

**NATIONAL ASSEMBLY OF THE FIRST SESSION OF  
THE NINTH PARLIAMENT OF GUYANA (2006-2011)**

**REPORT OF  
THE SPECIAL SELECT COMMITTEE  
OF THE NATIONAL ASSEMBLY**

**ON THE**

**ACCESS TO INFORMATION BILL 2011  
(No. 10 OF 2011)**

**PRESENTED TO THE NATIONAL ASSEMBLY**

**BY**

**THE CHAIRPERSON OF THE COMMITTEE**

**ON**

**1<sup>ST</sup> SEPTEMBER, 2011**

**REPORT OF THE SPECIAL SELECT COMMITTEE OF  
THE NATIONAL ASSEMBLY ON THE ACCESS TO INFORMATION  
BILL 2011 (NO. 10 OF 2011)**

**Publication**

1. AN ACT to provide for setting out a practical regime of right to information for persons to secure access to information under the control of public authorities in order to promote transparency and accountability in the working of the Government and public authorities and for the appointment of the Commissioner of Information.
2. This Bill was published on 14<sup>th</sup> June, 2011.

**Introduction and First Reading**

3. The Bill was introduced in the National Assembly and read a first time on 17<sup>th</sup> June, 2011.

**Committal to Select Committee**

4. Following its first reading, the Bill was committed, by the National Assembly, for consideration by a Special Select Committee.

**Members of the Special Select Committee**

5. At a meeting held on the 30<sup>th</sup> June, 2011 the Committee of Selection nominated the following Members to comprise the Special Select Committee to consider the Access to Information Bill 2011 (No. 10 of 2011).

## **Members of the People's Progressive Party/Civic (PPP/C) (6)**

The Hon. Samuel A.A Hinds, M.P.,  
Prime Minister and Minister of Public Works and Communication

The Hon. Dr. Leslie S. Ramsammy, M.P.,  
Minister of Health

The Hon. Manzoor Nadir, M.P.,  
Minister of Labour

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadieck, M.P.

Mr. Mohabir A. Nandlall, M.P.

## **Members of the People's National Congress Reform-1 Guyana (PNC/R-IG) (3)**

Mrs. Deborah J. Backer, M.P.

Mr. Basil Williams, M.P.

Mr. Aubrey Norton, M.P.

## **Member of the Alliance For Change (1)**

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

## **First Meeting of the Committee – Election of Chairperson**

6. At its first meeting held on Thursday, 30<sup>th</sup> June, 2011, the Committee elected the Hon. Samuel A.A. Hinds, M.P., Prime Minister and Minister of Public Works and Communication.

## **Meetings of the Committee**

7. At the second meeting held on Wednesday, 6<sup>th</sup> July, 2011, the Committee agreed that meetings should be conducted for, at least, two hours, each meeting day, on days to be fixed by the Committee.

8. The Committee met on ten (10) other occasions as follows:-

- 3<sup>rd</sup> Meeting held on 8<sup>th</sup> July, 2011;
- 4<sup>th</sup> Meeting held on 13<sup>th</sup> July, 2011;
- 5<sup>th</sup> Meeting held on 20<sup>th</sup> July, 2011;
- 6<sup>th</sup> Meeting held on 27<sup>th</sup> July, 2011;
- 7<sup>th</sup> Meeting held on 3<sup>rd</sup> August, 2011;
- 8<sup>th</sup> Meeting held on 8<sup>th</sup> August, 2011;
- 9<sup>th</sup> Meeting held on 10<sup>th</sup> August, 2011;
- 10<sup>th</sup> Meeting held on 15<sup>th</sup> August, 2011;
- 11<sup>th</sup> Meeting held on 18<sup>th</sup> August, 2011;
- 12<sup>th</sup> Meeting held on 24<sup>th</sup> August, 2011

(See Appendix I for the Attendance Record of Members of the Committee.)

### **Consultation Process**

9. At the second meeting, the Committee agreed to publicly invite Organisations/Individuals to make written submissions and/or oral presentations on the Access to Information Bill 2011- Bill No. 10 of 2011, no later than the 18<sup>th</sup> July, 2011.

10. As a result, advertisements, inviting members of the public, individuals and organisations to make written submissions on the Bill, no later than 18th July, 2011, were placed in the print media on the following dates: Sunday, 10<sup>th</sup> July, 2011; Monday, 11<sup>th</sup> July, 2011; Tuesday, 12<sup>th</sup> July, 2011 and Wednesday, 13<sup>th</sup> July, 2011. In addition, advertisements were also published on the Parliament Office's Facebook Fan page.<sup>1</sup>

(See Appendix II for specimens of advertisements in the print media.)

---

<sup>1</sup> The Facebook Fan page was recently established by the Parliament Office and is used to provide information on Parliamentary matters to the general public. The Special Select Committee on Access to Information Bill 2011-Bill No.10 of 2011 is the first Select Committee to utilise the Facebook Fan page which was used as a means of advertising invitations to the general public to submit their views on the Access to Information Bill 2011- Bill No. 10 of 2011.

11. In an effort to further facilitate more members of the public being given ample time to make their submissions on the Bill, the Committee, via round robin, agreed to extend the deadline for submissions to the 21<sup>st</sup> July, 2011. Advertisements were then placed in the print media and on the Parliament Office's Facebook Fan page informing members of the public about the extended deadline.

12. At the 7<sup>th</sup> Meeting of the Committee held on the 3<sup>rd</sup> August, 2011, the Committee reviewed the late submissions received from Mr. Christopher L. Ram and Mr. C.N. Sharma. Upon deliberation of the abovementioned submissions, Members decided to further extend the deadline, for the second time, to the 10<sup>th</sup> August, 2011, in order to accommodate submissions from the abovementioned individuals, received after the 21<sup>st</sup> July, 2011 deadline, and, to facilitate those organisations/ individuals who were still desirous of submitting their views on the Bill.

### **Responses from Individuals/Organisations**

13. A total of ten (10) written submissions were received, seven (7) of which, indicated the individual's/organisation's interest to make oral presentations before the Committee, in addition to their written submissions.

14. The Committee invited six (6) of the seven (7) organisations/individuals who had indicated their willingness to make oral presentations.

15. Ms. Bibi F. N. Rasool, one of the persons who had made a written submission, was not invited to make a presentation on the Bill since the contents of her submission were not within the Committee's purview. The Committee subsequently wrote Ms. Rasool advising her of the appropriate organisation that could address her concerns.

16. Letters of acknowledgement were also sent to those organisations/individuals who were not interested in making oral presentations on the Bill.

17. The Table below provides information on the organisations/individuals who submitted their views/ comments on the Access to Information Bill 2011 - Bill No.10 of 2011, the date the submissions were made, and, those which indicated their desire to make oral presentations on the Bill:-

<b>DATE OF SUBMISSION</b>	<b>NAME OF AGENCY/ORGANISATION</b>	<b>INDICATION TO MAKE AN ORAL PRESENTATION</b>
20 <sup>th</sup> July, 2011	Transparency Institute of Guyana	√
20 <sup>th</sup> July, 2011	Guyana Human Rights Association	√
21 <sup>st</sup> July, 2011	Bibi F. N. Rasool	√
21 <sup>st</sup> July, 2011	Guyana Publications Inc	—
21 <sup>st</sup> July, 2011	Guyana Media Proprietors Association	√
21 <sup>st</sup> July, 2011	Melinda Janki (De Caires, Fitzpatrick and Karran)	√
25 <sup>th</sup> July, 2011	Christopher L. Ram	√
27 <sup>th</sup> August, 2011	C.N. Sharma	—
8 <sup>th</sup> August, 2011	Mr. Ronald Austin	—
10 <sup>th</sup> August, 2011	Guyana Pres Association	√

2

---

<sup>2</sup> Please refer to paragraph No. 15

(See Appendix III for a copy of submissions received)

18. The Committee, in a letter dated 11<sup>th</sup> August, 2011 invited the following individuals/organisations to make oral presentations on 15<sup>th</sup> August, 2011:

- Transparency Institute of Guyana;
- Guyana Human Rights Association;
- Guyana Media Proprietors Association;
- Guyana Press Association
- Melinda Janki; and
- Christopher L. Ram.

19. The abovementioned individuals/organizations failed to appear before the Committee to make oral presentations, in relation to their written submissions, on the 15<sup>th</sup> August, 2011. The following reasons were conveyed, through the Committees Division, by some individuals/organisations in relation to their non-participation:-

- The Guyana Human Rights Association indicated that their absence was as a result of time constraints and were of the view that they were given a short notice to attend the meeting.
- The Guyana Press Association indicated that their representative, who was responsible for making the presentation, was out of the jurisdiction and they also were of the view that they were given a short notice.

- Mr. Christopher L. Ram asked to be excused as he had an urgent court matter to attend in another Region.

20. All attempts to contact representatives from the Transparency Institute of Guyana and Ms. Melinda Janki proved futile. The Guyana Media Proprietors Association acknowledged the letter and agreed to confirm attendance, which was never done.

21. At the 10<sup>th</sup> Meeting of the Committee held on 15<sup>th</sup> August, 2004. Members were informed of the responses from the abovementioned individuals/organizations. Since only one, Mr. Christopher Ram, tendered an excuse, in writing, and, in an attempt to further facilitate the other individuals/organisations making their presentations, the Committee agreed to extend the date for presentations to Thursday, 18<sup>th</sup> August, 2011. Consequently, all organisations/individuals who had made written submissions and were desirous of making oral presentations were given another opportunity to do so.

22. The Committee agreed, however, that Thursday, 18<sup>th</sup> August, 2011 was the **final date** for organisations/individuals to make oral presentations.

## **Hearings**

23. On Thursday, 18<sup>th</sup> August, 2011 the following individuals/representatives from organisations appeared before the Committee and gave oral testimony in addition to their written submissions:

- Mr. Christopher L. Ram;
- Mr. Enrico Woolford, Director, Guyana Press Association
- Mr. Frederick Collins, Director, Transparency Institute of Guyana

24. Further attempts to contact Ms. Melinda Janki, again, proved futile. The representatives from the Guyana Human Rights Association and the Guyana Media Proprietors Association never participated in making oral presentations on the Bill.



25. Details of the presentations including the questions asked and responses given can be found in the Minutes of the meeting at the abovementioned date.

### **Consideration of the Bill**

26. The Committee commenced consideration of the Bill at its 3<sup>rd</sup> Meeting held on Friday, 8<sup>th</sup> July, 2011.

27. The following Clauses were unaltered:

1, 8, 10, 11, 12, 16, 19, 20, 21, 22, 23, 24, 25, 27, 30, 31, 32, 34, 35, 36, 37, 39, 40, 41, 42, 45, 46, 47, 48 and 50.

28. The following Clauses were amended:

2, 3, 4, 5, 6, 7, 9, 13, 14, 15, 17, 18, 26, 28, 29, 33, 38, 43, 44 and 49.

(See Appendix IV a detailed breakdown, clause by clause, of the Amendments approved by the Committee)

### **Report of the Special Select Committee**

29. At its 12<sup>th</sup> Meeting held on 24<sup>th</sup> August, 2011, the Special Select Committee on Access to Information Bill 2011 - Bill No. 10 of 2011 agreed that this Report, on its consideration of the Bill, should be presented to the National Assembly.

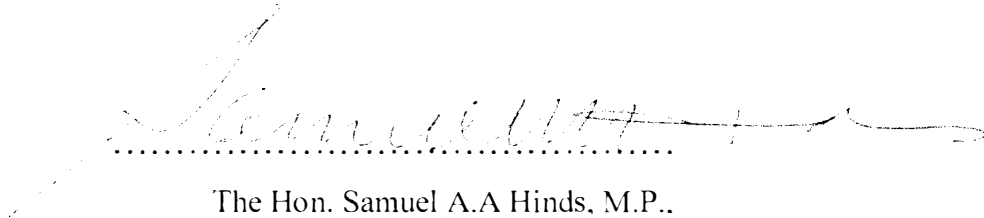
30. The Report is accordingly hereby submitted.

## Minutes

31. The Minutes of the Proceedings of the Committee are at Appendix V.

## Verbatim Records

32. Verbatim Records of the Proceedings of the Committee would be available at the Parliament Office.

A handwritten signature in cursive script, appearing to read 'Samuel A.A. Hinds', is written over a horizontal dotted line. The signature is written in black ink and extends across the width of the page.

The Hon. Samuel A.A Hinds, M.P.,  
Prime Minister and Minister of Public Works and Communication  
Chairperson

*Committees Division*

*Parliament Office*

*Public Buildings*

*Brickdam*

*Georgetown.*

30<sup>th</sup> August, 2011.

# APPENDIX I

**SPECIAL SELECT COMMITTEE ON ACCESS TO INFORMATION BILL 2011 – BILL NO. 10 OF 2011**

**ATTENDANCE RECORD (2011)**

NAME	June	July					August					
	30 <sup>th</sup>	6 <sup>th</sup>	8 <sup>th</sup>	13 <sup>th</sup>	20 <sup>th</sup>	27 <sup>th</sup>	3 <sup>rd</sup>	8 <sup>th</sup>	10 <sup>th</sup>	15 <sup>th</sup>	18 <sup>th</sup>	24 <sup>th</sup>
The Hon. Samuel A. A. Hinds, M. P.	Ex.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Ex.	Pr.	Pr.
The Hon. Dr. Leslie S. Ramsammy, M.P.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.
The Hon. Manzoor Nadir, M.P.	Pr.	Pr.	Pr.	Pr.	Abs.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.
Ms. Gail Teixeira, M.P.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.
Ms. Bibi S. Shadick, M. P.	Pr.	Pr.	Pr.	Pr.	Ex.	Ex.	Pr.	Pr.	Pr.	Pr.	Pr.	Pr.
Mr. Mohabir A. Nandlall, M.P.	Pr.	Pr.	Pr.	Ex.	Ex.	Pr.	Pr.	Abs.	Ex.	Ex.	Pr.	Ex.
Mrs. Deborah J. Backer, M.P.	Ex.	Pr.	Pr.	Pr.	Ex.	Ex.	Pr.	Pr.	Abs.	Abs.	Abs.	Abs.
Mr. Basil Williams, M.P.	Abs.	Pr.	Pr.	Ex.	Pr.	Ex.	Pr.	Ex.	Abs.	Abs.	Abs.	Abs.
Mr. Aubrey C. Norton, M.P.	Abs.	Pr.	Abs.	Pr.	Pr.	Ex.	Pr.	Abs.	Abs.	Abs.	Abs.	Abs.
Mr. Raphael G.C. Trotman, M.P.	---	---	Pr.	Pr.	Ex.	Pr.	Pr.	Pr.	Pr.	Pr.	Ex.	Pr.

**Pr. - Present**  
**Abs. - Absent**  
**Ex. - Excused**

**Committees Division**  
**Parliament Office**  
**Public Buildings**  
**Georgetown**

# APPENDIX II

# PARLIAMENT OFFICE

## ACCESS TO INFORMATION BILL 2011

### INVITATION TO THE PUBLIC FOR WRITTEN SUBMISSION

The Access to Information Bill 2011- Bill No. 10 of 2011 has been committed to a Special Select Committee of the National Assembly. This Bill seeks to set out a practical regime of right to information for persons to secure access to information under the control of public authorities in order to promote transparency and accountability in the working of the Government and public authorities and for the appointment of the Commissioner of Information.

The Committee has begun its work but wishes to invite members of the public, professional individuals and organizations to submit their views on the Access to Information Bill.

The Committee is, therefore, extending an invitation to members of the public to forward written submissions of their views on this matter not later than **Monday, 18<sup>th</sup> July, 2011**.

Comments/ views on the Access to Information Bill 2011- Bill No. 10 of 2011 can be posted on the Parliament Facebook Account via [www.facebook.com/guyana.parliament](http://www.facebook.com/guyana.parliament).

Copies of the Bill can be obtained from the Parliament Office, Public Buildings, Brickdam or via the Parliament Office Web site: [www.parliament.gov.gy](http://www.parliament.gov.gy).

Individuals and organizations who are willing to appear before the Committee to give oral evidence should indicate this in their submissions.

All written submissions and requests to give oral evidence can be sent to [committees\\_division@yahoo.com](mailto:committees_division@yahoo.com) or must be addressed to:

The Clerk of Committee  
Special Select Committee on the Access to Information Bill 2011  
Bill No. 10 of 2011  
Committees Division  
Parliament Office  
Public Buildings  
Georgetown

Mr. Sherlock Isaacs  
Clerk of the National Assembly  
7<sup>th</sup> July, 2011.

# RE-ADVERTISEMENT

## PARLIAMENT OFFICE

### ACCESS TO INFORMATION BILL 2011

#### INVITATION TO THE PUBLIC FOR WRITTEN SUBMISSION

The Access to Information Bill 2011- Bill No. 10 of 2011 has been committed to a Special Select Committee of the National Assembly. This Bill seeks to set out a practical regime of right to information for persons to secure access to information under the control of public authorities in order to promote transparency and accountability in the working of the Government and public authorities and for the appointment of the Commissioner of Information.

The Committee has begun its work but wishes to invite members of the public, professional individuals and organizations to submit their views on the Access to Information Bill.

The Committee is, therefore, extending an invitation to members of the public to forward written submissions of their views on this matter not later than **Thursday, 21<sup>st</sup> July, 2011**.

Comments/ views on the Access to Information Bill 2011- Bill No. 10 of 2011 can be posted on the Parliament Facebook Account via [www.facebook.com/guyana.parliament](http://www.facebook.com/guyana.parliament).

Copies of the Bill can be obtained from the Parliament Office, Public Buildings, Brickdam or via the Parliament Office Web site: [www.parliament.gov.gy](http://www.parliament.gov.gy).

Individuals and organizations who are willing to appear before the Committee to give oral evidence should indicate this in their submissions.

All written submissions and requests to give oral evidence can be sent to [committees\\_division@yahoo.com](mailto:committees_division@yahoo.com) or must be addressed to:

The Clerk of Committee  
Special Select Committee on the Access to Information Bill 2011  
Bill No. 10 of 2011  
Committees Division  
Parliament Office  
Public Buildings  
Georgetown

Mr. Sherlock Isaacs  
Clerk of the National Assembly  
14<sup>th</sup> July, 2011.

# APPENDIX III



# Guyana Press Association

125 Carmichael Street, Georgetown, Guyana

Telephone: 227-8289

Rec'd  
10/8/11



10<sup>th</sup> August 2011

Ms. Jocette Bacchus  
Clerk of the Committee  
National Assembly  
Public Buildings  
Georgetown, Guyana

Special Select Committee:

Please be informed that the Guyana Press Association would like to make an oral presentation to the Special select committee on the Access to Information Bill.

We feel that our very livelihood depends on the vitality of this proposed piece of legislation and are convinced that the proposed legislation should be refined to allow journalists to function freely within the Guyanese society.

One of the concerns the GPA would like addressed is a comparative table of source legislation that gave rise to the current legislation. This has been a practice in the past with most pieces of legislation. It would allow the GPA and others to examine context and construct of the proposed legislation and comment as necessary.

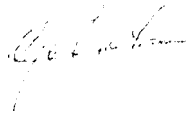
The proposed powers of the Commissioner of Information are cause for concern. The powers can in fact result in severe limitations on the access to information.

These limitations are further retarded by the appeal to the judicial process which in the Guyana context is currently tedious and slow in execution.

For these reasons, inter alia the Guyana Press Association wants to explain its positions on the proposed legislation and we are looking forward to the opportunity to do so.

Thank you for your consideration. We look forward to your positive response.

Yours truly,



Gordon Moseley  
President - GPA

8 Aug 2011

Ronald Austin

The Access To Information Bill No. 10 of 2011 has the appearance of things democratic and transparent. However, one aspect of this bill defeats the entire democratic process, if this was indeed the intentions of the framers. The appointment of the Commissioner Of Information Section 11, 5 (1) and the entire section 11 places this process at the whims, fancies, caprices and vicissitudes of the president, completely against the democratic spirit. Insofar as the executive presidency has its foot at the neck of this bill and subsequently the commissioner, there can be no real expectations of transparency. one would not be deemed unreasonable if one were to conclude that the framers of this bill had to real intention for some paradigm shift vis-a-vis Guyana's body- politic. I recommend that the appointment of the Commissioner should be reviewed and place in the hands of special committee of the Guyana Parliament.

July 25, 2011



CNS  
Incorporated

C.N SHARMA

SAVITREE SINGH

Rec'd  
SVP/11

Chairperson,  
Special Select Committee  
National Assembly,  
Parliament Buildings,  
**Georgetown**

Dear Sir,

*Subject: Access to Information Bill 2011*

I am pleased on behalf of the Justice for All Party and Channel 6 to make this brief submission on the subject-mentioned Bill. That it took the Government of the day fourteen years and on the eve of general elections to produce this Bill is cynical and deceptive. This Bill in our view does nothing to advance citizens' fundamental rights under Articles 13 and 146 of the Constitution and merely reinforces and legitimizes the control which the Government now exercises over public information.

