

NATIONAL ASSEMBLY
MINUTES OF PROCEEDINGS
OF THE 94TH SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION
(2006-2009) OF THE NINTH PARLIAMENT OF GUYANA HELD
AT 2.00 P.M.
ON THURSDAY, 9TH JULY, 2009
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. Leslie S. Ramsammy, M.P., (Region No. 6 – East Berbice/Corentyne),
Minister of Health (Absent – on leave)

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. 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. Charles R. Ramson, 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 (Absent – on leave)

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

The Hon. Mohamed Irfaan Ali, M.P., Minister of Housing and Water

Mr. Donald R. Ramotar, M.P.

Ms Gail Teixeira, M.P.

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

Mr. Harripersaud Nokta, M.P.

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

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

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***Non-Elected Minister**

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

3.

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)

Mr. Mohamed F. Khan, J.P., M.P., (Region No. 2 – Pomeroon/Supernaam)

Mr. Moses V. Nagamootoo, J.P., M.P.

Mr. Mohabir A. Nandlall, M.P.

Mr. Odinga N. Lumumba, 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)

Dr. Vishwa Deva Budhram Mahadeo, M.P.

Rev. Kwame Gilbert, M.P.

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 (Absent – on leave)

Mr. Winston Murray, C.C.H., M.P.

Mrs. Clarissa S. Riehl, M.P., Deputy Speaker of the National Assembly

Mr. E. Lance Carberry, M.P., Chief Whip

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***Non-elected Parliamentary Secretary

4.

Mrs. Deborah J. Backer, M.P.

Mr. Anthony Vieira, M.P. (Absent)

Mr. Basil Williams, M.P.

Dr. George A. Norton, M.P. (Absent)

Mrs. Volda A. Lawrence, M.P. (Absent)

Mr. Keith Scott, M.P.

Ms Amna Ally, M.P.

Ms Cheryl Sampson, M.P.

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

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

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)

(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. Overall N. Franklin, M.P.

OFFICERS (2)

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

Mrs. Lilawtie Coonjah, Deputy Clerk of the National Assembly

COMMENCEMENT OF SITTING

The sitting commenced at 2.12 p.m.

PRAYERS

The Clerk read Prayers.

ANNOUNCEMENTS BY THE SPEAKER

34th Annual Regional Conference of the Caribbean, the Americas and the Atlantic Region of the Commonwealth Parliamentary Association

The Hon. Speaker made the following announcement:

“Honourable Members, I wish to remind you that the 34th Annual Regional Conference of the Caribbean, the Americas and the Atlantic Region of the Commonwealth Parliamentary Association will be held in Guyana from the 12th July, 2009 to 16th July, 2009.

The Opening Ceremony will be held at 6.00 p.m., on Sunday, 12th July, 2009 at the National Cultural Centre. All Members of Parliament and their Spouses have been invited and I wish to ask that you make every effort to attend.

There will be Plenary Sessions on Monday, 13th July and Tuesday, 14th July, 2009 at the International Conference Centre at Liliendaal, East Coast Demerara, where the participating Regional Branches will be making presentations on topics of mutual interest to the Region.

I am happy to announce that Guyana would be making four presentations, one of which would be by the Honourable Prime Minister. On Wednesday, 15th July, 2009 there will be a tour for delegates and observers to Baganara and Bartica among other places. Members of Parliament have been invited to Cocktails/Receptions on the 12th and 13th July, 2009 and I again wish to urge Members to attend these functions.

Guyana will be represented at the Conference by the Honourable Samuel A. Hinds, M.P., Prime Minister, Ms Gail Teixeira, M.P., and Mr. E. Lance Carberry, M.P., Chief Whip. Members of the Executive Committee of the Commonwealth Parliamentary Association, Guyana Branch, and the Minister in the Ministry of Finance will be Observers at the Conference and all other Members of Parliament are invited to attend the Conference. It must be noted that Observers may participate in the discussions, but they cannot vote; and those Members who were not delegates or observers cannot participate in the discussions and the election of office bearers.

