

NATIONAL ASSEMBLY

ORDER PAPER

FOR THE 121ST SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION

(2006 - 2010) OF THE NINTH PARLIAMENT OF GUYANA TO BE HELD

AT 2.00 P.M.

ON THURSDAY, 18TH MARCH, 2010

IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN

BUSINESS FOR SITTING

PRAYERS

OATH OF A NEW MEMBER-

MESSAGES FROM THE PRESIDENT-

ANNOUNCEMENTS BY THE SPEAKER-

PRESENTATION OF PETITIONS-

Private Bill

***By Mr. Donald Ramotar, M.P.**

Petition on behalf of the Guyana and Trinidad Mutual Fire Insurance Company Limited seeking to have introduced in the Assembly a Private Bill to amend the Guyana Trinidad Mutual Fire Insurance Company Limited Ordinance, Chapter 210 of the Kingdom Edition of the Laws of British Guiana (Principal Ordinance).

/...2

***Not to be proceeded with at this sitting**

2.

After the petition is read, the Speaker will put the question that the promoters be allowed to proceed.

(Circulated)

PRESENTATION OF PAPERS AND REPORTS-

REPORTS FROM COMMITTEES-

ORAL QUESTIONS WITHOUT NOTICE-

QUESTIONS ON NOTICE-

For Oral replies

1. **CAMERAS OPERATED BY THE STATE MEDIA IN THE NATIONAL ASSEMBLY**

Member Asking: Mrs. Sheila Holder, M.P.

Minister Answering: The Prime Minister and Minister of Public Works and Communications

*Will the Hon. Prime Minister say if he is satisfied that the cameras operated by the State media to video record the Parliamentary proceedings is positioned in such a way that they only capture frontal views of government Members and not Members of the opposition benches?

(Notice Paper No. 420 (Q302 Opp277) published on 2010-02-08)

3.

2. **NOISE NUISANCE, DUST NUISANCE AND DEGRADATION TO RESIDENTS OF GANGES STREET, PRASHAD NAGAR**

Member Asking: Mrs. Sheila Holder, M.P.

Minister Answering: The Prime Minister and Minister of Public Works and Communications

*From 1997 to September 29, 2009 (13 years) there were several exchanges of correspondence, on behalf of residents of Ganges Street, Prashad Nagar on the one hand and the Guyana Power and Light Inc., (GPL) and the Environmental Protection Agency on the other complaining about the noise nuisance, dust nuisance and degradation of their community's scenic environment. A petition dated September 29, 2009 from Ganges Street residents stipulating the noise/dust/smoke nuisance and health hazards was sent to the Prime Minister, the Director of the Environmental Protection Agency, the Chairman of GPL, the Mayor of the Georgetown City Council and the Chairman of the Central Housing and Planning Authority. To date all promises made to these residents by GPL have not been fulfilled. Will the honourable Prime Minister indicate to the residents of Ganges Street who have complained about these environmental nuisances and health hazards whether their quest for mitigation measures will ever be forthcoming and if so, when and how?

(Notice Paper No. 422 (Q304 Opp279) published on 2010-02-08)

For Written replies

3. **ADVISORS TO HIS EXCELLENCY THE PRESIDENT**

Member Asking: Mrs. Sheila Holder, M.P.

Minister Answering: The Prime Minister and Minister of Public Works and Communications

Will the Hon. Prime Minister list the names and salaries being paid to all advisors of His Excellency the President?

(Notice Paper No. 421 (Q303 Opp278) published on 2010-02-08)

4.

4. **ENFORCEMENT OF THE LAW AGAINST CERTAIN NOISE NUISANCES**

Member Asking: Dr. John Austin, M.P.

Minister Answering: The Minister of Home Affairs

Could the Honourable Minister of Home Affairs inform this National Assembly what specific policing action has been taken or is proposed to be taken to enforce the laws against the creation of a noise nuisance by:-

- (i) Private transport vehicles?
- (ii) Public transport vehicles?
- (iii) Residential premises?
- (iv) Night Clubs and other entertainment premises?

