

NATIONAL ASSEMBLY

MINUTES OF PROCEEDINGS

OF THE 29TH SITTING OF THE NATIONAL ASSEMBLY OF THE SECOND  
SESSION (1990) OF THE FIFTH PARLIAMENT OF GUYANA HELD

AT 2.00 P.M.

ON THURSDAY, 9TH AUGUST, 1990

IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN

MEMBERS OF THE NATIONAL ASSEMBLY (74)

Speaker (1)

- \* Cde. Sase Narain, O.R., S.C., J.P., M.P., Speaker of the National Assembly

Members of the Government - People's National Congress (61)

Prime Minister (1)

- + Cde. H. Green, M.P., Prime Minister

Other Vice-President and Deputy Prime Minister (1)

- + Cde. Viola V. Burnham, O.R., M.P., Vice-President, Culture and Social Development  
and Deputy Prime Minister

Attorney General and Minister of Legal Affairs (1)

- +\* Cde. K.S. Massiah, O.R., S.C., M.P., Attorney General and Minister of Legal Affairs

Other Deputy Prime Ministers (2)

- + Cde. W.A.L.H. Parris, C.C.H., M.P., Deputy Prime Minister, Planning and Development  
+ Cde. R.H.O. Corbin, M.P., Deputy Prime Minister, Public Utilities

Senior Ministers (9)

- + Cde. R.E. Jackson, M.P., Minister of Foreign Affairs  
+\* Cde. C.B. Greenidge, M.P., Minister of Finance  
+ Cde. S. Prashad, M.P., Senior Minister in the Ministry of Planning & Development  
+ Cde. W.S. Murray, C.C.H., M.P., Minister of Trade and Tourism  
+ Cde. J.R. Thomas, M.P., Minister of Regional Development  
Cde. Yvonne V. Harewood-Benn, M.P., Senior Minister in the Office of the President  
\* Cde. Dr. P.L. McKenzie, A.A., M.P., Minister of Agriculture  
\* Cde. D.M.A. Bernard, M.P., Minister of Education  
\* Cde. J.R. Kranenburg, M.P., Minister of Communications and Works

Ministers (8)

- + Cde. Urmia E.H. Johnson, M.P., Minister in the Ministry of Regional Development  
+ Cde. C.G. Sharma, A.A., J.P., M.P., Minister of Labour and Co-operatives (Absent)  
Cde. D. Sawh, M.P., Minister in the Ministry of Public Utilities  
\* Cde. V.V. Parvatan, M.P., Minister in the Ministry of Agriculture  
Cde. J.T. Kisson, M.P., Minister in the Office of the Prime Minister  
Cde. Dr. Faith A. Harding, M.P., Minister of the Public Service  
Cde. Stella Odie-Ali, M.P., Minister of Home Affairs  
Cde. Jean M.G. Persico, A.A., M.P., Minister in the Ministry of Culture &  
Social Development

Parliamentary Secretary (1)

- \* Cde. L.E. Scotland, M.P., Parliamentary Secretary, Office of the Prime Minister

+ Cabinet Member

\* Non-elected Member

Government Chief Whip (1)

Cde. Jennifer A. Ferreira, M.P., Government Chief Whip

Other Members (25)

Cde. K.B. Bancroft, M.P.  
Cde. Philomena A. Rayman, M.P.  
Cde. A.K. Habibulla, M.P.  
Cde. E.H.A. Fowler, M.P.  
Cde. Joyce Gill-Mingo, M.P.  
Cde. M. Ally, M.P.  
Cde. Elaine B. Davidson, M.P. (Absent)  
Cde. H. Doobay, M.P.  
Cde. Joyce M. Munroe, J.P., M.P.  
Cde. Edwina Melville, M.P.  
Cde. Amna Ally, M.P.  
Cde. N. Calistro, M.P.  
Cde. F.M. Cumberbatch, M.P. (Absent)  
Cde. M.I. Deen, M.P. (Absent)  
Cde. Cyrilda A. DeJesus, M.P.  
Cde. Edith Deygoo, M.P.  
Cde. Clarice A. Edwards, M.P.  
Cde. C.L. Geddes, M.P.  
Cde. G. Marshall, M.P.  
Cde. B. Persaud, J.P., M.P.  
Cde. K. Sankar, M.S., M.P. (Absent)  
Cde. E.L. Fraser, M.P.  
Cde. Mignon D. Griffith, M.P.  
Cde. P.E. Rockcliffe, M.P.

(There is one Vacancy)

Members from the National Congress of Local Democratic Organs (2)

Cde. Rose I. Sample, M.P.  
Cde. P. Singh, J.P., M.P.

