of the withholding tax, and the tax on telephone services from the 1<sup>st</sup> June rather than retroactive to 1<sup>st</sup> April, I want to remind Members on the other side, that this has been the practice for decades. It was practiced under the PNC. You can go back to the records. I challenge them to do that. For decades it has been the practice to implement budgetary measures on the passing of the Budget in any given year, and to table Legislation to give effect to these measures subsequently. You go back and you will see that this has been done every year. The Administration will set in motion, a number of steps and mechanisms to give effect to these budgetary measures. This has been done this year.

In addition, the revenue and expenditure projections for the year 2003 are based on an implementation date of April 1 and we cannot go back now to cut revenues here, and to reduce expenditures there, because it is overall budgetary proposals. It is therefore not possible for this side of the House to support that Amendment.

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Again, in terms of seeking to further increase the threshold, the Minister of Finance and the Government have given very, very careful consideration to requests by various interest groups. These considerations were given careful thought. I want to assure them about this, and to reassure them that the Government will continue to keep in view this threshold. We have been doing it from year to year.

In 1991, the threshold was \$48,000 per year; in 1992, when this Government came into office, the threshold was increased by 47.54 percent. It just shows our concern for the poorer classes of people in this country. In 1993, again we increased the threshold by 56.22 percent. What is more convincing about our commitment to protect the incomes of the working classes of this country? On and on we go, this year, despite many local and international constraints on the economy, we have seen it fit to further increase the threshold. As I said before, we will continue to keep it in view next year and the years ahead.

Mr Speaker, it is therefore impossible at this point in time to accede to the request for an Amendment.

I want to deal with one or two points made by the Honourable Member, Mrs Holder, and she asked the question about what is the revenue to be derived from these measures? The revenue will be significant - very significant. The revenues to be derived from both the withholding tax and the tax on telephone services will be in excess of G \$500,000,000.

Also, on the question of the appointment of the Director-General of the GRA, steps are in train. I want to assure her that the post will be filled as early as possible.

Mr Speaker, all in all, we can agree to the first Amendment proposed by the Honourable Member Mr Murray, and he is correct, it was an omission to insert the word *third* between the words *the* and *schedule* in Clause 1 subsection (ii) of the Fiscal Enactments (Amendment) Bill. Thank you very much. *[Applause]*

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

Honourable Members, I am looking at the Amendments and I will put them first.

***First Amendment by Mr Winston Murray: Clause 1***

Amendment -

Insert between the words 'the' and 'schedule' the words 'third'

I propose in relation to Clause 1 (2)

That the word proposed should be left out of the question.

Those in favour say, *Aye*.

Those against say, *No* [Pause]

Those against say, *No*.

I take it there that the amendment there is accepted.

**Amendment put and carried.**

***[Clause 1 as amended, agreed to, and ordered to stand part of the Bill.]***

I gather that Members do not fully understand the procedure. Honourable Members, we are dealing with this document here. We are dealing with the Amendments proposed by Mr Winston Murray, if you agree to those amendments, I would expect to hear you say, *Aye*, if you disagree with those amendments, I will expect to hear you say, *no*.

Under the Standing Orders, where words are to be taken out and added, I am required to put the words to be taken out first, if you agree that they be taken out, I then put the question of the words being added. I would have thought that Members who are long experienced in this

House would understand these procedures. Now, can I go over again?

We were dealing with the second amendment.

***Second Amendment by Mr Winston Murray: Clause 2***

Amendment -

Delete the word 'April' insert the word 'June'.

I will put first the question of whether you agree to delete the word *April* ... [Interruption: "No"] I have not yet put the question. I am advising Honourable Members that I will first put the question as to whether you agree to delete *April*, if you agree to delete *April*, I will then put the question as to whether you agree to insert *June*. If you do not agree to delete the word *April*, there is no point in my putting the question whether you agree to substitute the word *June*, because you have not agreed to delete the word *April*. Do you follow me?

*[Members replied in the affirmative]*

Thank you very much.

So the first amendment is carried. That is to say between the words *the* and the word *schedule*, the word *third* is added.

Honourable Members, I put the question that the word proposed to be left out, that is to say, that the word *April* should be left out of the question.

Those in favour say, *Aye*

Those against say, *No*.

I think the *Noes* have it. The amendment is not carried.