(Notice Paper No. 425 (Q305 Opp280) published on 2010-02-19)

STATEMENTS BY MINISTERS, INCLUDING POLICY STATEMENTS-

PERSONAL EXPLANATIONS-

REQUESTS FOR LEAVE TO MOVE THE ADJOURNMENT OF THE ASSEMBLY ON DEFINITE MATTERS OF URGENT PUBLIC IMPORTANCE-

MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE ASSEMBLY AND MOVED BY A MINISTER-

INTRODUCTION OF BILLS-

PUBLIC BUSINESS-

(i) **GOVERNMENT BUSINESS**

MOTIONS

1. **COMPLIANCE WITH THE INTEGRITY COMMISSION ACT**

The Prime Minister and Minister of Public Works and Communications to move the following motion:

WHEREAS the extant Integrity Commission Act was passed in this House in 1997 and made into law on September 24, 1997 as the Integrity Commission Act 1997, Chapter 19:12, Act No. 20 of 1997;

AND WHEREAS the Commission and support staff were established shortly thereafter and all persons in public life listed in Schedule 1 being persons of high office are expected to be in compliance with this law;

AND WHEREAS Section 19 of the Act empowers the Commission and the President to publish the names of persons who are not in compliance with this Act in the Gazette and in a daily newspaper;

AND WHEREAS Section 22 addresses the offences and penalties for failure to comply which include fines and imprisonment;

AND WHEREAS all elected officials, and more so, Members of Parliament in particular, identified in Schedule 1, are expected to be standard bearers of ethics in public office and uphold the Code of Conduct outlined in the Act and in Schedule II,

6.

BE IT RESOLVED:

That this House recognizes the lawful and legal obligation of Members of Parliament to submit declarations and call on all Members of this National Assembly to submit forthwith;

BE IT ALSO RESOLVED:

That this House conducts an annual voluntary monitoring exercise of compliance by Members of Parliament;

BE IT FURTHER RESOLVED:

That this House declares that failure or refusal of Members of Parliament to submit annual declarations is a violation of the law and a gross indictment of those Members and vicariously on the integrity of Parliament; and

BE IT FURTHER RESOLVED:

That persistent defaulters should be sanctioned by this House according to established norms of ethics and brought before the Committee of Privileges.

(Notice Paper No. 453 (M128 Govt 80) published on 2010-03-11)

2. **STANDING COMMITTEE ON OVERSIGHT OF THE SECURITY SECTOR**

The Prime Minister and Minister of Public Works and Communications to move the following motion:

WHEREAS Article 119D of the Constitution provides that there shall be a Parliamentary Standing Committee established by the National Assembly with responsibility for the oversight of the security sector, namely the Disciplined Forces of Guyana;

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7.

AND WHEREAS Article 119D establishes oversight by the Parliamentary Standing Committee as being scrutiny of areas of Government policy and administration of the entities in the Security Sector;

BE IT RESOLVED:

That this Standing Committee shall be constituted as follows:

- (i) not less than six (6) and no more than ten (10) members;
- (ii) representation on this Standing Committee will be according to the proportionality of the seats held by political parties in the National Assembly;
- (iii) the Chairmanship will remain with the Government side of the House which will determine the location of the venue for meetings with the necessary secretarial support staff to allow the Committee to function in a more secure environment based on their mandate and responsibilities;

BE IT RESOLVED:

That due to the nature of this committee's responsibilities all Members will be required to take an oath of secrecy; a Member not desirous of doing so will not be entitled to sit on this Committee;

AND BE IT RESOLVED:

That the Standing Committee in the discharge of this functions shall examine the policies and administration of the entities in the Security Sector based on the Gazetted ministerial responsibilities for entities in the Security Sector under the purview of the Standing Committee, and, shall have the authority to:

8.

- (i) define the areas of government policy and administration for its scrutiny;
- (ii) assess the performance of the Disciplined Forces vis 'a vis established targets/programmes;
- (iii) request the provision of oral and written information, including documents and records about any specific area of policy and administration of entities in the security sector unless this would compromise public safety and national security;
- (iv) review existing legislation on government policy and administration within the security sector;
- (v) summon persons within the security sector at the level of the Heads of Services, as well as hold hearings as provided for in the Standing Orders;
- (vi) utilize the services of experts and specialists as the Committee determines;
- (vii) take into account other reports emanating from agencies and Parliamentary Committees relevant to the security sector;
- (viii) submit annual reports to the National Assembly and make recommendations to the National Assembly on legislation or any other action to be taken on matters falling within their purview;

BE IT FURTHER RESOLVED:

That the Committee's authority will not include an examination of on-going operational matters of the Disciplined Forces;

9.

AND BE IT FURTHER RESOLVED:

That this National Assembly amends the Standing Orders of the Parliament to reflect the inclusion of this new Standing Committee on Oversight of the Security Sector and its terms of reference.

