

# Official Report

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2006-2011) OF THE NINTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN*

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161<sup>ST</sup> Sitting

Thursday, 4<sup>TH</sup> August, 2011

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*The Assembly convened at 2.15 p.m.*

*Prayers*

*[Mdm. Deputy Speaker in the Chair]*

## **ANNOUNCEMENTS BY THE SPEAKER**

### **Thanks to Mr. Nandlall**

**Mdm. Deputy Speaker:** Hon. Members, I wish to thank the Hon. Member Mr. Mohabir Anil Nandlall for presiding at the last sitting, where both the Speaker and I were out. As the Speaker is still overseas I will, as you see, at today's sitting, be presiding. I look forward to your usual cooperation.

### **Appointment of Mr. Whittaker as Minister of Local Government and Regional Development.**

**Mdm. Deputy Speaker:** Hon. Members, following the resignation of Mr. Kellawan Lall, I have been informed that the Hon. Member of Parliament Mr. Norman A. Whittaker has been appointed as the Minister of Local Government and Regional Development, effected from the 3<sup>rd</sup> day of August, 2011. I would like, on behalf of all of us, to congratulate Mr. Whittaker on his appointment as Minister. I see you have already done some congratulating there.

## **PRESENTATION OF PAPERS AND REPORTS**

The following Paper and Reports were laid:

- (1) Audited Financial Statements of the Guyana Water Incorporated for the year ended 31<sup>st</sup> December, 2010.
- (2) Audited Financial Statements of the Central Housing and Planning Authority for the year ended 31<sup>st</sup> December, 2010.

*[Minister of Housing and Water]*

- (3) Guyana Poverty Reduction Strategy Paper 2011 – 2015. *[Minister within the Ministry of Finance]*

## **REPORTS FROM COMMITTEES**

The following Report was laid:

The Interim Report of the Parliamentary Standing Committee on the Oversight of the Security Sector. *[Minister of Home Affairs - Chairman of the Parliamentary Standing Committee on the Oversight of the Security Sector]*

## **STATEMENTS BY MINISTER, INCLUDING POLICY STATEMENTS**

### **ACCIDENT INVOLVING CARIBBEAN AIRLINES FLIGHT 523**

**Minister of Transport and Hydraulics [Mr. Benn]:** I would like to make a statement on an accident involving Caribbean Airlines Flight 523, at the Cheddi Jagan International Airport, on July 30<sup>th</sup>, 2011.

On July 30<sup>th</sup>, 2011 at 1.32 a.m. Air Traffic Service at the Cheddie Jagan International Airport, Timehri reported an accident involving a Caribbean Airlines registered aircraft, 9YPBM, which operated Flight BW523 from the Piarco International Airport, Trinidad to the Cheddi Jagan International Airport, Guyana. Flight BW523 originated from the John F. Kennedy Airport in the United States of America. It would appear that the aircraft overran Runway 06 at the Cheddi Jagan International Airport (CJIA) through the perimeter fence and came to a stop on the roadway, approximately one hundred and ten feet from the fence. The fuselage was broken, just ahead of the wings, and the aircraft is viewed as a loss.

The total number of persons on board was one hundred and sixty, comprising one hundred and fifty-four passengers and six aircrews. There were no fatalities, but there were four major injuries, which included broken bones and lacerations, and thirty-one minor injuries, including bruises and scratches to passengers. The pilot suffered injuries and the co-pilot was uninjured.

Under article 24 of the Chicago Convention, a State in which an aircraft accident occurs is required to institute an inquiry in certain circumstances and, as far as domestic laws permit, to conduct the inquiry in accordance with international civil aviation organisations procedures. Accordingly, the Government has commissioned an investigation into the circumstances surrounding the accident. Investigations are being coordinated and led by the Guyana Civil Aviation Authority (GCAA). To date, five teams have been mobilised, comprising specialised personnel from the Guyana Civil Aviation Authority (GCAA), the Caribbean Aviation Safety and Security Oversight System (CASSOS), the National Transportation Safety Board (NTSB) of the United States of America, upon the request of the GCAA, the Trinidad and Tobago Civil and Aviation Authority, the Boeing Aircraft Company, which is the aircraft manufacturer, the Caribbean Airlines Limited and the Suriname Civil Aviation Authority.

Five specialist teams have been established, which are a worthiness to assess the structure and engines of the aircraft; operations - to assess pilot and crew activities; aircraft performance - to monitor performance to determine whether the aircraft was operationalised within normal parameters; meteorological - to assess weather and its direct effect on the operations of the aircraft, and survival factors - to assess the performance of the crew and physical conditions of the relevant parts of the aerodrome. All of the necessary technical expertise needed for the execution of a thorough professional investigation is in place. The cockpit voice recorder and the flight data recorder have been recovered and delivered to the NTSB in the United States of America for evaluation and analysis. Four of these five teams have concluded their preliminary investigations and are in the process of compiling their preliminary reports.

The Government notes, with great concern, the attempts in the media to discredit and vilify the physical operational environment at the Cheddi Jagan International Airport, particularly, at the time of the accident. Descriptions of the prevailing weather conditions and the state of the runway at the time of the accident and the timeliness of the emergency response

personnel are issues which have been sensationalised in certain sections of the media, both nationally and overseas, apparently without any attempts at basic and proper investigative journalism.

Reports from the Hydrometeorological Office at Timehri, which is equipped with a modern Doppler radar system, indicated that there was a light drizzle at the time of the accident, calm winds and no fog. Visibility was at eight kilometres with a cloud ceiling of about nine thousand feet. This is public information readily available at the Met office.

With respect to the state of the runway, according to the CJIA, the annual audit conducted by the International Civil Aviation Organisation (ICAO), which was done in January of this year, describes the runway as excellent. The runway at the CJIA has a length of two thousand two hundred and seventy metres, or seven thousand four hundred and forty-eight feet. The runway is cambered and grooved to shed water from rainfall at a rapid rate. Given the amount of rainfall, 1.8 millimetres reported thirty minutes before the accident, and the runway design, there was no possibility of standing water on the runway. I am advised that the runway lighting and the precision approach fact indicators, necessary for the types of approaches and landings normally executed at the CJIA by the type of aircraft in question, are all functioning.

It is worthy of note that these are the same instrumentations which have been used for at least the last eight years at the CJIA, and over that time Caribbean Airlines aircrafts have executed over ten thousand landings, handling a total of 2.1 million passengers without accident.

Further, following the opening of the airport at 11.30 a.m., on the day of the accident, Caribbean Airlines proceeded to resume flight operations, including night landings.

In relations to the emergency response mechanisms in place at the airport, and its response to the accident, I have seen, first-hand, video footage from airport security cameras which recorded the airport's fire service responding within three minutes of the receipt of the emergency call of the control tower. First responders also included the duty officer, air site ramp attendants and airport security trained in emergency response. Indeed, it was the Guyana Fire Service personnel who laid down foam to the aircraft's No. 2 engine and freed the flight crew from the aircraft.

The Government wishes to express its continued commitment to an expeditious, but thorough and professional, investigation. It is important that it be understood that investigations of this

nature and magnitude usually take up to one year before a final report is forthcoming, in part, because of the time it takes to finalise the relevant technical details, and stimulations, and in part, because of the requirements that the relevant stakeholders be given adequate time to consider the Report and to make comments. The normal post accident review will be undertaken to review the accident and response based on all available information at this time.

In the meantime, the Cheddi Jagan International Airport continues to operate as an internationally certified and licensed safe facility with the same number of daily flights by international operators, inclusive of the Caribbean Airlines Limited. Thank you. [Applause]

**MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE ASSEMBLY  
AND MOVED BY A MINISTER**

**SUSPENSION OF STANDING ORDER NO. 9**

WHEREAS Standing Order 9 provides that “unless there are special reasons for so doing, no sitting of the National Assembly shall be held between the 10<sup>th</sup> August and 10<sup>th</sup> October in any year”;

AND WHEREAS Standing Order 111 provides that any one or more of the Standing Orders may be suspended, after notice, or with the leave of the Speaker, on a motion by a member at any sitting;

AND WHEREAS the 9<sup>th</sup> Parliament held its first sitting on September 28<sup>th</sup>, 2006 and shall, by the effluxion of time in accordance with the Article 70 (3) of the Constitution, stand dissolved on the 27<sup>th</sup> day September 2011;

AND WHEREAS the suspension of this Standing Order will allow the government to conclude its legislative agenda for the 9<sup>th</sup> Parliament;

“BE IT RESOLVED:

That the National Assembly agrees to suspend Standing Order 9 in order to allow the Parliament to continue to sit no later than or until September 27<sup>th</sup>, 2011.” *[Prime Minister and Minister of Public Works and Communications]*

**Prime Minister and Minister of Public Works and Communications [Mr. Hinds]:** I rise to move the motion standing in my name, the motion to continue sittings of this House beyond August 10<sup>th</sup> into a period that is recognised as a period of recess.

We are not taking this step lightly. This Ninth Parliament has been a very busy Parliament, busier than any other before. It has successfully laid, debated and passed a record number of Bills. I had listed, for me, some one hundred and forty Bills which would have been debated and passed in this Ninth Parliament as of July 28<sup>th</sup>, 2011, with more still pending by the end of this Ninth Parliament.

We know that having stated that this has been a very busy Parliament, busy both for the Government and for the Hon. Members of the Opposition, we are not proposing this continuing of meetings of the National Assembly lightly. But we have a number of Bills which have been long in preparations and discussions and which, we think, would be a great loss to all of us, and to the people of Guyana, if we do not conclude them within this Parliament. I speak particularly to the Telecommunications Bill which is listed for its first reading in a little while, and also the consequential amendments to the Public Utilities Commission (PUC) Act. There are also a number of items in Special Select Committees and Standing Committees which we would want to be brought in Parliament before it is dissolved. One of those is the Access to Information Bill, which we have been meeting on. Members from both sides of this House have been meeting earnestly on this Bill over the last number of weeks. I think all the Members in that Special Select Committee recognise that we are working at it to have it completed before this Parliament is dissolved.

We have brought this motion, taking advantage, as is stated in the motion, of Standing Order 111, and we do this cognisance of the fact that sittings have been continued into the recess period in the life of this legislative Assembly in Guyana. So it is not a new thing that where the Government judges that there is sufficient needs so to do that it will proceed to bring into National Assembly a motion such as this one, so that sittings could be continued into the recess period.

I would like to say that this is in no way an extension of this period of Government. It is no way that has been stated in the motion there at WHEREAS clause number three, “AND WHEREAS the 9<sup>th</sup> Parliament held its first sitting on September 28<sup>th</sup>, 2006 and shall, by the effluxion of time in accordance with Article 70 (3) of the Constitution,...” it can continue but,

“...stand dissolved on the 27<sup>th</sup> day of September 2011...” So, there is no question here of extending beyond the constitutional provisions.

In WHEREAS clause four, we do state that the suspension of this Standing Order, to allow us to continue sittings into what would normally be the recess period, allows us to conclude some very important legislation.

I cannot see very much other consideration on this rather simple motion and I would, therefore, beg that this motion be put to the House. [Applause]

**Leader of the Opposition [Mr. Corbin]:** Let me say from the outset that the PNCR – 1G totally rejects this high-handed and dictatorial behaviour of the PPP administration in bringing this motion to the House. We will not support it. We will not support this Bill for good reason because we believe that if it is necessary, and the circumstances demand that a Standing Order is to be suspended, the least, one expects in a functioning democracy, is for there to be some meaningful consultation on the reason why such an unprecedented step is intended. I say so because I can speak, I believe, with authority on this subject, having been a Member of this Parliament for more than thirty-five years, that whenever such attempts have been made to affect Standing Orders of this kind, which interferes with a parliamentary schedule, there is intense discussions and consultations as to reasons for it. In most cases, it is because of a national emergency or some matter of national importance.

I recall in 1990 ... [Ms. Teixeira: Was it a Constitution amendment?] It was before the Constitution amendment. It was necessary to amend the Standing Orders, and then eventually it led to an extension of the life of the Government by an amendment of the Constitution. But that was done ... [Interruption] I am pointing out to you that it was done then out of demands being made by the PPP for certain constitutional changes to be implemented before the elections. And as a result of that, having not only consulted with the Parliament and the National Assembly Members, there was also public consultation before those steps were taken. In more recent times, when we have had - I think very few - to extend the period that is set for the recess there ought to be, and there has been, serious consultation.

This attempt by the Government to bring this motion, which it knows can be passed by simple majority, is an abuse of the process. I believe that it is aware of those guidelines in the courts, when cases are struck out for the abuse of process of the courts. But since the court

can rule here without a judge, I suspect that such a submission will not hold. But the PNCR – 1G will not allow its parliamentarians to be manipulated by a partisan political agenda of the PPP today, to put in place matters which it had five years to implement in this Parliament, and to come hoping that dew can fill what rain could not fill, as we would say.

In this circumstance, we need to understand, what was this emergency which necessitated such a decision? We have not had the courtesy of an explanation. I think it was two days ago, one of our members, our Chief Whip, got the first intimation of the intention to bring this motion – the Chief Whip of the People’s National Congress Reform. The reason given was that there were urgent legislative matters to be brought to the National Assembly. What are those urgent legislative matters that could not come here for the past five years? And who determined the urgency of these legislative matters? That is why we set up a Parliamentary Management Committee, and it is clear that there was an absence of commitment when such a body was established, because among the functions of the Parliamentary Management Committee, which the Office of the President and the PPP have together stymied for the last five years, are “To consider and decide on matters relating to the business of the National Assembly.” It follows that if there is an issue that affects the business of the National Assembly, the proper course of conduct, the proper procedure, would have been for the Government, through its parliamentary body to summon, or cause to be summoned, a meeting of the Parliamentary Management Committee so that the management committee would evaluate the circumstances, and make a recommendation to this Parliament. There was no such thing, but a directive from the Office of the President that the National Assembly must meet after the 10<sup>th</sup> August until the 27<sup>th</sup> September. That is the level of disrespect and disregard to which this Parliament and National Assembly has been brought to by this administration.

What are these emergencies? We had an example recently with the broadcast legislation, promised within four months of 2003 after the signed communiqué between President Jagdeo and myself, that the draft legislation would have been brought to this House within six months. The Bill would have been available within four months and the broad legislation would have been brought to this House six months later. That told me that it would have been sometime in 2003. When did we get this legislation? Three months before the PPP demits office in 2011 - eight years later. So what is the purpose of bringing it? Is it to fool the public or to aid it in the political elections campaign - to go out there and pose to the public, “We



passed this Bill and that Bill?” So their selfish and partisan agenda is to pursue a political agenda to satisfy the political campaign because the Members know they will be blasted by the populace about the unfulfilled promises made in the manifesto.

2.45 p.m.

So they want to go out there on the platform and say: “We have passed the Access to Information Bill.” It was born in this Parliament for years. You refused to even consider it. We were promised to have it, by the Prime Minister, early last year. Then later, Mdm. Deputy Speaker, I received the letter signed by the Hon. Prime Minister - yes Madam, this gentleman over here - copied to the Speaker, that before January we will get the Freedom of Information Bill. That, too, was another empty promise. So now that they are to face the electorates they suddenly discover that they need to get the dew to full what the rain could not full. So we have this urgency, special reasons and emergencies, really summed up into one phrase “political expediency on the part of the PPP/C”.

What is the urgency? A Bill now, hopefully to deceive the Norwegians who have put certain conditions of transparency which were lacking for the past five years, at the last minute, in order to draw down on the funding and to satisfy certain conditionalities. They have the same old story. So they would boast: “We have legislation on access to information”, not explaining that even in the draft, which they have produced, there were so many obstacles towards getting the information. [Mr. Rohee: Do not work up yourself too much because you have to go and campaign down the road.] I am preparing for it. In those circumstances, what we have here is really political expediency so that a Bill is brought which is designed to satisfy that political objective of hopefully drawing down some money, but the Norwegians, I am sure, are not that naive. They have a democracy there, but the Government cannot draw down a cent because it has not put up a proper programme and it cannot stand scrutiny. So it is hurrying up to satisfy these conditionalities by these last minute laws that it wants to pass during a period of recess. We say, “Do not use and misuse this Parliament at your whims and fancies.” That is our position on this particular matter.

I recall, with the 2005 flood, I wrote the Speaker and this Government saying that we have a national flood so let us call back the National Assembly. We had a national emergency. They refused to reconvene the National Assembly under those conditions, and we had a traumatic situation in this country with the national flood. What is so important? I speak with knowledge on the subject. They could not consider that that was sufficient reason to convene

this National Assembly, but now the PPP/C finds itself in trouble. It has a lot of unfulfilled promises and, after five years, we are hearing that it wants to reschedule the recess of National Assembly, having undermined the Parliamentary Management Committee.

Four and a half years ago, after the long and arduous struggle to have the Parliamentary Committees established, the Parliamentary Management Committee was indeed established. At the very first set of meetings it was agreed that in order to regulate the business of this Parliament the Government will present its legislative agenda to that body so that the parliamentary business could be properly regulated. As I speak to you this afternoon, Madam, on the eve of the PPP/C demitting office, the Parliamentary Management Committee has not seen the light of day of a single parliamentary programme throughout these four and a half years. So when the Prime Minister suddenly woke up – as he does, sometimes, from time to time – and he told us this afternoon that he has a few urgent matters... He mentioned one of them and I noted it while he was speaking - Telecommunications and PUC Bills. What has happened for the last few years? What has happened? This is an issue which could have been resolved a long time ago had it not been for the high-handed and dictatorial behaviour of this Government. Bad fate and failure to negotiate properly with the private sector, trying to bully its way, rather than negotiate with legitimate stakeholders, it ended up with court actions and all kinds of responses because it had an improper approach to the problem which it has faced. Now it has a month more in office, it is hustling to fulfil... **[Hon. Members (Government):** A month!] You have to go and read the Constitution again my friends. You have to go and read your constitution. Even the motion acknowledges that it only has up to the 27<sup>th</sup> September in this Parliament. The motion accepts that. So it is in that context that I am saying that it waited until it is about to demit office and it is hurrying to bring a number of Bills that may never become operational during the period of this Government.

In any event, it is contrary to the established spirit of any good democracy for Government to be making major decisions and passing sensitive legislation just at the time it is about to leave office. That is why in some societies, in particular India, their Constitution prohibits any administration from entering into certain major projects or making decisions in certain major projects three months before an election. It is in the law in India – in its Constitution. It prohibits the passage of certain laws three months before the elections because of its understanding of the tenets of democracy. But this administration that shouts so much about democracy, as we know, observes them in the breach.

Therefore it is clear that the PPP/C has an ulterior agenda because this Parliament, and the Government in particular, has an obligation, indeed, according to the Constitution, to pass laws to the peace, order and good governance of the country. That is its obligation. These laws are not being passed for the peace, order and good governance of Guyana. These laws are being passed at the last minute for the, hopefully, political comfort of the PPP/C during its remaining days in office – nothing to do with the peace, order and good governance of this country. And we, on this side of the House, will not support this extension. We, on this side of the House, will not allow the PPP/C to interfere with our schedule and programme. That is why there is a schedule so that there is a period for parliamentary business and Members of Parliament can programme their work so they will know that this is the parliamentary session and this is our session.