We note that the Bill seeks to exclude every deed and document of the PPP/C Administration since 1992 and even then one may have difficulty in accessing any information for the next two years as the President looks around for a Commissioner of Insurance who is empowered to frustrate every effort of citizens to access information.

In our view this Bill is so fundamentally flawed – from definition to conclusion – that it is meaningless to make any useful comment other than to say it should be withdrawn and a new Bill submitted.

For the point of view of CNS we want to draw attention to the Zimbabwe experience where Freedom of Information legislation was used to muzzle the press. In any FOI legislation we would like to see a provision similar to that in the Broadcasting Bill which singles out the special role of the state media. Under the FOI we are proposing that there be a clause that this Act shall not operate to the right of the press to immediate access state officials for information, statements and comments on matters of public importance on which they are reporting.

I apologise for this late submission owing to circumstances beyond our control.

With best wishes,

C. N. Sharma

# Christopher L. Ram

Lot 157 "C" Waterloo Street, North Cummingsburg,  
Georgetown, Guyana, P.O. Box: 10148

July 22, 2011

Rec'd  
25/7/11

Chairperson,  
Special Select Committee  
National Assembly,  
Parliament Buildings,  
Georgetown

Dear Sir,

*Subject: Access to Information Bill 2011*

I am pleased for this opportunity to comment on the subject-mentioned Bill which has been referred by the National Assembly. I believe this is fundamental to building democracy and to give effect to several Articles of the Guyana Constitution including Article 13.

The right to Freedom of Information was recognised close to two hundred and fifty years ago in the Swedish Freedom of the Press Act adopted in 1766 which set the principle that government records were by default to be open to the public and granted citizens the right to demand documents from government bodies. France and the Netherlands followed soon after while in the United States at the time of the Declaration of Independence Patrick Henry railed against the secrecy of the Constitutional Congress, saying "The liberties of a people never were, nor ever will be, secure, when the transactions of their rulers may be concealed from them."

However it was not until after the Second World War with the creation of the United Nations and international standards on human rights that the right to information began to spread and countries began to enact comprehensive laws for access to government-held documents and information.

The countries with FOI legislation now approaches 100 with a significant number coming in the last ten years. Guyana therefore has the benefit in 2011 to draw on the experiences of all these countries as well as on a number of model FOI Acts drawn up by various groups.

Unfortunately Bill # 10 falls way short of the current standards of more recent legislation. As part of my review of the Bill I tried to ascertain the model used as the basis for our Bill and despite calls to the Office of the Prime Minister and the Ministry of Legal Affairs I was unable to obtain any relevant information on the source of Bill #10.

I have difficulties with a large number of the provisions in the Bill including the following:

1. There is an over-emphasis on documents rather than information;
2. The difference between “document” and “official document”.
3. The Commissioner has apparently no power to intervene on the fee rates set by public authorities for access to information: s. 7
4. Given that the hinterland and the diaspora cannot see the Gazette or adverts in one daily newspaper, any reference to notices published by the Commissioner should take account of communications realities: s. 8 (1)
5. There does not seem to be congruence between the categories in s. 8 (1) and the definitions in s. 2.
6. There is no indication of the status of officers and employees appointed for the purpose of the Act: **s 5. (4)**. Are they public servants or what?
7. There is no Office of the Commissioner and its funding makes it hostage to the political directorate. The full and effective implementation of an access to information act is challenging and resource intensive. Such statement as “to the extent of availability of financial and other resources...”[**s 45 (1)**] would allow for the frustration of the objectives of the Act by controlling the purse string.
8. The time for responding to a notice that specified information has not been published is far too long (effectively 74 days): **s 11**.
9. Section 14.2 is ambiguous and can be used to frustrate the objectives of the Act.
10. The times of thirty and sixty days respectively to acknowledge receipt of a request and to advise the applicant are inordinately long and can frustrate the most patient applicant: **s 18 (1)**.
11. There can be no reason for a time frame of eighteen months for the preparation of a guide: **s 47 (2)**. There is a surfeit of information available at the click of a mouse

I believe however that these matters – and there are many similar ones - pale into insignificance when viewed against some very fundamental issues that are fatal to the proper working of a FOI Act. In other words, even if these matters are resolved and improved as I think they should, the Bill would fail to meet modern standards of FOI legislation unless the following are included:

1. I would like to see a FOI guarantee explicitly stated in the Guyana Constitution since the courts in countries with provisions similar to our **Article 146** have ruled that those provisions do not amount to guaranteed access to information;

2. The executive authority of Guyana is vested in the President and to exempt that Office from the scope of the Bill is to seriously dilute its effectiveness: **s 4. (1)**. The jurisdictions - such as Trinidad and Jamaica - which exempt the President from their FOI all have ceremonial Presidents, in obvious contrast to Guyana.
3. International best practice dictates that all public institutions should fall within the scope of the law, but that specific documents that meet the clearly drafted legally prescribed exemptions may be properly withheld from disclosure. Accordingly this carte blanche authority can severely affect the objectives of the FOI: **s 4. (2)**.
4. If there is to be appointed a Commissioner of Information, it should be taken out of the sole authority of the President: **s 5 (1)**.
5. To make the Act prospective only is to place a wall around everything that has taken place in the past: **s 14 (4)**.
6. We should follow the unique example of Jamaica and provide for an automatic Parliamentary review of the law two years after its implementation.
7. In order to expedite access to information each public authority should designate one person with responsibility for information, and usually referred to as the Information Officer.
8. The Carter Center found in reviewing the Jamaica FOI that “an oversight body with the responsibility of coordinating implementation efforts across government agencies, promoting training of functionaries and public education, responding to agencies questions, and ensuring consistency and sustainability is critical to the success of any access to information regime.” The Commissioner of Information as proposed in the Bill is not an oversight body but the concentration of power to grant or withhold information in one political appointee. Accordingly I recommend an independent oversight body. See **Appendix 1** for the Carter Center’s discussion on the experiences of Trinidad and Tobago, Belize and Queensland State Australia.

If it is decided to retain the Commissioner of Information then his Office can function as the oversight body. Alternatively the Ombudsman can function in the role of the oversight body and indeed, given the qualifications of the Ombudsman, the holder should be eminently qualified as the oversight authority.

9. In the absence of an oversight body, the only effective recourse in the Bill is to the High Court. This is an expensive process which will deter all but the most determined and financially endowed.
10. While the number of countries which designate political parties as public entities are quite few, I would like to see Guyana join that elite group. As parties they should also have the right to apply to public entities for information.

11. There is a danger that the Bill can be used against the media. It should be without prejudice to journalists' rights to information.

I trust that the Committee would find my comments useful and I close by asking for the opportunity to appear before the Committee to elaborate on my submission and to answer questions from its members.

Respectfully,

  
.....  
Christopher Ram



**Extract from:**

**OBSERVATIONS OF THE ACCESS TO INFORMATION ACT 2002 IN JAMAICA  
The Carter Center**

**March 2006**

*"In Trinidad and Tobago, for example, their Freedom of Information Law did not provide for a statutorily mandated oversight mechanism, although there does exist a requirement for periodic reporting. For the first two years of implementation from 2001-2003, the Trinidadian Parliament voluntarily established an Access to Information Unit. During these years, the Unit supported the public functionaries, received and monitored agency implementation reports, and conducted training and public education campaigns.*

*"After two years, the Parliament reduced the staff and then finally eliminated the Unit and moved their responsibilities to a division under the Ministry of Public Administration and Information. According to accounts, when the Unit disbanded the agencies almost completely stopped fulfilling their report requirements and the number of requests declined dramatically. For example, in the first quarter of 2001, 52% of the agencies completed their reports and in 2002 during the same period there was a compliance rate of 45%.*

*"In 2003, when the Unit no longer existed, during the same reporting quarter the number of reports completed had dropped to 7%. Total requests received in Trinidad have continued to be low, with fewer requests over the last three years in Trinidad than have currently been made in Jamaica in the first two years of implementation (one year of which was phased implementation), and an 80% decline in requests following the disbanding of the Trinidadian Access to Information Unit. In addition, without dedicated responsible personnel, the submission of Trinidad's annual report to Parliament for 2001-2003 was delayed a number of years. As the Jamaican Unit is not legislatively mandated it is potentially subject to the same fate as the Trinidadian Unit.*

*"A similar experience has been demonstrated in Belize, where the lack of a specifically legislated oversight body in the Freedom of Information Act has resulted in a corresponding low awareness of the law, no tracking or monitoring of implementation, and a dismally low request rate. In fact, in Queensland State Australia, a study recently found that an independent enforcement body was not enough and that they also needed a "new monitoring/promotion function." The 2001 report recommended the creation of a freedom of information oversight entity designed to promote public awareness, provide advice and assistance to applicants, and monitor public agencies' compliance.*

*"For these reasons, a number of countries have created a statutory oversight body, with powers and responsibilities clearly outlined within their legislation. By mandating the oversight body within the law, rather than rely on the good will of the Parliament or*

*responsible Minister, jurisdictions have sought to overcome the problem of changing administrations and scarce resources being drawn away from the entity.<sup>5</sup> In these cases, the statutory oversight bodies have served to enhance the government's implementation efforts and ensure that the objectives of the law are more fully met."*

Rec'd  
5/13/2011

Melinda Janki LLB BCL LLM  
Attorney-at-Law  
Consultant  
De Caires Fitzpatrick and Karran  
79B Cowan Street  
Kingston  
Georgetown  
Tel: 226 1126

---

To: The Clerk of Committee  
Special Select Committee on the Access to Information Bill 2011  
Bill no. 10 of 2011  
Committees Division  
Parliament Office  
Public Buildings  
Georgetown

21st July 2011

Dear Clerk of the Committee,

I enclose my submission on the Access to Information Bill 2011.

I would like to express my appreciation to the Special Select Committee for giving citizens the opportunity to comment on the bill.

I am willing to appear before the Committee to give oral testimony.

My mobile number is 641 4533.

Yours sincerely,

  
Melinda Janki

## Access to Information Bill 2011

---

*If people do not know what is happening in their society, if the actions of those who rule them are hidden, then they cannot take a meaningful part in the affairs of that society. But information is not just a necessity for people. It is an essential part of good government. Bad government needs secrecy to survive.*

<http://www.article19.org/data/files/pdfs/standards/righttoknow.pdf>

### 1. Access to Information Bill 2011

A just society requires that citizens have access to information.

The Government is to be congratulated for

- proposing legislation to provide access to information
- giving citizens the opportunity to review and comment on the bill.

It is encouraging to see that the description of the bill includes promoting transparency and accountability in the working of Government and public authorities.

### 2. Constitutional principles and values

Legislation does not exist in isolation. The Bill must be read subject to the constitutional principles and values that protect us individually as Guyanese citizens and collectively as a nation based on the rule of law.

Article 9 of the Constitution states that:

*"Sovereignty belongs to the people, who exercise it through their representatives and democratic organs established by or under this Constitution."*

All legislation must therefore respect the inherent sovereignty of the people. The executive should not take to itself any more power than is necessary for carrying out its responsibilities.

Public bodies should acquire information only for the public benefit, not for the benefit of government officials or politicians.

Article 13 of the Constitution states that

*“The principal objective of the political system of the State is to establish an inclusionary democracy by providing increasing opportunities for the participation of citizens, and their organisations in the management and decision making processes of the State, with particular emphasis on those areas of decision making that directly affect their well-being*

Citizens can participate in decision making only if they have all relevant information. The State must therefore ensure that it does not withhold information at any time.

Taken together these two articles establish that all information held by the State or public authorities should be freely available to citizens, unless there is a valid reason for withholding that information.

Note also that Article 154 of the Constitution confirms that all citizens are entitled to the rights enshrined in various international treaties including the International Covenant Civil and Political Rights (ICCPR). Article 19 of the ICCPR states that

*“1. Everyone shall have the right to hold opinions without interference.*

*2 Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*

*3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*

*(a) For respect of the rights or reputations of others;*

*(b) For the protection of national security or of public order (ordre public), or of public health or morals.”*

Article 146 of the Constitution also guarantees the right of citizens to receive ideas and information without interference.

### **3. Best practice internationally and from other countries**

The Bill should reflect best practice at international and national levels. We should learn from other countries, particularly countries such as India and South Africa which are producing some of the most advanced jurisprudence on human rights.

Access to information (the right to know) has been recognised at international and national levels as a fundamental requirement for any democracy. Here are two examples:

UN General Assembly Resolution 59 states that:

*"Freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated"*

As a member of the United Nations General Assembly, Guyana must respect this principle.

As far back as 1982, the Indian Supreme court held that:

*"The concept of an open government is the direct emanation from the right to know which seems to be implicit in the right of free speech and expression guaranteed under Article 19(1)(a).*

*Therefore, disclosure of information in regard to the functioning of Government must be the rule and secrecy an exception justified only where the strictest requirement of public interest so demands."*<sup>1</sup>

There is no reason for Guyana to adopt a different approach either politically or legally.

#### **4. General comment on the content**

The bill does not guarantee access to information. It is a good start but needs a lot more work.

Substantive issues: The right to information is too restricted. There are too many exceptions to the right. The government has too much discretion and too much power to decide what should or should not be disclosed.

Procedural issues: the creation of a Commissioner of information is Orwellian. It is an extra procedural layer that merely obstructs access to information. The position should be removed. It should be up to each public body to provide information.

#### **5. Principles to be included**

The bill should be redrafted to reflect fully the following principles:

- (i) Full Disclosure

Disclosure of information should be the default position. Citizens have a right to

<sup>1</sup> S P Gupta V President of India AIR1982 SC 149

know what their government is doing. There is a corresponding duty on the government and public authorities to disclose information.

(ii) Refusal to disclose information

Government or the public authority should not be able to refuse to disclose information unless:

- there is a valid legal reason why they should not; or
- disclosure is contrary to the national interest.

The bill allows too much information to be withheld. The provisions regarding "exempt documents" are too widely drawn and are open to abuse.

(iii) Validation of refusal to disclose

A refusal by the Executive or the public authority to disclose should be open to independent scrutiny. This is essential for a just society.

Valid legal reason: If there is disagreement over whether there is a valid legal reason, the court can decide the matter.

National interest: it is the nature of the executive in any country to equate its interest with the national interest. To guard against this, Guyana should have an independent tribunal which has the power to scrutinise refusals made on the basis of the national interest.

(iv) Wide duty of disclosure

The duty to disclose information should be imposed on the entire executive. There is no reason to exempt the president unless the president is regarded as being above the law or the legislature is implying that the president has something to hide from the public. The president should be required to disclose information except where there is a valid legal reason not to or where disclosure would be contrary to the national interest.

Clause 4 should be deleted. The point is covered adequately by the principles relating to non-disclosure.

The definition of "public authority" should be reconsidered. It should include any entity which is carrying out any public function, including a privately owned entity.

Privately owned entities should also have a duty to disclose information which affects the public interest e.g. environmental information.

(v) Wide access of information

All natural and legal persons in Guyana should have the right to obtain information.

Access to information is a basic right – there should be no need to give a reason.

**6. General comment on the technical drafting**

The bill is difficult to follow. The structure is overly complicated with too many exceptions and qualifications making it difficult to ascertain what rights the citizen has.

The approach taken in the bill is unduly formalistic and overly technical. The focus should be on principles rather than trying to set out each relevant item.

The bill should be redrafted in simple English so that all citizens are able to read it and understand how to use it to get information.

**7. Further testimony**

I would like to express my appreciation to the Special Select Committee for giving me the opportunity to comment on the bill.

I would be happy to provide further information to the Special Select Committee at their convenience.



---

Melinda Janki LLB, BCL, LL.M.  
Attorney-at-law  
Consultant  
De Caires Fitzpatrick and Karran  
79B Cowan Street  
Kingston  
Georgetown  
Tel. 226 1126



The foregoing submission is made on behalf of Transparency Institute of Guyana. The Directors of the Institute would like an opportunity to appear before the Special Select Committee to offer its contributions to the review of the Access to Information Bill No 10 of 2011.

Yours sincerely,



Ms. Nadia Sagar

President

Transparency Institute of Guyana

79 B Cowan Street

Kingston

Georgetown

Tel 664-3639

Email: [transinst@tieguyana.org](mailto:transinst@tieguyana.org)

Rec'd  
21.7.2011

A 156 Barima Avenue  
Bell Air Park

Georgetown  
Guyana  
12<sup>th</sup> July, 2011

The Clerk of Committee  
Special Select Committee on  
Access to Information Bill 2011  
Bill NO 10 of 2011  
Committees Division  
Parliament Office  
Public Buildings  
Georgetown.

Dear Members of The Committee,

I would like to draw your attention to the lack of transparency and discrepancy within our present system of justice which disregards the rights of contesting parties within a court action from being accorded the rights due to protect themselves from financial predators using a court order wrongfully. This results in a permanent inequity since the banks claim that a court order was used to remove money and refuse to take legal action against the perpetrator of the fraud.

The Public Trustee should be required by the freedom of Information Act to notify all parties to an action whenever a court order compels them to hand over the assets of an estate since officers were aware since 2006 that there was a pending court case but did not notify us that they were handing over the whole estate including our money mistakenly detained as part of the estate since the items bought were never handed over to us as required by law.

I enclose all the relevant information and you could contact the court Manager Mr. Colin Chichester if further information is needed for verification.

Now we have difficulty in persuading Chief Justice Ian Chang to lay on the only asset left in the estate a house in Bel Air Gardens. The perpetrator of the fraud was so emboldened by the laxity of the court system he was trying to steal the house as well by having Lilo watta Bridgemohan file prescriptive rights over the house, fortunately the commercial court judge was well acquainted with the facts of the case and asked a mutual friend to contact me to take requisite action to prevent this blatant attempt to steal the property.

This mess of the judicial process only victimised the victims several times and secrecy is the cloak used by the perpetrators to openly flout the laws when there is no justice there will be no peace as the Mahatma says. We need to close these loopholes exploited by the corrupt to enrich themselves and remove the perception Justice is for sale to the openly unscrupulous.

I would be willing to give evidence and testify. Please contact me on tel Nos: 263-5672 or 626-9958 or 681-0933.

Thanking you in anticipation of a better more just country resulting from your dedicated service

I am

Yours sincerely  
Bibi F. N. Resool  
(F.M.I)

N.B.I.C. Term Deposit No. 1226934  
(Opened 5<sup>th</sup> September 2001)

\$7,426,221.82  
\$21,436,164.68  
=====

LIABILITIES

Funeral Expenses	\$15,000.00
St. Joseph Mercy Hospital (Not Known)	
Advance on sale of lot 10 Bel Air	\$2,000,000.00
New Building Society	\$245,613.61
Advance on Sale of Mining Equipment	\$726,000.00
N.B.I.C. Loan Plus Interest	\$200,000.00
Due to Dhanwanti Sankar as per Agreement Dated 16 <sup>th</sup> June 1985	\$14,600,000.00
	<u>\$17,786,613.61</u>

NET ASSET

\$ 3,649,551.00

2 July 2005  
Commissioner, Internal Revenue  
Proper Officer for section 2 of the  
Department of Revenue  
Admission

V. Kison  
Assistant Secretary  
05-06-29

We certify this to be a true  
Copy of the Original  
NATIONAL BANK OF INDIA  
AND COMMERCE LIMITED  
Srinivasulu

12-7-2000

2000

No. 280-W

DEMERRARA

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

CIVIL JURISDICTION

BETWEEN:

1. MOHAMED LIAQUAT ALY KHAN

2. DAWOOD MAKIM represented herein

by his duly constituted attorney  
BIBI FADIA NERIMA RASOOL agreeably  
with Power of Attorney No. 2627/99.



Plaintiffs

of the estate of MOHAMED HANIFF KHAN  
deceased.

Defendant

EXTENSION OF TIME

The Plaintiff and the above Defendant by their Attorney-at-Law do hereby consent to an extension of time up to and including the <sup>31st</sup> day of July, 2000 to enable the above named Defendant herein to deliver and file their Defence.

.....  
Attorney-at-Law for the Plaintiff

S. Bent  
.....  
Attorney-at-Law for the Defendant

Dated at Georgetown, Demerara  
this 12<sup>th</sup> day of July, 2000.

at the request of the Plaintiff

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE

CIVIL JURISDICTION

BETWEEN:

- 1. MOHAMED LIAQUAT ALY KHAN
- 2. DAWOOD HAKIM represented herein by his duly constituted Attorney BIBI FADIA NERIMA RASOOL agreeably with Power of Attorney No. 2627/99.

Plaintiffs

and -

THE PUBLIC TRUSTEE as the Administrators of the estate of MOHAMED MANIFF KHAN deceased.

Defendant

---

EXTENSION OF TIME

---

Sandra V. Hart  
State Solicitor (sg.)  
Attorney-at-Law.

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE  
CIVIL JURISDICTION

BETWEEN :-

1. MOHAMED LIAQUAT ALY KHAN
2. DAWOOD HAKIM represented herein by his duly constituted Attorney BIBI FADIA NERIMA RASOOL agreeably with Power Of Attorney No. 262799.

