

**NATIONAL ASSEMBLY OF THE FIRST SESSION OF THE
NINTH PARLIAMENT OF GUYANA (2006 – 2009)**

**REPORT OF
THE SPECIAL SELECT COMMITTEE
OF THE NATIONAL ASSEMBLY
ON THE
LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2009
BILL NO. 21 OF 2009**

PRESENTED TO THE NATIONAL ASSEMBLY

BY

**THE HONOURABLE KELLAWAN LALL
THE CHAIRMAN OF THE COMMITTEE**

ON

30TH JULY, 2009.

**REPORT OF THE SPECIAL SELECT COMMITTEE OF
THE NATIONAL ASSEMBLY ON THE
LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT)
BILL 2009 – BILL NO. 21 OF 2009**

Publication

1. The Local Authorities (Elections) (Amendment) Bill - Bill No. 21 of 2009 seeks to set the legal framework for the holding of Local Government elections this year under a reformed Local Government System. This Bill was published on 25th May, 2009.

Introduction and First Reading

2. The Bill was introduced in the National Assembly and read for the first time on 28th May, 2009 at the 90th Sitting of the National Assembly by the Hon. Kellawan Lall, Minister of Local Government, and sent to a Special Select Committee in accordance with Standing Order 92.

Establishment of Special Select Committee

3. At a meeting held on 4th June, 2009, the Committee of Selection established a Special Select Committee to consider the Local Authorities (Elections) (Amendment) Bill - Bill No. 21 of 2009, (first read on 28th May, 2009), the Local Government Commission Bill 2009, Bill No. 22 of 2009 and the Local Government (Amendment Bill) 2009, Bill No. 23 of 2009 which were read for the first time on June 4th 2009 and sent to the above mentioned Special Select Committee. The Committee noted that there would

be two more Bills that would shortly be tabled and read for the first time at another sitting of the National Assembly which would also be sent to this Special Select Committee.

Other Bills Committed to the Select Committee:

4. At the 92nd Sitting of the National Assembly on June 11th 2009, the Fiscal Transfers Bill 2009 – Bill No. 25 of 2009 and the Municipal and District Councils (Amendment) Bill 2009 – Bill No. 26 of 2009 were read for the first time and sent to the same Special Select Committee.

Members of the Special Select Committee

5. At a meeting held on 4th June, 2009, the Committee of Selection appointed the following Members to comprise the Special Select Committee to consider the Local Authorities (Elections) (Amendment) Bill - Bill No. 21 of 2009 and the four other Local Government Bills referred to in paragraphs No. 3 and No. 4 above.

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

The Hon. Kellawan Lall, M.P.
Minister of Local Government

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

Mr. Donald R. Ramotar, M.P.

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadick, M.P.

Mr. Neendkumar, M.P.

Members of the People's National Congress Reform-1 Guyana (PNCR 1G)

The PNCR -1G submitted its list of nominees in a letter dated 11th June, 2009 and stamped received by the Parliament Office on 16th June, 2009. Their nominations were as follows:

- (1) Mr. E Lance Carberry, M.P.
- (2) Mr. Basil Williams, M.P.
- (3) Ms. Amna Ally, M.P.

Member of the Alliance For Change (AFC) (1)

Mr. David Patterson, M.P.

In order to expedite the process, the Chairman of the Committee of Selection, by letter, "Round – Robined" the approval of Members on 18th June, 2009 and the nominations were approved.

First Meeting of the Committee – Election of Chairman

6. At the first meeting of the Special Select Committee held on **Tuesday, 9th June, 2009**, the Committee elected the Hon. Kellawan Lall, M.P., Minister of Local Government, as its Chairman.

Statutory Meeting

7. Due to the volume of work entailed in concluding the Special Select Committee's examination and review of the 5 Local Government Bills before the commencement of the recess of the National Assembly on 10th August, 2009, the Committee at its second meeting held on **16th June, 2009** agreed to meet once per week on Tuesdays, at 3.00 p.m., for a duration of two to three hours and, where possible longer and on other days.

Procedure

8. The Committee decided to consider, as its first priority, the Local Authorities (Elections) (Amendment) Bill - Bill No. 21 of 2009, in recognition of its importance to the work of the Guyana Elections Commission (GECOM) in preparing for Local Government Elections in 2009. The Government's representatives were of the view that the four Bills should be considered in the order in which they were laid in the National Assembly. However, the Opposition argued that the Bills should be considered as a package, particularly the core Bills No. 21, 22 and 25.

Meetings of the Committee

9. The Committee met on a total of eight (8) occasions: 9th, 16th, 18th, 23rd and 30th June, 2009, 7th, 21st and 28th July, 2009.

The Opposition Parties participated in the meetings beginning from 18th June 2009.

Consideration of Bill

10. During its deliberations, the Committee considered the Local Authorities (Elections) (Amendment) Bill 2009 -No. 21 of 2009, section by section.

11. The following sections were amended:- 2, 38A (9) (a),(b) and (c), 38A (10), 44A (1), (2) and (3) (d), (c) and (f), 44A (4) Marginal Notes, 44A (5), 44B Marginal Notes, 44B (3), 45-Marginal Notes, 71A (1) (a), 71A (3), 71A (5), 94A (4), 94C (3), 94C (6), 94D, Marginal Notes and 94D (2) (b).

12. The following sections were accepted as presented:- 2 (1 to 6), 3, 8 (1), 36 (1), 38 (1) and (2), 38A (1 to 7), 38A (11 to 14), 44 (2) and (6), 44A (3) (a) to (c), 44A (4) (a) to (f), 44B (1) and (2), 44B (4) and (5), 45 (1), (2) and (3), 46 (1), (2) and (3), 71A (1) (b) and (c), 71A (2), (a) to (d), 71A (4), 71B (1), (2) and (3), 94 (1) (a) to (e), 94A (1), (2), and (3), 94A (5), 94B (1) to (5), 94C (1), (2), (4), (5) (7) and (8), 94D (1) and (2) (a), 94D (2) (c), 94D (3) to (13), 104, and 105.

13. There was no consensus to subsections 38A (8) and 38A (9).

The Opposition held the position that the word "Commission" should be substituted for the word "Minister".

The Government's side argued that these clauses should remain unchanged.

14. The agreed amendments made to the Bill are attached in Appendix 1.

Minutes

15. The Minutes of the Proceedings of the Committee are at Appendix II.

Verbatim Records

16. Verbatim Records of the Proceedings of the Committee have been prepared and are available at the Parliament Office.

Report of the Special Select Committee

17. At its meeting held on 28th July, 2009, the Special Select Committee discussed this report on its consideration of this Bill with the proposed amendments and agreed that it should be presented to the National Assembly.

18. The Report is accordingly hereby submitted.



.....
Hon. Kellawan Lall, M.P..
Minister of Local Government
Chairman

Committees Division
Parliament Office Public Buildings
Brickdam,
Georgetown.

28th July, 2009.

APPENDIX I

APPENDIX 1

**Matrix reflecting changes/amendments to the Local Authorities
(Elections) (Amendment) Bill - Bill No. 21 of 2009 from
pages 1 – 24 of Bill
21st July, 2009**

Sections of Present Bill	Accepted as Presented/Amendments/Remarks
<p>PRELIMINARY</p>	<p>PRELIMINARY</p> <p>Insert in section (2), the definition of “public officer” as defined in the Constitution, article 232.</p> <p>Was accepted as amended</p>
<p>Sections 2, subsections (1),(2),(3),(4),(5) and (6)</p>	<p>Sections 2, subsections (1),(2),(3),(4),(5) and (6) were accepted as presented</p>
<p>Section 3, 8 (1) and 36 (1)</p>	<p>Section 3, 8 (1) and 36 (1) were accepted as presented</p>
<p>Section 38, subsection (1)</p>	<p>Section 38, subsection (1) was accepted as presented</p>
<p>Section 38, subsection (2)</p> <p>For subsection (2), substitute the following- “(2) Elections shall be held in accordance with a mixed system of proportional representation and first past the post and shall provide for the involvement and representation of individuals and voluntary groups in addition to political parties and there shall be accountability to the electors.”</p>	<p>After discussion on the phrase “ and there shall be accountability to the electors.”</p> <p>The subsection was accepted as presented.</p>
<p>Section 38A, subsections (1), (2), (3), (4), (5), (6)and (7)</p>	<p>Section 38A, subsections (1), (2), (3), (4), (5), (6) and (7) were accepted as presented.</p>

<p>Section 38 A subsection (8)</p> <p>The Minister shall by order identify the local authority areas where the election shall be held.</p>	<p>There was no consensus reached.</p>
<p>Section 38A, subsection (9) , “The Minister shall state for each local authority-”</p>	<p>The Opposition proposed substituting the word “Commission” for the word “Minister”</p> <p>There was no consensus reached</p>
<p>Section 38 A subsection (9) paragraph (a):-</p> <p>the number of members for each local authority area provided that such number is an even number;</p>	<p>Section 38 A, subsection (9) , paragraph (a):-</p> <p>the number of seats for each local authority area provided that such number is an even number;</p> <p>Accepted as amended</p>
<p>Section 38A, subsection (9) , paragraph (b):-</p> <p>the number of members to be elected by the proportional representation component shall be 50% of the numbers so named;</p>	<p>Section 38 A, subsection (9) , paragraph (b):-</p> <p>the number of councillors to be elected by the proportional representation component which shall be 50 per cent of the numbers so named;</p> <p>Accepted as amended</p>
<p>Section 38 A, subsection (9),paragraph (c)</p> <p>the number of members to be elected by the constituency component shall be 50% of the numbers so named;</p>	<p>Section 38 A, subsection (9), paragraph (c)</p> <p>the number of councillors to be elected by the constituency component which shall be 50 per cent of the numbers so named;</p> <p>Accepted as amended</p>
<p>Section 38 A, subsection (10)</p> <p>To contest the proportional representation component a voluntary group or political party shall contest all the seats for that local authority area.</p>	<p>Section 38 A, subsection (10)</p> <p>To contest the proportional representation component a voluntary group or political party shall contest all the proportional representation seats for that local authority area.</p> <p>Section 38 A, subsection (10) was accepted as amended</p>

<p>Section 38A, subsections (11), (12), (13) and (14).</p>	<p>Section 38A, subsections (11), (12), (13) and (14). were accepted as presented</p>
<p>Section 44, subsections (2) and (6)</p>	<p>Section 44, subsections (2) and (6) were accepted as presented</p>
<p>Section 44 A, subsection (1)</p> <p>Each voluntary group or political party shall submit for the proportional representation component which it is contesting a list of names of persons qualified to be elected for each local authority area (neighbourhood democratic councils or municipalities); and each list shall comprise ten or more names than the total number of members of that local authority area specified in section 38A (9) for the specific proportional representation for which the list is submitted.</p>	<p>Section 44 A, subsection (1)</p> <p>Each voluntary group or political party shall submit for the proportional representation component which it is contesting a list of names of persons qualified to be elected for each local authority area (neighbourhood democratic councils or municipalities); and each list of candidates shall comprise ten or more names than the total number of councillors of that local authority area as specified in section 38A (9) (b) for the specific proportional representation for which the list is submitted.</p> <p>The subsection was accepted as amended</p>
<p>Section 44 A, subsection (2)</p> <p>Each voluntary group or political party shall submit for the constituency component which it is contesting a list of names of persons qualified to be elected to the local authority area (neighbourhood democratic councils or municipalities); and each list shall comprise the number of members specified in section 38A (9) for the specific constituency for which the list is submitted.</p>	<p>Section 44 A, subsection (2)</p> <p>Each voluntary group or political party shall submit for the constituency component which it is contesting a list of names of persons qualified to be elected to the local authority area (neighbourhood democratic councils or municipalities); and each list of candidates shall comprise the number of councillors as specified in section 38A (9) (c) for the specific constituency for which the list is submitted.</p> <p>The subsection was accepted as amended</p>
<p>Section 44 A, subsection (3), paragraphs (a) to (c)</p>	<p>Section 44 A, subsection (3), paragraphs (a) to (c) were accepted as presented</p>
<p>Section 44A, subsection (3), paragraph (d)</p> <p>A candidate for the proportional representation</p>	<p>Section 44A, subsection (3), paragraph (d)</p> <p>A candidate for the proportional representation list must</p>

