

**NATIONAL ASSEMBLY**  
**MINUTES OF PROCEEDINGS**  
**OF THE 63<sup>rd</sup> SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION**  
**(2006-2008) OF THE NINTH PARLIAMENT OF GUYANA HELD**  
**AT 2.00 P.M.**  
**ON FRIDAY, 17<sup>TH</sup> 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 (Absent – on leave)

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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 (Absent – on leave)

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 (Absent – on leave)

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 Kissoon, 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 2.05 p.m.

**PRAYERS**

The Clerk read Prayers.

**QUESTIONS ON NOTICE**

**Questions for Oral Replies**

1. **COMMUNITY WELFARE OFFICER FOR MAHDIA**

Mr. Raphael Trotman, on behalf of Mrs. Sheila Holder, M.P. asked the Minister of Human Services and Social Security the following question:

\*Since Court is held once every three months in Mahdia and there is no Welfare Officer, incarcerated persons are often held in custody for extended periods. Would the Minister promise to correct this situation by making available to the community a Welfare Officer?

**(Notice Paper No. 261 (Q183 Opp178) published on 2008-07-29)**

Thereafter, the Minister of Human Services and Social Security replied.

2. **DEEDS REGISTRY ACT 2 OF 1999**

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

\*When will the Minister bring into effect the Deeds Registry Act 2 of 1999?

(Notice Paper No. 262 (Q184 Opp179) published on 2008-07-29)

**STATEMENTS BY MINISTERS, INCLUDING POLICY STATEMENTS-**

**The Detention of the 'Lady Chandrai' by the Surinamese Authorities**

The Minister of Foreign Affairs made a statement on the detention of the 'Lady Chandrai' by the Surinamese Authorities.

**PUBLIC BUSINESS-**

(i) **GOVERNMENT BUSINESS**

**BILLS – Second Readings**

**ITEM 1 - TELECOMMUNICATIONS (AMENDMENT) BILL 2008 – Bill No. 18/2008 published on 2008-08-07**

The Prime Minister and Minister of Public Works and Communications, moved the second reading of the following Bill:

A BILL intituled AN ACT to amend the Telecommunications Act 1990.

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

The following Members spoke to the motion:

Mr. Robert Corbin

The Minister of Local Government and Regional Development  
Mr. Raphael Trotman  
The Minister of Home Affairs

Thereafter, the Prime Minister and Minister of Public Works and Communications replied.

The Bill was then read a second time.

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

**In Committee**

**Clause 1** was passed as printed.

**Clause 2**

The Prime Minister and Minister of Public Works and Communications moved the following amendments which were put and carried:

“Section 9A(2)(c ) for the words “used with a SIM-card; and” substitute the following words  
“used with a SIM card:

Provided that the Minister may determine or may by regulations provide an  
alternative to any of the specified requirements; and”

**Clause 2** was then passed as amended.

**Clause 3**

The Prime Minister and Minister of Public Works and Communications moved the following amendments which were put and carried:



“Insert immediately after section 33:

33A(1) A Licensee who fails to comply with section 9A(1), (2), (3), (4) and sections 9B and 9C commits an offence and is liable on summary conviction to a fine of one million dollars and imprisonment for six months”

Clause 3 was then passed as amended.

### **Assembly resumed**

On a motion by the Prime Minister and Minister of Public Works and Communications, the Telecommunications (Amendment) Bill 2008 was read a third time and passed as amended.

### **SUSPENSION OF SITTING**

At 3.55 p.m., the sitting was suspended for refreshments.

### **RESUMPTION OF SITTING**

At 5.00 p.m., the sitting was resumed.

## **ITEM 2 - INTERCEPTION OF COMMUNICATIONS BILL 2008 – Bill No. 19/2008** **published on 2008-08-07**

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

A BILL intituled AN ACT to make provision for the interception of communications, the acquisition and disclosure of data relating to communications and the acquisition of the means by which protected communications may be accessed and placed in an intelligible form and for connected purposes.