Plaintiffs

- and -

THE PUBLIC TRUSTEE as the Administratrix of the estate of MOHAMED HANIFF KHAN Deceased.

Defendant

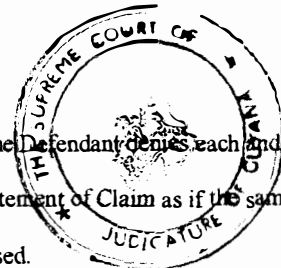
DEFENCE

1. Save as is hereinafter expressly admitted the Defendant denies each and every allegation of fact contained in the Plaintiffs' Statement of Claim as if the same were set out at length verbatim and specifically traversed.

2. The Defendant admits paragraphs 1 and 2 of the Plaintiffs' Statement of Claim in so far as they allege that the Defendant is a Statutory body created pursuant to the Public Trustee Act Cap 13:01 and that by Order of the Honourable Chief Justice dated 10<sup>th</sup> March, 2000 and entered the 21<sup>st</sup> March, 2000 was duly appointed to represent the estate of MOHAMED HANIFF KHAN in this matter.

3. On the 13<sup>th</sup> November, 1989 the second named Plaintiff entered into an Agreement of Sale and Purchase with MOHAMED HANIFF KHAN ( now deceased) for 2 (two) 8" dredges Nos SD 85 and SD 182, 4 (four) Yamaha out board engines, 1 (one) Johnson outboard engine, 1 (one) Industrial 120 HP diesel engine, 3 (three) boats and other mining equipment, which were situate and located in the upper Cuyuni River Essequibo, for the sum of \$112,000 ( US ).

4. The Defendant specifically denies paragraph 4 of the Plaintiffs' Statement Of Claim. Pursuant to the terms of the aforesaid agreement the second named Plaintiff



✓

was required to pay the sum of \$22,000 (US) within 14 days and the balance of \$90,000 US within 6 months.

5. The Defendant denies paragraph 5 of the Plaintiffs' Statement of Claim in so far as it alleges that possession and custody of the above mentioned property would be given to the second named Plaintiffs' upon final payment. The second named Plaintiff was given possession and custody of the aforementioned items upon the signing of the Agreement of Sale and Purchase on 13<sup>th</sup> November, 1989 and title thereto to be Transferred to the second named Plaintiff upon final payment. The Defendant specifically denies that the second named Plaintiff made final payment on the 18<sup>th</sup> November, 1989 by US Travellers cheque made out in the name of MOHAMED HANIFF KHAN or at all. Save as aforesaid no admission is made of paragraph 5 of the Plaintiffs' Statement of Claim.

6. The Defendant denies paragraph 6 of the plaintiffs' statement of claim.

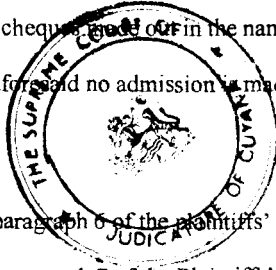
7. The Defendant admits paragraph 7 of the Plaintiffs' statements of Claim in so far as it alleges that MOHAMED HANIFF KHAN died on the 29<sup>th</sup> November, save as aforesaid the Defendant specifically denies paragraph 7.

8. No admission is made of paragraph 8 of the Plaintiffs' statement of claim

9. The Defendant specifically denies paragraph 10 of the Statement of Claim and puts the Plaintiffs to the strict proof that the property purchased by the second named Plaintiff has already been disipated, destroy and/or sold by person (s) unknown to the estate as is alleged therein.

10. No admission is made of paragraph 11 of the Plaintiffs' Statement of Claim save and except that the said property was purchased by the second named Plaintiff on the 13<sup>th</sup> November, 1989.

11. The Defendant specifically denies paragraph 12 of the Plaintiffs' Statement of Claim. If, which is not admitted, the Plaintiffs suffered the alleged or any loss of business and loss of use of any sum of money used for the purchase of the aforesaid property, the same was in no way caused by MOHAMED HANIFF KHAN, deceased.





IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE  
CIVIL JURISDICTION

BETWEEN :-

1. MOHAMED LIAQUAT ALY KHAN
2. DAWOOD HAKIM represented herein by his duly constituted Attorney BIBI FADIA NERIMA RASOOL agreeably with Power Of Attorney No. 2627/99.

Plaintiffs

- and -

THE PUBLIC TRUSTEE as the Administratrix of the estate of MOHAMED HANIFF KHAN, Deceased.

Defendant

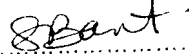
---

DEFENCE

---

Sandra V. Bart  
State Solicitor (ag)  
Attorney-at-Law for the  
Defendant

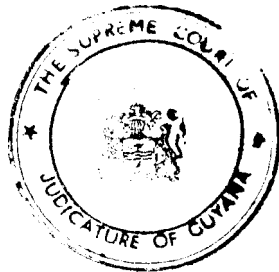
12. The defendant will contend that the Action herein is misconceived and ought to be struck out and \ or dismissed with costs.



Sandra V. Bart  
State Solicitor (ag.)  
Attorney-at-Law for the  
Defendant.

Dated at Georgetown, Demerara

this, 2<sup>th</sup> day of July, 2000.





# Republic Bank

Main Branch

March 7, 2008

Mr. R. N. Poonai  
Attorney-at-Law  
For the Plaintiffs  
155 Charlotte Street  
Lacytown  
Georgetown

Dear Sir:

**RE: ESTATE OF MOHAMED HANIFF KHAN**

We refer to Court Order dated January 30, 2008 obtained in Account Number 280-W of 2007 and provide the following information:

Our records indicate that Term Deposit #1206975 in the name of Estate of Mohamed Haniff Khan (Deceased) was closed on September 5, 2001 by Mr. Steve Hayes Attorney for Ena I. Khan by virtue of Power-of-Attorney #4941/2001. At the time of closure the balance on the Term Deposit was \$13,726,221.52 (thirteen million seven hundred and twenty six thousand two hundred and twenty one dollars and fifty two cents) and the proceeds from the Term Deposit were disbursed as follows:-

1. Account #650-236-7 in the name of Ashton Chase Associates was credited with the sum of \$6,300,000.00 (six million three hundred thousand dollars).
2. Term Deposit # 1226934 in the name of the Estate of Mohamed Haniff Khan - (Deceased) was opened and credited with the sum of \$7,426,221.52 (seven million four hundred and twenty six thousand two hundred and twenty one dollars and fifty two cents)

Our records further indicate that on July 01, 2005 Term Deposit #1226934 in the name of Estate of Mohamed Haniff Khan (Deceased) was closed by Mr. Steve Hayes by virtue of a Grant of Letters of Administration #224 of 2005 with a balance of \$8,358,599.80 (eight million three hundred and fifty eight thousand five hundred and ninety nine dollars and eighty cents) and the proceeds thereof were disbursed as follows:

1. Current Account #650-236-3 in the name of Ashton Chase Associates was credited with the sum of \$8,358,599.80 (eight million three hundred and fifty eight thousand five hundred and ninety nine dollars and eighty cents).

...2

Rec'd  
21.7.2011

Mr. Robin Stoby  
c/o Hughes, Fields & Stoby,  
62, Hadfield Street  
Werk-en-Rust,  
Georgetown, Guyana

Re. M. Khan – V- The Public Trustee - Action # 280-W- 2000

Dear. Mr. Stoby

I refer to the meeting held on the 9<sup>th</sup> of December 2010 in the chambers of the Honourable Chief Justice, between Imran Khan, Nerima Rasool, Mohamed Gamal Khan, and yourself, in respect of the captioned matter. As you may recall, at the said meeting, the Honourable Chief Justice issued an injunction instructing that the liability existed against the estate of M.H. Khan and as such should be paid forthwith.

This letter serves to inform you that we are desirous of bringing this matter to a speedy conclusion. We therefore hereby request that you urgently take the requisite action towards making the appropriate restitution as instructed by the Honourable Chief Justice.

For the record sake an amount of Ten million was withdrawn by Ms. Dhanwanty Sankar and Fifteen million was withdrawn by Mr. Ashton Chase, making a total of Twenty-five million.

This request should be complied with no less than a month after your receipt of same failing which appropriate legal action will be taken to ensure strict compliance.

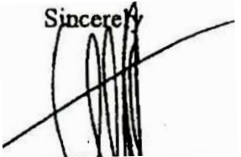
*B. F. A. Rasool*  
.....

§ M. Khan

*mediation controller*

All for your information and guidance.

Sincerely



Allison King (Ms.)

Pro Manager

Accounts Department

Telephone: 226-4091-5, 226-1691-6

Extension: 440

Email: [Allison.King@republicguyana.com](mailto:Allison.King@republicguyana.com)

# APPENDIX IV

**SPECIAL SELECT COMMITTEE ON ACCESS TO INFORMATION**

**BILL 2011**

**BILL NO. 10 OF 2011**

**Amendments approved by the Committee**

<b>CLAUSES OF PRESENT BILL (As presented)</b>	<b>AMENDMENTS</b>
<p><b>Intituled</b></p> <p>AN ACT to provide for setting out a practical regime of right to information for persons to secure access to information under the control of public authorities in order to promote transparency and accountability in the working of the Government and public authorities and for the appointment of the Commissioner of Information.</p>	<b>Unaltered</b>
<p><b>Clause 1- Short title and commencement.</b></p>	<b>Unaltered</b>
<p><b>Clause 2- Interpretation.</b></p> <p>“applicant”</p> <p>“Commissioner of information”</p> <p>“designated officer”</p> <p>“disciplined force”</p> <p>“document”</p> <p>“exempt document”</p> <p>“exempt information”</p> <p>“information”</p> <p>“Minister”</p> <p>“official document”</p>	<p><b>Unaltered</b></p> <p><b>Unaltered</b></p> <p><b>Unaltered</b></p> <p><b>Unaltered</b></p> <p><b>Unaltered</b></p> <p><b>Unaltered</b></p> <p><b>Unaltered</b></p> <p><b>Unaltered</b></p> <p><b>Unaltered</b></p> <p><b>Unaltered</b></p>

<p>“personal information”</p> <p>“prescribed”</p> <p>“public authority”</p> <p>“record”</p> <p>“responsible minister”</p> <p>“right of access to information” (a) to (c)</p>	<p><b>Unaltered</b></p> <p><b>Unaltered</b></p> <p><b>Unaltered</b></p> <p><b>Unaltered</b></p> <p><b>Unaltered</b></p> <p><b>Unaltered</b></p>
<p><b>“right of access to information”</b></p> <p>paragraph (d)</p> <p>obtain information in the form of floppy disks, tapes, video, cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other similar device;</p> <p>“third party”</p>	<p><b>Unaltered</b></p> <p>paragraph (d)</p> <p>obtain information in any <b>digital</b> or electronic mode or through printouts where such information is stored in a computer or in any other similar device;</p> <p><b>Unaltered</b></p>
<p><b>Insertion of new definitions in the correct alphabetical order</b></p>	<p><b>“confidential record”</b> means a record that would cause damage or be prejudicial to national security if made publicly available;</p> <p><b>“general record”</b> means a record that can sometimes be viewed by a person without security clearance;</p> <p><b>“restricted record”</b> means a record that would cause undesirable effects if made publicly available;</p>



**“secret record”** means a record that would cause grave damage to national security if made publicly available;

**“top secret”** means the highest level of classification of a record on a national level, disclosure of which record would cause exceptionally grave damage to national security if made publicly available;

**Clause 3- Object of the Act.**

subsection (1), paragraphs (a) and (b)

(a) making available to the public, information about the operations of public authorities and, in particular, ensuring that the authorisations, policies, rules and practices affecting members of the public in their dealings with public authorities are readily available to persons affected by those authorisations, policies, rules and practices; and

(b) creating a general right of access to information in documentary form in the possession of public authorities limited only by exceptions and exemptions necessary for the protection of essential public interests and the private and business affairs of persons in respect of whom information is collected and held by public authorities.

subsection (2)

**(a) becomes (b) and (b) becomes (a)**

(a) creating a general right of access to information in documentary form in the possession of public authorities limited only by exceptions and exemptions necessary for the protection of essential public interests and the private and business affairs of persons in respect of whom information is collected and held by public authorities; **and**

(b) making available to the public, information about the operations of public authorities and, in particular, ensuring that the authorisations, policies, rules and practices affecting members of the public in their dealings with public authorities are readily available to persons affected by those authorisations, policies, rules and practices.

**Unaltered**

**Clause 4 – Application of the Act.**

subsection (1), paragraph (a)

paragraph (b)

a Commission of Inquiry issued by the President, or information obtained or created in the course of an investigation, examination or audit conducted by or under the authority of the Auditor General, **unless** the investigation or audit and all related proceedings, if any, are finally concluded;

**Unaltered**

paragraph (b)

a Commission of Inquiry issued by the President, or information obtained or created in the course of an investigation, examination or audit conducted by or under the authority of the Auditor General, **until** the investigation or audit and all related proceedings, if any, are finally concluded;

paragraph (c)	<b>Unaltered</b>
subsection (2)	<b>Unaltered</b>
<p><b>Clause 5- Commissioner of Information.</b></p> <p>subsections (1) to (3)</p> <p>subsection (4)</p> <p>The Minister shall provide the Commissioner of Information with such officers and employees as may be necessary for the efficient discharge of the functions of the Commissioner under this Act, <b>and</b> the salaries and allowances payable to, and the other terms and conditions of service of, the officers and employees appointed for the purpose of this Act shall be such as may be determined by the Minister.</p>	<p><b>Unaltered</b></p> <p>subsection (4)</p> <p>The Minister shall provide the Commissioner of Information with such officers and employees as may be necessary for the efficient discharge of the functions of the Commissioner under this Act.</p> <p><b>new subsection (5)</b></p> <p>The salaries and allowances payable to, and the other terms and conditions of service of, the <b>Commissioner of Information and other</b> officers and employees appointed for the purpose of this Act shall be such as may be determined by the Minister.</p>
<p><b>Clause 6- Removal of the Commissioner of Information.</b></p> <p>subsection (1), paragraph (a)</p> <p>paragraph (b)</p> <p>has been convicted of an offence which, <b>in the opinion of the President.</b> involves moral turpitude;</p>	<p><b>Unaltered</b></p> <p>paragraph (b)</p> <p>has been convicted of an offence which, involves moral turpitude;</p>

<p>paragraph (c) engages during his term of office in any paid employment outside the duties of his office;</p> <p>paragraph (d) is, <b>in the opinion of the President</b>, unfit to continue in office by reason of infirmity of mind or body; or</p> <p>paragraph (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as Commissioner of Information.”</p> <p>subsection (2)</p>	<p><b>Deletion of paragraph (c)</b></p> <p><b>(d) becomes (c)</b> (e) is unfit to continue in office by reason of infirmity of mind or body; or</p> <p><b>(e) becomes (d)</b> <b>(d) had, or has</b>, acquired such financial or other interest as is likely to affect prejudicially his functions as Commissioner of Information.</p> <p><b>Unaltered</b></p>
<p><b>Clause 7- Powers of the Commissioner of Information.</b></p> <p>paragraph (a) sub-paragraphs (i) to (v)</p> <p>paragraph (b) require a public authority to compensate the complainant for <b>any loss or other detriment</b> suffered;</p> <p>paragraphs (c) to (f)</p>	<p><b>Unaltered</b></p> <p>paragraph (b) require a public authority to compensate the complainant for <b>inconvenience</b> suffered;</p> <p><b>Unaltered</b></p>
<p><b>Clause 8</b></p> <p>Marginal Note -- Publication in official <i>Gazette</i> <b>by public authority</b></p> <p>subsections (1) to (3)</p>	<p>Marginal Note -- Publication in official Gazette</p> <p><b>Unaltered</b></p>

<p><b>Clause 9 –Categories of documents to be available for inspection and purchase.</b></p> <p>subsections (1) to (5)</p> <p>subsection (6)</p> <p>A public authority that comes into existence on or after the commencement of this Act shall comply with the provisions of subsection (2)(a) as soon as practicable after the day on which it came into existence and not later than two years after that day, <b>and thereafter in accordance with section 2(b).</b></p>	<p><b>Unaltered</b></p> <p>subsection (6)</p> <p>A public authority that comes into existence on or after the commencement of this Act shall comply with the provisions of subsection (2)(a) as soon as practicable after the day on which it came into existence and not later than two years after that day.</p>
<p><b>Clause 10- Statement of possession of certain documents to be published.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 11- Person to apply to Commissioner of Information where published statement does not specify a document or categories of documents.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 12- Right of access to information.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 13- Classification of official documents and accessibility to certain records.</b></p> <p>subsection (1)</p> <p>As soon as possible after the commencement of this Act, every public authority shall, as far as practicable, maintain its records duly catalogued, classified and indexed in a manner and form which facilitates the right of access to information under this Act and <b>ensure</b> that all records that are appropriate are computerised within a reasonable time, <b>and subject to availability of</b></p>	<p>subsection (1)</p> <p>As soon as possible after the commencement of this Act, every public authority shall, as far as practicable, maintain its records duly catalogued, classified and indexed in a manner and form which facilitates the right of access to information under this Act and <b>ensures</b> that all records that are appropriate are computerised</p>

<p>resources, computerised and connected through a network all over the country on different systems so that access to such records which are open to access is facilitated.</p> <p>subsections (2) to (5)</p> <p>subsection (6)</p> <p>Every public authority shall determine the retention period of the records generated or possessed by it and for this purpose prepare a retention schedule, but in no case shall this be less than twenty years.</p>	<p>within a reasonable time, and where possible connected through a network all over the country on different systems so that access to such records which are open to access is facilitated.</p> <p><b>Unaltered</b></p> <p>subsection (6)</p> <p>Every public authority shall determine the retention period of the records generated or possessed by it and for this purpose prepare a retention schedule, but in no case shall this be less than twenty years <b>or as prescribed by any other relevant law.</b></p>
<p><b>Clause 14- Accessible records and information.</b></p> <p>subsection (1), paragraphs (a) to (i)</p> <p>paragraph (j)</p> <p>a record or information the disclosure of which, <b>in the opinion of the head of the public authority</b>, is not in the public interest or in the interest of the security of any person;</p> <p>paragraph (k)</p> <p>subsections (2) to (4)</p>	<p><b>Unaltered</b></p> <p>paragraph (j)</p> <p>a record or information the disclosure of which, is not in the public interest or in the interest of the security of any person;</p> <p><b>Unaltered</b></p> <p><b>Unaltered</b></p>

<p><b>Clause 15</b> Marginal Note - Documents exempted from right of access.</p> <p><b>A person is not entitled to obtain, in accordance with the procedure provided for in this Part, access to-</b></p> <p>paragraphs (a) to (c)</p>	<p>Marginal Note -<b>Documents otherwise available.</b></p> <p>A person <b>may not apply, under this Act for</b> access to-</p> <p><b>Unaltered</b></p>
<p><b>Clause 16- Procedure to make request.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 17- Duty to assist applicant.</b></p> <p>paragraph (a)</p> <p>paragraph (b)</p> <p>has made a request which does not comply with the requirements of section 16(2), and shall afford that person an opportunity,</p> <p><b>to make a request in a manner which complies with that section.</b></p>	<p><b>Unaltered</b></p> <p>paragraph (b)</p> <p>has made a request which does not comply with the requirements of section 16(2), and shall afford that person an opportunity, <b>to make a request in a manner which complies with that section.</b></p>

<p><b>Clause 18-Time-limit for determining request.</b> subsection (1)</p> <p>On receipt of a request, the Commissioner of Information shall acknowledge receipt of the request <b>in</b> thirty days from the date of its receipt and advise the applicant if the request is approved or denied <b>in</b> sixty days from the date the request is received.</p> <p>subsections (2) and (3)</p>	<p>subsection (1)</p> <p>On receipt of a request, the Commissioner of Information shall acknowledge receipt of the request <b>within</b> thirty days from the date of its receipt and advise the applicant if the request is approved or denied <b>within</b> sixty days from the date the request is received.</p> <p><b>Unaltered</b></p>
<p><b>Clause 19- Giving of access and deletion of exempt information.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 20- Forms of access to document in printed form or otherwise.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 21- Fees.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 22- Deferral of request to access public information.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 23- Procedure where applicant in not entitled to document as requested.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 24- Decision in respect of request may be made on behalf of public authority.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 25- Request may be refused in certain cases.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 26</b></p> <p>Marginal Note -- Grounds for refusal to grant access to <b>public</b> information.</p>	<p>Marginal Note -- Grounds for refusal to grant access to information.</p>



subsections (1) and (2)	<b>Unaltered</b>
<b>Clause 27- Cabinet document.</b>	<b>Unaltered</b>
<p><b>Clause 28- Document exempted if containing information likely to prejudice defence of State, etc.</b></p> <p>subsection (1), paragraphs (a) and (b)</p> <p>paragraph (c) would be <b>contrary to public interest for a reason mentioned in this section or would be</b> likely to prejudice the lawful activities of the disciplined forces.</p> <p>subsection (2)</p>	<p><b>Unaltered</b></p> <p><b>paragraph (c) was divided into two subsections</b> (c) would be likely to prejudice the lawful activities of the disciplined forces;</p> <p>(d) would <b>in any manner</b> be contrary to public interest.</p> <p><b>Unaltered</b></p>
<p><b>Clause 29- International relations documents.</b></p> <p>subsection (1)</p> <p>A document is an exempt document if disclosure under this Act would be contrary to the public interest and disclosure –</p> <p>paragraphs (a) to (d)</p> <p>subsection (2)</p>	<p>subsection (1)</p> <p>A document is an exempt document if disclosure under this Act would be contrary to the public interest and <b>the</b> disclosure –</p> <p><b>Unaltered</b></p> <p><b>Unaltered</b></p>
<b>Clause 30- Internal working documents.</b>	<b>Unaltered</b>
<b>Clause 31- Law enforcement documents.</b>	<b>Unaltered</b>

