

# 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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153<sup>RD</sup> Sitting

Thursday, 19<sup>TH</sup> May, 2011

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*The Assembly convened at 2.16 p.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

## **ANNOUNCEMENTS BY THE SPEAKER**

### **Welcoming of Mr. Carberry**

**Mr. Speaker:** Hon. Members, as Mr. E. Lance Carberry is wending his way to his seat, I will like to welcome him back to the National Assembly after a prolonged absence which I understand was for health and rejuvenated purposes. I do hope that Mr. Carberry is as rejuvenated as he looks and that his valuable contribution to the deliberations in the National Assembly will continue in the same vein as before.

**Mr. Carberry:** Thank you very much Mr. Speaker. It is always good to be at home, and I am at home. My regret is that I have missed all the battles. I understand, as like Shakespeare, “when the hurlyburly's done, when the battle's lost and won”. But I gathered that those who lost are still smiling.

**Mr. Speaker:** I see Mr. Basil Williams, next to you, is very...

**Mr. B. Williams:** I see that we are smiling, Sir.

**Mr. Carberry:** I also gathered that there are some ladies, on the other side, who said that they have missed my head, especially as it glistens at night. So I am back for them. Thank you.

## **PRESENTATION OF PETITION**

### **PETITION OF THE DESCENDANTS, RESIDENTS AND HEIRS OF THE PROPRIETORS OF PLANTATION NORTHBROOK (RENAMED VICTORIA).**

**Leader of the Opposition [Mr. Corbin]:** Mr. Speaker, I think it is under Standing Order 15. I consider it as a unique and distinct privilege to present the petition to this National Assembly on behalf of the descendants, residents and heirs of the proprietors of Plantation Northbrook, now known as Victoria, for the recognition of the historic contribution of their ancestors, then, a group of eighty-three proprietors, who established the first village in the post emancipation Guyana. Recognising the constraints imposed by the rules for this item, I will concisely state that it is historic that in this month of May, the month which is also a reflection of the culmination of our long struggle for political independence, that this petition is being presented to the National Assembly today, almost one hundred and seventy-two years after those eighty-three pioneers surprised the plantation owners and the slave masters that, despite the abominable system of slavery and the use of man as chattel, they were able to accumulate resources and purchased that plantation, within such a short time, after emancipation, and more than that pioneered the way for establishing a system of governance, self governance, in their community, recognising the need to promote economic development through a system of *co-operativism* and, certainly, setting an example for the many other pioneers who followed in their example and purchased the many other villages throughout the length and breadth of Guyana, in then three counties of Guyana.

A few years ago, the late Bill Pilgrim, produced a musical drama called *The Purchase* which was performed for several periods at the National Cultural Centre, and I think that production captured in song and drama the significant contribution of those eighty-three ancestors who pooled their resources to purchase that village, taking their coins in wheelbarrows, in order to demonstrate their desire for independence. The genesis of this petition, Sir, is, I believe, in the First-Village Indaba, held in August 2010, hailed the rebirth of Victoria eighty-three that was organised by a number of the descendents of the eighty-three villagers of Victoria, both in

Guyana and in the diaspora, who, having studied the conditions which now exist in the their village and the plight of many communities which had such promising beginning, thought that it was necessary for the descendants of these villages to do something to bring about a rebirth, not only infrastructural, but spiritually, in these communities. For example, they were able to revisit their history and recognised that way back, I think it was in 1898, that village, in the early form of development, was able to sponsor a horticultural and industrial show in May, 1898, demonstrating what was possible in terms of agricultural development in our country.

Similarly, they were able to recognise that the system of Local Government and self management of their affairs did not begin when the colonial Government eventually introduced Local Government laws in Guyana and established the Local Government system. But that their ancestors had pioneered their way, long before these principles of Local Government were ushered into the colonies, and had developed a system by which they could manage their affairs.

So on behalf of the petitioners, seven of whom signed the formal petition which was sent to this House, the many activists who worked throughout the period, Lynton Luke, Marlon Langhorne, Odellie De Santos, Glennis James, Lennox George, Abram Poole, and some seventy-nine others who signed the supporting petition documents, I recommend this petition to the House, not only as a significant development for the ancestors who pioneered their way in Victoria, but also as a symbolic gesture on behalf of all the villages which had such an illustrious beginning and hope that it has the effect of bringing about, indeed, a rebirth of the spirit of independence, rebirth of the desire to bring about self-reliance and self development and to improve the communities in the many villages which originated immediately after the post emancipation period.

It is my pleasure and honour to formally beg to present to the National Assembly a petition on behalf of the descendants, residents and heirs of the proprietors of plantation Northbrook (renamed Victoria) for the recognition of the historic contribution of their ancestors, then “Group of 83” proprietors who established the first village in post emancipation Guyana. I now formally move that the petition be read.

*Question put and carried.*

Clerk:

**GUYANA**

**COUNTY OF DEMERARA**

**In the matter of recognizing the historic and extraordinary contributions of the “Group of 83” Proprietors who purchased an abandoned plantation and thereafter established the First Village in post-emancipation Guyana; who pioneered a system of self-governance and introduced an economic system founded on the principles of co-operativism; and who thereby made lasting and significant contributions to the development of modern Guyana and emerged a model of global significance and continued relevance:**

**PETITION**

**To: The National Assembly of  
The Co-operative Republic of Guyana  
Public Buildings  
Georgetown**

**THE HUMBLE PETITION** of the Descendants, Residents, and Heirs of the Proprietors of Plantation Northbrook (renamed Victoria) for the recognition of the historic contributions of their Ancestors, then “Group of 83” Proprietors who established the First Village in post-emancipation Guyana and thereby catalyzed the Village Movement and its significant, indelible, and transformational contributions to the development of Guyana, respectfully sheweth:

1. That the petitioners are all adults and citizens of the Co-operative Republic of Guyana; and

Whereas the investment by the “Group of 83” Proprietors with the purchase of Plantation Northbrook, later renamed Victoria, represented the initial investment in the freedom and independence of all Guyanese and signalled a firm resolve and unwavering commitment to the long-term development and future of Guyana;

And whereas the Village of Victoria was the first village to be established in post-emancipation Guyana and the said formation indicated the formal closure of the dark night of human degradation under slavery and represented the commencement of a new phase in the long quest of the Guyanese people for social and economic justice, freedom, and human dignity;

And whereas the pioneering spirit of the “Group of 83” Proprietors, who established, organised, and governed the Village of Victoria, embodied all the hallmarks of leadership, including conviction, courage and innovation; and that their unfaltering and just quest for freedom and human dignity, in spite of monumental setbacks and repeated reversal of fortunes, led them to establish a permanent community and, who through courage and leadership, inspired the “Village Movement” which spawned the rapid formation of villages in Guyana that now represent the home of succeeding generations of Guyanese;

Whereas their descendants and heirs courageously convened the First-Village Indaba - a Conference held in August 2010 - to galvanize residents to creative action in the spirit of the pioneering “Group of 83” in order to compensate for the deepening spread of hopelessness among the young and to arrest further decline in the social and economic fabric of the once prosperous and leading rural community, as well as in all villages in our beloved country;

And whereas that Conference also attempted to investigate and discover the fundamental causes for the precipitate decline of village economies and to evolve a new development paradigm and emerge a new model for village prosperity; and to stimulate entrepreneurial activities and foster renewal for Victorians and all Guyanese;

Noting that the Conference aimed to discover, document, and analyze with a view to strengthening the existing economic, financial and human resource development programs that currently exist in the Village in order to facilitate their improvement, expansion, and transformation for the benefit of Victorians and all Guyanese;

Noting further that the Village of Victoria pioneered, by way of the inaugural Victoria-Belfield Horticultural and Industrial Show of May 1898, the holding of agricultural exhibitions, and noting the impact that the exhibitions have had on the development of agriculture and the agro industry, and that outcomes of the Conference contemplate a future akin to the spirit of the pioneering “Group of 83” for all Guyanese, individually and collectively;

Additionally, noting that the Village contains many landmarks of historical significance which must be restored and preserved for the cultural benefit of the Nation and as a legacy of Guyana's pioneering spirit;

**2. AND YOUR PETITIONERS AS IN DUTY BOUND DO HUMBLY PRAY:**

(i) That the First-Village Indaba held in August 2010 be recognized as the "Rebirth of the Victoria 83" as an acknowledgment of the creative genius of the founders of the Village and their pioneering role in the continuing quest of the Guyanese people for the pinnacles of economic independence, social justice and human dignity.

(ii) That in a bold and studied manner an agricultural and trade show be organised and hosted by the Village of Victoria in 2014 in honour of the celebration of the 175<sup>th</sup> Anniversary of the founding of the Village and the commencement of the "Village Movement", and in recognition that Victorians were among the first in the Nation to introduce the concept and event of the national agricultural show in Guyana; and that the organising committee seek and enlist wide support from government and industry for the preparation and hosting of this national event.

(iii) That in response to the overwhelming desire of Victorians attending the First-Village Indaba and persons who were unable to attend, that another Village conference be held in August 2011 during Emancipation Week and that "A Monument to Our Ancestors" be included in the formal and official activities of the nation for the observance of the United Nations International Year for People of African Descent and that the said Monument be unveiled at the identified central and historic location in the Village on the date the pioneering "Group of 83" purchased Plantation Northbrook.

(iv) That the historic landmarks and artefacts in the Village including the Wilberforce Congregational Church, be restored and preserved for the benefit of the villagers and all Guyanese, and that immediate steps be taken to approach the National Trust and other organisations dedicated to such work for assistance to identify, catalogue, restore and preserve all landmarks and artefacts.

3. Wherefore your Petitioners humbly pray that the National Assembly will be pleased to accept and adopt their Petition.

**Petitioners:**

1. Michael Spencer
2. Maureen Philadelphia
3. Debbie Weekes
4. Lucretia Meusa
5. Angelene Poole
6. Rexford Jackson
7. Desmond Saul

Dated this 4th day of April, 2011.

**PRESENTATION OF PAPERS AND REPORTS**

The following Papers and Report were laid:

1. (i) Financial Paper No. 1 of 2011 – Supplementary Estimates (Current and Capital) totalling \$1,978,210,661 for the period 2011-04-04 to 2011-05-11.  
  
(ii) Financial Paper No. 2 of 2011 – Supplementary Estimate (Capital) totalling \$4,276,136, 969 for the period ending 2011-12-31.

*[Minister of Finance]*

*The Minister named Thursday, 2<sup>nd</sup> June, 2011 as the day for consideration of Financial Papers in Committee of Supply.*

2. The Central Housing and Planning Authority Annual Reports for the years 2006, 2007, 2008 and 2009. *[Minister of Housing and Water]*

## QUESTIONS ON NOTICE

### [Oral Reply]

**Mr. Speaker:** Hon. Members, there are two questions on the Order Paper; question 1 is for an oral reply, Ms. Amna Ally. Is there anyone asking on her behalf?

**Prime Minister and Minister of Public Works and Communications [Mr. Hinds]:** Mr. Speaker, Minister Baksh...

**Mr. Speaker:** Well, we have not got the question as yet. Can someone read the question?

**Mr. Carberry:** Mr. Speaker, I am asking that the question be deferred for the time being.

**Mr. Speaker:** Well, I notice that the Minister is not here either. Are you asking for it to be deferred as well?

**Mr. Hinds:** Yes.

*Question 1 is deferred.*

### [Written Reply]

## THE CURRENT INCREASE IN WORLD FOOD PRICES, WHICH AFFECTS MANY DEVELOPING COUNTRIES

**Mr. Trotman:** 1. What will be the approach of this government in reducing food prices having regard to and against the background of the measures undertaken by the World Bank to alleviate the negative consequences of increased food prices in the poorest countries, including the investment of US\$1.24 billion in 35 countries up to September, 2010; also having regard to the Bank assisting countries to develop risk management products to increase capacity respond to future price increases and promoting a market-led approach to stabilising food price volatility, while the UN Conference on Trade and Development (UNCTAD) sees more room for international management of food markets, including “taxation measures to reduce speculation in global commodity markets”, “innovative commodity price stabilisation schemes” and “emergency finance to protect poor countries during commodity price shocks”?



2. What policies will be undertaken, in cooperation with International Financial Institutions, to encourage investments in agriculture to help prevent chronic insecurity, in particular in Least Developed Countries (LDCs)?

### **Global Food Price Watch – April 2011**

**Minister of Agriculture [Mr. R. Persaud]:** Global food prices remain high, partly due to increasing fuel prices, and the World Bank’s Food Price Index is around its 2008 peak. Since June 2010, an additional 44 million people fell below the \$1.25 poverty line as a result of higher food prices. Simulations show that a further 10 % increase in the Food Price Index could lead to 10 million people falling into poverty, and a 30% increase could increase poverty by 34 million people. Low-income and lower-middle-income are experiencing on average 5% points higher food price inflation compared to better off countries. A comparison of price changes within countries shows that price spikes, and therefore poverty impacts, can be highly localised. Immediate actions include targeting social assistance and nutritional programmes to the poorest in areas where food prices have spiked. Macro-policy measures need to be informed by the extent that commodity price increases are feeding into inflationary expectations; net commodity importers need to monitor external sector vulnerability. Investments in increasing agricultural yields in an environmentally sustainable manner, efficiency gains in food import supply chains, and greater use of risk-management tools such as hedging products are examples of medium-term policy goals to improve food security.

### **Local Policy Responses**

The Government of Guyana has, for quite some time, taken the issue for food security seriously. This is mainly evident in the execution of a number of programmes and projects aimed at tracking food security issues.

### **PROGRAMMES AND PROJECTS AIMED AT TRACKING FOOD SECURITY ISSUES**

These include:

<b>No.</b>	<b>Projects Name</b>
1.	Poor Rural Communities Support Project (PRCSSP)

2.	EU Rice Competitiveness Programme (EURCP)
3.	Purchase of equipment / Italian Soft Loan Project (ISLP)
4.	Agricultural Support Services Programme (ASSP)
5.	Regional Transformation Programme for Agriculture (RTPA) and the Jagdeo Initiative
6.	Introduction of aquaculture and other integrated production management practices to rice farmers
7.	Production of cashew nuts in the Rupununi and soyabean in Region 9
8.	Agricultural Export Diversification Programme (ADP)
9.	Rural Enterprise Development Project (READ)

### **Grow More Food Campaign**

Strategy for addressing food security issue is primarily embedded in the internationally-recognised Grow More Food Campaign which is being driven by the IDB- funded Agricultural Export Diversification (ADP) Project – US\$ 21.9 million and the IFAD-funded Rural Enterprise and Agricultural Development (READ) project- US\$ 6.9 million.

### **Grow More Food Campaign - Objectives**

The Grow More Food Campaign was launched by the Ministry of Agriculture in 2008 to address the very issue of “high” food prices. Objectives include:

- Ensuring Guyana’s food security during the period when rising fuel prices were causing food prices to rise and food was becoming less accessible to many persons globally [2007-8];
- Maintaining Guyana’s presence in existing markets and capitalising on new markets opportunities;

### **Grow More Food Campaign - five-step plan**

The Grow More Food Campaign was launched under a “market-led” approach on March 29, 2008, comprising a five-step plan:

### **1. Implementation of US\$ 21.9M Agricultural Export Diversification (ADP) Project**

This project is currently being implemented by the Agricultural Sector Development Unit of the Ministry of Agriculture. Key aspects include the formation of these clusters; fruits and vegetable, aquaculture and livestock. The global competitiveness of the specific products promoted by these clusters was confirmed through marketing studies. The ADP project aims to increase Guyana’s export growth rate and reduce its volatility by focusing on developing commodity chains on nontraditional agricultural products through the value chain approach. Under the ADP two semi-autonomous agencies were established to facilitate the exportation of livestock and crop products respectively. Both agencies, the Guyana Livestock Development Authority (GLDA) and the National Agricultural Research Extension Institute (NAREI), were created by separate Acts of Parliament and incorporated Crops and Livestock services associated with the Government.

It is expected that over time increase in export of Crops and Livestock products will enable local entrepreneurs to afford the economic cost and fees of services. These increased revenue streams will ensure improved benefits to professional and technical staff for the proper functioning of these services.

### **2. Implementation of US\$6M Rural Enterprise and Agricultural Development (READ) project.**

This project is also being implemented by the Agricultural Sector Development Unit of the Ministry of Agriculture. The overall goal is to improve the livelihood of vulnerable communities while key aspects of this project include working with rural communities to build their capacity to capitalise on market opportunities.

### **3. Increased investment in drainage and irrigation**

This project includes restoring drainage and irrigation to areas abandoned by farmers and training farmers to manage the maintenance of rehabilitated structures. Over the last two years more than \$5 billion has been spent in this area.

#### **4. Enhanced extension service**

The extension service has been revamped to enhance its service to the farmers. Activities included acquisition of vehicles, more qualified officers from Cuba and other agricultural institutions and training for all of the Ministry of Agriculture's staff. Staff are now more capable of responding to the farmers' needs.

#### **5. Increased availability of seed and planting materials and improved breeding stock**

The increased availability of seed and planting materials and improved livestock breeds has led to the increase in food availability both for local consumption and for export.

**Other efforts to ensure sustained effective food production include:** expansion of spice cultivation, primarily in hinterland communities; the provision of adequate and timely extension and crop protection services to farmers to increase production and productivity; facilitating the acquisition of equipment, embryos and breeding animals for the Guyana Livestock Development Authority (GLDA) and ensuring that farmers are kept abreast with the appropriate relevant technology to maximise production. An additional shade house and greenhouse will be built at Mon Repos to be used for training/demonstration facilities.

**Additionally,** the Guyana Marketing Corporation is set to work with supermarkets and various manufacturers to ensure that more local products are on sale in these stores. As part of the Ministry of Agriculture mandate, the National Agricultural Research Extension Institute (NAREI) in collaboration with the Rural Enterprise Development Project (READ) and the Agriculture Export Diversification Programme (ADP) will seek to underline a number of projects that will be undertaken to improve production and productivity of the four p's (plantain, pumpkin, pepper and pineapple). These will increase the acquisition of improved varieties that meet market demands. New varieties of cassava would be acquired and distributed to farmers. Work programmes would also be developed in collaboration with various fruits and vegetable cluster. Integrated farming in coconut growing regions will be conducted to improve productivity while prospects of producing value-added coconut products such as virgin coconut oil, milk powder and desiccated coconut will be examined.

**More specifically an inter-ministerial committee appointed by Cabinet to address volatility of prices, food availability related matters**, identified measures to cushion the impact of price increases and increase agricultural productivity. Many of these recommendations have been implemented and some are on-going. These include:

- Monitoring food supplies and prices
- Determination of essential food basket for rural and urban household (An essential food basket as determined by the Inter-Ministry Committee on food includes: rice, bread, split peas, black-eyed peas, channa, chicken, beef, pork, eggs, salt fish and dried shrimp, plantains, cassava, milk and milk products, oil and fats, vegetables and vegetable products
- Increasing the availability of seed and planting materials and genetic stock.
- Monitoring of exports and tracking of supply through the New GMC to ensure even availability
- Increase the production of substitute products such as red peas, pigeon peas, black-eyed peas, kidney beans, etc., by encouraging farmers within specific location in the country.
- Developing a mechanism for the monitoring of the quality of feed and the health of baby chicks. Enforcement of the regulation on the vaccination for baby chicks.
- Encouraging the use of locally grown materials for feed.
- Developing and enforcing regulations of the slaughtering and consumption of healthy mature animals.
- Developing deep sea fishing.
- Improving drainage and irrigation systems for rice cultivation areas that already have these infrastructures, to increase rice yield and bring additional acres to cultivation.
- Improving the agronomy of the rice crop to increase the yield so that they may achieve their full potential.

To achieve **the overall goal of ensuring that the most vulnerable people and communities are not denied access to nutritious food**, Government recognises the need for the following practical and interconnected steps to be implemented:

- Increasing public access to information on the quality and quantity of agricultural stock. Better information reassures markets and helps calm panic-induced price spikes.
- Improving long-range weather forecasting and monitoring. In a country like Guyana where yields depend on rainfall, poor crop projections amplify price swings. Better weather forecasting would enable people to plan ahead and anticipate needs. The Hydrometeorological Service (Hydromet) of the Guyana and the Ministry of Agriculture is already helping in this area.
- Deepening our understanding of the relationship between international prices and local prices in our local economy.
- Ensuring effective social safety nets. It is vital that we protect the most vulnerable populations, such as pregnant and lactating women and children under two. We need to connect agriculture and nutrition, and help communities target those most in need at reasonable cost.
- Helping smallholder farmers become a bigger part of the solution to food security. Almost ninety per cent of staples in poor areas come from local sources, so support for country-led efforts to bolster smallholder agriculture is critical.

Government is aware of the need to:

- Encourage the populace to use local produce.
- Promote the population of biofuels.
- Fabricate and promote low-cost equipment to process virgin coconut oil where coconuts are available.
- Promote kitchen gardens and school farms.
- Fast track projects to be implemented by hinterland communities under the Low Carbon Development Strategy.
- Promote more agro-processing activities.
- Reduce the role of middle men and their influence by creating farmers market where farmers and farmers groups can market their own produce.
- Increase the supply of food through increasing the number of production areas by both resuscitating former production areas such as Buxton, Victoria, etc., and opening up new areas such as Pomeroun.

2. The Food and International Organization of the United Nations (FAO) has called upon countries to carefully examine the implications of high food prices and not to take any policy actions that might appear useful in the short term but could have harmful, long-term effects or even aggravate the situation. The experience of the 2007-2008 food crisis shows that in some cases, hasty decisions taken by governments to mitigate the impact of the crisis have actually contributed to, or exacerbated the crisis and aggravated its impact on food insecurity. For example, export restrictions, applied by some surplus food producing countries, exacerbated the global food market situation during the 2007/2008 crisis. FAO strongly advises against such measures, as they often provoke more uncertainty and disruption on world markets and drive prices up further, globally, while depressing prices domestically and hence curtailing incentives to produce more food.

### **Local Policy Responses**

In order to tackle the root causes of hunger, the Government of Guyana is continuously increasing investment in agriculture, expanding safety nets and social assistance programme, and enhancing income-generating activities for the rural and urban poor.

For the poor, agricultural production is both a source of food and a source of income. Climate change impacts on four key dimensions of food security – availability, stability, access, and utilisation. Thus, agriculture plays an integral role in addressing climate change issues. A policy of climate-smart agriculture is adapting to significant impacts of climate change, while at the same time providing food for a growing population. Meeting climate change, food security and trade commitments present both challenges and opportunities for the agri-food sector. The GOG's policy commitment will play an important role in maintaining a viable agriculture economy in the face of climate change.