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



9.

The following Members spoke to the motion:

Mr. Robert Corbin  
The Minister of Labour  
Mr. Raphael Trotman  
Mr. Mohabir Nandalall

**SUSPENSION OF SITTING**

At 7.45 pm., the sitting was suspended for refreshments.

**RESUMPTION OF SITTING**

At 8.09 p.m., the sitting was resumed.

The following Members also spoke to the motion.

Mr. Basil Williams  
Mr. Khemraj Ramjattan  
Mr. Aubrey Norton

**SUSPENSION OF STANDING ORDER NO 10(1)**

At 9.55 p.m., on a motion by the Prime Minister, Standing Order No.10 (1) was suspended to enable the Assembly to continue uninterrupted with the debate on the Interception of Communications Bill 2008.

While the Minister of Home Affairs was replying the Speaker suspended the Assembly.

**SUSPENSION OF SITTING**

At 10.05 p.m., the sitting was suspended.

**RESUMPTION OF SITTING**

At 10.10 p.m., the sitting was resumed.

While the Minister of Home Affairs was replying some Members of the People's National Congress Reform withdrew from the Chamber.

The Minister of Home Affairs continued and concluded his speech.

The Bill was then read a second time.

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

**In Committee**

**Clause 1**

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

Delete Clause 1 and substitute the following as the new Clause 1:

“Clause 1 (i) This Act may be cited as the Interception of Communications Act 2008.

(ii) This Act comes with force on such day or days as the Minister may by order appoint.

(iii) An order may appoint different days for different telecommunication services, different provisions or different purposes of the same provision.

Clause 1 was then passed as amended.

**Clause 2**

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

Section 2(1) the definition of 'intercept' paragraph (a) substitute the following:

“(a) monitoring and recording of transmissions conveyed by fibre optic cable or any other form of wire line, by wireless telegraphy, voice over Internet protocol, Internet, satellite, and all other forms of electromagnetic or electrochemical communication to or from apparatus comprising the system;”

Section 2(1) (b) for the word “monitoring” substitute the words “monitoring and recording” and for the words “the system” substitute the words “the telecommunication system”. In the fourth line delete the words “, while being transmitted”.

The definition of “key” – for the words “private communication” substitute the words  
“private telecommunication”

The definition of “telecommunications system” - before the word “system” insert the words “private or public”

The definition of “public telecommunication system”

Paragraph (b) - for the words “telephone system” substitute the words “telephone network”

Clause 2 was then passed as amended.

Clause 3 was passed as printed.

**Clause 4**

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

Clause 4 (1) “for the word “*ex parte* to” substitute the words “*ex parte* to a”

Clause 4 (1)(a) “for the word “intercept” substitute the words “intercept and record”

Clause 4 (1)(b) for the word “manner” substitute the words “form and manner”

Clause 4 was then passed as amended.

Clauses 5 to 9 were passed as printed.

**Clauses 10**

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

Insert immediately after subsection (4) the following as subsection (5):

“(5) The evidence given by a technical expert in a court of law on behalf of a person who provides a telecommunication service shall be heard in camera to protect the identify of the technical expert.”

Clause 10 was then passed as amended.

Clauses 11 to 19 were passed as printed.

**Schedule**

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

Insert under the offence at number two the following offences as numbers 2A and 2B –

“2A Terrorism

2B Trafficking in persons.”



The Schedule was then passed as amended.

**Assembly resumed**

On a motion by the Minister of Home Affairs, the Interception of Communications Bill 2008 was read a third time and passed as amended.

**ADJOURNMENT**

At 10.37 p.m. on a motion by the Prime Minister and Minister of Public Works and Communications, the Assembly was adjourned to date to be fixed



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

**Speaker of the National Assembly**

**PARLIAMENT OFFICE,**

**Public Buildings,**

**Brickdam.**

**Georgetown.**

**17<sup>th</sup> October, 2008.**