**Amendment put and negatived**

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

*Third Amendment by Mr Winston Murray - Clause 3.*

Amendment -

For the figures '\$240,000' substitute '\$264,000'.

In relation to Clause 3 it proposes that the figures \$240,000 be deleted and the figures \$264,000 be substituted.

I will now put the first question that the figures \$240,000 be deleted.

Honourable Members, I put the question that the figures proposed to be left out, be left out of the question.

Those in favour say, *Aye*

Those against say, *No*.

I think the *Noes* have it. The motion is not carried

*Amendment put and negatived.*

*[Clause 3 as printed, agreed to and ordered to stand part of the Bill.]*

*Amendment 4 by Mr Winston Murray - Clause 4*

Amendment -

For the words 'two hundred and forty thousand dollars' substitute the words 'two hundred and sixty-four thousand dollars'.

Clause 4 proposes that, for the words *two hundred and forty thousand dollars*, substitute the words *two hundred and sixty-four thou-*

*and dollars.*

I put the question that the words proposed to be left out that is to say, *two hundred and forty thousand dollars*, be left out of the question.

Those in favour say, *Aye*

Those against say, *No*.

I think the *Noes* have it. The motion is not carried.

**Amendment put and negatived.**

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

Clause 5

**Question put and agreed to**

***[Clause 5 as printed, agreed to, and ordered to stand part of the Bill.]***

***Amendment by Mr Winston Murray - Clause 6***

Amendment -

For the words 'two hundred and forty thousand dollars', substitute the words 'two hundred and sixty-four thousand dollars'.

It is the same issue, that the words *two hundred and forty thousand dollars* be left out, and the words *two hundred and sixty-four thousand dollars* be inserted.

So I will put the question that the words proposed to be left out, that is to say, *two hundred and forty thousand dollars* be left out of the question?



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Those in favour say, *Aye*

Those against say, *No*.

The *Noes* have it. The motion is not carried.

**Amendment put and negatived.**

*[Clause 6 as printed, agreed to, and ordered to stand part of the Bill]*

**Question put and agreed to.**

**Bill read the Second time.**

**IN COMMITTEE**

**Questions proposed, put and agreed to, that -**

Clause 1 sub-section (1) as printed agreed to, and ordered to stand part of the Bill

Clause 1 sub-section (2) as amended agreed to, and ordered to stand part of the Bill.

Clause 1 sub-section (3) as printed agreed to, and ordered to stand part of the Bill.

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

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

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

Clause 5 as printed agreed to and ordered to, stand part of the Bill

Clause 6 as printed agreed to and ordered to, stand part of the Bill

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Clause 7 as printed agreed to and ordered to, stand part of the Bill.

**ASSEMBLY RESUMED**

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

**The Speaker:** Yes, Honourable Member!

**Mr E Lance Carberry:** Division

**The Speaker:** You are calling for a division on the Third reading of the Bill.

**Mr E Lance Carberry:** Yes, I was trying to attract your attention.

**The Speaker:** The Clerk will take the division.

**AGAINST**

Mrs Melville

Mrs Holder

Mrs Sahoye-Shury

Dr Ramsaran

Miss Allen

Miss David

Mr Ally

Mrs Bancroft

Mr R. Khan

**FOR**

Mr Mustapha

Mrs Sukhai

Mr Ramjattan

Mr Rajkumar

Mr Mohan

Mr Lunumba

Mrs Edwards

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Mr Kadir	Mr De Santos
Mr Mc Allister	Mrs Chandarpal
Miss Peterkin	Mr Alli
Dr Norton	Mr Ramotar
Miss Adams	Mr Belgrave
Miss Ally	Mr Mohamed
Mrs Lawrence	Dr Ramsammy
Mr Trotman	Mr Nadir
Mr Ming	Miss Shadick
Mr Bernard	Mr Xavier
Mrs Backer	Dr Westford
Mr Allen	Mr Sawh
Mr Carberry	Mr Collymore
Mrs Riehl	Dr Bisnauth
Mr Murray	Mr Gajraj
Mr Chandarpal	
Mr Baksh	
Dr Jeffrey	
Miss Teixeira	
Mr Nokta	

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Mr Robee

Mr Hinds

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**The Speaker:** I cannot take any interruption during the Division, when it is finished ...

Honourable Members, I declare that the Motion has been carried.

Yes, Dr Joseph.