<p><b>Clause 32- Documents affecting legal proceedings or subject to legal professional privilege.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 33- Documents affecting personal privacy.</b></p> <p>subsections (1) and (2)</p> <p>subsection (3)</p> <p>A document referred to in subsection (1) shall not be released without the consent of the person who is the subject of the information in the document.</p> <p>subsections (4) to (6)</p>	<p><b>Unaltered</b></p> <p>subsection (3)</p> <p>A document referred to in subsection (1) shall not be released without the <b>notarised</b> consent of the person who is the subject of the information in the document.</p> <p><b>Unaltered</b></p>
<p><b>Clause 34 - Documents related to trade secrets.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 35 - Documents containing material obtained in confidence.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 36 - Documents affecting the economy, commercial affairs and certain documents concerning operations of a public authority.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 37 - Documents to which secrecy provisions apply.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 38 - Disclosure of exempt document in the public interest.</b></p> <p>Notwithstanding any law to the contrary, the Commissioner of Information shall give access to an exempt document where there is reasonable evidence that significant-</p> <p>paragraphs (a) to (d)</p>	<p>Notwithstanding any <b>other</b> law to the contrary, the Commissioner of Information shall give access to an exempt document where there is reasonable evidence that significant-</p> <p><b>Unaltered</b></p>
<p><b>Clause 39 - Where document contains inaccurate personal information.</b></p>	<p><b>Unaltered</b></p>

<p><b>Clause 40 - Third party information.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 41 - Request made to the media.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 42 - Access to information given in good faith.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 43</b></p> <p>Marginal note - Aggrieved person may apply to the High Court for <b>judicial</b> review.</p> <p>subsection (1)</p> <p>For the removal of doubt, a person aggrieved by a decision of the Commissioner of Information under this Act may apply to the High Court for <b>judicial</b> review of the decision.</p> <p>subsection (2)</p> <p>Notwithstanding any other law to the contrary, where an application for <b>judicial</b> review of a decision of the Commissioner of Information under this Act is made to the High Court, that application shall be heard and determined by a Judge in Chambers, unless the Court, with the consent of the parties, directs otherwise.</p> <p>subsection (3)</p>	<p>Marginal note - Aggrieved person may apply to the High Court for review.</p> <p>subsection (1)</p> <p>For the removal of doubt, a person aggrieved by a decision of the Commissioner of Information under this Act may apply to the High Court for review of the decision.</p> <p>subsection (2)</p> <p>Notwithstanding any other law to the contrary, where an application for review of a decision of the Commissioner of Information under this Act is made to the High Court, that application shall be heard and determined by a Judge in Chambers, unless the Court, with the consent of the parties, directs otherwise.</p> <p><b>Unaltered</b></p>

<p><b>Clause 44 - Annual report.</b></p> <p>subsection (1)</p> <p>The Minister shall, as soon as practicable after the end of each year, prepare a report on the operation of this Act during that year and cause a copy of the report to be laid in the National Assembly.</p> <p>subsections (2) and (3)</p>	<p>subsection (1)</p> <p>The Minister shall, as soon as practicable <b>but not later than nine months</b>, after the end of each year, <b>lay</b> a report on the operation of this Act in the National Assembly.</p> <p><b>Unaltered</b></p>
<p><b>Clause 45- Programme for dissemination of information.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 46 – Regulations.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 47- Removal of difficulties.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 48 - Act not in derogation.</b></p>	<p><b>Unaltered</b></p>
<p><b>Clause 49 - Bar of jurisdiction of courts.</b></p> <p>No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.</p>	<p><b>Except where otherwise provided in this Act,</b> no court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.</p>
<p><b>Clause 50 – Penalties.</b></p>	<p><b>Unaltered</b></p>

# APPENDIX V

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2011)**

**MINUTES OF THE  
1<sup>ST</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON  
ACCESS TO INFORMATION BILL 2011 – BILL NO. 10 OF 2011  
HELD ON THURSDAY, 30<sup>TH</sup> JUNE, 2011, IN THE COMMITTEES ROOM NO.2  
(GROUND FLOOR, WEST OF THE MAIN STAIRWAY), PUBLIC BUILDINGS,  
BRICKDAM, GEORGETOWN.**

**MEMBERS OF THE COMMITTEE (9)**

**CHAIRMAN (1)**

The Hon. Hari N. Ramkarran, S.C., M.P., Speaker  
(As Presiding Officer for the election of the Chairman)

**From the People’s Progressive Party/ Civic (PPP/C) (6)**  
**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

The Hon. Samuel A.A. Hinds, M.P.,  
Prime Minister and Minister of Public Works and Communication - (Excused)

The Hon. Dr. Leslie S. Ramsammy, M.P.,  
Minister of Health

The Hon. Manzoor Nadir, M.P.,  
Minister of Labour

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadick, M.P.

Mr. Mohabir A. Nandlall, M.P.

**From the People’s National Congress Reform- 1 Guyana (PNC-1G) (3)**  
**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

Mrs. Deborah J, Backer, M.P. - (Excused)

Mr. Basil Williams, M.P. - (Absent)

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

**From the Alliance For Change (AFC)**

No nomination was made from the Alliance for Change.

## **Officers**

Ms. Debra H. Cadogan	- Head of Committees Division (Ag)
Ms. Deborah Gray	- Clerk of Committee
Mr. Nickalai Pryce	- Assistant Clerk of Committees

### **ITEM 1: CALL TO ORDER**

- 1.1 The Speaker, as Presiding Officer for the election of a Chairman called the meeting to order at 2.05 p.m.

### **ITEM 2: ANNOUNCEMENT**

#### **2.1 EXCUSES**

- 2.1.1 The Presiding Officer informed Members that the following persons had asked to be excused from the meeting:

- The Hon. Samuel A.A. Hinds, M.P., (Performing the duties of his Excellency the President),
- Mrs. Deborah J. Backer, M.P.

### **ITEM 3: CIRCULATION OF DOCUMENTS**

- 3.1 The following document was circulated prior to the meeting:

- Notice of the 1<sup>st</sup> Meeting.

- 3.2 The following document was circulated at the meeting:

- Copy of the Access to Information Bill 2011- Bill No, 10/ 2011.

### **ITEM 4: ELECTION OF CHAIRMAN OF THE SPECIAL SELECT COMMITTEE ON ACCESS TO INFORMATION BILL 2011 BILL NO. 10 OF 2011.**

#### **4.1 Nomination**

- 4.1.1 The Hon. Speaker invited nominations for a Chairman.

- 4.1.2 Ms. Gail Teixeira, M.P., proposed and the Hon. Dr. Leslie S. Ramsammy, M.P., seconded the nomination of the Hon. Samuel A.A. Hinds, M.P.

- 4.1.3 There being no other nomination, the Hon. Speaker declared the Hon. Samuel A.A. Hinds, M.P., as Chairman of the Committee.

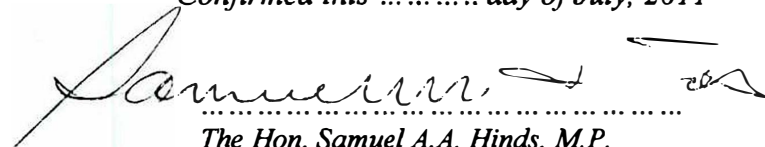
**4.2 Election of a Substitute Chairman**

- 4.2.1 In the absence of the Hon. Samuel A.A. Hinds, M.P., Ms. Gail Teixeira, M.P., proposed and Ms. Bibi S. Shadick, M.P., seconded the nomination of the Hon. Dr. Leslie S. Ramsammy, M.P., as Chairman for the Meeting.
- 4.2.2 Ms. Teixeira, M.P., informed the Committee that she had consulted with the Hon. Prime Minister and due to his unavailability, proposed that the Committee deferred its business to Wednesday, 6<sup>th</sup> July, 2011.
- 4.2.3 The Committee agreed to the proposal.

**ADJOURNMENT**

At 2.10 p.m. the meeting was adjourned to 4.00 p.m. on Wednesday, 6<sup>th</sup> July, 2011.

Confirmed this ...<sup>6<sup>th</sup></sup>..... day of July, 2011



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

Prime Minister and Minister of Public Works and Communication  
Chairman



**THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2011)**

**MINUTES OF THE  
2<sup>ND</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON  
ACCESS TO INFORMATION BILL 2011 – BILL NO. 10 OF 2011  
HELD AT 4:10 P.M.  
ON WEDNESDAY, 6<sup>TH</sup> JULY, 2011  
IN THE COMMITTEES ROOM NO.2 (GROUND FLOOR, WEST OF THE MAIN  
STAIRWAY), PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.**

**MEMBERS OF THE COMMITTEE (9)**

**CHAIRMAN (1)**

**From the People's Progressive Party/ Civic (PPP/C) (6)**

**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

The Hon. Samuel A.A. Hinds, M.P.,  
Prime Minister and Minister of Public Works and Communication

The Hon. Dr. Leslie S. Ramsammy, M.P.,  
Minister of Health

The Hon. Manzoor Nadir, M.P.,  
Minister of Labour

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadick, M.P.

Mr. Mohabir A. Nandlall, M.P.

**From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)**

**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

Mrs. Deborah J, Backer, M.P.

Mr. Basil Williams, M.P.

Mr. Aubrey Norton, M.P.

**From the Alliance For Change (AFC)**

No nomination was made from the Alliance for Change.

**Officers**

Ms. Deborah Gray

- Clerk of Committee

Mrs. Savitah D'Andrade

- Assistant Clerk of Committees

**ITEM 1: CALL TO ORDER**

- 1.1 The Chairman called the meeting to order at 4.10 p.m. and welcomed Members of the Committee.

**ITEM 2: CIRCULATION OF DOCUMENTS**

- 2.1 The following documents were circulated prior to the meeting:
- Notice of the 2<sup>nd</sup> Meeting dated the 30<sup>th</sup> June, 2011; and
  - Minutes of the 1<sup>st</sup> Meeting held on the 30<sup>th</sup> June, 2011.

**ITEM 3: CORRECTION AND CONFIRMATION OF MINUTES OF THE 1<sup>ST</sup> MEETING HELD ON 30<sup>TH</sup> JUNE, 2011**

**3.1 Confirmation:**

- 3.1.1 There being no correction, the Minutes were confirmed, on a motion moved and seconded by Ms. Bibi S. Shadick, M.P. and Mrs. Deborah J. Backer, M.P., respectively.

**ITEM 4: TO CONSIDER THE METHODOLOGY, TIME AND DATE OF THE COMMITTEE'S PROCEEDINGS**

**4.1 Methodology:**

- 4.1.1 The Chairman, in his opening remarks, noted that the Bill was sent to the Select Committee after its first reading and stated that it was the Government's hope to have it completed within a 2 – 3 week period, in time to have it debated in the Parliament before the commencement of the recess.
- 4.1.2 He expressed the hope that the Committee in its deliberations, would focus on having a common understanding of the Bill to avoid major differences during its second reading. Suggestions were thereafter sought from Members with regard to an appropriate *modus operandi* to direct the Committee's discussions.
- 4.1.3 Mr. Norton considered it unfortunate that the Government saw it necessary to hasten the passing of the Bill in such a short time and posited that such action would defy the intention of the Select Committee. He emphasized that if the Committee were to adopt such a speedy approach, in his view the process would be undemocratic.

- 4.1.4 Mr. Williams suggested that, as is the protocol among other Select Committees, Members of the Public should be invited by way of advertisement, to make submissions.
- 4.1.5 In addition, Mrs. Backer stated that the over-arching purpose of the Committee should not be to have the Bill completed before the end of a particular Parliament, but rather to secure as much participation from the public whom she felt were the main beneficiaries of the Bill.
- 4.1.6 The Chairman and other Members of the Government side acknowledged the comments from the Members of the Opposition and after further discussion, the Committee agreed to the following:
- An advertisement would be placed in the Press and on the Parliament Office's Facebook account inviting submissions from the public on or before Monday, 18<sup>th</sup> July, 2011;
  - The Bill would be made available to members of the public via the Parliament Office's website;
  - Copy of draft advertisement to be circulated among Members on Thursday, 7<sup>th</sup> July, 2011, for their perusal prior to its publication;
  - The Committee to meet on Friday, 8<sup>th</sup> July, 2011, to begin discussions on the Bill.

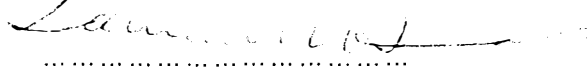
## 4.2 **Scheduled meetings:**

- 4.2.1 The Committee agreed that it would decide on a suitable time to meet, after its meeting on Friday, 8<sup>th</sup> July, 2011.

## **ADJOURNMENT**

At 5.05 p.m. the meeting was adjourned to Friday, 8<sup>th</sup> July, 2011, at 3.00 p.m.

*Confirmed this ..... day of July, 2011*



*The Hon. Samuel A.A. Hinds, M.,  
Prime Minister and Minister of Public Works and Communication,  
Chairman*

THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2011)

MINUTES OF THE  
3<sup>RD</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON  
ACCESS TO INFORMATION BILL 2011 – BILL NO. 10 OF 2011  
HELD AT 3.15 P.M.  
ON FRIDAY, 8<sup>TH</sup> JULY, 2011  
IN THE COMMITTEE ROOM NO.1, PUBLIC BUILDINGS, BRICKDAM,  
GEORGETOWN.

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

**From the People's Progressive Party/ Civic (PPP/C) (6)**

**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

The Hon. Samuel A.A. Hinds, M.P.,  
Prime Minister and Minister of Public Works and Communication

The Hon. Dr. Leslie S. Ramsammy, M.P.,  
Minister of Health

The Hon. Manzoor Nadir, M.P.,  
Minister of Labour

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadick, M.P.

Mr. Mohabir A. Nandlall, M.P.

**From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)**

**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

Mrs. Deborah J, Backer, M.P.

Mr. Basil Williams, M.P.

Mr. Aubrey Norton, M.P. - Absent

**From the Alliance For Change (AFC) (1)**

**(Nominated by the Committee of Selection on 7<sup>th</sup> July, 2011)**

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

**Officers**

Ms. Deborah Gray - Clerk of Committee  
Mrs. Savitah D'Andrade - Assistant Clerk of Committees

**In Attendance:**

Mr. Cecil Dhurjon

- Chief Parliamentary Counsel

**ITEM 1: CALL TO ORDER**

- 1.1 The Chairman called the meeting to order at 3.15 p.m. and welcomed Members of the Committee.

**ITEM 2: ANNOUNCEMENT**

- 2.1 The Chairman announced that the following activities were done in keeping with the committee's decision:
- (i) Copy of Access to Information Bill 2011- Bill 10 of 2011 was posted on the Parliament Office website;
  - (ii) Advertisement inviting members of the public to forward their written or oral submission was sent to the various media houses for publications (from the 9<sup>th</sup> to 18<sup>th</sup> July, 2011); and
  - (iii) Posting of advertisement on the Parliament Office facebook account for comments/ views by members of the public.

**ITEM 3: CIRCULATION OF DOCUMENTS**

- 3.1 The following documents were circulated prior to the meeting:
- Notice of the 3<sup>rd</sup> Meeting dated the 7<sup>th</sup> July, 2011; and
  - Minutes of the 2<sup>nd</sup> Meeting held on the 6<sup>th</sup> July, 2011.

**ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF THE 2<sup>ND</sup> MEETING HELD ON 6<sup>TH</sup> JULY, 2011**

**4.1 Confirmation:**

- 4.1.1 There being no correction, the Minutes were confirmed, on a motion moved and seconded by Ms. Bibi S. Shadick, M.P. and the Hon. Minister Ramsammy, M.P., respectively.

**ITEM 5: CONSIDERATION OF THE ACCESS TO INFORMATION BILL 2011 (BILL NO. 10 OF 2011)**

**5.1 Consideration**

5.1.1 The Committee commenced consideration of the Bill Clause by Clause.

**5.2 CLAUSE 1**

5.2.1 Clause *1* was *accepted as presented*.

**5.3 CLAUSE 2 - INTERPRETATION**

5.3.1 The Committee agreed to *defer* the interpretation for the following to the next meeting:

- “official documents” on page 5
- “public authority” on page 7.

**5.3.2 Page 8 - right of access to information**

5.3.2.1 Substitution of the following for the paragraph:

*“obtain information in any digital or electronic mode or through printouts where such information is stored in a computer or in any other similar device”.*

**5.4 CLAUSE 3 - OBJECT OF THE ACT**

5.4.1 Subsection *1* and *2* were *accepted as presented*.

**5.5 CLAUSE 4 – APPLICATION OF THE ACT**

**5.5.1 Subsection 1**

5.5.1.1 Paragraph *a* was *accepted as presented*.

5.5.1.2 Paragraph *b*: The following amendment was made:  
Substitution of the word “*until*” for the word “*unless*”

5.5.2 Subsection *2* was *accepted as presented*.

5.5.3 Thereafter, Clause *4* was *accepted as amended*.

**PART II – COMMISSIONER OF INFORMATION**

**5.6 CLAUSE 5 – Commissioner of Information**

**5.6.1. Subsection (1)**

5.6.1.1 The Committee *deferred* consideration of the above subsection.

5.6.2 Subsections *2* to *4* were *accepted as presented*.

**5.7 CLAUSE 6 - REMOVAL OF THE COMMISSIONER OF INFORMATION**

**5.7.1 Subsection (1)**

5.7.1.1 Paragraphs *a*, *b*, and *e* were *accepted as presented*.

5.7.2 Paragraph *c* was *deferred* for consideration.

5.7.3 Paragraph *d*, deletion of the words “**in the opinion of the President**”, before the word “**uplift**” in line 1

5.7.4 Subsection *2* was *accepted as presented*.

**5.8 CLAUSE 7 – POWER OF THE COMMISSIONER OF INFORMATION**

5.8.1 Paragraph *a*, sub-paragraphs *i* to *v* were *accepted as presented*.

5.8.2 Paragraph *b* was *deferred* for consideration at the next meeting.

5.8.3 Paragraphs *c* to *f* were *accepted as presented*.

**PART III**

**5.9 CLAUSE 8 – PUBLICATION OF CERTAIN DOCUMENTS AND INFORMATION**

5.9.1 Subsections *1* to *3* were *accepted as presented*.

- 5.10**            **CLAUSE 9 – CATEGORIES OF DOCUMENTS TO BE AVAILABLE FOR INSPECTION AND PURCHASE**
- 5.10.1          Subsections *1* to *5* were *accepted as presented*.
- 5.10.2          Subsection *6* was *deferred* for consideration at the next meeting.
- 5.11**            **CLAUSE 10 – STATEMENT OF POSSESSION OF CERTAIN DOCUMENTS TO BE PUBLISHED**
- 5.11.1          Subsections *1* to *3* were *accepted as presented*.
- 5.12**            **CLAUSE 11 – PERSON TO APPLY COMMISSIONER OF INFORMATION WHERE PUBLISHED STATEMENT DOES NOT SPECIFY A DOCUMENT OR CATEGORIES OF DOCUMENTS**
- 5.12.1          Subsections *1* to *3* were *accepted as presented*.

**ADJOURNMENT**

At 5.05 p.m. the meeting was adjourned to Wednesday, 13<sup>th</sup> July, 2011, at 1.30 p.m.

*Confirmed this ...<sup>th</sup> day of July, 2011*



*The Hon. Samuel A.A. Hinds, M.P.  
Prime Minister and Minister of Public Works and Communication,  
Chairman*



THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2011)

MINUTES OF THE  
4<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON  
ACCESS TO INFORMATION BILL 2011 – BILL NO. 10 OF 2011  
HELD AT 1.35 P.M.  
ON WEDNESDAY, 13<sup>TH</sup> JULY, 2011  
IN THE COMMITTEE ROOM NO.2, (GROUND FLOOR, WEST OF THE MAIN  
STAIRWAY), PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

**From the People's Progressive Party/ Civic (PPP/C) (6)**

(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)

The Hon. Samuel A.A. Hinds, M.P.,  
Prime Minister and Minister of Public Works and Communication

The Hon. Dr. Leslie S. Ramsammy, M.P.,  
Minister of Health

The Hon. Manzoor Nadir, M.P.,  
Minister of Labour

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadick, M.P.