<p>list must be a registered voter and resident within that local authority area;</p>	<p>be a registered voter within the local authority area and a resident within that local authority area;</p> <p>The subsection was accepted as amended</p>
<p>Section 44A, subsection (3), paragraph (e)</p> <p>A candidate for a constituency list must be a registered voter and resident within his constituency within the local authority area;</p>	<p>Section 44A, subsection (3), paragraph (e)</p> <p>A candidate for a constituency seat must be a registered voter within that constituency and a resident within that constituency;</p> <p>The subsection was accepted as amended</p>
<p>Section 44A, subsection (3), paragraph (f)</p> <p>An individual candidate contesting a constituency must be a registered voter and resident within that local authority area.</p>	<p>Section 44A, subsection (3), paragraph (f)</p> <p>An individual candidate contesting a constituency must be a registered voter within that constituency and resident within that constituency.</p> <p>The subsection was accepted as amended</p>
<p>Marginal Notes - Section 44A, subsection (4)</p>	<p>Marginal Notes – Section 44A, subsection (4)</p> <p>The Marginal Note to be amended to state “Supporting lists of signatures” The correct title to read in accordance with GECOM and to be verified by the CPC</p>
<p>Section 44A, subsection (4), paragraphs (a) to (f)</p>	<p>Section 44A, subsection (4), paragraphs (a) to (f) were accepted as presented</p>
<p>Section 44A, subsection (5)</p> <p>Each candidate is required to complete a statutory declaration form which must be signed, by a Justice of the Peace or a Commissioner of Oaths to Affidavits and accompanied with the relevant stamps.</p>	<p>Section 44A, subsection (5)</p> <p>Each candidate is required to complete a statutory declaration form which must be signed and sealed, by a Justice of the Peace or a Commissioner of Oaths to Affidavits.</p> <p>Section 44A was accepted as amended</p>
<p>Marginal Notes – Section 44B</p>	<p>Marginal Notes – Section 44B</p>

<p>Voting and allocation of seats for the proportional representation and consistency.</p>	<p>Voting and allocation of seats for proportional representation and constituency.</p> <p>Accepted as amended</p>
<p>Section 44B, subsections (1) and (2)</p>	<p>Section 44B, subsections (1) and (2) were accepted as presented</p>
<p>Section 44B, subsection (3)</p> <p>Within each local authority area the seats allocated in respect of the constituency component shall go to 50 percent of the members, being the persons comprising the constituency component of the council with the highest number of votes irrespective of whether a person belongs to a voluntary group, political party or is an individual.</p>	<p>Section 44B, subsection (3)</p> <p>Within each local authority area, the seats allocated in respect of the constituency component shall comprise 50 percent of the seats, and each of those seats shall be allocated to the candidate with the highest number of votes cast in his/her favour, irrespective of whether that candidate belongs to a voluntary group, political party or contested as an individual.</p> <p>Section 44B, subsection (3) was accepted as amended.</p>
<p>Section 44B, subsections (4) and (5)</p>	<p>Section 44B, subsections (4) and (5) were accepted as presented</p>
<p>Section 45</p>	<p>A Marginal Note to be inserted to Section 45 to read "Representative of the list"</p> <p>Accepted as amended</p>
<p>Section 45, subsections (1), (2) and (3)</p>	<p>Section 45, subsections (1), (2) and (3) were accepted as presented</p>
<p>Section 46, subsections (1), (2) and (3)</p>	<p>Section 46, subsections (1), (2) and (3) were accepted as presented</p>
<p>Section 71A, subsection (1) (a)</p>	<p>Section 71A, subsection (1) (a) inclusion of the word "this" before the word " paragraph" in the 7th line.</p> <p>Section 71 A subsection (1) (a) was accepted as amended.</p>

<p>Section 71A, subsection (1), paragraphs (b) and (c)</p>	<p>Section 71A, subsection (1), paragraphs (b) and (c) were accepted as presented.</p>
<p>Section 71 A subsection (2)</p>	<p>Section 71 A subsection (2), paragraphs (a), (b), (c) and (d) were accepted as presented</p>
<p>Section 71A, subsection (3)</p> <p>The symbols shall be printed between the candidate's particulars and the vertical rules separating candidate's particulars from the spaces where the vote is to be marked.</p>	<p>Section 71A, subsection (3)</p> <p>The symbols shall be printed between the candidates' particulars and the vertical rules separating candidates' particulars from the spaces where the vote is to be marked.</p> <p>Section 71A, subsection (3) was accepted as amended</p>
<p>Section 71A, subsection (4)</p>	<p>Section 71A, subsection (4) was accepted as presented</p>
<p>Section 71A, subsection (5)</p> <p>Tendered ballot papers shall be a different colour from ordinary ballot papers but, subject to the difference of colour, this section shall apply to tendered ballot papers as it does to ordinary papers.</p>	<p>Section 71A, subsection (5)</p> <p>Tendered ballot papers shall be a different colour from ordinary ballot papers but, subject to the difference of colour, this section shall apply to tendered ballot papers as it does to ordinary ballot papers.</p> <p>Section 71A, subsection (5) was accepted as amended</p>
<p>Section 71B, subsections (1), (2) and (3)</p>	<p>Section 71B, subsections (1), (2) and (3) were accepted as presented</p>
<p>Section 94 (1), paragraphs (a), (b), (c), (d) and (e)</p>	<p>Section 94(1), paragraphs (a), (b), (c), (d) and (e) were accepted as presented</p>

<p>Section 94A, subsections (1), (2) and (3)</p>	<p>Section 94A, subsections (1), (2) and (3) were accepted as presented</p>
<p>Section 94A, subsection (4)</p> <p>The presiding officer shall indorse the words "rejected" on any ballot paper which he may reject as invalid and shall add to the endorsement the words "rejection objected to" if any objection to his decision he made by a duly appointed candidate or a counting agent present during the counting and where his decision on a ballot paper is questioned, he shall record the fact by writing the letter 'Q' at the back of the ballot paper and appending his initials.</p>	<p>Section 94A, subsection (4)</p> <p>The presiding officer shall endorse the words "rejected" on any ballot paper which he may reject as invalid and shall add to the endorsement the words "rejection objected to" if any objection to his decision he made by a duly appointed candidate or a counting agent present during the counting and where his decision on a ballot paper is questioned, he shall record the fact by writing the letter 'Q' at the back of the ballot paper and appending his initials.</p> <p>Section 94A, subsection (4) were accepted as amended</p>
<p>Section 94A, subsection (5)</p>	<p>Section 94A, subsection (5) was accepted as presented</p>
<p>Section 94B, subsections (1), (2), (3), (4) and (5)</p>	<p>Section 94B, subsections (1), (2), (3), (4) and (5) were accepted as presented</p>
<p>Section 94C, subsections (1) and (2)</p>	<p>Section 94C, subsections (1) and (2)) were accepted as presented</p>
<p>Section 94C, subsection (3)</p> <p>The envelopes referred to in subsections (1) and (2) shall be indorsed so as to indicate their contents and shall be sealed by the presiding officer and the number of any questioned ballot papers and the total number of ballot papers contained in the envelopes shall indicated on their outside.</p>	<p>Section 94C, subsection (3)</p> <p>The envelopes referred to in subsections (1) and (2) shall be endorsed so as to indicate their contents and shall be sealed by the presiding officer and the number of any questioned ballot papers and the total number of ballot papers contained in the envelopes shall indicated on their outside.</p> <p>Section 94C, subsection (3) was accepted as amended</p>

<p>Section 94C, subsections (4) and (5)</p>	<p>Section 94C, subsections (4) and (5) were accepted as presented</p>
<p>Section 94C, subsection (6)</p> <p>The Statement of Poll prepared in accordance with subsection (5) shall be posted in a conspicuous place outside the polling place, as conclusive evidence of the result of the election for that polling place unless there is a recount of the votes.</p>	<p>Section 94C, subsection (6)</p> <p>The Statement of Poll prepared in accordance with subsection (5) shall be posted immediately thereafter in a conspicuous place outside the polling place as evidence of the result of the election for that polling place.</p> <p>Section 94C, subsection (6) was accepted as amended</p>
<p>Section 94C, subsection (7)</p> <p>Section 94 C subsections (7) and (8)</p>	<p>Section 94 C subsection (7) should be inserted after subsection (5) in the same Section and be renumbered (6). Consequentially original subsection (6) would become new subsection (7).</p> <p>Section 94C, subsections (7) and (8) were accepted as presented</p>
<p>Marginal Notes - Section 94D</p> <p>Counting of votes by Returning Officer</p>	<p>Marginal Notes - Section 94D</p> <p>Ascertaining of votes and declaration of results by Returning Officer</p> <p>Section 94D was accepted as amended</p>
<p>Section 94D, subsections (1) to (2), paragraph(a)</p>	<p>Section 94D, subsections (1) to (2), paragraph (a) were accepted as presented</p>

<p>94D, subsection (2), paragraph (b)</p> <p>Where the mistake is discovered when the Statement of Poll is in possession of the Returning Officer, the presiding officer shall be informed of the mistake and the Returning Officer shall summon the presiding officer and her persons who signed the original Statement of Poll, for the purpose of effecting the necessary correction to the Statement of Poll by the presiding officer in the presence of the other persons mentioned in this paragraph as attended.</p>	<p>94D, subsection (2), paragraph (b)</p> <p>Where the mistake is discovered when the Statement of Poll is in possession of the Returning Officer, the presiding officer shall be informed of the mistake and the Returning Officer shall summon the presiding officer and the other persons who signed the original Statement of Poll, for the purpose of effecting the necessary correction to the Statement of Poll by the presiding officer in the presence of the other persons mentioned in this paragraph as attended.</p> <p>Section 94D, subsection (2), paragraph (b) was accepted as amended</p>
<p>Section 94D, subsection (2), paragraph(c)</p>	<p>Section 94D, subsection (2), paragraph (c) was accepted as presented</p>
<p>Section 94D, subsections (3), (4), (5), (6), (7), (8), (9), (10), (11), (12) and(13)</p>	<p>Section 94D, subsections (3), (4), (5), (6), (7), (8), (9), (10), (11), (12) and(13) were accepted as presented</p>
<p>Section 104</p>	<p>Section 104 was accepted as presented</p>
<p>Section 105</p>	<p>Section 105 was accepted as presented</p>

APPENDIX II

APPENDIX 11

THE NATIONAL ASSEMBLY OF THE FIRST SESSION OF THE NINTH PARLIAMENT OF GUYANA (2006 -2009)

MINUTES OF THE 1ST MEETING OF THE SPECIAL SELECT COMMITTEE ON THE LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2009 BILL NO. 21 OF 2009 HELD AT 4.00 PM ON TUESDAY, 9TH JUNE, 2009 IN COMMITTEE ROOM NO. 2 (GROUND FLOOR, WEST OF MAIN STAIRWAY), PUBLIC BUILDINGS, GEORGETOWN

MEMBERS OF THE COMMITTEE (6)

Chairman (PPP/C) (1)

(Nominated by the Committee of Selection on 4th June, 2009)
(Elected by the Committee on 9th June, 2009)

The Hon. Kellawan Lall, M.P.
Minister of Local Government

OTHER MEMBERS

From the People's Progressive Party/Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 4th June, 2009)

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

Mr. Donald R. Ramotar, M.P.

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadiak, M.P.

Mr. Neendkumar, M.P.

From the People's National Congress Reform – 1 Guyana (PNCR – 1G) (3)

There were no nominations by the PNCR – 1G.

From the Alliance For Change (AFC) (1)

(Nominated by the Committee of Selection on 4th June, 2009)

Mr. David Patterson, M.P.