**Dr Dalglish Joseph:** Mr Speaker, I just want to voice my disagreement, and to record my vote against the Bill

**The Speaker:** I cannot help you, Dr Joseph. That is not a matter that can be properly raised at this time.

Honourable Members, we will now proceed with the next Item on the Order Paper.

**ITEM 3 – LAND REGISTRY (AMENDMENT) BILL 2002 –  
Bill No. 14/2002 published on 2002-12-05**

A Bill intituled, an Act to amend the Land Registry Act.

**The Speaker:** The Honourable Attorney-General and Minister of Legal Affairs.

**Hon Doodnauth Singh:** Mr Speaker, I beg to move the second reading of the Land Registry (Amendment) Bill 2002 - Bill No 14/2002.

Mr Speaker, at the request of the Minister of Housing, and to enhance the distribution of house lots and the titling of lands which have been registered, Cabinet considered the request by the Minister and approved that the Land Registry Act should be amended. The Amendment relates to Section 37 (4), (5) and (6).

- Section 4 states:

That on receiving any application the Registrar shall cause a Notice thereof to be published in the Gazette and in one daily newspaper circulating in Guyana.

- Section 5:

Any person claiming Title to, or interest, in any land, or claiming to be in possession of any land, in respect of which such an Application had been made, may, within 3 months of the date of the Gazette in which the advertisement first appears, lodge with the Registrar a Notice of Objection.

- Section 6:

If, on the expiration of the end of the period of 3 months no Notice of Objection has been received, the Registrar shall register the Estate, or the proposed Grantee as Proprietor of the land subject to any interests as aforesaid.

Mr Speaker, the Amendment, seeks to reduce the period of 3 months to 1 month. Sections 37 (4), (5) and (6) will now be sought to be read to reduce that; but to provide for the fact that people should have the advertisements widely-circulated you have the following provisions:

Section 37 (4):

On receiving any such Application the Registrar shall cause a Notice thereof to be published once in the Gazette, and once in each week for 3 consecutive weeks, in each of two daily newspapers circulating in Guyana. The first of three publications in each of the newspapers occurring on the same date as the publication in the Gazette insofar as is practicable.

Section 37 (5) will now read as follows:

Any person claiming any interest, Title etc, claiming to possession may, within one month, file any after the first advertisement.

Section 37 (6):

If on the expiration of the said period of one month no Notice of Objection has been received, the Registrar shall register the estate, or the proposed grantee, as the proprietor of the land, subject to any interest as foresaid.

The Amendment to Section 37 (4) Mr Speaker, increases the number of publications for the registration from 2 to 7 publications. The Registrar is obliged to publish a Notice, once in the Gazette, and once in each week so that there is a compensation for the fact that the period is being reduced from 3 months to 1 month, and I submit that, in the circumstances, that is adequate time for any objection to be made. *[Applause]*

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

The Honourable Member, Mr Raphael G C Trotman.

**Mr Raphael GC Trotman:** Mr Speaker, this Bill this afternoon that we are debating, the Land Registry (Amendment) Bill, is in itself a very innocuous document, seemingly very harmless. But I was quite prepared, up until 5 minutes ago, not to raise any voice of objection, until the very Honourable Member gave his reasons for moving this Motion for the Bill to be read and, if I am to quote him, he says:

At the Request of the Minister of Housing the Bill was drafted with the intention of enhancing the distribution of house lots hence its arrival here.

We, in principle, have no difficulty with those reasons except, however, that on 6 May 2003, no lesser a person than the President of the Republic signed a document, known now in public as the Communiqué which was signed after a meeting with the Leader of the Opposition, Mr Robert Corbin, and if, for your benefit, Mr Speaker, I may quote from that document, you will immediately see why it is that we are very, very disturbed at what is happening. *[Interruption]*

**The Speaker:** Mr Belgrave, a Minute...

**Mr Raphael GC Trotman:** Mr Speaker, the document reads, at 2.1 National Policy and land and house lots distribution the Policy paper, and I quote:

*Tabled by the Minister responsible for Housing and Water on May 9, 2002 in the National Assembly was discussed. It was agreed that the Minister...*

And I believe that to be right Honourable Minister Shaik Baksh, who should have moved this Motion himself.

