

NATIONAL ASSEMBLY
MINUTES OF PROCEEDINGS
OF THE 61ST 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, 12TH MAY, 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 (Absent)

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

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)

* 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 (Absent - on leave)

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) (Absent)

** 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.

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.

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)

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 - on leave)

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)

Mrs. Deborah J. Backer, M.P.

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

Mr. C. Stanley Ming, M.P.

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

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

Mr. Basil Williams, M.P.

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

Dr. Dalglish Joseph, M.D., M.P.

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) (Absent)

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

Dr. Carl Max Hanoman, M.P.

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)

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

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

OFFICERS

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 2.08 p.m.

PRAYERS

The Clerk read prayers.

ANNOUNCEMENTS BY THE SPEAKER

(i) Leave:

The Speaker announced that leave had been granted to:

Hon. Rudolph Insanally,

Hon. Jennifer Westford,

Mr. Robert Corbin,

Mr. E. Lance Carberry,

Mr. Raphael Trotman,

5.

Miss Sandra Adams

and

Miss Lurlene Nestor for that day's sitting.

(ii) **Welcome back to the Clerk of the National Assembly**

The Speaker, on behalf of the Members of the Assembly and himself, welcomed the Clerk back to the Assembly after his absence from duty for approximately two months due to illness.

PRESENTATION OF PAPERS AND REPORTS, ETC.

(1) By the **Speaker (Chairman of the Committee of Selection)**:

The Speaker presented the Minutes of Proceedings of the 13th Meeting of the Committee of Selection which was held on Tuesday, 3rd May, 2005.

(Circulated)

(2) By the **Speaker (Chairman of the Standing Orders Committee)**:

The Speaker presented the Report of the Standing Orders Committee on the recommittal of its Report on the amendment of Standing Order No. 73(5).

(Circulated)

QUESTIONS TO MINISTERS-

For Written Replies

1. **CONTINGENCY FUND**

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

How much money is in the contingency fund at this point in time?

(Notice Paper No. 163 (Q100 Opp95) published on 2004-11-06)

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Written reply submitted by the Minister of Finance:

Section 41 of the Fiscal Management and Accountability Act 2003 establishes the Contingencies Fund as a sub-fund of the Consolidated Fund and makes detailed provisions to govern its operation. Among these provisions are stipulations on the total amount that is permitted to be drawn from the Contingencies Fund. Pursuant to those provisions, the total amount that may be drawn from the Contingencies Fund at any point in time during 2005 is \$1,515,191,940. At the current point in time, amounts totalling \$1,376,752,295 have been drawn from the Contingencies Fund. These amounts are reflected in Financial Paper No. 1 of 2005, which has been submitted to the National Assembly for consideration. As a consequence of the said amounts being drawn from the Contingencies Fund, a balance of \$138,439,645 remains available to be drawn currently. On approval of Financial Paper No. 1 of 2005, the said amount currently available to be drawn will be increased by the amount of the approved Financial Paper in keeping with the same Section 41 of the Act.

2. **CONSTRUCTION OF A MODERN JUDICIAL COMPLEX**

Mr. Raphael Trotman, M.P., asked the Attorney General and Minister of Legal Affairs the following question:

Can the Minister say whether the Government is prepared to conduct a feasibility study to discover the cost of constructing a modern judicial complex to replace the existing structure?

(Notice Paper No. 143 (Q80 Opp79) published on 2004-10-26)

Written reply submitted by the Attorney General and Minister of Legal Affairs:

I am not aware of any plans to conduct a feasibility test to determine the cost of constructing a modern judicial complex.

3. **DETENTION OF NATALIA HAMID AT THE NEW OPPORTUNITY CORPS**

Mr. Raphael Trotman, M.P., asked the Attorney General and Minister of Legal Affairs the following question:

Can the Hon. Minister say whether Cabinet approved or authorised the filing of legal proceedings by the Attorney General's Chamber challenging or inquiring into the detention of Natalia Hamid at the New Opportunity Corps?

(Notice Paper No. 144 (Q81 Opp80) published on 2004-10-26)

Written reply submitted by the Attorney General and Minister of Legal Affairs:

I, as Attorney General, was of the opinion that the order made by Hon. Justice Roy whereby the child, Bibi Natalia Hamid was ordered to be held at the New Opportunity Corps was illegal and unconstitutional and as a result null and void.