Officers

Mr. Sherloc E. Isaacs - Clerk of the National Assembly
Mr. Oscar E. Moore - Clerk of Committees
Ms Tanzadell Bentinck - Assistant Clerk of Committee

ITEM 1: CALL TO ORDER

- 1.1 The Clerk of the National Assembly performed the duties of Presiding Officer for the election of a Chairman for the Committee. He called the meeting to order at 4.00p.m.

ITEM 2: ELECTION OF CHAIRMAN OF THE SPECIAL SELECT COMMITTEE ON THE LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2009- BILL NO. 21 OF 2009.

- 2.1 The Presiding Officer read a letter dated 9th June, 2009 addressed to the Clerk of the National Assembly from Mr. David A. Patterson, M.P. re: Special Select Committee on Local Authorities (Elections) (Amendment) Bill 2009, Bill No. 21 of 2009.
- 2.1.1 The letter served to inform the Committee as to the reason for Mr. Patterson's non- attendance at the first meeting of the Committee.
- 2.1.2 Thereafter, the Presiding Officer called for nominations for the Chairman of the Committee.
- 2.1.3 Ms. Bibi Shadick proposed and the Hon. Manzoor Nadir seconded the nomination of the Hon. Kellawan Lall, M.P., as Chairman.
- 2.1.4 There being no other nominations, the Hon. Kellawan Lall, M.P., was declared, duly elected, Chairman of the Committee.
- 2.1.5 The Hon. Kellawan Lall, M.P., thereafter, assumed the Chairmanship of the meeting.
- 2.1.6 The Meeting next considered item (ii) of the agenda:-

ITEM 3: TO CONSIDER THE METHODOLOGY, TIME AND DATE OF THE COMMITTEE'S PROCEEDINGS

- 3.1 The Chairman and Members, agreed to schedule subsequent Meetings of the Committee for Tuesdays from 3.00 pm. The meetings would have duration of 2 to 3 hours.
- 3.1.1 The Committee also agreed to proceed with the Bills in the order in which they were laid in the National Assembly.

3.2 Amendments to Local Government Acts

3.2.1 The Chairman requested the Clerk of the Committee to make available, to Members, for the next meeting of the Committee, copies of all the original Acts that were being amended.

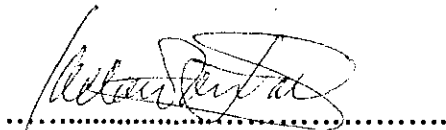
3.3 Use of Projector

3.3.1 The Committee's staff was also requested to make available, at subsequent meetings of the Committee, a projector which will facilitate Members' references to the amended Acts.

ADJOURNMENT

At 4.35 p.m. the meeting was adjourned to Tuesday, 16th June, 2009.

Confirmed this 16th day of June, 2009.

A handwritten signature in black ink, appearing to read 'Kellawan Lall', is written over a horizontal dotted line.

The Hon. Kellawan Lall, M.P.

Chairman

THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006 -2009)

MINUTES OF THE
2ND MEETING OF THE SPECIAL SELECT COMMITTEE ON THE
LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2009
BILL NO. 21 OF 2009
HELD AT 3.00 PM ON TUESDAY, 16TH JUNE, 2009
IN COMMITTEE ROOM NO. 1, COMMITTEES DIVISION,
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

MEMBERS OF THE COMMITTEE (6)

Chairman (PPP/C) (1)

(Nominated by the Committee of Selection on 4th June, 2009)

(Elected by the Committee on 9th June, 2009)

The Hon. Kellawan Lall, M.P.
Minister of Local Government

OTHER MEMBERS

From the People's Progressive Party/Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 4th June, 2009)

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

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Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadick, M.P.

Mr. Neendkumar, M.P.

From the People's National Congress Reform – 1 Guyana (PNCR – 1G)

There were no nominations by the PNC/R 1G

From the Alliance For Change (AFC) (1)

(Nominated by the Committee of Selection on 4th June, 2009)

Mr. David Patterson, M.P. - Absent

Officers

Mr. Oscar E. Moore - Clerk of Committees
Ms Tanzadell Bentinck - Assistant Clerk of Committees

Also in attendance

Ms Dellon Adams - Assistant Clerk of Committees
Ms Darlene Marshall - Assistant Clerk of Committees

ITEM 1: CALL TO ORDER

1.1 The Chairman called the meeting to order at 3.15 p.m.

ITEM 2: CIRCULATION OF DOCUMENTS

- 2.1 The following documents were circulated prior to the meeting:-
- (i) Notice to attend the 2nd Meeting dated 10th June, 2009 to be held on Tuesday 16th June, 2009;
 - (ii) Minutes of the 1st meeting held on the 9th June, 2009;
 - (iii) Copy of Chapter 28:03 - Local Authorities (Elections) Act.

ITEM 3: CORRECTION AND CONFIRMATION OF MINUTES OF THE 1ST MEETING HELD ON THE 9TH JUNE, 2009.

3.1 The Minutes were confirmed, without corrections, on a motion moved and seconded by Ms. Bibi S. Shadick, M.P., and Mr., Mr. Neendkumar, M.P., respectively.

ITEM 4: MATTERS ARISING

4.1 Page 1- Nominations by the PNCR-1G

4.1.1 The Meeting was informed that the PNC/R -1G had not submitted list of nominees for the Committee.

4.2 Page 3, paragraph 2.1.1

4.2.1 The Committee noted the absence of Mr. David Patterson, M.P., at the 2nd Meeting of the Committee.

4.3 Page 3, paragraph 3.2 – Amendments to Local Government Acts

4.3.1 Members of the Committee acknowledged receipt of the Local Authorities (Elections) Act.

4.4 Page 4 – Use of Projector

4.4.1 The Committee noted that the projector was set up but could not be used at that Meeting because there was no technical person available to operate it.

4.4.2 The Committee then moved to the next item on the agenda.

ITEM 5: TO COMMENCE CONSIDERATION OF THE LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2009 BILL NO. 21 OF 2009

5.1 The Committee proceeded to consider the Bill page by page.

5.1.1 Section 2. subsections 1, 2,3,4,5 and 6 were *accepted as presented.*

5.1.2 Sections 3, 38 and 44A were *accepted as amended.*

5.1.3 Amendments made to the Bill have been appended to the Minutes.

5.1.4 See matrix for amended sections.

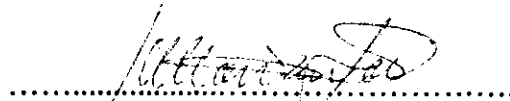
5.2 PNC/R – 1G LIST OF CANDIDATES

- 5.2.1 During the Meeting, Members were informed by Ms. Teixeira that the PNC/R - 1G had submitted a list of nominees. It was noted that the list would have to be submitted to the Committee of Selection before the nominees could be in attendance at meetings.
- 5.2.2 The Clerk of the Committee was advised to speak with the Clerk of the National Assembly for the necessary action to be taken by the Committee of Selection.
- 5.2.3 In light of the above, the Committee agreed to schedule its next meeting for Thursday, 18th June, 2009 at 2.00 p.m.

ADJOURNMENT

At 4.50 p.m. the meeting was adjourned to Thursday, 18th June, 2009.

Confirmed this *18* .day of June, 2009.



.....
The Hon. Kellawan Lall, M.P.
Minister of Local Government
Chairman

**Matrix reflecting changes/amendments to Clauses of the Bill from
pages 1 – 8 at the 2nd Meeting held on the 16th June, 2009**

Clauses of Present Bill	Amendments to Clauses – New Clause/Remarks
<p align="center">Section 38, subsection (2)</p> <p>For subsection (2), substitute the following- “(2) Elections shall be held in accordance with a mixed system of proportional representation and first past the post and shall provide for the involvement and representation of individuals and voluntary groups in addition to political parties and there shall be accountability to the electors.”.</p>	<p align="center">Section 38, subsection (2)</p> <p>The subsection was deferred for further consideration by the Committee.</p>
<p>Section 38A, subsection (9) , paragraph (b):-</p> <p>the number of members to be elected by the proportional representation component shall be 50% of the numbers so named;</p>	<p>Section 38 A, subsection (9) , paragraph (b):-</p> <p>the number of members to be elected by the proportional representation component which shall be 50% of the numbers so named;</p>
<p>Section 38 A, paragraph (c)</p> <p>the number of members to be elected by the constituency component shall be 50% of the numbers so named;</p>	<p>Section 38 A, paragraph (c)</p> <p>the number of members to be elected by the constituency component which shall be 50% of the numbers so named;</p>
<p>Section 38 A, subsection (10)</p> <p>To contest the proportional representation component a voluntary group of political party shall contest all the seats for that local authority area.</p>	<p>Section 38 A, subsection (10)</p> <p>To contest the proportional representation component a voluntary group of political party shall contest all the proportional representation seats for that local authority area.</p>

<p>Section 44 A, subsection (1)</p> <p>Each voluntary group or political party shall submit for the proportional representation component which it is contesting a list of names of persons qualified to be elected for each local authority area (neighbourhood democratic councils or municipalities); and each list shall comprise ten or more names than the total number of members of that local authority area specified in section 38A (9) for the specific proportional representation for which the list is submitted.</p>	<p>Section 44 A, subsection (1)</p> <p>Each voluntary group or political party shall submit for the proportional representation component which it is contesting a list of names of persons qualified to be elected for each local authority area (neighbourhood democratic councils or municipalities); and each list of candidates shall comprise ten or more names than the total number of councilors of that local authority area specified in section 38A (9) for the specific proportional representation for which the list is submitted.</p>
<p>Section 44 A, subsection (2)</p> <p>Each voluntary group or political party shall submit for the constituency component which it is contesting a list of names of persons qualified to be elected to the local authority area (neighbourhood democratic councils or municipalities); and each list shall comprise the number of members specified in section 38A (9) for the specific constituency for which the list is submitted.</p>	<p>Section 44 A, subsection (2)</p> <p>Each voluntary group or political party shall submit for the constituency component which it is contesting a list of names of persons qualified to be elected to the local authority area (neighbourhood democratic councils or municipalities); and each list of candidates shall comprise the number of councilors specified in section 38A (9) for the specific constituency for which the list is submitted.</p>
<p>Section 44A, subsection (3), paragraph (d)</p> <p>A candidate for the proportional representation list must be a registered voter and resident within that local authority area;</p>	<p>Section 44A, subsection (3), paragraph (d)</p> <p>A candidate for the proportional representation list must be a registered voter within the local authority area and a resident within that constituency;</p>
<p>Section 44A, subsection (3), paragraph (e)</p> <p>A candidate for a constituency list must be a registered voter and resident within his constituency within the local authority area;</p>	<p>Section 44A, subsection (3), paragraph (e)</p> <p>A candidate for a political party or voluntary group constituency list must be a registered voter within that constituency and a resident within that constituency;</p>

<p>Section 44A, subsection (3), paragraph (f)</p> <p>an individual candidate contesting a constituency must be a registered voter and resident within that local authority area.</p>	<p>Section 44A, subsection (3), paragraph (f)</p> <p>an individual candidate contesting a constituency must be a registered voter within that constituency and resident within that constituency.</p>
<p>Section 44A, subsection (4), paragraphs (a) to (f)</p>	<p>Section 44A, subsection (4), paragraphs (a) to (f) were accepted as presented.</p>
<p>Section 44A, subsection (5)</p>	<p>Section 44A, subsection (5) was accepted as presented.</p>

THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006 -2009)

MINUTES OF THE
3rd MEETING OF THE SPECIAL SELECT COMMITTEE ON THE
LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2009
BILL NO. 21 OF 2009
HELD AT 3.00 PM ON THURSDAY, 18TH JUNE, 2009
IN COMMITTEE ROOM NO. 1, COMMITTEES DIVISION,
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN.

MEMBERS OF THE COMMITTEE (6)

Chairman (PPP/C) (1)

(Nominated by the Committee of Selection on 4th June, 2009)

(Elected by the Committee on 9th June, 2009)

The Hon. Kellawan Lall, M.P.
Minister of Local Government

OTHER MEMBERS

From the People's Progressive Party/Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 4th June, 2009)

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

Mr. Donald R. Ramotar, M.P.