... would amend the paper to fully meet the guidelines set out by the National Assembly which require the Government to:

1. Submit clear, transparent and equitable National Criteria for the distribution of land and house lots.
2. To establish an independent statutory body to monitor the distribution of land and house lots to ensure that it is undertaken in compliance with the National criteria.

*[Interruption: 'You have missed the boat']*

Mr Speaker, I haven't missed the boat, this Bill, in the words of the

Honourable Member, deals with the enhancement of the distribution of house lots and, if I am wrong, I defer to your judgement. We find it therefore, Mr Speaker, very difficult to accept this undue haste in rushing this Bill through, knowing fully well that the President and the Leader of the Opposition agreed that the Minister would table before the National Assembly by 5 June 2003, an amended paper dealing comprehensively with house lots distribution, and the use and occupation of State lands. So whilst, as I said before, we have no difficulty in principle with the intent we, however, find that there is some sleight-of-hand, and I heard a voice quietly say, *shafi*, but I would not be shafted. But there appears to be, Mr Speaker, some sleight-of-hand because, if one makes an agreement, one must be committed to see that agreement through. If, in fact, this is indicative of the nature of things to come, well, then, it sends a very, very bad and dismal signal, and therefore we wish to caution, Mr Speaker, that if this is a practice that we are to expect, well, then, things do not auger well, and the Parliamentary Democracy that we claim to enjoy, and all of the pomp and ceremony we saw unfolding a few days ago, will go down as being meaningless.

In those circumstances, Mr Speaker, at the appropriate time, I will ask that this Bill be referred to a Select Committee to await the report of the Minister at the appropriate time, so that it may be considered in the context of the document which he is to bring by agreement for a comprehensive National criteria for the acquisition, use and distribution of State lands. Other than that, Mr Speaker, as I said, there is no difficulty with the Selection, except that we find that the abridgement of the time within when one may make an objection - with 3 months abridged to 1 month, could act to the disadvantage of unsuspecting persons. There are persons who reside abroad; there are persons who do not have access to daily newspapers, and we feel that, at the time that the 3 months stipulation was placed in the Statute years ago it was for a very good reason, and notwithstanding the fact that there are going to be, in fact, 3 publications in daily newspapers of the country, we would suggest that the time frame of 3 months given in the Act remains. For the reasons given, therefore, Mr Speaker, I say, on behalf of the People's National



Congress/Reform, that we will support any initiative that seeks to treat with house lots distribution, because people are suffering, they need houses but, at the same time, we would expect that this Bill be placed in Committee to await the National Paper, a National Discussion, and be placed in that context. In closing it would be, perhaps, bordering, dishonest and disingenuous to proceed with this Bill, knowing fully-well that we are to have a debate on or before 5 June on the entire business of house lot and land distribution. I thank you, Mr Speaker. *[Applause]*

**The Speaker:** Honourable Member, the word *dishonest* is not a word that is in our lexicon, and I would ask you, even if it is bordering, to please withdraw the word.

**Mr Raphael GC Trotman:** I do so, Mr Speaker.

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

The Honourable Minister of Housing and Water.

**Hon Shaik KZ Baksh:** Mr Speaker, as usual in the true form, Members of the opposition are putting ghosts into a very sincere piece of Legislation. They are reading all kinds of things into this Legislation, which is meant to provide the people of this country with security of tenure, which is in the interest of the population that has been granted over 55,000 house lots from 1992 to 2002. *[Applause]* This Government is not satisfied with just distributing the land. We have had a very massive land divestment, land distribution programme... *[Interruption]*

**The Speaker:** Honourable Members of this side of the House, I appreciate your supporting your colleague, but I cannot allow that very loud noise that is coming from the microphone. Proceed.

**Hon Shaik KZ Baksh:** Thank you, Mr Speaker, and in so doing we have established, this might have to go down in the Guinness Book of Records, 93 housing schemes; we are regularising 142 squatter settlements; at the end of 2002, ninety-nine of these squatter settlements have been regularised... *[Interruption]*

**Mrs Deborah J Backer:** Mr Speaker, I want to suggest that the Honourable Minister's presentation is irrelevant to the Bill that is before us. We do not want the history of house lots. That is not what the Bill wants.

