

NATIONAL ASSEMBLY
MINUTES OF PROCEEDINGS
OF THE 60TH SITTING OF THE NATIONAL ASSEMBLY OF THE SECOND
SESSION (2002-2005) OF THE EIGHTH PARLIAMENT OF GUYANA HELD
AT 2.00 P.M.
ON THURSDAY, 21ST APRIL, 2005
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS,
BRICKDAM, GEORGETOWN

MEMBERS OF THE NATIONAL ASSEMBLY (68)

Speaker (1)

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

Members of the Government (37)

(i) People's Progressive Party/Civic (34)

(ii) Non-elected Ministers (2)

(iii) The United Force (1)

The Hon. Samuel A.A. Hinds, M.P., Prime Minister and Minister of Public Works
and Communications

The Hon. Reepu Daman Persaud, O.R., J.P., M.P., Minister of Parliamentary Affairs

The Hon. Clement J. Rohee, M.P., Minister of Foreign Trade and International Co-operation

The Hon. Harripersaud Nokta, M.P., Minister of Local Government and Regional Development

The Hon. Gail Teixeira, M.P., Minister of Culture, Youth and Sport

The Hon. Dr. Henry B. Jeffrey, M.P., Minister of Education

The Hon. Saisnarine Kowlessar, M.P., Minister of Finance

The Hon. Shaik K.Z. Baksh, M.P., Minister of Housing and Water (Absent)

The Hon. J. Ronald Gajraj, M.P., Minister of Home Affairs
(Region No. 3 -Essequibo Islands/West Demerara)

The Hon. Rev. Dr. Ramnauth D.A. Bisnauth, M.P., Minister of Labour, Human Services and
Social Security

The Hon. Clinton C. Collymore, M.P., Minister in the Ministry of Local Government and
Regional Development

The Hon. Satyadeow Sawh, M.P., Minister of Fisheries, Other Crops and Livestock
(Region No. 5 - Mahaica/Berbice) (Absent)

* The Hon. S. Rudolph Insanally, O.R., C.C.H., M.P., Minister in the Office of the
President with responsibility for Foreign Affairs (Absent - on leave)

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

The Hon. Dr. Jennifer R.A. Westford, M.P., Minister of the Public Service

The Hon. C. Anthony Xavier, M.P., Minister of Transport and Hydraulics

The Hon. Bibi S. Shadick, M.P., Minister in the Ministry of Labour, Human Services and
Social Security (Region No. 3 - Essequibo Islands/West Demerara)

** The Hon. Manzoor Nadir, M.P., Minister of Tourism, Industry and Commerce

The Hon. Carolyn Rodrigues, M.P., Minister of Amerindian Affairs

The Hon. Dr. Leslie S. Ramsammy, M.P., Minister of Health

Mr. S. Feroze Mohamed, M.P., Chief Whip

Mr. Cyril C.L. Belgrave, C.C.H., J.P., M.P. (Region No. 4 - Demerara/Mahaica)

Mr. Donald R. Ramotar, M.P. (Absent)

Mr. Husman Alli, J.P., M.P. (Region No. 7 - Cuyuni/Mazaruni)

Mr. Komal Chand, C.C.H., J.P., M.P.

Mrs. Indranie Chandarpal, M.P.

Mr. Bernard C. DeSantos, S.C., M.P. (Region No. 4 - Demerara/Mahaica)

Mrs. Shirley V. Edwards, J.P., M.P.

Mr. Odinga N. Lumumba, M.P.

Mr. Heeralall Mohan, J.P., M.P. (Region No. 2 - Pomeroon/Supenaam)

Mr. Ramesh C. Rajkumar, M.P. (Region No. 6 - East Berbice/Corentyne)

Dr. Bheri S. Ramsaran, M.D., M.P. (Absent)

Mrs. Philomena Sahoye-Shury, C.C.H., J.P., M.P.,
Parliamentary Secretary, Ministry of Housing and Water

Mrs. Pauline R. Sukhai, M.P. (Region No. 1 - Barima/Waini) (Absent)

Mr. Zulfikar Mustapha, M.P.