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadieq, M.P.

Mr. Neendkumar, M.P.

From the People's National Congress Reform – 1 Guyana (PNCR – 1G)

Mr. E Lance Carberry, M.P.

Mr. Basil Williams, M.P.

Ms. Amna Ally, M.P.

From the Alliance For Change (AFC) (1)

(Nominated by the Committee of Selection on 4th June, 2009)

Mr. David Patterson, M.P. - (Absent)

Officers

Mr. Oscar E. Moore - Clerk of Committees
Ms Tanzadell Bentinck - Assistant Clerk of Committees

Also in attendance

Mr. Charles John Fung-a-Fat - Deputy Chief Parliamentary Counsel
Ms Dellon Adams - Assistant Clerk of Committees
Ms Darlene Marshall - Assistant Clerk of Committees

ITEM 1: CALL TO ORDER

1.1 The Chairman called the meeting to order at 3.15 p.m.

ITEM 2: ANNOUNCEMENT

2.1 The letter that served to advise as to the nominees of the PNC/R – 1G representatives was received in the process of the 2nd Meeting held on 16th June, 2009.

2.1.1 In the interval between the 2nd and 3rd Meetings, of the Committee, the Committee of Selection was “Round Robined” and approved the nominations.

ITEM 3: CIRCULATION OF DOCUMENTS

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

- (i) Notice to attend the 3rd Meeting dated 17th June, 2009 held on Thursday 18th June, 2009;

(ii) Minutes of the 2nd Meeting held on the 16th June, 2009;

ITEM 4: CORRECTION AND CONFIRMATION OF MINUTES OF THE 2ND MEETING HELD ON THE 16TH JUNE, 2009.

Corrections

- 4.1 Page 3, Paragraphs, 4.2.1 and 4.4.1.
- 4.1.1 Substitution of the word “meeting” for the word “Meeting” in line 1.
- 4.1.2 Insertion of the letter “a” in front of the word ‘list’ in line 2.
- 4.2 **Corrections to Matrix.**
- 4.2.1 **Section 44A, subsection 1**
- 4.2.2 Substitution of the word “councillors” for the word “councilors” in line 8.
- 4.3 **Section 44A, subsection 2**
- 4.3.1 Substitution of the word “councillors” for the word “councilors” in line 7.
- 4.3.2 **Section 44A, subsection 3, paragraph (d)**
- 4.3.3 Substitution of the words “local authority area” for the word “constituency” in line 4.
- 4.4 The Minutes were confirmed as corrected on a motion moved and seconded by Mr. Neendkumar, M.P., and Ms. Gail Teixeira, M.P respectively.

ITEM 5: MATTERS ARISING

- 5.1 Page 4, item 5.2 – PNC/R – 1G List of Candidates

- 5.1.1 The Committee was informed that the Hon. Speaker of the National Assembly had received a letter from the PNC/R – 1G, dated 16th June, 2009, containing a list of three Nominees to the Special Select Committee.

ITEM 6: TO CONTINUE CONSIDERATION OF THE LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2009 BILL NO. 21 OF 2009

- 6.1 The Committee proceeded to consider the Bill page by page and section by section.
- 6.1.1 Sections 38, 38A, 44, 44A, 44B, 71A, 94C and 94D were *accepted as amended*.
- 6.1.2 Sections 1,2, 3, 45, 46, 71B, 94, 94A, 94B, 104 and 105 were *accepted as presented*.
- 6.1.3 Amendments made to the Bill have been appended to the Minutes.
- 6.1.4 See matrix for amended sections.
- 6.2 Consideration of Bill No. 22 of 2009**
- 6.2.1 The Committee agreed to commence consideration the Local Government Commission Bill – Bill No. 22 of 2009 at its next meeting.

ADJOURNMENT

At 4.30 p.m. the meeting was adjourned to Tuesday, 23rd June, 2009.

Confirmed this day of June, 2009.


.....
The Hon. Kellawan Lall, M.P.

**Minister of Local Government
Chairman**

**Matrix reflecting changes/amendments to Sections of the Local
Authorities (Elections) (Amendment) Bill from
pages 1 – 24 at the 3rd Meeting held on the 18th June, 2009**

Clauses of Present Bill	Amendments to Clauses – New Clause/Remarks
<p style="text-align: center;">Section 38, subsection (2)</p> <p>For subsection (2), substitute the following- “(2) Elections shall be held in accordance with a mixed system of proportional representation and first past the post and shall provide for the involvement and representation of individuals and voluntary groups in addition to political parties and there shall be accountability to the electors.”.</p>	<p style="text-align: center;">Section 38, subsection (2)</p> <p>The subsection was deferred for further consideration.</p>
<p>Section 38A, subsection (9) , paragraph (b):-</p> <p>the number of members to be elected by the proportional representation component shall be 50% of the numbers so named;</p>	<p>Section 38 A, subsection (9) , paragraph (b):-</p> <p>the number of members to be elected by the proportional representation component which shall be 50% of the numbers so named;</p>
<p>Section 38 A, paragraph (c)</p> <p>the number of members to be elected by the constituency component shall be 50% of the numbers so named;</p>	<p>Section 38 A, paragraph (c)</p> <p>the number of members to be elected by the constituency component which shall be 50% of the numbers so named;</p>
<p>Section 38 A, subsection (10)</p> <p>To contest the proportional representation component a voluntary group of political party shall contest all the seats for that local authority area.</p>	<p>Section 38 A, subsection (10)</p> <p>To contest the proportional representation component a voluntary group of political party shall contest all the proportional representation seats for that local authority area.</p>

	<p>Section 38 was then accepted as amended.</p>
<p>Section 44 A, subsection (1)</p> <p>Each voluntary group or political party shall submit for the proportional representation component which it is contesting a list of names of persons qualified to be elected for each local authority area (neighbourhood democratic councils or municipalities); and each list shall comprise ten or more names than the total number of members of that local authority area specified in section 38A (9) for the specific proportional representation for which the list is submitted.</p>	<p>Section 44 A, subsection (1)</p> <p>Each voluntary group or political party shall submit for the proportional representation component which it is contesting a list of names of persons qualified to be elected for each local authority area (neighbourhood democratic councils or municipalities); and each list of candidates shall comprise ten or more names than the total number of councillors of that local authority area specified in section 38A (9) for the specific proportional representation for which the list is submitted.</p>
<p>Section 44 A, subsection (2)</p> <p>Each voluntary group or political party shall submit for the constituency component which it is contesting a list of names of persons qualified to be elected to the local authority area (neighbourhood democratic councils or municipalities); and each list shall comprise the number of members specified in section 38A (9) for the specific constituency for which the list is submitted.</p>	<p>Section 44 A, subsection (2)</p> <p>Each voluntary group or political party shall submit for the constituency component which it is contesting a list of names of persons qualified to be elected to the local authority area (neighbourhood democratic councils or municipalities); and each list of candidates shall comprise the number of councillors specified in section 38A (9) for the specific constituency for which the list is submitted.</p>
<p>Section 44A, subsection (3), paragraph (d)</p> <p>A candidate for the proportional representation list must be a registered voter and resident within that local authority area;</p>	<p>Section 44A, subsection (3), paragraph (d)</p> <p>A candidate for the proportional representation list must be a registered voter within the local authority area and a resident within that constituency;</p>
<p>Section 44A, subsection (3), paragraph (e)</p> <p>A candidate for a constituency list must be a registered voter and resident within his constituency within the local authority area;</p>	<p>Section 44A, subsection (3), paragraph (e)</p> <p>A candidate for a political party or voluntary group constituency list must be a registered voter within that constituency and a resident within that constituency;</p>

<p>Section 44A, subsection (3), paragraph (f)</p> <p>an individual candidate contesting a constituency must be a registered voter and resident within that local authority area.</p>	<p>Section 44A, subsection (3), paragraph (f)</p> <p>an individual candidate contesting a constituency must be a registered voter within that constituency and resident within that constituency.</p>
<p>Section 44A, subsection (4), paragraphs (a) to (f)</p>	<p>Section 44A, subsection (4), paragraphs (a) to (f) were accepted as presented.</p>
<p>Section 44A, subsection (5)</p> <p>Each candidate is required to complete a statutory declaration form which must be signed, by a Justice of the Peace or a Commissioner of Oaths to Affidavits and accompanied with the relevant stamps.</p>	<p>Section 44A, subsection (5)</p> <p>Each candidate is required to complete a statutory declaration form which must be signed and sealed, by a Justice of the Peace or a Commissioner of Oaths.</p> <p>Section 44A was then accepted as amended</p>
<p>Section 44B, subsection (3)</p> <p>Within each local authority area the seats allocated in respect of the constituency component shall go to 50 percent of the members, being the persons comprising the constituency component of the council with the highest number of votes irrespective of whether a person belongs to a voluntary group, political party or is an individual.</p>	<p>Section 44B, subsection (3)</p> <p>Within each constituency the seat allocated in respect of the constituency component shall go to 50 percent of the members, being the persons comprising the constituency component of the council with the highest number of votes irrespective of whether that candidate belongs to a voluntary group, political party or is an individual.</p> <p>Section 44B was then accepted as amended</p>
<p>Section 71A, subsection (5)</p> <p>Tendered ballot papers shall be a different colour from ordinary ballot papers but, subject to the difference of colour, this section shall apply to tendered ballot papers as it does to ordinary papers.</p>	<p>Section 71A, subsection (5)</p> <p>Tendered ballot papers shall be a different colour from ordinary ballot papers but, subject to the difference of colour, this section shall apply to tendered ballot papers as it does to ordinary ballot papers.</p> <p>Section 71A was then accepted as amended</p>

<p>Section 94C, subsection (6)</p> <p>The Statement of Poll prepared in accordance with subsection (5) shall be posted in a conspicuous place outside the polling place, as conclusive evidence of the result of the election for that polling place unless there is a recount of the votes.</p>	<p>Section 94C, subsection (6)</p> <p>The Statement of Poll prepared in accordance with subsection (5) shall be posted immediately thereafter in a conspicuous place outside the polling place as evidence of the result of the election for that polling place.</p> <p>Section 94C was then accepted as amended</p>
<p>Section 94C, subsection (7), paragraph (a)</p> <p>The presiding officer shall then-</p> <p>(a) Place the sealed enveloped containing the counted and rejected ballot papers in the ballot boxes, and secure and seal, with his seal and with the seals of such of the duly appointed candidates and polling agents as desire to affix their seals, the ballot box in such manner that it cannot be opened and that nothing can be inserted therein or taken therefrom without breaking the seals;</p>	<p>Section 94C, subsection (7), paragraph (a) was deferred for renumbering.</p>
<p>Marginal Notes - Section 94D</p> <p>Counting of votes by Returning Officer</p>	<p>Marginal Notes - Section 94D</p> <p>Ascertaining of votes and declaration of results by Returning Officer</p> <p>Section 94D was then accepted as amended</p>
<p>Section 104</p>	<p>Section 104 was accepted as presented</p>
<p>Section 105</p>	<p>Section 105 was accepted as presented</p>

THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006 -2009)

MINUTES OF THE
4TH MEETING OF THE SPECIAL SELECT COMMITTEE ON THE
LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2009
BILL NO. 21 OF 2009
HELD AT 3.00 PM ON TUESDAY, 23RD JUNE, 2009
IN COMMITTEE ROOM NO. 2 (GROUND FLOOR, WEST OF
MAIN STAIRWAY), PUBLIC BUILDINGS, GEORGETOWN

MEMBERS OF THE COMMITTEE (10)

Chairman (PPP/C) (1)

(Nominated by the Committee of Selection on 4th June, 2009)

(Elected by the Committee on 9th June, 2009)

The Hon. Kellawan Lall, M.P.
Minister of Local Government

OTHER MEMBERS

From the People's Progressive Party/Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 4th June, 2009)

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

Mr. Donald R. Ramotar, M.P.

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadick, M.P.

Mr. Neendkumar, M.P.