**Hon Shaik KZ Baksh:** Mr Speaker, this is so relevant. I want to show, that with the land distribution programme that we have, we have to grant Titles. The legislation, the amendment... *[Interruption]*

**The Speaker:** Honourable Member Mr Chandarpal, I would appreciate it very much if you tone down the cheering on the desk. I cannot hear the Member when he is speaking if you continue to do that.

**Hon Shaik KZ Baksh:** As I mentioned, Mr Speaker, in all of the land distribution programmes, in the establishment of housing schemes, and in the regularisation of squatter settlements, we want to give allottees Titles to their land. This very sincere piece of Legislation is meant to expedite that process of granting Titles and, when you compare the records of the number of Titles granted and distributed by the PPP/C Government since 1992, it is about five hundred times more than the PNC did in 28 years.

Mr Speaker, this Legislation, the Amendment to the Land Registry Act, is important, because we want to accelerate the process of issuing land titles in this country. We want to accelerate it, as the delay of 3 months is too long. We have a turn-around time to deliver titles to allottees of 3 months, so we do not want to wait for 3 months. All the legislation seeks to do is reduce the time under the Land Registry Act from the current 3 months waiting time to declare a Land Registry area 1 month, and we are also going to advertise in the Gazette and three times, three weeks in two newspapers in this country. So the question of the people overseas not knowing is irrelevant. We are going to advertise in the newspapers to declare an area, a Land Registry area and to reduce the time being taken so to do, so that we can deliver Titles to all of those 55,000 persons who are anxiously waiting for their Titles. Mr Speaker we have moved a far way. Never in the history of this country have so

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many titles been distributed. In the year 2002 alone we have processed over 7,000 Titles, and for the year 2003 - that is why the amendment is so important - in the year 2003, we have set a target of between 8,000 and 10,000 Titles. This Legislation will facilitate the process of granting these Titles. It has nothing to do whatsoever with this National Policy on land and house lots distribution. A white paper has already been tabled in the Parliament, and the Communique states that the Minister is to look back at it to see how we can effect amendments to bring some of the provisions stated herein, and it deals clearly, this Communique, with things like criteria for the distribution of house lots. Investigation of complaints to provide adequate redress in proven cases. It has nothing to do whatsoever - I am amazed at my learned friends and some of those in the legal profession - that they cannot see the difference between what has been proposed, and what is required here in the Communique - it has nothing to do with it. It is a simple piece of Legislation designed to reduce the time it takes to grant Titles to the people of this country and, therefore, Mr Speaker, we need this Amendment to facilitate that process, and we want to proceed. This should not go to any Select Committee because it is a simple, sincere piece of Legislation, but apparently the opposition Members, see ghosts in all the cupboards. I do not know whose ghosts they are seeing, but it is not mine. In any case, it is the intention, Mr Speaker, with this simple, sincere piece of Legislation of satisfying the needs of the people out there, for security of tenure, for their Titles which can be used to obtain loans from the banking system to construct houses in the many, many housing schemes in this country. We want to accelerate that programme of housing construction. Are members of the Opposition telling us they are not supporting the housing programme and the building of houses for the low-income people of this country by opposing this Legislation? I shudder to think that they are thinking so. Mr Speaker, this Legislation, as amended, will facilitate implementation of the Land Registry Act. The Government has taken a decision to effect certain structural changes. We are de-linking the Land Registry from the Deeds Registry and are setting up a separate department for the Land Registry, which will be housed in the Lands Commission Building - not Globe Trust, I can assure you, not the Globe Trust

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Building, but in the Lands Commission Building, Mr Speaker. We have received assistance from the IDB to assist in this process. The Ministry has moved away from the Deeds Registry system, that is, the system of Transports, to the Lands Registry system, which is simpler and less costly to all the poor people out there who want Titles. So we have set up a Department and we will be appointing, and we have already advertised, for a Registrar of Lands and an assistant Registrar of lands because we are going to set up an institutional framework to facilitate the granting of titles under the Land Registry Act. This simple and sincere piece of Legislation is intended to facilitate this entire process, so I call upon my colleagues on the other side, the Honourable Members, I call upon them to support this, do not let it ever be said that you have not supported this measure, this intent to facilitate the granting of titles to the poor people of this country who are in need of their titles to access loans to build their houses. I urge you to rethink your position. We will address this in the spirit of which this Communique was issued, and the Communique has nothing to do with the time frame that was set. I submit, Mr Speaker, to this piece of Legislation which we are proposing here today. Thank you.  
[Applause]

