

NATIONAL ASSEMBLY
SUPPLEMENTARY ORDER PAPER
FOR THE 34TH SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION
(1998-1999) OF THE SEVENTH PARLIAMENT OF GUYANA TO BE HELD
AT 2.00 P.M.
ON THURSDAY, 29TH JULY, 1999
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN

SUPPLEMENTARY BUSINESS FOR SITTING

INTRODUCTION OF BILLS

Presentation and First Reading

(1) **LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 1999 - Bill No. 16/1999**

The Minister of Local Government, on behalf of the Government, to present the following Bill:

A BILL intituled AN ACT to amend the
Local Authorities (Elections) Act to
provide for the postponement of
elections of councillors of local
democratic organs.

(2) **MEDICAL PRACTITIONERS (AMENDMENT) BILL 1999 - Bill No. 17/1999**

The Minister of Health and Labour, on behalf of the Government, to present the following Bill:

A BILL intituled AN ACT to amend the
Medical Practitioners Act 1991.

F.A. Narain
Clerk of the National Assembly

PARLIAMENT OFFICE,
Public Buildings,
Georgetown.
29th July, 1999

NATIONAL ASSEMBLY
MINUTES OF PROCEEDINGS
OF THE 34th SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST
SESSION (1998 - 1999) OF THE SEVENTH PARLIAMENT OF GUYANA HELD
AT 2.00 P.M.
ON THURSDAY, 29th JULY, 1999
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN

MEMBERS OF THE NATIONAL ASSEMBLY (77)

Speaker (1)

The Hon. Derek C. Jagan, C.C.H., S.C., J.P., M.P., Speaker of the National Assembly

Members of the Government - People's Progressive Party/Civic (47)

The Hon. Samuel A. A. Hinds, M.P., Prime Minister

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

The Hon. Clement J. Rohee, M.P., Minister of Foreign Affairs (Absent - on leave)

The Hon. Bharrat Jagdeo, M.P., Minister of Finance

*The Hon. Charles R. Ramson, S.C., M.P., Attorney General and Minister of Legal Affairs

*The Hon. Rev. Dr. Ramnauth D.A. Bisnauth, M.P., Minister of Education

The Hon. M. Shree Chan, M.P., Minister of Trade, Tourism and Industry (Absent - on leave)

*The Hon. Indranie Chandarpal, M.P., Minister of Human Services and Social Security

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

*The Hon. F. Vibert DeSouza, M.P., Minister of Amerindian Affairs

*The Hon. George E. Fung-On, M.P., Minister of the Public Service

*The Hon. Dr. Henry B. Jeffrey, M.P., Minister of Health and Labour (Absent - on leave)

The Hon. Moses V. Nagamootoo, J.P., M.P., Minister of Information

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

*The Hon. Satyadeow Sawh, M.P., Minister of Livestock and Fisheries

The Hon. Gail Teixeira, M.P., Minister of Culture, Youth and Sports (Absent - on leave)

*The Hon. C. Anthony Xavier, M.P., Minister of Transport and Hydraulics (Absent)

*The Hon. Shaik K. Z. Baksh, M.P., Minister of Housing and Water

*The Hon. J. Ronald Gajraj, M.P., Minister of Home Affairs

*Non elected Minister

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

Mr. Cyril C. Belgrave, M.P

Mr. Donald Ramotar, M.P.

Mr. Fazil M. Ali, M.P.

Mr. Husman Alli, M.P.

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

Mr. Navindranauth O. Chandarpal, M.P.

Mr. Bernard C. DeSantos, S.C., M.P.

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

Dr. Hughley H. Hanoman, M.P.

Mr. Alston A. Kissoon, M.P.

Dr. Moti Lall, C.C.H., M.P.

Mr. Odinga N. Lumumba, M.P.

Mr. Khemraj Ramjattan, M.P.

Mr. Hari Narayen Ramkarran, S.C., M.P.(Absent)

Dr. Leslie S. Ramsammy, M.P.

Mr. Lawrence E. Rodney, M.P

Mrs. Philomena Sahoye-Shury, C.C.H., J.P., M.P.,
Parliamentary Secretary, Ministry of Local Government

Mrs. Pauline R. Sukhai, M.P.

Mr. Winslow M. Zephyr, M.P.

Dr. Bheri Ramsaran, M.P.