- (Excused)

From the People's National Congress Reform – 1 Guyana (PNC/R – 1G) (3)

(Nominated by the Committee of Selection on 17th June, 2009)

Mr. E Lance Carberry, M.P.



Mr. Basil Williams, M.P.

Ms. Anna Ally, M.P.

From the Alliance For Change (AFC) (1)

(Nominated by the Committee of Selection on 4th June, 2009)

Mr. David Patterson, M.P.

- (Excused)

Officers

Mr. Oscar E. Moore

- Clerk of Committees

Ms Tanzadell Bentinck

- Assistant Clerk of Committees

Also in attendance

Mr. Cecil Dhurjon

- Chief Parliamentary Counsel

Ms Dellon Adams

- Assistant Clerk of Committees

Ms Darlene Marshall

- Assistant Clerk of Committees

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:-

- (i) Notice to attend the 4th Meeting dated 22nd June, 2009 to be held on Tuesday 23rd June, 2009;
- (ii) Draft Report of the Local Authorities (Elections) (Amendment) Bill – Bill No. 21/2009.

ITEM 3: CORRECTION AND CONFIRMATION OF MINUTES OF THE 3RD MEETING HELD ON THE 18TH JUNE, 2009.

- 3.1 This item was deferred to a subsequent meeting of the Committee.

ITEM 4:

**TO CONSIDER THE DRAFT REPORT OF THE LOCAL
AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2009
– BILL NO. 21 OF 2009;**

- 4.1 The Chairman stated that he received the Minutes and the Draft Report at 11.00 am that morning. As a result, he was able to make only a perfunctory examination of the documents. During that examination, it was discovered that some amount of the tidying up of the documents was needed.
- 4.1.1 For those reasons, he proposed:
- (i) that the meeting be postponed, or
 - (ii) the deferment of examination of the documents involved, and that the meeting commence the consideration of the Local Government Commission Bill – Bill No. 22 of 2009.
- 4.1.2 Members of the Government agreed that the Draft Report had some errors and supported its withdrawal in order that the necessary corrections could be effected.
- 4.1.3 Members of the Opposition recalled that they had taken the position not to participate in the process of the examination of the Bills until they had all been tabled in the National Assembly. For that reason, they had no opportunity to make an input in the amendments of the Local Authorities (Elections) (Amendment) Bill 2009 Bill No. 21 of 2009.
- 4.1.4 The Members of the Opposition contended that the Committee should take account of their views and that the document should be reviewed to facilitate and reflect their perspectives.
- 4.1.5 In conclusion, the latter proposal of the Chairman was agreed to by the Committee.
- 4.2 **Approach for Submission of Bills**
- 4.2.1 The Chairman reminded Members of the decision to hold the Elections under a reformed Local Government system this year, 2009.
- 4.2.2 Members debated the approach to be taken for the submission of the Bills to the National Assembly.
- 4.2.3 Some views expressed were:

- that the Committee should expedite the examination of the Local Government legislations to facilitate the Bills being passed before the commencement of the Parliamentary recess.
- that the five Bills after the completion of their examination, should be submitted to the National Assembly as a package.
- another Member posited that each Bill^s should be submitted to the National Assembly after the completion of it's examination.

4.2.4 Members of the Opposition contended that the Local Government Commission should have been given the status of a Constitutional Commission and not a statutory one (Article 78A), since it was a constitutional provision that provides for its establishment.

4.2.5 Referring to section 4 (1) the Members of the Opposition proposed that the composition of the Membership of the Commission should be on the basis of 50% for the Government and 50% for the Opposition as there was no need for a "winner take all" attitude to prevail.

4.2.6 The Members of the Government expressed disagreement. The discussion on this issue was concluded with the Chairman's decision that the proposal was noted.

4.3 Referring to Clause 7

4.3.1 The Opposition contended that the provisions of article 225 of the Constitution should be applicable because the maintenance of the principle of natural justice was important.

4.3.2 The Chairman advised that the proposal was noted.

4.4 Referring to Clause 9

4.4.1 The Opposition proposed that the Chairperson should be appointed by the President with provision that the Deputy Chairperson may be nominated by the Opposition.

4.4.2 The Chairperson advised that the proposal was noted.

ITEM 5:

TO COMMENCE CONSIDERATION THE LOCAL GOVERNMENT COMMISSION BILL – BILL NO. 22 OF 2009.

- 5.1 The Committee commenced consideration of the Bill Clause by Clause.
- 5.1.1 Clauses 1, 2, 3, 5, 6, 8, 10, 11, 16, 18 to 22, 26 to 33, were *accepted as presented*.
- 5.1.2 Clauses 12,13,14,15 and 17 were *accepted as amended*.
- 5.1.3 Clauses 4, 7 and 23 to 25 were to be revisited.
- 5.1.4 A matrix comprising amendments made to the Bill has been appended to the Minutes.
- 5.1.5 See matrix for amended sections.

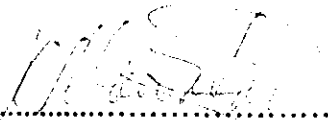
- 5.2 **Committee's Name Change**
- 5.2.1 The Members decided that the name of the Committee should be altered to reflect the name of the Bills under consideration. Hence, the Committee should be renamed the:

“ Special Select Committee on the Local Government Bills”.
- 5.2.2 At 5.50 pm., the Committee, except for the Clauses to be revisited” concluded the consideration of the Local Government Commission Bill – Bill No. 22 of 2009.

ADJOURNMENT

At 6.00 p.m. the meeting was adjourned to Tuesday, 30th June, 2009.

Confirmed this day of June, 2009.



.....
The Hon. Kellawan Lall, M.P.
Minister of Local Government
Chairman

**Matrix reflecting changes/amendments to the Bill from
pages 1 – 11 (Clauses 1 -33) made at the 4th Meeting held on the
23rd June, 2009**

Clauses of Present Bill	Amendments to Clauses – New Clause/Remarks
<p>Clause 4, subsection (2)</p> <p>All appointments shall be made from among persons of unquestioned integrity and with extensive knowledge, where practicable, in local government matters, administration, finance, Amerindian Affairs industry or law.</p>	<p>Clause 4, subsection (2)</p> <p>All appointments shall be made from among persons of unquestioned integrity and with extensive knowledge, where practicable, in local government matters, administration, finance, Amerindian Affairs, industry or law.</p>
<p>Clause 12</p> <p>An act proceeding of the Commission shall not be invalid by reason of a vacancy in the membership or any defect in the appointment of a member, but if at any time and so long s the number of persons acting is less than three, the Commission shall discontinue the exercise of its powers.</p>	<p>Clause 12</p> <p>The Chief Parliamentary Counsel suggested the Clause to read as follows:</p> <p>An act, proceeding or meeting of the Commission shall not be invalid by reason of a vacancy in the membership or any defect in the appointment of a member, but if at any time and so long s the number of persons acting is less than three, the Commission shall discontinue the exercise of its powers.</p> <p>Clause 12 was further deferred for consideration by the Chief Parliamentary Counsel</p>

Clause 13, subsection (1)

The Commission shall have power to deal with all matters relating to the regulation of all local government organs and in particular shall –

- (a) monitor and review the performance and implementation of policies of all local government organs, including policies of taxation and protection of the environment;
- (b) monitor, evaluate and make recommendations on policies, procedures and practices of all local government organs in order to promote effective local governance;
- (c) investigate any matter under its purview and propose remedial action to the Minister;
- (d) monitor and review all existing and proposed legislation, policies and measures relating to local government organs and report the need for any amendment to any legislation to the Minister;
- (e) examine and propose ways of enhancing the capacity of local government organs;

Clause 13, subsection (1) was replaced by 78A. of the Constitution which read as follows:

Parliament shall establish a Local Government Commission, the composition and rules of which empower the commission to deal with as it deems fit, all matters related to the regulation and staffing of local government organs and with dispute resolution within and between local government organs.

Clause 13, subsection (2)

Clause 13, subsection (2) was omitted from the Bill

subsections (3) to (6) were renumbered as subsections (2) to (5)

Clause 15, subsection (3)

In accordance with subsection (5), a quorum shall be the Chairperson, Deputy Chairperson, Deputy Chairperson or the member presiding at the meeting and one other member.

Clause 15, subsection (3)

In accordance with subsection (5), a quorum shall be three members.

Clause 15, subsection (4)

Subject to section 12, no meeting shall be invalid only on the ground that there was a vacancy in the membership of the Commission.

Clause 15, subsection (4)

Subject to **subsection 3 and** section 12, no meeting shall be invalid only on the ground that there was a vacancy in the membership of the Commission.

Clause 17

The Chairperson and other members shall receive such salaries and allowances as may be provided for in the annual budget of the Commission approved by the National Assembly

Clause 17

The Chairperson, and members **of the Commission** shall receive such **emoluments** as may be provided for in the annual budget of the Commission approved by the National Assembly

Clauses 23 to 25

Clauses 23 to 25 were to be revisited by the Committee

THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006 -2009)

MINUTES OF THE
5TH MEETING OF THE SPECIAL SELECT COMMITTEE ON THE
LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2009
BILL NO. 21 OF 2009
HELD AT 3.00 PM ON TUESDAY, 30TH JUNE, 2009
IN COMMITTEE ROOM NO. 2 (GROUND FLOOR, WEST OF
MAIN STAIRWAY), PUBLIC BUILDINGS, GEORGETOWN

MEMBERS OF THE COMMITTEE (10)

Chairman (PPP/C) (1)

(Nominated by the Committee of Selection on 4th June, 2009)
(Elected by the Committee on 9th June, 2009)

The Hon. Kellawan Lall, M.P.
Minister of Local Government

OTHER MEMBERS

From the People's Progressive Party/Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 4th June, 2009)

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

Mr. Donald R. Ramotar, M.P.

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadick, M.P.

Mr. Neendkumar, M.P.

From the People's National Congress Reform – 1 Guyana (PNC/R – 1G) (3)

(Nominated by the Committee of Selection on 17th June, 2009)

Mr. E Lance Carberry, M.P.



Mr. Basil Williams, M.P.

Ms. Anna Ally, M.P.

From the Alliance For Change (AFC) (1)

(Nominated by the Committee of Selection on 4th June, 2009)

Mr. David Patterson, M.P.

Officers

Mr. Oscar E. Moore	-	Clerk of Committees
Ms Tanzadell Bentinck	-	Assistant Clerk of Committees

Also in attendance

Mr. Cecil Dhurjon	-	Chief Parliamentary Counsel
Mr. Charles John Fung-a-Fatt	-	Deputy Chief Parliamentary Counsel
Ms Candayce Girard	-	Assistant Clerk of Committees
Ms Darlene Marshall	-	Assistant Clerk of Committees

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:-

- (i) Notice to attend the 5th Meeting dated 25th June, 2009 to be held on Tuesday 30th June, 2009;
- (ii) Draft Report of the Local Authorities (Elections) (Amendment) Bill – Bill No. 21/2009;
- (iii) Minutes of the 3rd meeting held on 18th June, 2009; and
- (iv) Minutes of the 4th Meeting held on 23rd June, 2009.

ITEM 3: CORRECTION AND CONFIRMATION OF MINUTES OF THE 3RD MEETING HELD ON THE 18TH JUNE, 2009.

3.1 Corrections

3.1.1 Page 20

3.1.2 Deletion of the following names:

- (i) Mr. E Lance Carberry, M.P.
- (ii) Mr. Basil Williams, M.P.
- (iii) Ms. Amna Ally, M.P.

Because at that date they were not yet appointed by the Committee of Selection.

3.1.3 There being no further corrections the Minutes were confirmed on a Motion moved and seconded by Ms Bibi Shadick and Ms Gail Teixeira respectively.

ITEM 4: MATTERS ARISING

4.1 Page 21

4.1.1 Mr. David Patterson, M.P, stated that by letter dated 17th June, 2009 to the Clerk of the National Assembly, Speaker of the National Assembly and the Committees on which he was a Member, he asked to be excused over the period 18th to 23rd June, 2009.

