

NATIONAL ASSEMBLY
MINUTES OF PROCEEDINGS
OF THE 62ND SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION
(2006-2008) OF THE NINTH PARLIAMENT OF GUYANA HELD
AT 2.00 P.M.
ON THURSDAY, 16TH OCTOBER, 2008
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM

MEMBERS OF THE NATIONAL ASSEMBLY (70)

Speaker (1)

The Hon. Hari N. Ramkarran, S.C., M.P., Speaker of the National Assembly

MEMBERS OF THE GOVERNMENT (41)

(i) People's Progressive Party/Civic (40)

(ii) The United Force (1)

The Hon. Samuel A.A. Hinds, M.P., (Region No. 10 – Upper Demerara/Upper Berbice), Prime Minister and Minister of Public Works and Communications

The Hon. Clement J. Rohee, M.P., Minister of Home Affairs

The Hon. Shaik K.Z Baksh, M.P., Minister of Education

The Hon. Dr. Henry B. Jeffrey, M.P., Minister of Foreign Trade and International Co-operation

The Hon. Dr. Leslie S. Ramsammy, M.P., (Region No. 6 – East Berbice/Corentyne) Minister of Health

The Hon. Carolyn Rodrigues-Birkett, M.P., (Region No. 9 – Upper Takutu/Upper Essequibo), Minister of Foreign Affairs

*The Hon. Dr. Ashni K. Singh, M.P., Minister of Finance

The Hon. Harry Narine Nawbatt, M.P., Minister of Housing and Water

The Hon. Robert M. Persaud, M.P., (Region No. 6 – East Berbice/Corentyne), Minister of Agriculture

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***Non-elected Minister**

The Hon. Dr. Jennifer R.A. Westford, M.P., (Region No. 7 – Cuyuni/Mazaruni),
Minister of Public Service

The Hon. Kellawan Lall, M.P., Minister of Local Government and Regional
Development

*The Hon. Doodnauth Singh, S.C., M.P., Attorney General and Minister of
Legal Affairs

The Hon. Dr. Frank C.S. Anthony, M.P., Minister of Culture, Youth and Sport

The Hon. B. H. Robeson Benn, M.P., Minister of Transport and Hydraulics

**The Hon. Manzoor Nadir, M.P., Minister of Labour

The Hon. Priya D. Manickchand, M.P., (Region No. 5 – Mahaica/Berbice)
Minister of Human Services and Social Security

The Hon. Dr. Desrey Fox, M.P., Minister in the Ministry of Education

The Hon. Dr. Bheri S. Ramsaran, M.D., M.P., Minister in the Ministry of Health

The Hon. Jennifer I. Webster, M.P., Minister in the Ministry of Finance

The Hon. Manniram Prashad, M.P., Minister of Tourism, Industry and Commerce

*The Hon. Pauline Sukhai, M.P., Minister of Amerindian Affairs

Mr. Donald R. Ramotar, M.P.

Ms Gail Teixeira, M.P.

Mr. Harripersaud Nokta, M.P.

Mrs. Indranie Chandarpal, M.P., Chief Whip

Ms Bibi S. Shadick, M.P., (Region No. 3 – Essequibo Island/West Demerara)

Mr. Mohamed Irfaan Ali, M.P.

Mr. Albert A. Atkinson, J.P., M.P., (Region No. 8 – Potaro/Siparuni)