In addition to many initiatives taken by the MOA (for example Grown More Food Campaign, the Agricultural Export Diversification Programme and the Rural Enterprise Agricultural Development), to ensure that Guyana is on a sustainable path of being food secure, Government has also directed focus to those policies which will enhance our food security status and actions which can cushion the effects of any future food crisis.

The **Low Carbon Development Strategy** presents various opportunities for Guyana's agriculture sector such as investment in the strategic economic infrastructure (drainage, irrigation, road construction and off-grid power). This would improve access to infrastructure for agro-industrial investment in currently unused, non-forested land. Such improvements would also facilitate investment in high-potential low-carbon sectors such as fruits, vegetables, aquaculture and bio-ethanol production, and sustainably managing the forestry sectors, so creating opportunities for investment and development by the indigenous population in areas such as cattle rearing and value-added production.

Further, the **implementation of a successful Food and Nutrition Security Strategy** for Guyana (which is finalised for submission to the National Assembly) will impact every element of the local economy. Ensuring that the country is food-secure will make possible the achievement of national and international goals. This strategy will be integrated into current and future policy documents for Guyana, thereby ensuring sustainable development for the economy.

**Actions considered to cushion the effects for any future food crisis include:**

**1. Effective policies and technology investments to minimise food-fuel competition**

Public policies will be aimed at reforming existing biofuel policies and subsidies to maximise environmental benefits while minimising the possible contribution of biofuel demand to the volatility of international and domestic food markets.

**2. Social protection, especially social safety nets**

For the most vulnerable groups, including women and young children, safety nets should be effectively combined with gender-sensitive interventions that increase the productive capacity and improve the health and nutrition of vulnerable households and individuals. A combination of social protection and agricultural support interventions can lead to greater impacts on food security than either intervention alone.

**3. Transparent, fair and open global trade**

Although export bans may help to secure domestic food supply in some countries, they lead to tighter markets for other exporting countries and induce panic purchases by food-importing



countries, both of which lead to further price increases and volatility. In addition, eliminating export bans could benefit domestic food markets, since export bans tend to inhibit domestic production response, which could potentially exacerbate domestic supply problems.

#### **4. Fiscal Policy and Macroeconomic Stability: Automatic Stabilisers Work Always and Everywhere.**

Fiscal policy can contribute to macroeconomic stability through two main channels.

The first is the automatic reduction in government saving during downturns and increase during upturns, cushioning shocks to national expenditure. Such automatic stabilisation occurs because tax revenues tend to be broadly proportional to national income and expenditure, whereas public spending reflects government commitments independent of the business cycle and entitlement programmes specifically designed to support spending during downturns. Also, to the extent that government consumption is less volatile than other components of GDP, the public sector contributes to output stability through a mere composition effect of domestic expenditure.

Second, the government can deliberately change public spending and tax instruments to offset business cycle fluctuations. Finally, the structure of the tax and transfer system can be designed to maximise economic efficiency and market flexibility, thereby enhancing the resilience of the economy in the face of shocks.

**In many regards, Guyana has been ahead in taking steps required to cushion the impact of global food price on our population and to be in a position to assist the CARICOM Region.**

#### **INTRODUCTION OF BILLS AND FIRST READING**

The following Bill was introduced and read for the first time:

#### **ADOPTION OF CHILDREN (AMENDMENT) BILL 2011 – Bill No. 8/2011**

A Bill intituled:

“AN ACT to amend the Adoption of the Children Act 2009.”

*[Minister of Human Services and Social Security]*

## **PUBLIC BUSINESS**

### **GOVERNMENT BUSINESS**

#### **BILLS SECOND AND THIRD READINGS**

##### **1. ANIMAL HEALTH BILL 2011 – Bill No. 4/2011**

A BILL intituled:

“AN ACT to control the movement of animals into and within Guyana and to prevent the introduction and spread of animal diseases within Guyana and from other countries, and to ensure the safe and humane movement of animals to and from Guyana and to regulate the importation and production of animal products and livestock feeds and other matters thereto and connected therewith.” *[Minister of Agriculture]*

**Minister of Agriculture [Mr. R. Persaud]:** In standing to move the second reading of the Animal Health Bill of 2011, I first wish to say that the three pieces of legislation that we have coming, or being debated here, today, are, certainly, a fitting tribute and will reflect the support for the petition made by Mr. Corbin, given the role played by our ancestors and those who purchased and started agricultural activities at Plantation Northbrook, certainly, will further the efforts by those currently living in the community to revive and to resuscitate that agricultural development. The Bills which we have before us will certainly give support to that endeavour.

The reformation of the Animal Health Bill, Plant Health Bill as well as the Seed Bill, that is, the introduction of the Seed Bill, fit smoothly into the agricultural spectrum, and the world, that in itself, is encouraging the transformation and modernisation, and even the upgrade, of the agricultural systems, and even institutions. At the outset, let me say that, in the interest of time and to prevent repetition, I would provide an overview because the pieces of legislation are linked, they are three strands certainly of a wider programme that there is, in terms of modernising the sector. So, I will, in the second reading of the Animal Health Bill, provide that general overview that certainly will relate and has some direct bearing on all three pieces of legislation.

These Bills fit into the regional framework and we all are aware that CARICOM has just adopted a joint and a cohesive approach through the establishment of the Caribbean Agricultural Health and Food Safety Agency, which is housed and based in Paramaribo, with the aim of standardising and improving the regional agricultural system in a unified approach just to assuring that the food which are consumed, and are being produced, are fit not only in terms for our own consumption, but also are free of diseases and contaminants. Certainly, as we are taken these steps here, today, indicates Guyana leading role as an agricultural nation within the region. Further, the FAO and other international organisations are involved in the establishment of a global framework to control trans-boundary animal as well as plant diseases. This approach is being critical, more and more, as buyers seek to assure that the food produced and made available meet internationally accepted safety standards.

Further, these approaches can be considered as critical, coming at a time when more than one billion people, according to the FAO, are undernourished, owing largely to food insecurity. In fact, the world is currently on the precipice of another food crisis – a situation be worsen by rising fuel prices as well as a number of horrific climatic events. At the same time, the FAO is projected that world agricultural production will grow at a slower rate over the next decade while the location of world agricultural market expansion will move towards the direction of developing countries. New technologies in tandem with continuing globalisation and integration of agri-business supply chain will certainly continue to alter trade flows towards more processed product. However, projected growth in agricultural commodity trade is expected to lag behind in its potential due to persistent high trade barriers as well as regulatory controls related to food safety and environmental concerns.

Countries of the Caribbean are both, to a greater extent, importers of food and, to a lesser extent, exporters of food, and Guyana being one of those leading exporters of food from the region. Our country has the capacity to produce and export more food and food products, but today we still face restrictions in the marketplace, particularly in the Caribbean, due to poor or, certainly, the absence of proper agricultural health and food safety practices and legislation as well as systems. This is negatively impacted on our exports of non traditional commodities as well as our ability to earn more as a nation. Thus, the need for us to revise, as we are doing here, today, and also

introduce clause that can boost this area of the sector, thus realising greater benefits for our farmers, producers and exporters.

*2.46 p.m.*

We can conclude that in the spirit of agricultural trade liberalisation and trade reforms which are being pursued within the region, it is imperative that Guyana takes steps such as the one being pursued here, today, which fits into that wider framework of reforming the sector to ensure that necessary legislations are upgraded, as well as to introduce needed framework, as well as legislative arrangements, so that it can take full advantage of the new wave of agriculture.

Guyana, today, finds itself in a unique position to capitalise on this situation, given its small population size, large arable land and available fresh water resources. And, certainly, once these are maximised, it will lead to Guyana being the leading player in terms of exports of agricultural commodities. Already, we have embarked on a major agricultural diversification thrust which embodies revamping of the legislative framework, increasing institutional capacities, the development of cluster value chain for selective commodities, as well as providing financing grants and other support.

More importantly, these pieces of legislation here, today, will allow for our population to be assured that what we produce, and what is made available to it, is certainly safe. Also, it will reduce, give us the framework and, certainly, allow us to develop the systems to reduce the transmission, from animal to humans, of animal borne diseases.

The existing framework and, specifically, animal and plant health legislation, because we do not have, currently, any seed legislation, are associated with the laws of the mid-twentieth century. Certainly, all of us would agree that there is need for us to upgrade, and, certainly, to bring up to date...given what is taking place globally.

The components of the existing plant protection regulation, for example, are unable to provide adequate phytosanitary services to Guyana. As such, with the aim of securing common and effective action to provide the spread and introduction of pests of plant, plant products, and to promote appropriate measures for their control, Guyana has to adopt a number of technical

legislative as well as administrative procedures under the International Plant Protection Convention.

The Plant Protection Act, Chapter 68:03 of the Laws of Guyana, which flows from the plant quality services unit and enables that unit to function, needs revamping, and when we come to the Plant Health Bill, we will certainly see the new systems and new arrangements which are required. More importantly, these Bills will also make Guyana compliant with a number of international conventions as well as regulations. For instance, it will encompass aspects relating to the agro-ecosystem health, sustainable use of agro-biodiversity, issues relating to interim germplasm biosafety measures, animal health and safety of animal products, food safety, generally, interim and substantive biosecurity measures against trans-boundary diseases, sound sanitary and phytosanitary framework for monitoring and enforcement, quality assurance of animal and plant derived for food products for local consumption as well as exports, food and nutrition security, regional and international agricultural sector competitiveness, as well as mainstreaming, at all levels, and ensuring harmonisation of our national laws within the context of a number of international treaties.

Also, these Bills will allow us to be compliant and will not conflict with the Convention on Biological Diversity of 1992, limited aspects of the Cartagena Protocol on Biosafety, the International Plant Protection Convention, the Food and Agriculture Organization (FAO) International Undertaking on Plant Genetic Resources, International Treaty on Plant Genetic Resources, the International Code of Conduct on the Distribution and Use of Pesticides, the Rotterdam Convention, the Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants, the Convention on the Protection and Management and Development of the Marine Environment of the Wider Caribbean Region, Sanitary and Phytosanitary procedures of the WTO, the Convention on Plant Variety Protection, the World Organisation of Animal Health (OIE) standards in relation to sanitary and phytosanitary procedures, as well as the World Health Organization on zoonotics, surveillance, directives as well as risk analysis management. These pieces of legislation will certainly bring Guyana up and allow it to be compliant and, certainly, in line with the number of treaties and conventions I have referred to.

Nationally, the legislation before us will aid our process of modernising but, certainly, expedite the agricultural diversification thrust. Already, the semi-autonomous agencies were created to manage livestock, that is, the Guyana Livestock Development Authority (GLDA) and for crops development, the National Agricultural Research and Extension Institute (NAREI). These programmes are aimed at developing the export of non-traditional agricultural products and, at the same time, ensuring food security and availability for our local population.

With the GLDA now in place, we will be able to address all areas of animal health and production in a manner that cannot be accommodated under the current system or the system which existed before. Certainly, also, as part of this new entity, a state-of-the-art veterinary diagnostic lab will be built, construct a new reproduction laboratory to process semen for artificial insemination as well as embryo transfer to livestock. We have already done so with sheep and will now be moving in the area of cattle. Certainly, having this framework, the provisions in this Bill will bring the Breeding Enhancement Programme as well as the plan to construct a modern, state-of-the-art abattoir... put the necessary conditions and the environment in place so these programmes and efforts can realise their full potential.

With NAREI, on the other hand, adequately, plant health issues will be able to be addressed. As you know, many of the farmers, especially those engaged in plantain production, are faced with the Black Sigatoka which is also affecting close to ten other Caribbean countries, but gave us further legislative tool as well as additional measures to cope with the threats to plant health, seed technology, crop propagation, and crop modernisation through research and extension activities. Also, these will be facilitated, as we have started already, through the rehabilitation and modernisation of laboratories including the biotechnology lab, plant pathology, tissue culture as well as the sea technology labs which are currently being undertaken. We are moving to construct these new facilities, introduce these new techniques and expand, but, currently, we have an absence of the necessary framework to control and to better manage, and, again, it urges us to move in the direction as we are seeking to do here and to get the National Assembly's support.

The three Bills will also aid in the realisation of other larger Government initiatives. Take for instance the Low Carbon Development Strategy, a component of which looks at not only greater diversification but, also, a stronger value added agricultural sector. But if we do not have the

provisions and the guidelines as well as the controls and the facilitation arrangement, it certainly will not allow us to realise that vision. Also, it will aid and accelerate our efforts within the Grow More Food Campaign which was launched in 2008 because it is being propelled and driven by two major projects, that is, the Rural Enterprise and Agricultural Development Project which targets small rural farmers, as well as the Agricultural Export Diversification Programme which targets larger, medium sized farmers and to aid this process of transformation. By having these pieces of legislation in place, as I said, it will allow us not only to modernise or upgrade but, certainly, to be competitive not only regionally but also to deal with competition from the United States of America, Central America, Africa and even Asia.

Further, and very importantly, the maintenance of food security and food availability for all the people is an important goal and a thrust that we will continue to put a lot of emphasis on. This type of legislation and the efforts we are making here, today, will allow us to continue to be compliant and allow us to maintain our goals, our commitment, within the context of the Millennium Development Goals (MDG), especially MDG 1 which looks at eradication of extreme poverty and hunger. Last year, Guyana was one of the few countries in this hemisphere which has been singled out for making significant gains in this regard.

I have referred to the changes that are taking place regionally and internationally, and, if we, in Guyana, do not, ourselves, upgrade and make the necessary changes, certainly, we will not only be left behind but will miss the tremendous opportunities to be a producer and exporter of food to the region and even beyond.

Turning to the Animal Health Bill, as I have pointed out, this is a complete revision of the current legislation which is referred to as the Animals (Movement and Disease Prevention) Act of 2003, and the Bill before us repeals the Animals (Movement and Disease Prevention) Act of 2003 and will allow Guyana not only to be in harmony with the CARICOM legislative format, but, certainly, allow it to now meet European and even US standards. Also, the Bill caters for the establishment of the National Advisory Committee on Animal Health and the National Committee on Aquatic Animal Health Management and the composition, as well as the functions, of these committees, as well as the systems which are being set up are clearly defined in the legislation.

This new section places the formulation of animal policy in the hands of the body of professionals of the highest calibre that can be found in Guyana and not into a limited group. Aquatic health, by itself, is important, given the new thrust that we are making and I speak, particularly, in the area of aquaculture and having that type of legislative reach and coverage will allow our aquaculture products to be certified and to have access into new markets.

Other areas introduced in the Animal Health Bill of 2001 looked at expanding interpretation as well as the scope to make regulations to cover crucial areas such as animal welfare, animal traceability and feeds. This base legislation will be supported by a number of new regulations, prescribing animal quarantine procedures, animal welfare as well as aquaculture protocols that will, when compliant and be established, make Guyana a trusted source of animal products.

In moving to have the Animal Health Bill 2011 read a second time, I will be making several amendments to the current copy that we have here and these are merely typographical amendments, Mr. Speaker, at the appropriate time. With those remarks, Mr. Speaker, I wish to move that the Animal Health Bill No. 4 of 2011 be read a second time. [Applause]

**Mr. M. Williams:** Like the Hon. Minister pointed out, the Animal Health Bill 2011, Bill No. 4 of 2011, was born out of the Pan American Health Organization's CARICOM Food Safety Framework Programme. According to Dr. Julie Gerberding, who was a Director of Centers for Disease Control (CDC) News Conference in January, 2004...this is what she said:

“Eleven out of the last twelve emerging infectious diseases of the world would have arisen from animal sources so what we really need to work on is the relationship between the human health surveillance system and the animal health surveillance system.”

In this regard, Lloyd A. Webb, Adviser to Veterinary Public Health Office of the Caribbean Programme Coordination Unit, in a paper entitled, *CARICOM Food Safety Legislative Framework Programme in Barbados and the OECS*, speaks of a United States Agency for International Development (USAID) project which had as its purpose:

“To enhance the capacity of CARICOM states, namely Barbados and OECS countries, to meet the World Trade Organization's sanitary and phytosanitary



requirements for foods of animal and plant origin that are to be consumed by humans.”

The USAID project was designed to ensure that all laws, Acts and regulations which deal with food from the farm to the table in Barbados and Organisation of Eastern Caribbean States (OECS) countries, and, particularly, with sanitary and phytosanitary measures, are adequately examined at the specific national level and updated to the compatible and international expectations. Having said that, it is fair to say that this Bill, No. 4 of 2011, fails to make the connection between animal and human health, and related issues, of universal concern. The Bill fails to make provision for interagency collaboration and for the intervention of the Ministry of Health in emergency and other similar circumstances. In short, there is no role for the Ministry of Health. If the Bill is born out of this Pan American Health Organization (PAHO) idea and has precedent legislation, both Acts and regulations in Barbados and OECS countries, but fails to deal with the core issues of the conceptual idea, what really motivates this Bill being brought before the National Assembly for passage today? This question is even more pressing given that there is an existing Act, the Animals (Movement and Disease Prevention) Act 2003, which is currently enforced. We will find out the answer as I proceed.

I shall now examine the Bill in some detail. The Animal Health Bill 2011 is intended to repeal the Animals (Movement and Disease Prevention) Act 2003. The Bill critically removes the parliamentary oversight provisions contained in the current legislation. Interestingly, it also removes oversight by Cabinet. It essentially allows the Minister wide and sweeping discretionary powers. Those in the system at the Guyana Livestock Development Authority know only too well of the effective control now exercised by the Hon. Minister over the emasculated technical staff of the GLDA. This demoralised bunch of professionals will be charged with the implementation of the proposed legislation once it becomes law. Some from among their number will be identified as authorised officers, under the law, and given police powers to stop, search and detain. [**Mr. Neendkumar:** Is it Sup or stop?] We are not talking about your meal, Mr. Neendkumar. It does not matter to the Minister. It appears that none of those public servants has been trained in enforcement. The Bill further waters down the enforcement capability of the police. It removes the provision of the existing Act which requires that the police officer be of the rank of inspector, or above, to do certain things under this Animal Health Act. The Bill seeks

to have these demoralised officers mobilise sensitive enforcement of local and international dimensions even though the administration has clearly conspired to deny them their traditional duty-free concessions to discharge their responsibilities in the far-flung Regions of Guyana.

While I am happy for the Guyana Teachers' Union on successfully negotiating duty-free concessions for head teachers, I note the Government's withdrawal of the same facilities for field officers of the Guyana Livestock Development Authority and the National Agricultural Research and Extension Institute who, prior to the coming into being of these new entities, enjoyed these facilities. It is true that the GLDA Act provides, at sections 11 (3) and 11 (4), that:

“The officers and employees of the Department, Division and Programme shall be employed on terms and conditions as maybe agreed upon between the authority and each person so employed. The terms and conditions referred to in subsection (3) which, taken as a whole, shall not be less favourable than those applicable to an officer or employee of the Department, Division and Programme immediately before the date of the commencement of this Act.”

It is also true that the Government has failed to honour this provision as it relates to GLDA and NAREI. The Ministry of Agriculture and Boards of Directors of GLDA and NAREI continue to avoid the fulfilling of the legal requirement of settling the severance and superannuation benefits issues in these entities, following the dissolution of the Crops and Livestock Division of the Ministry of Agriculture.

*Mrs. Edwards in the Chair.*

Welcome Madam Speaker.

This is by any standard a highly unethical position to take and defies the objectives set out in the Act of the seamless transfer of officers and employees of the entities which now make up the GLDA and NAREI. One wonders, therefore, will these bodies be able to implement this soon to be Act in these circumstances? In the meantime, Guyana Sugar Corporation (GuySuCo) will be paying out \$300 million in severance pay to the workers of the Diamond Estate. The transfer of workers from Diamond to other estates is available, whereas the Crops and Livestock Division has been scrapped.

I refer to a *Kaieteur News* report of Wednesday, May 18, 2011 at page 3. In reporting on Minister Persaud's intervention, the *Kaieteur News* states:

“He beseeched the workers to return to their duties after being paid severance since their families as well as the country's development and sustenance depended on their actions.”

Does not an equity question arise here? Is the Minister saying to the technical people at GLDA and NAREI that they do not matter in the whole context of their families and the country's development and sustenance? Is this another case of different strokes for different folks? I question the GLDA's state of readiness and capacity to implement this proposed legislation. To this date, there is no published organisation structure of the GLDA. So when reference is made exclusively to its animal health unit it does not allow this Hon. House to get a comprehensive appreciation of what other operational units and methodologies of implementation obtain at the Guyana Livestock Development Authority. What of pasture where Neendkumar needs to go? Research and other technical areas, how are they to be peopled? One recalls the Minister visiting schoolchildren among whose number was my son... [**Mr. Neendkumar:** Do you have a son?] You carry yours around. Mine goes to school... saying that we lack the technical competencies to man the soon to be constructed state-of-the-art laboratories. Indeed, the human resources policy has not been implemented to date. I suspect that this document deals with the transfer of benefits and operationalisation of the not less favourable benefits issues, among others. This may be the reason.

*Mr. Speaker in the Chair.*

Mr. Speaker, if you were to consider the Bank of Guyana's statistics, you will find that there is no mention of livestock as in the case of other agricultural commodities. Livestock does not feature in the Bank of Guyana's statistics and, therefore, is not accounted for in the Gross Domestic Product (GDP) in those reports. My investigations revealed that there is no national inventory of livestock to be found anywhere in Guyana. In fact, the last national livestock census – and I am sure Mr. Neendkumar was also counted at that time – was done some thirty years ago. That census was led by one Mr. Amsterdam. In nineteen years, this Government has not even attempted to conduct a simple, similar exercise. This Bill does not address the need for, or

importance of, a national livestock census. Taken with other provisions, this is clearly a serious omission and can be of some negative consequences.

Interestingly, too, there is no indication of a mapping of where various types of livestock, affected or unaffected by diseases, can be located at this time. There is no register of current location or number. One remembers that in compliance with the then Livestock Development Companies Legal Framework, registers of birth, death, transfers and sales were maintained by the various ranches and physical inventories were conducted at least once per annum. Again, this Bill fails to address this crucial issue, and we speak of potential exports.

This Bill does not address the question of animal disease emergency. In fact, the existing Act does so at section XVI. Surely, the Government would have seen and understood the need for this very important issue to be dealt with, extensively, in this Bill before the National Assembly today.