Mr. Joseph M. DeSouza, M.P. (Region No. 1 - Barima/Waini)

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

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

Mr. Geoffrey A. Fraser, M.P. (Region No. 5 - Mahaica/Berbice)

Mr. Ramsundar Sankat, M.S., M.P. (Region No. 6 - East Berbice/Corentyne)

Mr. Eustace S. Rodrigues, M.S., M.P. (National Congress of Local Democratic Organs)

Mr. Kumkaran Ramdas, M.P. (National Congress of Local Democratic Organs) (Absent)

Members of the Minority (29)

(i) People's National Congress (25)

Mr. H. Desmond Hoyte, S.C., M.P.

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

Mr. Dunstan Barrow, M.P., Chief Whip (Absent - on leave)

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

Mr. E. Lance Carberry, M.P.(Absent - on leave)

Dr. Faith A. Harding, M.P.

Mr. Ivor Allen, M.P. (Absent)

Mr. Kadim A. Khan, M.P. (Absent - on leave)

Miss Jean M.G. Persico, A.A., M.P.(Absent - on leave)

Mrs. Cyrilda A. DeJesus, M.P.

Mr. Andy Goveia, M.P.

Mrs. Deborah J. Backer, M.P.

Mr. John S. DeFreitas, M.P. (Absent - on leave)

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

Dr. Dagleish Joseph, M.P.

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

Mr. Joseph L. Hamilton, M.P. (Region No. 4 - Demerara/Mahaica)

Mr. Sherwood A. J. Lowe, M.P.

Mr. Andrew Hicks, M.P.

Mr. Neaz Subhan, M.P. (Absent- on leave)

Mr. Colin Bynoe, M.P.

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

Mr. Kelley Andres, M.P. (Region No. 7 - Cuyuni/Mazaruni)

Mr. Thakechand Ramnauth, M.P.

Mr. Aubrey C. Norton, M.P. (Absent)

(ii) The United Force (2)

Mr. Manzoor Nadir, M.P.

Mr. Matthew R. Charlie, M.P. (Region No. 9 - Upper Takutu/Upper Essequibo) (Absent)

(iii) Alliance for Guyana (2)

Dr. Rupert Roopnaraine, M.P.

Mr. Albertino Peters, M.P. (Region No. 8 - Potaro/Siparuni)

OFFICERS

Mr. Frank A. Narain, C.C.H., Clerk of the National Assembly

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

COMMENCEMENT OF SITTING

The Sitting commenced at 2.00 p.m.

PRAYERS

The Clerk read Prayers.

ANNOUNCEMENTS BY THE SPEAKER

Leave

The Speaker announced that leave had been granted to-

the Hon. Clement Rohee and the Hon. Dr. Henry Jeffrey for that day's sitting

the Hon. Gail Teixeira up to 2nd August, 1999, and

Mr. Lance Carberry)
)
Mr. Kadim Khan) for that day's sitting,
)
Mr. Neaz Subhan)

Miss Jean Persico up to 5th August, 1999, and

Mr. John De Freitas up to the end of August, 1999.

INTRODUCTION OF BILLS

Presentation and First Reading

(1) **LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 1999 - Bill No. 16/1999**

The Minister of Local Government, on behalf of the Government, presented the following Bill which was read the first time:

A BILL intituled AN ACT to amend the
Local Authorities (Elections) Act to
provide for the postponement of
elections of councillors of local
democratic organs.

(2) **MEDICAL PRACTITIONERS (AMENDMENT) BILL 1999 -Bill No. 17/1999**

The Minister of Agriculture and Parliamentary Affairs, on behalf of the Minister of Health and Labour, presented the following Bill which was read the first time:

A BILL intituled AN ACT to amend the
Medical Practitioners Act 1991.

PUBLIC BUSINESS

BILLS - Second Reading

ITEM 1 - ELECTRICITY SECTOR REFORM BILL 1999 - Bill No. 13/1999 published 30.6.99

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

A BILL intituled AN ACT to provide for the regular,
efficient, coordinated and economical supply of
electricity and for matters incidental thereto or
connected therewith.
(Read a first time on 1.7.99)

Thereafter, Dr. Roopnaraine proposed an amendment to the question.

The amendment was not in order and was not allowed by the Speaker.

The Members from the People's National Congress and Dr. Roopnaraine from the Alliance for Guyana thereupon withdrew from the Chamber.

The following Members spoke to the motion for the second reading of the Electricity Sector Reform Bill 1999:-

Mr. Manzoor Nadir

The Minister of Housing and Water.

Thereafter, the Prime Minister replied.

The motion was then put and carried.

The Bill was read a second time.

