

NATIONAL ASSEMBLY

ORDER PAPER

FOR THE 28TH SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION

(2012) OF THE TENTH PARLIAMENT OF GUYANA TO BE HELD

AT 2.00 P.M.

ON THURSDAY, 9TH AUGUST, 2012

IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS,

BRICKDAM, GEORGETOWN

BUSINESS FOR SITTING

PRAYERS

OATH OF A NEW MEMBER-

MESSAGES FROM THE PRESIDENT-

ANNOUNCEMENTS BY THE SPEAKER-

PRESENTATION OF PETITIONS-

PRESENTATION OF PAPERS AND REPORTS-

REPORTS FROM COMMITTEES-

ORAL QUESTIONS WITHOUT NOTICE

QUESTIONS ON NOTICE-

For Written Replies

***1. LEVEL SEVEN STUDENTS PROVIDED WITH TEXTBOOKS IN THE FOUR 'CORE' SUBJECTS**

Member Asking: Mrs. Catherine Hughes, M.P.

Minister Answering: The Minister of Education

Can the Hon. Minister say how many Level Seven students have been provided by the government with individual textbooks in the four 'core' subject areas?

(Notice Paper No. 17 (Q 14 Opp 14) published on 2012-03-05)

***2. ACQUIRING LEVEL SEVEN TEXTBOOKS IN THE FOUR 'CORE' SUBJECTS**

Member Asking: Mrs. Catherine Hughes, M.P.

Minister Answering: The Minister of Education

Can the Hon. Minister say how much money was spent during the period January 1, 2007 – December 31, 2011 on acquiring Level Seven textbooks in the four 'core' subject areas?

(Notice Paper No. 18 (Q 15 Opp 15) published on 2012-03-05)

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-

/...3

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

3.

**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. CONSIDERATION OF FINANCIAL PAPER NO. 1/2012

Assembly to resolve itself into Committee of Supply.

In Committee of Supply

The Minister of Finance to signify the recommendation or consent of the Cabinet and to move the following motion:

BE IT RESOLVED:

Financial Paper No. 1/2012 – Statement of Excess (Current and Capital)
Estimates totalling \$1,571,627,044 for the period ended 2012-12-31.

(Notice Paper No. 85 (M36 Govt 14) published on 2012-08-02)

(Paper presented on 2012-08-02)

2. CONSIDERATION OF FINANCIAL PAPER NO. 2/2012

Assembly to resolve itself into Committee of Supply.

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4.

In Committee of Supply

The Minister of Finance to signify the recommendation or consent of the Cabinet and to move the following motion:

BE IT RESOLVED:

Financial Paper No. 2/2012 – Supplementary Estimates (Current and Capital) totalling \$12,168,106,477 for the period ended 2012-12-31.

(Notice Paper No. 86 (M37 Govt 15) published on 2012-08-02)

(Paper presented on 2012-08-02)

MOTIONS

3. **GUYANA’S FOLLOW-UP TO COMMITMENTS MADE TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL WITH REGARD TO HOLDING CONSULTATIONS ON 3 MATTERS (THE ABOLITION OF CORPORAL PUNISHMENT IN THE SCHOOLS, THE ABOLITION OF THE DEATH PENALTY AND THE DECRIMINALIZATION OF CONSENSUAL ADULT SAME SEX RELATIONS AND DISCRIMINATION AGAINST LESBIANS, GAYS, BI-SEXUAL AND TRANSGENDER PERSONS)**

The Prime Minister and Minister of Parliamentary Affairs to move the following motion:

WHEREAS Guyana appeared before the United Nations Human Rights Council (UNHRC) during the first cycle of the Universal Periodic Review (UPR) in May, 2010 and again in September, 2010 where its report was adopted;

AND WHEREAS on October 18, 2010, the Government of Guyana tabled in this National Assembly a “Compendium of Documents on Guyana before the First Universal Periodic Review of the United Nations Human Rights Council, 8th Session May 11, 2010, and the UNHRC 15th Session, September 23, 2010”, the contents of which are referred to in this motion;

5.