Bill No. 4 of 2011 also omits to address animal welfare. I heard the Minister spoke of the provision for him to make regulations in this regard, but the existing Act provides, explicitly, for animal welfare and, in particular, to the prohibition of cruelty to animals. Why must we now repeal that and give the Minister power to come at some point in time to create and bring into force regulations by order? Again, the existing legislation, as I said, addresses these issues specifically. Why then could the drafters not simply import those sections into this Bill which is before the National Assembly? There is a clear and curious priority giving to import and export of aquatic animals and animal products as the specific provisions with respect to poultry and beef. I am hopeful that the Minister will explain this obvious priority.

I shall now point out some specifics relative to the Bill. Under the section which deals with definition, antibiotics are not included in biological products' definition nor are they included in veterinary biological. I am advised by those who know that this is an obvious omission because it is properly included under the definition of veterinary medicine. There is also the absence of a definition for "packaging". I am wondering... my friend across there has gone quiet so...

Section VIII speaks of any Minister under the caption of "Powers of Appointment and Designation". This too must be a mistake.

Section XIII speaks of national packaging. [Mr. Neendkumar: What?] Yes, you pest of national importance. This national packaging caption sounds very celebratory, similar to the celebratory national flag and national anthem, and, this, therefore, must also be another error which I do not see addressed in the amendments presented to the National Assembly by the Hon. Minister.

*3.16 p.m.*

This “National Pathogen” caption sounds very celebratory; similar to the celebratory national flag and national anthem and this, therefore, must also be another error which I do not see addressed in the amendments presented to the National Assembly by the Hon. Minister.

Section 14.1 gives some arbitrary powers to an authorised officer and, in and of, itself presents some potential problems.

Section 14.3 speaks of, “within a prescribed number of days”. There is no provision which prescribes the number of days within which the authorised officer must act. The absence of regulations does not help in this regard. This only helps to support the arbitrary powers in Section 14.1.

Now, perhaps, to the real reason for this Bill coming to the National Assembly at this time: Firstly, Guyana at this time can only export animals to Granada. In the absence of this Bill becoming law, Guyana cannot export animals to any other country. Why do we not ensure that before this Bill is enacted that it benefits from the input of all stakeholders? Why do we not ensure that Guyana Livestock Development Authority (GLDA) is in a state of readiness to implement the provisions of this intended legislation before enactment?

Our intelligence told us, and we have today managed to confirm, that the Ministry of Agriculture – indeed the Government of Guyana – has come to the National Assembly with supplementary budgetary requests; very early in an election year. We understand that these funds will be utilised for, contrary to what is stated in the “Remarks” column, capacity strengthening and public education campaigns with respect to the three Bills currently before the House. Coming so close to the constitutionally due national and regional elections, one sees the increased outreach exercises by the Ministry of Agriculture with the People’s Progressive Party’s (PPP) need to intensify these outreach exercises which, by the way, are not attended by any technical officers

of the authority at the expense of tax-payers of Guyana. There is urgent need for some means to authenticate spending in this regarding. This Bill is one such means and the other two Bills are others.

That being that as it may, the Bill is useful. It, however, fails to address human health issues, GLDA's readiness to implement, animal emergency, animal welfare, parliamentary oversight, animal census and mapping of animal population, human resource issues, especially the severance and superannuation benefits - long outstanding, anticipated disease in relation to different types of livestock, guaranteed right to properly developed pastures, protection of farmers' pastures from private and Government occupation - as in the case of the Government taking away tens of acres of pasture lands from the Leonora Cattle Farmer Cooperative Society Limited recently. In these circumstances, I recommend that this Bill be taken before a Special Select Committee in order that these and other related matters are addressed in detail and in consultation with the relevant stakeholders. In the mean time, the existing Act, Number 14 of 2003, remains in force. Hopefully, the supporting regulations could be completed here in the Select Committee using the Barbados and Organisation of Eastern Caribbean States (OECS) model as a guide even as the other issues are addressed; I so recommend. *[Applause]*

**Minister of Public Service [Dr. Westford]:** Thank you, Mr. Speaker. I rise to support this Bill No. 4 of 2011, Animal Health Bill. Over the years this Government has been enacting legislation aimed at improving the livelihood and wellbeing of our people. I want to differ from my colleague on the other side of the House who just spoke when he said that there was no linkage or no nexus with the animal diseases and human diseases. I would like to inform my dear friend on the other side – I do not know where he gets his intelligence from – that there is and has always been that nexus between the Public Health Officials at the Ministry of Health and the Animal Public Health Officials at the Ministry of Agriculture, especially when it comes to the epidemiological surveillance. Please get your information corrected. This act will not change that nexus; it will strengthen it further.

This Bill that we see here before us today is very opportune and important. We heard several reasons from the Minister of Agriculture a few minutes ago as to our international obligations and regulations, but I want us to remember that it was just a couple of years ago that we heard of something that all of us were scared of. We heard about something called “swine flu” and

everyone was running scared in Guyana since we heard of persons dying in other countries. This act is going to strengthen our hand in ensuring that we do not face the same fate as our friends in other countries. It is not getting better; it is getting worse. When the swine flu first raised its head some time in 1918 there was the H1N1 virus of a particular strain. Then again in 2006 we saw three additional strains which baffled public health officials. They tried with that and again in 2009, another strain occurred. We have to be very vigilant, especially in a country like Guyana that imports and is now thinking of exporting our meat to other countries.

To my dear friend across there, we may not be exporting lots of meat but we intend to do so. That is showing that we intend to grow, we intend to develop. Therefore, we have to enforce these legislations and I think that the farmers will hope that they will have that support from all of us in this House, on both sides of the House.

This Bill is important. Again, if we recall, in 2005 we had the alarm of leptospirosis. Leptospirosis was not a new thing but the reason it made the scare was due to us having the flood. Those of us within the health sector would have known that leptospirosis had been around for years, but because we were not paying attention to our animal health, the flood then created the problem for those persons who were in that water. Again, Sir, may I inform you that there is in existence a list of animal disease, especially in the Mahaica-Abary-Mahaicony Area. I personally was involved in getting that list.

This Bill is going to ensure that there is enforcement that all animals will have to be checked. We will not by accident find out that we have leptospirosis. They are going to be checked on a regular basis. We will know where we have the infected animals. We will know where we will quarantine them so that we will have an idea. This, again, will give us that link between our human and our animal population because we know that those are things that are also affecting human beings.

This Bill caters also for our feed production- feed importation. Again, let us go back to a few years ago when we had the problem of the farmers saying that the chickens were not growing big, and upon investigation, what did we find? We found that some of the feed products that were being used did not have the adequate amount of nutrients, especially the protein part of it. We are now going to enforce that the feed be properly constituted.

My friend spoke about antibiotics and drug being listed. That again is another important factor. We are aware that in the world, fields apart, in other countries, there is widespread use of enhancement drugs in the meat production area, in the entire agricultural area. It was just a few days ago that I was reading about a fiasco that is going on in China, currently, with plant stock where too many drugs were administered to certain types of plants and they are exploding. They have minefields now. We are going to be speaking about the Plant Bill a few minutes from now and, as the Minister said, these three pieces of legislation follow one trend – control of diseases, drugs affecting these plants and animals.

We are also going to see a category of persons who we deem, in the current act, as the Animal Public Health Officers of the Animal Department. They are going to be given some new authority. As it stands right now they can only come and say, “You have an infected animal. We are advising that you have them inoculated. We are advising that you have them slaughtered.” Now this Bill is going to give them more authority and that authority is going to protect both animals and human beings. It is not that we are going to be slaughtering animals ‘willy-nilly’. Mr. Speaker, if you look at Clause 19.4 there is provision that if an owner has to slaughter animals that are deemed infected the Minister, under this Act, can compensate those persons; thereby ensuring that our agricultural drive – our small farmers – does not go under as was happening in the past.

We do not have regulations here. The speaker before me mentioned regulations. I think that we all know that regulations come after the Bill. We will get regulations as to how these things are going to be done and when it is going to be enforced. There is no doubt that the enforcement and regulations that are to come, that will be done when this Bill is passed, will auger and improve our agricultural drive. It will make our small and large farmers capable of entering into that realm where the country is currently aspiring to reach. We are hoping that we are going to be a major exporter of agricultural products. For us to do so we will have to comply with all of the phytosanitary requirements that the Minister spoke about and which my dear friend on the other side also spoke about.

I want for all us to embrace these three pieces of legislation that are coming here today, especially this one, and I ask that all of us here accept this piece of legislation and that we vote



for it and ensure that it is passed and implemented so that our agricultural products will be “number 1” in the world. Thank you. [Applause]

**Mr. Ramjattan:** Thank you very much, Mr. Speaker. I want to immediately concur with the arguments as to the defects and flaws that this Bill has that were adumbrated by Mr. Williams on behalf of the People’s National Congress Reform-One Guyana. The Alliance For Change want to make it quite categorical and state that we support the advancement that certain elements and provisions within this Bill bring to the animal health sector but we want to make the point very distinctly clear that Bills and laws must be plat-formed on an administration and a personnel development within these authorities created here so that we can get exactly what Dr. Westford indicated just now. To that extent we find, and if I may just make mention and emphasise one of the defects that fact that what was identified under the previous Act, the 2003 Act, were the omissions that are in the present Bill, leaves a lot to be desired.

I will acknowledge it being shown to me by Mr. Williams that in the previous Act we had it quite clearly set out in Schedule A- Notifiable Diseases- that were more or less being the purpose for which the Act then was set up. “Foot and mouth diseases in the schedule to the 2003 Act: Notifiable Diseases, foot and mouth diseases...” [**Mr. David Patterson:** Not “diseases”, “disease”.] Well that is what it says here. It has “...African swine fever, sheep pox and goat pox, New Castle disease, rabies, bovis spongiform...” I would not pronounce the other one but I think that that is “mad cow disease”. Why is the whole list not here? To that extent the point being made is very valid that this brand new act, intended to advance the process, is not in any way trying to identify as the object what one is intending to cure, as it were. We have not had it identified here and to that extent that is a fundamental flaw.

I want to say that the list as scheduled in the 2003 did not necessarily mean that that was the “end-all”. There are other diseases that might very well emerge and that we would have to add, but at least there could have been what is called an omnibus clause at the end of it – “or other such diseases emerging” – but you do not have that. There is nothing even to that extent in this Bill.

I want also to state – and this is a little passion that I have in connection with certain matters dealing with search and detain – that what we have prior to this new regime in relation to animal

health was somewhat safer and more stable and secure because in relation to going into any person's pen or slaughter house or whatever place that one is dealing with with animals, there had to be a qualified policemen making the arrest or detention. What we have here now is a deletion of that as mentioned by Mr. Williams, again. Anyone, as stated in Paragraph 9, who the Minister deems an authorised officer, without a warrant, can go and inspect one's premises, demand information, take away certain equipment, inspect and operate the whole process and all of that and even detain you and arrest you and put you in custody and such like. That is draconian in my view, especially from quarters that might not understand the rights and the police. Now I am not saying that our police force is the best in the world and understand all of the human rights; we have seen them in action at Leonora and very many other places, but what I want here is at least the strengthening that not any officer, who could very well be a political appointee, could go to some person's home and use this Act as what was being used in olden days to come and make searches and detentions and all of that. Do not ever believe that this cannot be done now. It has been happening all across the place. Again I want to emphasise that as being another shortcoming here.

Oh, yes, I believe that the international phytosanitary standards must be met and indeed those international institutions want to see our laws being updated. Indeed laws being updated which will be supported by the Alliance For Change (AFC) does not necessarily mean that we are going to have the groundwork operating. I want to mention an example that I know of and have to do with animal welfare. Two persons at Whim Village were making a claim to a certain horse. One side had the brand of one of the claimants and the other side a little mark again with the brand of the other claimant. That horse has been at Whim Police Station for three years and we cannot have a resolution to that problem because the case is not coming up. One of the claimants has been delivering grass to that horse for the last two and a half years; it is getting somewhat old now.

What we are talking about here is if those eventualities taken care of here. If so, we do not know. A big definition is given for Animal Welfare- "taking due diligence to ensure animals are free from malnutrition and thermals and physical discomfort", but what happens when they are kept in the pound for such a long time? Some of them die and we are indicating here that we are

advancing. I feel that it is not especially directed to the scenarios that we have on the ground so that we can take care of them.

There has been advancement but it is not the advancement that the Alliance For Change was seeking. When we had passed the 2003 Act – and I was of course a Member on that side of the House – we were given indications from the then Minister that what one is going to have is a lot of information as to what the disease were, the population of swine, the population of goats and sheep and all of these animals and also what it is that might be creating their deficiencies and them growing rapidly and such like. We have not gotten any reports, as far as I know, for that seven-year period of that 2003 Act .Well it is more than seven years. We have not gotten any reports, but we come now, change up the whole system, drop the veterinary authority and create a new animal health authority and a big bureaucracy. What do we have? We have that there shall be established a committee to be known as the National Advisory Committee on Animal Health. Then there shall be another one called National Committee on Aquatic Animal Health. Then we got the other one recently, the Livestock Development Authority. Then we got National Agricultural Institute Authority and all of that. So many authorities and the bureaucracy is only mounting and this is what we are critical of; do not bureaucratise even further; get the act going.

There is a final point I wish to make and that is that we also have to address the capacities within these authorities and commission that we create and we have to start, for that purpose, ensuring that their benefits are all put together. Only recently, and this very relevant although we are talking about animal health here, at National Agricultural Research Institute (NARI) we are still very unclear as to whether the “New NARI” (National Agricultural Research and Extension Institute- NAREI), the one with the “EI” instead of the “I” alone, has come into existence. Workers there amounting to 270 and more have indicated that they do not know whether the “Old NARI”, N-A-R-I, has been disbanded to the extent that the new one with the N-A-R-E-I has come into being and they are frustrated. There was some Cabinet decision that they must be terminated, paid their severance benefits, paid their pension benefits and then be given a contract as to whether they will be employed or not and the contract must have the terms. We do not see that happening, because we are going to create authorities and we are not going to get the people relevant for the functioning of those authorities if we do not get their conditions of employment and their benefits right. How are you going to start talking about all these authorities and the

employees that are going to be in them – aquatic and animal and this and that – and you are not clearing the ground for them to get their benefits? We are being told today by very many of them that people are telling them to sign on to the new contract with the NAREI, with the “EI”, and they are not getting their termination benefits which include severance. I had to write Dr. Oudho Homenauth on that issue recently, but we are not getting the answers. It is fundamental then that we do not just pass laws. It is fundamental that we get out act on the ground all correct so that whatever laws we pass can then be enforced and the benefits and purposes behind them will be realised. Thank you very much, Mr. Speaker. [Applause]

**Mr. R. Persaud (replying):** Thank you very much, Mr. Speaker. First of all I thought that this piece of legislation certainly was non-controversial and would have won the undivided and unreserved support of Members because the only objective that we have in passing this and the other two pieces of legislation is to modernise the agricultural landscape to provide better opportunities for our farmers and make Guyana realise its potential, as we have always been talking about- as the breadbasket of the region- but I guess, as they say, it is election season – commonly referred to as “silly season” – and I have taken note of some of the comments made.

Firstly, the issue of Capacity: We all recognised, and this as acknowledged by previous speakers, that the Guyana Livestock Development Authority is a new entity. It is a new entity that is being staffed consistent with the organisational chart. It is an entity that is being resourced and it is an entity that also has to be supported in getting the necessary legislative and other institutional and regulatory power so that it can fulfill its work.

*3.46 p.m.*

We cannot, on the one hand, say that we need to ensure that the entity is prepared to enforce and at the same time, we do not give the entity the enabling laws so that it can carry out its work. We have to decide what we want. That is the first confusion.

The second issue deals with Benefits and Conditions of Staff: any transition that we have will see interruptions. Any transition will require additional work to ensure that if for some reason things have not been going according to plan, necessary steps are taken. We have merged three institutions that have been around time immemorial into one and at the same time we are launching our Agriculture Diversification Programme. At the same time we have to ensure that it

fits into the required new international and regional framework. There are things that we need to do and we are getting there. I think it is utter disrespect to Mr. Patrick De Groot and the hardworking technical board of the Guyana Livestock Development Authority to suggest that they have not been getting their act together. There was even a board meeting last evening where the organisational chart was clearly defined and it is available. If Members request it, I will make it available. The various units and departments are being staffed and resourced. In fact, under the Agriculture Diversification Programme close to \$416 million have been dedicated alone to dealing with the issue of animal health. What are you talking about lack of resource and lack of capacity? That is already been provided for with the project that we are doing with the Inter-American Development Bank (IDB).

The People's Progressive Party/Civic Government ensures that every segment of our population, every segment of our workforce, every category of Guyanese is treated fairly. Let us present the evidence, gaff is cheap. Facts are what test a case and what people are judged by. What I want people to see is whereby the policy of this Government is uneven, whether it is in the allocation of resources or whether it is the policy treatment or the programmatic focus of our administration in the welfare of livestock farmers, sugar workers, rice farmers or bauxite workers. Yes, bauxite workers. Members need to come and talk about the \$2 billion that the Government gives directly to Linden every year. Perhaps we need to talk much more about that. We are a national government. We have a national focus and do not go about the place saying that we have given this to that group. That is parochial; that is backward and that is the kind of thinking that can only be found in the past.

Having dispensed with that, there is the issue of the regulations and certain omissions. I think a clear and simple reading of the Bill would provide the answers to the questions that the Members were asking. Perhaps they know but it is a case of them having to say something. In terms of regulations, I will cite a few examples. The Hon. Member talked about standard for Animal Welfare. Section 45 provides clearly for the explicit definition and publishing of the standard for welfare. Members also talked about the absence of the mentioning of diseases.

Someone, I think it was Mr. Ramjattan himself, recognised that the list of diseases can change. There can be new diseases or the prevalence of a particular disease may no longer be the case. If we read Part III – Section 12, this is what it says:-

“The Authority shall develop a list of prescribed diseases based on risk analysis.”

It is not for the Minister to come and put in the Bill what the diseases are. We have to do this through a proper diagnostic, scientific process and that is provided for in the risk analysis. It goes on to state that the Authority shall regularly update the list of prescribed diseases based on risk analysis.

In addition to that, Guyana was the first country within CARICOM in 2007 to have carried out what is commonly referred to the avian influenza simulation and that was accredited by the Pan American Health Organization (PAHO). All of us, especially the staff who work within the Ministry of Agriculture, should be proud of this. We were the first country to do that in 2007 even before this legislation. We were the first country in CARICOM to have also carried out a Foot and Mouth disease simulation in Region 9. We carried that out last year. To create the impression that the Government has been asleep is, I think, a total lack of recognition of the efforts.

Mention was made of census. Sometimes we need to get our facts right. There was a census that was done in 2004 and I will provide that census to Members if they so wish. We must not come here and misrepresent the facts in the National Assembly. “Well, the last time we had a census was in the 1980’s or whenever.” The last census was carried out in 2004. I think, generally, from the contributions, there is support for the effort that we are making. There is support for the direction in which we are going. I wish to thank the Members for the contributions that they made. This is not an issue that we should try to contrive political objectives or scheming about. Rather, this is a noble undertaking by a caring Government to ensure that the welfare of our people is addressed holistically. I thank you, Mr. Speaker, and wish to move that the Bill be read a second time.

*Question put, and agreed to.*

*Bill read a second time.*

*Assembly in Committee*

**Mr. Chairman:** There are some minor, though numerous, amendments so we will have to go through them one by one.

**Clause 1**

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

**Clause 2**

**Mr. Chairman:** It is proposed that under “Designation of the Authority,” the words “no. 1 of 2010 be deleted and substituted there for is the figure “2010.”

*Amendment put and agreed to*

The second amendment is that the words “No. 1 of 2010” be inserted in the margin.

*Amendment put and agreed to*

Under “Definition of a Vehicle,” delete the word the word “see” and insert the word “sea”.

*Amendment put and agreed to*

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

**Clauses 3 to 30**

*Clauses 3 to 30 agreed to and ordered to stand part of the Bill.*

**Clause 31**

In sub clause (2), delete the words “he or she” and substitute there for the words “the officer.”

*Amendment put and agreed to*

*Clause 31, as amended, agreed to and ordered to stand part of the Bill.*

**Clauses 32 to 36**

*Clauses 32 to 36 agreed to and ordered to stand part of the Bill.*

**Clause 37**

In sub clause (b), delete the words “his or her” and substitute there for the words “the officer’s”.

*Amendment put and agreed to*

*Clause 37, as amended, agreed to and ordered to stand part of the Bill.*

## **Clauses 38 to 46**

*Clauses 38 to 46 agreed to and ordered to stand part of the Bill.*

*Assembly resumed*

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

## **2. SEEDS BILL 2011 – Bill No. 5/2011**

A Bill intituled:

“An Act to regulate the production, sale, import, export and quality of certain seeds for sowing; to provide for certification of seeds and for related matters.” [*Minister of Agriculture*]

**Mr. R. Persaud:** I can assure you, Mr. Speaker that we are not talking about hydro seeds but, rather, plant seeds. In standing to speak on the Seeds Bill of 2011, I wish to restate that this is a new piece of legislation and it provides for regulation, production, sale, import, export and the quality of certain seeds for sowing as well as provides for the certification of certain seeds in Guyana.

Why do we need this? Currently, we do not have any framework to regulate the import, export, use and distribution of seeds for the agriculture sector. If you talk to farmers from time to time, they would complain about the quality of seeds that are being sold. They would talk about poor germination, poor production and so forth. Even if we go beyond that, this Bill also looks at control over the certification of quality seeds which will ensure that our farmers and producers, especially as we move into large scale agriculture, have consistency in the quality in the final product, thereby, ensuring that our producers, at the end of the day, know that they can get the expected return from investments that they make.

A key section of the Bill allows for the establishment of the National Register of Seeds which is very important as it informs the Government on the type, location and quantity of different



varieties of seed material available at any time in the country. This is currently absent. It is not only necessary for routine or day to day production, but all in the event of emergencies. In the event that an area might be devastated in the instance of flood or some other disaster, we may require planting material. This type of information allows for quick and easy access that would be required and, certainly, will contribute towards the maintenance of stability and food security in our country especially, as I pointed out, during those events or periods of natural disaster.

Also the establishment of a Seeds Quality and Control Agency will be selected from a different body or agency and indicates our resolve to have a broad based nature and involvement of farmers, producers, and other stakeholders in this mechanism as provided for in this Bill.

It also provides for the establishment of the Seeds Multiplication Units which will allow for special provisions to guarantee the registration of transgenic varieties. Again, this is a system that we do not currently have and which is required in any modern environment.