Therefore, the Attorney General instituted proceedings in Court to have the said Order set aside. Subsequently, Hon. Justice of Appeal Chang released the child out of custody of the New Opportunity Corps.

4. **STATUTORY AGE OF SEXUAL CONSENT**

Mr. Raphael Trotman, M.P., asked the Attorney General and Minister of Legal Affairs the following question:

What plans are there to review the statutory age of sexual consent?

(Notice Paper No. 145 (Q82 Opp81) published on 2004-10-26)

Written reply submitted by the Attorney General and Minister of Legal Affairs:

There is an Age of Consent Bill 2004. A Committee on the Age of Consent Bill 2004 has been established and comments were sought from members of the public and interested bodies. These written submissions will be considered by the Committee and the said Bill will be amended based on those submissions.

5. **PENALTIES FOR SEXUAL OFFENCES**

Mr. Raphael Trotman, M.P., asked the Attorney General and Minister of Legal Affairs the following question:

Is the Government planning to introduce legislation to increase the penalties for sexual offences, and if so, when?

(Notice Paper No. 146 (Q83 Opp82) published on 2004-10-26)

Written reply submitted by the Attorney General and Minister of Legal Affairs:

There has been no decision made to date to introduce legislation to increase the penalties for sexual offences.

6. **ESTABLISHMENT OF THE CARIBBEAN COURT OF JUSTICE**

Mr. Raphael Trotman, M.P., asked the Attorney General and Minister of Legal Affairs the following question:

What obligations remain to be performed by the Government of Guyana vis-a-vis the establishment of the Caribbean Court of Justice?

(Notice Paper No. 147 (Q84 Opp83) published on 2004-10-26)

Written reply submitted by the Attorney General and Minister of Legal Affairs:

Guyana has no outstanding obligations to fulfill for the establishment of the CCJ. By virtue of Article 123 of the Constitution (as amended), the CCJ is the final Court of Appeal for Guyana.

Further, several pieces of legislation have been passed by Parliament to give effect to the jurisdiction of the CCJ. These are the Caribbean Court of Justice Act No. 16 of 2004, the Protocol to the Agreement establishing the Caribbean Court of Justice Act No. 17 of 2004, the Protocol on the Privileges and Immunities of the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission Act, No. 18 of 2004, and, the Caribbean Court of Justice Trust Fund Agreement Act, No. 19 of 2004. These Acts came into operation on the 1st April, 2005, by virtue of Orders No. 10, 11, 13 and 13 of 2005 respectively. The Court was inaugurated on the 16th April, 2005 and this brings the Court into full effect in Guyana.

7. **DELAY IN UTILIZATION OF THE ESSEQUIBO HIGH COURT**

Mr. Raphael Trotman, M.P., asked the Attorney General and Minister of Legal Affairs the following question:

What is responsible for the delay in utilization of the Essequibo High Court?

(Notice Paper No. 148 (Q85 Opp84) published on 2004-10-26)

Written reply submitted by the Attorney General and Minister of Legal Affairs:

The Essequibo High Court will be formally opened in May, 2005. This will be done to facilitate the opening of the Criminal Assizes on the 17th May, 2005. The staff at the High Court has already commenced working.

8. **ESTABLISHMENT OF A LAW REVISION COMMISSION**

Mr. Raphael Trotman, M.P., asked the Attorney General and Minister of Legal Affairs the following question:

What plans if any, does the Government have to establish a Law Revision Commission?

(Notice Paper No. 149 (Q86 Opp85) published on 2004-10-26)

Written reply submitted by the Attorney General and Minister of Legal Affairs:

There are no plans presently afoot to establish a Law Revision Commission due to the inadequacy of personnel to man such a Commission.

9. **FREEDOM OF INFORMATION BILL**

Mr. Raphael Trotman, M.P., asked the Attorney General and Minister of Legal Affairs the following question:

When will a Freedom of Information Bill be introduced by the Government in the National Assembly?

(Notice Paper No. 150 (Q87 Opp86) published on 2004-10-26)

Written reply submitted by the Attorney General and Minister of Legal Affairs:

No decision has yet been taken to have such a Bill introduced by the Government in the National Assembly.

10. **PROPOSALS TO INTRODUCE MODERN BANKRUPTCY LAWS**

Mr. Raphael Trotman, M.P., asked the Attorney General and Minister of Legal Affairs the following question:

What if any are the proposals to introduce modern bankruptcy laws in Guyana to give protection to debtors and creditors alike?