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

In Committee

Clauses and Schedules Passed as Printed

Clauses 1, 2, 4, 5, 7 to 18, 20 to 26, 28 to 31, 35 to 37, 39 to 41, 43 to 46, 48 to 66, 68 to 71, and the First and Third Schedules were passed as printed.

Clauses and Schedule Amended and Passed as Amended

Clauses 3, 6, 19, 27, 32 to 34, 38, 42, 47, 67 and the Second Schedule

were passed with the following amendments which were moved by the Prime Minister:

- Clause 3** - Substitution of the words “no later than” for the word “within” in subsection (3) (b).
- Clause 6** - Deletion of the word “first” before the words “publication of the advertisement” in subsection (4).
- Clause 19** - Substitution of the word “require” for the word “required” after the words “the Government’s decision to effect such purchase,” in subsection (1) (a).
- Clause 27** - Substitution of the word “After” for the words “On and after” in subsection (2).
- Clause 32** - Insertion of the word “written” before the word “consent” in subsection (7).
- Clause 33** - Substitution of the words “five thousand dollars” for the words “five hundred dollars” in subsection (3).
- Clause 34** - Deletion of the word “ground” before the words “where any electric line has been placed”.
- Clause 38** - Substitution of the words “Except as otherwise provided in” for the words “Subject to” in subsection (3).
- Clause 42** - Deletion of the word “may” and substitution of the word “shall” in subsection (4) (b).
 Deletion of the words “to Guyana Power & Light, Inc.” after the words “employees of the Guyana Electricity Corporation” in subsection (4) (b).
 Insertion of the words “to Guyana Power & Light, Inc.” after the words “may provide for the transfer” in subsection (4) (b).
 Substitution of the words “and shall, subject to the filing of a memorandum from the Minister as provided under subsection (6) with instructions by Guyana Power & Light, Inc., no fee nor advertisement being necessary, issue new transports” for the words “and shall issue new transports” in subsection (4) (e).

8.

Deletion of the word “effecting” in subsection (4) (f).

Substitution of the words “under subsection (12) (a) (i) or owing to the operation of” for the words “owing to subsection (12) (a) or the operation of” in subsection (10).

Substitution of the following for paragraph (a) of subsection (12):

“(a) (i) Guyana Power & Light Inc. shall be deemed to have all necessary rights for the placement, construction, inspection, maintenance, and repair of all of Guyana Power & Light, Inc.’s electrical installations located along, over, under or across lands owned by private persons, as every such electrical installation exists on the appointed day.

(ii) With respect to the placement, construction, maintenance and repair of additional electrical installations to be located along, over, under or across lands owned by private persons as become necessary after the appointed day for Guyana Power & Light, Inc. to carry out its licensed activities, Guyana Power & Light, Inc. shall seek permission of such private persons.”

Insertion of the following as subsection (13):

“(13) Where the Government has agreed in writing with the Strategic Investor that a dispute which has arisen, or may arise, shall be submitted to arbitration, the Government shall not be immune in respect of the proceedings related to that arbitration; and notwithstanding anything in the Interpretation and General Clauses Act or the State Liability and Proceedings Act, any arbitral award against the Government issued under such arbitration proceedings shall be enforceable in the courts of Guyana, and to the extent that such arbitral award is enforced against property, such enforcement shall extend only in respect of property used for a commercial activity.”

Clause 47 - Insertion of the words “and shall be construed as a licence issued under and subject to this Act” before the fullstop.

Clause 67 - Insertion of the word “registered” before the word “post” in subsection (1) (a).

The Second Schedule

Insertion of the words “in accordance with” after the words “until the appointed day” in paragraph 3.

Replacement of Annex I appearing on the final page, immediately after paragraph 18 of the Second Schedule.

Assembly resumed.

On a motion by the Prime Minister, the Electricity Sector Reform Bill 1999 was read the third time and **passed as amended.**

ITEM 2 - PUBLIC UTILITIES COMMISSION BILL 1999 - Bill No. 12/1999
published 30.6.99

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

A BILL intituled AN ACT to make provision for the establishment, functions and procedure of the Public Utilities Commission and for matters connected therewith.
(Read a first time on 1.7.99)

The following Members spoke to the motion :

Mr. Manzoor Nadir

Mr. Bernard C. DeSantos.

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

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

The Bill was read a second time.

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

In Committee

Clauses Passed as Printed

Clause 1 to 6, 8, 10 to 20, 23 to 27, 30 to 37, 39 to 63, 66 to 90 were passed as printed.