4.1.2 He was advised that the information did not reach the Committee and that he should, in future, indicate the Committee from which he would like to be excused.

ITEM 5: CORRECTION AND CONFIRMATION OF MINUTES OF THE 4TH MEETING HELD ON THE 23RD JUNE, 2009.

5.1 Corrections

5.1.1 Page 3, paragraph 4.1.3

5.1.2 Substitution of the following for the first sentence in paragraph 4.1.3:

"The People's National Congress/Reform Members reiterated that they had taken the principled position that they would not participate in the discussions until all of the 5 Bills were tabled in the National Assembly. Further, that all five Bills were not tabled before 11th June, 2009."

5.2 Page 3, Paragraph 4.2.3

5.2.1 Substitution of bullet 2 to read:

"It was a decision of the task force that all the Bills will be submitted to Parliament as a package".

5.2.2 Insertion of the following after the last bullet:

"The majority view was that:

(a) the Bills will be dealt with in the order in which they were laid

(b) each Bill will be submitted to the National Assembly on completion of its examination as was the practice in convention with other Committees.

The Committee discussed the interpretation of that issue and did not reach an agreement on that matter".

5.3 Page 4, paragraphs 4.2.4 to 4.3.2

5.3.1 **Transposition of the Heading at item 5: "To commence consideration on the Local Government Commission Bill – Bill No. 22 of 2009" at the beginning of paragraph 4.2.4**

5.4 Page 4, Paragraph 4.3.1

5.4.1 Substitution of the following for paragraph 4.3.1:

" The Opposition contended that the provisions of article 225 of the Constitution provided a suitable approach for dealing with this matter and should therefore be applicable because the observance of the principle of natural justice was important".

5.5 Page 4, paragraph 5.1.1

- (i) Deletion of clause “7”
- (ii) Insertion of clause “14”

5.6 Page 5, Paragraph 5.1.2

Deletion of clauses “4, 9 and 14”

5.7 Page 5, Paragraph 5.1.3

Insertion of clauses “4, 7 and 9”

5.8 Page 5, Paragraph 5.2.1

Insertion of “Reform” after the word “Government” in the proposed new name of the Committee.

5.9 Page 5, paragraph 5.2.2

5.9.1 Insertion of the words “ except for the clauses to be revisited” after the word “Committee” in the first line.

5.10 There being no further corrections the Minutes were confirmed on a Motion moved and seconded by Ms Bibi Shadick and Mr. Lance Carberry respectively.

ITEM 6: MATTERS ARISING

6.1 Page 3, paragraph 4.1.5

6.1.1 The Committee agreed that paragraph 4.1.5 should be inserted at the end of paragraph 4.1.1

6.2 Page 3 Paragraph 4.1.4

6.2.1 In response to an enquiry about the PNC/R’s positions on the already considered Local Authorities (Elections) (Amendment) Bill 2009, the Chairman informed the Members of the Opposition

that when the Committee were to consider the Report to be sent to the National Assembly, their views will be entertained and represented.

6.2.2 The Government side recounted the procedure taken by the Committee since its commencement for the benefit of the Members of the Opposition who were not in attendance.

6.2.3 Mr. Patterson contended that the AFC had written the Committee stating their position on the tabling of the Bills and the reason for their non- participation in the initial stages of the proceedings.

6.3 Paragraph 5.1.3

6.3.1 A Member of the Opposition proposed that a section 95 of the Principal Act Ch. 28:03 should not be repealed. In conclusion, Members agreed to revisit the issue.

ITEM 7: TO CONTINUE CONSIDERATION OF THE LOCAL GOVERNMENT COMMISSION BILL 2009 – BILL NO. 22 OF 2009

7.1 Re-committal of the following clauses of the Bill to the Committee.

7.1.1 Clause 4, subsection (1)

7.1.2 Members of the Opposition contended that at the previous meeting, in relation to the appointment of the members of the Local Government Commission, they had proposed that:

- (i) there should be three appointments by the President and the Leader of the Opposition should nominate three Members after consultation with Parliamentary Opposition parties.
- (ii) the Chairperson should be appointed by the President.
- (iii) Clause 9 could remain as is if Clause 4 (1) as proposed was accepted.

7.2 Clause 3

7.2.1 The Chief Parliamentary Counsel was required to revisit.

7.3 **Clause 7**

7.3.1 A Member posited that there was no country in the world, in the case of the Commission whether statutory or constitutional, where the President could initiate the dismissal of a member of the Commission. He further contended that an independent machinery would do that. He then made reference to article 225 of the Constitution to support his contentions.

7.3.2 From the discussions which ensued, the Chief Parliamentary Counsel was requested to provide a wording on this issue for consideration by the Committee.

7.3.3 The CPC proposed an insertion of a new Clause 7, subsection (2) to read:

“Before a Member's appointment is terminated under subsection (1) the Member shall be afforded an opportunity of making representation on his behalf”.

7.3.4 The CPC was then requested to review the other issues of the Commission and advise the Committee.

7.3.5 The Chairperson requested the Clerk of the Committee to liaise with the Chief Parliamentary Counsel to ensure that the amendments made to the Bill were correctly reflected in the documents.

ITEM 8: TO CONSIDER THE DRAFT REPORT OF THE LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2009 BILL NO. 21 OF 2009

8.1 This item was further deferred to a subsequent meeting of the Committee.

8.1.1 Details of the proceedings are recorded in the verbatim records of that date.

8.1.2 Amendments made to the Bill (see matrix) have been appended to the Minutes.

ITEM 9:

ANY OTHER BUSINESS

9.1 Draft report

9.1.1 The Committee's secretariat was requested to prepare a Draft Report on the Local Government Commission Bill which will contain the Minutes and Matrix of this meeting.

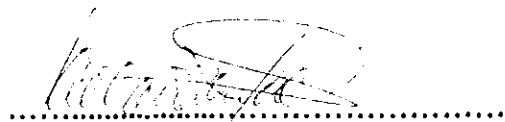
9.2 Item on Agenda

9.2.1 The Chairman indicated that the first order of business for the next Meeting will be finalization of the Report on the Local Government (Elections) (Amendment) Bill 2009.

ADJOURNMENT

At 7.25 p.m. the meeting was adjourned to Tuesday, 7th July, 2009.

Confirmed this day of July, 2009.



**The Hon. Kellawan Lall, M.P.
Minister of Local Government
Chairman**

**Matrix reflecting changes/amendments to the Local Government
Commission Bill 2009, Bill No. 22 of 2009
from pages 1 – 11 (Clauses 1 -33)**

Clauses of Present Bill	Amendments to Clauses – New Clause/Remarks
<p>Page 2, No. 7 of Bill Termination of appointment of members</p>	<p>Page 2, No. 7 of Bill Termination of office appointment of members</p>
<p>Page 2, No. 18 Express</p>	<p>Page 2, No. 18 Expenses</p>
<p>Page 2, No. 19 Power of Commission</p>	<p>Page 2, No. 19 Power to Delegate</p>
<p>PART 1 PRELIMINARY</p>	<p>PART 1 PRELIMINARY Insertion of the following: “Public officer” has the same meaning as in the Constitution”</p>
<p>Clause 3</p>	<p>Clause 3 - re-number as Clause 3 (1) Insertion of a new subsection (2) to be read as follows: <i>In the exercise of its functions, the Commission shall not be subjected to the direction or control of any authority [Ch. 28:01, section 95 (2)].</i></p>

<p>Clause 4, subsection (2)</p> <p>All appointments shall be made from among persons of unquestioned integrity and with extensive knowledge, where practicable, in local government matters, administration, finance, Amerindian Affairs industry or law.</p>	<p>Clause 4, subsection (2)</p> <p>All appointments shall be made from among persons of unquestioned integrity and with extensive knowledge, where practicable, in local government matters, administration, finance, Amerindian Affairs, industry or law.</p>
<p>Clause 7</p>	<p>Clause 7, subsection (2)</p> <p>Insertion of a new subsection (2) to read as follows:</p> <p><i>"Before a Member's appointment is terminated under subsection (1), the member shall be afforded an opportunity of making representation on his behalf".</i></p>
<p>Clause 12</p> <p>An act proceeding of the Commission shall not be invalid by reason of a vacancy in the membership or any defect in the appointment of a member, but if at any time and so long as the number of persons acting is less than three, the Commission shall discontinue the exercise of its powers.</p>	<p>Clause 12</p> <p>The Chief Parliamentary Counsel suggested the Clause to read as follows:</p> <p>An act, proceeding or meeting of the Commission shall not be invalid by reason of a vacancy in the membership or any defect in the appointment of a member, but if at any time and so long as the number of members is less than three, the Commission shall discontinue the exercise of its powers.</p> <p>Clause 12 was further deferred for consideration by the Chief Parliamentary Counsel.</p>

Clause 13, subsection (1)

The Commission shall have power to deal with all matters relating to the regulation of all local government organs and in particular shall –

- (a) monitor and review the performance and implementation of policies of all local government organs, including policies of taxation and protection of the environment;
- (b) monitor, evaluate and make recommendations on policies, procedures and practices of all local government organs in order to promote effective local governance;
- (c) investigate any matter under its purview and propose remedial action to the Minister;
- (d) monitor and review all existing and proposed legislation, policies and measures relating to local government organs and report the need for any amendment to any legislation to the Minister;
- (e) examine and propose ways of enhancing the capacity of local government organs;

Clause 13, subsection (1)

The Commission shall have power to deal with all matters relating to the regulation **and staffing of local government organs and with dispute resolution within and between local government organs**, and in particular shall –

- (a) monitor and review the performance and implementation of policies of all local government organs, including policies of taxation and protection of the environment;
- (b)monitor, evaluate and make recommendations on policies, procedures and practices of all local government organs in order to promote effective local governance;
- (c) investigate any matter under its purview and propose remedial action to the Minister, **whenever and/or wherever necessary**;
- (d) monitor and review all existing and proposed legislation, policies and measures relating to local government organs and report the need for any amendment to any legislation to the Minister;
- (e) examine and propose ways of enhancing the capacity of local government organs.

Clause 13, subsections (3) to (6)

Clause 13, subsections (3) to (6)

subsections (3) to (6) were renumbered as subsections (2) to (5)

<p>Clause 13, subsection (6)</p> <p>In the discharge of its functions the Commission shall have regard to the provisions of the Local Democratic Organs Act, the Municipal and District Councils Act, the Local Government Act, the Amerindian Act, and any other provisions bearing on matters of local government.</p>	<p>Clause 13, new subsection (5)</p> <p>In the discharge of its functions the Commission shall have regard to the provisions of the Local Democratic Organs Act, the Municipal and District Councils Act, the Local Government Act, the Amerindian Act 2006, and any other provisions bearing on matters of local government.</p>
<p>Clause 14, subsection (1)</p> <p>For the purpose of the exercise and discharge of its functions under this Act the Commission shall have power to initiate and conduct investigations into the activities of any local government organ including the power regarding staff referred to in section 13 (3).</p>	<p>Clause 14, subsection (1)</p> <p>For the purpose of the exercise and discharge of its functions under this Act the Commission shall have power to initiate and conduct investigations into the activities of any local government organ including the power regarding staff referred to in section 13 (2).</p>
<p>Clause 15, subsection (3)</p> <p>In accordance with subsection (5), a quorum shall be the Chairperson, Deputy Chairperson, Deputy Chairperson or the member presiding at the meeting and one other member.</p>	<p>Clause 15, subsection (3)</p> <p>In accordance with subsection (5), a quorum shall be three members.</p>
<p>Clause 15, subsection (4)</p> <p>Subject to section 12, no meeting shall be invalid only on the ground that there was a vacancy in the membership of the Commission.</p>	<p>Clause 15, subsection (4)</p> <p>Subject to subsection 3 and section 12, no meeting shall be invalid only on the ground that there was a vacancy in the membership of the Commission.</p>