There was nothing to prevent the Government, if it was serious, to have discussions with Members of this Parliament and have the business, if it is so complicated and lengthy... to have adjusted the days that the National Assembly meets. It is not in the Standing Orders that we must meet on Thursdays. We can meet everyday, I think, except Saturday and Sunday, according to our Standing Orders. So if the Government was serious and it was planning effectively for the business it had in mind, because it is only a figment of its imagination... we know nothing about this agenda it has; it has never shared it with us; it has never considered the Opposition important enough to know about it. So the Members on the Government have this thing in their heads. Even if they have this idea of their agenda in their heads, could they not know that it would not conclude by the 10<sup>th</sup> August? And therefore, instead of meeting only on Thursdays, to rearrange the agenda of this Parliament so that we could meet on other days, so from 10<sup>th</sup> August that necessity would no longer arise. But it is clear that this is a ploy to keep parliamentarians, who should be out there campaigning, coming to the National Assembly. [Ms. Teixeira: What is to stop you? There are six other days in the week.] Well, we are doing that. While they are doing that, resources of the State being manipulated, by them while in office, for political campaign purposes.

I want to say that the PNCR – 1G Members of Parliament will have nothing to do with it. We will observe the recess from 10<sup>th</sup> August. We will observe the time hallowed tradition. If there is a national emergency, if there are good and genuine reasons of national importance, and there is need to call this Assembly, we will attend to those matters. But we do not see satisfying an agenda that has, for all practical purposes, no real meaning because by December we will have a new Government in place... It would not be this Government.

[**Ms. Teixeira:** Do you mean a different Government or a new Government?] It will still be a new mandate; it would not be the same mandate. All of us will be going out there to seek the mandate from the electorate as to who should run the affairs of this country after December. Why should we try to capitalise, in three months, to do what properly should be done by the new Government which should be elected to run the affairs of this country after the next elections? There is nothing urgent about it because most of these laws, even if they are assented to during this assessment period by the President, would not be operational until the next Government comes into force. So why try to tie the hands of the new Government? You are going to put the Government through the job of having to repeal all these legislation that it will be dissatisfied with.

Therefore, in these circumstances, I want to make it pellucid that we, again, I repeat, do not support this amendment and the PNCR-IG Members of Parliament will not be observing any participation in this National Assembly unless we consider that there are issues of national importance and of national emergency. Thank you very much. [Applause]

**Mr. Norton:** Mdm. Deputy Speaker...

**Mdm. Deputy Speaker:** Mr. Norton, could you sit please?

Mrs. Holder, you wish to speak but I do not have your name on the list.

**Mrs. Holder:** These days the list does not go up, but I was on my feet.

**Mdm. Deputy Speaker:** Okay, go ahead.

**Mrs. Holder:** Thank you very much. I will like to make a few points on behalf of the Alliance For Change, if I may.

The first point I want to make is that if ever before there was any doubt about the willingness of this administration to encourage the Members on this side of the House to be cooperative, this is a living example that quite frankly it is disinterested in a harmonious National Assembly.

I have to support the Hon. Leader of the Opposition when he made the point that the Parliamentary Management Committee ought to have been *au fait* with the decision to utilise the recess period and we will not. Well, it is generally known that the Parliamentary Management Committee has, in fact, not met for well over a year and, upon enquiries of this

side of the House, we have been told that the Speaker of the National Assembly is the Chairman of the Parliamentary Management Committee. Somehow, that is intended to absolve the Government benches from convening meetings of the Parliamentary Management Committee. So the blame has been put on the Speaker of the National Assembly. Be that as it may, no meetings have been held by the Parliamentary Management Committee which was clearly a breach by those who rule and control this National Assembly.

Clearly, it has been bad fate; clearly, the Parliamentary Management Committee can be described to be dysfunctional. However, it is also very clear that the Government Members do not need our support to pass this motion, and they are not even seeking our support. Quite frankly, Mdm. Deputy Speaker, I believe that we are better positioned to continue to campaign among the PPP/C supporters to let them know that clearly they ought not to be given another term in office.

I believe that the time of the Alliance For Change will be better spent in the PPP/C's constituency doing just that. So I want to put on the record that we will not allow the Government benches to decide for us how we should spend our time during the recess. Therefore we reserve the right when we will come into this House, and if we will come into this House. And where we stand at this moment, quite frankly, as I said, they do not need our support; they have not asked for our support; and they do not deserve our support. Thank you very much. [Applause]

**Mr. Norton:** Those who sit on the Government benches have the tendency to describe this thing for a political system as a democracy. Unfortunately, it is not. Had it been a democracy, I believe the person in the highest office, right now, would have been under investigation. But it does not happen here.       **[An Hon. Member: What do we have?]**       It is pseudo democracy.

This Government has the audacity to come to tell people about extending the time. I want to read what the Clerk of this National Assembly was instructed to write to the Leader of the Opposition on the 8<sup>th</sup> of June, 2010:

“Dear Mr. Corbin,

I have been directed by His Honour, the Speaker, to inform you that there is not enough business at the moment to warrant a meeting of the Parliamentary Management Committee. However, if your party has matters it wishes to raise

and which will justify a meeting of the Committee please let me know so that a meeting can be convened.”

**[Mr. Neendkumar:** What else do you want?] Your ignorance is unpardonable. Even silence would not help. I read this because here was a parliamentary body – I was a Member of that Committee – that was responsible for managing the affairs of this Parliament and the Government side obstructed it to the point where its own Speaker became fed up and said there are no matters to discuss, and if you want to bring it... **[Mr. Nandlall:** How did you get Mr. Corbin’s letter?] We do not operate like you. If you used to get everything from the President you would have known where the *Times* come from.

A cardinal principle of democracy is the rule of law, and one would have assumed that if this Government had an interest in law we would have seen it manifests over the years. But what has this Government done? It has shown marked disrespect for the law. Ask Minister Kellawan Lall and company. How could the Government Members now come and tell us that they want to pass law. Let us assume... **[Mr. Ali:** *[inaudible]* Regent Street...] You better shut up. An investigation is coming for you, Government or no Government.

**Ms. Teixeira:** Mdm. Deputy Speaker, I think the Member should be cautioned about the language in this House...

**Mr. Norton:** ...and even if there is an interest in passing these laws, this Government does not respect law. So why are you passing laws if you do not respect them? You have no respect for any.

I want to give you a classic example of what happened in a Parliamentary Select Committee recently. We sat and we agreed that for every meeting, in principle, we will all agree on the day and time, and we agreed on the day and time. We agreed that the meeting will be held at 1.00 p.m. on Wednesdays, and what did the Government side do? It changed the meeting to 4.00 p.m.

**Ms. Teixeira:** Mdm. Deputy Speaker, Standing Order No. 102 refers to premature publication of evidence. This is a Committee that has not completed its work. This is a Select Committee which has not completed its work and, therefore, I am asking that Standing Order 102...This is a normal practice and convention.

**Mr. Corbin:** Mdm. Deputy Speaker, under the Standing Order raised by the Hon. Member, the Hon. Member has not mentioned the name of the Standing Committee or what time it met. She is premature in her objection. [Interruption]

**Mdm. Deputy Speaker:** Hon. Members, I have just been shown Standing Order 102 which speaks of premature publication of evidence. I do not think what Mr. Norton did just now, by alluding to the procedures that have been taken in the Select Committee, appears to me, at first brush, to...and he did not...He just gave the example of a Committee. So I do not think that that, Ms. Teixeira, would offend Standing Order No. 102, at this stage.

**Mr. Norton:** Thanks Mdm. Deputy Speaker. It has become usual for me to expect Points of Order from that section of the Government.

**Mdm. Deputy Speaker:** Mr. Norton, please proceed with your presentation.

**Mr. Norton:** I was saying that this Government has no respect for law and, therefore, it cannot come under the pretext that it wants to pass some law...It is evident that this Government does not believe in transparency and therefore... [Mr. Neendkumar: You said your party believes in transparency and you rigged elections...] Your birth was rigged. It is a rigged birth that has you here.

Transparency is another critical element of democracy. What did we, in the Management Committee, argue for? I remember the late Winston Murray pleading with the Management Committee to bring a legislative agenda to the Committee so that the entire Parliament will know what the legislation are, coming to this House. The Hon. Prime Minister, with all due respect for him, in his usual ability to be circumlocutory but not getting to the point, tried to tell us that it was coming. At a next time, it was going to be here and it never reached. So if per chance the Government has legislation that it did not pass, it is a function of its own incompetence because we have been pleading, on this side of the House, for Government to give us a legislative agenda and this started in 2006 - October. Five years it could not, but suddenly, like Rip Van Winkle, out of nowhere, it has a set of legislation that must be passed now. Well, the problem you have, on the Government side, is that you believe you could do what you like, when you like, to whoever you like, however you like. I will like to say to you that the People's National Congress Reform will not tolerate that. [Ms. Teixeira: Filibustering [inaudible]...] This is a permanent Government of filibustering.

Also, this Government has shown an inability to partner with anybody, especially at the level of consultation and, therefore [Mr. Ramotar: *[[inaudible]] partnering...*] It is better than being a front for another man. You are a proxy third term, as you know. Let me stay quiet. Consultation is critical and if this Government was a government which consulted, it would not have waited until now to say it has Bills to bring but it is because it had believed it is a bully. It is because it believes, and we know, it is a dictator. The Members of the Government decided that they can come now and do whatever they like at present. That is unacceptable. [Mr. Neendkumar: That is why Mrs. Lawrence bullied you away.] When I start teaching nursery school I will come back to you.

Another process that was ongoing was to develop independence of the Parliament Office so that issues like these would have been properly dealt with and would have been independent of the executive. [Mr. Neendkumar: You and Mr. Corbin *[[inaudible]]* letter.] The only thing I know that brays words – that. I sat on the Management Committee and saw a situation in which the Government sabotaged the Parliamentary Strategic Plan because it did not want an independent Parliament Office. It did not want a situation where there can be a proper structured approach to the Parliament. Therefore I want to say, without fear of successful contradiction, that this move is another political move aimed at achieving the narrow objectives of this regime.

Mdm. Deputy Speaker, no one will doubt that if you had five years to organise your legislative agenda and you have to come now to extend it that you are incompetent. But we did not need Parliament to tell us that. If you look at the roads Mr. Benn built, you will know that the Government is incompetent. If you see how the Home Affairs Minister handles crime, you will know that it is incompetent. If you see how the Government handles education, you will know that it is incompetent. So it is a function of the incompetence of this Government. That is what has us in this position. So it is a bad combination; it is lawlessness plus incompetence.

*3.15 p.m.*

This Bill today is a manifestation of the level of lawlessness in this society. Which decent Government, with decent people, will spend five years with a parliamentary agenda and wait until the last hour to decide that it is going to bring “critical” issues? I used the word “critical” in quotation because nothing is critical about the issue. It is just its normal approach of being disrespectful because it believes that it is omnipotent, omnipresent and omniscient. I



agree with the Hon. Leader of the Opposition that this is a political ploy [Mr. Neendkumar: You have a brain drain this time.] I want to send you to Fort Canje at a particular institution.

Having listened to it again, I want to turn to the politics of what is happening here. Essentially, this is in the name of a political ploy to have us focus on trivial matters while they try to show up dead candidatures and political campaign, and we will not be caught in that. This is a political ploy to appear to satisfy the international community. You are trying to force an Access to Information Bill down the throat of this House. This Bill has been in the making since 1993. Hon. Member Trotman brought a version. The Government side indecently took most of it and add some dictatorial things to it and bring a new one. It is the politics that is consuming that side. It is consumed in the politics of manipulation. It is consumed in the politics of seeking to control people's lives. It is in the politics of controlling even the basic information people should get and that is what gets it in this place. Apart from the fact, that it made mistakes as to bring people who can only bray into this House and it has no ability to silence them.

Mdm. Deputy Speaker, I want to say this: The People's National Congress Reform is not opposed to working during the recess. The Leader of the Opposition has made it clear: if the issues are of importance and worth it, we will. Do you want to see us tomorrow? Call a parliamentary session to deal with all the corruption in this Government which is affecting the economy and I will be there. Call a parliamentary investigation into all the illegalities. It is not only I will be here; the Guyanese populace will stand out there because they know, at the end of it, what will happen. So we are not opposed; we are for it to be used in the proper way in keeping with our Constitution. That is all we are saying. So let it be understood, and I should warn you. I know that you are going to select... [Mr. Neendkumar: How you will learn people; you have to teach them.] I said "warn". Even your ear is useless. You are dumb in all parts of the anatomy. I want to warn you. Let me repeat for the one who has problems at the level of his ears. He now adds the ear to the brain. I was about to say Mdm. Deputy Speaker, that we are well aware that you are going to show those presentations that you want to be shown and exclude those that are critical of this decision, but we will go out of our way to let people know that we took a principled position that you are misusing the authority and, therefore, it is not in the interest of the Guyanese people or the Opposition to participate in this farce.

I want to raise one last issue. This Government will do well if it learns to be responsive to the various interests at play in the society. The fundamental problem we have here is the inability of this Government to be responsive to the concerns of the various constituencies in the society. It is the inability of this Government to understand that democracy demands proper consultation and involvement of all interests. I say until this Government would have learned that we will put ourselves and find ourselves in this position.

I close by saying that the People's National Congress Reform will not support this motion. This motion reminds me of motion used in the days when I was a little boy who drank medicine. Thank you. [Applause]

**Mrs. Backer:** Coming after Mr. Aubrey Norton, I have very little to say, but excuse me please. As I listened to the Member from the northern side speaking, I was reminded of the saying: "A little knowledge is a dangerous thing, but no knowledge at all is positively fatal." I am happy that despite that truism, Mr. Neendkumar still remains with us. As I stand, I am reminded of a Guyanese saying: *When cow going slaughterhouse he don't care what...* Well, I will say, "...what he does." But I think we all know what he does. The point is as the PPP approaching that slaughterhouse, which is the slaughter that it will receive at the hands of the electorate, all remnants of decency, all remnants of consultations, which it may have had in its bosom, have gone because it no longer cares. It is desperate. As I said, "*When cow going slaughterhouse he don't care what he does.*" [Ms. Shadick: We do not carry a cow to slaughterhouse; it is a bull we carry.] Well, I am corrected by the PPP that it is not a cow; it is a bull. I do not know where that leads my colleague, Ms. Shadick.

The legislation that will be debated between the recess and the 27<sup>th</sup> of September - because that is what the motion speaks about, the 27<sup>th</sup> of September, a month and a half - I would have expected, at the very least, the Hon. Prime Minister would have been able to say, with some certainty, what that legislation was, because the 27<sup>th</sup> of September is not that long from now and we know that with legislative issues the Government moves very slowly. So whatever it is going to pass between the recess next Wednesday and the 27<sup>th</sup>, it already knows what it is. Should it not, at least as a matter of decency to the people of Guyana - forget the PNC, forget the AFC, forget whoever else - say that these are the three pieces of legislation that it intends to pass? As I said, they would have been drafted already because the Attorney General's Chambers is hopelessly understaffed when it comes to draftsman. When it comes to draftsman of calibre, it remains under understaffed. I say that without apology and with

a great deal of pain because I worked there when the Attorney General's Chambers was the Attorney General's Chambers. So I know of what I speak.

We have had Ministers here who got up to say that the legislation that we are passing we have basically copied it from other countries. They have said that. Ms. Shadick has said that; other people have said that with the Combating in Trafficking in Persons Bill. So the point that I am making... [Ms. Teixeira: So what is wrong with that?] Nothing is wrong with that. You must know what it is and in five years it must be able to be copied sufficiently to get it here before the 10<sup>th</sup> of August. That is the point I am making. There is nothing ingenious; there is nothing original about the legislation which are going to be brought between now and the 27<sup>th</sup> of September. Why not bring it now? Then, it comes back to the reason, I know...Is Mr. Rohee speaking on this motion? He is not speaking on this motion, but he is going to talk about the political spin and the political whatever. To me, the most glaring thing about this is that it shows incompetence; it shows absolutely lack of consultations as Mr. Corbin has said, and Mrs. Holder. There was never even an attempt to consult the Opposition on this issue. What was to prevent Ms. Teixeira who, whatever else one might say about her, is not shy - she may be many things, "premature", as she said and other things, but she is not shy - from coming to the Opposition and say look so, so, so, how do we resolve this? Could you make suggestion how we resolve this? But they like to speak about consultations. But that is most partly a consultation with a "k"; it is definitely not with a "c".

What this is, as what Guyanese would say, *eye-pass*. That is exactly what this is, and it is a microcosm of how the PPP Members think. They cannot get out of this mould. They feel that they have to keep shoving things down people's throat. Although they may be able to get it by proper consultation and discussion but they do not want that, because discussion to them is equal to lack of power. They want to show that they are the bosses - take that or leave it. They do not want to feel we have consulted and we have been democratic; we have been transparent. While I suppose for us, it seems strange. I suppose, by looking through Mr. Rohee's dark shades, it looks like the norm. That is the level of distortion - that in a place where there is no sun the PPP still feels that its needs to wear shades. Perhaps the truth is so sharp and so bright that sun cannot withstand it. We feel very strongly because (As you know, people might say it is just a month. What is the problem? You do not come everyday. Why you cannot come for another month) it is the principle of the issue that is offensive and the PPP does not seem to have got it. I think the reason why the PPP has not got it is really

because it does not really have the capacity. It does not understand, as Mr. Norton said, what democracy is really about. The Members cannot wrap their psyche around this elusive thing. For them, it is very elusive. They cannot.

While Mr. Corbin has said, Mr. Norton has said, and I think Mrs. Holder has also said that we have nothing against coming back to this National Assembly at any time to deal with those issues. In fact, Mr. Norton was saying the issues that we will come to speak on. I noticed certain Members who have laptop affinities becoming very uneasy and shifty in their chairs. Some people who have barbershops and some people who have a host of other industries becoming very uneasy. But the reality is: we stand ready to come back to the National Assembly if there are matters which are weighty that could not be done within the normal parliamentary five years. We stand ready to come. But there is nothing that the Hon. Prime Minister has told us that says to us that what will happen between the 10<sup>th</sup> of August and the 27<sup>th</sup> of September is of such that nature. They did not know it; they could not anticipate it; with the best of planning, it was outside of their scheme and as such come back. Things such as that we are ready to come back, but we will not come back to help to rubber-stamp the PPP's incompetence; its intransigence and all its other level of incompetence.

So Mdm. Deputy Speaker, we cannot support the motion. I thank you very much. [Applause]

**Attorney General and Minister of Legal Affairs [Mr. Ramson]:** It gives me no great pleasure to respond to the higher and disrespect advanced by the previous speaker. I do not know what kind of sensibilities she has been brought up with. She seems to have no decorum, whatsoever. I am not going to mince words here today.

I will say for a start that there is no Member of the Opposition worthy of being an Attorney General at the standard we are at today. Secondly, we have in the presence, on our side of the divide, a former learned Attorney General and Minister of Legal Affairs who, by practice, custom and recognition, far outweighs any kind of drivel coming from the other side. Thirdly, we have a potential Attorney General and Minister of Legal Affairs, sitting right on our side, whose ability has been tested. I have no doubt in my mind that some of those who crow on the rooftop cannot even lay an egg in the pen. They have made no contribution to the legislative agenda as far as I am concerned. So let me say, once and for all, I do not mind what they want to crow about, they have not made a contribution to the jurisprudence of this country. I know of none. I have been on all side of the fence and sat at the highest level in the courts, and all of the talk about how she was a member of the Attorney General's

Chambers when it was an Attorney General's Chambers, I wonder what it is now. [Mrs. Backer: I do not know. It is an *Absolut* Chambers, ending with a "t". ] You are in the wrong company, Comrade. So much for democracy.