AND WHEREAS at the conclusion of its review, Guyana received several recommendations and committed itself to consult on 3 main matters that may be considered controversial in Guyanese society, namely the abolition of corporal punishment (Recommendations 70.36 to 70.41), the abolition of the death penalty (Recommendations 70.23 to 70.35), and the decriminalization of consensual adult same sex relations and discrimination against Lesbians, Gays, Bi-sexual and Trans-gender persons (Recommendations 70.47 to 70.53), with a view to garnering public sentiment which may lead to legislative changes;

AND WHEREAS public consultations with target groups and in geographic regions have commenced on these matters as well as public discussions in the media and amongst civil society organizations;

AND WHEREAS the Government is of the view that parliamentary consideration of these three matters would enhance the national examination procedurally by being the subject of a Special Select Committee which would organize the national consultations in a complimentary credible way,

BE IT RESOLVED:

That this National Assembly approves of these matters being submitted to the House for consideration by a Special Select Committee established for that purpose;

BE IT FURTHER RESOLVED:

That this National Assembly adopts the following Terms of Reference to guide the work of this Special Select Committee in the determination of:

- (i) The attitude of Guyanese, especially parents and children, to corporal punishment and its possible abolition;

6.

- (ii) The attitude of Guyanese, particularly the families of victims, criminologists, and professionals, on capital punishment and its possible abolition;
- (iii) The attitude of Guyanese of any changes in the legislative provisions and criminal code regarding consensual adult same sex relationships and discrimination, perceived or real, against Lesbians, Gays, Bi-Sexual and Transgender persons;

BE IT FURTHER RESOLVED:

That the Parliamentary Special Select Committee presents to this House its work programme and time frame for adoption and implementation;

BE IT FURTHER RESOLVED:

That the Parliamentary Special Select Committee advises the National Assembly of the status of its work programme periodically and reports its findings and recommendations with regard to any or all of these afore-mentioned matters.

(Notice Paper No. 83 (M34 Govt 13) published on 2012-07-17)

*4. **COMPOSITION OF THE COMMITTEE OF SELECTION**

The Prime Minister and Minister of Parliamentary Affairs to move the following motion:

WHEREAS the House selected nine (9) members to the Parliamentary Committee on Selection of the 10th Parliament on February 10, 2012;

AND WHEREAS the House selected four (4) members for the governing PPP/C, four (4) members for the opposition APNU and one (1) member for the opposition AFC;

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

7.

AND WHEREAS the allocation of a nine (9) member Committee of Selection was by way of an amendment by the combined APNU/AFC opposition to the motion tabled by the Leader of the House for a ten (10) member Committee with five (5) for PPP/C, four (4) APNU and one (1) AFC;

AND WHEREAS Standing Order No. 94(1) provides for “each Select Committee being so constituted to ensure that, as far as possible, the balance of parties in the National Assembly be reflected in the Committee”;

AND WHEREAS the existing balance of the parties in the 10th Parliament is as follows:

PPP/C:	32 seats
APNU:	26 seats
AFC:	7 seats

AND WHEREAS the balance of the parties in the existing Committee of Selection does not conform to Standing Order No. 94(1),

BE IT RESOLVED:

That the decision of the House on the composition of the Parliamentary Committee of Selection be declared inconsistent with Standing Order 94(1);

BE IT ALSO RESOLVED:

That the House takes immediate steps to ensure that the composition of the Parliamentary Committee of Selection is brought into conformity with Standing Order No. 94(1); and

8.

BE IT FURTHER RESOLVED:

That the currently constituted Committee of Selection be prevented from discharging its functions under Standing Order No. 81.

(Notice Paper No. 24 (M7 Govt 4) published on 2012-03-07)

BILLS – Second Readings, Committee and Third Readings

*5. **LOCAL GOVERNMENT (AMENDMENT) BILL 2012 – Bill No. 12/2012**

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 2012-07-30)

*6. **LOCAL GOVERNMENT COMMISSION BILL – Bill No. 13/2012**

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 the Local Government Commission, as provided for by Article 78A of the Constitution, to provide for the Commission's functions and procedure, and for connected and incidental purposes.

(Read a first time and committed to the Special Select Committee on 2012-07-30)

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

BILLS – Committee and Third Reading

*7. **DEEDS REGISTRY (AMENDMENT) BILL 2012 – Bill No. 11 of 2012 published on 2012-07-10**

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 Deeds Registry Act.