Members from the Regional Democratic Councils (10)

Cde. Nellie R. Charles, M.P., (Region No. 7 - Cuyuni/Mazaruni)  
Cde. R. Bishop, M.S., M.P., (Region No. 4 - Demerara/Mahaica)  
Cde. C. Vandenburg, M.P., (Region No. 10 - Upper Demerara/Berbice)  
Cde. Y. Khan, M.P., (Region No. 2 - Pomeroon/Supenaam)  
Cde. Enid E. Abrams, M.S., J.P., M.P., (Region No. 3 - Essequibo Islands/West Dem.)  
Cde. I. Ally, M.P., (Region No. 6 - East Berbice/Corentyne)  
Cde. S.I. McGarrell, M.P., (Region No. 8 - Potaro/Siparuni)  
Cde. M. Stephens, M.P., (Region No. 9 - Upper Takutu/Upper Essequibo) (Absent)  
Cde. M. Ajoodhia, J.P., M.P., (Region No. 5 - Mahaica/Berbice)  
Cde. D. Fernandes, M.P., (Region No. 1 - Barima/Waini)

Members of the Minority (11)

(i) People's Progressive Party (8)

Minority Leader (1)

Cde. Dr. C. Jagan, M.P., Minority Leader

Deputy Speaker (1)

Cde. Reepu Daman Persaud, J.P., M.P., Deputy Speaker of the National Assembly

Other Members (6)

Cde. Janet Jagan, M.P.  
Cde. C.C. Collymore, M.P.  
Cde. S.F. Mohamed, M.P., Minority Chief Whip  
Cde. H. Nokta, M.P. (Absent)  
Cde. I. Basir, M.P.  
Cde. C.C. Belgrave, M.P. (Absent)

(ii) United Force (2)

Mr. M.F. Singh, C.C.H., J.P., M.P. (Absent)  
Mr. M.A. Abraham, A.A., M.P. (Absent)

(iii) Working People's Alliance (1)

Mr. E. Kwayana, M.P.

OFFICERS

Cde. F.A. NARAIN, A.A., Clerk of the National Assembly  
Cde. G.E.F. MOSES, Deputy Clerk of the National Assembly

PRAYERS

The Clerk read Prayers.

ANNOUNCEMENTS BY THE SPEAKER

Leave

The Speaker announced that leave had been granted to Cde. McKenzie for that day's sitting.

PRESENTATION OF PAPERS AND REPORTS, ETC

By the Minister of Finance:

(i) Annual Report and Accounts of the Guyana National  
Co-operative Bank Trust Corporation for the year 1989.  
(ST: 25/2/2/23) (Circulated)

(ii) Annual Report and Accounts of the Guyana National  
Co-operative Bank for the year 1989.

(ST: 28/1/5/3<sup>III</sup>) (Circulated)

(2) By the Attorney General and Minister of Legal Affairs:

State Paper on the Integrity Commission Report.

(Circulated)

(3) By the Minister of Regional Development for the Minister of  
Agriculture:

Annual Report of the Ministry of  
Agriculture for the year 1989.

(A:17/6) (Circulated)

PUBLIC BUSINESS

MOTIONS

ITEM 1 - CONFIRMATION OF CONSUMPTION TAX (AMENDMENT) (NO. 2) ORDER 1990 (NO. 43)

The Minister of Finance moved the following motion:

BE IT RESOLVED:

That this National Assembly in accordance with section 5(1) of the Consumption Tax Act, Chapter 80:02, confirm the Consumption Tax (Amendment) (No. 2) Order 1990 (No. 43), which was made on 26th June, 1990 under section 4 of the Consumption Tax Act, Chapter 80:02, and published in the Official Gazette of 18th July, 1990.

The Deputy Speaker and Mr. Kwayana spoke to the motion.

The Minister of Finance replied.

The motion was then put and carried.

ITEM 2 - AFFIRMATION OF THE ROADS (DEMERARA HARBOUR BRIDGE) (AMENDMENT) BY-LAWS 1990 (NO. 2)

The Minister of Communications and Works moved the following motion:

BE IT RESOLVED:

That this National Assembly affirm the Roads (Demerara Harbour Bridge) (Amendment) By-Laws 1990 (No. 2) which were made under section 24 of the Roads Act, Chapter 51:01, on 29th March, 1990.

The Deputy Speaker and Mr. Kwayana spoke to the motion/

The Minister of Communications and Works replied.

The motion was then put and carried.

BILLS - Second and Third Readings

ITEM 3 - CONSTITUTION (AMENDMENT) BILL 1990 - Bill No. 24/1990 published 1990-07-26

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

A Bill intituled An Act to amend the Constitution of the Co-operative Republic of Guyana Act 1980 in accordance with article 164 of the Constitution, to alter article 142 of the Constitution in accordance with articles 66 and 164 thereof and to amend the Acquisition of Lands for Public Purposes Act.