Of high importance, too, is that the Bill establishes the ability to make regulations to control the export of any variety of seeds if the Government thinks that this can endanger food security. This type of control it does not have. There may be a particular country or market that may require all of our seed paddy. I will give an example. Right now we do not have the provision to prohibit the export of that. We may have to look at other means. If we have a depletion of our own seeds supply, it can affect production and food security in the long run. This Bill gives us that type of provision and that type of control.

The Bill does not only address the dangers of seeds leaving our country; the quality, certification or availability of seeds and the multiplication units having some arrangements under which they can operate so that the end users are not “ripped off”, but it also prevents our local seeds banks from being contaminated by the importation of seeds that can carry certain pests and diseases. That, itself, can affect our own agricultural sector. This, too, gives us that level of control, that level of mechanism, that arrangement in place so that we can protect or ring fence our own seeds supply and, certainly, guarantee that the sector is not affected by extra national forces such as diseases and other pests in this regard.

As was pointed out, having the laws is one thing but we must have the capacity and ability to enforce. This Bill has a number of provisions on how we intend to actualise and operationalise the arrangement.

For instance, we will have the appointment of seed inspector and seed analysis. We will establish a national seed laboratory. That construction has started already. We have already identified a high area that is not susceptible to flooding because we are very much susceptible and vulnerable to flooding especially along the coast. We have already identified a germplasm bank where in cases of emergency, we will ensure that the different varieties of seeds are available and are not threatened by the type of natural disasters and can affect Guyana. The Bill provides for those mechanisms.

I also want to go another step to say that the new National Agricultural Research Extension Institute (NAREI) that we have created has already started to develop the new capacity, infrastructure and even the resources so that we can capably enforce and administer the Seeds Bill of 2011. With those few remarks, I wish that the Bill be read a second time.

**Mr. Speaker:** Hon. Member, will your presentation be very long?

**Mr. M. Williams:** I do not propose to be long.

**Mr. Speaker:** We will take the break now.

*Sitting suspended at 4.08 p.m.*

*Sitting resumed at 5.08 p.m.*

**Mr. M. Williams:** From the onset, I just wish to suggest to the Hon. Minister that, perhaps, the title of the Bill needs to be amended by dropping the 's' from 'Seeds.'

**Mr. Speaker:** Will that make a difference Hon. Member?

**Mr. M. Williams:** I am advised by the linguist that it will make it correct. The Seed Bill 2011, Bill No. 5 of 2011 has the support of the People's National Congress Reform 1 Guyana (PNC/R – 1G). We see it with some alternation as necessary and of significant importance. When the PNC demitted office in 1992, a Seed Bill was in draft and was being given necessary attention.

Although this Government took office almost 19 years ago, and took that amount of time to recognise what the PNC had identified as important while in government, they must be give some credit for researching the PNC's work and accordingly, the attention and space it deserves, especially, when as is the case, it is in the form of important legislative provisions.

It is to great advantage that the Seed Act can be administered by NAREI. This allows for full advantage to be taken of some amount of technical competence at NAREI. Work in the area of the implementation of a Seed Act must be a supportive component to plan science research. In China, for example, Seed Quality Control and Certification is specifically a function of the Provincial Academy of Agriculture Research. In the United States the Patent and Trade Mark Office (PTO) has this mandate. I believe that Government would have already recognised that there are commercial seed agencies in Guyana that are operating at a higher, though not sufficient standard than the Government agencies. In these circumstances, therefore, the Bill puts necessary pressure on NAREI to set the quality standards before it can monitor the commercial seed industry.

NAREI can return to the research and development of new varieties and the preservation of existing varieties, as was once the case. There has been a clear departure from this all important function. One cannot get seeds for small garden operations today and I speak from experience. I am somewhat concerned that the members of the Seed Quality Control and Certification agency have to be nominated by the Minister. The proposed Bill already makes room for People's Progressive Party Civic (PPP/C) support groups such as the Rice Producers Association (RPA) and GAPA. Must the Minister also now name the specific representatives from these bodies to sit on the agency? We see the absence of a representative for sugar cane farmers but there is one for rice producers. While this is technically tolerable, since the issues of quality sugar cane vegetative cuttings are almost non-existent, with the evolution of the commercial seed enterprise for other crops, stronger representation would be made on their part.

The only organisation listed from which the members can come that presents a hope of political neutrality is the University of Guyana (UG), though I believe that the Bill should have specified the Faculty of Agriculture. Yet, the Bill proposes that the persons from this entity be nominated by the Minister as well.

In terms of the Bill itself, generally, all of the basic elements seem to be in place. There is, however, the urgent need for supportive policies to encourage private investments in the viable commercial seed industry. I see the need for inter-agency collaboration in this regard. Public/private partnership supported by the appropriate climate for long term investment has to be encouraged through principled and reliable agreements. This Bill could have made specific provisions in this regard. To this end, the implementation of the provisions of this Act by properly trained and competent professionals is an absolute necessity. The composition of the agency, therefore, poses a concern. To begin with; at Section (3) (2) the agency is comprised of a finite number of members, yet, section (3) (7) provides that:

“The agency may, subject to the prior approval of the Minister, make by-laws for fixing the quorum.”

Why must this be? A board of the Seed Quality Control Certification Agency would normally have representation from the Prior Patent Office. In the absence of such an office, a Bureau of Standard should be substituted. The collaboration of the Ministries of Agriculture, Trade, Tourism and Foreign Affairs among others is necessary in order to offer potential investors some assurance that their investment will be worthwhile.

The Government, I am sure, is aware that investors are not unwilling to join us in Guyana in research and development of existing and new varieties, even as they are interested in preserving endangered species. The only known impediment is the absence of the legislative framework within which such efforts could be pursued. This Bill addresses the impediment in some measure. There are, however, that some areas of concern specific to the provisions of the Bill. The agency has a monitoring and facilitating function. Specific crop breeding programmes at NAREI would have their own Seed Multiplication Unit has provided for in Section 4. These in-house units would produce tier one or breeder seeds. These tier one seeds are sold to the commercial seed producers. Any special seed multiplication Unit within the agency would be a short term political stop-gap – a measure to favour special groups of farmers and should not be encouraged.

*5.16 p.m.*

The question is: would this unit include rice? Rice and sugar are not currently within the mandate of NARI, under which the agency falls- but should this agency be separated from NAREI? The Minister must tell us when he speaks again- after all it has a mandate for sugar and rice, neither of which falls under NAREI. Section 13.1 provides that:

"No producer shall grow or organise the production of seed unless he is registered under this Act."

In what appears to be a conflicting provision, section 34.1 provides that:

"No person shall mark, label, possess, import, export, buy or offer to buy, cultivate, produce, sell or offer to sell any seed not certified by the agency, provided that a person may possess or cultivate any seed not certified by the agency for his own use and not for sale."

Sections 8 and 11 are examples of provisions which necessitate the bringing of Regulations together with the proposed Act. The provision for management of transgenic products specific to protection of public order, public morality, human, plant and animal life and health as well as harmful technologies are not issues to be left to chance or ministerial discretion. This I believe to be very serious, especially given the fact that the making of regulations again, in this case, escapes Parliamentary oversight with the absence of, at least, provision for negative resolution by the National Assembly.

Mr. Speaker, there needs to be clearer and more specific provisions dealing with the right to farmers to save seed and transfer planting material within farming communities. Take the simple example of a farmer exchanging some bull nose pepper seeds for some pumpkin seeds with a fellow farmer. What happens when both sets of planting materials are found to be diseased infected? What measures have been taken by the Ministry of Agriculture to address the ongoing re-introduction of certain crops in Region 8 in light of this Bill? A Government Information Agency (GINA) release of 10th February, 2011 reports on Government's Agricultural Diversification Programme, it speaks of the re-introduction of crops such as onion, potato and turmeric etc. which were planted there in the 1970s. My investigations reveal that the majority of the planting materials used here are un-certifiable. Onion and potato plants originate from regular

supermarket purchases while seeds for other groups have not been tested as prescribed by this Bill before the House and if so tested will fail.

The worry for me is whether the bringing into force of the Seed Act will not mandatorily shut down the Agricultural Diversification operation in Region 8. I believe it would. The question, therefore, remains: what has the Government done to remedy the situation? It has to be remedied. How else do we say to potential investors, you have to comply fully with all of our laws when the Government operates in direct violation of those same laws? I am not saying that it is happening; I am looking into the future.

What I know for certain, is that the Government would have been in violations with the provisions of this legislation had it preceded the seed distribution programme which followed the floods and which was given much media publicity. Is this Hon. Minister a reason for the Bills deferral? I suppose that we will not hear much more about such Government generosity, since it will take some time for the certification process to start to deliver.

In fact, the Region 8 operation informs that the three seasons all agro-ecological zone of the country provision at Section 6.2 needs to be revisited. First of all, the information provided by the producer ought to be verified by the agency. Secondly, testing should be contained to relevant agro-ecological zones. There is also the mention of certification agency at Section 27.1 (f). I could not find reference to this agency, even in the definition section of the Bill. I now, however, see an amendment being moved by the Minister which has our support. That is, changing it to the agency instead of the certification agency.

The Region 8 experience also refers to and offers some insight into possible hiccups with which farmers could be confronted. Is there not a measure of control of uncertified seeds remaining in use? I do not see any; there is no provision anywhere in this Bill which offers farmers recourse in cases where the certification process breaks down. What happens when a planting season goes out of cycle? Even as farmers wait on the results of testing and certification processes as it relates to newly imported seeds by a seed distributor. To whom do farmers go with their grocery bills during the missed plant cycle occasioned by such a breakdown? Who compensates these farmers for the land preparation and other related expenses in anticipation of planting which is no longer possible because of such a process malfunction? What happens, for that matter, where

farmers experience low or no germination after expending their hard earned resources in land preparation and other related matters? This Bill does not tell us.

There is a more urgent and pressing need for crop insurance which is tabled specifically to take into account the unforeseen hardships being visited upon our farmers. So, even as the Minister considers the points being raised, in this debate specific to the Seed Bill, it is my hope that Government seriously considers the bringing into being of the urgently needed crop insurance to protect our farmers. Let us in all of this put our farmers interest first. [Applause]

**Mr. Seeraj:** Mr. Speaker, from the onset, I wish to state clearly that if there is any organisation, if there is any agency whether government, non-governmental or private sector driven that ought to be a member of the Seed Quality and Control and Certification Agency, it is the Rice Producers Association (RPA). I say this against the background that this Association has been involved in seed multiplication for the past seven years and farmers, especially in Regions 2 and 3, have been benefitting tremendously from a system that the RPA has put in place to ensure the availability of high quality seeds for areas that hitherto would have not been serviced by any established agency or organisation.

I want to mention, further, that the RPA was not established by either the People's National Congress (PNC) or the People's Progressive Party (PPP). The Rice Producers Association was established since 1946; it was once called the British Guiana Rice Producers Association-nearly 65 years ago. To say that the RPA is a support group to the PPP/C can be nothing farther from the truth. The RPA is an organisation that stands on its own; represents farmers adequately; and ensures that the promotion, protection and advancement of farmers' interest are uppermost on their agenda. If this calls for the multiplication of seeds to ensure that farmers have available to them high quality seeds in the absence of a Seed Bill or in the presence of a Seed Bill we will do whatever it takes to ensure that we do our part in ensuring that farmers have access to high quality seeds.

Mr. Speaker, the Hon. Member Mr. Williams, who spoke before me, mentioned that this Bill has the support of the PNCR-1G. I had no doubt, in my mind, that this would have been the case. However, he went on to lecture us about who started the process of getting a Seed Bill in place. This was an initiative undertaken by the FAO since 1986 and it was spearheaded by the Food

and Agriculture Organisation (FAO) consultant, Dr. Michael Lorenz. At that time the committee had comprised of people like Mrs. Elsee Croal, Mrs. Brenda Forde, Ms. Janet Grant, Ms. Allison Peters and the notable doctor from the FAO. We use to lament the inactivity of this committee in processing the implementation of a piece of Legislation like the one that we have in our hands today to such an extent that even the former General Secretary of the RPA, the late great Mr. Fazal Alli, use to make comments to the effect that the committee seemed to be short on seats. This shows some of the frustration that the farming communities use to experience during those days.

However, what we have today is a piece of Legislation that can be considered modern and to have gone through a lot of consultation. I, myself, as General Secretary of the Rice producers Association, expressed some frustration when we were requested by a sister Caricom State to give assistance in the form of planting material to that sister Caricom State and we were unable to do so in the absence of proper Legislation governing the exportation, in this case, of planting material. And then again we have had discussions back and forth... I think, the intention was to get it as right as possible- I am certain Dr. Ramsarran would agree with me - in getting it right and as modernised as possible. Even developed States, the United States of America was mentioned but there are also developing giants, India for example, that are presently going through modification of their Seed Legislation to ensure that important aspects of all matters relating to seeds: how they are grown, certification, quality control, storage, export and import, that there are proper Legislation catering to all eventualities.

I, personally, am very happy that the issue of genetically modified seeds is captured here, in this piece of Legislation, under Clause 11 where it states: "Genetic use restriction technology..." and genetic use restriction technology, commonly known as the terminator technology is the name given to proposed methods for restricting the use of genetically modified plants by causing second generation seeds to be sterile. There have been instances, in the past, and I recall a case in the State of Alberta Canada in 1996 where farmers took legal action against a transnational company for contamination of their fields by material that was considered GMO, Genetically Modified. The Canadian Legislation at that time did not cater to deal with this aspect of control of seed of planting material.



I am very happy that we are finally passing a piece of legislation that can be considered to be modern by any means and has captured, to the best of my knowledge, most of the areas, if not all, that are considered relevant in ensuring that the agriculture sector of this country is given adequate Legislative protection as it relates to planting material; as it relates to seeds in all its forms whether it is the growing of it the certification, the processing, the importation and exportation of such planting material, whilst at the same time giving protection as it relates to seeds that can be potentially harmful if taken into the planting environment without going through the tests that this piece of Legislation will ensure that they will be subjected to.

Without saying anything further, I wish to give my full support to Bill number 5 of 2011, and as mentioned, all present will give unanimous support. Thank you very much. [Applause]

**Mr. Ramjattan:** The Alliance For Change (AFC) wishes to state unequivocally that we do support and have no objections to this Bill. Thank you

**Mr. Persaud (replying):** Mr. Speaker, I want to thank the Members who expressed their support from all sides of the House and, certainly, to say that the prospective and the issues raised, particularly, by Mr. Williams have been recognised and will be considered as we go forward. Just to make it absolutely clear. What we have done here is set the framework with this Bill. We do not have the ideal environment whereby all elements of it can be immediately operationalised so we have to take it in a phased way but we have to ensure that Guyana is not left behind. We have a Legislation that is up-to-date and, certainly all sectors and all sub-sectors working together will ensure that we are compliant.

I wish to point out that when we talk about seed production and seed trade, we must not only see it in the local context. In Guyana, we produce a significant amount of corn seed that is used by the corn industry in the United States and that is done in the ‘intermediate Savannahs style seeds’. We have not had that framework to lead to a proliferation of such industries. I, myself, have met with a number of seed manufacturers outside of Guyana and they too are interested in having their operations here. So, for, us, yes, it is very important to make seeds available to our farmers, across the agriculture sector but it can also be a new growth area, a new economic activity and this legislation sets the framework.

We already have, within our relevant incentives, provisions whereby investors who want to use propagation not only for domestic use but also for trading internationally, we already have those incentives. A number of farmers, large and small, have tapping into those incentives to create small nurseries and so forth.

The points raised are very valid; these are points that are being considered and, certainly, will continue to engage us. This is a new, innovative piece of Legislation; it is necessary and as we learn to get this on the road, certainly, benefitting from the inputs of all stakeholders will be something that we will have to pay serious attention to. With those remarks, Mr. Speaker, I ask that the Bill be read a second time.

*Question put and carried*

*Bill read a second time*

*Assembly in Committee*

**Mr. Chairman:** There are a few amendments, I will put them as we go.

### **Clause 1**

*Clause 1 agreed to and ordered to stand part of the Bill*

### **Clause 2**

**Mr. Chairman:** I propose an amendment to Clause 2 subsection 1 (d). The amendment proposed by the Hon. Minister of Agriculture is that Clause 2.1(d) be deleted as it stands and the following be substituted:

(d) certified "seen" means any seed certified as such under section 18.

*Amendment put and agreed to.*

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

### **Clauses 3 to 17**

*Clauses 3 to 17 agreed to and ordered to stand part of the Bill.*

### **Clause 18**

**The Chairman:** An amendment is proposed to Clause 18 as follows:

Delete the words "certification agency" and substitute there for the word "agency"

*Amendment put and agreed to.*

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

### **Clauses 19 to 26**

*Clauses 19 to 26 agreed to and ordered to stand part of the Bill.*

### **Clause 27**

**The Chairman:** I propose to Clause 27.1 and amendment that:

The words "certification agency" be deleted and the word "agency" be substituted there for.

*Amendment put and agreed to.*

*Clause 27, as amended, agreed to and ordered to stand part of the Bill.*

### **Clauses 28 to 39**

*Clauses 28 to 39 agreed to and ordered to stand part of the Bill.*

### **Clause 40**

**The Chairman:** I propose an amendment to Clause 40.2 (p):

For the words "certification agency" substitute the word "agency"

*Clause 40, as amended, agreed to and ordered to stand part of the Bill.*

*Assembly resumed*

*Bill reported with amendments read the third time and passed as amended.*

## **3. PLANT PROTECTION BILL 2011 – Bill No. 6/2011**

A BILL intituled:

“AN ACT to regulate the importation and exportation of plants, planting material and objects derived from them, to protect from the introduction of exotic pests and diseases to Guyana and to control and eradicate diseases and pests within the country.” [*Minister of Agriculture*]

**Mr. R. Persaud:** Mr. Speaker, like the two previous pieces of legislations, which we have considered, the Plant Protection Bill is the third facet or the third component of that framework in terms of ensuing that we have the safeguards, the control as well as the mechanisms so that we can facilitate a modern and thriving agricultural sector. Not only to support local consumption but certainly, with an eye at expanding our exports, particularly, in the non-traditional sector. The Plant Protection Bill No. 6/2011, which will replace the archaic Plant Protection Act of 1943, seeks to bring our systems and our Legislations up-to-date in this regard.

The new section, for instance, in this Bill will look at quarantine inspections which obliges customs officers to assist our quarantine officers to conduct their duties at the different ports of entries. We have all recognised the limitations that our current plant health system has and will have in the foreseeable future and, I think, it is always neat and complete whereby we can use the other agencies of the State and those that are much more prominent presently at the ports of entries, to assist us in carrying out these tasks and these responsibilities.

Certainly, we will have to do training and orientation. We have had that experience with our Ozone Depletion Project where, in terms of restricting the importation, we have had to rely a lot on our customs officers and others who are present at our ports of entries. We can learn from that recent experience in terms of building capacity, not only in the Plant Protection Unit but also within the other agencies which we will be relying on.

Another feature of this Bill is that it empowers the National Agriculture Resource and Extension Intention Institute will administer all aspect of this Bill. Within NAREI we will now have the Plant Protection Unit and, certainly, we will be expanding and increasing the capacity of NAREI to fulfil this function. As part of our Agriculture Diversification Project close to \$230 million has been earmarked-in fact has already been invested in building the systems within NAREI- so that these functions can be fully carried out.

There are changing requirements, as I referred to in my first presentation, regionally and internationally-and I want to make it clear that these Legislations are not to be considered as impediments or to make it more difficult for persons to carry out their activities but they are what are required, in today's environment, for agriculture production. With this Bill and the modernisation of the 1943 Act there will be no excuse, once we have the relevant systems in place. There will be no excuse for any of our Caricom partners to deny Guyana access to their market. Right now we have the laborious task, whilst the Region is importing U.S 4 billion of food extra-regionally, we have the horrendous task of even accessing markets within Caricom. The main excuse is that our plant protection or our animal health systems are weak and we do not have the mechanism. We are taking away, here today, another excuse within the Region for anyone to prohibit, deny or obstruct agriculture products and commodities from Guyana from accessing those markets. I think in the long term...we will not see the benefits in the short term but, certainly, in the long term we will see the tremendous benefits of having these types of Legislation and certainly the plant protection which I think is very crucial.

*5.46 p.m.*

**Mr. Persaud:** Take for instance the effects of climate change; one of the effects of climate change is that we see the recurrence of diseases and pests which did not exist in our part of the world. We need to have some sort of control in terms of their movements and the type of material and what activities are done. If we do not bring our mechanisms and legislation and our systems up to date we can leave our crop sector, like sugar, rice, vegetables, you name it, totally exposed. This legislation seeks to cover and to reduce that exposure in many regards. We will also be looking at how it is that we can support within the legislation, when we talk about the legislation I would like to point out that some of the features of the existing legislation would be operationalised. Many of those features will be operationalised and we will constantly look at ways in which we can review those, but we will also work with stakeholders in giving them the capacity so that they too can also be responsive and allow us at the end of the day to make real and to make alive this piece of legislation. With those few words Mr. Speaker I wish to ask that the Plant Protection Bill of 2011 be read for a second time. [Applause]

**Mr. M. Williams:** Thank you Mr. Speaker. In Georgetown Guyana, in August 1967 L.F.S. Burnham in his speech to a conference of Officials to the Commonwealth Caribbean Territories said these words, and I quote:

“as I have said before and in other places, Guyana is willing to place its not inconsiderable natural and other resources at the disposal of the region as a whole. Our Hinterland is not a mere showcase for the passing admiration of curious anthropologists, archaeologists and tourists, but a vast place to be peopled and developed. With who better can we share our resources than with our neighbours, our brothers and sisters with whom we already share a common historic experience.”

Since 1967, Prime Minister Burnham saw the need to share intelligence as it relates to our Hinterland and its rich biological gifts. Indeed, Sir, his speech is entitled “*We Must Integrate or Perish*”. No one can argue therefore that a Plant Protection Act is not an essential piece of legislation in a country like ours and at a time such as now when food security and food safety are such important issues in everyday life. Clearly however, this was known and understood a long time ago. Prime Minister Burnham saw the wisdom of discussing and placing of our resources at the disposal of the region with the high officials of the Region. One would have thought that the Government of Guyana would have considered discussing the currently enforced and all important Plant Protection Act that is Act No. 3 of 1942, Ch 62:03 of the Laws of Guyana, with stakeholders instead of rushing this Plant Protection Bill of 2011 through the National Assembly.