Let me tell you something else about democracy. Those who do not want to come during the period envisaged by this motion, it is the measure of democracy that you will still be paid. You want to come here on a vacation; you are not going to get a vacation. I have some work to be completed and it will be completed during the time that is contemplated by this motion. I want you to understand. The Hon. Leader of the Opposition, my friend, Robert Herman Orlando Corbin, spoke about "*Whu rain cant full the dew cant full*". Well, I will tell him something else: *Never the day canoe bore punt*. Read Allan Fenty's *Cook up*.

Let me tell the Opposition Members this thing about the distribution of business and when the business sits. I do not know if they are familiar with these Standing Orders. These Standing Orders are very revealing, demonstrative, of a real democracy. Standing Order 8 (1) states: "Save as otherwise provided by the Constitution or resolved by the Assembly upon a motion moved by a Minister..." It does not state anything about the Leader of the Opposition or Members of the Opposition. [Mrs. Backer: It is the spirit of the motion.] I do have spirit after 6 o' clock. [Mrs. Backer: We know that.] You can join me if you wish. When you talk about spirit, I am spirited as it is now. Let me read another one for you. You are barking up the wrong tree today. I was hoping to have a peaceful afternoon, but you are barking up the wrong tree. It is the *Buxtonian* blood and the *Plaisance* blood coming out here. [Mrs. Backer: You are an insult to Buxton.] I turned the soil. You have not turned nothing. You born and grew up at Kingston wharf, down there.

Standing Order 11: "**Adjournment of the Assembly**" (1) 'A Minister may move "That this Assembly do now adjourn."' It speaks volumes about who controls the National Assembly - not the Opposition, I only give two examples. You all get about and do something productive. Read the books which guide us. So do not bring that to me.

Now we heard something about this PPP/C Government demitting office in one month. Well, I do not know that that is so. I have article 70 of the Constitution. Maybe many of you have not read it. I saw one of the Members of the Opposition - I do not sit down here idly - sending for the Constitution, perhaps they have never read it. Article 70, paragraph (3) states:

"Parliament, unless sooner dissolved, shall..."

Do you see that word “shall”?

“...continue for five years from the date when the Assembly first meets after any dissolution and shall then stand dissolved.”

We are not going to be demitting office in one month. Ministers remain in office even if the Parliament is dissolved. Get wise to the constitutional provisions. We know that the history of this country is replete with attempts by the then Government. I was around in those days. In 1978, there were four people who voted, opposite my house, for the Referendum and there were four thousand listed. In 1978, when that hoax was perpetrated at this National Assembly and the nation, when the Government did a constituent Assembly and had all of you people running all around the country spending the people’s money and when the time came it foisted on us this Constitution, and I love it dearly. I will never change it. The Members of the Opposition were lucky that I was away in the year 2001 when some of the provisions were changed. Under my watch, they would have never been changed.

What worries me is that the same thing was tried in 1998, after the most fraudulent election in 1985. Even Mr. Burnham never did what was done by that regime. Do you think I have a shallow memory? I do not have a shallow memory. I may not want to be a politician. [Mrs. Lawrence: What about 1992 when you all took the people’s names off the list.] We learned from you.

**Mdm. Deputy Speaker:** Hon. Members please, Mrs. Lawrence, please...

**Mr. Ramson:** I apologise for her, Cde. Deputy Speaker. I will tell you that she is one of the better led persons on that side. She took advantage of a man who comes here every six months; a man who his own party leader called him a creature. If my party leader had called me a creature it would have been me and he in the lock-up. All of that mouth he has, he came talking about democracy. Does he know about democracy? If his own party does not want to put him up for the presidential candidate, how will he win the election, Comrade? [Dr. Westford: Hear Mr. Ramjattan is talking.] Who is that? I do not deal with trivia.

The great irony of the thrust of the Opposition’s argument is that legislation which it has been calling for, for years, and now that we responded to the democratic banner and brought to the House the Broadcasting Act and the Access to Information Bill, it does not want those Bills to be passed. One is already passed. The irony... and I hope that the foreign backers will be listening to me, the same people who the Opposition has been calling upon as its witness, like

Jehovah. It called on Him as its witness. Well, they cannot help the Opposition; they cannot vote. It has to find the electorate. Go and persuade the electorate. The work which was done in this country for the last ten years, it speaks volumes. The Opposition Members talked about corruption. Since 1983 the then Government had not put up an Auditor General's Report. [Mr. M. Williams: Barbershop, three hundred million.] A lot of you have a lot of mouth when you are privileged. Go outside and talk that. [Mr. M. Williams: Is that a threat?] Hello, I do not deal with people with thing at the back. Know your place. You have your own shadow that you deal with. I do not deal with those things. [Noisy interruption]

**Mdm. Deputy Speaker:** Hon. Members, the House has become really too noisy now. Mr. Attorney General, please continue with your presentation.

**Mr. Ramson:** You all want to war. The battle has just begun.

So the question of our being in office is not on any eve. Do you know what the meaning of an "eve" is? Do you know what the meaning of a "month" is?

3.45p.m.

The time has come but you all have to get wise about the use of words. The Government has until 28th December, 2011 and that is not being on the "eve". At least we did not do like you people – take two more years. We are sticking to the constitutional provisions and democracy depends on the observance of the Constitution. All of that talk that the Hon. Member was speaking about, democracy and the rule of law. What does he know about democracy and the rule of law?

Standing Order No. 9 does not speak about any national emergency. You must read the words in these documents. There is no immutability in the Standing Orders of this House. The Standing Orders of this House are dynamic and living organisms. [Mr. B. Williams: Inaudible] The way you people practice nowadays, I do not know whether we are going left or right.

I believe that the position taken by my good friend, the Leader of the Opposition, that posterity will condemn the People's National Congress Reform One Guyana (PNC/R1-G) for this kind of reactionary stance. I do not know that the PNC used to be reactionary. In my days, the PNC used to be a progressive organisation. Now you have become so reactionary,

you are not even calling yourselves PNC/R-1G; you are now calling yourself A Partnership for National Unity (APNU).

Let me read for the benefit of those Members of the House who are speaking about national emergency or some urgent matter. It says:

“Notwithstanding anything contained in Standing Order No.8”

– the one that I was reading earlier,  
“unless there are special reasons for so doing, no Sitting shall be held  
from 10<sup>th</sup> August to 10<sup>th</sup> of October”

That is in-between a whole period for the Ninth Parliament. This is not the Ninth Parliament; this is the end of the Ninth Parliament. [Mr. Carberry: Is that the special reason?]  
That is the special reason. We have to complete the work of the Ninth Parliament.

I cannot understand why Members want a national emergency before they come back here. It is not a national emergency when they are collecting their salaries and allowances. I am sure that some of you are going to buy vehicles during that time.

Standing Order No. 111, in cricketing terms it is called the “Nelson’s Number”, provides the mutability and the dynamism and living aspects of the Standing Orders so that we can get on with the business of Parliament by those people who are willing to work for the money that they are paid by the people of this country.

My friends, whether you like it or not, whether you want to label us unconstitutional – I have proven to you that it is in the Constitution; whether you want to call it undemocratic – I have proven to you that we are guided by the Standing Orders. I am saying to you again - I hope that I have been able to persuade you - that if you wish to argue against the motion, there must be some rationale – you must have good reason. The fact that you think it is good reason, does not make it good reason.

It is the Government’s view that there is a need for this period of vacation to be deemed a period of work. However long it takes prior to the end of that last date, it is the intention of this Government to pursue its legislative agenda for the benefit of the people of this country. I can tell you that the Attorney General’s chambers feel proud that it has done what it had to do in the course of the time that this Government has been in this Office for the Ninth Parliament. [Applause]



**Mr. B. Williams:** I believe that had the Attorney General's chambers been functioning properly, they would not have to now come at this eleventh hour to ask this Hon. House to work into the recess to pass the Bills from the Attorney General's chambers. I agree with my Learned Friend, the Hon. Member, who could be Attorney General anytime, anywhere, anyplace. I would not speak about myself; my record speaks for itself. The Hon. Attorney General is my friend and because he is my friend, I have to correct him at times. There are persons on this side of the House, Hon. Attorney General, who are worthy of providing the functioning you are providing right now and that will happen when the Government demits office in a couple of weeks.

I heard the Hon. Member speaking about people getting paid to do the people's work. It reminds me that throughout the tenure of this Ninth Parliament, it has been a running battle with me to get the Hon. Members on that side to get a fair day's pay from the people of this country. They are prone to call meetings at 1.00 and 2.00 p.m. and even in the mornings. That is governmental time. Ministers must work the full day and do parliamentary work. They cannot want to combine parliamentary work during the time that they are getting paid by for by the people of this country. I am happy that he reminded me. They call meetings at the time when they are supposed to be doing the people's business in the Ministries. Do not come to us with that. We, on this side of the House, are accustomed to working hard.

Right now you have us labouring everyday: 2.00 p.m. – Oversight of Security Sector; 3.00 p.m. - Political Parties Campaign Financing, 4.00 p.m. - Access to Information Committee. How can you come at this time to tell us that these are crucial Bills? I remember discussing Campaign Financing since 2001 with the Hon. Member, Ms. Teixeira. The now presidential candidate, Mr. Ramotar, was also there dealing with that. Why should it only now come that we are now bugged down in Committee dealing with Campaign Financing for political parties?

I believe that we expect as this time, if you want us to come into the recess and work, it cannot be in relation to Bills that have not arisen, *ex improviso*. The Hon. Attorney General knows what that is; well I hope so. In other words, that is a concept in criminal law that we use against prosecutors when the case is almost complete and they are now trying to lead evidence even before the person is charged.

These Bills that they are bringing to us were in their bosom all of the time. They have not arisen *ex improviso*. They could have brought them ever since but they dithered, dilated and

procrastinated. It is only because of the formation of the APNU that they are running helter-skelter to come and pass these Bills. They are running scared. When they saw that massive crowd last Friday at the Square of the Revolution, they got a motion immediately.

Mdm. Deputy Speaker, let me tell you this: The Local Government Elections on reform legislation. Where is it? It is languishing in the House. It is languishing in the Committees. There is an asterisk next to it on every Order Paper. Do they intend to pass these reforms? Should we expect that you want to pass them now? What do you intend to do? What we are seeing here is symptomatic in the manner and the modus of this Government throughout the history of this Parliament. They have no respect for this Parliament. This was supposed to be a reformed Parliament. Certain people speak all around the world about what good a Parliament we have in Guyana. There is no other Parliament like this one in CARICOM. We have formed all of these Committees; we have done this and we have done that. But, is that so?

The Hon. Attorney General, on a very important Bill, concluded it in about three meetings, excluding the Opposition members. It was done deliberately. He decided that meeting would be held at either 1.00 p.m. or 3.00 p.m. and then he arbitrarily changed it the next day. The same is happening in the Committee on the Access to Information Bill. One time the meeting is 3.00 p.m.; one time it is 1.00 p.m. and one time it is 4.00 p.m.

**Mr. Ramson:** Cde. Speaker, may I have your protection? He is casting aspersions that are not based on facts. What he has tried to do by using meritorious roads... *[Interruption]*

**Mdm. Deputy Speaker:** Hon. Attorney General, you can stand on a point of clarification; not a Point of Order.

**Mr. Ramson:** I did not say it was on a Point of Order. I said that I wish to draw to your attention and get your protection against inaccurate information that is being spoken in the House. I never changed anything from 3.00 p.m. to 1.00 p.m. or whatever it is. The Members were liming outside at 3.00 p.m. That is the record.

**Mr. B. Williams:** I hope that the Hon. Member, Mdm. Priya Manickchand, does not do the same thing because she was better than him. She had to finish the work whether we were there or not. She is doing it during the time she was supposed to be working in the Ministry of Human Services and Social Security. She calls meeting at 1.00 p.m. in the day.

**Minister of Human Services and Social Security [Ms. Manickchand]:** On a point of clarification: I understand that my Learned Friend is being generous. At no point did we call a meeting for any Bill that Mr. Williams... *[Interruption]*

**Mdm. Deputy Speaker:** What is the Point of Order?

**Ms. Manickchand:** It is a point of clarification and it relies on Mr. Williams saying what he has said. The record of this National Assembly would show that at no point...first of all, there is no logic to the argument about what time a meeting is called. The record would show that we called meetings that were convenient to every single person. There are tape recordings in this National Assembly as a result of which I wish to point out that the speaker, Mr. Williams, is dissembling and being untruthful in this Assembly.

**Mr. B. Williams:** I suspect that a lot of that is going to happen this afternoon.

**Mdm. Deputy Speaker:** Hon. Members, Standing Order No. 40 allows for interruptions of this sort to elucidate and clarify matters. Now that the House has subsided, Mr. Williams, you can proceed.

**Mr. B. Williams:** The type of arrogance that has been displayed by the Members on the other side of this House in dealing with the business of the people in this House left much to be desired. We are not surprised that they are coming in this high-handed manner here now to extend the work of Parliament into the recess period. I make no bones about it. In the reformed Parliament that we have had, we were supposed to be looking for consensus in the work of our Committees. The people expect that. But what do we have? As soon as they meet a bump in the road, they want a voting process. Why? It is because they have two additional members on a Committee. If they cannot get their way, they ride rough shod, push everything and complete everything by themselves, which is what they will have to do again during the recess that is coming up. They alone must do it. Let the people look at them and see how reformed a Parliament we have in this country. Look at what is happening. If the former leaders of this country – the former presidents Mr. Jagan and Mr. Burnham – had to come to this Parliament at 9.00 a.m., 1.00 p.m. or 3.00 p.m. for Committee meetings, and they were professional men, where would the PPP or PNC be? You have to respect that Parliament allocates specific times to cater for persons who work. If there is a professional person in the Parliament that the people elect, you have to allow that person to work. You do not want to

decide that the Parliament should have pensioners so they could come to it at anytime. No! That is how this Government has been running this Parliament.

I am saying, with respect Mdm. Deputy Speaker, that this motion before this Hon. House is the same hue. I am hearing that the Opposition Leader is not mentioned in the Standing Order; it is only the Government. The Government controls the House. What “control” are Members speaking about? What is this dictatorial spirit that you want to bring from the Office of the President into the House when there is Article 13 that was passed this decade so that it would engender a new culture of consultation and inclusivity? Tell me what grade you would give the Members on the other side of the House for honouring Article 13 of the Constitution? All of them would fail miserably, including the Hon. Member, Dr. Leslie Ramsammy. All of them are made from the same mould. I do not know what they give them in Robb Street and send them out here. They come with the same thing – bully, bully, bully! If we are not strong enough to stand up to them, like the Hon. Member Aubrey Norton and myself, just to name a couple, then they would have destroyed us already. But it cannot happen.

We are hearing all of these “*Anansi*” story about fraudulent elections. They have been in office for 19 years and they are talking about fraudulent elections. People are no longer afraid of a fraudulent election; not since 19 years ago because the PPP have become pass masters at fraudulent elections.

I remember at the last elections, I was the candidate for the East Coast Demerara. I had on my badge. I went to a polling booth in Lusignan at the Community Centre and I turned back because when I looked, I saw a Gestapo-like figure standing at the door. It was not the SS’s back but it was a dark blue. It was the same design, same length and everything. The man was barring the door. When I approached the polling station, the man still kept his hand there. I said this is a hero. I am sure that he knew me. I hope he could have seen the badge that said “candidate”. I had to look past him because I am a reformed person. In the old days, both the ballot and he would have been entering the box. I looked past him and spoke to the Presiding Officer and I asked what was happening. The lady was so annoyed. She had spoken to him already. No other person went to vote like that in that booth. Could you imagine what they were doing in that community with all those people who wanted to vote for the PNC/R at the last elections? If they were blocking me, what were they doing to those persons in that community who wanted to vote for the PNC/R? We are talking about fraudulent elections.

The law says that a person should not be within a certain distance of a polling booth. When I went down there on the East Coast Demerara in the so-called PPP/C strongholds, at every turn just before I reached the entrance to the door of the polling station, there was a PPP/C member under the tent with PPP hacks under the tent. When the people passing them, they were calling them by name and saying, “Oh, I see that your name is on the list.” Now that man or woman who wanted to vote for the PNC/R, seeing all of the “*tun – tun*” under that tent, are they going to take the chance and say that they are going to vote for the PNC/R and the men under the tent would not know? Do not worry with this nonsense. [An. Hon.

Member: inaudible] ... fear that they engendered in those neighbourhoods. Mr. Corbin and I visited Freeheart in Port Mourant and when we got there, there was an enforcer in a fancy Prado in the community trying to intimidate the people to prevent them from coming out and meet with us. The people came out and met with us there. [Mr. Neendkumar:

How did you not get any votes?] I do not know what you are talking about. That is how the Government moves in this fraudulent aspect of an election. If a person is not free to cast his/her vote, then the elections cannot be fair. The PNC has never had a court to have the occasion to declare elections held under the PNC to be vitiated. Never, in the history of this country! Who is talking about fraudulent elections?

Mdm. Deputy Speaker, they are singular, the Members on the other side of the House, in having “rigged the elections”, declared “rigged” by the Court.

Mdm. Deputy Speaker, as I had shown earlier, with the last few months these Committees came up – Political Parties Campaign Financing, Access to Information, Oversight of the Security Sector – and they have us here daily in the House of Parliament doing the work. When we have to be doing work here, we cannot be doing work amongst the people. I believe that this is also a plan that underpins this motion. It is designed to have us distracted here, wasting time in the Parliament listening to people talking nonsense when we could be talking sense into our many supporters in and around this country of ours. But we are not going to fall for that. Do not come and cloud the issue here. You did not do your work which you had five years to do. You have taken it down to the wire. If you are such a confident bunch of people, why did you all not call elections a year ago? You have squeezed the period dry. Five years will end on 26<sup>th</sup> September, 2011. Do you know what that means? It means Parliament has to be dissolved after that and then there is the three months in which to do business. Why are you all going that route if you all are such heroes? You could win the next election and pass all of these Bills. What is the relevance of bringing them now? You are not taking

chances. We are going to hear about more efforts taken on the part of Members on the other side with the view of demitting office. Things are not looking as though there is a third term to come; things are looking tight. I see that you are trying to put your house in order and I cannot blame you. Do not put your house in order with the Guyanese people thing. Put your house in order with your own thing. Do it by your own efforts. That is what we want to see. I would not be surprised to see even more signs. [An. Hon. Member: Inaudible] You do not talk, Hon. Member. I do not want you to talk. You are my friend. When I demitted my office in Croal Street, I allowed you in. I said that nobody but you are getting it. I do not want you and me to get into a story. I can get into a story with the Attorney General. He can rev up.

The Government business fell down in many ways in this Parliament. There is a constitutional Law Reform Committee of Parliament. Could I ask the Hon. Attorney General how many times it met? He was ranting and raving and carrying on just now. I would like to ask him how many times that Committee, which he is supposed to be chairing met, met and secondly, reported business for the reform of our Constitution that Committee has. [Mr. Ramson: There will be no reform as long as I sit here.] Do you hear that? Do not let them masquerade and parade and carry on as though they are such diligent hardworking people. There were a lot of other Committees that did not have a meeting. That is why they are coming now at this eleventh hour. It is because they realise that the winds of change are blowing and the winds of change could blow them away. They are coming now to try to see if they could kafuffle the people of this country by passing this and that. I have always thought - and I have said it to the presidential candidate - that the presidential candidate must not engage me, publicly, on the hook-up issue because the Americans, British and Russians have heard it and they found no fault with it. It reminded us of the story of looking at the king in his magic suit.