(Read a first time on 2012-07-12)

(Read a second time and committed to the Special Select Committee on 2012-08-02)

(ii) PRIVATE MEMBERS' BUSINESS

MOTIONS

8. **STEPS TO BE UNDERTAKEN TO ESTABLISH THE INDEPENDENCE AND AUTHORITY OF THE NATIONAL ASSEMBLY**

Mr. Khemraj Ramjattan, M.P. to move the following motion:

WHEREAS the Needs Assessment of the Guyana National Assembly as contained in the Report of the Commonwealth Senior Parliamentary Staff Advisor (Sir Michael Davies Report) to the Guyana National Assembly, February, 2005, recommended, *inter alia*, that

“The National Assembly should be given much greater independence in respect of its own budget. Systems should be established within the Parliament Office to undertake the estimating, monitoring, controlling and accounting for the Assembly’s expenditure; and

10.

The Clerk of the National Assembly should become the employer of all staff of the Parliament Office. A larger Personnel Office should be established to carry out these additional responsibilities.”

AND WHEREAS the Guyana Fiduciary Oversight Project Final Framework and Guidelines Report, Volume 2, has recommended at component 6 of its recommendation that, ‘Parliament should employ its own staff, and the Speaker should appoint the Clerk of the House after consultation with all parties’;

AND WHEREAS the Government signaled its acceptance of these recommendations in the 2005 Draft Poverty Reduction Report released on the 21st June, 2005;

AND WHEREAS the basis of these recommendations is the need for Parliament to be fully independent of the Executive,

BE IT RESOLVED:

- (1) That a Special Select Committee be appointed to examine these recommendations with a view to advising the National Assembly on the steps to be undertaken to establish the independence and authority of the National Assembly in respect of its own budget; and
- (2) That this Special Select Committee examines these recommendations with a view to advising the National Assembly on the steps to be undertaken to enable the Clerk to become the employing authority of the staff of the Parliament Office;

11.

BE IT FURTHER RESOLVED:

That the Special Select Committee submit its final report one month after its appointment.

(Notice Paper No. 50 (M20 Opp 12) published on 2012-04-19)

9. **RESTRICTION ON THE RIGHT TO ASSEMBLE**

Mr. Desmond Trotman, M.P. to move the following motion:

WHEREAS there shall be a Parliament of Guyana which shall consist of the President and the National Assembly;

AND WHEREAS the Parliament of Guyana has determined that the National Assembly shall hold its sittings at the Public Buildings, Brickdam, Georgetown, Demerara;

AND WHEREAS the sessions of the National Assembly have always been accessible to the public and this right has become established by convention;

AND WHEREAS from the early beginnings of the National Assembly of Guyana there have been public gatherings outside of the Public Buildings; including demonstrations and protests;

AND WHEREAS the Constitution of Guyana in Article 147 enshrines the right of every citizen to enjoy, unhindered, his or her freedom of assemble, association and freedom to demonstrate peacefully, “that is to say, his or her right to assemble freely, to demonstrate peacefully and to associate with other persons...”

12.

AND WHEREAS the Charter of Civil Society for the Caribbean Community states inter alia, at Article VI:

“The States shall take all appropriate measures to promote and maintain an effectively functioning representational system, including the holding of regular sessions of representatives of the people, and at Article VII

“Every person shall have the right to assemble, demonstrate peacefully and to draw up and present petitions, subjects to such restrictions as may be imposed by national law in the public interest and which are reasonably justifiable in a free and democratic society”

AND WHEREAS the Recommended Benchmarks of the Commonwealth Parliamentary Association at 9.1.1 (Values of the Legislature) states that the “Legislature shall be accessible, and open to citizens and the Media, subject only to demonstrate public safety and work requirements;

AND WHEREAS it is expected that the Guyana Police Force will take steps to ensure the safety and security of Members of Parliament, the staff of the National assembly, and those who access the said National Assembly;

BE IT RESOLVED THAT:

1. This National Assembly declares that the right of citizens to assemble and to demonstrate peacefully should not be hindered by the Guyana Police Force or any other agency or institution of state;

13.

2. The Guyana Police Force should relocate its barricades so as to allow freedom of assemble within a closer proximity of the National Assembly, Public Buildings; and
3. The Parliament Office makes arrangements for the broadcast of National Assembly sittings in the environs of the National Assembly.

(Notice Paper No. 51 (M21 Opp 13) published on 2012-04-23)

10. **OFFICE OF THE CLERK OF THE NATIONAL ASSEMBLY BILL 2012 – No. 8/2012**

Mrs. Volda Lawrence, M.P., to move the following motion:

BE IT RESOLVED:

That this National Assembly, in accordance with Standing Order No. 52(1), grant leave for the introduction and first reading of the Office of the Clerk of the National Assembly Bill 2012 – Bill No. 8/2012 –

A BILL intituled AN ACT to set out the responsibilities and authority of the Clerk and Deputy Clerk of the National Assembly of Guyana and to provide for the establishment and administration of an independent Office of the Clerk of the National Assembly.