I wish to inform Members that most of the Senior Staff of the Parliament Office are involved in the planning of the Conference and I therefore advising that no meetings of Parliamentary Committees be convened between Monday, 13th July, 2009 and Thursday, 16th July, 2009.

PRESENTATION OF PAPERS AND REPORTS-

- (1) By the Speaker of the National Assembly (Chairman of the Committee of Selection):
Record of the Round Robin of the Committee of Selection held on Thursday, 18th
June, 2009.

(Circulated)

- (2) By the Prime Minister and Minister of Public Works and Communications:

- (i) The President's Address on Guyana's Low Carbon Development Strategy.

(Circulated)

- (ii) Draft Report on the Low-Carbon Development Strategy: Transforming Guyana's
Economy while Combating Climate Change.

(Circulated)

QUESTIONS ON NOTICE-**For Written Replies****1. REGIONAL EDUCATION OFFICER, REGION NO. 6****Member Asking: Mr. Raphael Trotman, M.P.****Minister Answering: The Minister of Local Government and Regional Development**

Can the Minister of Local Government and Regional Development say:

- (i) Whether someone is employed in Region No. 6 as Regional Education Officer and, if so, what is the name of that person and the salary and other benefits paid to him/her?
- (ii) If the position of Regional Education Officer of Region No. 6 is vacant, when last was the vacancy advertised?

(Notice Paper No. 388 (Q284 Opp 269) published on 2009-06-05)

Answers:

- (i) Ms Shafiran Bhajan has been employed by Region No. 6 since 2006 as the Regional Education Officer. Her salary and benefits are as follows:
- Salary - \$184,750.00
 - Gratuity at 22 ½ %
 - Vacation Allowance
 - Duty Free Concession.
- (ii) The position of Regional Education Officer of Region No. 6 is not vacant.

2. **POSSESSION OF MARIJUANA**

Member Asking: Mr. Raphael Trotman, M.P.

Minister Answering: The Minister of Home Affairs

Could the Minister of Home Affairs say:

- (i) What is the yearly average of persons prosecuted for possession of marijuana?
- (ii) What is the approximate age range of persons charged with possession of marijuana offences?

(Notice Paper No. 389 (Q285 Opp 270) published on 2009-06-05)

Answers

- (i) The Honourable Minister wishes to inform this National Assembly that one thousand, three hundred and three (1303) persons were charged with possession of cannabis during the period 2004 to 2008, which resulted in an average of 261 persons annually.
- (ii) The approximate age range of persons charged with possession of marijuana offences for the period 2004 to 2008 is as hereunder stated:

| Year: 2004 to 2008 | Age Range | No. of Males charged | No. of Females charged |
|--------------------|-------------|----------------------|------------------------|
| 2004 – 2008 | 10 – 14 | 13 | 0 |
| 2004 – 2008 | 15 – 19 | 212 | 16 |
| 2004 – 2008 | 20 – 24 | 324 | 18 |
| 2004 – 2008 | 25 – 29 | 363 | 25 |
| 2004 – 2008 | 30 – 35 | 259 | 23 |
| 2004 - 2008 | 35 and over | 354 | 36 |

3. MAINTENANCE COST OF PRISON INMATE

Member Asking: Mr. Raphael Trotman, M.P.

Minister Answering: The Minister of Home Affairs

Could the Minister of Home Affairs say what is the average cost per year to maintain a prison inmate?

(Notice Paper No. 390 (Q286 Opp 271) published on 2009-06-05)

Answer:

The Honourable Minister wishes to inform the National Assembly that the average cost per year to maintain a prison inmate is approximately four hundred and six thousand, seven hundred and twenty seven dollars (\$406,727) based on figures for the year 2008.

INTRODUCTION OF BILLS-

Presentation and First Readings

1. THE SEXUAL OFFENCES BILL 2009 – Bill No. 30/2009

The Minister of Human Services and Social Security, on behalf of the Government, presented the following Bill which was read the first time:

A BILL intituled AN ACT to reform and consolidate the laws relating to sexual offences and to provide for related matters.