(Notice Paper No. 454 (M129 Govt 81) published on 2010-03-11)

BILLS – Second Readings

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

The Minister of Finance to move the second reading of the following Bill:

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)

BILLS – Committee and Third Readings

- *4. **MARITIME ZONES BILL 2009 – Bill No. 36/2009 published on 2009-10-08**

The Assembly to proceed upon the further stages of the following Bill, after the Special Select Committee has reported thereon:

A BILL intituled AN ACT to repeal and replace the Maritime Boundaries Act 1977, to incorporate certain provisions of the United Nations Convention on the Law of the Sea and the UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001, to provide for marine scientific research, maritime cultural area, eco-tourism, marine parks and reserves and mariculture, the protection and preservation of the marine environment and for related matters.

(Read a first time on 2009-10-15)

(Read a second time and committed to the Special Select Committee on 2009-10-29)

***Not to be proceeded with at this sitting**

*5. **CREDIT REPORTING BILL 2009 – Bill No. 37/2009 published on 2009-10-22**

The Assembly to proceed upon the further stages of the following Bill, after the Special Select Committee has reported thereon:

A BILL intituled AN ACT to establish a credit reporting industry with the aim of enabling more reliable, competitive, and responsible credit lending while protecting borrowers' rights.

(Read a first time on 2009-10-29)

(Read a second time and committed to the Special Select Committee on 2009-11-12)

*6. **PERSONS WITH DISABILITIES BILL 2009 – Bill No. 44/2009 published on 2009-11-19**

The Assembly to proceed upon the further stages of the following Bill, after the Special Select Committee has reported thereon:

A BILL intituled AN ACT to provide certain rights to persons with disabilities; to provide for the promotion and protection and full and equal enjoyment of the rights; to facilitate the enforcement of the rights; to eliminate discrimination on the basis of disability; to provide for the welfare and rehabilitation of persons with disabilities; to provide for the registration of persons with disabilities; to establish the National Commission on Disabilities; and for connected purposes.

(Read a first time on 2009-11-19)

(Read a second time and committed to the Special Select Committee on 2009-11-26)

11.

*7. **LEGAL PRACTITIONERS (AMENDMENT) BILL 2009 – Bill No. 45/2009 published on 2009-11-26**

The Assembly to proceed upon the further stages of the following Bill, after the Special Select Committee has reported thereon:

A BILL intituled AN ACT to amend the Legal Practitioners Act.

(Read a first time on 2009-11-26)

(Read a second time and committed to the Special Select Committee on 2009-12-21)

BILLS – Second Readings, Committee and Third Readings

*8. **ALLIED HEALTH PROFESSIONS BILL 2009 – Bill No. 15/2009 published on 2009-04-30**

The Assembly to proceed upon the further stages of the following Bill, after the Special Select Committee has reported thereon:

A BILL intituled AN ACT to provide for registration of members of allied health professions supplementary to the medical profession, regulation of practice of allied health professions and allied health services, to provide for maintenance of professional standards for allied health professions and health services and to make provisions for training of members of those professions and services and for related purposes.

(Read a first time and committed to the Special Select Committee on 2009-04-30)

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***Not to be proceeded with at this sitting**

*9. **LOCAL GOVERNMENT (AMENDMENT) BILL 2009 – Bill No. 23/2009 published 2009-06-03**

The Assembly to proceed upon the further stages of the following Bill, after the Special Select Committee has reported thereon:

A BILL intituled AN ACT to amend the Local Government Act.

(Read a first time and committed to the Special Select Committee on 2009-06-04)

*10. **FISCAL TRANSFERS BILL 2009 - Bill No. 25/2009 published on 2009-06-11**

The Assembly to proceed upon the further stages of the following Bill, after the Special Select Committee has reported thereon:

A BILL intituled AN ACT to provide for the formulation and implementation of objective criteria for the purpose of the allocation of resources to and the garnering of resources by local democratic organs and for matters connected therewith.

(Read a first time and committed to the Special Select Committee on 2009-06-11)

*11. **MUNICIPAL AND DISTRICT COUNCILS (AMENDMENT) BILL 2009 – Bill No. 26/2009 published on 2009-06-11**

The Assembly to proceed upon the further stages of the following Bill, after the Special Select Committee has reported thereon:

A BILL intituled AN ACT to amend the Municipal and District Councils Act.

(Read a first time and committed to the Special Select Committee on 2009-06-11)

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***Not to be proceeded with at this sitting**

13.

*12. **CUSTODY, CONTACT, GUARDIANSHIP AND MAINTENANCE BILL 2009 – Bill No. 29/2009 published on 2009-06-25**

The Assembly to proceed upon the further stages of the following Bill, after the Special Select Committee has reported thereon:

A BILL intituled AN ACT to provide for the granting of custody, contact, guardianship and maintenance rights with respect to children and for connected purposes.