<p>Clause 17</p> <p>The Chairperson and other members shall receive such salaries and allowanees as may be provided for in the annual budget of the Commission approved by the National Assembly.</p>	<p>Clause 17</p> <p>The Chairperson, and members of the Commission shall receive such emoluments as may be provided for in the annual budget of the Commission approved by the National Assembly.</p>
<p>Marginal Notes -Clauses 20 (1)</p> <p>Seal of the Commission</p>	<p>Marginal Notes - Clauses 20 (1)</p> <p>Seal of Commission</p>
<p>Marginal Notes -Clauses 22 (1)</p> <p>Officers and Employees of Commission</p>	<p>Marginal Notes -Clauses 22 (1)</p> <p>Officers and employees of Commission</p>
<p>Clause 30</p>	<p>Clause 30, new subsection (2)</p> <p>Insertion of a new subsection (2) to read:</p> <p><i>Until rules relating to subsection (1) (a) and (b) are made, the Commission shall regulate its own procedure.</i></p>
<p>Clause 30, subsections (2) and (3)</p>	<p>Clause 30, subsections (2) and (3)</p> <p>Re-number subsections (2) and (3) as (3) and (4) respectively.</p>
<p>Clause 30, subsection (3)</p> <p>A person who contravenes any of the rules and regulations made under this Act. shall on summary conviction be liable to a fine of twenty thousand dollars and to imprisonment of three months.</p>	<p>Clause 30, new subsection (4)</p> <p>A person who contravenes any of the rules and regulations made under this Act. creating offences, shall on summary conviction be liable to a fine of twenty thousand dollars and to imprisonment of three months.</p>

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006 -2009)**

**MINUTES OF THE
6TH MEETING OF THE SPECIAL SELECT COMMITTEE ON THE
LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2009
BILL NO. 21 OF 2009
HELD AT 3.00 PM ON TUESDAY, 7TH JULY, 2009
IN COMMITTEE ROOM NO. 2 (GROUND FLOOR, WEST OF
MAIN STAIRWAY), PUBLIC BUILDINGS, GEORGETOWN**

MEMBERS OF THE COMMITTEE (10)

Chairman (PPP/C) (1)

(Nominated by the Committee of Selection on 4th June, 2009)

(Elected by the Committee on 9th June, 2009)

The Hon. Kellawan Lall, M.P.
Minister of Local Government

OTHER MEMBERS

From the People's Progressive Party/Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 4th June, 2009)

The Hon. Manzoor Nadir, M.P. - (Excused)
Minister of Labour

Mr. Donald R. Ramotar, M.P.

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadick, M.P.

Mr. Neendkumar, M.P.

From the People's National Congress Reform – 1 Guyana (PNC/R – 1G) (3)

(Nominated by the Committee of Selection on 17th June, 2009)

Mr. E Lance Carberry, M.P.

Mr. Basil Williams, M.P.

Ms. Amna Ally, M.P.

From the Alliance For Change (AFC) (1)

(Nominated by the Committee of Selection on 4th June, 2009)

Mr. David Patterson, M.P.

Officers

Mr. Oscar E. Moore	-	Clerk of Committees
Ms Tanzadell Bentinck	-	Assistant Clerk of Committees

Also in attendance

Mr. Cecil Dhurjon	-	Chief Parliamentary Counsel
Ms Dellon Adams	-	Assistant Clerk of Committees
Ms Candayce Girard	-	Assistant Clerk of Committees

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:-

- (i) Notice to attend the 6th Meeting dated 2nd July, 2009 to be held on Tuesday 7th July, 2009;
- (ii) Minutes of the 5th Meeting held on Tuesday, 30th June, 2009 (matrix attached).

The following document was circulated at the meeting:-

- (i) Matrix reflecting changes/amendments to the Local Authorities (Elections) (Amendment) Bill 2009- Bill No. 21 of 2009.

ITEM 3: CORRECTION AND CONFIRMATION OF MINUTES OF THE 5TH MEETING HELD ON 30TH JUNE, 2009.

3.1 Corrections

3.1.1 Page 1

3.1.2 Deletion of the “/” occurring in “PNC/R” on the 1st page and wherever else it occurred.

3.2 Page 3, paragraph 4.1.1 – Matters Arising

3.2.1 Substitution for paragraph 4.1.1:

“Mr. David Patterson, M.P, stated that by letter dated 17th June, 2009, he had indicated to the Clerk of the National Assembly, Speaker of the National Assembly and the named Committees on which he was a Member, that he would like to be excused over the period 18th to 23rd June, 2009”.

3.3 Page 3, Paragraph 4.1.2

3.3.1 Deletion of paragraph 4.1.2

3.4 Page 6, paragraph 6.3.1

3.4.1 Substitution of Chapter no. “28:01” for “28:03” in line 2.

3.5 Page 6, Paragraph 7.1.2

3.5.1 The following corrections were made:

- (i) Insertion of the words “, the Minister, one member after consultation with Local Democratic Organs” at the end of the line 4 in roman numeral (i).
- (ii) Insertion of the words “and the Deputy Chairperson by the Leader of the Opposition” after the word “President” at the end of roman numeral (ii).

- (iii) Insertion of a new paragraph 7.1.3 to read as follows:

However, the Government's side proposed alternatively:

- (i) Three members appointed by the President (as in the draft Bill)
- (ii) One member appointed by the Leader of the Opposition
- (iii) One member appointed by the Leader of the Opposition in consultation with the Parliamentary Opposition parties; and
- (iv) One member appointed by the Minister of Local Government, after consultation with local democratic organs.

3.6 Page 6, Paragraph 7.2.1, Clause 3

- 3.6.1 Substitution of the words "include reference to 95 (1) in the Principal Act" for the word "revisit".

3.7 Page 7, Paragraph 7.3- Clause 7

- 3.7.1 Insertion of the words "without reference to some institutional mechanism, to ensure that there was natural justice" after the word "Commission" in line 4.

- 3.8 There being no further corrections the Minutes were confirmed on a Motion moved and seconded by Mr. Neendkumar and Mr. E. Lance Carberry respectively.

3.9 Consideration of Matrix on the Local Government Commission Bill 2009.

- 3.9.1 Clause 4, subsection (1) and Clauses 7, 9 and 12 were deferred for further consideration by the Committee. Clause (4) Subsection (3) was to be clarified by the Chief Parliamentary Counsel.

- 3.9.2 Changes made at the meeting were reflected in the matrix attached.

ITEM 4: MATTERS ARISING

4.1 There were no matters arising from the Minutes.

ITEM 5: TO CONTINUE CONSIDERATION OF THE LOCAL GOVERNMENT COMMISSION BILL 2009 – BILL NO. 22 OF 2009

5.1 **Re-committal of the following clauses of the Bill to the Committee.**

5.1.1 **Clause 4, subsection (1)**

5.1.2 From the discussions which ensued, the Government's side, for the record, placed before the meeting, three options. They were as follows:

(i) The original proposal as contained in the Bill, that is:

- three members appointed by the President acting in accordance with his own deliberate judgment.
- two members, appointed by the President after consultation with the Leader of the Opposition
- one member appointed by the Minister, after consultation with local government organs.

(ii) The PNCR's proposal, i.e:

- three members appointed by the President
- three Members appointed by Leader of the Opposition after consultation with Parliamentary Opposition parties; and
- one member, appointed by the Minister after consultation with local democratic organs.

- Included in this package, was for the President to appoint the Chairperson and the Leader of the Opposition to appoint the Deputy Chairperson.

(iii) The Government's proposal was as follows:

- three members appointed by the president as in the draft Bill
- one member appointed by the President, after nomination by the Leader of the Opposition
- one member appointed by the Leader of the Opposition following consultation with the Parliamentary Opposition parties; and
- one member nominated by the Minister of Local Government, after consultation with local government organs.

5.1.3 The Government Member then further suggested, that the item be deferred to the next meeting, to enable Members to deliberate with their respective colleagues over the issue at clause 4 (1).

5.1.4 A Member of the Opposition also proposed:

5.1.5 That Clause 4 (1) (a) should be amended to ensure that it was in consonance with article 13 of the Constitution.

ITEM 6: TO CONSIDER THE DRAFT REPORT OF THE LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2009-BILL NO. 21 OF 2009

6.1 The Chairman reiterated that the reason for re-considering the Local Authorities (Elections) (Amendment) Bill was for the benefit of the Members of the Opposition who were not present at the initial meetings of the Committee when that Bill was considered. He further stated that Members of the Opposition would be afforded an opportunity to have their views included in the deliberations.

- 6.1.1 Members then re-considered the Local Authorities (Elections) Amendment) Bill Clause by Clause.
- 6.1.2 Amendments made to the Bill (see matrix) have been appended to the Minutes.
- 6.1.3 Details of the proceedings are recorded in the verbatim records of that date.

ADJOURNMENT

At 7.25 p.m. the meeting was adjourned to Tuesday, 14th July, 2009.

Confirmed this day of July, 2009.



.....
The Hon. Kellawan Lall, M.P.
Minister of Local Government
Chairman

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006 -2009)**

**MINUTES OF THE
7TH MEETING OF THE SPECIAL SELECT COMMITTEE ON THE
LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2009
BILL NO. 21 OF 2009**

**HELD AT 3.10 PM ON TUESDAY, 21ST JULY, 2009
IN COMMITTEE ROOM NO. 2 (GROUND FLOOR, WEST OF
MAIN STAIRWAY), PUBLIC BUILDINGS, GEORGETOWN**

MEMBERS OF THE COMMITTEE (10)

Chairman (PPP/C) (1)

(Nominated by the Committee of Selection on 4th June, 2009)

(Elected by the Committee on 9th June, 2009)

The Hon. Kellawan Lall, M.P.
Minister of Local Government

OTHER MEMBERS

From the People's Progressive Party/Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 4th June, 2009)

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

Mr. Donald R. Ramotar, M.P.

Ms. Gail Teixeira, M.P. - (Excused)

Ms. Bibi S. Shadick, M.P.

Mr. Neendkumar, M.P.

From the People's National Congress Reform – 1 Guyana (PNCR – 1G) (3)

(Nominated by the Committee of Selection on 17th June, 2009)

Mr. E Lance Carberry, M.P.

Mr. Basil Williams, M.P.

Ms. Anna Ally, M.P.

From the Alliance For Change (AFC) (1)

(Nominated by the Committee of Selection on 4th June, 2009)

Mr. David Patterson, M.P.

Officers

Mr. Oscar E. Moore	-	Clerk of Committees
Ms Tanzadell Bentinek	-	Assistant Clerk of Committees

Also in attendance

Mr. Charles John Fung-a-fatt	-	Deputy Chief Parliamentary Counsel
Ms Candayce Girard	-	Assistant Clerk of Committees

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:-

- (i) Notice to attend the 7th Meeting dated 16th July, 2009 to be held on Tuesday 21st July, 2009;
- (ii) Minutes of the 6th Meeting held on Tuesday, 7th July, 2009; and
- (iii) Matrix on the Local Authorities (Elections) Amendment Bill 2009.

2.2 The following documents were circulated at the meeting:-

- (i) Matrix on the Local Government Commission Bill 2009- Bill No. 22 of 2009.
- (ii) Verbatim Record of Proceedings of the 1st Meeting held on Tuesday, 9th June, 2009.

ITEM 3: CORRECTION AND CONFIRMATION OF MINUTES OF THE 6TH MEETING HELD ON 7TH JULY, 2009.

3.1 Corrections

3.1.1 Page 5, paragraph 5.1.2

3.1.2 Substitution of the words “three options emerged” for the words “the Government’s side, for the record, placed before the meeting, three options.”, in lines 2 and 3.

3.2 Page 5, paragraph 5.1.2, roman numeral (ii)

3.2.1 Substitution of the words “Opposition’s” for “PNCR’s” before the word “proposal”.

3.3 Page 6, paragraph 5.1.2, roman numeral (ii)

3.3.1 Insertion of a new bullet to read:

“ The Opposition party stated that if their proposal was accepted, then they would accept the original clause (9) in the Bill.”