Thereafter, the Sexual Offences Bill 2009 was referred to a Special Select Committee.

2. **CHILDCARE AND DEVELOPMENT SERVICES BILL 2009 – Bill No. 31/2009**

The Minister of Human Services and Social Security, on behalf of the Government, presented the following Bill which was read the first time:

A BILL intituled AN ACT to regulate childcare services and to provide for parameters for the granting of licences for childcare and development services and connected matters.

Thereafter, the Childcare and Development Services Bill 2009, was referred to a Special Select Committee.

3. **ADMINISTRATION OF JUSTICE (No. 2) BILL 2009 – Bill No. 32/2009**

The Attorney General and Minister of Legal Affairs, on behalf of the Government, presented the following Bill which was read the first time:

A BILL intituled AN ACT to amend the Summary Jurisdiction (Offences) Act and the Motor Vehicles and Road Traffic Act to extend and specify the meaning of property and increase the penalty for damage to property.

PUBLIC BUSINESS -

(i) **GOVERNMENT BUSINESS**

BILLS – Second Readings

ITEM 1 - LEADER OF THE OPPOSITION (BENEFITS AND OTHER FACILITIES)
BILL 2009 – Bill No. 16/2009 published on 2009-04-30

At the request of the Minister of Finance the second reading of the following Bill was deferred:

A BILL intituled AN ACT to provide for benefits and other facilities to the Leader of the Opposition.

(Read a first time on 2009-04-30)

ITEM 2 - SUMMARY JURISDICTION (LAY MAGISTRATES) BILL 2009 – Bill No. 28/2009 published on 2009-06-11

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

A BILL intituled AN ACT for the constitution of lay magistrates' courts; for the appointment of lay magistrates; for the regulation of their jurisdiction, practice and procedure and for other like purposes.

(Read a first time on 2009-06-11)

The following Members spoke to the motion:

Mrs. Clarissa Riehl

Mr. Mohabir Nandlall

SUSPENSION OF SITTING

At 4.12 p.m., the sitting was suspended for refreshments.

RESUMPTION OF SITTING

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

The following Members also spoke to the motion:

Mr. Raphael Trotman

Mr. Kwame Gilbert

Mrs. Deborah Backer

Mr. Bernard DeSantos

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

Clauses 1 to 8 were passed as printed.

Clause 9

The Attorney General and Minister of Legal Affairs moved the following amendments which were put and carried:

Clause 9 (1)

“Delete subsection (1) and insert a new subsection (1)

A lay magistrates' court may try any summary offences and such offences shall include those mentioned in the Schedule but shall not impose a fine in excess of ten thousand dollars.”

Clause 9 was then passed as amended.

Clause 10

The Attorney General and Minister of Legal Affairs moved the following amendments which were put and carried:

“In line 3 after the word ‘offence’, delete the word ‘if’ and insert the word ‘but’. In line 4 after the word ‘therefore’, delete the word ‘does’ and insert the word ‘shall’”.

Clause 10 was then passed as amended.

Clause 11

The Attorney General and Minister of Legal Affairs moved the following amendments which were put and carried:

“In line 3 after the word ‘exceed’ delete the word ‘twenty-five’ and insert the word ‘fifty’”.

Clause 11 was then passed as amended.

Clauses 12 to 21 were passed as printed.

The Schedule was passed as printed.

Assembly resumed

On a motion by the Attorney General and Minister of Legal Affairs, the Summary Jurisdiction (Lay Magistrates) Bill 2009 was read a third time and passed as amended.