Mr. Mohabir A. Nandlall, M.P. - (Excused)

**From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)**

(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)

Mrs. Deborah J. Backer, M.P.

Mr. Basil Williams, M.P. - (Excused)

Mr. Aubrey Norton, M.P.

**From the Alliance For Change (AFC) (1)**

(Nominated by the Committee of Selection on 7<sup>th</sup> July, 2011)

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

**Officers**

Ms. Deborah Gray - Clerk of Committee  
Mrs. Savitah D' Andrade - Assistant Clerk of Committees  
Tracy Armstrong - Assistant Clerk of Committees

**ITEM 1: CALL TO ORDER**

- 1.1 The Chairman called the meeting to order at 1.35 p.m. and welcomed Members of the Committee.

**ITEM 2: ANNOUNCEMENT**

**2.1 EXCUSES**

- 2.1.1 The following Members had asked to be excused from the meeting:

- Mr. Mohabir A. Nandalall, M.P.; and
- Mr. Basil Williams, M.P.

- 2.1.2 An excuse was extended on behalf of the Chief Parliamentary Counsel.

**ITEM 3: CIRCULATION OF DOCUMENTS**

- 3.1 The following documents were circulated prior to the meeting:

- Notice of the 4<sup>th</sup> Meeting dated the 11<sup>th</sup> July, 2011; and
- Minutes of the 3<sup>rd</sup> Meeting held on the 8<sup>th</sup> July, 2011.

- 3.2 The following document was circulated at the meeting:

- Matrix: Changes to Bill at Previous Meeting.

**ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF THE 3<sup>RD</sup> MEETING HELD ON 8<sup>TH</sup> JULY, 2011**

**4.1 Correction:**

**4.1.1 Page 3, paragraph 5.3.1- Clause 2- Interpretation**

- 4.1.2 Insertion of the letter “(j)” after the word “**authority**” in bullet 2.

- 4.1.3 Thereafter, the Minutes were confirmed, as corrected, on a motion, moved and seconded by Ms. Bibi S. Shadick, M.P. and Ms. Deborah J. Backer, M.P., respectively.

**ITEM 5: MATTERS ARISING**

**5.1 Page 2, paragraph 2.1**

5.1.1 The Clerk informed the Committee that the advertisement was “running” in the daily newspapers, as well as the Parliament’s Office facebook, but no responses were received to date.

**ITEM 6: CONITUNATION OF CONSIDERATION OF THE ACCESS TO INFORMATION BILL 2011 (BILL NO. 10 OF 2011)**

**6.1 Consideration:**

6.1.1 The Committee continued consideration of the Bill and the following pertinent issues were raised in relation to the appointment of the “Commissioner of Information”:

- The AFC was not in favor of the “Commissioner of Information”;
- and
- Mr. Norton felt strongly that the position should be more in keeping with a constitutional appointment, which would be free from political directive.

<b>CLAUSE OF PRESENT BILL (As presented)</b>	<b>AMENDMENTS</b>
<b>Clause 1- Short title</b>	<b>Accepted as presented</b>
<p><b>Clause 2 – Interpretation</b> “official document”, page 5</p> <p>“public authority (j)”, page 7</p> <p>Paragraph (d) “obtain information in the form of floppy disks, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other similar device”</p>	<p><b>Deferred to next meeting</b></p> <p><b>Accepted as presented</b></p> <p>“obtain information in any <b>digital</b> or other electronic mode or through printouts where such information is stored in a computer or in any other similar device”</p> <p><i>(The Committee, however, agreed to seek expert advice on the amendment)</i></p>
<p><b>Clause 3 – Object of the Act</b> Subsection (1), paragraphs (a) and (b)</p> <p>Subsection (2)</p>	<p>Interchange paragraph (a) with paragraph (b)</p> <p><b>Accepted as presented</b></p> <p><b>Thereafter, Clause 3 was accepted as amended.</b></p>
<p><b>Clause 5- Commissioner of Information</b> Subsection (1)</p> <p>Subsections (2) to (4)</p>	<p><b>Deferred to next meeting</b></p> <p><b>Accepted as presented</b></p>

<p><b>Clause 6 – Removal of the Commissioner of Information</b>  Subsection (1). paragraphs (a). and (e)</p> <p>Paragraphs (b) and (c)</p> <p>Subsection (2)</p>	<p><b>Accepted as presented</b></p> <p><b>Deferred pending legal interpretation</b></p> <p><b>Accepted as presented</b></p>
<p><b>Clause 7 – Power of the Commissioner of Information</b>  Paragraph (a), sub-paragraphs (i) to (v)</p> <p>Paragraph (b)  “require a public authority to compensate the complainant for <b>any loss or other detriment</b> suffered”</p> <p>Paragraphs (c) to (f)</p>	<p><b>Accepted as presented</b></p> <p>“require a public authority to compensate the complainant for any <b>inconvenience</b> suffered”</p> <p><b>Accepted as presented.</b></p> <p><b>Thereafter, Clause 7 was accepted as amended</b></p>
<p><b>Clause 8 - Publication of Official Gazette by public authority</b>  Subsections (1) to (3)</p>	<p><b>Accepted as presented</b></p>
<p><b>Clause 9 – Categories of documents to be available for inspection and purchase</b>  Subsections (1) to (6)</p>	<p><b>Accepted as presented</b></p>
<p><b>Clause 10 – Statement of possession of certain documents to be published</b>  Subsections (1) to (3)</p>	<p><b>Accepted as presented</b></p>
<p><b>Clause 11- Person to apply to Commissioner of Information where published statement does not specify a document or categories of documents</b>  Subsections (1) to (3)</p>	<p><b>Accepted as presented</b></p>
<p><b>Clause 12- Right of access to information</b>  Subsections (1) and (3)</p> <p>Subsection (2)</p>	<p><b>Accepted as presented</b>  <b>Deferred (pending a formulation by Mr. Norton)</b></p>

<p><b>Clause 13- Classification of official documents and accessibility to certain records</b></p> <p><b>Subsection (1)</b>          “As soon as possible after the commencement of this Act, every public authority shall, as far as practicable, maintain its records duly catalogued, classified and indexed in a manner and form which facilitates the right of access to information under this Act and ensure that all records that are appropriate are computerized within a reasonable time, and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records which are open to access is facilitated”.</p> <p>Subsection (2)</p> <p>Subsections (3), (4) and (5)</p> <p>Subsection (6)</p>	<p>Substitution of the words <b>“where possible”</b> for the words <b>“subject to availability of resources”</b> after the word <b>“and”</b> in line 5.</p> <p><b>Deferred</b> pending “<i>expert</i>” clarification</p> <p><b>Accepted as presented</b></p> <p><b>Deferred (pending advice from the Chief Parliamentary Council)</b></p>
<p><b>Clause 14 – Accessible records and information</b></p> <p>Subsection (1), paragraphs (a) to (i)</p> <p>Paragraph (j)</p> <p>Paragraph (k)</p> <p>Subsections (2) and (3)</p> <p>Subsection (4)</p>	<p><b>Accepted as presented</b></p> <p><b>Deferred to next meeting</b></p> <p><b>Accepted as presented</b></p> <p><b>Accepted as presented</b></p> <p><b>Deferred to next meeting</b></p>
<p><b>Clause 15</b>  <b>Marginal Note:</b>          “Documents exempted from right of access.”</p> <p><b>Clause 15- subsection</b></p> <p>“A person is not entitled to obtain, in accordance with the procedure provided for in this Part, access to-”.</p>	<p><b>“Documents in the public domain”</b></p> <p><b>Deferred to next meeting (to be re-worded)</b></p>

**ITEM 7: NEXT MEETING**

7.1 The Committee agreed to continue consideration of the Bill, as well as review submissions from members of the public and organizations on the Access to Information Bill 2011 – (Bill No. 10 of 2011) at its next meeting. In this regard, the Clerk was requested to circulate such submissions if any, to Members of the Committee.

**ITEM 8: ANY OTHER BUSINESS**

**8.1 Out of jurisdiction:**

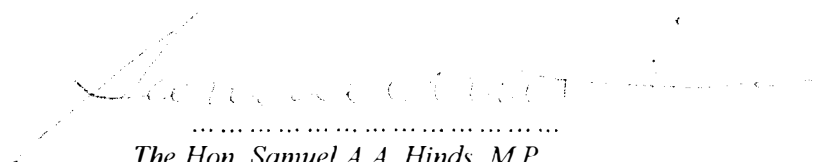
8.1.1 The following Members announced that they would be out of jurisdiction for the next meeting:

- Ms. Bibi S. Shadick, M.P.; and
- Mrs. Deborah J, Backer, M.P.

**ADJOURNMENT**

At 5.05 p.m. the meeting was adjourned to Wednesday, 20<sup>th</sup> July, 2011, at 1.30 p.m.

*Confirmed this ..... day of July, 2011*

  
.....  
*The Hon. Samuel A.A. Hinds, M.P.*  
*Prime Minister and Minister of Public Works and Communication,*  
*Chairman*

THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2011)

MINUTES OF THE  
5<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON  
ACCESS TO INFORMATION BILL 2011 – BILL NO. 10 OF 2011  
HELD AT 1.35 P.M.  
ON WEDNESDAY, 20<sup>TH</sup> JULY, 2011  
IN THE COMMITTEE ROOM NO.2, (GROUND FLOOR,  
WEST OF THE MAIN STAIRWAY), PUBLIC BUILDINGS, BRICKDAM,  
GEORGETOWN.

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

**From the People’s Progressive Party/ Civic (PPP/C) (6)**

**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

The Hon. Samuel A.A. Hinds, M.P.,  
Prime Minister and Minister of Public Works and Communication

The Hon. Dr. Leslie S. Ramsammy, M.P.,  
Minister of Health

The Hon. Manzoor Nadir, M.P., - Absent  
Minister of Labour

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadick, M.P. - Excused

Mr. Mohabir A. Nandlall, M.P. - Excused

**From the People’s National Congress Reform- 1 Guyana (PNC-1G) (3)**

**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

Mrs. Deborah J. Backer, M.P. - Excused

Mr. Basil Williams, M.P.

Mr. Aubrey Norton, M.P.

**From the Alliance For Change (AFC) (1)**

**(Nominated by the Committee of Selection on 7<sup>th</sup> July, 2011)**

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



## **Officers**

Deborah Gray - Clerk of Committee  
Savitah D'Andrade - Assistant Clerk of Committees  
Tracy Armstrong - Assistant Clerk of Committees

## **In Attendance**

Mr. Cecil Dhutjon - Chief Parliamentary Counsel

## **ITEM 1: CALL TO ORDER**

1.1 The Chairman called the meeting to order at 1.35 p.m. and welcomed Members of the Committee.

## **ITEM 2: ANNOUNCEMENTS**

### **2.1 Extension of deadline for advertisement**

2.1.1 The Chairman announced that through a process of “*round robin*” during the sitting of the National Assembly on 14<sup>th</sup> July, 2011, Members of the Committee agreed to extend the deadline for submissions to 21<sup>st</sup> July, 2011. A re-advertisement to this effect was published.

### **2.2. EXCUSES**

2.2.1 The following Members were excused from the meeting:

- Ms. Bibi S. Shadick, M.P.;
- Mr. Mohabir A, Nandalall, M.P.;
- Mrs. Deborah J. Backer, M.P.; and
- Mr. Raphael G.C. Trotman.M.P.

## **ITEM 3: CIRCULATION OF DOCUMENTS**

3.1 The following documents were circulated prior to the meeting:

- Notice of the 5<sup>th</sup> Meeting dated 15<sup>th</sup> July, 2011; and
- Minutes of the 4<sup>th</sup> Meeting held on the 13<sup>th</sup> July, 2011.

3.2 The following document was circulated at the meeting:

- List of deferred Clauses as at the last meeting.

**ITEM 4: CORRESPONDENCE:**

**Incoming:**

- Letter received on Monday, 18<sup>th</sup> July, 2011 from Mr. Dwarka Balkaram re; request for copy of the Access to Information Bill 2011 (Bill No. 10 of 2011).
- Submission dated July 20, 2011, from the Guyana Human Rights Association (GHRA)

**Outgoing:**

- Letter of acknowledgement dated 18<sup>th</sup> July, 2011, to Mr. Dwarka Balkaram with copy of Bill.

**ITEM 5: CORRECTION AND CONFIRMATION OF MINUTES OF THE 4<sup>TH</sup> MEETING HELD ON 13<sup>TH</sup> JULY, 2011**

**5.1 Corrections:**

**5.1.1 Page 3, paragraph 6.1.1 - Consideration**

5.1.1.1 Substitution of the word “A” for the word “the” in bullet 1.

**5.1.2 Page 6, Clause 13, Subsection (2)**

5.1.2.1 Deletion of the word “expert” after the word “pending”.

**5.2** Thereafter, the Minutes were confirmed, as corrected, on a motion, moved and seconded by Ms. Ms. Gail Teixeira, M.P. and Mr. Aubrey Norton, M.P., respectively.

**ITEM 6: MATTERS ARISING**

**6.1 Page 3, paragraph 5.1.1**

6.1.1 The Committee noted that at the previous meeting, the observation was made with regards to Members encountered difficulty in accessing the Parliament Office Facebook account. However, the issue was clarified.

**ITEM 7: CONTINUATION OF CONSIDERATION OF THE ACCESS TO INFORMATION BILL 2011 (BILL NO. 10 OF 2011)**

7.1 The Committee continued consideration of the Bill Clause by Clause and agreed to address all deferrals upon completion of its considerations. The following amendments were made:

<b>CLAUSE OF PRESENT BILL (As presented)</b>	<b>AMENDMENTS</b>
<p><b>Clause 12- Right of access to information</b> Subsections (1) and (3)</p> <p>Subsection (2)</p>	<p><b>Accepted as presented</b></p> <p><b>Deferred to next meeting</b></p>
<p><b>Clause 13 – Classification of official documents and accessibility to certain records</b> Subsection (1) “As soon as possible after the commencement of this Act, every public authority shall, as far as classified and indexed in a manner and form which facilitates the right of access to information under this Act and ensure that all records that are appropriate are computerized within a reasonable time, and subject to availability of resources computerized and connected through a network all over the country on different systems so that access to such records which are open to access is facilitated”</p> <p>Subsection (2)</p> <p>Subsections (3), (4) and (5)</p>	<p>Substitution of the words <b>“where possible”</b> <b>“and”</b> for the words <b>“subject to availability of resources, computerized and”</b> after the word in line 5.</p> <p><b>Deferred to next meeting (Ms. Teixeira undertook to research the criteria for “top secret, secret, confidential, restricted or general and the information contained in all documents which are classified as genera”)</b></p> <p><b>Accepted as presented</b></p>

<p>Subsection (6)  “Every public authority shall determine the retention period of the records generated or possessed by it and for this purpose prepare a retention schedule, but in no case shall this be less than twenty years”</p>	<p>Insertion of the words “<b>or as prescribed by any other relevant law</b>” after the word “<b>years</b>” in line 3.</p>
<p><b>Clause 14 – Accessible records and information</b>  Subsection (1), paragraphs (a) to (i)</p> <p>Subsection (j)  “a record or information the disclosure which, in the opinion of the head of the public authority, is not in the public interest of the security of any person”</p> <p>Paragraph (k)</p> <p>Subsections (2) and (3)</p> <p>Subsection (4)</p>	<p><b>Accepted as presented</b></p> <p>Deletion of the words “<b>in the opinion of the head of the public authority</b>” after the word “<b>which</b>” in line 1.</p> <p><b>Accepted as presented</b></p> <p><b>Accepted as presented</b></p> <p><b>Deferred to next meeting</b></p>
<p><b>Clause 15 – Documents in the public domain</b>  “A person is not entitled to obtain, in accordance with the procedure provided for in this Part, access to”</p> <p>Paragraphs (a) to (c)</p>	<p>Insertion of the words “<b>may not apply to take the place of a person who</b>” after the word “<b>person</b>” in line 1.</p> <p><b>Accepted as presented.</b>  <b>Thereafter, Clause 15 was accepted as amended</b></p>
<p><b>Clause 16 – Procedure to make request</b></p>	<p><b>Accepted as presented</b></p>
<p><b>Clause 17 – Duty to assist applicant</b></p>	<p><b>Clause 17 was accepted as presented</b></p>

<p><b>Clause 18 – Time limit for determining request</b>  Subsection (1)  “On receipt of a request, the Commissioner of Information shall acknowledge receipt of the request in thirty days from the date of its receipt and advise the applicant if the request is approved or denied in sixty days from the date the request received”</p> <p>Subsections (2) and (3)</p>	<p>Substitution of the word “<b>within</b>” for the word “<b>in</b>” after the word “<b>request</b>” in line 2, and substitution of the word “<b>within</b>” for the word “<b>in</b>” after the word “<b>denied</b>” in line 3.</p> <p><b>Accepted as presented</b></p> <p><b>Thereafter, Clause 18 was accepted as amended.</b></p>
<p><b>Clause 19- Giving of access and deletion of exempt information</b></p>	<p><b>Accepted as presented</b></p>
<p><b>Clause 20 – Form of access to document in printed form or otherwise</b></p>	<p><b>Accepted as presented</b></p>
<p><b>Clause 21 – Fees</b></p>	<p><b>Accepted as presented</b></p>
<p><b>Clause 22 – Deferral of request to access public information</b>  Subsection (1), paragraph (a), sub-paragraphs (i) and (iii)</p> <p>Sub-paragraph (ii)  “for release to the media”</p> <p>Paragraph (b)</p> <p>Subsections (2) and (3)</p>	<p><b>Accepted as presented</b></p> <p><b>Deferred to next meeting (pending a formulation by Mr. Norton)</b></p> <p><b>Accepted as presented</b></p> <p><b>Accepted as presented</b></p>
<p><b>Clause 23 – Procedure where applicant is not entitled to document as requested</b></p>	<p><b>Accepted as presented</b></p>

Clause 24 - Decision in respect of request may be made on behalf of public authority	Accepted as presented
Clause 25 – Requests may be refused in certain cases	Deferred to next meeting

**ITEM 8: REVIEW SUBMISSIONS FROM MEMBERS OF THE PUBLIC AND ORGANIZATIONS ON THE ACCESS TO INFORMATION BILL 2011 – (BILL NO. 10 OF 2011)**

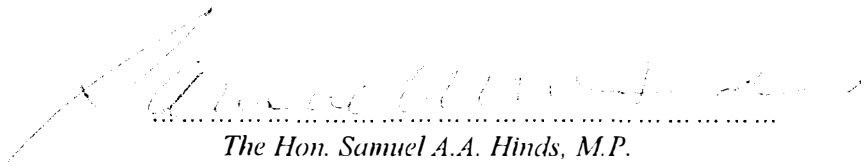
**8.1 In coming submissions:**

8.1.1 The Clerk informed the Committee that two submissions were received and Members agreed to review same at the next meeting.

**ADJOURNMENT**

At 3.50 p.m. the meeting was adjourned to Wednesday, 27<sup>th</sup> July, 2011, at 1.30 p.m.

*Confirmed this ..... day of July, 2011*



*The Hon. Samuel A.A. Hinds, M.P.  
Prime Minister and Minister of Public Works and Communication,  
Chairman*

THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2011)

MINUTES OF THE  
6<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON  
ACCESS TO INFORMATION BILL 2011 – BILL NO. 10 OF 2011  
HELD AT 4.16 P.M.  
ON WEDNESDAY, 27<sup>TH</sup> JULY, 2011  
IN THE COMMITTEE ROOM NO.2, (GROUND FLOOR,  
WEST OF THE MAIN STAIRWAY), PUBLIC BUILDINGS, BRICKDAM,  
GEORGETOWN.

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

**From the People's Progressive Party/ Civic (PPP/C) (6)**

**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

The Hon. Samuel A.A. Hinds, M.P.,  
Prime Minister and Minister of Public Works and Communication

The Hon. Dr. Leslie S. Ramsammy, M.P.,  
Minister of Health

The Hon. Manzoor Nadir, M.P.,  
Minister of Labour

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadick, M.P. - Excused

Mr. Mohabir A. Nandlall, M.P.

**From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)**

**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

Mrs. Deborah J. Backer, M.P. - Excused

Mr. Basil Williams, M.P. - Excused

Mr. Aubrey Norton, M.P. - Excused

**From the Alliance For Change (AFC) (1)**

**(Nominated by the Committee of Selection on 7<sup>th</sup> July, 2011)**

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

## **Officers**

Ms. Jocette Bacchus	- Clerk of Committee
Ms. Savitah D'Andrade	- Assistant Clerk of Committees
Ms. Tracy Armstrong	- Assistant Clerk of Committees

## **In Attendance**

Mr. Cecil Dhurjon	- Chief Parliament Counsel
Ms. Debra Cadogan	- Head of Committees Division (ag)

## **ITEM 1: CALL TO ORDER**

- 1.1 The Presiding Officer called the meeting to order at 4.16 p.m.