Mr. Neendkumar, M.P. (Region No. 4 - Demerara/Mahaica)

Mr. Khemraj Ramjattan, M.P. (Region No. 6 - East Berbice/Corentyne) (Absent)

*Non-Elected Minister

**Elected Member from The United Force

Members of the Opposition (30)**(i) People's National Congress/Reform (27)**

Mr. Robert H.O. Corbin, M.P. , Leader of the Opposition (Absent)

Mr. Winston S. 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 (Absent - on leave)

Mr. Ivor Allen, M.P. (Region No. 2 - Pomeroon/Supenaam) (Absent)

Mrs. Deborah J. Backer, M.P.

Mr. Deryck M.A. Bernard, M.P.

Mr. C. Stanley Ming, M.P. (Absent - on leave)

Mr. Vincent L. Alexander, M.P. (Region No. 4 - Demerara/Mahaica)

Mr. Raphael G.C. Trotman, M.P. (Absent - on leave)

Mr. Basil Williams, M.P.

Mrs. Volda A. Lawrence, M.P. (Absent - on leave)

Dr. Dalgleish Joseph, M.D., M.P. (Absent - on leave)

Miss Amna Ally, M.P. (Region No. 5 - Mahaica/Berbice)

Miss Sandra M. Adams, M.P. (Region No. 10 - Upper Demerara/Berbice) (Absent - on leave)

Mr. Jerome Khan, M.P. (Absent)

Dr. George A. Norton, M.P.

Miss Myrna E.N. Peterkin, M.P. (Region No. 4 - Demerara/Mahaica)

Mr. James K. McAllister, M.P. (Region No. 3 - Essequibo Islands/West Demerara)

Dr. Carl Max Hanoman, M.P. (Absent)

Miss Lurlene A. Nestor, M.P. (Region No. 4 - Demerara/Mahaica) (Absent - on leave)

Mr. Abdul Kadir, J.P., M.P. (Region No. 10 - Upper Demerara/Berbice)

Mr. Ricky Khan, M.P. (Region No. 1 - Barima/Waini)

Mrs. Rajcoomarie Bancroft, M.P. (Region No. 8 - Potaro/Siparuni)

Mr. Nasir Ally, J.P., M.P. (Region No. 6 - East Berbice/Corentyne)

Miss Judith David, M.P. (Region No. 7 - Cuyuni/Mazaruni)

Miss Genevieve Allen, M.P. (Region No. 4 - Demerara/Mahaica)

(ii) **Guyana Action Party/Working People's Alliance (2)**

Mrs. Sheila V.A. Holder, M.P.

Mrs. Shirley J. Melville, M.P. (Region No. 9 - Upper Takutu/Upper Essequibo) (Absent - on leave)

(iii) **Rise, Organise and Rebuild Party (1)**

Mr. Ravindra Dev, M.P. (Absent - on leave)

OFFICERS

Mrs. Lilawtie Coonjah, Acting Clerk of the National Assembly

Mr. Maurice B. Henry, Head Committees Division

COMMENCEMENT OF SITTING

The sitting commenced at 2.08 p.m.

PRAYERS

The Acting Clerk read prayers.

ANNOUNCEMENTS BY THE SPEAKER

Leave:

The Speaker announced that leave had been granted to:

Hon. Rudolph Insanally,

Mr. E. Lance Carberry

and

Mrs. Volda Lawrence for that day's sitting

Dr. Dalgleish Joseph, up to 26th April, 2005,

5.

Miss Sandra Adams,
Miss Lurlene Nestor,
Mrs. Shirley Melville
and
Mr. Ravindra Dev for that day's sitting.

PRESENTATION OF PAPERS AND REPORTS, ETC.

1. By the Speaker (Chairman of the Standing Orders Committee):

Report of the Standing Orders Committee.

(Circulated)

2. By the Minister of Finance:

Financial Paper No. 1/2005 - Supplementary Estimates (Current) totalling
\$1,376,752,295 for the period 2005-03-30 to 2005-04-08.

(Circulated)

QUESTIONS TO MINISTERS-

For Oral Reply

1. **NATIONAL AND PRESIDENTIAL ELECTIONS**

Mrs. Sheila Holder asked the Attorney General and Minister of Legal Affairs the following question:

*Will the Minister say how, when and through which authority, preparatory work on the electoral system for National and Presidential elections will begin as recommended in the Final Report of the Oversight Committee dated Monday, July 31, 2000?