(Notice Paper No. 60 (M30 Opp19) published on 2012-06-15)

If leave is granted, the Clerk shall read aloud the title of the Bill.

*11. **REPRESENTATION ON SECTORAL COMMITTEES**

The Assembly to resume the debate on the following motion after the Standing Orders Committee has reported thereon:

WHEREAS Standing Order No. 86(1) makes provision for the appointment of the four (4) Sectoral Committees pursuant to Article 119B of the Constitution as soon as may be after the beginning of each National Assembly;

AND WHEREAS Standing Order No. 86(2) provides that each Sectoral Committee shall consist of seven (7) members, four (4) representing the Government and three (3) the Opposition, respectively;

AND WHEREAS in this 10th Parliament, the Opposition is in the majority and the Government the minority,

AND WHEREAS Standing Order No. 86(2) does not represent the new majority reality in this 10th Parliament;

BE IT RESOLVED:

That Standing Order No. 86(2) be amended to read that representation on the Sectoral Committees should be calculated in accordance with the seat allocation to the Political Parties in Parliament; and

/...15

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

15.

BE IT FURTHER RESOLVED:

That the four (4) Sectoral Committees not be constituted until and unless representation thereto is calculated in accordance with the seat allocation to the Political Parties in the 10th Parliament.

(Notice Paper No. 21 (M4 Opp 1) published on 2012-03-05)

(Referred to Standing Orders Committee on 2012-03-30 in accordance with Standing Order No.111(3))

*12. **COMPOSITION OF THE PARLIAMENTARY MANAGEMENT COMMITTEE**

The Assembly to resume the debate on the following motion after the Standing Orders Committee has reported thereon:

WHEREAS Standing Order No. 85(1) makes provision for the appointment of a Parliamentary Management Committee as soon as may be after the beginning of each National Assembly;

AND WHEREAS Standing Order No. 85(2) provides that the Parliamentary Management Committee shall comprise ten (10) members, five (5) representing the Government and five (5) representing the Opposition to be nominated by the Committee of Selection, with the Speaker as the Chair, and if the latter is not a member of the Committee, he or she shall not have an original or casting vote;

AND WHEREAS the provision of the said Standing Order No. 85(2) could lead to gridlock and impasse in the work of the Parliamentary Management Committee,

/...16

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

16.

BE IT RESOLVED:

That Standing Order No. 85(2) be amended to provide that the composition of the Parliamentary Management Committee shall be nine (9) members; and

BE IT FURTHER RESOLVED:

That representation on the nine (9) member Parliamentary Management Committee shall be determined in accordance with the seat allocation to the Political Parties in the Assembly.

(Notice Paper No. 22 (M5 Opp 2) published on 2012-03-05)

(Referred to Standing Orders Committee on 2012-03-30 in accordance with Standing Order No.111(3))

*13. **THE RIGHT TO VOTE IN PARLIAMENTARY COMMITTEES**

The Assembly to resume the debate on the following motion after the Standing Orders Committee has reported thereon:

WHEREAS Standing Orders Nos. 80(5), 88(2) and 93(2) provide that unless otherwise provided for in the Standing Orders any member of the Assembly, whether elected or non-elected, shall be eligible for membership of any Standing Committee, Select Committee and Special Select Committee, respectively, and shall have the right to vote therein,

BE IT RESOLVED:

That Standing Orders Nos. 80(5), 88(2) and 93(2) be amended to read that only an elected member of the Assembly shall have the right to vote in any Standing Committee, Select Committee and Special Select Committee.

(Notice Paper No. 23 (M6 Opp 3) published on 2012-03-05)

(Referred to Standing Orders Committee on 2012-03-30 in accordance with Standing Order No.111(3))

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

(iii) **COMMITTEES BUSINESS**

MOTION

14. **ADOPTION OF THE REPORT OF THE STANDING ORDERS COMMITTEE**

Lt. Col. (Ret't) Joseph Harmon, M.S.M., M.P. to move the following motion:

BE IT RESOLVED:

That the Report of the Standing Orders Committee be adopted.

(Notice Paper No. 82 (M33 Opp21) published on 2012-07-17)

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S.E. ISAACS
Clerk of the National Assembly

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

3rd August, 2012.