(ii) PRIVATE MEMBERS' BUSINESS**MOTION****ITEM 3 - PROTECTION OF GUYANESE IN THE CARIBBEAN COMMUNITY**

Mr. Raphael Trotman, M.P. moved the following motion:

WHEREAS the Government and people of Guyana are disturbed about the situation regarding the fate of Guyanese nationals who reside and work in Caricom States ("The Community");

AND WHEREAS the Government and people of Guyana are mindful of the conditions and realities that affect the security and well being of Guyanese citizens in the Community, and mindful that the Government of Guyana has received expressions of concerns from Guyanese resident in Barbados and elsewhere in the Community and from Guyanese who travel within the Community;

AND WHEREAS the Treaty of Chagaramus and the Caricom Charter of Civil Liberties (The "Instruments") to which Guyana, Barbados and the other Caricom State Parties are signatories, declare that inter alia the Community is moving to become one customs and economic Union (CSME) which requires that all of us as a united Community share and benefit from the region's resources, including human resources, collective expertise and skills;

AND WHEREAS the Government and people of Guyana recognise the right of the Government of Barbados and other Community States to enforce their national laws, Guyana reminds our sister States that collectively we all operate and exist in a community framework evolving from harmonized approaches and law;

AND WHEREAS the Members of the National Assembly of Guyana are deeply concerned about the welfare, human rights and dignity of Guyanese citizens resident and who travel to Barbados and the wider Community;

AND WHEREAS we Guyanese are cognizant that we as a people have a reputation of the utmost hospitality towards our Caribbean brothers and sisters, clearly manifested by giving the Caricom Secretariat its home at Turkeyen, Greater Georgetown,

BE IT RESOLVED:

1. That this National Assembly calls on all sister Community Governments, and in particular, the Government of Barbados, to ensure that due process and protection under the Constitution and laws of Barbados and that the letter and spirit of the aforesaid Community Instruments that have been ratified is extended to our citizens who are resident in, or travel to Barbados and the wider Community;
2. That the Government of Guyana seeks clarification from the Government of Barbados and other Community States, as to the welfare, legal protection, due process and preservation of the human rights and dignities of our citizens;
3. That the Government of Guyana intercedes with its sister States through diplomatic and any other means, with regard to representing the rights and protection of the Guyanese nationals residing in and traveling in our sister State of Barbados and the wider Community, so as to ensure that there is no real or perceived discrimination against Guyanese nationals residing in, or traveling to Barbados or the wider Community, on the basis of their nationality which treatment may be repugnant to the spirit and letter of the said Instruments to which we are all State Parties; and

4. That the Government of Guyana must exhaust all diplomatic and or legal efforts to guarantee the protection of our people, by providing the aforementioned assistance for the dignified repatriation of those Guyanese where unavoidably are returned to their homeland from Barbados or the wider Community, and to make preparation for their social and economic re-integration into Guyanese society and national life.

(Notice Paper No. 391 (M99 Opp 29) published on 2009-06-09)

SUSPENSION OF SITTING

At 6.55 p.m., the sitting was suspended for refreshments.

RESUMPTION OF SITTING

At 7.27 p.m., the sitting was resumed.

Mr. Raphael Trotman continued and concluded his speech.

The following Member spoke to the motion:

Ms Gail Teixeira

Mr. Ernest Elliot

The Minister of Foreign Affairs

Thereafter Mr. Raphael Trotman replied.

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

“In the ‘BE IT RESOLVED’ clause numbered 2, in the first line after the words ‘Government of Guyana’ insert the words ‘ continues to see’ and delete the word ‘seeks’;

In the ‘BE IT RESOLVED’ clause numbered 3, insert after the words ‘Government of Guyana’ the words ‘continues to intercede’ and delete the word ‘intercedes’;

In the 'BE IT RESOLVED' clause numbered 4:

- (i) In the first line after the words 'Government of Guyana' insert the words 'continues to employ' and delete the words 'must exhaust';
- (ii) In the fifth line, after the words 'and to' insert the words 'ensure they are able to access the same services available to all resident Guyanese so as to assist them in' and delete the words 'make preparation for'.

Thereafter the motion as amended was put and carried.

ADJOURNMENT

At 9.52 p.m., on a motion by the Prime Minister and Minister of Public Works and Communications, the Assembly was adjourned to 2.00 p.m., on Thursday, 23rd July, 2009.



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HON. HARI N. RAMKARRAN, S.C., M.P.,
Speaker of the National Assembly

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

9th July, 2009.