*4.15 p.m.*

But the point that I am making is that he should not engage me on that because if he is saying that Mr. Basil Williams is hooking up, only one person could have told him that and that is the maker of the tape. Do you want me to tell you who the maker of the tape is or do you already know? [Mr. Ramotar: Inaudible] Master, you know it is Mr. Roger Khan who made the tape and so it is only Mr. Roger Khan who could have told you who was hooking up. You must not engage me on that issue, Hon. Member, because you will have to

explain to the nation, what was “*Chowtie*” doing in the other People’s Progressive Party Civic (PPP/C) man’s yard on the East Coast Demerara whom you all had fallen out with? It is not I who said it. It was the Hon. Member, Mr. Ramjattan. I said that on the last occasion. *When Houri come from the bottom of the pond and say, “boy, down there cold”, you cannot doubt him.* Mr. Ramjattan says it is your friend. He says it is your friend, just like how he says Mr. Ahmad is your friend. But Mr. Ramotar, do not be against me because I am sorry for you, Hon. Member. Do you know why? I have never seen candidacy, before it starts, beset with so many problems. Your financier just got pulled from under you. I do not know about any tons going to another address, but at least you had no time for anything go to your address. But let me say this: In everything that is just falling apart... who wrote that book, *Things Fall Apart?* Is it Achebe? Things are falling apart, Mr. Ramotar and that is why you are trying to put your house in order before the Election Day -

**Mdm. Deputy Speaker:** Mr. Williams, you are straying a little off track. Could you please get back to the issue?

**Mr. B. Williams:** As it pleases you, Mdm. Deputy Speaker. Let me just conclude at this point.

Lest you have to have the occasion to protect the Hon. Member again, let me conclude by saying that there is no way the Members on this side of the House are going to be party to any proposal to extend the parliamentary business into the period of recess. There is no way. We will not be party to that.

And so with those few words of enlightenment, which are certainly of much discomfort to the presidential candidate, I take my seat Mdm. Deputy Speaker. [Applause]

**Mdm. Deputy Speaker:** Hon. Members, I think this is a convenient time to take the break.

*Sitting suspended at 4.19 p.m.*

*Sitting resumed at 5.21 p.m.*

**Mrs. Lawrence:** Thank you, Mdm. Deputy Speaker. It is a well known fact that the People’s National Congress/Reform 1-G is deeply concerned about our people and our country. Today, on this side of the House, one after another of our speakers has reiterated three points mainly. One: the lack of the mover of this motion to indicate the Bill’s urgency or national importance which would require the extension of this Ninth Parliament. Two: the matter not

being sent to the Parliamentary Management Committee, which comprises of five Members of the Opposition and five Members of the ruling party, the People's Progressive Party Civic (PPP/C). Three: this side of the House will not support this motion.

While many may argue and claim that our actions are not in the interest of this Parliament, I wish to advise them to do as the old adage says, "*dance a bottom and look a top*". Mdm. Deputy Speaker, permit me to remind the Members of this House of the many months during this Ninth Parliament when no Sittings were held to remind the Members of this House of the many times when Sittings were cut short because the Members of the Government side had some political function. Permit me, Mdm. Deputy Speaker, to remind the Members of this House of the call for the end of parliamentary Sittings to be not later than 10 p.m., regardless of whether the business as listed on the Order Paper was concluded; and not to forget the many times Sittings were held to attend to just one matter while many other matters laid languishing on the Order Paper.

I am on record for speaking on the abuse of time in this National Assembly. When we debated the Pensions, Presidents, Parliamentary and Special Offices (Amendment) Act of 2011 on 3<sup>rd</sup> March, 2011, I reiterated that there was no need to call a Sitting of the National Assembly at that time to attend to just one matter. And there were several times when Sittings of the National Assembly were held to attend to one matter. If at this time there are matters on the Order Paper that have not been concluded in this Ninth Parliament, then the Government is fully to be blamed!

I would appreciate if the Hon. Prime Minister would tell us why the Bills on the Order Paper are now a matter of importance. If we go to the Order Paper, we will note that these Bills...and I go to page six:

“Local Government (Amendment) Bill 2009 – Bill No. 23/2009 published on the 3<sup>rd</sup> June, 2009; Fiscal Transfers Bill 2009 - Bill No. 25/2009 published on the 11<sup>th</sup> June, 2009; Municipal and District Councils (Amendment) Bill 2009 - Bill No. 26/2009 published on the 11<sup>th</sup> June, 2009.”

This Order Paper and these Bills have been in the domain of the Government since 2009! Why they were not brought to the National Assembly during all of the lapses and so forth? The Government comes now and tells us about extending Parliament to deal with matters of the Ninth Parliament. On the very Order Paper there are Bills - Freedom of Information Bill



2006 - Bill No. 26/2006 published on the 9<sup>th</sup> November 2010. We are at August 2011 and the Government comes now to tell us that we must finish this Bill during the extension of Parliament. Poor management! This is poor management. There are several other Bills on this Order Paper that have been there for a long time and the Government did not see the rush or importance to deal with these matters during the course of the Ninth parliament - the many times when they called Sittings to debate one Bill or the many times when they cut short Parliament to attend to their political functions. It was not important but today we are hearing according to clause 4:

“AND WHEREAS the suspension of this Standing Order will allow the Government to conclude its legislative agenda for the Ninth Parliament.”

I wish to point the Government to the *Needs Assessment of Guyana National Assembly*, a Report that was compiled by Sir Michael Davies, a Commonwealth Senior Parliamentary Staff Advisor to the Guyana National Assembly, and this Report was concluded on the 18<sup>th</sup> February, 2005. Page 10, paragraph 29 reads:

“It should not be left to the whim of the Government when to hold a Sitting. It should be well understood that the Assembly will sit on certain days and if the Government does not have business to transact, Opposition business can be taken or the Assembly could adjourn early. The important thing is that the Assembly should meet as notified. It is worth noting, here, that the Assembly met only nineteen times in 2004. That is hardly an endorsement of its status.”

On page 11, the recommendation reads:

“There should be a settled parliamentary timetable with recognised opportunities for the Opposition and also for debates on Committee Reports. Sittings of the Assembly should not be at the whim of the Government.”

The reason why the Government is here to ask for an extension to conclude the work of the Ninth Parliament is because this recommendation was ignored.

The speakers before me said that the Parliamentary Management Committee was overlooked. There is no timetable. Despite the many calls for a timetable of the National Assembly's work, none was submitted and so, today, Government is here to ask for an extension to conclude the work of the National Assembly for the Ninth Parliament.

Page 16, paragraph 79 of this Report reads and this is the conclusion. This is Sir Michael Davies, a very learned man [Mr. Ramson: A very learned man.] Yes. Mdm. Deputy Speaker, this is what he said, he said:

“I believe that the way forward should be to follow a plan drawn up by the Parliamentary Management Committee...”

Let me repeat that Mdm. Deputy Speaker.

“I believe that the way forward should be to follow a plan drawn up by the Parliamentary Management Committee indicating what is achievable now, what is achievable within two years and what is achievable within say, four years. This plan should be assessed regularly against what has been achieved to see whether there has been any slippage and whether any readjustment is required. The Parliament Office could then respond to decisions made by the Committee and take whatever administrative steps have to be taken.”

Following on page 17, there is a barrage of recommendations. But you know what? It seems to be, “it is our thing and we will do whatever we want” because I was taken aback when yesterday at a meeting, we were told at that meeting that another Committee had planned their meeting for the 16<sup>th</sup> August. So the Government is not coming here. This is ‘*play-play*’ story here today. It has already decided that it will extend the life of the Ninth Parliament and it has come here to play ‘*dolly house*’. That is why many persons in our society do not see this Body, one of the highest forums in our country, as important and serious because they know that the Government will do whatever it feels like doing and they know that the Government will come here with motions and Bills that does not need a two-third majority vote. It comes here today playing all sorts of things because it neglected to use the Parliamentary Management Committee, plan properly and to use management skills to put out an agenda so that this Parliament can operate in a proper manner. So here we are debating whether the life of the Parliament should be extended when the Government already decided that it is extending it. It already has its agenda, so what are we doing here?

I believe that what has been said in this Needs Assessment Report is a lot of food for thought and many of these recommendations in this Report we can very well do it and live by in order to have a better Parliament and in order to have our work done like a Parliament and not like the Office of the President.

We heard all sorts of things. We also heard about the Telecommunications Bill that will be tabled during this process but I hope that the Hon. Prime Minister would also tell this National Assembly what is the rationale and what is the urgency. Why is it only coming now when Government has been ‘*rat-a-tatting*’ about it all along? Why is it here only now? I think that the Prime Minister has a lot to tell the National Assembly about this motion that is in his name. The Hon. Attorney General said that the work done over the last ten years is enough to show what the PPP/C has been doing over the Ninth Parliament and others. I would just like to remind the Hon. Attorney General that their work is inconclusive because this National Assembly and this nation still awaits the Report on the 2005 flood; and we still await the Report of the World Cup Cricket; and we still await the Report on the Charity Wharf; and we still await the Report on CARIFESTA X. I hope that they are taking note because their work is inconclusive! There is the Report on the stone scam to come; there is the Report on the milk scam to come and there is the Report on the Supenaam Wharf to come - the Roll-on/ roll-off story that we all heard about. I do not like to hit my friends on the other side, but the Report on the wildlife scam is still to come. It is still to come! What has happened to the Report on the law book scam? What has happened? Your work is inconclusive! Tells us that you are extending Parliament because you are bringing these Reports and we will come here.

I have left the best for last. **[Mr. Ramson: There is no law book scam]** Well, bring the Report, Hon. Attorney General. That is what you have to do. We, on this side, are saying that there are scams. There are scams here, scams there and scams everywhere. We are saying that. The Auditor General’s Report is proof that there have been scams and those Reports must come to this National Assembly. Then we will extend the life because those are important matters, not only to us as parliamentarians, but to this nation.

In concluding, I would like to remind the Government of the One Laptop Per Family (OLPF) Project. When are we going to get this Report? Those are things that you must bring to us. Do not come to us with things that have been on this Order Paper since 2009 and come now, today, and tell us that we must extend the life of this Parliament to deal with those matters that should have been dealt with during the period of the Ninth Parliament. Thank you, Mdm. Deputy Speaker. [Applause]

**Ms. Teixeira:** Thank you, Mdm. Deputy Speaker. I have sat and listened to the debate with great interest to listen very carefully to what has been said and to really try to understand

what the problem is, what is the objection. The motion is very simple and I hear Members on the other side talking about extension of Parliament. This is not an extension of Parliament! And let me quote, Mdm. Deputy Speaker, with your permission, Article 70 (1) of the Constitution, “The President may at any time by proclamation prorogue Parliament.”

Subsection (2): “The President may at any time by proclamation dissolve Parliament.”

Subsection (3), which is what this motion is referring to:

“Parliament, unless sooner dissolved, shall continue for five years from the date when the Assembly first meets after any dissolution and shall then stand dissolved.”

The first Sitting of the Ninth Parliament was 28<sup>th</sup> September, 2006. The Constitution says the life of the Parliament is five years. Therefore, the fifth year of the Parliament is 27<sup>th</sup> September, 2011. There is all of this talk by the other side of an extension. There is no extension of the life of this Parliament! And I insist on that. And I repeat it: there is no extension of the life of Parliament. What the Standing Order says, allows this Parliament to meet during the recess! That is all it is! It is to allow us to meet during the recess!

I listened very quietly, most of the time, to speakers on the other side. This is a motion to suspend the Standing Order that says that there is a recess from 10<sup>th</sup> August to 9<sup>th</sup> October. We are allowed to meet during the recess.

The Special Select Committee on the Draft Standing Orders just, recently, submitted its Report to this House. It was made up of Members from the Opposition and the Government’s side and this particular clause - Standing Order No.9 - was unaltered from the revised 2006 Standing Order. Why was that? It was because the Members of the Committee recognised that there may be instances when the Parliamentary recess would have to be suspended to allow the Government to work.

This issue about Government is an interesting debate. Who is Government and what is Government? Whether you like it or not, my dear friends on the other side, the reason why you are on the other side is because you did not win the Government! And, therefore, we were elected by the people to do their business! And, therefore, this Ninth Parliament has brought 140 Bills that have been enacted, which means they have been passed in this National Assembly, they have been assented to and they have been gazetted. That is what enactment means. We can all quibble about things. No Parliament is perfect, no Government

is perfect and, certainly, no Opposition is perfect. But in this Parliament, under the new Standing Orders of 2006...Mrs. Volda Lawrence referred to the Davies Report. The Davies Report was sent to a Special Select Committee, headed by Dr. Ramsammy with luminaries like the late Mr. Winston Murray on it and they took the recommendations and agreed to some of them and they did not agree to others. That Select Committee tabled its Report with which recommendations it agreed to. The particular ones quoted by Mdm. Lawrence did not find favour, in fact, because the argument the issue of the Government determining its agenda. That is not to say that Government would not consult or work together. But one cannot say to a Government that is elected with a majority by free and fair elections that it now has to tail the tiger - it has to have the Opposition controlling the legislative agenda of this House. That is impossible! And the same Sir Davies did not have the *whatchamacallit* to say to the United Kingdom (UK) Parliament that these amendments he proposed for the Guyana Parliament are done in the UK Parliament because in the UK Parliament, it is the Government agenda that rules the day. That is it. Do you think this Parliamentary Management Committee exists in the British Government? Do you think this is the British parliament? Or is it because we are a developing people that everything always has to be suspect? This is a level of colonial mentality that I find very distasteful. Because I am satisfied that as a Guyanese and a Guyanese woman, I know better than any of those people in Britain and Canada, and they are not coming to tell us how to run our Parliament! They are not going to come! This little model we have here, we must... *[Interruption]*

**Mdm. Deputy Speaker:** Hon. Members, please note that this is sounding like a quarrel rather than a debate.

**Ms. Teixeira:** I hope you are not speaking about me, Mdm. Deputy Speaker.

**Mdm. Deputy Speaker:** Ms. Teixeira, continue.

5.47 p.m.

**Ms. Teixeira:** Mdm. Deputy Speaker, we must learn as Guyanese people, as both Government and Opposition, to take credit where we have it. When we look at the 1999 to 2003 period, the Government and the Opposition sat together and brought in these Constitutional Reforms and the Parliamentary Reforms of expanding the Committee. The Government and the Opposition sat together in a Select Committee and drafted the new Standing Orders; that is in the Eight Parliament. In the Ninth Parliament the Opposition and

Government sat together and revised those Standing Orders and brought them back in. We must take credit that this little unicameral Parliament of sixty five elected people is the most advanced in the Commonwealth Caribbean.

Do not quote me about democracy. When we work together we achieve a lot, and when we have a filibuster like today we achieve nothing. And who suffers the Guyanese people. This Parliament was the testing grounds for many things. All these reforms are relatively new. We, both Government and Opposition, have had to learn. We have also had a young Parliament with a lot of people who are new Parliamentarians. We also have to deal with the fact that this Parliament was able to have over twenty odd Committees functioning almost simultaneously with sixty five people. In addition to that, you have been a very important member of these Committees. I would like to say to Mdm. Deputy Speaker, not because she is sitting there but because I have said it to her before, that she is one of the most dependable members of the Opposition to attend any of these Committee meetings. [Mr. B.

**Williams:** What about Mr. A. Norton]. You can forget that one because he does not meet until after 4 o'clock in the afternoon. Whilst my dear friend, the Hon. Member Basil Williams, complains about meeting during the day, there are also members of the Opposition that said after 4 o'clock '*dem a come*'. They have to get their act together; who want to meet morning, afternoon or who want to meet during the night. We also have to take into consideration the staff. I have been the Chairperson of Committees that have asked members to meet during the Recess, and everyone says no they do not want to meet during the Recess. The only Committees that meet late in the afternoon are the Committee on Appointments and the HIV/AIDS Committee of recent. People do not want to meet after 6 o'clock in the afternoon. All of this is just filibuster.

The staff cannot meet very late either. Before I come to the Bills that are pending, 140 Bills, let me give an example of the Bills that were brought here to answer some of the issues of the Opposition. I hope the Opposition is not going to be like Mr. Ramjattan who says what he has to say then walks out and not hear the response. We have worked on things together. This comment about us not consulting is a fallacy. Let me give some examples, and I will come to some recent ones that have been said by speakers. The issue of The Recall of a Member Constitutional Amendment could not have gotten here if we did not have agreement. The Opposition must remember who wanted it; PPP always wanted it but we could never get it. Then when the Opposition started losing its people they got interested in the Constitutional Amendment and we got agreement. We also agreed to a new Parliamentary Committee on the

Oversight of the Security Sector which took months of discussion, including at the Parliamentary Management Committee level. We were able to bring a constitutional amendment in the end to provide the only Parliamentary Committee to Oversight the Security Sector, the only in the whole of the English speaking Commonwealth Caribbean. These things take time and take time and work.

When we talk about enhancing citizen security, thirty two Bills have been brought on that in which the issues of: Money Laundering, Maritime Zone, Sexual Offences, Prevention of Crimes; these are major pieces of legislation to bring safety and a safer environment and protection to our citizens. The drafting of these Bills takes time. The issue of the administration of justice of all the Parliament other than probably immediately after independence, the improving of administration of justice was twenty one Bills, Judicial Review, Judicial Commission Rules, High Court Rules, Criminal Offences, audio visual linkups, paper committal, Alternative Dispute Resolution, and you can go on and on. Crafting, drafting and bringing these Bills to the House take time. Mr. Corbin, in all respect, says he has been here for thirty odd years. He has also been a Member of the Government in those days, and he knows very well that drafting Bills and bringing them to the House is not so easy. He knows that in their period of Governance there were very few Bills on an annual basis. The time limit on judicial decisions was all things that we had to agree on and work on.

When we talk about social protection, the number of Bills that were under “social protection” which went to Select Committee, including all the children Bills, Sexual Offences, Consumer Bill, Persons with Disabilities Bill, Health Facilities Bill, Allied Health Professionals Bill, all these are issues that deal with the protection of our citizens and social protection. Let us remember that some of these Bills took an awful long time in Committee. The Anti-Money Laundering Bill went to the Committee in 2007 and came out in 2009. The Money Transfer and Licensing Agency went to Committee in 2007 and came out after 2009. The Select Committee has its work to do as well. The number of labour laws that have been amended and the number of laws that have been amended in the financial sector to reform it and the number of laws made in modernising the protective sector to improve the ability of the producers of this country to be able to function better and to have better regulations to govern those sectors, the Forest Commission Bill for example and the Livestock Bill, the Pesticides and Toxic Chemicals, the Protective Areas Bill which we past recently, and what we have been hoping to reach, but which has been a nightmare in drafting known as the Wildlife Import and Export Bill which was on our agenda as well. There have been many drafters

outside of the Attorney's General Chambers. We have recruited consultants. The Telecoms Bill for example has taken two years to draft; why? Let me explain why. The Telecoms Bill had begun drafting over two years ago in consultation with GT&T, Digicel and the, ISPs. Over and over again many meetings took place. It is an important Bill aimed at liberalising the telecom sector. It is talking about breaking the monopoly to free up this country. We are talking about modernisation of the economic base and diversifying of the economic base. You are saying to us in this National Assembly that this is not an important issue to bring here and that this is not a reason for us to meet during the recess. This is share rubbish. People planned their holidays to the United States and want to go to America for their little holiday. Go, but we have work to do in this place.