Clauses Amended and Passed as Amended

Clauses 7, 9, 21, 22, 28, 29, 38, 64, 65 were passed with the following amendments which were moved by the Attorney General and Minister of Legal Affairs:

Clause 7

Substitution of the following for subsection (1):

“(1) The chairman and other members shall be paid such salary and allowances as may be provided for in the annual budget of the Commission approved by the National Assembly, and the other terms and conditions of appointment of the chairman or any other members shall be such as may be determined by the Minister.”.

Substitution of the words “The chairman and any other full time member of the Commission shall not” for the words “The chairman shall not” in subsection (2).

Deletion of the word “other” after the words “hold any” in subsection (2).

Clause 9 - Deletion of the words “as may be determined by the Minister” in subsection (1).

Clause 21

Substitution of the words “any existing written law” for the words “any written law” in subsection (2).

Insertion of the words “For purposes of this subsection and section 33, “written law” shall not include the Constitution.” after the fullstop at the end of subsection (2).

Clause 22

Deletion of the word “and” in paragraph (c).

Clause 28

Addition of the word “or a licence” after the words “any written law” in subsection (2) (c).

Deletion of the word “publicly” after the words “shall not publish or otherwise make” in the proviso to subsection (5).

Clause 29

Deletion of the word “Government” after the words “Accountant General” in subsection (1) (a).

Clause 38

Substitution of the words “of any person regarding” for the word “to” after the words “an accrued right” in the proviso.

Clause 64

Deletion of the words “in whole or in part” in subsection (1).

Substitution of the following for subsection (2):

“(2) The annual assessment imposed pursuant to subsection (1) shall not exceed -

- (a) one percent of the gross revenue derived from services, or twenty-five million dollars, whichever is less, in the case of any public utility referred to in section 4 (1) (a);
- (b) one percent of the gross revenue derived from services in the case of any public utility referred to in section 4 (1) (b); and
- (c) in the case of any other public utility under the jurisdiction of the Commission, such amount as the Minister may by order, which shall be subject to negative resolution of the National Assembly, prescribe.”

Clause 65

Substitution of the following for the proviso to subsection (1):

“Provided that the amount so determined and assessed to any one public utility in any one year by the Commission shall not exceed -

- (a) in respect of any proceedings relating to rate -
 - (i) one-half of one percent, or twenty million dollars, whichever is less, in the case of any public utility referred to in section 4 (1) (a);
 - (ii) one-half of one percent in the case of any public utility referred to in section 4 (1) (b);

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(iii) in the case of any other public utility under the jurisdiction of the Commission, such amount as the Minister may by order, which shall be subject to negative resolution of the National Assembly, prescribe;

(b) in respect of all other investigations -

(i) one-tenth of one percent, or fifteen million dollars, whichever is less, in the case of any public utility referred to in section 4 (1) (a);

(ii) one-tenth of one percent in the case of any public utility referred to in section 4 (1) (b); and

(iii) in the case of any other public utility under the jurisdiction of the Commission, such amount as the Minister may by order, which shall be subject to negative resolution of the National Assembly, prescribe,

of its gross revenues derived from services or such other sum as may be specified in, or determined in accordance with any other written law, a licence held by the public utility or an agreement between the Government and the public utility or between the Government and an investor in relation to a privatisation or capitalisation of the public utility.”

Insertion of the following as subsection (4):

“(4) To the extent not defrayed from the resources of the Commission obtained pursuant to this section and sections 20 (3) and 64, the annual budget of the Commission, as approved by the National Assembly, shall be funded by sums provided to the Commission by or under an annual appropriation by the National Assembly.”

Assembly resumed.

On a motion by the Attorney General and Minister of Legal Affairs, the Public Utilities Commission Bill 1999 read the third time and passed and amended.

BILLS - Second Reading - Deferred

On a motion by the Minister of Agriculture and Parliamentary Affairs, the second reading of the following Bills was deferred:

- (i) **CARIBBEAN INVESTMENT FUND BILL 1999 - Bill No. 11/1999 published 3.7.99.**
- (ii) **GUYANA LANDS AND SURVEYS COMMISSION BILL 1999- Bill No. 14/1999 published 2.7.99.**
- (iii) **EDUCATION (AMENDMENT) BILL 1999 -Bill No. 15/1999 published 21.7.99**

ADJOURNMENT

At 6.55 p.m., on a motion by the Minister of Agriculture and Parliamentary Affairs, the Assembly was adjourned to a date to be fixed.



D.C. JAGAN

Speaker of the National Assembly

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

29th July, 1999