## **ITEM 2: ANNOUNCEMENTS**

### **2.1 Election of a Substitute Chairperson**

- 2.1.1 The Clerk informed the Committee that in keeping with Standing Order 94 (4), a substitute Chairperson should be elected. The Hon. Dr. Leslie S. Ramsammy, M.P. was elected Chairperson on a motion moved and seconded by Ms. Gail Teixeira, M.P., and Mr. Mohabir A. Nandalall, M.P., respectively.

### **2.2. EXCUSES**

- 2.2.1 The following Members were excused from the meeting:

- Ms. Bibi S. Shadick, M.P.;
- Mrs. Deborah J. Backer, M.P.;
- Mr. Basil Williams, M.P.; and
- Mr. Aubrey Norton, M.P.

## **ITEM 3: CIRCULATION OF DOCUMENTS**

- 3.1 The following documents were circulated prior to the meeting:

- Notice of the 6<sup>th</sup> Meeting dated 22<sup>nd</sup> July, 2011; and
- Minutes of the 5<sup>th</sup> Meeting held on the 20<sup>th</sup> July, 2011.



3.2

The following documents were circulated at the meeting:

- List of total submissions;
- Submission dated 22<sup>nd</sup> July, 2011 from Mr. Christopher L. Ram, Re: Access to Information Bill 2011;
- Submission dated 27<sup>th</sup> July, 2011 from Mr. C.N. Sharma re: Access to Information Bill 2011; and
- Submission dated 18<sup>th</sup> July, 2011 from Ms. Bibi F. N. Rasool.

**ITEM 4:**

**CORRESPONDENCE:**

**Incoming:**

- Submission dated 18<sup>th</sup> July, 2011 from Ms. Bibi F. N. Rasool;
- Submission dated 18<sup>th</sup> July, 2011 from Ms. Nadia Sagar, President, Transparency Institute of Guyana, Re; Written submissions and requests to give oral evidence on behalf of Transparency Institute Guyana inc;
- Submission dated 20<sup>th</sup> July, 2011 from Mr. Michael McCormack, Co-President, Guyana Human Rights Association;
- Submission dated 21<sup>st</sup> July, 2011 from Mr. Annand Persaud, Editor - in-Chief, Stabroek News, Director of Guyana Publications Inc;
- Submission dated 21<sup>st</sup> July, 2011 from Mr. Jacob Rambarran, Chairman of the Board, Guyana Media Proprietors Association;
- Submission dated 21<sup>st</sup> July, 2011 from Ms. Melinda Janki, Attorney-at- Law. Consultant, De Caires Fitzpatrick and Karran;
- Submission dated 22<sup>nd</sup> July, 2011 from Mr. Christopher L. Ram, Re: Access to Information Bill 2011; and
- Submission dated 27<sup>th</sup> July, 2011 from Mr. C.N. Sharma re; Access to Information Bill 2011.

**Outgoing:**

- NIL

**ITEM 5: CORRECTION AND CONFIRMATION OF MINUTES OF THE 5<sup>TH</sup> MEETING HELD ON 20<sup>TH</sup> JULY, 2011**

**5.1 Correction:**

**5.1.1 Page 7, paragraph 8**

5.1.1.1 Substitution of the word "*Information*" for the word "**Informatiion**" in line2.

**5.2** Thereafter, the Minutes were confirmed, as corrected, on a motion, moved and seconded by Ms. Ms. Gail Teixeira, M.P., and the Hon. Manzoor Nadir, M.P., respectively.

**ITEM 6: MATTERS ARISING**

**6.1 Page 3, paragraph 5.1.1**

6.1.1 Ms. Teixeira, M.P., informed the Committee that the research for the criteria for "top secret, secret, confidential, restricted or general and the information contained in all documents which are classified as general" would be available at the next meeting.

**6.2 Attendance of Chairperson**

6.2.1 At 5.00 p.m the Hon. Samuel A.A. Hinds, M.P., entered the meeting. Thereafter, the Hon. Hinds, M.P., sat as a Member of the Committee and allowed Dr. Ramsammy to continue to function as the Chairperson of the meeting.

**ITEM 7: CONTINUATION OF CONSIDERATION OF THE ACCESS TO INFORMATION BILL 2011 (BILL NO. 10 OF 2011)**

7.1 The Committee continued consideration of the Bill, Clause by Clause and agreed to address all deferrals upon completion of the Bill. The following amendments were made:

<b>CLAUSES OF PRESENT BILL (As presented)</b>	<b>AMENDMENTS</b>
<b>Clause 26 – Grounds for refusal to grant access to public information</b>	<b>Accepted as presented</b>

<p><b>Clause 27 – Cabinet document</b></p>	<p><b>Accepted as presented</b>  This clause was (Accepted as presented) with the agreement that the Committee would examine a case study from Barbados which would be presented by Mr. Trotman, M.P.</p>
<p><b>Clause 28 – Document exempted if containing information likely to prejudice defence of State, etc.</b>  Subsection (1), paragraphs (a) to (b)</p> <p>Paragraph (c)  (c) would be contrary to public interest for a reason mentioned in this section or would be likely to prejudice the lawful activities of the disciplined forces.</p> <p>Subsection (2)</p>	<p><b>Accepted as presented</b></p> <p>Rewording and altering of paragraph (c) to read as follows:</p> <p>(c) “would be likely to prejudice the lawful activities of the disciplined forces”.</p> <p>(d) “would be contrary in any other manner to public interest”.</p> <p><b>Accepted as presented</b></p> <p><b>Thereafter, Clause 28 was accepted as amended.</b></p>
<p><b>Clause 29 – International relations documents</b>  Subsection (1)  “A document is an exempt if disclosure under this Act would be contrary to the public interest and disclosure”</p> <p>Paragraphs (a) to (d)</p> <p>Subsection (2)</p>	<p>Insertion of the word “<b>the</b>” after the word “<b>and</b>” in line 2.</p> <p><b>Accepted as presented</b></p> <p><b>Accepted as presented</b></p> <p><b>Thereafter, Clause 28 was accepted as amended.</b></p>
<p><b>Clause 30 – Internal working documents</b></p>	<p><b>Accepted as presented</b></p>
<p><b>Clause 31 – Law enforcement documents</b></p>	<p><b>Accepted as presented</b></p>

<p><b>Clause 32 – Documents affecting legal proceedings of subject to legal professional privilege</b></p>	<p>Accepted as presented</p>
<p><b>Clause 33 – Documents affecting personal privacy</b> Subsections (1) to (2)</p> <p>Subsection (3) “A document referred to in subsection (1) shall not be released without the consent of the person who is the subject of the information in the document”.</p> <p>Subsections (4) to (6)</p>	<p>Accepted as presented</p> <p>Insertion of the word “<b>notarized</b>” after the word “<b>the</b>” in line 2.</p> <p>Accepted as presented</p> <p>Thereafter, Clause 33 was accepted as amended.</p>
<p><b>Clause 34 – Documents relating to trade secrets</b></p>	<p>Accepted as presented</p>
<p><b>Clause 35 – Documents containing material obtained in confidence</b></p>	<p>Accepted as presented</p>
<p><b>Clause 36 – Documents affecting the economy, commercial affairs and certain documents concerning operations of a public authority</b></p>	<p>Accepted as presented</p>
<p><b>Clause 37 – Documents to which secrecy provisions apply</b></p>	<p>Accepted as presented</p>
<p><b>Clause 38 – Disclosure of exempt document in the public interest</b> “Notwithstanding any law to the contrary, the Commissioner of Information shall give access to exempt document where there is reasonable evidence that significant”</p>	<p>Insertion of the word “<b>other</b>” after the word “<b>any</b>” in line 1.</p>

Paragraphs (a) to (d)	Accepted as presented  Thereafter, Clause 38 was accepted as amended.
Clause 39 – Where document contains inaccurate personal information	Accepted as presented
Clause 40 – Third party information	Accepted as presented
Clause 41 – Request made to the media	Accepted as presented
Clause 42 – Access to information given in good faith	Accepted as presented
Clause 43 – Aggrieved person may apply to the High Court for review Marginal Note: “Aggrieved person may apply to the High Court for judicial review”  Subsections (1) to (2)  Subsection (3), paragraphs (a) to (i)	“Aggrieved person may apply to the High Court for review”  Deletion of the word “judicial” wherever it appeared in the Clause.  Accepted as presented  Thereafter, Clause 43 was accepted as amended.
Clause 44 – Annual Report Subsection (1) “The Minister shall, as soon as practicable after the end of each year prepare a report on the operation of this Act during that year and cause a copy of the report to be laid in the National Assembly”.  Subsections (2) to (3). paragraphs (a) to (i)	Deferred to the next meeting (The Chief Parliamentary Counsel to provide appropriate period).  Accepted as presented
Clause 45 – Programme for dissemination of information	Accepted as presented
Clause 46 – Regulations	Accepted as presented

<b>Clause 47 – Removal of difficulties</b>	<b>Accepted as presented</b>
<b>Clause 48 – Act not in derogation</b>	<b>Accepted as presented</b>
<b>Clause 49 – Bar of jurisdiction of court</b>	<b>Deferred to next meeting</b>
<b>Clause 50 – Penalties</b>	<b>Accepted as presented</b>
<b>Schedule</b>	<b>Accepted as presented</b>

**ITEM 8: REVIEW OF SUBMISSIONS FROM MEMBERS OF THE PUBLIC AND ORGANIZATIONS ON THE ACCESS TO INFORMATION BILL 2011 – (BILL NO. 10 OF 2011)**

**8.1 Incoming submissions:**

8.1.1 The Chairperson informed the Committee about submissions received, dated 22<sup>nd</sup> July, 2011 from Mr. Christopher L. Ram, Re: Access to Information Bill 2011; and submission dated 27<sup>th</sup> July, 2011 from Mr. C.N. Sharma re; Access to Information Bill 2011.

8.1.2 The Committee agreed to disregard the abovementioned submissions due to the fact that they were submitted after the extended deadline: 18<sup>th</sup> July, 2011.

8.1.3 Thereafter, the Clerk was instructed to write the above agencies informing them of the Committee's decision.

**8.2 Submission received from Ms. Bibi Rasool**

8.2.1 Members perused the submission from Ms. Bibi Rasool and agreed to disregard her submission on the grounds that it was not within the purview of the Committee.

8.2.2 The Clerk was then requested to write Ms. Rasool informing her of the Committee's decision on the issue.

**ITEM 9**

**NEXT MEETING**

9.1

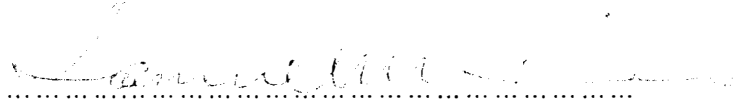
The Committee agreed to:

- (i) continue consideration of the Deferred Clauses at the next meeting; and
- (ii) consider the time to be allocated for oral presentations.

**ADJOURNMENT**

At 6.10 p.m. the meeting was adjourned to Wednesday, 3<sup>rd</sup> August, 2011, at 3.00 p.m.

*Confirmed this ..... day of August, 2011*



*The Hon. Samuel A.A. Hinds, M.P.*  
*Prime Minister and Minister of Public Works and Communication,*  
*Chairman*

THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2011)

MINUTES OF THE  
7<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON  
ACCESS TO INFORMATION BILL 2011 – BILL NO. 10 OF 2011  
HELD AT 3.10 P.M.  
ON WEDNESDAY, 3<sup>RD</sup> AUGUST, 2011  
IN THE COMMITTEE ROOM NO.2, (GROUND FLOOR,  
WEST OF THE MAIN STAIRWAY), PUBLIC BUILDINGS, BRICKDAM,  
GEORGETOWN.

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

**From the People's Progressive Party/ Civic (PPP/C) (6)**

**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

The Hon. Samuel A.A. Hinds, M.P.,  
Prime Minister and Minister of Public Works and Communication

The Hon. Dr. Leslie S. Ramsammy, M.P.,  
Minister of Health

The Hon. Manzoor Nadir, M.P.,  
Minister of Labour

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadick, M.P.

Mr. Mohabir A. Nandlall, M.P.

**From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)**

**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

Mrs. Deborah J. Backer, M.P.

Mr. Basil Williams, M.P.

Mr. Aubrey Norton, M.P.

**From the Alliance For Change (AFC) (1)**

**(Nominated by the Committee of Selection on 7<sup>th</sup> July, 2011)**

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



## **Officers**

Ms. Jocette Bacchus - Clerk of Committees  
Ms. Savitah D'Andrade - Assistant Clerk of Committees  
Ms. Tracy Armstrong - Assistant Clerk of Committees

## **In Attendance**

Mr. Cecil Dhurjon - Chief Parliamentary Counsel

## **ITEM 1: CALL TO ORDER**

1.1 The Chairman called the meeting to order at 3.10 p.m.

## **ITEM 2: CIRCULATION OF DOCUMENTS**

2.1 The following documents were circulated prior to the meeting:

- Notice of the 7<sup>th</sup> Meeting dated 29<sup>th</sup> July, 2011;
- Minutes of the 6<sup>th</sup> Meeting held on the 27<sup>th</sup> July, 2011; and
- Matrix of Deferred Clauses

2.2 The following document was circulated at the meeting:

- Draft Schedule for Presentation

## **ITEM 3: CORRESPONDENCE:**

### **Incoming:**

- NIL

### **Outgoing:**

- (i) Letter dated 29<sup>th</sup> July, 2011 to Ms. Bibi F. N. Rasool re: Refusal to Accept Submission;
- (ii) Letter dated 29<sup>th</sup> July, 2011 to Mr. C. N. Sharma, Managing Director, CNS Coprporated re: Refusal to Accept Late Submission; and

- (iii) Letter dated 29<sup>th</sup> July, 2011 to Mr. Christopher L. Ram re:  
Submission on the Access to Information Bill 2011.

**ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF THE  
6<sup>TH</sup> MEETING HELD ON 29<sup>TH</sup> JULY, 2011**

**4.1 Corrections:**

**4.1.1** At this point, Mr. Norton expressed his disapproval in the change in the time of the meeting without the consensus of Members of the Opposition.

4.1.1.1 Ms. Teixeira recapulated the events which occurred, thus forcing the Chairman to request the change in the time of the meeting.

4.1.1.2 It was also pointed out that all efforts to contact some Members of the Opposition, including Mr. Norton proved futile.

4.1.1.3 The Committee noted the concerns expressed by Members of the Opposition.

**4.1.2 Page 2 – In attendance**

4.1.2.1 Substitution of the words “**Chief Parliamentary Counsel**” for the words “**Chief Parliament Counsel**”

**4.1.3 Page 4**

4.1.3.1 Insertion of new paragraph “**6.3**” after “**paragraph 6.2.1**”, to read as follows:

“After Clause 38 was considered, Mr. Raphael G.C. Trotman, M.P., excused himself from the meeting. Thereafter, the Committee continued consideration of the Bill, Clause by Clause”.

**4.1.4 Page 5, Clause 27 – Cabinet document**

4.1.4.1 Substitution of letter “**a**” for letter “**A**” in line 1.

**4.1.5 Clause 29 - International relations documents**

4.1.5.1 Insertion of the word “**document**” after the word “**exempt**” in line 1.

**4.1.6 Clause 29**

4.1.6.1 Substitution of the number “**29**” for the number “**28**”.

**4.1.7 Page 8, paragraph 8.1.1 – Incoming submissions**

4.1.7.1 Restructuring of the paragraph to read as follows:

“The Chairperson informed the Committee about submissions received on the 25<sup>th</sup> July, 2011, dated 22<sup>nd</sup> July, 2011 from Mr. Christopher L. Ram, Re: Access to Information Bill 2011; and submission received on the 27<sup>th</sup> July, 2011, dated 27<sup>th</sup> July, 2011 from Mr. C.N. Sharma Re: Access to Information Bill 2011.

**4.1.8 Page 8, paragraph 8.1.2**

4.1.8.1 Substitution of “21<sup>st</sup>” for “18<sup>th</sup>” in line 2.

4.1.9 Thereafter, the Minutes were confirmed, as corrected, on a motion moved and seconded by Ms. Gail Teixeira, M.P., and the Hon. Dr. Leslie S. Ramsammy, M.P., respectively.

**ITEM 5: MATTERS ARISING**

**5.1 Page 4, paragraph 5.1.1**

5.1.1 Ms. Teixeira, M.P., informed the Committee that she had consulted with the Public Service Ministry and was still researching the criteria for “top secret, secret, confidential, restricted or general and the information contained in all documents which are classified as general”.

**5.2 Page 5, Clause 27**

5.2.1 Mr. Trotman, M.P., informed the Committee that the “case study from Barbados” would be available by the 4<sup>th</sup> August, 2011 and would be forwarded to the Committee Division for circulation to Members.

**5.3 Page 8, paragraph 8.1 – Review of Submissions from Members of the Public and Organizations on the Access to Information Bill 2011 ( Bill No. 10 of 2011)**

5.3.1 Members of the Opposition fervently advocated the acceptance of late submissions from Mr. Christopher L. Ram and Mr. C.N. Sharma, respectively, since the Committee had not commenced consideration of the submissions received. They also opined that the period for submissions from Members of the public should be further extended in an effort to facilitate those agencies/ individuals who were desirous of submitting their submissions after the extended deadline.

5.3.2 Members of the Government were of the view that the period for written submissions should not be further extended since all Members had previously agreed to an extended deadline of 21<sup>st</sup> July, 2011. They further opined that the late submissions from Mr. Christopher L. Ram and Mr. C.N. Sharma, respectively, should be disallowed since both individuals had ample time to make their submissions.

5.3.3 The Committee deliberated, after which Members agreed to the following:

- To further extend the deadline for written submissions to 10<sup>th</sup> August, 2011;
- To republish the advertisement for written submissions in the print media and on the Parliament Office’s Facebook fan page; and
- To accept the late submissions from Mr. Christopher L. Ram and Mr. C. N. Sharma.

**ITEM 6: CONTINUATION OF CONSIDERATION OF THE ACCESS TO INFORMATION BILL 2011 (BILL NO. 10 OF 2011)**

6.1 The Committee continued consideration of the Deferred Clauses. The following amendments were made:

<b>CLAUSES OF PRESENT BILL (As presented)</b>	<b>AMENDMENTS</b>
<b>Clause 2 – Interpretation</b> “Official document”, page 5	<b>Deferred to the next meeting.</b>
<b>Clause 5- Commissioner of Information</b> <i>Subsections (1), (3) and (4)</i>	<b>Deferred to the next meeting.</b>
<b>Clause 6-Removal of Commissioner of Information</b> <i>Subsection (1), paragraphs (b) and (c)</i>	<b>Deferred to the next meeting. (Chief Parliamentary Counsel to formulate an amendment to paragraph (c) or a new paragraph.</b>

<p><b>Clause 9 – Categories of documents to be available for inspection and purchase</b></p> <p>Subsection (6)</p>	<p><b>Accepted as presented.</b></p>
<p><b>Clause 12- Rights of access to information</b></p> <p><i>Subsection (2)</i></p>	<p><b>Deferred to the next meeting (pending a formulation by Mr. Norton, M.P.).</b></p>
<p><b>Clause 13-Classification of official documents and accessibility to certain records</b></p> <p><i>Subsection (2)</i></p>	<p><b>Deferred to the next meeting.</b></p>
<p><b>Clause 14- Accessible records and information</b></p> <p><i>Subsection (4)</i></p>	<p><b>Deferred to the next meeting.</b></p>
<p><b>Clause 15- Documents in the public domain</b></p> <p>“A person is not entitled to obtain, in accordance with the procedure provided for in this Part, access to-”</p>	<p><b>“A person may not apply, under this Act for access to, in accordance with the procedure provided in this Part, access to-”</b></p> <p><b>Deferred to the next meeting.</b></p>
<p><b>Clause 22-Deferral of request</b></p> <p><i>Subsection (1), paragraph (a), sub-paragraph (ii)</i></p>	<p><b>Deferred to the next meeting.</b></p>
<p><b>Clause 25-Requests may be refused in certain cases</b></p>	<p><b>Deferred to the next meeting.</b></p>
<p><b>Clause 44- Annual report</b></p> <p><i>Subsection (1)</i></p>	<p><b>Deferred to the next meeting.</b></p>

Clause 49- Bar of jurisdiction of courts	Deferred to the next meeting.
--	-------------------------------

**ITEM 7:                    CONSIDERATION OF THE METHODOLOGY FOR ORAL PRESENTATIONS ON THE ACCESS TO INFORMATION BILL 2011 – (BILL NO. 10 OF 2011)**

7.1.                    The Committee deferred consideration of the Methodology for oral presentations on the Access to Information Bill 2011 to the next meeting.