(Notice Paper No. 151 (Q88 Opp87) published on 2004-10-26)

Written reply submitted by the Attorney General and Minister of Legal Affairs:

No decision has yet been taken to introduce such laws.

PUBLIC BUSINESS

MOTIONS

ITEM 1 - CONSIDERATION OF FINANCIAL PAPER NO. 1/2005

Assembly resolved itself into Committee of Supply.

In Committee of Supply

The Minister of Finance signified the recommendation or consent of the Cabinet and moved the following motion:

BE IT RESOLVED:

That this Assembly approve of the proposals set out in Financial Paper No. 1/2005 - Supplementary Estimates (Current) totalling \$1,376,752,295 for the period 2005-03-30 to 2005-04-08.

(Notice Paper No. 182 (M77 Govt71) published on 2005-04-26)

(Paper presented on 2005-04-21)

After consideration of the Schedule, the motion was put and carried.

Assembly resumed.

On a motion by the Minister of Finance, the Assembly adopted the following Resolution:

RESOLVED, That this National Assembly agree with the Committee of Supply in the following Resolution:

RESOLVED,

That this Assembly approve of the proposals set out in Financial Paper No. 1/2005 - Supplementary Estimates (Current) totalling \$1,376,752,295 for the period ending 2005-03-30 to 2005-04-08.

BILL - FIRST, SECOND AND THIRD READINGS

ITEM 2 - SUPPLEMENTARY APPROPRIATION (NO.1 FOR 2005) BILL 2005 - Bill No. 1/2005 published on 2005-04-16

With the leave of the Speaker, and on a motion by the Minister of Parliamentary Affairs, Standing Orders Nos. 12 and 46 were suspended to enable the Supplementary Appropriation (No. 1 for 2005) Bill No. 5 of 2005 to be introduced at this stage.

The Minister of Finance, in accordance with paragraph (2) of article 171 of the Constitution, signified Cabinet's recommendation for the Supplementary Appropriation (No. 1 for 2005) Bill No. 5 of 2005 for consideration by the National Assembly.

Thereafter, on motions by the Minister of Finance, the following Bill was introduced and was read the first, second and third times and passed as printed:

A BILL intituled AN ACT to provide for the issue from the Consolidated Fund of the sums necessary to meet the expenditure (not otherwise lawfully charged on the Consolidated Fund) of Guyana for the financial year ending 31st December, 2005, estimates whereof have been approved by the National Assembly, and for the appropriation of those sums for specified purposes, in conformity with the Constitution.

ITEM 3 - ADOPTION OF REPORT OF STANDING ORDERS COMMITTEE

The Minister of Parliamentary Affairs moved the following motion:

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)

The following Members spoke to the motion:

Mr. James McAllister

and

Mrs. Sheila Holder.

Thereafter, the Minister of Parliamentary Affairs replied.

The motion was then put and carried.

ITEM 4 - AMENDMENT TO STANDING ORDER NO. 73(5)

The Assembly resumed the debate on the following motion:

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

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)

In accordance with the Report of the Standing Orders Committee the Assembly amended the Resolved clause to read as follows -

RESOLVED that,

1. Standing Order 73(5) be amended in the following respects -

(a) for the full stop at the end of the Standing Order substitute a colon;

(b) by the insertion of the following proviso -

Provided that:

- (a) the deliberations of a Sectoral Committee and the Public Accounts Committee shall be held in public except where either Committee determines otherwise and in determining what deliberations shall be in private a Committee shall strive to reach a determination by consensus, failing which the provisions of Standing Order 42(1) shall apply;
- (b) deliberations of the Parliamentary Management Committee shall be held in private.

2. The amended Standing Order No. 73(5) will then 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 a Sectoral Committee and the Public Accounts Committee shall be held in public except where the Committee determines otherwise and in determining what deliberations shall be in private a Committee shall strive to reach a determination by consensus, failing which the provisions of Standing Order 42(1) shall apply;
- (b) deliberations of the Parliamentary Management Committee shall be held in private.

ADJOURNMENT

At 3.00 p.m., on a motion by the Minister of Parliamentary Affairs, the sitting was adjourned to 2.00 p.m., on Thursday, 19th May, 2005.


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

Speaker of the National Assembly

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

12th May, 2005.