In its rush to bring the Plant Protection Bill 2011, Bill No. 6 of 2011 and have it passed Government apparently forgot that a Plant Protection Act No. 3 of 1942 was still enforced. In its original form Bill No. 6 of 2011 did not include any clauses to either amend or repeal the existing Act. Having however brought this to the attention of the Government, the appropriate amendment has since been tabled. What gave rise to the need for this new legislative provision with respect to Plant Protection in Guyana? On December 29<sup>th</sup> 1993, the Convention on Biological Diversity came into force. This convention has as its objectives, and I quote:

“the conservation of biological diversity, the sustainable use of its components and fair and equitable sharing of the benefits arising out of the utilization of genetic resources

*including, by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all the rights of those resources and to technologies and appropriate funding”.*

The convention to which Guyana is a signatory provides for the adoption of incentive measures, institute conservation, execute conservation, access to genetic resources, access to transfer of technology, handling of bio technology and distribution of its benefits, financial resources and financial mechanisms. It has provided that there be development and maintenance of legislation and/or regulatory provisions by contracting parties wherever necessary in order that there is compliance with the terms of the convention. In the circumstances one would have expected that the Plant Protection Bill of 2011 would at the very least have been created as a legislative framework which provides for the protection of our natural biological species at its best. It ought to have embraced fully the spirit of the convention of biological diversity, as it must.

The Bill addresses the psytosanitary issues for import and export as well as internal movements of plants. It does not however deal with the question of patent protection of plant genes and other related matters. I ask the Hon. Minister why does the Plant Protection Bill of 2011 ignore in large a measure the convention on biological diversity? He may say that it makes reference to protecting endangered areas, but this Bill cannot ignore this all important convention. I am certain that the Hon. Minister is aware that Guyana has not yet, despite his introductory remarks, signed on to the International Treaty on Plant Genetic Resources for Food and Agriculture (I.T.P.G.R.F.A.). Does this prevent us from being guided by the Bio-Diversity Convention in this regard? I think not, especially since the two are in harmony with each other. I hope that the Minister will tell the National Assembly why Guyana has not yet become a signatory to the I.T.P.G.R.F.A. and how soon this position will change. We must protect our natural resources. This Bill misses a golden opportunity to provide us with that all important option to do so with regard to our forest and our plant resources. The Minister may tell us that there is in place a Cabinet approved policy that attempts to address such issues. I say however that this piece of proposed legislation needs to have such provisions included in it.

While a Plant Protection Act designed to meet the challenges and opportunities of the present day is very necessary, so too is an implementation arm or agency which is equal to the task at hand. Even as I say in principle we support this Bill, it is difficult to support the provision which

places the administration of this Act whenever it comes into being in the hands of the National Agricultural Research and Extension Institute (NAREI). NAREI is a research institute. The extension aspect of its functions cannot reasonably include enforcements. How reasonable is it to appoint a research person as an authorised officer and give to that person powers to stop search and detain any person or vehicle on land or sea? These are Police powers, Sir.

Further, there are already major problems with employee morale at NAREI. At the moment there are almost three hundred asking for an unambiguous statement from the office of the Ministry of Agriculture on a reasonable time period within which their termination benefits which includes severance and pension would be paid to them. They are saying that they want this issue to be resolved before the life of this Parliament comes to an end. The people at NAREI are saying that they are worried about their benefits and they are worried that the new NAREI was in fact a temporary establishment set up as a legal political convenience to deprive them of their legitimate compensation with regard to their attachment to the Ministry of Agriculture, the former Crops and Livestock Division. So, there is that issue that presents itself as an impediment to implementation.

There are too many functions as well piled up under NAREI, to add powers of Police to these professional researchers cannot motivate them into increasing their productivity levels. With NAREI already overburdened with an administration of the Seed Act, the Plant Protection Act and the Crop Extension Services, research can and will no longer be the focal point or responsibility. There is need for a separate institution for plant science research. The only known national system with these comprehensive mandates is '*Embrapa*' in Brazil. In the Brazilian model *Embrapa* plays only a facilitating role with the executing authorities of these mandates being delegated to the governorship of the individual states since Brazilian states are self-determining. In the majority of countries thematic plant science research is separated to allow focus and objectivity. I do not believe that we in Guyana can afford to be any different.

There is also the question of training. Already, the administrative structure of a top-heavy NAREI is filled with high office personnel with little or no technical training and the attendance competence. In short, the current personnel structure appears to require and encourage more administrative red tape in preference to technical competence. There is need for a re-examination of the structure as it relates to enforcement. Here again, it is clear that this Bill comes to the



National Assembly long before the administration is ready to implement its provisions. There is no one in Guyana who has been trained in the enforcement aspect of phytosanitary law and that cannot be denied, neither is there any known provision in the national estimates of 2011 which provides for the training of such officers. There is no known pre-planned training programme for Customs or Police personnel in this area either. The question I wish to ask is this: When will such training take place, and if it does before the life of this National Assembly comes to an end, will these specialist trained officers be assigned traffic duties as in the case with our specialist trained child labour police personnel for example. The enforcement aspect can be divided into two areas, firstly the border post enforcement and secondly, in country empowerment. Front line border post enforcement should be under the control of Customs, similar perhaps to the role of CANU, this will reflect the seriousness of these and related matters. It is perhaps comparable to counter terrorism preparedness. It is like being ready for something of the scope of bio warfare. I say, we are not ready for the enforcement in this regard, clearly we are not ready. Border post enforcement may also pursue what we wish to refer to as escape situations in country. Such is the importance of the roles and function of Plant Quarantine Authorised Officers hence the alarm about the rush to pass this proposed legislation without even a single step in the direction of getting ready for the enforcement of its provisions.

Section 22(5) sets off alarm bells for farmers. It says, and I quote: “*the Government shall bare no liability for the destruction of plants, plant products or other regulated articles in the course of or as a result of any action taken under this section*”. Sir, I remember calling on the Minister of Agriculture some time ago to consider compensation for banana and plantain farmers following the virtual wipe out of their crops by *sigatoka* in parts of this country. I recall making reference to the Government support to rice farmers when they encountered difficult circumstances. I made the point then, that the only way to essentially control and possibly illuminate the dreaded *sigatoka* disease was to destroy affected plants by fire. The Government first denied the presence of *sigatoka* in Guyana but later issued releases and offered chemical treatment to the affected farmer’s crops. Today the Minister acknowledged its presence and its effects on our farmers. Though many had to destroy their own crops and count their losses, banana and plantain farmers never got any financial aid from the Government. This proposed provision if not changed will not make it unlawful for Government to compensate these farmers should their crops have to be officially destroyed in the future. This is sure a sad case. I detect the pronounced absence of

equitable treatment here Hon. Minister. Sincere is my hope that this was an error and that the necessary steps will be taken to remedy it before passage.

I also hope that, since not a whole lot of our farmers are trained agricultural specialist, no effort will be spared to educate them about the provisions of this Bill especially as it relates to offences and penalties. Already, there is limited protection for our farmers in terms of transfer of plants deemed to be infected by pests and diseases in this Bill. We know that many of our farmers are members of corporate societies and in genuine attempt to help each other farmers offer each other planting material. Such practices offer potential for the commission of offences under this Bill. There must therefore be an effective mass education campaign before any thought is given to enforcement. Perhaps, here is where the Minister's focus is. After all, here is where the scope for campaign financing is freely available as in the Animal Health Bill. We are now getting a better feel for the Government's reason for scraping the Crops and Livestock Department of the Ministry of Agriculture and bringing into being the GLDA and NAREI. As Hon. Ramjattan said, the one spelt with the "E.I."

I predict that between now and elections day 2011 there will be huge spending in this area, most likely on project type operations. There is no intention to involve inter-agency cooperation with private enterprise or Non Governmental Organisations, and this is clear. Is this out of fear of government agencies being overwhelmed by the competitiveness in terms of technical competence and the availability of superior pecuniary benefits? Or is it all about the need for the control of financial resources for the upcoming elections campaign.

Section 26 says, and I quote "*shall be deemed to be guilty of an offence*". Sir, I suspect that the intention here in this Section 26 is to say "*shall be deemed to have committed an offence*". I am not a lawyer, I am just guessing here since I have heard repeatedly that a person is considered innocent until proven guilty. I am wondering if there may not be need to revisit that provision in section 26 since in my layman's view it seems to be an error.

I am also concerned about section 33. The Government continues to bring before this National Assembly, legislation which empowers the Minister to make regulations. The scope is almost limitless. Why can the Government not bring the proposed legislations complete with regulations

or the very least, make provisions for the regulations to be made by a Minister subject to a negative resolution of the National Assembly.

The National Assembly in my opinion ought to have oversight in matters such as these. I worry about Government's avoidance of such oversight. In 1995 the World Trade Organisation (W.T.O.) made it imperative for signatories to its agreement to carry out rules of that agreement. The WTO's rules mandate that, sanitary and phytosanitary measures be taken by member countries. The Government had delayed the implementation of these provisions since 1995. It is no secret that the Government of Guyana is now in a rush to meet and satisfy these mandatory provisions at the expense of being prepared is not sufficient reason for the mistakes and omissions in this Bill not being addressed prior to its passage. Thank you Sir. [Applause]

**Minister of Transport and Hydraulic [Mr. Benn]:** Thank you Mr. Speaker. I rise to support the Hon. Minister of Agriculture Robert Persaud in the passage of this Bill, the Plant Protection Bill 2011 and to note as he also did that this a set of legislation being brought here to Parliament today which comprehensively addresses issues related to animal health, plant health and issue of seeds, the protection of our national patrimony, the reserving and archiving and propagation of the right types of seeds for the development of our agriculture. The Speaker who just went before me, Hon. Member Mr. Mervin Williams was eloquent in his presentation on the question of this Plant Protection Bill. If I may say so, I think he is missing a fundamental issue in respect of the legislation that is proposed. It does repeal the Plant Protection Act of 1942. It outlines administration under a new NAREI of the sections related to imports, exports, re-exports, transit, control of pests, offences and penalties and miscellaneous and general provisions as proposed in the legislation. It is not designed to relate to issues for biodiversity protection in itself specifically. It is intended to coincide with measures which will overcome nontrade and other barriers to trade. The Minister did say here that US\$4 Billion of imports to the Caribbean region of agriculture products and extra regional imports. Here is Guyana in the region and has had all kinds of difficulties with respect to exporting, whether it is rice to Jamaica or Pineapples and Bananas to Barbados. We know these things well, when it is not the pink mealy bug or the gandhi in the rice or the black sigatoka of recent. These things have been raised in a way, and it delays and stalls us as legitimate proper exporters certified. In spite of all the facilities we have built at Sophia and at Parika with respect to packaging, cleaning and establishing proper

throughput and cleansing of agricultural products we get a lot of barriers in relation to exporting our agricultural product.

We say that we are the breadbasket of the Caribbean, legitimately so, but we get a lot of difficulty with respect to it. I notice retrospectively to 1967, eloquent quotes of a former Prime Minister with respect of integrated and placing our resources at the disposal of the region and other powerful stuff like that. All the talk and going around that time resulted in us in this country not even having rice to eat. Now we can talk because all of us can go to the market places where there is more than enough food to eat and export. That is the challenge we have to create the legislative framework so that we can have proper certified market access for our agricultural produce. This is a critical point. I am sorry that he has taken off on a tangent on all of these other things which would and are being addressed in other issues in relation to the Forestry Act, the conservation areas, the biodiversity areas and all those things which are addressing and are intended to be addressed. Your presentation is not related to this at all. A re-tool, reinvigorated NAREI with this instrument will form the platform and administration which will allow us to have proper secure protection of our market access which would allow our exports to be properly protect with regards to pests, and ensure that we have a continuum with respect to all the things that we need to do to have a proper relationship with the region in terms of making sure that we are properly the bread basket and that they accept our products.

In respect of the surveillance system and who should do it; I have had experiences of going to Australia from South Africa with some curio which I had bought some with animal products in them, wooden products and so on. I met a very paranoid Australian Customs Officer, they were the ones who were administrating and checking. I lost a lot of stuff there. I made an appeal to the Minister, but I was out the country within five days so I could not meet again to discuss with them whether I should be allowed to bring back to Guyana the things which I was hoping to bring from South Africa. The point is and it is provided for in the legislation that the Customs will be drafted in as they are in that country and other countries at the ports of entries to carry out this critical function. This would or could not be difficult for them. We do have plant protection officers at the Cheddi Jagan International Airport for one. They are there day and night examining whether you are bringing in orchids from Trinidad or whatever. This arrangement with examinations, two from the Customs, would allow for a more comprehensive system and

enhance the protection that we need with respect to the entry and also to the export of materials which will have pest infestation and so on. The Minister did allude to issues of the degradation of the fragile ecosystem of the Amazon, the fact that in an era of climate change and global warming there would be a widening of pest infestation across the Amazon and globally. We belong to that basin.

*6.16 p.m.*

It is important that we improve the surveillance or management and control in this area for this very reason as he alluded to. I hope that a re-think of the presentation, the position the Hon. Member Williams took on this matter, would show a better and, perhaps, a more proper insight.

It was interesting he did speak to the question of being guilty in section 28, but I think the legislation is fairly robust. Part 6 clause 28(3) speaks to the question of an alleged offender, whether an officer or a person, who is required, if he acknowledges his guilt, and pays the fine...

“An alleged offender who chooses to pay the fixed penalty referred to in sub-section 2(b) shall

- (a) within seven days of the date of notice, sign the notice in acknowledgment of guilt and return it, together with the sum sighted therein, to the Clerk of the magistrate’s court;
- (b) be treated for all purposes in law as a person who has not committed, been charged with, prosecuted for, convicted of, or sentenced for the offence in respect of which payment was made.
- (4) The admission of guilt and the fixed penalty paid under this section shall be dealt with by the magistrate in the same manner as adjudication in court of an offence punishable on summary conviction and for which no conviction is recorded.”

This is a fairly robust response to issues in respect of penalties under the proposed Bill. So I do not think we should get paranoid on issues of what effect putting in place and taking action under the legislation will have on a farmer or a person who... it is not intended to shut out any person. This business about compensation for farmers, and I think maybe the reference is to issues of the sigatoka particularly on the Essequibo and in the Parika area. Certainly if one commits an offence knowingly, that one is subject to the destruction of the material. The material should be

destroyed in any event. One could not knowingly involve, or knowingly partake or use material that is infested then expect the State to pay compensation for that. Certainly, in the respect of our farmers particularly, this Government has always intervened in issues where there have been crop losses by flooding or drought. At those times people on the other side have always jumped up and said we are politicking, but they forget that we have to ensure food security. But what do you want? On the one hand, maybe, there is a suggestion that we should do it; we should compensate the farmers if they have crop losses. Then almost immediately thereafter if things like that are done it is said we are in the political season and playing politics with the matter.

I think the introduction of this Bill, and the passage of this Act, will enhance our global competitiveness, our issues with respect to food security, it will certainly give a boost and impetus to grow more food campaign, which the Minister has vigorously championed throughout the country. I want to support this initiative particularly, and to commend its passage in the House. Thank you. [Applause]

**Mr. Ramjattan:** Once again Mr. Speaker, I rise to support the passage of this Bill. But I want to make it quite clear that the pronouncements, very articulately done, and I must say very well researched by my Hon. Colleague Mr. Williams, must be paid attention to. He indicated a number of matters which I had not taken into account when I had looked at the Bill, and to the extent then of enlightening us as to certain shortcomings and positions that can strengthen the arrangement and administration of the Plant Protection Authority created here. We must pay attention to those comments. I want to commend him, because I was most impressed. In view of the fact that I cannot do a better job, I want to say that we in the Alliance For Change support it, but concur with the remarks and pronouncements made by my learned colleague Mr. Williams. Thank you. [Applause]

**Mr. Persaud (replying):** Mr. Speaker, I notice we have done a bit of outsourcing here today. I wish to state very clearly that in the drafting and crafting of any piece of legislation there is always room for greater preciseness. That does not necessarily speak to shortcomings, because in many of the issues raised, there are perhaps, a lack of full understanding of the issues, complexities, as well as the wider picture, as to what is taking place as we speak to this particular subject; but also as it relates to linkages.

First of all, let me make it absolutely clear that the particular focus of this Plant Protection Bill is to do what the title says, and to address the threats that are posed to our crop sector by pests and disease, and have a set of arrangements and conditions so that we can prevent its contamination.

As was pointed out by my colleague, the Hon. Mr. Benn, this Bill will not and is not intended to cover issues of conservation in terms of genetic protection, patents and other such related matters. The Convention on Biological Diversity is giving effect within the context of another piece of legislation which is covered within the framework of the Environmental Protection Act. It is also given reference within the Forest Bill. Sometimes, if we pay attention to what takes place in the National Assembly, such as we recently had passed in the Forest Bill.

I want to say that very soon another piece of legislation would be coming to this National Assembly that will also give effect to other elements on the Convention on Biological Diversity. I can understand the lack of appreciation for the total picture. But this Bill is not intended to pursue those elements of the Convention on Biological Diversity.

Having said that, I wish to point out very clearly that NAREI will not be overburdened with this additional responsibility. In fact, we have to recognise in our country that we have limitations of physical resources - that is towards the assets - human resources and financial resources. And, for any plant protection unit to carry out its work effectively it must have access to lab resources, it must have access to a group of scientists that have the required expertise to properly administer the Act. We do not have the luxury in our country to have two labs to deal with plant health issues, with tissue issues, with germ plasma, or with diagnostic facilities. These facilities are currently housed within NAREI. First of all, the assets and the physical infrastructure to do these things reside within NAREI.

Secondly, the human resources and the technical capacity also reside in NAREI, and will be enhanced with the staffers going over.

Thirdly, NAREI has a number of international cooperation agreements with China, with EMBRAPA out of India, and even with the US Department of Agriculture and its Plant Health Services. It will also allow us to mainstream and to ensure that the synergies there are fully utilised. This is about complementing and ensuring we benefit from the synergies so that at the end of the day we have an effective and robust plant health system that is in place.

The other issue I want to address, I have heard it twice or thrice in the discussions. NAREI is in a state of transition, and the issues that relate to remuneration of staffers going over, or of new staffers, are issues that have been finalised. There are active engagements taking place with the Guyana Public Service Union and I think it does an injustice to try to torpedo, to try to undermine those talks by elevating this into a political gaff. We must respect our unions, we must respect the collective bargaining process, we must give due recognition to the industrial relations arena. I will not contribute to the denigration of that process by adding further to this matter, just to say it is being capably and amicably resolved within the framework of the industrial relations arrangement, as agreed to by the two parties. We can try to fan the political breeze as much as possible, I will tell you nothing will ignite.

The other issue that I want to make absolutely clear is the issue of supporting farmers. Take for instance the reference made to *black sigatoka*. We had to make it absolutely clear when the disease first appeared in certain farms, before we could pronounce on what the disease was, I, as Minister of Agriculture, and the responsible technical staff in the Ministry, did not just go yapping, working our mouths, unless and until we had conclusive scientific evidence. When we saw the disease, whilst there was suspicion that perhaps it could have been the *black sigatoka* we had to send samples to the United Kingdom, to the US, to Trinidad & Tobago and also confer with the regional institutions to first confirm what we were dealing with. Once we had confirmed that, as the Hon. Member said, we then made it clear that based on scientific evidence we were dealing with that disease. That is how we deal with every single disease, be it plant or animal. The Minister of Health will also tell you the same is done for people. One carries out diagnostic, do the research, do the tests and once one is satisfied then a pronouncement is made. One does not make a pronouncement on what the disease is before it has been checked. But once we had established that we came right before this National Assembly and requested additional resources to create a Musa Unit because that is considered under the broad heading of a Musa disease. We created a Musa Unit; we came to the National Assembly, and sought \$25 million in additional resources to support those farmers. The same farmers for whom, a suggestion is made that they received no help. **[Mr. Williams:** No, that is not what I said]. So you are admitting they had help. Well, I take that back.



Spraying was carried out, and I can tell you various forms of support were given to those farmers. And there is no provision... (*Interruption*) I take that back for misreading what you said.

I want to make it absolutely clear that there is no single provision, even the provision referred to by the Hon. Member that prevents this Government or any other government, this Minister or any other Minister of Agriculture, from providing various forms of assistance to farmers who are affected. I want to make that categorical, I want to make it absolutely clear, in any area, in any time, in any season, where farmers are afflicted by problems, our first resolve, is to see what we can do to support those farmers. No one can deny that. In fact, the Minister of Finance earlier today presented the request for supplementary provision to be made from the Contingency Fund. If you look at one of the requests is for those farmers who were affected by *La Nina*. It is right here. So we do not only talk the talk, we walk the walk in terms of supporting our farmers, as we support all categories of Guyanese. I think in the discussion we need to focus.

The last two points I want to make, is on the issue of Regulations. As I said earlier, we will be retaining a greater part of the existing Regulations in terms of carrying out the responsibilities and enforcing this Act. Those regulations are already on the books, and provisions have been made within this particular Bill so that these regulations would be brought forward in this regard.

My final point is that we are constructing this new agriculture sector that is export oriented. This year, perhaps for the first time, we will hit 400,000 tons of rice being produced. And people will not buy our produce, be it rice or the other areas where we have growth, if we do not have the type of systems, the type of safeguards, the type of modern mechanisms necessary. So it will be negligent on our part as a Government, and even as Guyanese, because I am sure there are Members of the Opposition also give words of encouragement to our farmers. I want to commend that. They make representation on behalf of our farmers, including the Hon. Member Mr. Williams. That is good because production by farmers, production by all Guyanese rebound to the benefit of all, the entire country. It does not benefit one political party; it benefits the nation as a whole, and that is good. But it makes absolutely no sense if we encourage production, we invest infrastructure, we take a number of initiatives, and do not look at having the type of required mechanisms in place. If we do not do so we will make the investments, the efforts by our farmers, and all those who operate throughout the value commodity chain, fruitless,

uneconomical, and at the end of the day endanger as a whole the economic well being of our country. With those remarks I wish to move that the Plant Protection Bill No. 6 of 2011 be read for a second time.

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee*

### **Clause 1**

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

### **Clause 2**

In clause 2(s) for the word “20” substitute the word “2010”.

*Amendment put and agreed to.*

Secondly, in clause 2 (s) insert the words “No. 31 of 2010” in the margin.

*Amendment put and agreed to.*

Thirdly, in clause 2(ww) immediately after the word “soil” insert the word “means”

*Amendment put and agreed to.*

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

### **Clauses 3 to 7**

Clauses 3 to 7, as printed, agreed to and ordered to stand part of the Bill.

### **Clause 8**

I propose in Clause 8(1)(b) for the figure “8” substitute the figure “7”.