The Deputy Speaker and Mr. Kwayana spoke to the motion. 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

Clau ses 1 to 4 were passed as printed.

Clause 5 Mr. Kwayana moved the following amendment -

Deletion of the clause and substituting of the following therefor -

" 5 All rights withheld under any law hitherto in force or under article 142 of the Constitution as in force immediately before the coming into operation of this Act, hereby become available to all persons affected during the previous 14 years by the operation of the said provisions and the High Court of Guyana is given jurisdiction regardless of any other written law to adjudicate on any claims which appertain to such rights and are brought within one year of the coming into operation of this Act."

The amendment was put and negatived.

Clause 5 was then passed as printed.

ASSEMBLY RESUMED

On a motion by the Attorney General and Minister of Legal Affairs the Bill was read a third time and passed as printed.

ITEM 4 - MISCELLANEOUS ENACTMENTS (AMENDMENT) BILL 1990 - Bill No. 25/1990 published 1990-07-26

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

A Bill intituled An Act to amend the Representation of the People Act, the Criminal Law (Offences) Act, the Summary Jurisdiction (Offences) Act, the Cattle Stealing Prevention Act, the Amerindian Act, the Roads Act, the Forests Act and the Rehabilitation of Offenders Act.

The Deputy Speaker was speaking to the motion when the time for the suspension of the sitting was reached.

SUSPENSION OF SITTING

At 4.00 p.m. the Assembly was suspended for refreshments.

RESUMPTION OF SITTING

At 4.30 p.m. the Assembly resumed.

The Deputy Speaker continued and concluded his speech.

Mr. Kwayana spoke to the motion.

The motion was put and carried.

The Bill was read a second time.

The Assembly resolved itself into committee.

In Committee

Clause 1 was passed as printed.

Clause 2. The following amendments by Mr. Kwayana were put and negatived.

After clause 2 add as clause 2A and 2B the following:

Insertion of a new Sections 130A and 130B  
of the Representation of the People Act:

"130 A (1) Any person who, not being an elector recording his vote under the provisions of the Representation of the People Act, who, before, during, or after an election, and in a polling place or counting place, or in any place other than a polling place or in any place whatsoever, is engaged in recording votes by marking ballot papers within the space opposite the name and symbol of any list of candidates, shall be guilty of the corrupt practice of tampering with the ballot;

(2) it shall not be a defence for a person accused of an offence under subsection (1) to plead instructions from another person;

(3) if, in the investigation of any suspect for an offence under subsection (1) or in a trial for such an offence, a suspect or an accused person should name any other person as causing him or her to commit the offence, the person named shall be investigated.

"130B That any person, being a member of the staff of the Chief Elections Officer, the National Registration and Elections Office, the Elections Commission, the Ministry of Home Affairs, or a Returning Officer, or a Presiding Officer, or the Chief Elections Officer or any other person, who enters into a conspiracy with any other person or persons to deprive any list of candidates of a proper count of the votes due to it, to the advantage of any other list of candidates by means of procurement or ordering of ballot papers or ballot boxes without the authority in writing of the Elections Commission, or by tampering with the ballot, or by any other means, shall be guilty of an indictable offence, and shall on conviction on indictment be liable to a fine of five hundred thousand dollars and imprisonment for five years."

The following amendments by the Attorney General and Minister of Legal Affairs were then put and carried.

- (i) Reletter paragraph (a) of clause 2 as paragraph (aa) and insert above paragraph (aa) as so relettered the following paragraph as paragraph (a) -

"(a) in section 45A, by the substitution of a colon for the full stop at the end of subsection (2) and by the insertion of the following proviso to subsection (2) -

'Provided that the wife or each child of an Ambassador or a High Commissioner or the wife of each child of every member of the staff of an Embassy or a High Commission whose name is on the non-residents' roll but not on the non-resident electors' roll shall become a non-resident elector, if he or she applies for the inclusion of his or her name on the non-resident electors' roll and his or her application is allowed under this section.'".

- (ii) For the full stop at the end of clause 2 substitute a semicolon and immediately thereafter insert the following paragraph as paragraph (c) -

"(c) in the Schedule in Form 12A -

- (i) After the words

'(at serial No....  
insert the following words -  
'being the wife/husband, son/daughter  
of .....  
who is';

- (ii) by the insertion of an asterisk to the figure '2' in paragraph 2.".

Clause 2 was then passed as amended.

Clause 3 to 9 were passed as printed.

#### ASSEMBLY RESUMED

On a motion by the Attorney General and Minister of Legal Affairs the Bill was read a third time and passed as amended in Committee.

#### ADJOURNMENT

At 5.20 p.m. on a motion by the Minister of Regional Development the Assembly was adjourned for Recess.

S. NARAIN  
SPEAKER

PARLIAMENT OFFICE,  
Public Buildings,  
Georgetown.