3.4 Page 6, paragraph 5.1.2, roman numeral (iii), bullet 3.

3.4.1 Substitution of the word “nominated” for the word “appointed” in line 1.

3.4.2 There being no further corrections the Minutes were confirmed on a Motion moved and seconded by Mr. Neendkumar and Ms. Amna Ally respectively,

ITEM 4: MATTERS ARISING

4.1 There were no matters arising from the Minutes.

ITEM 5: TO CONCLUDE CONSIDERATION OF THE LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2009- BILL NO. 21 OF 2009

- 5.1 The matrix which was prepared and represented the Committee's positions on the Bill, was examined after the following corrections.
- 5.2 **Page 1 – Preliminary**
 - 5.2.1 Insertion of the words "in section 2" after the word "insert"
- 5.3 **Section 38, subsection (2),**
 - 5.3.1 Substitution of the word "phrase" for the word "phase"
- 5.4 **Page 4**
 - 5.4.1 Marginal Notes section 44A, subsection (4).
 - 5.4.2 Substitution of "Supporting lists of signatures" for "Supporting lists or signatures".
- 5.5 **Page 5**
 - 5.5.1 Insertion of "Section 71A subsections (1), paragraphs (b) and (c) were accepted as presented".
- 5.6 After the above corrections, the Secretariat was required to prepare the draft report on the Local Authorities (Elections) Amendment Bill 2009, Bill No. 21 of 2009.

ITEM 6: TO CONCLUDE CONSIDERATION OF THE LOCAL GOVERNMENT COMMISSION BILL 2009 – BILL NO. 22 OF 2009

- 6.1 The Committee then proceeded to examine the matrix which represented the Committee's positions on the Bill.
- 6.1 **Clause (4), subsection (3)**
 - 6.1.1 In response to an enquiry as to whether a councillor should be prevented from being eligible to be a member of the Commission, the Deputy Chief Parliamentary Council referred to section 97 of the Municipal and District Councils Act and informed the Committee that in the Act, councillors were excluded. He further

posited that the wording mentioned in the Act should be included in the Bill.

- 6.1.2 The Committee agreed that an elected councillor of a local Government organ cannot be a councillor and a member of the Commission at the same time. It was agreed, further, that the subsection should be redrafted to reflect that agreement.
- 6.2 Thereafter, the Committee adopted the matrix on the Local Government Commission Bill 2009.
- 6.2.1 The Secretariat was requested to prepare the draft report on the Local Government Commission Bill 2009 – Bill No. 22 of 2009.

ITEM 7: TO COMMENCE CONSIDERATION OF THE LOCAL GOVERNMENT (AMENDMENT) BILL 2009 – BILL NO. 23 OF 2009

- 7.1 A Member of the Opposition contended that the other Bills sent to the Committee should be considered before the Local Government (Amendment) Bill which encompasses amendments made to all the other Bills. Following agreement on that contention, the consideration of the Local Government (Amendment) Bill was deferred to a subsequent meeting of the Committee.

ITEM 8: TO COMMENCE CONSIDERATION OF THE FISCAL TRANSFERS BILL 2009 – BILL NO. 25 OF 2009

- 8.1 **Page 2, Clause 2**
- 8.1.1 A Member of the Opposition proposed the following:
 - (i) substitution of the word “equitably” for the word “equally” after the word “allocated” in the 3rd paragraph.
 - (ii) Substitution of the word “specific” for the word “stipulated” before the word “performance” in the 7th and 9th lines of the last paragraph.
- 8.1.2 The Committee accepted the first proposal.
- 8.1.3 Members deliberated on the intention and purpose of this Bill extensively.

- 8.1.4 The Chairman reiterated to Members of the Opposition that the intention of the Fiscal Transfers Bill was to determine how the monies allocated by Central Government to this sector will be distributed and not to determine the size of Central Government's allocation to the local government sector. He further stated that the law prescribed how local government organs finance themselves and the focus therefore was on finding a formula on how to allocate Government's subvention to local government organs.
- 8.1.5 Members of the Main Opposition were not in agreement with the formula and intention of the Fiscal Transfers Bill and contended that the Bill should be reviewed and redrafted before returning to the Committee. They also stated that they would do some internal consultations by way of preparation for the next meeting.
- 8.1.6 The meeting was then adjourned.
- 8.1.7 Details of the proceedings are recorded in the verbatim records of that date.

ADJOURNMENT

At 6.10 p.m. the meeting was adjourned to Tuesday, 28th July, 2009.

(Unconfirmed)

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION
OF THE NINTH PARLIAMENT OF GUYANA (2006 -2009)**

**MINUTES OF THE
8TH MEETING OF THE SPECIAL SELECT COMMITTEE ON THE
LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2009
BILL NO. 21 OF 2009
HELD AT 3.10 PM ON TUESDAY, 28TH JULY, 2009
IN COMMITTEE ROOM NO. 2 (GROUND FLOOR, WEST OF
MAIN STAIRWAY), PUBLIC BUILDINGS, GEORGETOWN**

MEMBERS OF THE COMMITTEE (10)

Chairman (PPP/C) (1)

(Nominated by the Committee of Selection on 4th June, 2009)

(Elected by the Committee on 9th June, 2009)

The Hon. Kellawan Lall, M.P.
Minister of Local Government

OTHER MEMBERS

From the People's Progressive Party/Civic (PPP/C) (5)

(Nominated by the Committee of Selection on 4th June, 2009)

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

Mr. Donald R. Ramotar, M.P.

Ms. Gail Teixeira, M.P.

Ms. Bibi S. Shadick, M.P.

Mr. Neendkumar, M.P.

From the People's National Congress Reform – 1 Guyana (PNCR – 1G) (3)

(Nominated by the Committee of Selection on 17th June, 2009)

Mr. E Lance Carberry, M.P.

Mr. Basil Williams, M.P.

Ms. Amna Ally, M.P. - (Excused)

From the Alliance For Change (AFC) (1)

(Nominated by the Committee of Selection on 4th June, 2009)

Mr. David Patterson, M.P.

Officers

Mr. Oscar E. Moore - Clerk of Committees
Ms Tanzadell Bentinck - Assistant Clerk of Committees

Also in attendance

Ms. Jocette Bacchus - Clerk of Committees
Ms Darlene Marshall - Assistant Clerk of Committees
Ms. Koalla Robertson - Assistant Clerk of Committees

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:-

- (i) Notice to attend the 8th Meeting dated 27th July, 2009 to be held on Tuesday 28th July, 2009;
- (ii) Minutes of the 7th Meeting held on Tuesday, 21st July, 2009;
- (iii) Draft Report of the Local Authorities (Elections) (Amendment) Bill 2009- Bill No. 21 of 2009; and
- (iv) Draft Report of the Local Government Commission Bill 2009 – Bill No. 22 of 2009

- 2.2 The following documents were circulated at the meeting:-
- (i) Concluded Matrix on the Local Government Commission Bill 2009- Bill No. 22 of 2009;
 - (ii) Concluded Matrix on the Local Authorities (Election) (Amendment) Bill 2009- Bill No. 21 of 2009; and
 - (iii) Draft Report of the Local Authorities (Elections) (Amendment) Bill 2009- Bill No. 21 of 2009 with new insertions made at the 8th Meeting.

ITEM 3: CORRECTION AND CONFIRMATION OF MINUTES OF THE 7TH MEETING HELD ON 21ST JULY, 2009.

- 3.1 **Corrections**
- 3.1.1 **Page 2,**
- 3.1.2 Substitution of the name “Fung-a-Fat” for “Fung-a-fatt” under “Also in attendance”.
- 3.2 **Page 3, paragraph 3.1.3**
- 3.2.1 Substitution of the word “parties” for the word “party” in line 1.
- 3.3 **Page 4**
- 3.3.1 Insertion of “Clauses 23 and 24 was **accepted as presented**”

ITEM 4: MATTERS ARISING

- 4.1 **Page 3, paragraphs 3.1.2 and 3.3.1**
- 4.1.1 In response to an enquiry as to whether the Government’s position had changed in regards to paragraphs 3.1.2 and 3.3.1, the Government Members emphasized that their position had not changed.
- 4.2 **Page 5, paragraph 6.1.2**

4.2.1 Insertion of the words "an elected councillor of a local Government organ cannot be a councillor and a member of the Commission at the same time", into the matrix of the Local Government Commission Bill at Clause at 4, subsection (3).

4.3 Page 5, paragraph 7.1

4.3.1 Members were in contention as to whether an agreement was made to defer the consideration of the Local Government (Amendment) Bill as mentioned in paragraph 7.1.

4.3.2 Thereafter, the Minutes were deferred for adoption until the verbatim record was available to verify whether there was an agreement on the issue referred to in paragraph 7.1.

ITEM 5: TO CONSIDER THE DRAFT REPORT OF THE LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2009- BILL NO. 21 OF 2009

5.1 The Committee considered the Draft Report page by page.

5.1.1 The following amendments were made:

5.2 Page 2, Paragraph 1 - Publication

(i) Insertion of the words "under a reformed Local Government system." after the word "year" in the last line.

(ii) Insertion of the words " This Bill" before the word "was" in the last line.

5.3 Page 3, paragraph 5- Members of the Special Select Committee

5.3.1 Substitution of the word "appointed" for the word "nominated" in line 1.

5.4 Page 4:

(i) Deletion of the words " There were no nominations by the PNCR – 1G at that meeting" at the top of the page under the heading " Members of the People's National Congress Reform – 1 Guyana (PNCR-1G).

(ii) Deletion of the word "subsequently" after PNCR - 1G" in line 1 of the 3rd paragraph.

- (iii) Insertion of the word “stamped” before the word “received” in line 2.
- (ii) Transposition of the paragraph beginning with PNCR – 1G to the top of the page under the heading “Members of the People’s National Congress Reform – 1 Guyana (PNCR-1G).

5.5 Page 5, paragraph 7- Statutory Meeting

- (i) Deletion of the word “ deliberations” and
- (ii) Insertion of the words “longer and” in the last line.

5.6 Page 5, paragraph 8 – Procedure

5.6.1 After the words “*The other four Bills would be considered in the order in which they were laid in the National Assembly*”, add the words;
 “*The Government’s representatives were of the view that the four Bills should be considered in the order in which they were laid in the National Assembly. However, the Opposition argued that the Bills should be considered as a package, particularly the core Bills No. 21, 22 and 25*”.

5.7 Page 5, paragraph 9 – Meetings of the Committee

- (i) Substitution of “eight (8)” for “seven (7)” in line 1 of paragraph 1.
- (ii) Insertion of “and 28th” in the last line of paragraph 1.
- (iii) Deletion of paragraph 2.
- (iv) Insertion of “The Opposition Parties participated in the meetings beginning from 18th June, 2009.

5.8 Page 6, Paragraphs 11 and 12

5.8.1 The Committee’s staff was required to re-examine paragraphs 11 and 12 to ensure they were correct.

5.9 Page 6, paragraph 13

- (i) Substitution of the paragraph to read “There was no consensus to subsections 38A (8) and 38A (9).

- (ii) Insertion of the words “The Opposition held the position that the word “Commission” should be substituted for the word “Minister” in subsections 38A (8) and (9).The Government’s side argued that these clauses should remain unchanged.

5.10 Page 6, Paragraph 14

5.10.1 Substitution of the words “ The agreed” for the words “ details of the”.

5.11 Page 7

5.11.1 Renumber paragraphs 15, 16, 17 and 18 as paragraphs 17, 18, 15 and 16 respectively.

5.12 Page 7, Paragraph 17

5.12. Substitution of paragraph 17 to read “At its meeting held on 28th July, 2009, the Special Select Committee discussed this report on its consideration of this Bill with the proposed amendments and agreed that it should be presented to the National Assembly”.

5.13. Thereafter, the Government Members proposed that the Report should be prepared by the Secretariat, signed by the Minister and be tabled in the National Assembly at the Sitting on Thursday 30th July, 2009.

5.13.1. The Opposition Members were not in agreement with this proposal.

5.14 The meeting ended at 6.10 pm

ADJOURNMENT

At 6.10 p.m. the meeting was adjourned to Tuesday, 4th August, 2009.

(Unconfirmed)