*Amendment put and agreed to.*

*Clause 8, as amended, agreed to and ordered to stand part of the Bill.*

**Clauses 9 to 27**

*Clauses 9 to 27, as printed, agreed to and ordered to stand part of the Bill.*

**Clause 28**

I propose the question that in clause 28 (1) delete the words “*him or her*” and substitute therefore the words “*the offender*”

*Amendment put and agreed to*

*Clause 28, as amended, agreed to and ordered to stand part of the Bill.*

**Clauses 29 and 30**

*Clauses 29 and 30, as printed, agreed to and ordered to stand part of the Bill.*

**Clause 31**

I propose in the marginal note that for the word “*defense*” the word “*defence*” be substituted.

*Amendment put and agreed to.*

*Clause 31, as amended agreed to and ordered to stand part of the Bill.*

**Clauses 32 and 33**

*Clauses 32 and 33, as printed, agreed to and ordered to stand part of the Bill.*

**Clause 34**

I propose the addition of Clause 34 to state as follows in the marginal note:

“Savings and repeal. Chapter 68:03.”

Then add,

34. (1) The Plant Protection Act is repealed.

*Amendment put and agreed to.*

Subsection 34 (2) to state

- (2) All applicable subsidiary legislation made under the repealed Act, not inconsistent with this Act, shall continue to apply as if they were made under this Act unless or until revoked or amended under this Act.”

*Amendment put and agreed to.*

*Clause 34, as inserted, agreed to and ordered to stand part of the Bill.*

*Assembly Resumed*

*Bill reported with amendments read the third time and passed as amended.*

#### **4. CONSUMER AFFAIRS BILL 2011 – Bill No. 7/2011**

A BILL Intituled:

“AN ACT to promote and protect consumer interests in relation to the supply of goods and services and for related purposes.” [*Minister of Tourism, Industry and Commerce*]

**Minister of Tourism, Industry and Commerce [Mr. Prashad]:** Mr. Speaker, I stand to move the second reading of the Consumer Affairs Bill No.7/2011. I am very happy today to present to the National Assembly a Bill which provides for the promotion and protection of consumers in Guyana. For too long, consumers have had to conduct business with no legislative protection. As the Minister with responsibilities for consumer affairs, this Bill will now equip my Ministry to better serve and protect the rights of our consumers.

Let me just mention what entails now at the Ministry of Tourism, Industry and Commerce. There is a consumer section and we receive complaints almost on a daily basis. Our very hardworking team settles most of these complaints through moral suasion. Even Members of this National Assembly over time have had cause to call me and register complaints, either of themselves having been short-changed in some form, or some relative or friend of someone they know. So, it is very hard.

Let me just commend all my predecessors who over the many, many years have worked and settled consumer complaints to the satisfaction of many. Right now most of the complaints we

settle at the Ministry. The few that we have serious difficulties with, I personally intervene. Due to my private sector involvement, most of the business owners I know settle sometimes. Most times we settle. If I need help I would go to my colleagues in the Chamber of Commerce and the Private Sector Commission. This is how we operate as it is now. There is no legislative framework to protect consumers.

Hon. Member, the late Mr. Winston Murray, on several occasions would ask me what is happening with the Bill, because he was a strong advocate for this Bill. He had this portfolio sometime ago. In fact with the Fair Trading Act that was passed in 2006 there is a Competition Commission. He was, I think, the very first person that brought a complaint to the Competition Commission. He was very knowledgeable in these matters. Because of the provision of the Consumer Affairs Bill will only enhance what has been happening over the period of time when there was no Bill.

As you would recall this, Consumer Affairs Bill was tabled and passed in this National Assembly in 2006, but it was not assented to. It is here again after five years but with a difference, because there was widespread consultation over the period, and many Members in this National Assembly was involved in those consultations. I myself was part of those consultations when I was Chairman of the Private Sector Commission, and we worked with consumer bodies in those days.

The new Consumer Affairs Bill added six other parts to the existing eight that were there in 2006. They are namely:

control of distance selling, because of what evolved during that period of time;

product liability; consumer safety; and

recall of goods; and industry code.

There are many people from the consumer bodies who have contributed significantly to this Bill and worked very hard over a period of time, in the early days. I can think of Mrs. Eileen Cox, who is now 94 years of age, and still writing and advocating consumer's rights; Mr. Pat Dyal from the Guyana Consumers Association; Mr. Eliezar also from the Guyana Consumer

Movement; Hon. Member Sheila Holder was also a former President of the Guyana Consumer Association – she was involved years ago in championing this Bill.

*6.46 p.m.*

We worked very hard, so this ought not to be a controversial Bill, because everyone in this National Assembly, sitting here, sometime or the other, would have had cause to complain, and would have been short-changed in some form or the other. So it is in the interest of all of us in this National Assembly to make sure that we pass this Bill unanimously.

We know that in a competitive market producers compete with each other. Competition is good for the consumers, but sometimes in trying to bring prices down quality is overlooked. The Government of Guyana has recognised that consumers often face imbalances in bargaining power in the markets and consumer protection is relevant as a form of Government regulation to protect the interest of consumers, and also businesses, because everyone is affected, so the consumers have rights and also the business people have rights.

It is important for consumers to receive adequate protection and for the Government to promote market conditions which will provide consumers with greater choice at lower prices. Recognising that consumers have the right to receive just, equitable..., and sustainable economic and social development policies to curb abusive business practices by all domestic, regional and international enterprises have become necessary.

The Guyana consumer market, as in any marketplace, is an intricate network of supplier, purchasers, retailers and customers. The Consumer Affairs Act provides assurance, at all stages of the relay, which assists in building confidence so that the benefits of the free market can filter through to the consumer.

The economic benefit of consumer legislation stems from ensuring that adequate information is available to consumers and suppliers. This legislation ensures that suppliers provide sufficient information to consumers, to inform their decision on whether or not to buy a product or a service based on the price they are being charged, the quality and functionalities of the product, and or service, and the contractual rights and obligations of the supplier and of the consumer. When consumers have adequate access to information this will ensure that businesses benefit

more by being able to supply the right goods and services in the marketplace. So business people also must understand that this benefits them significantly because they will be able to see more if they sell the right stuff with quality and they treat the consumer right.

From an economic perspective this is highly beneficial, in that, the goods which are produced and services provided reflect better consumers desires and needs, as a result, the consumer expenditures tend to increase. The increase in business exposure to consumer preferences also provides an export boost, because it increases the degree of competition in the domestic market and enhances standards and, hence, helps businesses to better cope with international competition.

Consumers are the largest economic group in the economy. It is not because of the nature of their interventions and lack of communication against each other, they often tend to have little bargaining power. Currently in Guyana, if a consumer purchases a faulty good, or a mislabelled product, that consumer has little ability to enforce a contract of that purchase because such unfair trade practices are not explicitly disallowed in the contract. A lack of legislation means that the regular man in the street does not have the necessary means of redressing such ill practices. However, once the Consumer Affairs Bill of 2011 is enforced consumers will be educated of their rights and suppliers will be educated of their obligations and responsibilities to the consumers.

The Consumer Affairs Bill provides for the promotion and protection of consumers' interest in relations to the supply of goods and services. The Bill also renames the Competition Commission, which I referred to earlier, as the Competition and Consumer Affairs Commission. In 2006, when the Competition Commission Bill was passed - we are now merging the two - it was the Competition Commission and the Consumer Affairs Commission. The renamed Commission would administer both the competition and Fair Trading Act of 2006 and this Act, when passed.

There was massive consultation. If there is any other Bill that I have known of where there was consultation, there was massive consultation on this Bill. There can never be something as over consultation. Before 2006, and during the period leading up to bringing this Bill to the National Assembly, several agencies and bodies were consulted, but I will just refer to a few of them here.

The Consumer Affairs bodies, Non-Governmental Organisations, the Guyana Consumers Association, the Consumer Advisory Bureau and the Guyana Consumer Movement were principally involved at all stages of this Bill. The Private Sector Commission of Guyana, the Guyana Manufacturing and Services Association, the Georgetown Chamber of Commerce and Industry, the Berbice Chamber of Commerce, the Upper Corentyne Chamber of Commerce, the Central Corentyne Chamber of Commerce, the Bartica Chamber of Commerce, the Essequibo Chamber of Commerce, the Rupununi Chamber of Commerce, the Linden Chamber of Commerce and the Association of Regional Chamber of Commerce, regional administrations and other community bodies within our Regions, relevant Government Departments and statutory bodies including the Guyana National Bureau of Standards (GNBS) and the Food and Drug Administration, voluntary organisations, including the women's organisations, the Guyana Bar Association, small business association, all the commercial banks, insurance companies and political parties were all invited to public consultations.

The Consumer Affairs Bill complements the Competition of Fair Trading Act of 2006 in relations to consumers. The Bill renames the Competition Commission as the Competition and Consumer Affairs Commission. We are not reinventing the wheels here, because a joint Commission is a model practice in similar jurisdictions that enacted consumer and competition legislation, including Barbados and Jamaica. In addition to its functions under the Competition and Fair Trading Act, the function of the Commission under this Bill includes investigating complaints and the forming of opinions on whether this Act has been breached, taking prescribed actions to remedy breaches, providing information to consumers on their rights and implementing educational programmes for the benefit of both consumers and suppliers.

Before the Competition and Consumer Affairs Commission can investigate a complaint the affected person must make a written complaint to the Commission within two months of the date of the transaction. The Commission has the power to summons witnesses to appear before the Commission to give evidence. Also the Commission may refuse to undertake or to continue any investigation if it considers the complaint as trivial, frivolous, vexatious or not being in good faith.

The Consumer Affairs Bill also requires that suppliers and businesses are obligated to provide information about goods and services. Suppliers need to, before payment is made by the



consumer, provide to the consumer in English all information concerning the goods being sold, including where applicable, the origin, brand, price, expiry date, terms, hazards, proper use, assembly, installation, weight and size of those goods. Goods found on the shelves of stores with no written information in English will be deemed illegal. So when this Act is passed, automatically, we can see, for some persons, that goods exhibited in foreign language being illegal immediately.

As it goes down more as to how we will address this - the measurement of goods - the supplier must use measuring equipment that meets the standards imposed by law for use when selling goods or services that is referenced by measurements.

“16. (1) A consumer is entitled to check the weight, volume or other measurement of any goods that the consumer intends to purchase where the price of those goods is determined or materially affected by the measurement.”

I am pleased to inform the House that Guyana National Bureau of Standards, which comes under my Ministry, has been working closely with the Caribbean Regional Organisation for Standards and Qualities (CROSQ) in the areas of standardisation, conformity, assessment and metrology, which is the science of measurements. These areas form the pillars upon which successful trade is hinged. It is also a strong advocate of consumer protection, so all these consumer bodies have got an ally in the Guyana National Bureau of Standards.

In addition, the GNBS provides vital scientific and testing services to the manufacturing, commercial and public sector which is an essential support mechanism for international trade.

“17. (1) A supplier shall display prominently in the supplier’s premises, for the benefit of customers, discrete prices or fees for the various types of goods and services offered.

(2) The displayed prices or fees shall be current and shall state the amount of taxes...

(3) The suppliers will refund fees in full or in part to the consumer for the cancellation or unsatisfactory performance of the goods and services for which such fees have been paid.”

For instance, the supplier must not display on the shelf a price of a commodity and say that taxes are included. The display must have the base price and the taxes separately, because sometimes persons blame everything on taxes. They jack their prices up, one hundred per cent, as mark up. They will include the mark up in the prices, of course, and then they say that the price includes taxes. If the consumers can see the price for the commodity and the taxes separately, then they will know that this is just a con basically. This will now be illegal under this Act.

Whether a supplier sells goods or services to a consumer the supplier must issue a receipt to that consumer. Such a receipt should outline the purchase price and the Value Added Tax separately, the date of which the purchase was made and the description of goods or services. For instance, if you go to some supermarkets and you buy about ten items - well not supermarkets, stores also - you will see at the end of the receipt there is "16% VAT". Sometimes it is calculated wrong, because of those ten items sometimes three of them are VAT exempted - VAT free or zero-rated. So the total amount cannot be added and 16% discounted when three of those items do not attract VAT. That is why the Ministry is working closely with some of the supermarkets. On the taxable items, the letter T is to be put next to them, and the zero-rated items will be there, so a consumer can look at the Bill to know exactly how much tax is being charged.

In this Bill, importantly, we go to a store and sometimes see, "Goods not returnable" or "No refunds", makes that illegal immediately when it is enacted. It cannot be in store that "Goods are not returnable" or "No refunds". That will be illegal under this Act.

"Warranties":

"19. (1) A supplier must issue a standard and explicit warranty in relation to goods sold or services provided to a consumer."

Most of the problems we get in the Consumer Division relate to warranties because of defective goods, and the suppliers do not want to replace them.

"(3) Subject to subsection (6), where a manufacturer's warranty is attached to the goods sold or goods provided in the course of a service, the supplier of the goods or service -

(a) shall be deemed to have issued that manufacturer's warranty as an explicit warranty by the supplier to the consumer;"

So if a microwave is purchased from X store and the manufacturer's warranty states a year, it is illegal for the supplier to tell a consumer that it is a three-month warranty only. Once the manufacturer's warranty is there, it is normally a year, it will apply. The supplier will also have to honour the manufacturer's warranty as though it is the supplier's warranty. However, if there is no warranty attached to the item, it is mandatory under this Bill that there is a six-month warranty.

This Bill also caters for compensation to consumers who have received damages caused by the goods or services provided by the supplier during normal usage.

"20. (2) The supplier shall be liable in damages to the consumer and shall, upon presentation of a claim by the consumer -

- (a) undertake to pay the consumer all reasonable costs incurred or to be incurred by the consumer in correcting the damage so caused;
- (b) initiate all such claims for compensation within a period not exceeding seven days after the complaint is received at any of the premises where the supplier conducts the supplier's business; and
- (c) pay compensation for claims not later than four weeks after initiation of a claim."

What is there, right now is, because we do not have this legislation, the Department sometimes has to go for months to settle a claim, or to be compensated. This Act has got timelines.

"21. (2) A consumer may return goods if the purpose for which the goods were bought or intended to be used have changed or ceased to exist immediately after the goods were bought."

However, the consumer must abide by the following rules.

"21. (3) In relation to subsections (1) and (2) the goods shall -

- (a) be returned not later than seven days from the date of purchase;

- (b) not have been used, tampered with or treated in a manner to cause damage; and
- (c) be returned in its original package.”

Something from a store can be purchased and within two to three days it can be returned it, providing that it is in its original package. Our educational campaign will have to state all of this. There are some persons who I know - it is not in Guyana – who go to Macy’s, and those stores, on a Friday, pick up nice dresses, go to parties on Saturday and return the items on Monday. This happens a lot. I do not think this happens in Guyana. I have not been told of this, but I know persons who do this in New York. I know it is done there. However, even if the suit or the shirt was not used and if it was not repackaged as how it was bought, well then the supplier can refuse that.

Additionally,

- “(4) The consumer may elect to make a purchase of other goods of the same value in lieu of a refund.
- (5) The supplier may also charge a restocking fee not exceeding ten percent of the purchase price of the returned goods.
- (6) Goods so returned shall be deemed to be new and fit for resale at the original value.”

When a supplier sells goods to a consumer and,

- “22. (1) (a) the goods fail to provide to the consumer the benefit and uninterrupted enjoyment for which they were intended; and
- (b) the consumer returns the goods to the supplier.
- (2) Subject to subsection (5), the supplier shall –
- (a) at no cost to the consumer -

- (i) replace the goods within fourteen days of the goods being returned to the supplier; or ...
- (b) return the receipted payment for the goods.”

This is in the Bill, so they are obligated to do this. They do not do this now, at all. We have a lot of problems with them, right now. I am seeing many heads nodding because you also have those problems.

“23. (1) Where a consumer is encouraged to acquire goods by the supplier’s declaration and description of the goods, and the consumer subsequently discovers that the goods acquired are different in a material particular from those declared or described, subject to subsection (2) -

- (a) the consumer may return the goods acquired to the supplier; and
- (b) the supplier shall immediately give to the consumer in exchange for the returned goods, a refund of the purchase price.”

“Compensation for loss”:

“27. (1) If the supplier of the repair or maintenance service, misplaces, loses or damages goods brought by a consumer, the supplier should compensate the consumer by –

- (a) replacing the goods with the equivalent acceptable to the consumer; or
- (b) refund the value of the goods as stated in the record...”

Also, there are many situations which can be related to. For example, if you take your car to the mechanic right now, you want to fix the alternator and you leave the car with him. If when you return he tells you that in looking at the alternator he had to fix the brakes and do X, he is not supposed to do that. You are not obligated to pay him. He must only repair what you want him to repair. If he does extra work you are under no obligation to pay him. He is doing that extra work without your permission. Also, if goods are delivered other than those ordered, if you ordered

ten-inch facings for a roof and twelve-inch is supplied, you are not supposed to pay extra if you want to use them.

“Entertainment”:

- “30. (1) Promoters, organisers, performing artists and suppliers of performing venues shall-
- (a) provide a safe environment for a performing event; and
  - (b) jointly and individually have valid and adequate insurance coverage with listed providers for events, organised, sponsored, hosted or accommodated by them to cover –
    - (i) all public liabilities; and
    - (ii) refund of fees”

There were several shows in Guyana where - this is not only covered here but also in false advertising - someone may advertise that, at the Guyana National Stadium, Rihanna will be appearing and when persons may turn up there will be no presence of Rihanna. That is false advertising. Under this Bill you are entitled to a refund.

The Consumer Affairs Bill of 2011 also addresses “Unfair Trade Practices” that may want to be attempted by some suppliers. These include misleading or deceptive conduct. If the overall impression left by an advertisement, promotion, quotation, statement or other representation made by a business, creates a misleading impression in your mind, such as, the price value, or quality of any good, then the conduct is likely to breach the law. A jewellery store, for example, promoting a watch may state on the television that it has been reduced from \$200 to \$100, when the store never sold the watch for \$200. This is deceptive, misleading and it is a breach of the law; or a transport company using pictures of an aeroplane to give the impression that it takes freight by air when it actually sends it by road. That is misleading.

“False representation”: This happens when a supplier:

- (a) “falsely represent that –

(i) goods are of a particular brand, kind, standard, quality, composition, functionality, performance, style or model...”

The supplier makes a false or misleading representation of the goods to the customer. Advertising goods or services at special prices with no intention of supplying those goods or services at the advertised price, a supplier who does this commits an offence.

The other one is bait advertising. For instance, a fifty-inch television set may be advertised at a cost of \$799, and when a person goes to the store that person may be told that it is sold, but one can be acquired for \$999. That is bait advertising. What is being done there is luring a person to the store. Under this Bill that is illegal. It is also called switch advertising.

Credit Transaction: If a credit transaction is being made, the following information should be made available to the consumer.

- “35. (1) (a) the cash price of the goods or services;
- (b) the total sum to be paid for the goods or services
  - (c) the number of instalments by which payments is to be made;
  - (d) the rate of interest that is to be charged; and
  - (e) the deposit, if any, that must be made.

Many times we find that if a person is doing a credit transaction the supplier will only tell that person his or her monthly instalment, sometimes the supplier does not tell that person the interest rate or give any information. Under this Bill it is mandatory that the supplier does that.

“37. (1) Where the supplier accepts a deposit in cash or kind under contract to provide goods or services to consumer and on the contracted delivery date, the supplier fails to deliver the specified goods or services in full ....”

**Mr. Speaker:** Your time is up Hon. Member.

**Prime Minister and Minister of Public Works and Communications [Mr. Hinds]:** I move that the Hon. Member be given another fifteen minutes to continue his presentation.

*Question put, and agreed to.*

**Mr. Prashad:**

“37. (1) Where the supplier accepts the deposit in cash or kind under contract to provide goods or services to a consumer and on the contracted delivery date, the supplier fails to deliver the specified goods or services in full, the supplier shall be deemed to have acted in a fraudulent manner unless -

(a) the supplier can show that the supplier was prevented from delivering the specified goods or services in full for reason of *force majeure*...”

Which is an act of God.

“40. (1) A supplier shall not, in trade or commerce, accept payment or other consideration for goods or services where at the time of acceptance –

(a) the supplier intends not to supply the goods or services;”

(2) A supplier who contravenes subsection (1) commits an offence.”

“44. (1) A person to whom unsolicited goods are supplied by a supplier in trade or commerce is not liable to make payment for the loss of or damage to the goods other than the loss or damage resulting from the doing of the person of a wilful and unlawful act in relation to goods during the period specified in subsection (5).”

In other words, if a person ordered building materials and the supplier supplied the wrong type of materials, and if they were damaged on that person premises that person is not liable for that, under this law, unless it was done wilfully.

*7.16 p.m.*

This Bill also prevents suppliers from excluding or restricting themselves from liability for goods or services by reference to a contractual term or notice. Unless the term or notice is fairly



reasonable, exclude the liability for death or personal injury arising from negligence would be unlawful. Guarantee cannot exclude liability.

“64. (1) A person, shall not by reference to a guarantee, exclude or restrict that person’s liability for loss or damage arising from consumers goods or services proving defective while in the consumer use, where the defect is caused by the negligence of a person concerned in the manufacture or the distribution of the goods or provision of services.”

In the new Bill:

“70. (1) A supplier using electronic communications to sell goods or provide services to consumers shall provide accurate, clear and accessible information about themselves...”

That is for the electronic sale.

The supplier must also provide accurate and accessible information, describing the goods and services offered, and information, terms and condition and cost associating with the transaction. “Where any damage is caused wholly or partly by the defective product”, the producer or the importer is liable for the damage.

“78. (1) A person should not -

- (a) supply consumer goods and services which fail to comply with the general safety requirements;
- (b) offer to agree to supply goods or services that are not safe;
- (c) expose or possess unsafe goods or service for supply.”

Additionally,

“79. (1) The approach to the premises and the premises of a supplier shall be safe, secure and orderly for the consumer.”

This new Bill also includes “Recall of Goods.” There are two types of “Recall of Goods”. There is a compulsory recall and a mandatory recall of goods. The compulsory recall of goods takes effect -

“81. Where a supplier, in trade or commerce, supplies goods after commencement date and it appears to the Commission that the goods are goods of a kind which will or may cause injury to any person and that the supplier has not taken satisfactory action to prevent the goods causing injury to that person, the Commission may, by notice in writings served on the supplier and published in a daily newspaper for general circulation...”

A supplier who does not comply with this commits an offence.