**ITEM 8                    ANY OTHER BUSINESS**

**8.1                    Circulation of Documents**

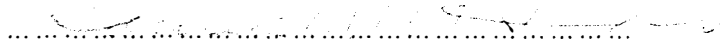
8.1.1                Members of the Opposition suggested that, in future, documents circulated at the meeting should be sent to those Members who were absent.

8.1.2                The Committee agreed to accept the Opposition's suggestion.

**ADJOURNMENT**

At 5.08 p.m. the meeting was adjourned to Monday, 8<sup>th</sup> August, 2011, at 3.00 p.m.

*Confirmed this ..... day of August, 2011*



*The Hon. Samuel A.A. Hinds, M.P.  
Prime Minister and Minister of Public Works and Communication,  
Chairman*

THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2011)

MINUTES OF THE  
8<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON  
ACCESS TO INFORMATION BILL 2011 – BILL NO. 10 OF 2011  
HELD AT 3.10 P.M.  
ON MONDAY, 8<sup>TH</sup> AUGUST, 2011  
IN THE COMMITTEE ROOM NO. 2, (GROUND FLOOR,  
WEST OF THE MAIN STAIRWAY), PUBLIC BUILDINGS, BRICKDAM,  
GEORGETOWN.

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

**From the People's Progressive Party/ Civic (PPP/C) (6)**

**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

The Hon. Samuel A.A. Hinds, M.P.  
Prime Minister and Minister of Public Works and Communication

The Hon. Dr. Leslie S. Ramsammy, M.P.  
Minister of Health

The Hon. Manzoor Nadir, M.P.  
Minister of Labour

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadick, M.P.

Mr. Mohabir A. Nandlall, M.P. - Absent

**From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)**

**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

Mrs. Deborah J. Backer, M.P.

Mr. Basil Williams, M.P. - Excused

Mr. Aubrey Norton, M.P. - Absent

**From the Alliance For Change (AFC) (1)**

**(Nominated by the Committee of Selection on 7<sup>th</sup> July, 2011)**

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

## **Officers**

Ms. Jocette Bacchus - Clerk of Committees  
Ms. Savitah D'Andrade - Assistant Clerk of Committees  
Ms. Tracy Armstrong - Assistant Clerk of Committees

## **In Attendance**

Mr. Cecil Dhurjon - Chief Parliamentary Counsel

## **ITEM 1: CALL TO ORDER**

1.1 The Chairman called the meeting to order at 3.10 p.m.

## **ITEM 2: CIRCULATION OF DOCUMENTS**

2.1 The following documents were circulated prior to the meeting:

- Notice of the 8<sup>th</sup> Meeting dated 5<sup>th</sup> August, 2011;
- Minutes of the 7<sup>th</sup> Meeting held on the 3<sup>rd</sup> August, 2011; and
- Matrix of Deferred Clauses.

## **ITEM 3: CORRESPONDENCE:**

### **Incoming:**

- Letter dated 4<sup>th</sup> August, 2011 from Mr. Christopher L. Ram re: Access to Information Bill.

### **Outgoing:**

- Letter dated 4<sup>th</sup> August, 2011 to Mr. Christopher L. Ram; and  
- Letter dated 4<sup>th</sup> August, 2011 to Mr. C. N. Sharma, Managing Director, CNS Incorporated.



**ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF THE  
7<sup>TH</sup> MEETING HELD ON 3<sup>RD</sup> AUGUST, 2011**

**4.1 Corrections:**

**4.1.1 Page 2, paragraph 3, bullet (ii)**

4.1.1.1 Substitution of the word **“Incorporated”** for the word **“Corprporated”** in line 3.

**4.1.2 Page 3– paragraph 3, bullet (iii)**

4.1.2.1 Insertion of the words **“Refusal to Accept Late”** after the word **“Ram”** in line 1.

**4.1.3 Paragraph 4.1.1.1**

4.1.3.1 Substitution of the word **“recalled”** for the word **“recapsulated”** in line 1.

**4.1.4 Page 5**

4.1.4.1 Insertion of new paragraph **“5.3.3”** after **paragraph “5.3.2”**, to read as follows:

“The Government subsequently proposed and Members concurred to do the following.”

**4.1.5 Page 6, Clause 15 – Documents in the public domain**

4.1.5.1 Deletion of the words **“in accordance with the procedure provided in this Part, access to”** after the word **“obtain”**.

**4.1.6** Thereafter, the Minutes were confirmed, as corrected, on a motion moved and seconded by the Hon. Manzoor Nadir, M.P., and Ms. Bibi Shadick, M.P., respectively.

**ITEM 5: MATTERS ARISING**

**5.1 Page 5, paragraph 5.3.4**

5.1.1 In response to a query, the Clerk informed the Committee that the letters were sent to Mr. Christopher L. Ram and Mr. C.N. Sharma re: Acceptance of late submissions.

**ITEM 6: CONTINUATION OF CONSIDERATION OF THE ACCESS TO INFORMATION BILL 2011 (BILL NO. 10 OF 2011)**

6.1 The Committee continued consideration of the Deferred Clauses. The following amendments were made:

<p align="center"><b>CLAUSES OF PRESENT BILL (As presented)</b></p>	<p align="center"><b>AMENDMENTS</b></p>
<p><b>Clause 2 – Interpretation</b> “Official document”, page 5</p>	<p><b>Deferred to the next meeting.</b></p>
<p><b>Clause 5- Commissioner of Information</b> <i>Subsection (1)</i> <i>Subsection (3)</i> <i>Subsection (4)</i> <b>(4)</b> “The Minister shall provide the Commissioner of Information with such officers and employees as may be necessary for the efficient discharge of the functions of the Commissioner under this Act, <b>and</b> the salaries and allowances payable to, and the other terms and conditions of service of, the Commissioner of Information and other officers and employees appointed for the purpose of this Act shall be such as may be determined by the Minister”.</p>	<p><b>Deferred to the next meeting.</b> <b>Accepted as presented.</b>  Deletion of the word “<b>and</b>” after the word Act, in line 3.  <b>(4)</b> “The Minister shall provide the Commissioner of Information with such officers and employees as may be necessary for the efficient discharge of the functions of the Commissioner under this Act. Insertion of a new <b>subsection (5)</b> to read as follows: <b>(5) “The salaries and allowances payable to, and the other terms and conditions of service of, the officers and employees appointed for the purpose of this Act shall be such as may be determined by the Minister.”</b></p>

<p><b>Clause 6 - Removal of Commissioner of Information</b></p> <p><i>Subsection (1), paragraph (b)</i></p> <p>“has been convicted of an offence which, <b>in the opinion of the President</b>, involves moral turpitude”</p> <p><i>Paragraph (c)</i></p> <p>“engages during his term of office in any paid employment outside the duties of his office”</p> <p><i>Paragraphs (d) and (e)</i></p> <p>“(d) is, unfit to continue in office by reason of infirmity of mind or body; or”</p> <p>“(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as Commissioner of Information”.</p>	<p>Deletion of the words “<b>in the opinion of the President</b>”</p> <p><b>“has been convicted of an offence which, involves moral turpitude”</b></p> <p><b>Deletion of paragraph (c)</b></p> <p><b>Paragraphs (d) and (e) were then renumbered accordingly to read:</b></p> <p>“(c) is, unfit to continue in office by reason of infirmity of mind or body; or”</p> <p><b>(d) had or</b> has acquired such financial or other interest as is likely to affect prejudicially his functions as Commissioner of Information.</p> <p><b>Thereafter, Clause 6 was accepted as amended.</b></p>
<p><b>Clause 12- Rights of access to information</b></p> <p><i>Subsection (2)</i></p>	<p><b>Deferred to the next meeting (pending a formulation by Mr. Norton, M.P.)</b></p>

<p><b>Clause 13-Classification of official documents and accessibility to certain records</b></p> <p><i>Subsection (1)</i> As soon as possible after the commencement of this Act, every public authority shall, as far as practicable, maintain its records duly catalogued, classified and indexed in a manner and form which facilitates the right of access to information under this Act and ensure that all records that are appropriate are computerised within a reasonable time, and <b>subject to availability of resources computerised and</b> connected through a network all over the country on different systems so that access to such records which are open to access is facilitated.</p> <p><i>Subsection (2)</i></p>	<p>As soon as possible after the commencement of this Act, every public authority shall, as far as practicable, maintain its records duly catalogued, classified and indexed in a manner and form which facilitates the right of access to information under this Act and ensure that all records that are appropriate are computerised within a reasonable time, and <b>where possible</b>, connected through a network all over the country on different systems so that access to such records which are open to access is facilitated.</p> <p><b>Deferred to the next meeting (pending Ms. Teixeira's, research)</b></p>
<p><b>Clause 14 – Accessible records and information</b> Subsection (4)</p>	<p><b>Accepted as presented.</b></p> <p><b>Thereafter, Clause 14 was accepted as presented.</b></p>
<p><b>Clause 15- Documents otherwise available</b> <b>Marginal Note</b> “Documents in the public domain”</p>	<p><b>“Documents otherwise available”</b> <b>Thereafter, Clause 15 was accepted as amended.</b></p>

<p><b>Clause 22-Deferral of request</b>  <i>Subsection (1), paragraph (a), sub-paragraph (ii)</i></p>	<p><b>Accepted as presented</b></p>
<p><b>Clause 25-Requests may be refused in certain cases</b></p>	<p><b>Deferred to the next meeting.</b></p>
<p><b>Clause 44- Annual report</b>  <i>Subsection (1)</i>          “The Minister shall, as soon as practicable after the end of each year, <b>prepare</b> a report on the operation of this Act <b>during that year and cause a copy of the report to be laid</b> in the National Assembly <b>but not later than nine months</b>”</p>	<p><i>“The Minister shall, as soon as practicable, <b>but not later than nine months</b>, after the end of each year, lay a report on the operation of this Act in the National Assembly.”</i></p> <p><i>Thereafter, Clause 44 was accepted as amended.</i></p>
<p><b>Clause 49- Bar of jurisdiction of courts</b></p> <p>“No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act”.</p>	<p>Insertion of the words “<b>Except where otherwise provided in this Act</b>, before the word “no” to read as follow:</p> <p>“<b>Except where otherwise provided in this Act</b>, no court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act”.</p> <p><b>Thereafter, Clause 49 was accepted as amended.</b></p>

**ITEM 7: CONSIDERATION OF THE METHODOLOGY FOR ORAL PRESENTATIONS ON THE ACCESS TO INFORMATION BILL 2011 – (BILL NO. 10 OF 2011)**

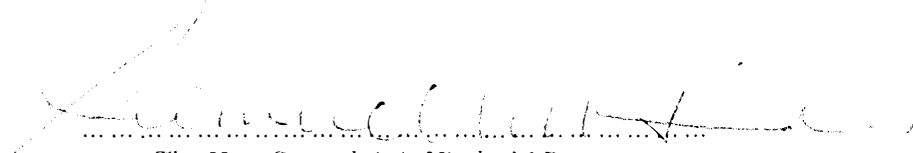
7.1. The Committee agreed to meet on Wednesday, 10<sup>th</sup> August, 2011 to review the submissions received, to date, on the Access to Information Bill 2011.

7.1.1 The Committee decided to invite representatives, who were desirous of giving oral testimony, in addition to their written submissions, to make their presentations on Monday, 15<sup>th</sup> August, 2011.

**ADJOURNMENT**

At 5.15 p.m. the meeting was adjourned to Wednesday, 10<sup>th</sup> August, 2011, at 3.00 p.m.

*Confirmed this ..... day of August, 2011*



*The Hon. Samuel A.A. Hinds, M.P.  
Prime Minister and Minister of Public Works and Communication,  
Chairman*

THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2011)

MINUTES OF THE  
9<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON  
ACCESS TO INFORMATION BILL 2011 – BILL NO. 10 OF 2011  
HELD AT 3.10 P.M.  
ON WEDNESDAY, 10<sup>TH</sup> AUGUST, 2011  
IN THE COMMITTEE ROOM NO. 2, (GROUND FLOOR,  
WEST OF THE MAIN STAIRWAY), PUBLIC BUILDINGS, BRICKDAM,  
GEORGETOWN.

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

**From the People's Progressive Party/ Civic (PPP/C) (6)**

**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

The Hon. Samuel A.A. Hinds, M.P.  
Prime Minister and Minister of Public Works and Communication

The Hon. Dr. Leslie S. Ramsammy, M.P.  
Minister of Health

The Hon. Manzoor Nadir, M.P.  
Minister of Labour

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadick, M.P.

Mr. Mohabir A. Nandlall, M.P. - Excused

**From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)**

**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

Mrs. Deborah J. Backer, M.P. - Absent

Mr. Basil Williams, M.P. - Absent

Mr. Aubrey Norton, M.P. - Absent

**From the Alliance For Change (AFC) (1)**

**(Nominated by the Committee of Selection on 7<sup>th</sup> July, 2011)**

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

## **Officers**

Ms. Jocette Bacchus - Clerk of Committees  
Ms. Savitah D'Andrade - Assistant Clerk of Committees  
Ms. Tracy Armstrong - Assistant Clerk of Committees

## **In Attendance**

Mr. Cecil Dhurjon - Chief Parliamentary Counsel

## **ITEM 1: CALL TO ORDER**

1.1 The Chairman called the meeting to order at 3.10 p.m.

## **ITEM 2: CIRCULATION OF DOCUMENTS**

2.1 The following documents were circulated prior to the meeting:

- Notice of the 9<sup>th</sup> Meeting dated the 9<sup>th</sup> August, 2011;
- Minutes of the 8<sup>th</sup> Meeting held on the 8<sup>th</sup> August, 2011;
- Matrix of Deferred Clauses; and
- Case study (1994) 45 WIR 94, C O Williams Construction Ltd v Blackman and Another, submitted by Raphael G.C. Trotman, M.P in relation to Clause 27

2.2 The following documents were circulated at the Meeting:

- Draft Schedule of Presentations;
- Comment on the Bill from Mr. Ronald Austin via Parliament Office's Facebook Fanpage;
- Official Secrets Act 1989 Chapter 6; and
- Government Classification

## **ITEM 3: CORRECTION AND CONFIRMATION OF MINUTES OF THE 8<sup>TH</sup> MEETING HELD ON 8<sup>TH</sup> AUGUST, 2011**

3.1 **Corrections:**

3.1.1 **Page 4, Clause 5, subsection (4)**

3.1.1.1 Insertion of the words "**Commissioner of Information and**" after the word "**the**" in line 9.



- 3.1.2 Page 5– Clause 6, subsection (1), paragraph (d)**
- 3.1.2.1 Insertion of “**commas after the words “had,” and “has,”** to read as follows:  
“**had, or has, acquired** such financial or other interest as is likely to affect prejudicially his functions as Commissioner of Information.”
- 3.1.3 Page 6, Clause 13, subsection (1)**
- 3.1.3.1 Substitution of the word “**ensures**” for the word “**ensure**” in line 6.
- 3.1.4** Thereafter, the Minutes were confirmed, as corrected, on a motion moved and seconded by Ms. Bibi S. Shadick, M.P., and Ms. Gail Teixeira, M.P., respectively.

**ITEM 4: MATTERS ARISING**

- 4.1 Page 3, paragraph 5.1.1**
- 4.1.1 In response to a query, the Clerk informed the Committee that a letter was sent to Mr. Christopher L. Ram re: Acceptance of late submission.
- 4.2 Page 5, Clause 12, Subsection (2)**
- 4.2.1 In response to a query, the Clerk informed the Committee that there had been no response from Mr. Aubrey Norton, M.P., with regards to the formulation of subsection (2).
- 4.3 Page 6, Clause 13, subsection (2)**
- 4.3.1 Ms. Teixeira informed the Committee that she had completed her research on the criteria for “top secret, secret, confidential, restricted or general and the information contained in all documents which are classified as general”. She also stated that copies would be circulated at the meeting.

**ITEM 5: CONSIDERATION OF WRITTEN SUBMISSIONS RECEIVED FROM INDIVIDUALS, ORGANIZATIONS AND MEMBERS OF THE PUBLIC.**

- 5.1 Draft Schedule for Presentations**
- 5.1.1 The Committee considered the following submissions page by page:
- Transparency Institute of Guyana;

- Guyana Human Rights Association (GHRA);
- Guyana Publications Incorporated;
- Guyana Media Proprietors Association;
- Melinda Janki (De Caires Fitzpatrick and Karran);
- Christopher L. Ram;
- C.N. Sharma; and
- Ronald Austin

5.1.2 Thereafter, the Committee agreed to the following:

- Invite the following representatives to engage in a 15 minute discussion/ presentation on Monday, 15<sup>th</sup> August, 2011 at 3.00 p.m.:
- Transparency Institute of Guyana;
- Guyana Human Rights Association (GHRA);
- Guyana Publications Incorporated;
- Guyana Media Proprietors Association;
- Melinda Janki (De Caires Fitzpatrick and Karran); and
- Write those Organizations/Individuals, who were not desirous of making presentations, informing them that the Committee had considered their written submissions and was grateful that they had participated in the deliberation on the Bill.

5.1.3 The Chairperson informed the Committee that the Guyana Press Association was expected to send in their submission.

5.1.5 The Committee agreed to accept the submission from the abovementioned agency.

6.1.2 Mr. Trotman, M.P., then promised to provide the Committee with a synopsis of the case study.

**6.2 Page 3, paragraph 4.2.1**

6.2.1 The Clerk informed the Committee that there had been no response from Mr. Aubrey Norton, M.P., with regard to the formulation of Clauses 12, subsection (2) and 25.

**ITEM 7: PRESENTATION IN RELATION TO THE WRITTEN SUBMISSIONS ON THE ACCESS TO INFORMATION BILL 2011 (BIL NO. 10 OF 2011)**

7.1 Members were informed that all of the presenters had declined to make their presentation on the Access to Information Bill 2011 (Bill No. 10 of 2011).

7.1.1 Members subsequently requested a detailed recount of the excuses submitted by the various Organizations/ Individuals.

7.1.2 The Clerk then provided the Committee with the following information:

- All Organizations/ Individuals were given written invitation in a letter dated 11<sup>th</sup> August, 2011 and via email;
- All attempts to contact representatives from Transparency Institute of Guyana and Melinda Janki proved futile;
- Representation from the Guyana Human Rights Association and the Guyana Press Association stated that their absence was a result of time constraints;
- Mr. Christopher L. Ram stated via letter, that he had an urgent matter in another Region;
- Guyana Media Properitors Association acknowledged the letter and agreed to confirm attendance, which was not done.

7.1.3 A lengthy discussion ensued, after which Members agreed to the following:

- Extend the deadline for presentations to Thursday, 18<sup>th</sup> August, 2011 at 2.00 p.m;
- Inform presenters, immediately after the meeting, via telephone calls, emails and letters of the extended deadline; and
- Include all the excuses made by the Agencies/ Individuals in the Committee's Report.