**The Speaker:** Honourable Member Mr Deryck Bernard.

**Mr Deryck MA Bernard:** [Inaudible] ...the issue on the debate, Mr Speaker, is not the simplicity, the sincerity, or the trustworthiness of the changes proposed. It is perfectly possible that this is a simple, sincere, trustworthy Bill. The issue, I submit, is whether the very act of proceeding with this measure at this time represents the first attempt of Cabinet to undermine the very Communique which has been signed because, Mr Speaker, both the Honourable Attorney-General and the Honourable Minister of Housing conceded - in fact were insistent, in fact the Minister of Housing was vehement in asserting, first of all, that the Bill had to do with the Government's Policy, and then he went on to say how successful the Policy had been in the past. If, as they said very, very clearly and they are both very articulate men, that it has to do with Policy, then they cannot deny that it has something to do with the Land Policy, which the Communique addresses. Secondly, Mr Speaker, they both conceded

in their presentations that it had to do with changes in the administrative structure, and the creation of new processes of registration. If they meant what they said, then it is quite obvious that is has something to do with Policy and, therefore, they both, in their respective presentations, contradicted themselves.

Thirdly, Mr Speaker, they both insisted, and we did not attempt to challenge this, that the policies of the Government so far have been successful. I think I heard one Minister say that he was going to apply to put it in the Guinness Book of Records. Therefore it is difficult for us to understand why it is so hard for the Government to say that, if we are going to look at policy again, I believe it is going to be tabled by June 5, why it is so difficult to delay a measure that is palpably dealing with structure and reform and processes until the Policy is debated. The issues mentioned in the Communique are issues that have to do with the policies of land distribution and, therefore, it would seem to me, Mr Speaker, that there would be no damage done to Government's policies to delay this issue. It is perfectly possible that when it is debated we will agree that this is, what are their words? - Simple, sincere - and that they will lay bare and get rid of any ghosts that might linger in the minds of people. So I want to add my voice, Mr Speaker, to that of my colleague, Honourable Mr Trotman, to suggest to the Government, that no violence or damage could be done to their Policy by awaiting a further debate on a Policy matter. Thank you, Mr Speaker. *[Applause]*

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

The Honourable Member, Mrs Shelia Holder.

**Mrs Sheila VA Holder:** Mr Speaker, I wanted to raise two issues that have not come up so far. One is to seek clarification from the Attorney-General and Minister of Legal Affairs is to whether or not the Publication of the newspapers referred to here will be accessible on the World Wide Web for Guyanese who reside overseas. The Bill does not say so, and so I would like to ask that point for clarification.

The other point is to express some discomfort with the phrase: *As far as it is practicable*. Because it allows for slippages and slackness, and who is to determine what it means? I suspect, Mr Speaker, that it may lead to legal consequences and, therefore, I would recommend that the phrase be deleted for the sake of clarity.

**The Speaker:** Honourable Member Mr Lance Carberry, do you wish to speak?

**Mr E Lance Carberry:** Yes

**The Speaker:** Proceed.

**Mr E Lance Carberry:** Mr Speaker, it is really sad that a matter of this nature - the Minister responsible for Housing and Water seems to be minimizing the seriousness of this issue; and let us look at it, the issue of land in a society such as ours is a very sensitive one and ought to be approached with a high level of seriousness. We have to ensure, for example, Mr Speaker, that people are not deprived of their lands without due process; but, because of the sensitive nature of this matter, the Constitution Reform process recognises the need for a structured National Policy on land, and you may recall, Mr Speaker, in your wearing your other hat in the Constitution Reform process, that the Government had committed to providing the National Assembly with a Policy Paper on land and house lots distribution in December, 2000, and that was never done. Now the Minister of Housing and Water, after several lapses, presented a Paper in the National Assembly May 9, 2002; but that paper failed to deal with the guidelines which the National Assembly had set, and let us remind ourselves what the guidelines were, and remember that the Government was asked to provide a Policy Paper, in lieu of a Constitutional Commission, on land. It was a compromise which led to the agreement that the Government should provide the Policy Paper, and that Policy Paper, since 2000, has not been provided and now the Minister has the gall to stand up here to say that it is not very important, that he has distributed so much land. Now if with the 3 months notice, he has been able to distribute all this land, what is the problem? He, by

his own words, has distributed 50,000 house lots with the 3 months notice and yet, Mr Speaker, we must not be unmindful of the fact that there has been a tremendous exodus of Guyanese abroad, and that those people have assets, here including land, and, therefore, they must be given reasonable opportunity to defend their property but, Mr Speaker, the National Assembly, in its guidelines, asked for some very simple things. The National Assembly asked that:

1. The Government should submit a Policy Paper which presents clear, transparent and equitable National Criteria for the distribution of land and house lots;
2. It should establish an Independent Statutory Body to monitor the distribution of land and house lots in order to ensure that it is undertaken in compliance with the National Criteria;
3. It investigates complaints, including complaints about discrimination in the distribution process and;
4. It provides adequate redress in proven cases.

Now, Mr Speaker, this is very clear, very straightforward; but yet the Minister of Housing and Water was unable to provide a Paper to this National Assembly that met these guidelines. As a consequence, Mr Speaker, of the meeting between the Leader of the Opposition and the President, it was agreed to give him more time to present a paper that conforms to these guidelines; and these are not the PNC's guidelines, but these are guidelines of the National Assembly, and the Minister has to have greater respect for the National Assembly, and to the directions given to him by the National Assembly.

In the circumstances, Mr Speaker, I believe that the decent thing for the Minister to do is to either ask to present this Bill to a Select Committee and allow the time for the presentation of the policy document, because what we are seeking to have here, is a comprehensive

approach to land distribution; and we want a comprehensive approach because we want to satisfy all Guyanese that this system is fair and transparent, and not discriminatory, and the guidelines of the National Assembly are very clear about that. Mr Speaker, I implore the Minister to put this Bill in the hands of a Select Committee so that, in fact, it can be dealt with in the context of an overall National Policy on land and house lots distribution. Thank you.

**The Speaker:** Thank you Honorable, Member Mr Carberry.

The Honourable Member, Mrs Shirley Melville.

**Mrs Shirley J Melville:** Mr Speaker, we heard the request by the Honourable Minister of Housing, about the Land Registry Bill that is being dealt with now. Mr Speaker, what of the requests of the People of Guyana, with special emphasis being placed to areas beyond Georgetown? Mr Speaker, Guyana is not Region 4 and its immediate environs. Our Honourable Attorney-General mentioned about being widely-circulated. Mr Speaker, we are fully aware that the daily papers and the Gazette do not reach many corners of our country. Mr Speaker, from 3 months to 1 month is highly unrealistic. Mr Speaker, Honourable Minister Baksh spoke of the many house lots allocated in the period to date. Mr Speaker, 3 months does not seem to pose a problem. So why should we be looking at a one month period? Mr Speaker, could the Honourable Minister Baksh provide the list of persons who have qualified to receive Titles in the Culvert City housing scheme. Thank you.

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

The Honourable Attorney General and Minister of legal Affairs.

**Hon Doodnauth Singh:** Mr Speaker, perhaps because of the fact that I have had only recent experience in Parliament, I find it difficult to understand the suspicion and some of the views which have been expressed with respect to the Amendment which is being sought. I wish to bring it to the attention of Members that ... *[Interruption: 'You understand*



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*rigged election'] ... You don't better let me answer you ... [Laughter] ... this Bill was circulated on 5 December 2002 and, in my presentation, I mentioned that it was to enhance the distribution and the titling of property which was being distributed. It is totally irrelevant to the distribution; it is merely to deal with the question of Titling. The Minister ought to have notified you that, despite the fact that they have distributed several thousand house lots, persons have been unable to get titles because of the 3 months requirement, and it is only for that fact, and it is to compensate for the fact that, well, if you want 3 months then you could want a year. About the interior location, you have a situation where, I am told, the newspapers arrive in the interior within days. Mr Speaker, I wish to assure this House that the learned friend's presentation is totally irrelevant to the matter that is being considered, and the Amendment which is being sought.*

**The Speaker:** Honourable Members, if there is no other speaker I will put the question.

Question -

That the Bill be now read a second time.

**Mr Cyril CL Belgrave:** Division on Second Reading!

**The Speaker:** Yes, Mr Trotman.

**Mr Raphael GC Trotman:** Despite my own fear of my friends on the opposite side, I ask that this Bill be sent to a Special Select Committee.