(Read a first time and committed to the Special Select Committee on 2009-06-25)

*13. **THE SEXUAL OFFENCES BILL 2009 – Bill No. 30/2009 published on 2009-07-08**

The Assembly to proceed upon the further stages of the following Bill, after the Special Select Committee has reported thereon:

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

(Read a first time and committed to the Special Select Committee on 2009-07-09)

*14. **CHILDCARE AND DEVELOPMENT SERVICES BILL 2009 – Bill No. 31/2009 published on 2009-07-08**

The Assembly to proceed upon the further stages of the following Bill, after the Special Select Committee has reported thereon:

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.

(Read a first time and committed to the Special Select Committee on 2009-07-09)

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***Not to be proceeded with at this sitting**

14.

(ii) **PRIVATE MEMBERS' BUSINESS**

INTRODUCTION OF BILLS

Presentation and first Readings

*1. **BROADCASTING BILL 2010 – Bill No. 3/2010**

Mr. Khemraj Ramjattan, M.P., is to seek leave to present the following Bill:

A BILL intituled AN ACT to make provision for the establishment of a Broadcasting Authority, to provide for their functions, and to provide for the licensing of broadcasting agencies and the encouragement of production and broadcasting of television and radio programmes having relevance generally to life and culture of the people and for consequential and related matters.

*2. **FREEDOM OF INFORMATION BILL 2006 – Bill No. 26/2006**

Mr. Raphael Trotman, M.P., is to seek leave to present the following Bill:

A BILL intituled AN ACT to give access to information to members of the public.

(iii) **COMMITTEES BUSINESS**
MOTIONS

The Speaker's consent was given in accordance with Standing Orders No. 28(2) to move the following motion:

15. **THE CONCLUSION OF THE CONSIDERATION OF THE 2004 REPORT OF THE DISCIPLINED FORCES COMMISSION**

The Prime Minister and Minister of Public Works and Communications to move the following motion:

/...15

***Not to be proceeded with at this sitting**

15.

WHEREAS by Resolution No. 33 dated 26th July, 2007 the National Assembly appointed a Special Select Committee to conclude the examination of the Report and recommendations of the Disciplined Forces Commission and report to the National Assembly six months from its establishment;

AND WHEREAS the National Assembly stipulated that the Special Select Committee of the Ninth Parliament takes cognizance of the work done by the Special Select Committee of the Eighth Parliament that considered the Report and its recommendations;

AND WHEREAS the Special Select Committee was required to present its Final Report to the National Assembly six months from the date of establishment;

AND WHEREAS the Special Select Committee has requested three extensions of the deadline for the submission of its final Report to 31st January, 2010;

AND WHEREAS the Special Select Committee was unable to complete its work by the deadline stipulated,

BE IT RESOLVED:

That this National Assembly approves a further extension of the deadline for the submission of its Report to 14th May, 2010.

(Notice Paper No. 449 (M124 Govt 78) published on 2010-03-10)

16. **ADOPTION OF THE REPORT OF THE SPECIAL SELECT COMMITTEE ON THE COURT OF APPEAL (AMENDMENT) BILL 2008**

The Attorney General and Minister of Legal Affairs to move the following motion:

/...16

BE IT RESOLVED:

That the Report of the Special Select Committee on the Court of Appeal (Amendment) Bill 2008 – Bill No. 12 of 2008 be adopted.

(Notice Paper No. 450 (M125 Govt 79) published on 2010-03-10)

BILL – Third Reading

17. **COURT OF APPEAL (AMENDMENT) BILL 2008 – Bill No. 12 of 2008 published on 2008-07-11**

The Attorney General and Minister of Legal Affairs (Chairman of the Special Select Committee on the Court of Appeal (Amendment) Bill 2008) to move the third reading of the following Bill:

A BILL intituled AN ACT to amend the Court of Appeal Act to provide for appeals by the Director of Public Prosecutions to the Court of Appeal and the Caribbean Court of Justice and for connected matters.

(Read a first time on 2008-07-17)

(Read a second time and committed to the Special Select Committee on 2008-07-24)

MOTION

18. **NOMINATION OF MEMBERS TO THE INDIGENOUS PEOPLES' COMMISSION**

Ms Gail Teixeira, M.P., (Chairperson of the Committee on Appointments) to move the following motion:

WHEREAS, Article 212S of the Constitution provides for the establishment of an Indigenous Peoples' Commission;

17.