Let me assure this House that before all the Bills reach here they go through a consultation process with the relevant stakeholders and they come here. Over sixteen bills have gone to Select Committee in this House. The last one, the seventeenth Bill, is before the Special Select Committee on Access to Information Bill. When we met on Wednesday – as I said we are caught in a vortex – some members can meet some times and some members cannot meet at other times. Yet, one member says that we, all ten members, have to agree on the time before you can convene a meeting, and since he is unavailable for that meeting then the meeting according to him was null and void; we should have all walked out of the room at that time. This level of intransigence is unacceptable. We started the discussion on the Access to Information Bill and yesterday we agreed to extend the period for public submissions to August 10<sup>th</sup> and yet I hear some on the other side saying that it should have been relayed during the last Sitting. I do not know where they get that from. Because, even when we had recesses at the appropriate time – we have met on August 9<sup>th</sup> until midnight and I am sure it was the help of some of the vodka and scotch in the lounge room that kept some of our friends from the other side well oiled for the discussion. We have also brought legislation to deal with the Constitution of post holders, whether it is the leader of the Opposition, the Office of the Spouse or former President's benefits, to statutorise these issues and not leave it to the whims of fancies of any Governments. This was done in a bilateral way with the Opposition. I can name who was sitting on the other side with me going through these Bills and trying to get the wording right. Up to two weeks ago the National Registration Amendment Act came to this House. The Opposition put amendments. With the Speaker's concurrence we – I do not know how you interpret “we” Mr. Corbin – delayed the starting of this Sitting of the National Assembly for an hour and a half in order to reach agreement on



the Bill to bring it. I can bring a thousand cases of where this discussion about no consultation is a fallacy in this House.

The issue of not knowing about the recess... [Interruption] ...you are going with the consulting means, and I remember Mr. Corbin has been around for a while and regrettably I have been around for quite a while also, but not as long as Mr. Corbin because he is quite a bit older than I am. The issue that we were talking about in terms of the recess – Mr. Corbin made it appear as if this was a shot in the dark, he did not know anything. My friend Mr. Carberry on the other side and I have been engaged in this Parliament. In the previous Parliament he nor I were in this position. We have had to learn to work together. Mr. Carberry is a gentleman whom when he has got clear directions from his party calls you and makes a request or bamboozles you or bullies you, whatever his style is, to make you know what his party wants or does not want. I am also similarly inclined. Mr. Carberry and I have had very loud disagreements and also very cordial agreements, and also times when we agreed to disagree. We realise that we are holding our Party's strain solid. Both parties should feel happy with that. However, Mr. Carberry's style and his attitude changed completely. I called him to notify him that we will be bringing a motion to continue meeting during the recess. He asked me why and I said that we have Bills which still have to be debated, and we have to complete the ATI Bill and we have other matters. He said that he will report to his mentor, and I understand clearly that he means his bosses. He said: "but you know people have plans, and people have lives", and I said: "well, I am sorry but the Government has to continue to finish its agenda". I know Mr. Carberry's style, and if Mr. Carberry had any indication or any reason to deter him otherwise, he would have called me because we had an agreement.

When the Protected Areas Bill for example was laid several weeks ago, and we had had only one Bill because we were doing other Bills at the same time, so when Ms. Volda says that sometimes we meet for only one issue she omits that there are other Bills that are to be laid to allow the next sitting to have matters to debate. Mr. Carberry called me and said that they are now ready to debate the Protected Areas Bill, and asked why we are putting so many loads on them. We agreed to postpone the sitting, not the item, to allow the PNC to have more time, and that is only this year. I would like to remind the PNC that based on some things that Mrs. Lawrence said she seems to make it appear that we *willy-nilly* convene and postpone the National Assembly. I want to remind the Opposition again, because I have a long memory. They have a long memory too, but not as long as mine.

In the Budget debate of 2010, the last day was the beginning day of the PNC congress and we discussed it, Mr. Carberry and I, and we made arrangements for Mr. Corbin to speak at a particular time and to bring forward the conclusion of the debate to allow the PNC to catch their busses to go to Kurukuru. We did not have to do that; it is a Budget. This is what makes a Government work or not work, whether you have the money or not.

Two speakers on the other side have talked about the Local Government Bills, and they have said this before and I have held my tongue because I respect the fact that when the Leader of the Opposition and the President meet, that there must be a said level of comfort zone between them. If the members of that party is not aware of what is struck between the two gentlemen and they continue to repeat this issue and they are not being advised appropriately by their leaders then I am afraid that I have to say what I have to say. The Local Government Select Committee which was dealing with five Bill, two of which were approved; the Opposition had differences, they wanted all five to enter and come out at the same time. In discussions with the Leader of the Opposition and the President it was agreed to firstly, put the items on hold in the Committee and secondly, that the Opposition wanted to discuss all five Bills all over again. It was agreed that they would submit the issues they find problematical in the five Bills so that the Committee will get down to task in discussing those issues; that was 2010 June. Today is August 2011, and there is not a single word on a single piece of paper or anything. Do not tell us about postponing Local Government Elections, that was a gentlemen's agreement between two leaders, and we held our end of the fort, you have not held your end of the fort.

The Telecoms Bill as I said took two years, with consultants and lawyers. It was not done because of the amount of pressure on the Legal Drafting Unit of Guyana. Therefore, that group has been working on it in consultation with the stakeholders of that sector. The telecom sector is critical to the modernisation and the development of this country. We cannot get more investments if we do not connectivity. We do not have the speed at which one goes to have certain investments. You are saying that that is not an important Bill, really? I wonder what you want to do when you think you could get into Government, but you would not have to wonder for long because you are not going to get into Government. The Opposition seem to have been caught in their own vortex. What they came up with today is that you are damned if you do and damned if you do not do. The Government is damned if it brings the Bills in, which it said it was going to, and therefore asking for us to work during the recess to complete these Bills, or we are damned if we do not do. If you do not do, then this is what

they want to use for their political campaigning; that the Government has not reached its commitments and its legislative agenda. When the Opposition tells me, and tells us in this National Assembly and also tells the Guyanese public that there is some fiction or boogie in their mind that this recess period is critical to political campaigning, therefore this is cutting into their political campaign time, it is utter “*poppycock*”.

The issues that the PNC are trying to raise are just smokescreens. The Telecommunication’s Bill is being laid today. We will meet on August 11<sup>th</sup> and it will be debated and then go to Select Committee. If the Opposition decides that they are not coming to the House as they said they are not, then maybe we do not have a Select Committee, and we should just go ahead with the Bill.

**Mdm. Deputy Speaker:** Time Hon. Member.

**Mr. Hinds:** Mdm. Deputy Speaker I mover that the Hon. Member be given fifteen minutes to complete her presentation.

*Question put, and agreed to*

**Ms. Teixeira:** Mdm. Deputy Speaker, we have to finish the Access to Information Bill. As I said, we agreed that we are opening back up the submission for the public to August 10<sup>th</sup>. Therefore, the Committee cannot finish its work by August 10<sup>th</sup>. There was no protest; this was agreed to by the Opposition present yesterday afternoon. We also had two Select Committees on two motions from the Opposition; namely Mrs. Holder’s motion on Political Party Campaign Financing and we have a motion from Mr. Franklin which is on the wilful transmission of HIV/AIDS. These are issues that this House agreed to. Why can we not continue it? Again, you are damned if you do and you are damned if you do not. I can foretell that if we stop on August 10<sup>th</sup> and Mdm. Holder’s motion on Campaign Financing is not addressed and Mr. Franklin who is not well does not... [Interjection] ...It was tabled this year and the Committees have been meeting. I can hear it on the Opposition’s campaign drill. I can hear Mrs. Holder saying: “they threw out my motion and did not conclude the issue”.

**Mdm. Deputy Speaker:** Hon. Members the noise, please.

**Ms. Teixeira:** This issue of extension is a mischievous piece. In 1978 we were supposed to have elections, and there was a referendum brought to amend the Constitution which gave the Government two more years until 1980. We did not vote for that referendum, not that one; it

was boycotted by eighty per cent of the population of this country. In 1990 there was tremendous pressure on the PNC Government to do free and fair elections.

In 1990 the Constitutional amendment of 1990 and 1991 which was agreed to between the Opposition and Government, it was the then PNC Government which brought it. The Opposition which was the PPP agreed to it then because we wanted free and fair elections. The pressure on the PNC was tremendous. Cultural Centre, Commonwealth Parliamentary Associations, the British Parliament, the Canadian Parliament and the American Congress for free and fair Elections. Just as what they are doing in Syria they were doing the same thing here in a different way. The UN bodies were involved, and we agreed to the extension of the Government, not the Parliament; the PNC got two extra years. This motion merely says that the Parliament's life is five years, which are not up on September 27<sup>th</sup> 2011 and that we are going to work through the Recess. If the Opposition is not of the view that their presence is needed, then it is regrettable. This Parliament and this Government made commitments and it is keeping those commitments. We said we would bring legislation on Telecoms, no one had the idea that it would take so long; it is very complex. One can stay there and rattle their swords and say they should have brought it now. The point is the Government has an agenda to complete. Access to Information and Telecoms Bill, and some of the Committee's Reports have to come here. We have laid a date that the PRSA (Poverty Reduction Strategy Plan) it is on paper. Our work is not finished. Maybe the Opposition figures that their work is finished, but the work of the Government is not finished.

I have heard all sorts of fluff being referred to. They talked about the PMC. The Clerk of the National Assembly on behalf of the Speaker has written to the parties who are members of the PMC (Parliamentary Management Committee), the AFC, the PPP/C and the PNC/R-1G on many occasions asking whether they have items to suggest. Therefore, we have all reneged on our responsibility; it is not the Government only. No one sent in the items which they wanted on the Agenda. These are not trivial matters that are before us.

6.17 p.m.

I would think if I were on the Opposition side, and I had intentions of winning, and I had hopes of winning, that I would have been happy that some of this work was done, because the Opposition can just get up and start running, were it to get into Government. Unfortunately, it is *If Wishes Were Horses*. The Opposition will be exactly where it is after the elections and we will be exactly where we are after the elections.

I think a number of issues have been said which are not relevant to the motion, that are basically using the issue for political grandstanding to try to score points.

To conclude, this motion is no abuse of the Constitution, no violation of the Constitution, no violation of the Standing Orders of Guyana. It is merely saying, “As you know, MPs we got work to do. Let us continue working until we can conclude what we have got to do.” The Opposition is so reactionary that it had not even seen this as an opportunity for it to bring any matter in this period. This is a level where the Opposition does not even see that it has a role to play. The Members are just sitting there soaking up what they get. Is that leadership? Is that what you call leadership in this place, that whatever is thrown at you is what you take? I must say this for the AFC, Mrs. Holder, and Mr. Franklin, that, at least, they came with motions and they go issues done, but the PNC’s attitude was, “The Government is so bad, look at us.” How sad! It is a sad reflection of an Opposition, to tell it the truth.

Mrs. Volda Lawrence pointed to a number of issues, but the issue is that she is the Chairperson of the Public Accounts Committee. The last Report of the PAC was 2007/2008. This is now 2011. How come we did not get any Reports for the last few years? We are still waiting. And by the way, anybody who can read should read the last Report of the PAC – 2007/2008. Find inside of it any word which talks about scam, corruption and about the dazedly things that the Opposition Members have mentioned – none of them. They talked about irregularities; they talked about places where Regional Executive Officers (REOs) may have abused their positions, but they have not pointed to what she was referring to in this House. She was not referring to that and it is highly irresponsible and reckless of the Member. Let that be kept for the political platform. Let it be kept for the Community Development Councils (CDCs) of elections. Let us read the PAC’s Report. I challenge the media to go and read the Report and find in it any of the references that Mrs. Volda Lawrence, as the Chairperson of the Public Accounts Committee, and who drafts those Reports, had anything to say on this.

I wish to support my Prime Minister’s motion. I support the issue that we work during the recess and that when we are finished with our work we are finished. There will be no going pass September 27<sup>th</sup>, 2011.

The one issue that must be responded to, because it was said in this House, is the issue that was made on the deprecation of the 1997 elections. I want to remind this House that, we, the Government and Opposition agreed to bring the Bill that would allow for voters ID cards. In

fact, this was a big demand between 1992 and 1997. In 1997 the PNC reneged on that issue and went to court. Despite what was said ... [Interruption] ...Well, it is your front person, L.C. Pereira, as normal. You have one named front person. But ... [Interruption] ...Esther Pereira, thank you. I want to meet this Esther Pereira, because she is always bringing court cases. I want to meet and shake her hand as the one citizen in Guyana...

**Mr. Corbin:** Mdm. Deputy Speaker, in keeping with your earlier ruling for clarification, I think for the record, the PNC has never brought any motion, or any action, in the National Assembly about those matters that the Member is referring to.

**Ms. Teixeira:** I thank the Hon. Leader of the Opposition for his clarification, and I now understand that the PNC is disassociating itself from Ms. Esther Pereira.

But I want to say this: the CARICOM report which dealt with the 1997 elections, in which we had that big inter-party meeting where we used to meet at the Pegasus Hotel, in the room which Queen Elisabeth slept in, or whatever, and we met for months, made it very clear that there was not one single incidence of a fraudulent vote - not one single incidence. Go to the report and find it.

In concluding, I am making it repetitive that this is not an extension of the National Assembly it is a motion to allow the National Assembly to meet during the recess. The five years of the Parliament is not over. Thank you. [Applause]

**Mr. Hinds (replying):** I do not know if any one of us could have imagined this motion taking so long and generating such heat. As I said, in my presentation, we did not come to this position of continuing to work pass August 10<sup>th</sup> lightly. There was no aura of arrogance or dictatorship, I thought, in my presentation. What, maybe, I should have said then was that when we weighed up the pros and the cons of completing these Bills, which we plan to complete, versus not completing them, in our analysis, we came down on the side of getting them done, because they are good for the people of Guyana, and for our country. If per chance it is good for the PPP/C that we complete these pieces of legislation, then that was secondary, maybe incidental, and we would not be against that in any case. Who can be against taking some actions that might be good for the PPP/C in the upcoming elections?

As the Hon. Member, the Leader of the Opposition, had alluded to, these Bills might well matter. I do not know, maybe he has more information than I have, but he did suggest that these Bills may well matter for Guyana's image and access to types of financial support and

opportunities. But who could be against having these Bills completed if they would be good for Guyana? Who could be against, as the Hon. Member alluded to, a Wildlife Bill being important for the managers of the Guyana REDD + Investment Fund (GRIF), so that the GRIF funds can flow to the Guyanese people at the earliest opportunity? Who could be against that? If it is so, as the Hon. Member, the Leader of the Opposition alluded, who could be against such? As our Attorney General had said, this Standing Order does not speak to or does not require emergency or urgency.

With respect to the issue raised by the Hon. Member, the Leader of the Opposition, of us not getting this Bill done because we have not been good partners with persons in the private sector, I would like to say a number of things. The test of whether this Government or how well this Government has been partnering with the private sector must be the investments and growth that we have seen of the private sector over the last years. In particular, if we look to the telecommunication sector, we would see a fantastic rate of growth in that sector. We would see that the numbers of connections, terminals and phones in Guyana have risen rapidly, and I think that the average number of phones per population now is well over eighty per cent or ninety per cent, maybe even close to one hundred per cent.

We have been working with the providers of telecommunications services and what has been happening. However, it is that we have been holding an even hand between the various members in the private sector. We meet with all the providers in the telecommunications sector. We do not meet with one - this one or that one or any other one. We meet with all the members. In such a situation one would recognise that we get a range of requests, many of them being contradictory. One service provider in the telecommunications sector wanting one set of things and another provider wanting another set of things, and a number of them are contradictory. So it has been taking time for us to get to something that we believe is well balanced and even-handed.

As has been said by a number of Members on our side, and I want to say, again, as I close, this motion is not an extension of Parliament. This is a motion to keep this Parliament working up to the last day that is constitutionally provided for. That is what this motion is about. And I think it comes about because of an awkwardness with the time that this National Assembly first met, the 28<sup>th</sup> September, 2006. If its first meeting had been in July or in November, then this issue would not have been. All that we are asking here is for the Parliament to continue working until the last day which is constitutionally provided for.

I would like to take up the question that someone raised over on the other side. I think that they should warn themselves about it. One of the Hon. Members from the other side said that maybe the people out there may think, “what is all the fuss about working for another six weeks.” I would like to warn them that maybe they should take their own counsel and come in here and keep working through the remaining six weeks of this term of Parliament.

So we bring this motion not with any sense of arrogance, but out of a sense of serving the people of our country to the last possible moment. I, therefore, want to ask the Hon. Members, on the other side, to reconsider their position and to support this motion. I thank you. [Applause]

*Question put, and agreed to.*

*Standing Order suspended.*

## **INTRODUCTION OF BILLS**

The following Bills were introduced and read the first time:

**1. PUBLIC UTILITIES COMMISSION (AMENDMENT) BILL 2011 – BILL No. 17/2011**

A Bill intituled:

“AN ACT to amend the Public Utilities Commission Act.”

**2. TELECOMMUNICATIONS BILL 2011 – BILL No. 18/2011**

A Bill intituled:

“AN ACT to provide for the establishment of the Telecommunications Agency and for a regular, coordinated, open and competitive telecommunications sector and for matters incidental thereto or connected therewith.” *[Prime Minister and Minister of Public Works and Communications]*

## **PUBLIC BUSINESS**

### **GOVERNMENT BUSINESS**

### **BILLS – SECOND READINGS**



## **GUYANA ENERGY AGENCY (AMENDMENT) BILL 2011 – BILL No. 15/2011**

A BILL intituled:

“AN ACT to amend the Guyana Energy Agency Act.” [*Prime Minister and Minister of Public Works and Communications*]

**Prime Minister and Minister of Public Works and Communications [Mr. Hinds]:** Mdm. Deputy Speaker and Hon. Members, this Bill, the Guyana Energy Agency (Amendment) Bill 2011, seeks primarily to correct some loopholes in the law which were being exploited in our struggle against the smuggling of fuel.

There had 1990s and onwards to the beginning of this 2000 period was the smuggling of fuel. Indeed, some of the judgements we made at that time, because there was no way of determining accurately what fuel was smuggled and what was not, was to suggest that thirty per cent or more of the fuel being utilised in Guyana, maybe towards the end of the 1990s and the beginning of the 2000s, was being smuggled into our country. Indeed, many of the oil companies were raising this question from time to time.

The Guyana Energy Agency looked around to address this question of how this could be handled. Eventually it found some markers and a system of marking fuel as it came into Guyana legally, and marking it in a way that would not be evident, except that one went through the trouble of obtaining particularly reagents, instruments, procedures, and so on, to be able to detect the marker and the concentration of the marker. We introduced that system, I think, in 2003, and we had it running for a test period. We found that the results were supporting the judgement earlier that there was smuggling of fuel to the extent of more than thirty per cent in the country. So we implemented a system of markings, and we took an amendment Act, I think in 2004, to make legal markings and to establish various offences related to fuel not being marked, not having the marker in it, and so on.