85. (1) Where the Commission has reason to believe that the consumer goods will or may cause injury to a person, the Commission may, for the purposes of ascertaining whether goods of that kind will or may cause injury to a person, enter any building, ship, carriage, vehicle, container or place in or from which the Commission has reason to believe that a person supplies goods of that kind in trade or commerce and -

- (a) inspect goods of that kind;
- (b) take samples of goods of that kind;
- (c) seize goods of that kind;
- (d) inspect any documents relating to goods of that kind and make copies of, or take extracts from those documents;
- (e) inspect equipment used in the manufacturing, processing or storage of goods of that kind.

These are very important parts which should benefit the consumers.

The mandatory recall of goods is also an important piece of this legislation - very important for us. This may occur if

90. (1) A supplier of goods in Guyana, whose goods are manufactured...”

Let us say in the United States of America. There are many goods that are subject to recall.

“... abroad and are subject to recall by the manufacturer in another country shall

-

(a) mandatorily recall such goods on the local market not later than forty eight hours after the manufacturer issues is recalled notice in another country;”

So if there is recall in the United States of America about the goods that is sold in Guyana, automatically those goods should be off the shelf within forty-eight hours. A typical example of this is the Hon. Member, not so long ago, recalled the Peter Pan peanut butter recall. That happened in Guyana, I think last year, when it was recalled in the United States of America, but because there was no legislation, Peter Pan peanut butter could have been seen on several shelves in Guyana, and this is now an offence.

In terms of the enforcement of this Bill –

“96. The Commission may apply to the Court to enforce this Act against a person for compensation, damages and any other remedies.”

As it may deem fit.

Mr. Speaker, under this Bill, the Commission has the power to seek a warrant to enter a place to search or seize goods, on the basis of information received that there are reasonable grounds to believe that there may be materials as evidence in proving an offence or that these goods have been acquired by a person for distribution or trade.

Mr. Speaker, Members of this National Assembly, if one commits an offence under this Act the Court may order penalties for breach of any of provision of the Bill. Penalties can range from twenty thousand dollars to one million dollars and up to one year imprisonment.

“103. The Court in imposing the penalty shall take into consideration whether the defendant’s business is large, medium or small, the severity of the offence and whether the offender is a serial offender, and issue judgment accordingly.”

The suppliers have rights too. If a supplier, after mediation, is not pleased with the written decision of the Commission, that supplier, “...may within fifteen days after the date of that finding or decision appeal to a judge of the Court.” This Bill sets criteria for organisation purporting provides services for the protection of consumers. Any organisation which provides services for the promotion of consumers’ interest will have to be a registered non-profit organisation with responsibilities to promote consumers’ interest represent the collective interest of consumers before judicial or administrative bodies, represent consumer’s interest to Government and enterprises, collect, process and disseminate objective information for the benefit of consumers engaged in public advocacy, cooperate with other consumer’s body, regionally and internationally.

I am pleased to report to this House that in Guyana, the consumers’ bodies have satisfied all these requirements, both at the Guyana Consumers Association, which Hon. Member Sheila Holder was once chairperson, the Consumer Advisory Bureau and the consumers’ bodies.

This Bill will further aid the Ministry of Tourism, Industry and Commerce to fully execute its duties to the Guyanese public as the Ministry with responsibility of consumers’ affairs. In relation to almost all of the penalties which were spoke about and the unlawful act, the Ministry will be engaged in a massive campaign. It is an ongoing process; the Ministry is doing it now, but after this Bill is passed, automatically, several people will be in breached and the whole idea is to work with the consumers’ bodies, the private sector and all interested organisations to educate the public about this Bill and their obligations and what they have to do in terms of giving the consumers a fair deal to some of the unfair practices which have been going on. They will have to stop.

Most of the people who committed these breaches - we know most of them – will be called immediately after the passage of this Bill, to speak with. There is a new breach. Actually, in the year 2006 when this Bill was passed by the National Assembly, there was a new set of entrepreneurs who are now on the scene, I do not want to go into details, and they are

barefacedly not returning things and they are actually giving people a hard time. The Chambers of Commerce have been complaining to me and people have been complaining to the consumers' bodies. We will have to call them in, because, since the year 2006, a lot of things have been changed; a lot of new businesses have been mushrooming through out the country.

In closing, I would like to leave two famous quotes with this House on the important of consumers. Sam Walton from Walmart said that: "There is only one boss. The customer. And he can fire everybody in the company from the chairman down, simply by spending his money somewhere else." Arthur F. Sheldon, famous statement: "He profit most who serves best."

Mr. Speaker, I wish to move that the Consumer Affairs Bill be read for a second time.  
[Applause]

**Deputy Speaker [Mrs. Riehl]:** I rise to offer a few thoughts on this Bill where the Minister was very effusive, and a Bill which he is very enthusiastic about.

During the course of preparation of my short speech here, today, on this debate of the Consumer Affairs Bill of 2011, I look for its predecessor to which the Hon. Minister spoke, the Consumer Protection Bill – Bill No. 18/2006 which was passed on the 20<sup>th</sup> of April, 2006, during the currency of the Eight Parliament. This was one of the infamous thirteen Bills, Sir, which was taken through all its stages and was passed by this National Assembly but which was never assented to by the President of Guyana, and so never became the law of this land. The constitutional mandate outlined in article 170 of the Constitution, to return those Bills, including the Consumer Protection Bill – Bill No. 18/2006, to this National Assembly with the explanation for the refusal to sign them into law was never adhered to, Sir. All this means is that for over five years, from April, 2006 to May, now, 2011, consumers in this country were deprived of the much needed protection contained in this current Bill, the Bill which we are now debating.

I looked also, Sir, for the Hansard, because it is not generally my area, to see what was said in that earlier Bill in 2006. Unfortunately, Sir, apparently there is a gap in the Hansard for that particular period. However, Sir, many of the protections outlined in this 2006 Bill are rehashed in this Consumer Affairs Bill, 2011. Let me state up front, Sir, I said that I will be quite brief, that the intention of the legislation is fundamentally good and we will support this legislation. There is no doubt about it and, as I said earlier, it is long overdue. As citizens of this land reel under the

heavy burden of taxation and then they find themselves, thereafter, at the mercy of merchants and tradesmen and servicemen, giving to the consumer the classical - not the classical - the *six for a nine* at every term. The Hon. Minister spoke at length about all that existed in the society with dishonest and dishonourable tradespeople and new breed of businessmen. But as the consumers try to eke out an existence with what remains after tax, they cannot afford some of the ill effects of the behaviour of our merchants and tradesmen, as I said, in this country.

The duties of suppliers as outlined in the part IV of this Bill... which the Hon. Minister spent a lot of time telling us about all the duties which are stipulated there - the warranties, manufacturers' warranties, which must be passed on to the consumers. If no warranties, then the law stipulates a six-month warranty. The Bill speaks to refund of money for goods not provided and partial refunds, and the whole plethora of situations, as I said. The Minister went through all of them and I will not belabour the same aspect of the Bill - return of goods, the availability of measurements at the place where the consumer can test whether he is getting his pound of flesh, his pound of channa, his pound of whatever. So all of these things have to be provided now or else the supplier finds himself with an offence because the Bill stipulates that at every term, if the supplier does not do this, then he commits an offence and, with the offence, the penalties stipulated within \$20,000 and \$1 million and one year imprisonment.

The Minister also spoke of the prices which must not include the Value Added Tax (VAT) price. But there are many tears in our society, including tears in the VAT situation, itself, which are passed on, ultimately, to our consumers. So I do not know how that will pan out when it comes down to the very small, micro, level where most of the people of this country dwell, and that is my main point in this short presentation. When there are so many tears, I think the Minister also alluded to it, there are retailers; there are manufactures; there are a host of middlemen in our system... The importer imports through, and he has an agency or something, some wholesaler who may purchase goods from him and then the retailer may purchase from the wholesaler and it ultimately goes to the final person who is the consumer. But I asked the question: How realistic then, are some of these provisions, when all these tears are considered in the context of our society, with so many small businesses?

We are not a sophisticated society as the United States of America, and the Minister made reference to some of those practices which are well known in countries as the United States of

America. You can buy something from Macy's, and so, and go home and change your mind and take it back and get the full refund. There are even some people who do what the Minister alluded to earlier – buying something, using it with care, returning it and getting the full value back. I wonder, at first glance, when I was reading all of these things, whether we are in that context, but we, certainly, are not. The host of people who shopped at little stalls in Bourda Market, all our markets, and along Regent Street, and all those places, these protections seem very sophisticated when tried to apply to those small people. As I said, there are so many tears of businesses here. Who has the ultimate responsibility of seeing to it, for instance, that the manufacturers' warranty is passed on to consumers? If I buy an item and – from a small business, say in Robb Street – then I said I want the warranty on this item and the supplier said, as you know, I have to check with the person from whom I bought it and you have to come back in such and such a time. Consumers may have the ultimate pushing around so that they are frustrated out of even making a complaint and this is where the businessmen and tradesmen, and the merchants, have the upper hand.

It is the frustration level that people have to go through. In the Guyanese society, we know a lot about frustration. After people will try once, twice, they give up. That is why there are so many people are not even going for their identification card. It is all across this country. People get frustrated waiting on the bigger folks, whether the bigger folks happen to be a Government official or a big businessman, and that sort of thing. For me, this is the crunch; this is a Consumer Affairs Bill which caters for the consumers. As I said, it has very good provisions and I applaud the Minister for all of that, but I wonder how the implementation will go. As it is said, Sir, the devil is in the details, and the frustration, and so, in the stages in which the consumer will have to go... because, let us make no bone about it, there is a lot of businessmen who would not want this law to be implemented when they sell defective goods. They will try to push around the consumer and the frustration will be there and the Bill would not be effective. The consumer will wait and wait, for refunds or warranties, and so, and will say, "Well, I am not able with all of that; I am going to buy another one." Big business like Singers and Courts, and those places, are better places to carry out the mandate of this Bill, but, as I said, where the bulk of our people are in the small, micro, business of this land.

This brings me to the implementation and remedy stage. I looked at the Bill, Sir, and it had its own Consumer Affairs Commission - that old Bill of 2006. I noted that the Minister said that checks were done in the Regions and these Consumer Affairs Commissions are twinned with the ones for the Competition Commission, the Fair Trading Commission, which was wrapped .But I have some reservation in that area also. This new Bill has affected, as I said, this crossover to the Competition Commission which is established under the Competition and Fair Trading Act of No. 11/2006. This Commission, in my estimation, has a more business slant. If to prove the point, I am informed that it has been chaired by a top businessman, Mr. Ramesh Dookoo. He is a well known businessman in this country. So with that, I ask the question: Will a Commission, such as this, give comfort to the consumer? A businessman who may have the slants or the businessman's approach to things, will a body which is chaired by such a person, give any comfort to consumers that their interest will be well looked after? I just pose that question.

This twinning, as it were of the two Acts, in the Consumer Affairs and Fair Trading Act, and the Consumer Commission Bill, is the crux of the matter too, because this is the Commission that will have to investigate complaints and ultimately decide complaints.

Another facet of the older Bill was the setting up of its own tribunal and, under this new Bill, enforcement remedies will be derived, as the Hon. Minister said, from the Magistrates Court summarily, there is one year within which to lay that complaint and the penalties. There is \$20,000 or a \$1 million penalty, depending on if the supplier is a repeat offender or what. Then, again, there are many persons in this country who, as soon as the word "Court" is mentioned, do not want to go. They are reluctant. Guyanese are reluctant. Many people say that they have never been to Court. They are frightened to go Court, and all kind of things like that. So a fear of the word "Court" may also forego remedies if it means having to go to Court to tell their story. They may just ignore the whole process. As I said, where there lies the efficacy of this Bill when all of these things have to be changed up like this.

First of all, there is a businessman sitting at the top of the Commission and then there is, instead of a tribunal, as you know, the Court, a Magistrate Court. Already the Courts are taxed with every Bill that we have passed here. We are bringing more and more responsibilities to our High Court and our Magistrates Courts, and then we do not have a sufficiency of them. All of this contributes to the delay that we talk about, all the time, as it is referred to the Court system. So a



tribunal, in my opinion, would have given more comfort to a customer that he or she would go and lay his or her complaints rather than the Court. So this fear of the word “Court” also will...The tribunal will be a more consumer-friendly body and will better be able to secure the efficacy of this Bill. This is a very comprehensive Bill. The Minister took in excessive of forty-five minutes to make his presentation. It has one hundred and fifteen clauses and four schedules, each with several clauses also.

Additionally, as I said, it cross-references with the other Act, the Competition and the Fair Trading Act of 2006. It is exactly the type of Bill that was contemplated by the Management Committee, not so long ago, to be sent to a Special Select Committee because there are so many facets. As I said, it is a good legislation on paper and the Hon. Minister has said that he has consulted widely. I have no doubt about that and, as I said, the devil is always in the implementation stages of these laws that we are passing in this House - always! I know the need for this Act is very pressing to a lot of people, but, will a lot of people get the remedies of this Act? The Minister has uniquely placed..., because of the background of the Chamber of Commerce, and all of these things, and he now is in a position to help to redress some of these things, some of these practices. As I said, I am concerned with those at the micro level, which is the bulk of our citizenry.

I would like to state also, Sir, that I see no reference to a general bugbear of mine in this Bill. I do not know because I looked at the Bill. I thought it was going straight into a Special Select Committee, given that kind of understanding by the Minister that there will be no second reading and it will move straight to the Special Select Committee. I see no reference here to, as I said, my bugbear which is the hire purchase legislation. It does not feature loom at large in this Bill. It is the kind of legislation that we really need, where people pay a great part of the selling price, or the buying price, for an item and then it is reclaimed, and there is no redressed. Perhaps it is here and I missed it. If that is so, the Hon. Minister, who is very *au fait* with the Act, will tell us, but, generally speaking, these are some of my views.

I see also that the clause 3 of the Bill states that the public utilities..., because this is also an area where the citizenry are very concerned. They always have problems with their light bill and their water bill, and all the bills. Clause 3 may apply to the utilities, but after consultation with the Public Utilities Commission., I am reading from clause 3(1):

“The Commission may exercise a function under this Act in relation to a public utility after consultation with the Public Utilities Commissions.”

7.46 p.m.

I do not really know what that means. I do not understand what that means. Perhaps the Minister, when he winds up, will tell us what the phrase “after consultation” means.

There are still many areas that need to be, I think, re-looked into. The Minister is saying that there will be timelines but I am saying that there will be frustrations along the way. The timelines would not even matter with people and the frustrations at that lower level - the frustrations of the consumer - may inure to the benefit of the supplier. Many of these things will go still unredressed.

There is nothing else I want to say. With these few words, I will take my seat. As I said, generally speaking, it is a good Bill and we will give our support to it. Thank you. [Applause]

**Minister of Local Government and Regional Development [Mr. Lall]:** I rise to support my colleague, Minister responsible for consumer affairs, Mr. Manniram Prashad, who has quite adequately and also quite extensively explained the intent and purpose of this piece of proposed legislation. I also take note of the fact that Mrs. Riehl has expressed the support of this Bill, by the main opposition party, the PNCR, and hopefully we will obtain the support of the other opposition political parties for this piece of legislation. I do not have much more to add to what Minister Manniram Prashad had to say, except to emphasise the point that I think that our consuming public is getting a bit more sophisticated, having lived for quite a number of years in a fairly complex, free, open market environment. People are now attuned to what they consider to be good standard where goods and services are concerned. On an everyday basis we will hear people expressing preferences as to which shops they will buy, which countries they will buy produce from, what they like and what they dislike. I think, also with the travels of Guyanese overseas and with the access to the internet, people are getting a bit more sophisticated. Therefore, the suppliers of goods and services will have to get attuned to this new environment. Now, especially since we are providing legislative protection for our consumers, the suppliers of these goods and services in Guyana would have to also assist in creating a fair atmosphere for business to go on in Guyana and for them to continue to survive.

I want to emphasise the issue of education. At the end of the day, it will depend on the consumers, how far they will take matters in hands in dealing with difficult suppliers. First of all, they will have to be educated. I think that the Commission, as soon as it is put in place, will have to do an intensive period of edifying and educating the consuming public as to its rights and responsibilities, and how to go about creating a fair environment for itself within the marketplace. I think the Bill outlines in clause 6. (1) (d), (e) and (f), how the Commission will assist the consumers in getting to know what their rights are. I will briefly read them, Mr. Speaker. Clause 6.1, the functions of the Commission will include:

“(d) to provide information to consumers on their rights and to enable them to make informed choices;

(e) to implement education programmes for the benefit of consumers and suppliers;

(f) to initiate any investigation and collect, compile, analyse and disseminate any information it considers desirable or necessary in pursuance of its objectives;”

I think these are very important functions of the Commission because, I think, most of us here, in this House, must have come across this sign in many of our shops these days – “Goods not returnable”. I do not think when we would have passed this Bill and it becomes operational that these persons would be allowed to carry those signs anymore. Obviously, you have the right to return goods if they are bought and they are not working. The experience is that many times you go and buy things and the suppliers do not allow you to test them. You take them home and they do not work. When you return them, the suppliers say, “Look, there is the sign there. It is not returnable.” People take that as the law. I think we will have to remove that kind of taboo in society in the way the suppliers were dictating the rights of the consumers. I think we have to change that. We have to change that because, indeed, in our marketplace there are a lot of substandard goods.

Up to recently, I have seen a supplier of drugs selling a product which does not have an English equivalent of the directions. It is written in a foreign language and that is quite illegal. When one goes to buy, the seller writes something in English: “One tablet three times a day”, but then one does not know if that concurs with what is the actual medical requirement based on what is

prescribed in that foreign language. They sell it to the people and the people accept it because they are supposed to be chemists and people who are running drugstores, and so forth. They dictate the rules of the game, in a sense, and consumers accept them. What is sometimes terrible is that adults buy these drugs and these drugs are intended for children. Sometimes they are very harmful. They could be harmful. That is why I believe a very important aspect of this Bill is that the goods and services supplied must be safe.

The Commission, when it comes into being, and all those other persons who will be responsible for the administration of this aspect of our laws, must take that into consideration that many of the things which are purchased are purchased for children and they are not purchased by children, so the safety concerns must be there. I think one of the things that we need to do...Every year we go through this aspect. There are several children being harmed by fireworks. Fireworks are sold all over the place and they harm children every year. But there does not seem to be any kind of care by the suppliers of those things; they just continue to sell them. At the end of the day, there are consumers who buy those things and they are not adequately equipped, educationally, to determine whether or not those things are harmful. Only when they buy them and something actually happens, the children are rushed to the doctor and they cry. These are some important aspects that we have to deal with.

The main point I am trying to make, in concluding, and in support of Minister Manniram Prashad, is that it is time for consumers, now, to start taking this matter of their own protection in hand, and to educate themselves to go to the various agencies that are there to assist them because, at the end of the day, they are the ones who will have to stand up for their rights. Thank you very much, Mr. Speaker. [Applause]

**Mrs. Holder:** I like to say that we are all consumers, whether we are rich or we are poor, whether we are sellers of our product or service, or whether we are receivers of a product or service. That is why, one to the other, it makes pretty good sense to adopt the principle of “doing unto others that is which we will have done to us.” However, being humans, many fall short of that standard making it necessary for the enactment of laws, in general, and consumer protection laws in particular. Consumer protection laws are designed to ensure fair trade competition and the free flow of truthful information in the marketplace. These laws are expected to prevent businesses from engaging in fraud or, indeed, unfair business practices and from gaining

advantage over their competitors. It is these laws, especially, which ought to provide additional protection for the weak in our society who are unable to take care of themselves. So the question to be asked about this legislation, before the House this evening, is whether it meets these standards. Would the enactment of this Bill prevent Guyanese from being scammed by fly-by-night housing developers? Would the enactment of this Bill be a deterrent to confidence tricksters? Would the enactment of this Bill curtail the abuse of Guyanese who enter into pay later plans for the purchase of consumer durables? I believe it does, and, therefore, the Alliance For Change supports this Bill wholeheartedly.

However, we have one reservation - no big thing - relating to how appointments to the Commission are made. Given the fact that the process for appointing commissioners apply to the Fair Trading Act...I believe that is what obtains skill. I am saying that today, with the amalgamation of the consumer affairs legislation, a provision ought to be made for some level of expertise in consumer affairs to also sit on that Commission. I would like the Hon. Minister to give serious consideration to that recommendation.

Article 107 speaks to the criteria for consumer organisation but gives them no other role in the selection of commissioners. Perhaps, the Minister will be prepared to give some degree of consideration to that. I am also obliged to make the point that consumer protection laws are a form of government regulations which aim to protect the rights of consumers. For example, a government may require businesses to disclose detailed information about products, particularly in areas where safety or public health is an issue. This is linked to the idea of consumer rights and to the formation of consumer organisations which help consumers make better choices in the marketplace. This role should be respected and, indeed, facilitated. Since consumer interests can also be protected by promoting competition in markets, the amalgamation of the Fair Trading Act of 2006 with the Consumer Affairs Bill makes sense, as does the renaming of the Competition Commission as the Competition and Fair Trading Commission. The combination of the two will serve consumers more effectively while being consistent with economic efficiency.

I believe that I would be remiss if I were not to mention the United Nations and the role it has played in internationalising guidelines for consumers' protection. Maybe for the benefit of those of us who are still here this hour, let me remind you that these guidelines are worthy of our internalising them.

One, taking into account the interest and needs of consumers, recognising that consumers often face imbalances in economic terms, educational levels and bargaining power, and bearing in mind that consumers should have the right of access to non-hazardous products as well as the right to promote just equitable and sustainable economic and social development and environmental protection, these guidelines for consumer protection have the following objectives:

- a. To maintain adequate protection for countries' populations as consumers;
- b. To facilitate production and distribution patterns responsive to the needs and desires of consumers;
- c. To encourage high levels of ethical conduct for those engaged in the production and distribution of goods and services to consumers;
- d. To curb abusive business practices by all enterprises of the national and international levels which adversely affect consumers.
- e. To facilitate the development of independent consumer groups;
- f. To further international cooperation in the field of consumer protection;
- g. To encourage the development of market conditions which provide consumers with greater choice at lower prices; and
- h. To promote sustainable consumption.

Thus, it is of evident that consumer protection can also be asserted via non-governmental organisations and individuals who engage in consumer activism. A role for them, therefore, is pivotal which require greater interest generally from civil society.

I heard my honourable colleague, on this side of the House, Hon. Member Mrs. Riehl, expressed some reservations about the effectiveness of these laws which she considered to be rather sophisticated, given the various tiers of trading that prevail in our country. I would like to point out that similar tiers exist within the Caribbean region, in Barbados, Trinidad and Jamaica and they have enacted similar legislation. I beg to also remind her that in Europe and North America similar tiers exist. I remember attending a roadside trading event which apparently only exists in a street in London once per week. The street is simply closed off and people who have something to sell go there and sell. They sell in car and trucks as well. This happens as well in Europe and some Scandinavian countries that I have visited.