(Notice Paper No. 91 (Q55 Opp55) published on 2004-02-02)

Oral reply given by the Attorney General and Minister of Legal Affairs:

CONSTITUTIONAL REFORM COMMISSION'S SPECIFIC RECOMMENDATIONS AS APPROVED BY THE SPECIAL SELECT COMMITTEE AND ADOPTED BY THE NATIONAL ASSEMBLY

ELECTORAL SYSTEM

9.11.3 Specific Recommendations

9.11.3(1)

The electoral system for general elections should be a system of proportional representation, which ensures that the proportion of seats in Parliament achieved by each party is as close as possible to the proportion of votes it received from the electorate.

SSC Comment

The Special Select Committee consulted the verbatim record of the Constitution Reform Commission in arriving at its decision on this Recommendation.

Article 160(1) of the Revised Constitution *makes provisions for the above recommendation.*

9.11.3(2)

The electoral system should include an element of geographical representation.

SSC Comment

The representatives of the PNC while recording their agreement with this Recommendation contended that there is need for the timely engagement of the services of an expert on electoral formulae on this issue and to complete the reformed Constitution in time to permit the holding of elections no later than January, 2001.

The Special Select Committee discussed what system of voting was capable of producing at one and the same time "proportionality" and "geographical representativeness." The Committee also considered whether there was the expertise in Guyana to devise such a system that would satisfy Recommendations 9.11.3(1) and 9.11.3(2).

Article 160(2) provides for the division of Guyana into geographical constituencies.

9.11.3(3)

Limits should be placed on the numbers of non-elected Ministers and Parliamentary Secretaries eligible to sit in Parliament.

SSC Comment

The Special Select Committee considered this Recommendation and agreed to submit it for approval by the National Assembly along with the following proposal:

Not more than four non-elected and not more than two Parliamentary Secretaries.

Article 103(3) provides that "Not more than four Ministers and two Parliamentary Secretaries shall be appointed by the President from among persons who are qualified to be elected as Members of the National Assembly."

9.11.3(4)

Proportional representation lists should be presented to the electorate in a manner that allows voters to be sure which individuals they are electing to the National Assembly. It is the Commission's view that this principle would be breached if lists are presented simply in alphabetical order or if crossing the floor is permitted.

SSC Comments

The Special Select Committee also discussed the implications of the provisions of this recommendation and agreed that a construction of the recommendation should be crafted in order to capture its spirit.

The Special Select Committee also noted, on the advice of the Chief Parliamentary Counsel, that the implementation of this recommendation would require the amendment of section 11 (3) of the Representation of the People Act, Chapter 1:03.

Article 160(3) of the Revised Constitution makes provision for this recommendation.

9.11.3(5)

Only Guyanese citizens resident in Guyana should be permitted to vote in elections.

SSC Comment

The Special Select Committee noted that the recommendation was to retain Articles 59 and 159(2) and agreed that Article 59 should be reformulated in more constitutional-friendly language as obtained in Article 159(2).

Article 59 of the Constitution was retained as it was.

9.11.3(6)

The words “Leader of the Opposition” should be substituted for the words “Minority Leader” wherever they appear.

This recommendation was incorporated into the Constitution.

9.11.3(7)

Provision should be made for the appointment of the Minority Leader (to be re-designated Leader of the Opposition) to be made in the following manner:

The Leader of the Opposition shall be elected by and from elected Members of the National Assembly who do not support the Government at a meeting held under the Chairmanship of the Speaker of the National Assembly, who shall not have the right to vote.

(This is the amended version of the SSC).

SSC Comments

The Special Select Committee agreed to submit the following proposal on the revocation of the appointment of the Leader of the Opposition, for approval by the National Assembly, as an adjunct to this Recommendation:

Where one-third of the Members of the Opposition represent to the Speaker that the Leader of the Opposition no longer enjoys their confidence, the Speaker shall call a meeting at which the revocation of the appointment of the Leader of the Opposition shall be decided by a majority of the Members of the Opposition.

Article 184(1) and 184(3) of the revised Constitution provides for these recommendations.

.....

It should be noted that the Revised Constitution of Guyana makes provision in Article 160(2) for geographic representation. This was amended by virtue of the **Constitution (Amendment) (No. 3) Act 2000, No. 14 of 2000.**

2 Further, **Article 160(3)(a) (iii)** states that **Parliament may make provision “for the manner in which the number of seats to be allocated to each list shall be calculated in order to give effect to the provisions of paragraph (1) or paragraph (2), as the case may be;”**.

Therefore, Members of the National Assembly have to work out how the number of seats will be allocated by geographical representation and provide such formula by legislation and not by an amendment to the Constitution.