We have continued to mark fuel, and to sample fuel, in all sorts of locations across our country, particularly, maybe, in fuel store, fuel stations and we would even check in tanks of vehicles, and so on. We have continued to do that and we have seen great success. We believe now that the extent of smuggling has been reduced from over thirty per cent initially, to something in the order of five per cent. We have also been taking some cases to court, but those cases have been lapsing because of issues brought up by lawyers for the defence, and no doubt that is the job they have. They have brought up some issues with the law, as it

stands. We did not think that those issues should have been sustained in the courts, but they have been. So in this Bill, the Guyana Energy Agency (Amendment) Bill 2011, we are seeking to close some of the loopholes which have been appearing in the cases in courts and also we will take the opportunity to do one or two additional things for the smooth operations of our fuel marking programme and our general management of fuel in our country.

In clause 2, we introduced some new definitions, in particular, one on illegal petroleum, or petroleum products. We have had before that illegal petroleum is petroleum, or petroleum products, that does not contain the marker or does not contain the marker in the specified concentration. We have had some instances with persons who are not entitled to have duty-free fuel, but they have duty-free fuel. In those cases in court it has gone that persons with duty-free fuel who are not authorised to have duty-free fuel have been escaping, because that duty-free fuel has been marked.

So in illegal petroleum we have introduced subsection (c) into that definition to cover the case where someone has fuel with the duty-free marker, but that person is not authorised by the Guyana Revenue Authority (GRA) to possess duty-free and tax free petroleum or petroleum products. There are some other definitions that we have introduced there which meet a number of technical requirements. The definition of plant has been extended, and so on.

In clause 3, we have made an amendment here to be more technically correct. We are basically replacing the phrase “proportion determined by the Agency” with the words “specified concentration”. I have been advised that the term “specified concentration” is more technically correct than the term “in this correct proportion.” We have also taken the opportunity here in clause 3 (c) to make provisions for periods that when it is found that the Guyanese people, or those person who have been bent on smuggling fuel, have had a change heart, and mind, and markings no longer seems necessary, to introduce, at clause 3 (c), the ability for the Minister to turn off and on the marking of fuel.

In clause 4, the penalties is put up for the possession and sale of illegal petroleum or petroleum products to \$3 million and three years imprisonment. We also laid out some procedures for the seizure and disposal of illegal petroleum, and petroleum products.

We also in clause 5 (b) seek to prohibit unlawful possession of, or dealing with markers. You may recall that sometime ago, maybe about two years ago, there was an attack at the Guyana

Energy Agency (GEA) and a theft of a barrel of markers then. Later on, I think that some persons were found with markers, but it did not seem to be sufficient of an offence hitherto. The possession of markers did not seem to be an offence, so we are now taking the opportunity in clause 4, in those series of added clauses, or added sections in the Act, to put in there a provision now which provides for the possession or dealing in markers to be an offence.

In clause 5, we are seeking to put in a provision there that, because the management of fuel requires persons, all across the country, maybe, more clearly, “The Chief Executive Officer may, in writing, delegate the exercise of any of his functions under this Act to any officer or other employee of the Agency.”

*6.47 p.m.*

In clause 6, we are putting a provision for a settlement outside of the court. We have been guided here by the arrangement that the Customs and Excise Department has, and we are putting in a procedure which requires that for such a proposal to be accepted the Chief Executive Officer (CEO), the Head of the fuel marking programme, a nominee from the GRA and a nominee from the Ministry of Home Affairs must review the proposal and the case - the proposed settlement - and make recommendation to the Minister on the acceptance of compensation for offences.

Another area where we have been having some problems has to do with the existing section 34 which, as it is written currently, seeks to require that the CEO or some member of the Agency prosecute cases. And in clause 7, we are putting in a new section 34 to empower the Chief Executive Officer to authorise any person, in writing, to institute and conduct prosecutions under the Act.

Clause 8 provides for a new section to exist in section 35 to clarify that an authorised person, under the Principal Act, shall have the powers of a member of the police force as far as issues under the Act are concerned.

Clause 9 seeks to repeal and enact section 37 to empower the Chief Executive Officer to authorise any person to enter premises or other places without a warrant if he is satisfied that, in the interest of justice, immediate action is necessary.

In clause 10, we make it an offence for people to provide the agency with false or misleading information.

So these amendments to the Guyana Energy Agency Act are not new. They follow the pattern of the provisions which are made for various arms of the State in other areas. For example, the power that the Customs and Excise has is being granted in these amendments to authorised persons of the Guyana Energy Agency (GEA). As I said earlier, these amendments have come out of experience, maybe sad experience for us, where a number of cases have failed in court because of the challenges which were made on the current wording of the law. I do believe that all our people in this House, and outside of this House, are desirous that fuel smuggling be brought to an end - that fuel smugglers be caught and taken to court and to be decisively dealt with. Therefore I believe that all Member of this House will support this Amendment Bill. I thank you. [Applause]

**Mr. Carberry:** Mdm. Deputy Speaker, it is with a great deal of interest that I look at this amended bill and I will tell you why. I happen to be one of the people who were charged with the responsibility of establishing the Guyana National Energy Authority. I was seconded from the bauxite industry to do that. The Guyana National Energy Authority had the responsibility of comprehensively dealing with the energy sector.

The Guyana Energy Agency Act has established the Guyana Energy Agency to succeed the Guyana National Energy Authority in 1997. But the Guyana National Energy Authority existed since 1981. What I find disturbing is that the Guyana National Energy Authority Act 1997 was amended twice, in 2004 and in 2005, and when the amendments are looked at, including the amendments which are here today, what is observed is that the focus seems to be primarily on the smuggling of fuel. Now the energy sector is wider than that and one would have expected that the Government would have, by now, woken up to the reality that we need a comprehensive approach to the energy sector. But, as you know, Mdm. Deputy Speaker, the Government is a government of champions and it obviously has a penchant for championing tinkering at the margins and basically what this Bill is about is tinkering at the margins. It has taken the Government three Bills to get to the point where it seems to be getting it right, and I hope for the sake of the country it has finally got it right in this Bill.

Let us look at this situation. I have no doubt in my mind that there is a high incidence of fuel smuggling. There is no doubt about that. There is no doubt about the fact also that the people, that is the larger smugglers of fuel, like the narco barons, are known to the public and the

authorities, and it seems to be the fact that the smuggling of fuel have continued almost unabated, despite what the Prime Minister has said. I will like him to produce the figures to show what effective reduction is there. Let him provide the figures. But I would say this that the fuel smuggling fraternity seems to be protected by its friends in high places. And, unfortunately, like the narco barons, they do not seem to be afraid to continue their nefarious and unlawful activities because the reality is that there are very few penalties for the large smugglers. The people who are brought to the courts are small margin smugglers, not the large smugglers. Everybody knows who the smugglers are, except the Government, of course. Of course, in the same way the Government does not know who the narco barons are; it does not know who the smugglers are.

I have a very deep concern which I am going to express here. This Bill tightens the noose – of course, if it is a noose indeed – around the question of defining and identifying illegal fuel. But there is the staff of the Guyana Energy Agency that has to implement this and this Bill and none of the other Bills indicates any protection for that staff. The staff of the Guyana Energy Agency has been the subject of threats and other forms of intimidation. In fact, it has got so bad that even though the Board of the Guyana Energy Agency has agreed to offer uniforms for that staff, the staff members are afraid to use those uniforms because they will identify and expose them to the dangers. But nothing in this Bill speaks to the protection of that staff. These people and their families are in constant danger because they are getting death threats; they are being terrorised in many ways. Only recently, the Prime Minister will recall, there was an attack on the Agency and, obviously, the people who attacked the Agency knew exactly where to go and find the fuel markers. I am pleading with the Prime Minister and the Government to pay immediate and close attention to the security of the staff that has the responsibility for the fuel marking programme. It is totally unsatisfactory for the Government to be pretending as though these people are secured.

As you know, Mdm. Deputy Speaker, these people are given the same authority as a policeman. But could you imagine the police force getting to the point where the policemen are afraid to wear their uniforms because they are being threatened by the public? This is what this amounts to: that the members of the staff of the Guyana Energy Agency who are responsible for the fuel marking programme are afraid to be identified. Well, maybe, the way things are going under this administration, it is very soon that the policemen will ask if they can be allowed to come to work without their uniforms because they are afraid of the criminals. Basically, that is what is happening. We support the tightening of the areas in this

Bill, but we do not hold on to a lot of hope that having tightened it in this Bill, like in many other Bills, that the implementation or the enforcement of the Bill would be of such that we are going to see a significant impact on the issue of fuel smuggling. It is big business. There is a lot of money involved and in a country which has become corrupted, under this administration, it is not surprising that the impact of cronyism has, such that the smugglers do not feel, in any way, threatened by any law that the Government has. I think that is important.

But I want to make a wider point. If the Guyana Energy Agency Act is looked at, as I said, this energy agency is a successor to the Guyana National Energy Authority - I am still trying to understand why the Authority was replaced by an Agency, but, maybe, there is something in the heads of the present administration - it does envisage that it will be dealing comprehensively with energy. This Government has been in office for nineteen years and I cannot recall it coming to this House with a comprehensive energy policy and a comprehensive energy programme. We hear about the Low Carbon Development Strategy (LCDS) and we hear that the LCDS envisages hydropower development, but the trouble about all of that is that we are yet to see what the development programme of the LCDS is. We know what Reducing Emissions from Deforestation and Forest Degradation (REDD+) is, but we do not know what the development programme of the LCDS is.

When I go to the original Act, it speaks about, for example, prescribing technical efficiency standards for equipment and plant. Now that is referring to something which is in the parlance of energy. It is called energy management. One would expect that in a country that depends heavily on the use of imported petroleum fuel that there would be a comprehensive programme for energy management and conservation. I have not seen any. Perhaps the Prime Minister will tell us where the programme is.

One of the issues we have, for example, is the whole business of energy use and one of the capacities which the Guyana National Energy Authority had was the capacity for undertaking systematic energy audits. That capacity has disappeared. The Guyana Power and Light Inc. (GPL) has been taking full advantage of the public in that respect because there is no capacity for proper energy audits. The Prime Minister will say what plans he has for ensuring that the Energy Agency has the capacity to conduct systemic energy audits.

The original Act speaks about incentives for the development of energy. I have not seen - perhaps the Prime Minister will tell us - where the regime of incentives for encouraging the

development of our vast energy resources is. For example, prior to 1992, the previous administration had, as one of its major hydropower development programmes, the Upper Mazaruni. The Upper Mazaruni, with very limited investment in infrastructure, could have provided three thousand megawatts of power to this country. I want to just tell the Prime Minister that power is one of those commodities where supply creates its own demand. If cheap, reliable and stable power can be provided, things become possible. Right now, what is there is a situation where people feel more comfortable self generating. From a rational point of view, that is a backward step because the fact is that it is always cheaper to produce energy centrally than to self generate. What the Government has done, by its own incompetence, has, in fact, imposed an additional foreign exchange cost in this economy for the self generation of energy.

Let us get back to the question of hydropower development. After nineteen years, the Government has come to us and said, “We have a project called the Amaila Falls Hydropower Project.” It has made a lot of noise about this Amaila Falls Project. I am talking here about energy. When this thing is examined, we are talking about a project that delivers one hundred megawatts of power to the national grid. The coastal grid is more than one hundred megawatts, and if self generation is excluded, it is more than one hundred megawatts. If the cost of transmitting one hundred megawatts from Amaila to Georgetown is thought about, I want to know how the Government is going to provide power, as it claimed, for seventeen cent per kilowatt per hour. I would like it to demonstrate that. But what I am saying is that the energy sector is more than fuel marking, and if we are serious about development we have to get the energy sector right. We all know that cheap, reliable and stable energy is the engine for the development of industries. When we look at the Upper Mazaruni project, for example, there was a whole package of projects that would, in fact, have transformed this economy from an essentially raw material supplier to a supplier of processed and manufactured goods. The Prime Minister should be aware that the Upper Mazaruni would have resulted in the forward integration of the bauxite industry and, right now, we would not have been talking about BOSAI claiming that it cannot produce an aluminium plant. Right now, we should have been talking about how much aluminium we would have been selling to the rest of the world. But this is really what energy is all about. Energy is about development. It is not just simply about catching people who are smuggling fuel. This is what the Bill is all about – police and thief; catch the thief. That is basically what it is all about – catch the thieves. But what about the staff who have to catch the thieves? Mr.

Rohee's staff who wears uniform cannot protect them so they have to protect themselves. I do not know if Mr. Rohee is going to increase his capacity to protect them, but we will find out.

I think I have made the point that the Government has got to show that it is serious. Maybe it is fortunate that it has come to the end of the line and, therefore, we would, in fact, have to show it, and demonstrate to it, what an energy programme is all about. It is sad that my colleague on the other side who...The two of us, of course, were in harness in the bauxite industry together, and it hurts me to note that he has, in fact, allowed himself to become indoctrinated by this backwardness that seems to have invaded the PPP. Perhaps he would cross over to A Partnership for National Unity (APNU) at some point in time. We will never know.

Anyway, Mdm. Deputy Speaker, I think I have said enough to indicate that although the PNCR-1G will support this Bill it is dissatisfied with the way in which the Government has approached the management of the energy sector. Thank you very much. [Applause]

**Minister of Labour [Mr. Nadir]:** I do not know if Standing Order 38 (8) has any applicability, but I want to say from the beginning that I used to be the lobbyist for the Guyana Petro Dealers Association, and when I joined the Government in 2001 I was succeeded in that position by the late Winston Murray. I did get a retainer from them. The other issue is the person who currently heads the Guyana Energy Agency is married to my daughter. So, up front, I want that to be known.

The last Hon. Member just mentioned that energy is about development and we understand now why under the People's National Congress there was no development because it had no energy, and he spoke about a comprehensive energy strategy. What we have here is just one small part of an energy strategy for Guyana that has been well articulated by the administration. Why I stand in support of the amendments, it is not because we have taken three Bills, as the last speaker said, to get it right. But this is a programme that has worked and worked well for us. The last speaker challenged the Prime Minister to produce figures, and after that lengthy debate we had over the suspension of the recess, I know that the Prime Minister would have shortened his speech. But as the last speaker asked for figures: the success of this programme is in the figures. Those figures are from when the programme really got started and kicked in well. In 2006, there were seven hundred and twenty thousand three hundred and fifty-one barrels of Motor Gasoline (MOGAS) imported. Today, registered



through all the legal channels is almost one million barrels of MOGAS, almost a thirty-eight per cent increase over the last four years.

In terms of gas oil, there were, in 2006, nine hundred and forty thousand. [Mr. Carberry: Do you know what you are talking about?] It is diesel. I want to let the Hon. Member know, in 2006, nine hundred and forty thousand barrels were imported. At the end of 2010, one million three hundred thousand barrels of diesel were imported, a thirty-seven per cent increase. The last speaker did ask for figures. Now he gets figures he gets fever. And this is the success story of this. I agree with him that there are, and there were, a lot of persons who were in this market, but there was one stage in Guyana where diesel, at the petro dealers level, had almost grounded to a halt. Retail diesel was almost zero. Today, people can be seen pulling up, to all the gas stations, and filling up their gas tanks with diesel. I am not going to talk about the days when we used to have to line up for three hours to get two gallons of fuel at GUYOIL. I am speaking to the effectiveness of this programme and the only people who would – I am happy to hear that the PNCR-1G is supporting these amendments – oppose this are persons who were benefiting from it. And we have had some challenges in terms of getting the convictions.

In terms of the marking of the fuel, this is not the first time Guyana is marking fuel. Decades ago, it used to mark fuel, and Government duty-free fuel, in particular, had a different colour and that colour could have always been detected because if one looked under the hood of a private vehicle, a non-governmental vehicle, and it had that colour the owner could have been prosecuted. The Guyana Petro Dealers Association, towards the end of the 1990s, lobbied the Government for a marking programme to be introduced. This was the stakeholders lobbying the Government. And I remember in 2003, Texaco, then Texaco Chevron at that time, had brought in some specialists in marking systems who were the forerunners to the introduction of fuel marking. Today, billions of dollars are garnered, in terms of the treasury, because of the amount of legal fuel which is passing through the system. But perhaps, what is more important, in terms of an indicator of the success of this programme, is that with more testing being done out in the field, we are witnessing a reduction in the sites which have illegal fuel. In fact, the record shows that in 2004 – I am giving figure that were asked for earlier by the last speaker – five hundred and seventy-three sites were visited and thirteen per cent of them had sites which showed significant dilution in the marker or illegal fuel. In 2010, one thousand three and thirteen sites were visited by the Guyana Energy Agency and only forty-five, almost three times the visits made - the sites with

illegal fuel was cut by almost half, of forty-five - reflecting only a three per cent of the sites which have been visited, were found to have been in possession of fuel which does not have the right concentrations of the marker.

7.17 p.m.

I agree with the last speaker on this issue about security and it is something that we have had to deal with at the personal level. While he spoke about a threat, I do not think that anyone, so far, would have a grenade thrown at his or her house which the Head of the Guyana Energy Agency had last year. So this is very valid. I know of previous General Managers and Chief Executive Officers who had bullets fired at their cars. This is a particularly serious issue, and from what I heard, and have been around the Prime Minister for the last decade, in the energy sector, I know he is moving to ensure that we can also protect our workers and to guarantee them some measure of safety and security.

What I am very impressive of the particular pieces of legislation is the tightening, because a lot of the cases, which were lost, were lost due to some very technical arguments. What this Bill does here is to tighten up on that. It speaks to the issue of publishing the concentration of the marker in the *Official Gazette*; it speaks to a particular type of marker that is patented, that has a US patent; it gives clear definitions. But perhaps, more particularly, the major change here is that in the past the only person authorised to enter the premises was the Chief Executive Officer, and so if there were fifteen reported cases in a particular short period, one person alone had to be there. These new changes here will allow those persons authorised also by the Chief Executive Officer to deal with that. There is no difference from many laws. If the Labour Act is looked at, the Labour Officer, not only the Chief Labour Officer, is authorised to enter into. These are certain changes which I think will ensure that those who want to continue to do the right thing that they face a level playing field. From the time this system was introduced, petrol dealers reported a thirty per cent increase in turnover, but by then I was the Minister of Tourism, Industry and Commerce and at a meeting with His Excellency that was disclosed and they commended the introduction of this marking system. The tightening up..., and if we are to look at the cases that we have had, they have gone up. I think, Prime Minister would say, last year it would have been fourteen cases which were taken to court. I think, now, it is not only taking those cases to court, but it is the issue of getting successful prosecution.

The last point I want to comment on is that I think this particular Bill, because of the strength in the prosecution side of it, in prosecuting the smuggler the strength that is given to prosecution is certainly going to ensure that people approach with more caution, those authorised persons who come on site to test fuel. I am very confident that the strengthening of this piece of legislation will not only bring further increase of the use of legal fuel in Guyana, but it will ensure that we can offer punishment, because, as I understand from eminent laws in the House, a law is introduced not only to offer deterrence but to introduce punishment. I like this particular piece of legislation, because I feel we can punish smugglers better with these changes. Thank you very much. [Applause]

**Minister of Home Affairs [Mr. Rohee]:** I rise to support the motion by the Hon. Prime Minister in respect to the Amendment Bill that is before this Hon. House. My contribution is mainly to support the Bill from the law enforcement perspective. I will, in so doing, address some of the issues which the Hon. Member Mr. Carberry has raised. I do not think he was really serious when he said those things. But because he was not serious, I will be serious in my response to him. Before I go there, Mdm. Deputy Speaker, on the 27<sup>th</sup> of August, 2007 the Government, by virtue of a Cabinet decision, established a task force to address the question of smuggling and contraband throughout the national jurisdiction and the objectives were clearly spelt out. There were basically two objectives. The first, was to ensure greater coordination among the law enforcement agencies in addressing smuggling and contraband - I will emphasise, however, the smuggling aspect of the task force's objectives - and to ensure that resources which the members of the task forces have at their disposal that those resources are maximised in pursuit of these objectives.