***Non-Elected Minister**

****Elected Member from the United Force**

- Mr. Komal Chand, C.C.H., J.P., M.P., (Region No. 3 – Essequibo Island/West Demerara)
- Mr. Bernard C. DeSantos, S.C., M.P., (Region No. 4 – Demerara/Mahaica)
- Mrs. Shirley V. Edwards, J.P., M.P., (Region No. 4 – Demerara/Mahaica) (Absent – on leave)
- Mr. Mohamed F. Khan, J.P., M.P., (Region No. 2 – Pomeroon/Supernaam)
- Mr. Odinga N. Lumumba, M.P.
- Mr. Moses V. Nagamootoo, J.P., M.P. (Absent – on leave)
- Mr. Mohabir A. Nandlall, M.P.
- Mr. Neendkumar, J.P., M.P., (Region No. 4 – Demerara/Mahaica)
- ***Mr. Steve P. Ninvalle, M.P., Parliamentary Secretary in the Ministry of Culture, Youth and Sport
- Mr. Parmanand P. Persaud, J.P., M.P., (Region No. 2 – Pomeroon/Supernaam)
- Mrs. Philomena Sahoye-Shury, C.C.H., J.P., M.P., Parliamentary Secretary in the Ministry of Housing and Water
- Mr. Dharamkumar Seeraj, M.P.
- Mr. Norman A. Whittaker, M.P., (Region No. 1 – Barima/Waini)

Members of the Opposition (28)

(i) Members of People's National Congress Reform-One Guyana (22)

- Mr. Robert Corbin, M.P., Leader of the Opposition
- Mr. Winston Murray, C.C.H., M.P. (Absent – on leave)
- Mrs. Clarissa S. Riehl, M.P., Deputy Speaker of the National Assembly
- Mr. E. Lance Carberry, M.P., Chief Whip (Absent – on leave)
- Mrs. Deborah J. Backer, M.P.
- Mr. Anthony Vieira, M.P. (Absent – on leave)

Mr. Basil Williams, M.P.

Dr. George A. Norton, M.P.

Mrs. Volda A. Lawrence, M.P.

Mr. Keith Scott, M.P.

Ms Amna Ally, M.P.

Mr. Dave Danny, M.P., (Region No. 4 – Demerara/Mahaica)

Mr. Aubrey C. Norton, M.P., (Region No. 4 – Demerara/Mahaica)

Mr. Ernest Barnabas Elliot, M.P., (Region No. 4 – Demerara/Mahaica)

Mrs. Judith David-Blair, M.P., (Region No. 7 – Cuyuni/Mazaruni)

Mr. Mervyn Williams, M.P., (Region No. 3 – Essequibo Island/West Demerara)

Ms Africo Selman, M.P.

Dr. John Austin, M.P., (Region No. 6 – East Berbice/Corentyne)

Ms Jennifer Wade, M.P., (Region No. 5 – Mahaica/Berbice)

Ms. Vanessa Kisson, M.P., (Region No. 10 – Upper Demerara/Upper Berbice)

Mr. Desmond Fernandes, M.P., (Region No. 1 – Barima/Waini)

Mr. James K. Mc Allister, M.P. (Absent)

(ii) Alliance for Change (5)

Mr. Raphael G.C. Trotman, M.P.

Mr. Khemraj Ramjattan, M.P.

Mrs. Sheila Holder, M.P.

Mrs. Latchmin Punalall, M.P., (Region No. 4 – Demerara/Mahaica)

Mr. David Patterson, M.P.

(iii) **Guyana Action Party/Rise Organize and Rebuild (1)**

Mr. Everall N. Franklin, M.P.

OFFICERS (2)

Mr. Sherlock E. Isaacs, Clerk of the National Assembly

Miss Hermina Gilgeours, Assistant Clerk of the National Assembly

COMMENCEMENT OF SITTING

The sitting commenced at 2.10 p.m.

PRAYERS

The Clerk read Prayers.

ANNOUNCEMENTS BY THE SPEAKER

Welcome Back to Members

The Speaker welcomed back Members to the Assembly after the recess. He also expended a special welcome back to the Assembly to Mr. Odinga Lumumba and Mr. Everall Franklin.

PRESENTATION OF PAPERS AND REPORTS-

By the Minister of Agriculture:

Annual Reports of the Ministry of Agriculture for the years 2004, 2005 and 2006.

(Circulated)

QUESTIONS ON NOTICE-**For Written Replies****1. CRIMINAL APPEALS FILED IN THE HIGH COURT FROM 2005 – 2007**

At the request of the Attorney General and Minister of Legal Affairs the following question was deferred:

How many criminal appeals filed in the High Court in 2005, 2006 and 2007 were disposed of by the Court of Appeal in each of the three years?