**The Speaker:** I have not forgotten your request. At the appropriate time I will deal with it, Mr Trotman.

A division has been called; the Clerk will take the Division.

**AGAINST**

Mrs Melville

**FOR**

Mr Mustapha

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Mrs Holder	Mrs Sukhai
Miss Allen	Mrs Sahoye-Shury
Miss David	Dr Ramsarran
Mr Ally	Mr Ramjattan
Mrs Bancroft	Mr Rajkumar
Mr R Khan	Mr Mohan
Mr Kadir	Mr Lumumba
Miss Peterkin	Mrs Edwards
Dr Norton	Mr DeSantos
Miss Adams	Mrs Chandarpal
Dr Joseph	Mr Alli
Mr Trotman	Mr Ramotar
Mr Ming	Mr Belgrave
Mr Bernard	Mr Mohamed
Mrs Backer	Dr Ramsammy
Mr Allen	Mr Nadir
Mr Carberry	Miss Shadick
Mrs Reihl	Mr Xavier
Mr Murray	Dr Westford
	Mr Sawh

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Mr Collymore

Dr Bisnauth

Mr Gajraj

Mr Chandarpal

Mr Baksh

Dr Jeffrey

Miss Teixeira

Mr Nokta

Mr Rohee

Mr Hinds

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**The Speaker:** Honourable Members, I declare the Motion carried.  
Let the Bill be read a second time.

[Mr Trotman rises]

Mr Trotman, would you allow me, please?

Bill read a Second time.

**The Speaker:** Yes, Mr Trotman!

**Mr Raphael GC Trotman:** Mr Speaker, I rise to move that the Bill be sent to a Special Select Committee for consideration to await the arrival

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of the Honourable Minister's paper setting out the Government's policy on land distribution, so that it may receive the blessings of the People's National Congress/Reform at the appropriate time. Thank you.

**The Speaker:** Is there a seconder?

**Mrs Deborah J Backer:** Mr Speaker, I wish to second the Motion.

**The Speaker:** Honourable Members, the motion is:

That the Bill be referred to a Special Select Committee.

**Put and negatived.**

## **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.

## **ASSEMBLY RESUMED**

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

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

**ITEM 4 – KIDNAPPING BILL 2002 - Bill No. 15/2002 published on 2002-12-05**

A Bill, intituled, an Act to provide for the punishment of the offences of abduction, wrongful restraint and wrongful confinement for ransom and other related offences and for matters incidental thereto.

**The Speaker:** I believe there is a Motion to be moved.

**Mr E Lance Carberry:** Mr Speaker, I beg to have this Bill deferred to another date. I want to make it clear that we are totally in support of dealing with the issue of this Bill. Our request is based on the reality that we need time to consider the full ramifications of this Bill and we have so made that known to the government side.

**The Speaker:** Can I have a seconder please?

**Mrs Deborah J Backer:** I rise to second the Motion.

**The Speaker:** Mr Gajraj, do you wish to say anything.

**Hon J Ronald Gajraj:** Thank you, Mr Speaker. I rise to offer no opposition to the motion moved by the Honourable Member Mr Carberry, but, however, I wish to point out that this Bill has been before the national Assembly since 5 December 2002. I appreciate that the members on the other side might have been very busy and might not have had the time to study the Bill.

What I wish to place on record, Mr Speaker, is to urge my friends on the other side of this Honourable House to consider the urgency with which this Bill should be dealt with. While, for example, in Trinidad they have had after April over 65 kidnapping incidents, we have only had 12 for this year, but it is a new dispensation, and it seems to be growing with some degree of rapidity, which we feel should be addressed with urgency. So while we do not oppose the Motion moved by the Honourable Member, Mr Carberry, I would still wish to say that we would like

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this Bill to be dealt with expeditiously.

**The Speaker:** Thank you, Honourable Member; I assume I get the sense of the House that the Bill be deferred. The Bill is therefore deferred.

***[KIDNAPPING BILL - Bill No. 15/2002 DEFERRED]***

This brings our business for the day to an end. Honourable Members, I wish to thank you for your cooperation. The Honourable Prime Minister

**Hon Samuel AA Hinds:** Mr Speaker, I move that the Assembly be adjourned to next Thursday, 15 May.

**The Speaker:** Thank you Honourable Member, the Assembly is adjourned to 15 May.

*Adjourned accordingly at 17:57H*