For Written Reply

2. **COMPENSATION GIVEN TO VICTIMS OF CRIME**

Mr. Raphael Trotman, M.P., asked the Minister of Labour, Human Services and Social Security the following questions:

Can the Minister say -

- (i) During the period 2001 - October, 2004, how many victims of crime were given compensation by the Government of Guyana, and what was the criteria used to identify such victims?
- (ii) What was the average value of the benefit received?

(Notice Paper No. 168 (Q101 Opp96) published on 2004-12-03)

Written replies submitted by the Minister of Labour, Human Services and Social Security:

- (i) None. The question of criteria becomes irrelevant.
- (ii) Also irrelevant, in light of the first answer.

11.

PUBLIC BUSINESS

BILL - Second Reading

ITEM 1 - EXCISE TAX BILL 2005 - Bill No. 4/2005 published on 2005-04-11

The Minister of Finance moved the second reading of the following Bill:

A BILL intituled AN ACT to provide for the imposition and collection of
Excise Tax.

(Read a first time on 2005-04-14)

The following Members spoke to the motion:

Mr. Winston Murray

and

The Minister of Tourism, Industry and Commerce.

Thereafter, the Minister of Finance replied.

The motion was **put** and **carried**.

The Bill was read a second time.

On a motion by the Minister of Parliamentary Affairs, the Bill was referred to a Select Committee.

SUSPENSION OF SITTING

At 3.08 p.m., the sitting was suspended.

RESUMPTION OF SITTING

At 3.35 p.m., the sitting was resumed.

MOTIONS

ITEM 2 - ADOPTION OF REPORT OF STANDING ORDERS COMMITTEE

The Minister of Parliamentary Affairs informed to the Assembly that the Report as presented was unanimously approved by the Standing Orders Committee. However certain issues had been brought to his attention and as a consequence he found it necessary to request that the motion for the adoption of the Report be deferred to a subsequent sitting and the Report be recommitted to the Standing Orders Committee.

The Assembly agreed to the request.

The question that consideration of the motion be deferred, and the Report be recommitted was **put** and **carried**:

BE IT RESOLVED:

That the Report of the Standing Orders Committee on the motion for the amendment of Standing Order No. 73(5) be adopted.

(Notice Paper No. 181 (M76 Govt70) published on 2005-04-14)

ITEM 3 - AMENDMENT TO STANDING ORDER NO. 73(5)

The debate on the undermentioned motion was deferred as a consequence of the Assembly not proceeding with the motion on the adoption of the Report from the Standing Orders Committee:

WHEREAS Standing Order 73(5) provides that the deliberations of a Select Committee shall be held in private;

13.

AND WHEREAS the said Standing Order also applies to Standing and Sectoral Committees;

AND WHEREAS it is desirable that the deliberations of some Committees be held in public or in private if they so decide.

RESOLVED that,

1. Standing Order 73(5) be amended to provide that meetings of the Sectoral Committees and the Public Accounts Committee be held in public except where the said Committees determine otherwise;

2. The said amendment be effected by:

(a) deleting the fullstop at the end of Standing Order 73(5) and replacing it by a colon;

(b) adding the following at the sentence as a new paragraph:

“Provided that (a) the deliberations of the Sectoral Committees and the Public Accounts Committee shall be held in public except where these Committees determine otherwise; (b) meetings of the Parliamentary Management Committee shall not be held in public”.

3. After the amendment the Standing Order will read as follows:

“The deliberations of a Select Committee shall be in private and shall be confined to the matter referred to it by the Assembly and any extension or limitation thereof made by the Assembly and, in the case of a Select Committee on a Bill to the Bill committed to it and relevant amendments”;

Provided that:

- (a) **the deliberations of the Sectoral Committees and the Public Accounts Committee shall be held in public except where these Committees determine otherwise;**
- (b) **deliberations of the Parliamentary Management Committee shall not be held in public.**

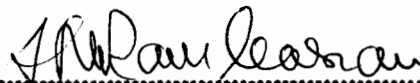
(Notice Paper No. 170 (M65 Govt60) published on 2004-12-10)

YOU-MAN-NABI

The Speaker extended greetings on You-Man-Nabi to all Members of the Assembly but in particular the Muslims.

ADJOURNMENT

At 3.40 p.m., on a motion by the Minister of Parliamentary Affairs, the sitting was adjourned to a 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,
Georgetown.

21st April, 2005.