It is interesting to note that the members of this task force comprise person from the coastguards of the Guyana Defence Force, the Guyana Police Force, as well as the marine wing of the force, the Guyana Revenue Authority, the Guyana Energy Agency, the Customs Anti-Narcotics Agency and the Guyana Oil Company. Those are the members of the task force, and it could be seen, from the membership of this task force, that there is a clear focus on addressing the question of smuggling and contraband. Since the establishment of this task force much has been accomplished and I would not want to deal extensively with the numerous success stories of this task force. But with the formation and the establishment of the task force, it is found that the effectiveness of these agencies in addressing fuel smuggling had risen significantly. We all know that it is always better for law enforcement agencies, in a particular sector, when they are called upon to focus on a particular issue, once they are

working unison. Obviously, they would be more effective than if they are working separately. In our administration, the administration of the PPP/Civic, this is our preferred approach.

We have managed, after lengthy discussions at this task force, to formulate a co-joint standard operating procedures to avoid confusion, so that in case an operation has to be carried out all the actors in the task force follow the same rules. They all have a common manual which they used when going into action. The results, as I said, have been enormous and we would like to take this opportunity to congratulate the members of the task force for carrying out their duties with such zeal and enthusiasm. The task force, every year, develops a work plan and there are shared objectives. This work plan is broken down on a quarterly basis so that for every quarter we know exactly what our targets are, who we are going after and what results we are expecting. The success story also is reflected in the fact that all, but four, of the twenty programmes with this task force has pursued since its establishment have been completed.

The GEA plays a very important role in the task force. The GEA, however, relies on the coastguard and the police force to provide it with the necessary coverage when it is about to engage in an operation because, we can recall, that it does not have a marine capacity. The Guyana Revenue Authority, the Guyana Police Force and the coastguard of the Guyana Defence Force are the agencies which have the capacity to deal with smuggling of fuel in the riverine areas and at sea.

Over the past six years, the GEA, working in unison with the members of the task force, had seized the following amount of fuel, illegal fuel that is: In 2005 - three thousand gallons of fuel, in 2006 - eight thousand gallons of fuel, in 2007 - twenty-one thousand gallons of fuel, in 2008 – thirty-three gallons of fuel, in 2009, another thirty-three thousand gallons of fuel and in 2010 – twenty-one thousand gallons of fuel. In respect of prosecutions: In 2009, seven new charges were filed by the GEA, but in 2011 the total amount of charges filed totalled twenty-seven. This is an indication of the increase in the activity of the Guyana Revenue Authority. I have absolutely no doubt, as the Chairman of this task force, that this Bill, Amendment Bill, which we in the task force contributed to, will go a far way in enhancing the GEA's capacity to deal more effectively with fuel smuggling.

Now, the Hon. Member Mr. Carberry raised the general question of smuggling in the context of development or the interrelationship between smuggling and development. I think if this question is looked at broadly it can obviously be seen that smuggling does have an effect on

development, not necessary a positive effect, but a negative effect on development. Therefore any attempt to address smuggling of any particular commodity will have a positive impact on development as a whole, and when we speak of development, we, obviously, are not speaking about development only in the energy related sectors; we are speaking also about social development as well because these revenues which come from the sales of fuel and the importation of fuel into the country obviously make a positive impact on the general revenue stream of the Government. So I agree that obviously we need to have a comprehensive approach, but I do not think that this debate is about a comprehensive approach in respect of an energy policy. The Hon. Prime Minister, who is dealing with the policy issues in related to energy, I assume, will deal with that matter.

For the purposes of focus, I am not getting into extraneous and irrelevant matter. I think we need to maintain the focus on this particular Bill. The Hon. Member said that the smugglers are known. Well, if Mr. Carberry knows who the smugglers and the narco traffickers are, I would give him this notepad and a pen - well, let me extent to him my pen - so that he could write the names down discretely and pass them over to me. So I would like to have from the Hon. Member, since he knows who they are, the names and addresses of the fierce smugglers and the narco traffickers, so that action could be taken on them, and maybe the Hon. Member may come in for some plaudits or some rewards in this respect. But it is highly irresponsible to come to this hallowed Chamber of this National Assembly and make a sweeping statement to the effect that "We all know who the smugglers". Well, I will, for the purpose of emphasis, repeat that if Mr. Carberry knows who they are, please, my scratch pad and my pen are available. *[Minister Rohee passed scratch pad and pen to Mr. Carberry.]*

Another statement was made to the effect that fuel smugglers are protected by the authorities. I would like the Hon. Member to add on that scratch pad, which I gave him, the names of the smugglers who are protected by the authorities. Let us have that information too, because he seems to know more than the GEA; he seems to know more than the Guyana Police Force. Please provide the relevant authorities with the names of the smugglers who are being protected by the authorities, because we over here represent the authorities and we would like to take actions. But if he is withholding information from us then, probably, we will have to check the law books to see whether there is any action we could take in order to get this information from him. I am not talking about charging anybody. I am not a policeman. I am saying that the Hon. Member made a statement that he has information about the authorities are protecting smugglers. He said that everybody knows who the smugglers are in the same

way they know who the narco traffickers are. Well, who is the “everybody”? As it can be seen, it is improper, to put it my way, for him to come here and make a statement and he cannot back it up. So the statement that he has made, I think, is basically anecdotal and groundless and is aimed mainly at making political mileage. That is what I will reduce it to.

The question was raised about protection being given to the member of staff of the GEA. I just explained how the GEA is working in the context of the task force. Whenever the GEA has information which could be distilled into intelligence, actionable intelligence, then it calls upon the other members of the task force to give it the appropriate coverage, at the appropriate location, where that operation is to take place. That is how the GEA is given the necessary protection. What better protection could any other law enforcement agency want, and in this particular instance, the GEA by informing the coastguard, informing the Guyana Police Force marine wing, informing the other member of the task force, and the Guyana Revenue Authority, all of which have the necessary resources to place at the disposal of the GEA, were they to embark on an operation? In other words, the machinery of the State, *vis-à-vis* the police, the Guyana Defence Force, and so forth, is placed at the disposal of the GEA to conduct its activities. That is the kind of protection, and that is the kind of service, that is provided to the GEA.

I was rather astonished to hear from someone like Mr. Carberry, who I attached a certain amount of intelligence, saying that police ranks will soon stop wearing their uniforms because they are afraid to go to perform duties with their uniforms. I have never heard that before. I do not know how Mr. Carberry could have just plucked those things out of the air and said them in the National Assembly. This, I am sure, will be brought to the Commissioner of Police. I think the Commissioner may want to invite Mr. Carberry. In fact, I will encourage the Commissioner to invite Mr. Carberry for a private discussion, for him to explain to the Commissioner how he has arrived at this conclusion - that there are ranks in the Guyana Police Force who are afraid to wear their uniform to perform duties. I will convey this to the Commissioner so that Mr. Carberry can have a private audience with him in that effect.

The Hon. Member has written a response, and in the interest of transparency, because I have been hearing a lot of talk about transparency...What has he written here? It is “Narco barons”. That is all he has written. He has not given me anything. This is what the Jamaicans would call *mama guise*. He is basically *mama guising*, but I do not think that this is for the

House of Assembly. This is for the street corner meetings and the time for campaigning will soon be with us.

So, Mdm. Deputy Speaker, I would like to join with the Hon. Prime Minister in commending this Bill to this Hon. House. Thank you. [Applause]

**Mdm. Deputy Speaker:** Hon. Members, I do not know, it is now twenty minutes to 8 o' clock, whether we should suspend for a short sitting until 8 o' clock or if you wish to go ahead. May I have your feel?

**Mr. Hinds:** Mdm. Deputy Speaker, I think we can conclude this one...

**Mdm. Deputy Speaker:** ...and then take a short break.

**Mr. Hinds (replying):** Yes. Mdm. Deputy Speaker, I am pleased to see that this Bill, which is before us, has gained the support of all sides of this House. My honourable friend, on the other side, took the opportunity to talk about things which are not relevant to this Bill. Minister Rohee has already responded to some of those irrelevant things. I would only like to add that the Hon. Member Mr. Lance Carberry spoke about the narco traffickers being known, at least to him, and the fuel smugglers. I think he should know, and we all know, that knowing or believing that certain persons are involved is one thing, but if he consults with the Hon. Member to his left, he would know that he has to have a case. A case has to be made that can be taken to the court.

We also spoke quite a bit about comprehensive energy plans and United Nations Disaster Assessment and Coordination (UNDAC), but we did not get very far with it. I say, very conscious of the fact, that it takes a lot of effort to bring success to these things and it takes much more than plans and policies. One has to have circumstances that one can utilise also.

So Deputy Speaker, Hon. Members, with no further ado, I beg that this Bill be read a second time.

*The question was put and carried.*

*Bill read a second time.*

*Assembly in Committee*

*Bill considered and approved.*

*Assembly resumed.*

*Bill reported without amendments, read a third time and passed.*

**Mdm. Deputy Speaker:** Hon. Members we will take a suspension for twenty minutes.

*Sitting suspended at 7.46 p.m.*

8.17 p.m.

*Sitting resumed at 8.17 p.m.*

**MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) BILL 2011 – No. 16/2011**

A Bill intituled:

“An Act to amend the Motor Vehicles and Road Traffic Act.”

*[The Minister of Home Affairs]*

**Minister of Home Affairs [Mr. Rohee]:** Mdm. Deputy Speaker, in moving this Motor Vehicles and Road Traffic (Amendment) Bill – Bill No. 16 of 2011, I wish to point out that this Bill seeks to provide part of the solution to the problems of managing traffic and adding a new component to safety on our roads.

As you know we have passed many laws in this House that are aimed at accomplishing a similar objective. They are all part and parcel of reforming the legislation in order to ensure that our roads are safe, that traffic is properly managed and that there are the appropriate laws and regulations in place, not to speak of the manpower to support the necessary infrastructural arrangements. This Bill is a part of that process. When we take the individual parts of the solution, what we find emerging is a comprehensive **wafamation** of the Motor Vehicles and Road Traffic Act of Guyana. While one may argue that Government is dealing with this matter in a piece-meal way and what should really be the approach is to deal with the issue comprehensively, could very well be one school of thought. But given the exigencies of the circumstances and the need to react from time to time to situations as they emerge, and to show the populace that rather than sitting with hands folded and doing nothing, the Administration adopts a proactive approach in order to find solutions rather than sit and see the problem fester. In this respect, the amendment to the Motor Vehicles and Road Traffic Act is very relevant and pertinent.



This proposed insertion – section 47A – seeks to provide for the appointment of traffic wardens by the Commissioner of Police with the approval of the Minister of Home Affairs. The Minister will be tasked with the responsibility for establishing the criteria, by notice, concerning the appointment of a traffic warden. I would like to assure this Hon. House that notwithstanding these powers that the Minister may have with respect to the appointment of a traffic warden, it is apposite to note that such persons, of course, will have to be suitable persons and will have to satisfy certain threshold requirements, including those pertaining to education, moral values and work ethics.

Additionally, the appointed traffic wardens will be exposed to the necessary training that will equip them to execute their tasks. The training opportunities that they will be exposed to will include issues such as the traffic laws, traffic duties, laws of evidence, case file preparation, courtroom ethics, and ethics in law enforcement, management and first aid. This is the type of training that these traffic wardens will be exposed to. In other words, for the avoidance of doubt and lest it be assumed, as some may wish to do, that we are going to employ “ragtag”, so to speak, persons to be part of this traffic warden arrangement, let it be known that these persons will have to be suitably qualified and trained before they are put to perform duties on public roads and public places.

Subsection 3 of the proposed section 47A – the remit of the traffic warden in respect of regulating and controlling road traffic. Thus, a traffic warden will be responsible for ensuring that the road traffic laws and regulations are adhered to. The purpose of this is to allow members of the force, an organisation constrained by human resources, to focus their energies on more pressing police matters. Let me assure this Hon. House that the traffic wardens will not replace the traffic police on the roads nor in the traffic department. We will continue to have ranks from the Police Traffic Department on our roads. The wardens, however, will buttress the existing number of traffic ranks on our roads.

The traffic wardens will be responsible for enforcing the law as it relates to things such as parking, regulating the movement of traffic and use of the roadway in accordance with the Motor Vehicles and Road Traffic Orders or any orders that may be made in the future. These powers are extremely important in certain areas of our country, particularly in the city which is plagued by congestion. We all know that compared to 2000, the number of motor vehicles on our streets have increased astronomically and this is indeed a sign of the improvement in the living standards and well-being of the people of Guyana.

Paragraph (b) of subsection (3) list the specific function that is found under section 8 of the Summary Jurisdiction (Procedure) Act, chapter 10:02, section 8. It deals with the power of a member of a Police Force to issue what is referred to as a Fixed Penalty Notice in respect of certain offences. The Fixed Penalty Notice, commonly known as the traffic ticket, could be issued for such offences as driving a motor unfit vehicle, speeding and leaving a motor vehicle in a dangerous position. Thus, by arming the traffic warden with the power to issue traffic tickets, the result should be that the traffic warden is more efficient in the execution of his duties by being able to take correct action as soon as infringements are noticed. This prevents the position from being perceived as a “toothless poodle”. We have to give the traffic wardens the necessary powers so that they have the authority to fulfil certain legal functions.

The Bill before us also provides for obstruction of duty by persons who may wish to resist the traffic warden from executing their duties. In that respect, we have in the Bill stated that any driver that fails to comply with the directions given by a traffic warden obstructs a traffic warden in the execution of his duty or assist in this regard, is liable on summary conviction to a fine of \$30,000 and imprisonment for a period of six months.

I believe that the introduction of traffic wardens in this country will be a positive and a welcomed development. If it is recognised that there is a shortage of ranks, we, obviously, have a problem and have to do something about it. This law is precisely aimed at finding a solution to a larger problem which is safety on our roads, dealing with new and dynamic developments which have taken place within our society in respect of motor vehicles and the movement of motor vehicles on public roads and in public places.

In that respect, I wish to move the second reading of the Motor Vehicle and Road Traffic (Amendment) Bill 2011. [Applause]

**Mr. B. Williams:** We will support this Bill as presented but a caveat really arises in this situation – it is a bit too late. Wardens ought to have been appointed a long time ago. The Government comes now after the pillaging of the lives of our citizens on the road, the carnage over the years and the wanton loss of life on our roads. At least it is recognition that the society has had enough and I suspect that it is an attempt to grapple with seeing how the pillage on our roads can be reduced.

However, we will have to look and see how the wardens operate. I do not think that they have been given Police powers of arrest. I am not too sure that we would not have a situation where the population knows that they cannot be arrested by them and could only be ticketed. We would not often see wardens running down the road behind motorists to get them to stop to give them a ticket. Perhaps, the Minister might have to consider giving them the type of powers of arrest as a policeman or policewoman for them to be more efficacious in delivering what you hope they will deliver for you, Hon. Member Rohee.

The wardens are needed. I believe that because of the level of congestion in the city even the traffic lights are useless at high peak periods. We have found in the city at peak periods...  
**[An. Hon. Member: Who are we?]** I am referring to Guyanese motorists. For example, at midday one cannot turn left from South Road into Camp Street. One cannot turn the next corner which is Alexander Street. One will probably find himself going as far as Albert Street to beat the traffic if he wants to go into the Eve Leary area. That is how bad it is. When the traffic light is at 'stop', the line could stretch for three blocks. When it is around Christmas and those other holiday periods, it is intolerable. I remember one day calling the Commissioner of Police and advising him about the situation on the road. I told him it was useless to have the traffic lights do the work. Sure enough he responded, to his credit, and he sent out traffic ranks to actually manage the roads at the time to try and clear up the traffic.

The wardens we hope, with the type of criteria outlined by the Hon. Member, would turn out to be clean traffic wardens and not roadside courts with their own penalties. The only thing that they are required to do is to write a ticket and hand it over. That is why I am happy to hear about the social fabric of the applicants for the job. We do not want to hear that they also are seeking their pound of flesh. I hope the Minister has a system to diligently police the traffic wardens as they embark on this new venture.

We could never do too much to preserve the lives of Guyanese on our roads. Some good and talented people have been killed on our roads. And we have to do something about the minibuses. Notwithstanding the heinous nature of some accidents, two days after there is some other driver outdoing the previous one. Something is wrong with the culture of our minibus drivers on the road. The Guyana Police Force has to have some system to deal with minibus drivers to get them to understand that they cannot be so whimsical and capricious with the lives of the 18 to 20 passengers that they are driving. Because of the economic situation in the country, not the one that the Hon. Member is trying to paint but the one where

the majority of the ordinary people are poor, people do not have a choice. They have to put their lives on the line everyday to leave their homes and go to work and to get back to their families to take things for them to eat. That is the reality of it. Do you think they want to go into the minibus with those crazy drivers? But they do not have a choice. So it is incumbent on the police force to have vigilant traffic ranks. On large tracks of public road, a traffic police cannot be seen. You do not see them on either side of the public road. We need to do something about that, Hon. Member. People must see these motorcyclists and traffic cops up and down the road as a deterrent. You cannot have roads going to Berbice and Linden and there is hardly any traffic ranks. They have to do what is done in North America: Hide themselves and then pounce on the speeding motorists.

This, I suppose, will be a first step because you have acknowledged that your ranks are limited. It is the first step in trying to grapple with the very serious problem in Guyana and on our roads.

Let us hope that as the Government demits office and we take over, we will be able to put even more impressive arrangements in place to save the lives of the Guyanese people.

I do not see any provision for remuneration so I do not know if they are going to be at the largesse of the Hon. Minister. Some provision should be made in this Bill for the salaries and remuneration of these wardens. We do not want the wardens to go and get their salaries on the road. That is the same point that I have been making. Perhaps, the Minister will address us on the omission of provision for remuneration in the Bill. The last thing you want happening is having people operate like volunteers and they have to help themselves to their salaries from the hapless users of the roads in Guyana.

As I said, this provision about the driver who fails to comply creates an offence. What is meant in section 6(c), for example? Could the wardens, themselves, effect an arrest? You have some things to clarify. Section 6 (c) states:

“aids or incites any other person not to comply with...the traffic warden while on duty or to obstruct a traffic warden...”

What is the traffic warden to do? Is he supposed to go and look for a policeman to arrest these people? That issue and the question of remuneration need to be addressed.

As I said, it is a good augury and a good attempt to try and deal with the issue. Perhaps, now the Government should also look at the question of the traffic metres in the city. That is a burning issue in the city and it is an issue that has been ignored year after year by the Administration. If you are going to look at the problem, you have to look at it holistically. I hope that the Minister and his Government would be addressing their minds to the question of parking metres within the city, which would also help to regulate traffic on our roads.

With those few observations, I would say that the People's National Congress Reform 1 Guyana (PNCR-1G) supports this Bill as it is. [Applause]

**Minister of Transport and Hydraulics [Mr. Benn]:** Mdm. Deputy Speaker, I would like to support the Hon. Minister of Home Affairs, Mr. Clement Rohee, in respect of the Motor Vehicles and Road Traffic (Amendment) Bill 2011, No. 16 of 2011 which allows for the establishment, formally in law, of traffic wardens.