I want to make this point. In some regards, because we are where we are today, we have the opportunity as a nation to surmount some of the problems that other countries had experienced before us by introducing sophisticated legislation and sophisticated processes that, in fact, we will do well to introduce here. I recall a businessman from Jamaica coming here for the first time and witnessing our traffic lights which actually have a system of counting down - how long the light will stay a particular colour. He was amazed that this would exist in a backward country like Guyana, but the reality was that because we had so few traffic lights before, our ability to introduce that sophisticated system surmounted what was there in other Caribbean countries.

I want to close by asking the Hon. Minister to, one, pay us the courtesy of indicating the reason why, perhaps, his Excellency the President chose not to sign the previous Bill into existence. I think it would be desirable if he tell us the reason and also to indicate support for a public education programme about the content of this legislation. Now let me say this: I have advocated in the past in this Hon. House that we tend to do things backwards. We talk a great deal about Singapore and how it developed. Lee Kuan Yew did it the other way around. Before legislation came before the House and was approved, the sensitisation programme of the population existed first. It was only after the population comprehended, very thoroughly, the content of the legislation that it was approved. We do it the other way around. So I want to urge the Hon. Minister to pay great heed to educating the public about the content of this legislation. Thank you very much. [Applause]

**Minister of Labour [Mr. Nadir]:** I rise in support of my colleague, Minister Manniram Prashad, and first to compliment him on two things: the thoroughness of his presentation and, secondly, the comprehensiveness of the Bill. I think I did hear the Hon. Member Mrs. Riehl spoke about the comprehensiveness nature of this Bill. There was some talk of the 2006 Bill and this Bill - this Bill being far superior. This was one of the other things I wanted to highlight.

This is a Bill which took some time. It had to go through the mill of further consultations, as the Minister said, but we have come up with a Bill which can now withstand the test of some time because it has all these advanced provisions, as Mrs. Holder said.

The previous speakers before me, I think, have laid adequately sufficient cause for us to pass this Bill tonight. I just want to make one comment with respect to the last statement by the Hon

Member Mrs. Holder, about Lee Kuan Yew and Singapore, and element could have been seen of this administration doing similarly. *[Mrs. Holder laughed]* Do not laugh. When the seat belt legislation was introduced, long before, an education campaign about seat belt was started. Before “the Don’t drink and Drive” law came into effect...So this supposed backward country that the Jamaican may have perceived it to be, I think, has certainly led a lot, in terms of adopting modern means of providing betterment for our people.

With this, I want to compliment my colleague for bringing this comprehensive Consumer Affairs Bill to the National Assembly. Thank you very much. [Applause]

**Mr. Prashad (replying):** Mr. Speaker, I cannot really give a reason why the President did not assent to the Bill, but I am told that shortly after this Bill was passed in the National Assembly, in April, 2006, I think, the following month the late Hon. Minister Satyadeo Sawh died, then we went into elections.

The other point the Hon. Member Mrs. Riehl raised about the tiers has been adequately addressed by the Hon. Member Mrs. Holder, so I do not want to go over the tier system. I had an explanation for that, but Hon. Member Mrs. Holder did an excellence job. The Hon. Member Mrs. Riehl was concerned, as she should be, about the Commission being chaired by a business person. But under the previous Act which was passed, that was there. There is also provision for a member for the consumer body to be there also, and that person is the president of the Guyana Consumers Association right now, Mr. Patrick Dyal. He is a member of the Commission, the Bar Association. It is understandable that it is there, Hon. Member Mrs. Clarissa Riehl. The business people have got rights also. You also have to look at the business people - the supplier. We must be fair in all respect. She rightly questioned the hire purchase agreement. She thought she would have seen more about the hire purchase, and she is right. It is a deliberate effort because we will bring to this House, soon, the hire purchase legislation. Because it is so important, we think there is need for a separate Bill. She is absolutely right there also. The word “fear” she has mentioned earlier, Hon. Member, in which the ordinary consumer would be worried about hearing the word “Court”... That may be so, but the business people also are even more worried about the Court and about the Public Relations (PR) image. It has that effect also in terms of her concern.



Finally, Hon. Member Sheila Holder raised a question about public education programme. Yes, we recognise it and, as I was going through with some of my staff recently, we have already set up a committee to do a massive public education programme because we do not want to go after people just like that, because the Bill is passed. They have been doing this for years – “Goods not returnable.” We have to educate them at all levels, and we need the support of all the Hon Members of the House, the various bodies consulted, and our services at the Ministry will be doing a massive education programme. The whole idea is not to go after people but to make sure that the consumers’ rights are protected, but we must also inform the suppliers of their obligation. I wish to move that the Consumer Affairs Bill be read for a second time.

*Question put and carried.*

*Bill read a second time.*

**Mr. Prashad:** Mr. Speaker, I know both Hon. Member Mrs. Clarissa Riehl from the PNCR and Hon. Member Sheila Holder from the AFC are in full support of this Bill, but because this Bill is so important, and we have worked on it for a very long time and a few concerns need to be addressed, and based on the camaraderie and the goodwill, and people who are concerned, and it affects all of us, I wish, in accordance of Standing Order 58, that the Bill be sent to a Special Select Committee.

*The Bill is referred to the Special Select Committee.*

## **COMMITTEES BUSINESS**

### **MOTION**

#### **ADOPTION OF THE FIFTH PERIODIC REPORT OF THE PARLIAMENTARY SECTORAL COMMITTEE ON SOCIAL SERVICES**

**BE IT RESOLVED:**

That the Fifth Periodic Report of the Parliamentary Sectoral Committee on Social Services be adopted. [*Mrs. Chandarpal - Chairperson of the Parliamentary Sectoral Committee on Social Services.*]

**Mrs. Chandarpal:** Mr. Speaker, before I proceed to move the motion for the adoption of the Fifth Periodic Report, on behalf of the Members of the Parliamentary Sectoral Committee on Social Services, I seek your leave to make some remarks and crave your indulgence in allowing me to refer to page 5 of the Report which speaks to the mandate which I would like to quote for elucidation.

‘5.2 The mandate of the Committee was derived from paragraph three of Resolution No. 19 which emphasize that in the conduct of its scrutinizing function, the sectoral committees were empowered “to examine all policies and administration for each sector to determine whether the execution of government policy is in consonance with the principle of good governance and in the best interest of the people of Guyana.”’

“5.3 In order to discharge that mandate, the Committee was empowered to scrutinize all areas of government activity as well as to summon Ministers of Government and other public officials to provide information, to answer questions and give evidence.”

Based on that mandate, the Committee comprising members of the PPP/C representing the Government, the PNCR and the Alliance For Change, representing two of the three opposition parties in the National Assembly, undertook its work.

The Committee’s areas of responsibility are as follows: the Ministry of Culture, Youth and Sports, the Ministry of Education, the Ministry of Home Affairs, the Ministry of Labour, Human Services and Social Security, the Ministry of Public Service, the Ministry of Amerindian Affairs, Office of the Attorney General and the Ministry of Legal Affairs, Office of the President, that is . the National Art Collection, the Ministry of Tourism, Industry and Commerce, and the Ministry of Health.

The Committee undertook six Government agencies, namely the Ministry of Human Services and Social Security, the Ministry of Education, the Ministry of Health, the Ministry of Culture, Youth and Sport, the Ministry Home Affairs and the Ministry of Tourism, Industry and Commerce.

8.16 p.m.

**Mrs. Chandarpal:** The Committee's areas of responsibility are as follows:

- Ministry of Culture, Youth and Sport
- Education
- Home Affairs
- Labour, Human Service and Social Security
- Public Service
- Amerindian Affairs
- Attorney General and Legal Affairs
- Office of the President, that is the National Art Collection
- Tourism, Industry and Commerce
- Consumer Affairs
- Health

The Committee undertook six Government Ministries, namely:

- Human Services and Social Security
- Ministry of Education
- Ministry of Health
- Ministry of Culture Youth and Sport
- Ministry of Home Affairs
- Ministry of Tourism, Industry and Commerce

The approach adopted was in consonance with Resolution 19.4 which refers to the authority of the Committee.

For the period under review, we invite two Ministries to make presentations. These were: Ministry of Human Services and Social Security to address the concerns of old-age pension and public assistance as well as the Ministry of Education. In terms of the former, a number of concerns were raised by the Committee to which the Permanent Secretary responded (please see pages 8 and 9 for easy reference).

In terms of the Ministry of Education, another high level delegation appeared before the Committee and made presentations on education policy with regard to literacy, numeracy, punctuality, etc. as well as health and family life education. The committee was apprised of the five-year strategic plan of the Ministry of Education, the Education Bill as well as some of the other issues which were already alluded to.

We believe that the two presentations were useful in clarifying some of the policies and addressing some the bottle necks that exist in the two Ministries. This support is highly recommended since it seeks to provide useful information to Members of the National Assembly about the policy areas and *modus operandi* of both institutions.

In terms of the visits that were made, I wish to speak about the National Insurance Scheme (N.I.S) Offices in Port Maurant and New Amsterdam and to highlight a few concerns of the Committee; these are: unavailability of records of contributions, years of contribution being omitted for some claimants, employers who are not paying NIS contributions for their employees although their pay slips reflect that NIS deductions were made, inadequacy of the bandwidth, inadequate staff, faulty and inadequate computers resulted in the manual production of the receipts, lengthy period to verify contributions, among others. (Please see page 9 of the Report). We would like to recommend that this Report be sent officially to the board of the NIS as well as the two offices visited for corrective actions.

The Committee also undertook a visit to the night shelter to enquire into the operations with a view to assessing and determining whether it was fulfilling the purpose of its establishment, what challenges were associated with its operation, the recommendations for addressing these concerns and challenges and improving further the quality of the service provided at the shelter.

When it was established, its primary objective was to provide a temporary home for the homeless. Its mission was determined as providing itinerant street dwellers with a temporary environment of physical safety, medical and material support as well as counseling services aimed at arresting social and emotional dysfunction.

The recommendations out of the visit are that the shelter should revert to its original purpose of being a facility to accommodate persons in the night rather than a resident facility. The bus should be reintroduced. More social workers are needed to assist persons at the facility and

security checks should be increased to prevent persons from taking drugs and harmful weapons to the facility.

Another visit was made and this time it was the Palms Geriatric Institution for the Elderly. Our collective observation was that the place was clean and every effort is being made to provide the best care. We were mindful of the fact that it is not a hospital where residents would have had to have 24-hour care. The visit lasted for four hours, during which time every aspect of the daily operations of the institution was observed. A number of recommendations were made and I would just like to refer to one, and that is, there are a number of persons who, since their arrival at the institution were unable to move into the yard or the facility because the environment is not conducive. The present structure is inconvenient and hazardous for the elderly persons who have to climb a long flight of stairs. In addition, in the event of a fire it would be difficult to evacuate the residents. We would like to propose that the present building be used for something else and another building outside of the city be established with just one flat so those who would like to walk out and feel the sun, can do so.

In terms of other issues raised we would like to bring to the attention of the National Assembly issues such as the impact of alcoholism and other substance abuse and society, programmes for persons who are already impaired, encouragement of public discourse again on the idea of a national dress for Guyana, a more proactive approach to the issue of late registration of births, as well as greater consideration for persons residing in the hinterland. A more aggressive campaign against noise nuisance should be conducted, especially in communities with sick people and young children.

We are pleased that the Consumer Affairs Bill has been brought to the National Assembly and we look forward to speedy conclusion by the Select Committee. We believe that the report and recommendations emanating from the Committee should be given serious attention.

Finally, I wish to thank all Members for their contribution and dedication to the Committee as well as the Members of staff of the Committees Division for their diligent and committed support. I thank you. [Applause]

**Mr. Speaker:** Thank you very much, Hon. Member. Is there any speaker from the Opposition?

**Ms. Sampson:** Mr. Speaker, this 5<sup>th</sup> Periodic Report of the Parliamentary Sectoral Committee on Social Services, for the period 10<sup>th</sup> March to April, 2011, reflects the fact that there has been cooperation and collaboration and the Members of the Parliamentary Sectoral Committee on Social Services worked as a team.

If only this cooperation displayed by this Committee can be transferred to the National Assembly there could be much progress for the people of Guyana. The Hon. Member, Mrs. Chandarpal, Chairperson of the Committee, alluded to our mandate so I would not go back into that, although I have it here. During this period much was achieved but we could have done more. You see, social services are the main focus and, as such, much emphasis must be paid to the proper functioning of agencies which provide such service to the people of Guyana. With this review the visits to the offices of the National Insurance Scheme in Region 6 proved to be fruitful and the Parliamentary Sectoral Committee on Social Services look forward to the management of NIS acting on the recommendations provided for the improvement of the services rendered.

I would like to extend our gratitude to the officials of the Ministry of Education who responded to our request to meet with them to iron out some issues within the Ministry. The discussions were frank and the Committee looks forward to some improvement in the operations of the Ministry of Education in the delivery of quality education.

Resolution 19 outlines our mandate and this was tested in the visit to the Palms Geriatric Institution, which falls under the purview of the Ministry of Labour, Human Services and social Security. One recognises that there is little adherence to the World Health Organization (WHO) Guidelines, Facilities for Older Persons Standards. Since, as Mrs. Chandarpal indicated, the inmates are housed in the second and third flats of the building with no fire escape, no elevator for easy egress and ingress, no ramps for persons with disabilities and other medical emergencies.

One cannot claim that the inmates are not given shelter, food and aid; however, from discussions with both the inmates and the staff, Committee Members could not help but note the many concerns – poor working conditions, lack of equipment and utensils, adequate staffing, specially trained staff and attendants coupled with some other things like clogged drains, late meals and so forth. Many of the inmates are requesting that their pensions be paid directly to them. The staff,

nonetheless, must be complemented for the work done under the circumstances and we encourage those courageous people.

The Report also outlines the dialogue with the Administrator prior to the departure of the team and I must say that he has concurred with some of the issues which were raised. We, the Members of the Committee, were also informed that the Ministry of Health has responsibility for the doctor's office and quarters and I trust that the Ministry of Health would address the eyesore.

The recommendations of the Committee on the Palms Geriatric Institution were made after careful consideration. Hence, I trust that the Ministry of Labour, Human Services and Social Security would address them in like manner.

The report submitted by the Hon. Member, Mr. Norman Whittaker, speaks to the need for the Ministry to revisit the establishment as indicated by Mrs. Chandarpal. We look forward to the recommendations made by this Committee being implemented.

When I became a Member of this august body, and more particularly a Member of the Parliamentary Sectoral Committee on Social Services, I have been hearing that letters have been written to the Hon. Minister of Labour, Human Services and Social Security inviting her to meet with the Committee to discuss various issues. On one such occasion, in April of last year, the Permanent Secretary accompanied by the Director of Social services and Social Services Officer appeared before the Committee. The discussions were frank but there were outstanding issues which could have only been addressed by the Hon. Minister. To date, the Hon. Minister has not made her appearance.

On the last occasion we waited and waited in vain, confirming our belief that the Hon. Member has no regard for the Parliamentary Sectoral Committee on Social Services. I sincerely hope that there will be a change of heart during this period of the functioning of the Committee.

There are a number of agencies that we were not able to look at during the period under review and we hope that in the not too distant future we will be able to address those concerns. With that the PNCR-1G supports the 5<sup>th</sup> Periodic Report of the Parliamentary Sectoral Committee on Social Services for the period March 2010 to April 2011. Thank you. [Applause]

**Mrs. Punalall:** Thank you, Mr. Speaker. This is the 5<sup>th</sup> Periodic Report to the National Assembly on the status of the work of the Parliamentary Sectoral Committee on Social Services. This period was March 2010 to April 2011 and the Committee convened 12 statutory meetings where many issues were discussed. Two Ministries made presentation by representatives and the Committee visited four agencies. The findings by the Social Services Committee at the NIS Office in Port Mourant and New Amsterdam are reflective of what other NIS pensioners are experiencing in other Regions in Guyana.

The following complaints made by pensioners, mentioned on page 8 by the Hon Member, Mrs. Chandarpal, show that the cry of the pensioners are real with regard to their NIS benefits. Mrs. Chandarpal made a comprehensive report of the work of the Social Services Committee. I will not repeat what she said, but I will like to make two points.

The Parliamentary Sectoral Committee is very disappointed with the Minister of Labour, Human Services and Social Security, Hon. Member Priya Manickchand. The Minister disregarded the request to attend the Committee to answer questions pertinent to social service. The Committee wrote the Minister six times from 2008 to 2011. On 3<sup>rd</sup> December, 2008, the Committee agreed that it needs information on the regulation and management of state-owned homes for senior citizens and street children and other related institutions. The Committee requested a list of homes and policies for homes for senior citizens. On 24<sup>th</sup> February, 2009, the Minister was sent a reminder to attend. On 18<sup>th</sup> June, 2009, the Minister was sent another reminder requesting her kind cooperation to submit information with regard to the homes for the elderly. On 9<sup>th</sup> July, 2009, the Minister and her team of advisers were invited to make a presentation on social services on the issue of domestic violence on. On 6<sup>th</sup> April, 2011, the Committee requested information on the operation of the different agencies and organisations under the Minister's Ministry, specifically the general operations and functions of the Guyana Legal Aid Clinic and the Commission of the Elderly Committee. On 15<sup>th</sup> February, 2011, the Committee forwarded a letter and acknowledged that at the Committee's request, the Minister had finally decided to do a presentation on old age pension which the Minister never did. She had us waiting there for a few hours.



As a Member of this Committee representing the Alliance for Change, we are dissatisfied with the Minister's non-response to this Committee. We would like to remind the Minister of Standing Order 86, 5 (b), which states:-

“Sectoral Committees shall have the authority to request the Minister assigned responsibility for the sector to submit written or oral information, including Government documents and records about any specific areas of Government policies and administration.”

I hope that the Minister will take note and respond appropriately. Since she is not here, maybe some of her colleagues will inform her appropriately.

Representatives from the Ministry of Education made their presentation on the topic “Education Policy with regard to Literacy, Numeracy, Punctuality and Health and Family Life Education (HFLE)”. The Chief Planning Officer, Mrs. Evelyn Hamilton, in her presentation mentioned the Ministry of Education's five-year plan from 2009-2013. There are seven major strategies to address issues in the proposed plan. These strategies are important but implementation and results of the application are still more important. This is 2011 and the educational plan for school has not made any genuine impact on our children in the schools.

The Chief Education Officer, Mr. Roopnarine Tewari, supported Mrs. Evelyn Hamilton's presentation and expanded on it. He also spoke of the Health and Family Life Education (HFLE). This is a good achievement which is funded by UNICEF in collaboration with the Ministry of Education. A Draft Report on the evaluation of the Implementation of the HFLE in the schools' curriculum by the Ministry of Education shows a positive result. However, it is noted in the report that an inspection of teachers' records and one-on-one interviews with them found that:

1. Teachers were teaching HFLE content but not developing the skills as required
2. Teachers are unclear about the infusion method and lack the skills of infusion.
3. Many recommended resources were located in the libraries but teachers were unaware of their existence.
4. They were constrained by lack of training in the use as well as the application of these resources.

These findings have serious implications for students' future survival and an effective delivery of HFLE. Thus, at the 39<sup>th</sup> Meeting of the Social Services Committee on 12<sup>th</sup> November, 2010, I raised the question about gangs and violence in schools. The Chief Education Officer, Mr. Roopnarine Tewari, gave a strong answer, "I will like to say clearly and unambiguously that we do not have violence in school." Just a few months before, the Hon. Minister of Education stated very passionately, as it is reported in *Kaieteur News*, 1<sup>st</sup> May, 2010, "Evidence of Gaza and Gully in the school system seems to have invaded the system and has had a negative impact on some students". Of recent..." the Minister said "...the unthinkable has occurred in the local school system where there appeared to be evidence of the formation of gangs and cliques creating unnecessary havoc in the schools."; a very contradictory report on the issue of violence in our school by the Hon. Minister and his Chief Education Officer. Why would Mr. Tewari want to mislead us as Members of Parliament? If the Chief Education Officer cannot identify a problem he will not be able to solve it.

Mr. Tewari also mentioned that school-aged children are accepted in schools without birth certificates and the Ministry is assisting school-aged children to acquire same yet many children, as well as adults, do not have birth certificates, especially in the Hinterland. He also assured us that the Ministry is monitoring and supervising the teachers so that they do not withhold the curriculum from the students but there are still complaints from students, who can ill afford extra lessons, that the curriculum is not completed in school and they are pressured into accepting extra lessons. I will like to thank our Chairperson, Hon. Member Mrs. Indranie Chandarpal, for her true statement when she spoke on behalf of the Committee, "We are satisfied with some of the explanations that you have provided. For those areas that you have pointed out there are still challenges and we would like you to focus on them and we want you to know that you can count on the support of the Committee."

In this 9<sup>th</sup> Parliament of Guyana, 2006-2011, as a first-time Member of Parliament (M.P.), I had the privilege to work with Members who are cooperative in this Committee. Thanks fellow Members of the Social Services Committee, staff of the Committee and the representatives from the Ministry that made presentation at this Committee.

The Alliance For Change supports the 5<sup>th</sup> Periodic Report of the Parliamentary Sectoral Committee, March 2010-April 2011. Thank you, Mr. Speaker.

*Motion put and carried*

**Mr. Speaker:** I do not think that it would be amiss of me and I think I would get the support of all Members if I were to offer the congratulations of Members of the House to the Social Services Committee; one, for the work they are doing, not only that which we see today, but over the period of this Parliament. They have been consistent in their reports. They have been consistent in their report in saying they have been working collaboratively and the Members of the Social Services Committee are an example to this House as to how the other Committees should work. I urge the other Committees which have not reported or do not report as often or as fully as possible to do so. We still have some weeks before the House goes into recess and I therefore urge Members to speed up their work so that we can have those reports before the end of this period of our work. Thank you very much.

**Mr. Hinds:** Mr. Speaker, I move that the House be adjourned for two weeks to 2<sup>nd</sup> June. Next Thursday, as we know, is our Independence Day and I would like to take this opportunity to extend greetings to all Members of this House for that important day for us all. The House is adjourned until 2<sup>nd</sup> June.

**Mr. Speaker:** Thank you very much. The House is adjourned until 2<sup>nd</sup> June. Thank you, Hon. Member.

*Adjourned accordingly at 8.40 p.m.*