(Notice Paper No. 253 (Q178 Opp173) published on 2008-07-23)

2. APPOINTMENT OF PERMANENT SECRETARIES AND DEPUTY PERMANENT SECRETARIES IN THE PUBLIC SERVICE

Mrs. Sheila Holder M.P., asked the Minister of Public Service the following question:

(i) How many Permanent Secretaries in the Public Service are substantively appointed and how many are acting?

(ii) How many Deputy Permanent Secretaries are substantively appointed and how many are acting?

(Notice Paper No. 254 (Q179 Opp174) published on 2008-07-23)

Answers:

(i) There are thirteen (13) positions of Permanent Secretaries within the Public Service. Ten (10) are substantively appointed and three (3) are acting.

(ii) There are six (6) positions of Deputy Permanent Secretaries within the Public Service. Five (5) of the positions are filled. Three (3) are substantively appointed and two (2) are acting.

3. MAINTENANCE OF THE LINDEN/ITUNI ROAD

Mrs. Sheila Holder M.P., asked the Minister of Transport and Hydraulics the following question:

The Linden/Ituni road used to be maintained by the Bauxite Company in Linden, since BOSAI no longer operates a mine in Ituni, what arrangement is Government prepared to put in place to maintain this important link road to the Kwakwani community and the Intermediate Savannas where Government is encouraging farming?

(Notice Paper No. 255 (Q180 Opp175) published on 2008-07-23)

Answer:

The Force Account Unit of the Ministry of Public Works and Communications in collaboration with the Regional Democratic Council, Region 10 is presently undertaking maintenance work on the Linden/Ituni Road. The total value of the works to be carried out in this phase is in the vicinity of \$32.2M (G).

The Linden Economic Advancement Programme (LEAP) is preparing designs and tender documents for upgrading the roadway to an all weather surface road from Linden to Ituni.

The works are scheduled to be out for tender later this year. After construction works are completed, it is envisaged that annual maintenance work will be done on a continuing basis for this stretch of road as well to those leading to the Kwakwani Community.

For Oral Replies

4. ENHANCING CONDITIONS FOR THE DISABLED

Mrs. Sheila Holder, M.P., asked the Minister of Transport and Hydraulics the following question:

*Does the Government's commitment to enhancing conditions for the disabled extend to constructing ramps at major institutions such as the Courts and Public Buildings currently without such facilities?

(Notice Paper No. 259 (Q181 Opp176) published on 2008-07-29)

Thereafter, the Minister of Transport and Hydraulics replied.

Mrs. Sheila Holder asked the Minister of Transport and Hydraulics a supplementary question.

Thereafter, the Minister of Transport and Hydraulics replied.

5. PROVISIONS OF TRAINED TEACHERS FOR MAHDIA

Mrs. Sheila Holder M.P. asked the Minister of Education the following question:

*Several women from Campbell Town in Mahdia have bemoaned the fact that there are no trained teachers to prepare their children for CXC examination. What consideration could the Minister extend to this community to satisfy their need for a higher level of education for their children?

(Notice Paper No. 260 (Q182 Opp177) published on 2008-07-29)

Thereafter, the Minister of Education replied.

Mrs. Sheila Holder asked the Minister of Education a supplementary question.

Thereafter, the Minister of Education replied.

PUBLIC BUSINESS-

(i) GOVERNMENT BUSINESS

BILLS – Second Readings

ITEM 1 - EVIDENCE (AMENDMENT) BILL 2008 – Bill No. No. 22/2008 published on 2008-08-07

The Attorney General and Minister of Legal Affairs, moved the second reading of the following Bill:

A BILL intituled AN ACT to amend the Evidence Act.

(Read a first time on 2008-08-07)

The following Members spoke to the motion:

Mrs. Clarissa Riehl

The Minister of Human Services and Social Security

Mr. Khemraj Ramjattan

The Minister of Home Affairs

SUSPENSION OF SITTING

At 4.05 p.m., the sitting was suspended for refreshments.

RESUMPTION OF SITTING

At 5.10 p.m., the sitting was resumed.

Mrs. Deborah Backer also spoke to the motion.

Thereafter, the Attorney General and Minister of Legal Affairs replied.