As was intimated before, we do have a situation where there is an enormous growth in vehicular traffic on our roads. Even though while we have had great improvements in the facilities of roads, bridges and other facilities and engineering designs related to those such as four-lane roads, etcetera, I will be the first to admit that we have had improvements. If we look against the reduction in the number of deaths over the last four or five years in respect of traffic accidents and the number of accidents, it would be remiss of us not to say that the trauma of people being injured and dying on the roads is one that we wish we would not have and at the level that it still continues to exist. This intervention by the Hon. Minister as one of the measures that he has been putting in place to improve traffic safety on our roads, is one that I think all Hon. Members in this House welcome.

I am reminded by the Hon. Member, Mr. Manzoor Nadir that we did have an arrangement in place that we used to call the "Kiskadee Police" who were traffic wardens, per se, who were put in place by a device of the Commissioner. He appointed people, on application, as Rural Constables. This current arrangement in the proposed Bill is, indeed, a tidier arrangement and one which should go much further in ensuring that we have a proper place and positioning of this level of service to the public and in the transportation sector. I would note the question that the Hon. Member, Mr. Basil Williams, posed as to whether these persons have the powers of arrest. I am sure that they will have given the fact, too, that the Rural Constables themselves, in the law, do have the powers of arrest. He posed the question, too, of the overwhelming of the system and the congestion. The congestion, in many ways as he pointed

out – he spoke about reckless and dangerous minibus drivers and other drivers. The question has a lot to do with issues of self regulation for persons who are operating minibus lines, for the route associations related to those, for our going ahead with the discussion with those route associations to improve the culture, behaviour and self regulation and to impose, as necessary, the penalties properly in respect of deviation from what the proper norms are.

Certainly, it is my belief and after fairly careful observation, through the Ministry, of the culture and behaviour, in most instances there is, more or less, a smaller subset of drivers in the route association, usually younger drivers, who are errant, who are willing always to be errant and who are disparaging and reckless with persons' life. Of course, too, and perhaps, unfortunately, coming out of the recent accident on Homestretch Avenue, there was a groundswell and demonstration by the families of persons affected by that accident to draw more to our attention the problem in respect of safety on our roads.

The Minister, Mr. Clement Rohee, alluded to the fact that safety on our roads is everybody's business. It behoves, too, those persons who are in public transport vehicles to make interventions - to come out of the minibuses, to criticise and critique the drivers who are doing things which are patently wrong - to preserve their own lives and safety in that vehicle and to make reports to the police as necessary in this situation. I, myself, am happy too. Sometimes there is the situation, as the Hon. Member, Mr. Basil Williams, said that it appears, sometimes, as though there are not enough police on the roads. Sometimes, with the amount of traffic, they are overwhelmed. Particularly, sometimes in the day, maybe, after 5.00 p.m. and 6.00 p.m. in the evenings, there appears to be not enough policing in respect of these matters, in spite of all of the improvements that we have made.

I heard the Hon. Member make reference to the issue of traffic lights, perhaps, being useless because one could not turn left at some points in the city. I want to remind the Hon. Member that we are working on a programme, steadily, to improve major intersections in the city.

*8.47 p.m.*

The issue of the traffic lights being able to work at peak hours could only be added to and improved with invention of the police, as you said, motorbike police and, now, with the traffic wardens. With this Mdm. Deputy Speaker, I want to, again, say that I wholeheartedly support the Bill and that we, in our Ministry, stand ready and willing to work with the Hon.

Minister in respect to the efforts of approving this area related to public safety in the transportation sector on our roads. I thank you. [Applause]

**Mrs. Holder:** Thank you very much, Mdm. Deputy Speaker. The Alliance For Change (AFC) will make a point of ensuring that its Members' names are on the list in the future.

**[Ms. Teixeira:** It will be during the recess] Remember, I said that the AFC reserves the right to decide when and if it attends a sitting of the National Assembly and I stand by that.

The concept behind the introduction of the Traffic Warden's Bill is intended to keep road users safe. I concede that. It is interesting to note that the Hon. Minister, in introducing the Bill, informed us that it provided only a partial solution to our traffic problems. I want to commend him for being honest and I want to say that, consequently, we have to conclude that the intent is, therefore, to improve the prevailing lawlessness evident in our local traffic situation that caused our road fatalities to be the highest in the Region. The pertinent question to be asked here is: what are the current traffic problems plaguing road users and will the introduction of traffic wardens improve the situation? Let me list, for the benefit of the House, some of the major contributory factors causing our road problems.

1. Corruption

There is corruption in the issuing of drivers' licences and in the taking of bribes by *some* policemen in lieu of charging the road offender. That is the reality we live with everyday.

2. Failure of Government to deal, effectively, with regulating the minibus sector.

You know, I need to remind the Hon. Member that in the last Parliament I had, indeed, persuaded this House to support a motion that called for a comprehensive review of this sector with the purpose of introducing best practices. I want to also inform this House, and I was privy, recently, to a private study that was done on the minibus sector in this country, which I hope will be released soon. When it is released, Members are going to be absolutely amazed at what prevails in that sector. Many of the young men who drive minibuses have neither family nor home life. They live in hotels, they drink and they take drugs. This is what they admitted to the researcher. I am saying that this sector requires immediate attention and I am saying to you that this study will be revealed to this country soon. I am just flagging some of what I have seen.

The absence of an educational programme for schools and the public, generally, on the use of our roads, poor highway designs that make no provisions for storage lanes close to some populated areas are some of the issues that cause problems on our roads. Let us be real. The introduction of traffic wardens will not deal with any of these problems. So let us understand where, exactly, we are coming from and where we will go with this new introduction. The perpetual problem relating to the lack of enforcement of all the traffic laws continues to plague us. And, of course, there is the issue of a conflict of interest presented by the ownership and the operation of minibuses by of many police ranks in the minibus sector. This, itself, is a problem.

The confusion that develops around non-working traffic lights, which the Government for some reason seems incapable of maintaining, creates additional problems. The wardens cannot deal with that. These are just some specific problems that I have mentioned and I have not even gotten to those that are generally known. For example, the lack of street lights, markings on the road and those kinds of things.

Those of you who use the East Coast corridor would understand what you have to deal with in the night. There are wild animals on the roadways. There are laws in place that are not being observed that contribute to the problem and the wardens cannot deal with those problems. So let us get real about what, in fact, will happen with the introduction of wardens. However, Mdm. Deputy Speaker, we, this side of the House, would concede that the introduction of traffic wardens would, at the least, alleviate traffic congestion and return some level of order within our city perimeters and for that reason, we will support it.

I can hazard a guess that the remuneration of the traffic wardens would be no better than the payment received by many other public servants at that level. We must also understand that given the low level of wages, temptations will be real for the wardens to go the route of the traffic cops who make extra on the traffic route. This needs to be taken into consideration. I would like to tell the Hon. Minister that when he is considering remuneration for traffic wardens, perhaps, he needs to take an example from what obtains in other jurisdictions...and the kind of persons that he gets. I noticed that the Hon. Member - the Minister in whose name this Bill stands - talked about morality and in choosing the person who will be selected to be wardens, he talked about good training. All those are good and I commend him for that and choosing those suitably qualified. But I can tell you that when I am in other jurisdictions, I notice that traffic wardens tend to be of a certain age – mature - and who operate at certain



times. I need the Hon. Member to think seriously about the selection of traffic wardens so that we do not extend the problem that we have in policing our traffic but, seriously, correct some of the deficiencies that exists today.

Mdm. Deputy Speaker, we support this Bill and we, seriously, hope that the Hon. Minister will give consideration to some of the issues that we raised. I thank you very much.  
[Applause]

**Mrs. Backer:** Thank you very much, Mdm. Deputy Speaker. Like my colleague, Mr. Williams, I rise to support this Bill but want to posit some questions to the Hon. Minister. It is my hope that he may be prepared to include in his wrap up some responses to the questions that I will now propose.

With the insertion of 47 (a), which is what this Bill will do... and I read from 47 (a) (2):

“The Minister may by notice determine the criteria for the appointment of a person as a traffic warden.”

The People’s National Congress Reform 1G (PNCR-1G) found absolutely no problem with that - the minister determining the criteria for the appointment. In other words, as he said, the kind of people that they will be looking for, if there will be an age limit and such like. He sets the criteria. I now go to 47 (a) (1). Our problem is: having set those criteria, why must the Minister still remain in the arena to the extent that the Commissioner has to get his approval to appoint a person? In other words, the Minister, quite rightly, is setting the larger agenda: This is what we are looking for. We are looking for people of certain age who have not committed traffic offences, who are this, who are that and so forth. He has set that stage. Having set that stage, we are of the view that the Hon. Minister should withdraw. Why must the Commissioner of Police have to, actually, now go and give the Minister the actual names of the people for the Minister to say, “No I do not want Mrs. Backer, I do not want Mr. Trotman. I want Mr. Benn, I want Mr. Rohee.?” To us, that is an unnecessary burden for a Minister who, as we have always said, is to set policy, and sit back and say, “This is it. How is it working, is it working well, does it need that?” rather than the day to day operation, “this is who I want, this is who I do not want”.

The micromanaging robs the Minister of that ability to sit back and look at the bigger picture. We would want to suggest, and we hope that the Minister takes it in the spirit that it is given,

that there is no need for the Minister to actually approve the appointment of every single traffic warden, having set the criteria. We hope that he would find favor with that.

When is the traffic warden programme, which I quite like, is expected to be operationalised? I agree that it would not, in itself, fix everything but it is a start; it is a progression along the way. But when is it expected to be operationalised? Is it going to be a pilot project? Is it going to start in Georgetown and be looked at it? Is it going to go countrywide immediately? Those are the kinds of things that we would want the Minister to share with us as he wraps up. An adjunct to that is: how many traffic wardens does the Minister intend to have, what figure is being looked at? Has a study been done to say that it will start with a test figure of fifty or one hundred, and then in an incremental way increased? May we get a little more insight? We do not expect it to be in the Bill. We are not saying that it must be in the Bill but we are saying that that knowledge reposes with the Minister. We are saying to the Minister, “could you assist us so we, perhaps, can assist him in selling this idea of traffic wardens.” We would be able to say to people what is going to happen, what stage it is going to take and all of that.

The question has been, quite rightly, asked about the remuneration and we would be happy if the Minister can share with us what the remuneration is. Is it going to be on a percentage basis like the stray catchers? Would it be that if a person brings in ten thousand tickets, they get a 10% fee? Or is it going to be a fixed salary? We need to know that. Will there be a period, Mr. Minister, of public awareness? Because, of course, once this Bill is assented to, it will come into force. This is relatively new. I heard the older people over on the other side speaking about some “kiskadee police” that I do not know about. Even Ms. Teixeira does not know about the “kiskadee police”. [Ms. Teixeira: I am not that old] Those Hon. Members; Mr. Benn and Mr. Manzoor Nadir, know about the “kiskadee police”. They are on the East Coast Demerara, I understand. But is there going to be a period of public awareness? Because we feel that there should be. There should be public advertisements bringing the public up to scratch with the wardens’ programme. How are they going to look? You see, these people cannot just turn up one morning in a different uniform - because the Bill speaks about uniform – that nobody knows. If I do not know them and they are stopping me in some strange uniform, I would most probably pass on. But if I know that they are coming in and they are going to be on the roads as of “X” day and this is how they are going to be dressed and so forth. So, we would want to suggest that some amount of public awareness would be helpful.

On the other issues, because, as everyone has said, this is one aspect. We have asked, repeatedly, about the rationalisation of streets - the main streets in old Georgetown, central Georgetown to see whether they should be one-way, or whether there should be dual carriageway. Refresher courses for drivers have to be done.

The Minister did also mention that one of the concerns is parking. There is a serious parking problem in Guyana. Everybody is putting up a store on Regent Street and in front of every store the person has a “No Parking” sign because they are trying to safeguard the space for their vehicles. So an owner may have two vehicles and have two parking lots outside his/her store. If every owner comes and parks, there is no parking for customers. Designated parking has to be looked at. A way has to be found because people are going to start parking crazily. I do not know if anybody parks thirty feet away from a corner. We are really overwhelmed with parking and these are things you have to look, at hand in hand, as you bring the public up to scratch with the wardens and what they will be doing.

In closing, I would want to say that Mr. Williams has quite rightly said and we support it. We would be happy if you can share with us the answers to some of the questions that we have asked. Give us some insight into how you propose to really bring the public on board with it. So with those few words, we support the amendment to the Bill. Thank you. [Applause]

**Mr. Rohee (replying):** Mdm. Deputy Speaker, first of all, let me thank those Members, who spoke on behalf of the party, for supporting this Bill.

Some very useful observations were made and I will quickly deal with them because I notice that the time is moving. I do not think that any new initiative to assist in traffic management, whether it is from the Ministry of Public Works - from the engineering perspective, the Guyana Police Force – from the law enforcing perspective, or the Ministry of Home Affairs - from the perspective of this particular initiative, is too late. All are timely, as I have said, given the exigencies of the current situation with which we are confronted and many of these matters have been raised by those who spoke. The call that it is better late than never, I think it is quite apt in the current circumstances.

I support the view that within recent times we have some very horrific and fatal accidents on our roads which have attracted the headlines of many of the newspapers. It is not because of the absence of the laws or infrastructure or enforcement that these accidents have taken place. When you examine the reason for many of these accidents, it has to do with the carelessness

of the driver, the irresponsible attitude of the driver, the reckless nature with which the person is driving. The Traffic Warden Bill is but a contribution to addressing this problem. Whether the introduction of the traffic wardens will help, I prefer to look at it on the more positive side and say, "yes, it will help". The mere fact that we have decided to bring this Bill to this Hon. House is a conviction on our part that it will make a contribution and we have to support it. We have to give it the necessary teeth. We have to give it the necessary support that is required to make it succeed, rather than condemning it before it has even gotten off the ground. I would say, let us give it a chance to succeed and I think we have just made that start in this Hon. House because the Hon. Members who spoke before have sent the first signal, publicly, that they support it.

Most of the issues that have been mentioned in the presentations, we know about. Some are anecdotal. For example, this matter of traffic ranks taking bribes on the road and so forth. We know that these things do happen and that is precisely why the Ministry of Home Affairs has published an advisory in the newspapers, advising members of the public and road users, particularly those who are drivers of vehicles...I am sure that many Members have read those advisories because I know you read very carefully what we say. [Mrs. Backer: Not if it is only printed in the Guyana Chronicle.] It is on our website. We publish these things in order to alert members of the public what to engage in because it is a crime to even offer a monetary payment to someone who is wearing a uniform. I understand that the Commissioner of Police...Mdm. Backer, Hon. Member, if I may get your attention. [Mrs. Backer: That Hon. Member has been on her cellular phone for half an hour now in the National Assembly] That is a matter for the Speaker. [Mrs. Backer: But it is an insult.]

I want to say to this Hon. House that I understand that the Commissioner of Police had issued a Force Order in respect of ranks owning minibuses and using them on the streets. [Mrs. Backer: I did not ask about minibuses] Well, that question was asked by Mdm. Sheila Holder. And in respect of wild animals roaming the road, it is known that we have launched a stray catcher's programme. What is the point in raising these things when it is known that programmes have been launched to deal with these matters? [Mrs. Backer: I did not ask that] Well you may not have asked that but I am coming to the questions that you asked. Please exercise some patience and if not, some tolerance! And do not be distracted by other Members and what they are doing on this side of the House. I want you to pay attention to me, because I was paying attention to you when you were speaking. [Mrs. Backer: That is because I made sense.]

Certain questions were asked by the Hon. Member, Mrs. Backer, that she is very anxious to hear the answers to. Well you may support it but I have to answer you. The Hon. Member wants to know when it will become operational. It will become operational as soon as we have finished our business here and the bill is passed and it is assented to. Then we put the necessary arrangements in place.

One of the first things we will have to do, as you said, is do a public sensitisation programme. We will put a notice in the newspaper; we will put the criteria in the newspapers. We will ask persons to apply. One of the things that we plan to do is: in the same way there was public vetting of Rural Constables, which Members may have read about or seen in the newspaper, there will be a public vetting of all those persons who apply to be traffic wardens. This is so that the public will have a part to play in the determination of the individuals. Will we engage in pilot projects? This is quite possible because what we have noticed is that there are certain dangerous stretches on certain parts of our roads. For example, on the East Bank Demerara from Providence to Grove, there were eight accidents and eight fatalities on that stretch of road alone; in Berbice, there is the No. 19 road which is also a very dangerous stretch of road; on the East Coast Demerara from Friendship to Good Hope is another dangerous stretch of roads; on the West Coast of Demerara between Vreed-En-Hoop and Versailles is also a very dangerous stretch of road. What we may contemplate doing is placing traffic wardens in those areas apart from the city, which will be our focal point of attention.

How many will be recruited? We are aiming at one hundred at the first shot. In respect of remuneration what we did was to look at what the neighbourhood police receive, for example. Neighbourhood police receive \$30,453 per month. Rural Constables, when they collect out to duty by the Commissioner, receive \$38,865 per month. Police constables at first recruitment receive \$52,353 per month. It is proposed that the traffic wardens receive the same \$52,353 per month.

In respect of parking and designated parking, we are working very closely with the Minister of Public Works to determine where parking should be. The Guyana Police Force determines where parks should be established and the Ministry of Public Works does the engineering, the Police having determined where the parking ought to be. We are working very closely with Minister Benn in respect of designated parking areas.

I believe that I have addressed most of the issues. [Mr. Williams: What about powers of arrest?] Regarding powers of arrest, one has to read what the law says; what the Bill says.

There are two issues I have omitted to mention. The Hon. Mdm. Backer spoke about Clause 47 (a) (1) and 47 (a) (2). Well, she is right in the sense that the Minister may by notice determine the criteria for appointment of the persons. That is the general policy. [Mrs. Backer: We do not mind that at all] Good, I do not mind that either. That is why I put it here and I am happy to hear that you do not mind it; I am happy to hear that you do not mind what I do not mind. The other one - 47 (a) (1) – says, “The Commissioner of Police “may” and not “shall”...if it was “shall” it was something different.

“The Commissioner of Police may, with the approval of the Minister, appoint any person as a traffic warden.”

It does not make it compulsory or obligatory for the Commissioner of Police to send this information to the Minister. He may do it. It does not say “shall.” [Mr. Williams: It gives the Minister Veto power] I do not know anything about that.

I agree that we have to look at age; we have to look at maturity. In any case, if one of the criteria is that the person shall be a Rural Constable, because that may very well be one of the criteria that we could use, the Minister will determine the criteria by notice.

9.17 p.m.

The Minister could include, that one of the criteria being that the member should be an RC (Rural Constable). Once he is an RC then he has the powers of arrest. In that matter we deal with that and address the problem. I believe that we have spent a reasonable amount of time on this Bill. I wish therefore to ask that it be read a second time.

*Question put and agreed to*

*Bill read a second time.*

*Assembly in Committee*

*Bill considered and approved.*

*Assembly resumed.*

*Bill reported without amendments, read a third time and passed.*

**Mdm. Deputy Speaker:** Hon. Members this concludes our business for today.

**ADJOURNMENT**

**Mr. Hinds:** Mdm. Deputy Speaker, I move that the House be adjourned until next Thursday the 11<sup>th</sup> of August.

**Mdm. Deputy Speaker:** The House is adjourned until next Thursday.

*Adjourned accordingly at 9.20 p.m.*