<p>“public authority”</p> <p><b>“rights of access to information”</b> paragraph (d)</p> <p>obtain information in the form of floppy disks, tapes, video, cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other similar device;</p>	<p><b>Accepted as presented</b></p> <p>obtain information in any <b>digital</b> or electronic mode or through printouts where such information is stored in a computer or in any other similar device;</p> <p><b>Accepted as amended</b></p>
<p><b>Clause 3- Object of the Act</b></p> <p>subsection (1), paragraphs( a) and (b)</p> <p><b>(a)</b> making available to the public, information about the operations of public authorities and, in particular, ensuring that the authorisations, policies, rules and practices affecting members of the public in their dealings with public authorities are readily available to persons affected by those authorisations, policies, rules and practices; and</p> <p><b>(b)</b> creating a general right of access to information in documentary form in the possession of public authorities limited only by exceptions and exemptions necessary for the protection of essential public interests and the private and business affairs of persons in respect of whom information is collected and held by public authorities”.</p>	<p><b>Paragraphs (a) and (b) were renumbered to read as follow:</b></p> <p><b>(a)</b> creating a general right of access to information in documentary form in the possession of public authorities limited only by exceptions and exemptions necessary for the protection of essential public interests and the private and business affairs of persons in respect of whom information is collected and held by public authorities.</p> <p><b>(b)</b> making available to the public, information about the operations of public authorities and, in particular, ensuring that the authorisations, policies, rules and practices affecting members of the public in their dealings with public authorities are readily available to persons affected by those authorisations, policies, rules and practices; and</p> <p><b>Accepted as amended</b></p>

subsection (2)	<b>Accepted as presented</b>
<p><b>Clause 4 – Application of the Act</b></p> <p>subsection (1), paragraph (a)</p> <p>paragraph (b)</p> <p>a Commission of Inquiry issued by the President, or information obtained or created in the course of an investigation, examination or audit conducted by or under the authority of the Auditor General, <b>unless</b> the investigation or audit and all related proceedings, if any, are finally concluded;</p> <p>paragraph (c)</p> <p>subsection (2)</p>	<p><b>Accepted as presented</b></p> <p>a Commission of Inquiry issued by the President, or information obtained or created In the course of an investigation, examination or audit conducted by or under the authority of the Auditor General, <b>until</b> the investigation or Audit and all related proceedings, if any, are finally concluded;</p> <p><b>Accepted as amended</b></p> <p><b>Accepted as presented</b></p> <p><b>Accepted as presented</b></p>
<p><b>Clause 5- Commissioner of Information</b></p> <p>subsection (1)</p> <p>subsections (2) and (3)</p> <p><b>subsection (4)</b></p> <p>The Minister shall provide the Commissioner of Information with such officers and employees as may be necessary for the efficient discharge of the functions of the Commissioner under this Act, <b>and</b> the salaries and allowances payable to, and the other terms and conditions of service of, the officers and employees appointed for the purpose of this Act shall be such as may be determined by the Minister.</p>	<p><b>Deferred to next meeting</b></p> <p><b>Accepted as presented</b></p> <p><b>Subsection (4)</b></p> <p>The Minister shall provide the Commissioner of Information with such officers and employees as may be necessary for the efficient discharge of the functions of the Commissioner under this Act.</p>

	<p><b>New subsection 5 inserted to read as follow:</b></p> <p><b>(5)</b> The salaries and allowances payable to, and the other terms and conditions of service of, the <b>Commissioner of Information and other</b> officers and employees appointed for the purpose of this Act shall be such as may be determined by the Minister.</p> <p><b>Accepted as amended</b></p>
<p><b>Clause 12- Rights of access to information</b> subsections (1), (2) and (3)</p>	<p><b>Accepted as presented</b></p>
<p><b>Clause 25- Request may be refused in certain cases</b></p>	<p><b>Accepted as presented</b></p>
<p><b>Clause 28- Document exempted if containing information likely to prejudice defence of state, etc</b> subsection (1), paragraphs (a) and (b)</p> <p>paragraph (c)</p> <p>would be <b>contrary to public interest for a reason mentioned in this section or would be</b> likely to prejudice the lawful activities of the disciplined forces.</p>	<p><b>Accepted as presented</b></p> <p><b>Paragraph (c) was divided into two paragraphs to read as follow:</b></p> <p><b>(c)</b> would be likely to prejudice the lawful activities of the disciplined forces;</p> <p><b>(d)</b> would <b>in any manner</b> be contrary to public interest.</p> <p><b>Accepted as amended</b></p>
<p><b>Clause 29- International relations documents</b> Subsection (1)</p> <p>A document is an exempt document if disclosure under this Act would be contrary to the public</p>	<p>A document is an exempt document if disclosure under this Act would be contrary to</p>

<p>interest and disclosure –</p>	<p>the public interest and <del>the</del> disclosure – <b>Accepted as amended</b></p>
<p><b>Clause 43 - Aggrieved person may apply to the High Court for judicial review</b></p> <p><b>Marginal note:</b> Aggrieved person may apply to the High Court for <b>judicial</b> review subsection (1)</p> <p>For the removal of doubt, a person aggrieved by a decision of the Commissioner of Information under this Act may apply to the High Court for <b>judicial</b> review of the decision.</p> <p>Subsection (2)</p> <p>Notwithstanding any other law to the contrary, where an application for <b>judicial</b> review of a decision of the Commissioner of Information under this Act is made to the High Court, that application shall be heard and determined by a Judge in Chambers, unless the Court, with the consent of the parties, directs otherwise.</p> <p>subsection (3)</p>	<p><b>Marginal note:</b> Aggrieved person may apply to the High Court for review</p> <p>For the removal of doubt, a person aggrieved by a decision of the Commissioner of Information under this Act may apply to the High Court for review of the decision.</p> <p>Notwithstanding any other law to the contrary, where an application for review of a decision of the Commissioner of Information under this Act is made to the High Court, that application shall be heard and determined by a Judge in Chambers, unless the Court, with the consent of the parties, directs otherwise.</p> <p><b>Deferred to next meeting</b></p> <p><b>Accepted as presented</b></p>



**ITEM 8: ANY OTHER BUSINESS**

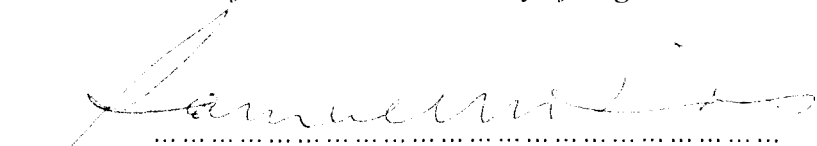
**8.1 DRAFT REPORT**

8.1.1 The Clerk was requested to commence preparation of the Draft Report on the Access to Information Bill 2011- (Bill No. 10 of 2011).

**ADJOURNMENT**

At 4.40 p.m. the meeting was adjourned to 2.00 p.m., Thursday, 18<sup>th</sup> August, 2011.

*Confirmed this ..... day of August, 2011*



.....

*The Hon. Samuel A.A. Hinds, M.P.  
Prime Minister and Minister of Public Works and Communication,  
Chairman*

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2011)**

**MINUTES OF THE  
11<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON  
ACCESS TO INFORMATION BILL 2011 – BILL NO. 10 OF 2011  
HELD AT 2.05 P.M.  
ON THURSDAY, 18<sup>TH</sup> AUGUST, 2011  
IN THE COMMITTEE ROOM NO. 1, COMMITTEES DIVISION  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.**

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

**From the People's Progressive Party/ Civic (PPP/C) (6)**

**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

The Hon. Samuel A.A. Hinds, M.P.  
Prime Minister and Minister of Public Works and Communication

The Hon. Dr. Leslie S. Ramsammy, M.P.  
Minister of Health

The Hon. Manzoor Nadir, M.P.  
Minister of Labour

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadick, M.P.

Mr. Mohabir A. Nandlall, M.P.

**From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)**

**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

Mrs. Deborah J. Backer, M.P. - Absent

Mr. Basil Williams, M.P. - Absent

Mr. Aubrey Norton, M.P. - Absent

**From the Alliance For Change (AFC) (1)**

**(Nominated by the Committee of Selection on 7<sup>th</sup> July, 2011)**

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

## **Officers**

Ms. Jocette Bacchus	- Clerk of Committees
Ms. Savitah D'Andrade	- Assistant Clerk of Committees
Ms. Tracy Armstrong	- Assistant Clerk of Committees

## **In Attendance**

Mr. Cecil Dhurjon	- Chief Parliamentary Counsel
-------------------	-------------------------------

### **ITEM 1: CALL TO ORDER**

- 1.1 The Chairperson called the meeting to order at 2.05 p.m.

### **ITEM 2: ANNOUNCEMENT**

#### **2.1 Election of a Chairperson**

- 2.1.1 In the absence of the Hon. Samuel A.A. Hinds, M.P., Ms. Gail Teixeira, M.P., was elected as Chairperson on a motion moved and seconded by the Hon. Dr. Leslie S. Ramsammy, M.P., and Ms. Bibi S. Shadick, M.P., respectively.

#### **2.2 Excuse**

- 2.2.1 Mr. Raphael G.C. Trotman, M.P. had asked to be excused from the meeting.

### **ITEM 3: CIRCULATION OF DOCUMENTS**

- 3.1 The following documents were circulated prior to the meeting:
- Notice of the 11<sup>th</sup> Meeting dated the 16<sup>th</sup> August, 2011;
  - Minutes of the 10<sup>th</sup> Meeting held on the 15<sup>th</sup> August, 2011;
  - Matrix of Deferred Clauses;
  - Letter dated 15<sup>th</sup> August, 2011 from R.V. Latchana, Partner and Chief Executive Officer, Ram & McRae, Re: Invitation to Appear Before the Special Select Committee on Access to Information Bill 2011 – Bill No. 10 of 2011; and

- Letter dated 15<sup>th</sup> August, 2011 from Michael McCormack, Co- President, Guyana Human Rights Association. Re: Appearance Before Special Select Committee on Access to Information Bill.

3.2 The following document was circulated at the Meeting:

- List of presenters

**ITEM 4: CORRESPONDENCE:**

**4.1 Incoming:**

- NIL

**4.2 Outgoing:**

- Letter dated 15<sup>th</sup> August, 2011 to Mr. Michael McCormack, Co- President, Guyana Human Rights Association;
- Letter dated 15<sup>th</sup> August, 2011 to Mr. Jacob Rambarran, Chairman of the Board, Guyana Media Proprietors Association;
- Letter dated 15<sup>th</sup> August, 2011 to Ms. Nadia Sagar, President, Transparency Institute of Guyana;
- Letter dated 15<sup>th</sup> August, 2011 to Ms. Melinda Janki, Attorney-at-Law, DeCaries Fitzpatrick and Karran;
- Letter dated 15<sup>th</sup> August, 2011 to Mr. Christopher L. Ram, Ram and Mc Rae; and
- Letter dated 15<sup>th</sup> August, 2011 to Mr. Gordon Moseley, President, Guyana Press Association.

**ITEM 5: CORRECTION AND CONFIRMATION OF MINUTES OF THE 10<sup>TH</sup> MEETING HELD ON 15<sup>TH</sup> AUGUST, 2011**

- 5.1** Confirmation of the Minutes of the 10<sup>th</sup> Meeting held on the 15<sup>th</sup> August, 2011 was deferred to the next meeting.

**ITEM 6: PRESENTATION IN RELATION TO THE WRITTEN SUBMISSIONS ON THE ACCESS TO INFORMATION BILL 2011 (BIL NO. 10 OF 2011)**

**6.1 Presentation by Mr. Christopher Ram**

6.1.1 The Chairperson welcomed Mr. Ram and introduced him to the Members of the Committee.

6.1.2 Mr. Ram commenced his presentation which focused on the following pertinent issues:

- Clause 5, subsection (1) - The Authority of the President to appoint the Commissioner of Information;
- Clause 21 - Application fees

6.1.3 Thereafter, the Committee offered the following responses:

- Opening of meeting to the general public would be in conflict with the Standing Orders of the National Assembly;
- The Authority to appoint the Commissioner of Information should remain with the President since Parliamentary Bodies, based on experiences, delayed the implementation of Commissions; and
- No Application fee should be paid to the Commissioner of Information. There is, however, a fee for processing the information.

6.1.4 Thereafter the Chairperson thanked Mr. Ram for his presentation and excused him from the meeting.

**6.2 Presentation by the Guyana Press Association**

6.2.1 The Chairperson welcomed Mr. Enrico Woolford, Executive Committee Member, Guyana Press Association and introduced him to the Members of the Committee.

6.2.2 Mr. Woolford commenced his presentation which focused on the following Clauses:

- Clause 2, paragraph (h), (j) – Interpretation – “public authority”

- Clause 4, subsection 1, paragraphs (a) – Application of the Act
- Clause 5- Commissioner of Information;
- Clause 27, subsection (1) – Cabinet document and;
- Clause 28 – Document exempted if containing information likely to prejudice defence of State, etc.

6.2.3 The Committee noted Mr. Woolford’s views and offered the following responses:

- The President’s Office, as stated in the Bill, would not be exempted from the Commissioner of Information;
- Cabinet decisions are public documents. The Ministries of Government also make policy documents available to the public. However, Cabinet Minutes, containing the discussion on a particular matter, and are not available to the general public;
- Clause 41 protects journalists from disclosing their sources.

6.2.4 The Chairperson then thanked Mr. Woolford for his presentation and excused him from the meeting.

6.3 At 3.00 p.m, the Hon. Samuel A. A. Hinds, M.P., entered the meeting and subsequently functioned as the Chairperson.

#### 6.4 **Presentation by the Transparency Institute of Guyana**

6.4.1 The Committee welcomed Mr. Frederick Collins, – Director, Transparency Institute of Guyana, and introduced him to the Members of the Committee.

6.4.2 Mr. Collins commenced his presentation which focused on the following Clauses:

- Clause 4, subsection (1) – Application of the Act;
- Clause 5 - Commissioner of Information;
- Clause 11, subsection (2) – Person to apply to Commissioner of Information where published statement does not specify a document or categories of documents;

- Clause 12, subsection (3) – Right of access to information;
- Clause 13, subsection (4); Classification of official documents and accessibility to certain records;
- Clause 14, subsection (4) – Accessible records and information.

6.4.4 The Chairperson thanked Mr. Collins for his presentation and the Committee offered the following response:

- Guyana has grown in terms of technological advancement, but has not grown enough to provide the information in a short period than specified in the Bill; and
- Clause 13 (2) contain standard classifications.

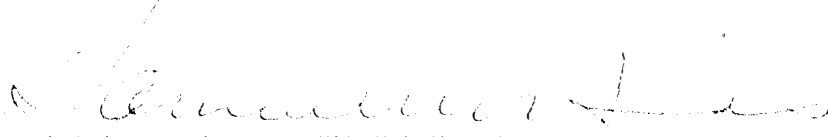
6.4.5 Further details on the questions and responses of the presentations are recorded in the record of the proceeding of the Committee, at this date.

6.4.6 Having heard the presentations from the various organizations/individuals, Members agreed to proceed with the amendments made to the Bill as approved by the Committee.

**ADJOURNMENT**

At 3.50 p.m. the meeting was adjourned to 3.00 p.m., Wednesday, 24<sup>th</sup> August, 2011.

*Confirmed this ..... day of August, 2011*



*The Hon. Samuel A.A. Hinds, M.P.  
Prime Minister and Minister of Public Works and Communication,  
Chairman*

THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
OF THE NINTH PARLIAMENT OF GUYANA (2006- 2011)

MINUTES OF THE  
12<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE ON  
ACCESS TO INFORMATION BILL 2011 – BILL NO. 10 OF 2011  
HELD AT 3.05 P.M.  
ON WEDNESDAY, 24<sup>TH</sup> AUGUST, 2011  
IN THE COMMITTEE ROOM NO. 2, (GROUND FLOOR, WEST OF MAIN  
STAIRWAY), COMMITTEES DIVISION,  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

**MEMBERS OF THE COMMITTEE (10)**

**CHAIRMAN (1)**

**From the People's Progressive Party/ Civic (PPP/C) (6)**

**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

The Hon. Samuel A.A. Hinds, M.P.,  
Prime Minister and Minister of Public Works and Communication

The Hon. Dr. Leslie S. Ramsammy, M.P.,  
Minister of Health

The Hon. Manzoor Nadir, M.P.,  
Minister of Labour

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadick, M.P.

Mr. Mohabir A. Nandlall, M.P. - Excused

**From the People's National Congress Reform- 1 Guyana (PNC-1G) (3)**

**(Nominated by the Committee of Selection on 20<sup>th</sup> June, 2011)**

Mrs. Deborah J. Backer, M.P. - Absent

Mr. Basil Williams, M.P. - Absent

Mr. Aubrey Norton, M.P. - Absent

**From the Alliance For Change (AFC) (1)**

**(Nominated by the Committee of Selection on 7<sup>th</sup> July, 2011)**

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



## **Officers**

Ms. Jocette Bacchus - Clerk of Committees  
Ms. Savitah D'Andrade - Assistant Clerk of Committees  
Ms. Tracy Armstrong - Assistant Clerk of Committees

## **In Attendance**

Mr. Cecil Dhurjon - Chief Parliamentary Counsel

### **ITEM 1: CALL TO ORDER**

1.1 The Chairperson called the meeting to order at 3.05 p.m.

### **ITEM 2: ANNOUNCEMENT**

#### **2.1 Excuse**

2.2.1 Mr. Mohabir A. Nandlall, had asked to be excused from the meeting.

### **ITEM 3: CIRCULATION OF DOCUMENTS**

3.1 The following documents were circulated prior to the meeting:

- Notice of the 12<sup>th</sup> Meeting dated the 22<sup>nd</sup> August, 2011;
- Minutes of the 11<sup>th</sup> Meeting held on the 18<sup>th</sup> August, 2011;
- Matrix of Deferred Clauses; and
- Draft Report on the Special Select Committee on Access to Information Bill 2011 – (Bill No. 10 of 2011) with the Attached Matrix of Amendments approved by the Committee.

3.2 The following document was circulated at the Meeting:

- Letter received on the 24<sup>th</sup> August, 2011 from Mr. Christopher L. Ram; Re: Access to Information Bill.

**ITEM 4: CORRESPONDENCE:**

**4.1 Incoming:**

- Letter received on the 24<sup>th</sup> August, 2011 from Mr. Christopher L. Ram; Re: Access to Information Bill.

**4.2 Outgoing:**

- NIL

**ITEM 5: CORRECTION AND CONFIRMATION OF MINUTES OF THE 10<sup>TH</sup> MEETING HELD ON 15<sup>TH</sup> AUGUST, 2011**

**5.1 Corrections**

**5.1.1 Page 9, Clause 13, subsection (1) –Classification of official documents and accessibility to certain records**

5.1.1.1 Substitution of the words “**where possible**” for the words “**subject to availability of resources and computerized and**” in lines 5 and 6.

**5.1.2 Clause 13, subsection (6)**

5.1.2.1 Insertion of the words “**or as prescribed by any other relevant law**” after the word “**years**” in line 3.

**5.1.3** Thereafter, the Minutes were confirmed, as corrected, on a motion moved and seconded by Ms. Bibi S. Shadick, M.P., and Ms. Gail Teixeira, M.P., respectively.

**ITEM 6: MATTERS ARISING**

**6.1 Page 5, paragraph 6.1.2**

6.1.2 In response to a query, the Clerk informed the Committee that Mr. Trotman had not provided the Committee with a synopsis of the case study (1994) WIR 94, C O Williams Construction Ltd v Blackman and Another, in relation to Clause 27.

**ITEM 7: CORRECTION AND CONFIRMATION OF MINUTES OF 11<sup>TH</sup> MEETING HELD ON 18<sup>TH</sup> AUGUST, 2011.**

**7.1 Corrections**

7.1.1 Insertion of the words “**and not being persuaded, that any other changes were necessary**” after the word “**individual**” in line 2.

7.1.2 Thereafter, the Minutes were confirmed, as corrected, on a motion moved and seconded by Ms. Bibi S. Shadick, M.P., and the Hon. Dr. Leslie S. Ramsammy, M.P., respectively.

**ITEM 8: CONSIDERATION OF DEFERRED CLAUSES OF THE ACCESS TO INFORMATION BILL 2011**

8.1 The Committee considered the Deferred Clauses.  
The following amendments were made:

<b>CLAUSES OF PRESENT BILL (As presented)</b>	<b>AMENDMENTS</b>
<b>Clause 2 – Interpretation</b> “official document” page 5	<b>Accepted as presented</b>
<b>Clause 5 – Commissioner of Information</b> subsection (1)	<b>Accepted as presented</b>
<p><b>Clause 43 – Aggrieved person may apply to the High Court for judicial review</b> subsection (1) “For the removal of doubt, a person aggrieved by a decision of the Commissioner of Information under this Act may apply to the High Court for <b>judicial</b> review of the decision”.</p> <p>subsection (2) Notwithstanding any other law to the contrary, where an application for <b>judicial</b> review of a decision of the Commissioner of Information under this Act is made to the High Court, that application shall be heard and determined by a Judge in Chambers, unless the Court, with the consent of the parties, directs otherwise.</p>	<p>subsection (1) “For the removal of doubt, a person aggrieved by a decision of the Commissioner of Information under this Act may apply to the High Court for review of the decision”.</p> <p>subsection (2) Notwithstanding any other law to the contrary, where an application for judicial review of a decision of the Commissioner of Information under this Act is made to the High Court, that application shall be heard and determined by a Judge in Chambers, unless the Court, with the consent of the parties, directs otherwise.</p>

**ITEM 9: CONSIDERATION OF THE DRAFT REPORT ON THE ACCESS TO INFORMATION BILL 2011.**

- 9.1 The Committee commenced consideration of the Draft Report on the Access to Information Bill 2011 (Bill No. 10 of 2011) and made several amendments which are reflected in the Report of the Committee.
- 9.1.1 The Committee requested the Clerk to insert the amendments and circulate the corrected copy to Members for their approval.
- 9.1.2 Thereafter, the Committee agreed that the Report should be laid in the National Assembly on the 1<sup>st</sup> September, 2011.

**ITEM 10: ANY OTHER BUSINESS**

- 10.1 Letter from Mr. Christopher L. Ram.**
- 10.1.1 The Committee acknowledged a letter from Mr. Christopher L. Ram; Re: Access to Information Bill 2011.
- 10.1.2 Members perused the letter and made the following comments:
- The Committee was knowledgeable about article 19;
  - The Special Select Committee has over the years taken seriously the views of members of the public, and on numerous occasions has accepted their recommendations.
  - The Committee, had no knowledge of Mr. Ram's conversation with the President on the Value Added Tax and as far as Members were concerned the conversation should be deemed as "hear say".
- 10.1.3 Thereafter, the Committee agreed to respond to Mr. Ram indirectly whenever he makes the matter publicly at any time.
- 10.1.4 The Chairperson then thanked Members of the Committee, the Chief Parliamentary Counsel and staff for their support in the consideration of the Bill.

**CONCLUSION**

At 4.35 p.m. the meeting was concluded.

**(Unconfirmed)**