The Bill was then read a second time.

The Assembly resolved itself into Committee to consider the Bill clause by clause.

In Committee

Clause 1 was passed as printed.

Clause 2

Mrs. Clarissa Riehl moved the following amendment which was put and negatived:

“Delete the words “whether that place be in or” and insert the words “providing that place be”.

Clause 2 was then passed as printed.

Assembly resumed

On a motion by the Attorney General and Minister of Legal Affairs, the Evidence (Amendment) Bill 2008, was read a third time and passed as printed.

ITEM 2 - THE CRIMINAL LAW (PROCEDURE) (AMENDMENT) BILL 2008 – Bill No. 20/2008 published on 2008-08-07

The Minister of Home Affairs, moved the second reading of the following Bill:

A BILL intituled AN ACT to amend the Criminal Law (Procedure) Act.

(Read a first time on 2008-08-07)

The following Members spoke to the motion:

Mr. Basil Williams

Mr. Khemraj Ramjattan

Mr. Mohabir Nandalall

Thereafter, the Minister of Home Affairs replied.

The Bill was then read a second time.

The Assembly resolved itself into Committee to consider the Bill clause by clause.

In Committee

Clause 1 was passed as printed.

Clause 2

The Minister of Home Affairs moved the following amendments which were put and carried:

- | | |
|------------------------|---|
| “Section 71A(1) | after the word “prosecutor” insert the words “and the accused”. |
| Section 71A(2) | after the word “prosecutor” insert the words “and the accused” |
| Section 71A(2) and (4) | for the word “sufficient” substitute the words “prima facie” |
| Section 71A(3) | insert after the words “Attorney-at-Law” the words “or where he is represented by an Attorney-At-Law, if the Attorney-at-Law requests the Court to consider a submission that the statements disclose insufficient evidence to put the accused on trail for the offence”. |

Clause 2 was then passed as amended.

Assembly resumed

On a motion by the Minister of Home Affairs, the Criminal Law (Procedure) (Amendment) Bill 2008, was read a third time and passed as amended.

SUSPENSION OF SITTING

At 7.25 p.m., the sitting was suspended for refreshments.

RESUMPTION OF SITTING

At 7.48 the sitting was resumed.

ITEM 3 - CRIMINAL PROCEDURE (PLEA BARGAINING AND PLEA AGREEMENT)

BILL 2008 – Bill No. 21/2008 published on 2008-08-07

The Minister of Home Affairs, moved the second reading of the following Bill:

A BILL intituled AN ACT to provide for the establishment of a system of plea bargaining and plea agreements in criminal procedure and for matters connected therewith.

(Read a first time on 2008-08-07)

The following Members spoke to the motion:

Mrs. Deborah Backer

Mr. Odinga Lumumba

Mr. Khemraj Ramjattan

Mr. Mohabir Nandalall

Mr. Basil Williams

Thereafter, the Minister of Home Affairs replied.

The Bill was then read a second time.

Assembly resolved itself into Committee to consider the Bill clause by clause.

In Committee

Clauses 1 to 18 were passed as printed.

Clause 19

Mrs. Deborah Backer moved the following amendment which was put and negatived:

Delete the word “negative” and insert the word “affirmative”

Clause 19 was then passed as printed.

Clause 20

Mrs. Deborah Backer moved the following amendment which was put and negatived:

Delete the word “negative” and insert the word “affirmative”

Clause 20 was then passed as printed.

The Schedule was passed as printed.

Assembly resumed

On a motion by the Minister of Home Affairs, the Criminal Procedure (Plea Bargaining and Plea Agreement) Bill 2008, was read a third time and passed as printed.

ADJOURNMENT

At 9.30 p.m., the Speaker adjourned the Assembly to 2.00 p.m. on Friday, 17th October, 2008.

A handwritten signature in black ink, appearing to read 'H. N. Ramkarran', is written over a horizontal dotted line.

HON. HARI N. RAMKARRAN, S.C., M.P.

Speaker of the National Assembly

**PARLIAMENT OFFICE,
Public Buildings,
Brickdam,
Georgetown.**

16th October, 2008.