AND WHEREAS, in accordance with Article 212S(2) (a)(b)(c) of the Constitution, the Indigenous Peoples' Commission shall consist of –

- (a) not more than ten members, nominated by entities, by a consensual mechanism determined by the National Assembly, after the entities are determined by the votes of not less than two-thirds of all elected members of the National Assembly;*
- (b) three persons, at least one being a woman nominated by the Tousehaos Council and two persons including one woman nominated by Amerindian organizations determined by the votes of not less than two-thirds of all elected members of the National Assembly; and*
- (c) a member who shall be a nominee, without the right to vote, chosen by and from each of the following Commissions: the Human Rights Commission, Ethnic Relations Commission, Women and Gender Equality Commission and the Rights of the Child Commission.”*

AND WHEREAS, in keeping with article 212S(2)(a), the Committee on Appointments, having deliberated on the identification of the entities for nomination to the Indigenous Peoples' Commission unanimously agreed on the following entities to nominate one person each as members of the Indigenous Peoples' Commission:

- The Amerindian Research Unit, University of Guyana
- Environmental Protection Agency
- Ministry of Amerindian Affairs
- Private Sector Commission

- Ministry of Labour, Human Services and Social Security
- Ministry of Health; and
- Guyana Council of Churches

AND WHEREAS, the Committee also unanimously agreed on the consensual mechanism, to guide the process for consultation and nomination of Members to the said Indigenous Peoples' Commission with reference to *article 212 S(2) (a)* herein at the First Schedule;

AND WHEREAS, the Committee invited the National Toushaos Council and the four(4) Amerindian organizations namely, the Guyana Organisation of Indigenous People (GOIP), the Amerindian Peoples' Association (APA), the Amerindian Action Movement (TAAMOG), and the National Amerindian Development Foundation (NADF) to submit their nominees.

AND WHEREAS, the Toushaos Council on December 10, 2009, submitted their three (3) nominees to the IPC namely: **Toushao Yvonne Pearson; Toushao Doreen Jacobis and Toushao Marco J. De Souza.**

AND WHEREAS, the four Amerindian organizations submitted five(5) nominees and the Committee on Appointments, on 4th December, 2007, through a process of selection, recommends the following two(2) names: **Mr. David James and Ms. Matilda Saigo.**

BE IT RESOLVED:

That this National Assembly approves the list of entities proposed in the second “*And Whereas*” clause, to be consulted to nominate members of the Indigenous Peoples’ Commission in keeping with article 212 S(2) (a);

BE IT FURTHER RESOLVED:

That this National Assembly approves the names of the nominees from the National Tushos Council and Amerindian organizations namely:

Toushao Yvonne Pearson;

Toushao Doreen Jacobis;

Toushao Marco J. De Souza;

Mr. David James; and

Ms. Matilda Saigo

to be appointed Members on the Indigenous Peoples’ Commission.

BE IT FURTHER RESOLVED:

That this National Assembly approves the consensual mechanism, outlined in the First Schedule attached.

(Notice Paper No. 451 (M126 PPP/C 14) published on 2010-03-10)

FIRST SCHEDULE

**Consensual Mechanism for the Nomination by Entities for
Members of the Indigenous People's Commission**

Each entity, immediately on the passage of this motion, shall be written to by the Clerk of the National Assembly inviting it to meet and select their nominee and to send a representative/s on an appointed day/date, time to appear before the Parliamentary Standing Committee to Appoint Members of Commissions, at the Parliament Buildings to present the name/s of their nominee/s for Membership on the Indigenous People's Commission.

A deadline shall be set by the Clerk of the National Assembly on the advice of the Standing Committee, by which time it would be formally notified of the names and other requested particulars of the Nominee/s, the process used for the selection of the Nominee/s by the entity, and a statement to the effect that the Nominee/s is/are supported and accepted by that entity.

The Nominee/s chosen to represent the Group must be person/s who are competent to contribute positively to the work of the Commission and who are committed to ensuring that it discharges all of its functions. They should have earned public respect and be of unquestionable honesty and integrity.

The process used must be demonstrated to be unbiased and transparent. It is important that the Nominee/s obtain the unquestioned support and acceptance of the Entity.

21.

Where there is a recognized “*umbrella organization*” in the list of entities for that Group, the Clerk shall write to that organization and copy his letter to each of the “*constituent entities*” within the Group.

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S.E. ISAACS
Clerk of the National Assembly

PARLIAMENT OFFICE,
Public Buildings,
Brickdam,
Georgetown.

12th March, 2010.