

# Official Report

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2015-2019) OF THE ELEVENTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN*

---

114<sup>TH</sup> Sitting

Wednesday, 15<sup>TH</sup> May, 2019

---

*Assembly convened at 2.24 p.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

## **ANNOUNCEMENTS BY THE SPEAKER**

### **Legal Standing of the National Assembly in relation to no-confidence motion**

**Mr. Speaker:** Hon. Members, I welcome you to our 114<sup>th</sup> sitting of the National Assembly. In keeping with my undertaking given to you at our last sitting, I let you know that, during the period 6<sup>th</sup>-10<sup>th</sup> May, 2019, the appeals to the Caribbean Court of Justice (CCJ) were heard and it would be correct to say that the hearings are now concluded. The Caribbean Court of Justice will declare a date for its decisions. Until the decisions are rendered, the decision of the Court of Appeal, rendered on 22<sup>nd</sup> March, 2019, that the no-confidence motion was not properly passed continues to serve as a guide for my treatment of the affairs of the National Assembly.

### **Appointment and re-designation of Ministers**

**Mr. Speaker:** Hon. Members, by copy of an instrument dated 2<sup>nd</sup> day of May, 2019, I was informed that Ms. Dawn Hastings-Williams was re-designated Minister of State in the Ministry of

the Presidency with effect from the 25<sup>th</sup> day of April, 2019. By copy of an instrument dated the 2<sup>nd</sup> day of May, 2019, I was informed that Mr. Haimraj Rajkumar, an ordinary Member of the National Assembly, was appointed to be Minister of Business with effect from the 25<sup>th</sup> day of April, 2019. By copy of an instrument dated the 2<sup>nd</sup> day of May, 2019, I was informed that Ms. Tabitha Sarabo-Halley was appointed to be Minister of the Public Service in the Ministry of the Presidency with effect from the 25<sup>th</sup> day of April, 2019. By copy of an instrument dated the 2<sup>nd</sup> day of May, 2019, I was informed that Ms. Annette Ferguson was re-designated Minister within the Ministry of Communities with responsibility for Housing with effect from the 25<sup>th</sup> day of April, 2019. By copy of an instrument dated the 2<sup>nd</sup> day of May, 2019, I was informed that Ms. Simona Charles-Broomes was re-designated Minister within the Ministry of the Presidency with responsibility for Youth Affairs with effect from the 25<sup>th</sup> day of April, 2019. By copy of an instrument dated the 2<sup>nd</sup> day of May, 2019, I was informed that Ms. Valarie Patterson-Yearwood was re-designated Minister within the Ministry of Agriculture with responsibility for Rural Affairs with effect from the 25<sup>th</sup> day of April, 2019. By copy of an instrument dated the 2<sup>nd</sup> day of May, 2019, I was informed that Dr. Karen Roslyn Vanessa Cummings was re-designated Minister of Foreign Affairs with effect from the 25<sup>th</sup> day of April, 2019.

Hon. Members, I would like, on behalf of all of us, to extend best wishes to those Ministers who have been given new portfolios and to congratulate Mr. Haimraj Rajkumar on his becoming a Minister of the Government.

### **Death of Former Members of Parliament**

#### **Sir Fenton Harcourt Wilworth Ramsahoye, Senior Counsel**

**Mr. Speaker:** I was informed of the death of Sir Fenton Harcourt Wilworth Ramsahoye, who died on the 27<sup>th</sup> December, 2018 at the Bayview Hospital in Barbados after a brief period of illness. He was cremated at the Chapel of Coral Ridge Memorial Gardens, in Barbados, on the 5<sup>th</sup> January, 2019. He was 89 years old, having been born on the 20<sup>th</sup> May, 1929. Sir Fenton came from the People's Progressive Party (PPP).

On the 21<sup>st</sup> August, 1961, General Elections were held for the last time under the first-past-the-post system for 35 seats in the Legislative Assembly. From 1961 to 1964, the House comprised of the Legislative Assembly and the Senate. The Legislative Assembly first met on the 5<sup>th</sup> of October,

1961. On that said date, Sir Fenton was appointed Attorney General. The first meeting of the Senate was also held on the 5<sup>th</sup> October, 1961. On the 25<sup>th</sup> of September, 1964 the House was dissolved. From 1964-1966, there was the House of Assembly.

On the 7<sup>th</sup> of December, 1964, General Elections were held for the first time under the system of proportional representation. The House of Assembly held its first meeting on the 31<sup>st</sup> December, 1964. The Members of the People's Progressive Party did not attend that meeting. The ceremonial opening of the House took place on the 29<sup>th</sup> March, 1965. On the 18<sup>th</sup> of May, 1965, Sir Fenton, together with the Members of the People's Progressive Party, attended the Assembly and made and subscribed the oath of office.

Sir Fenton was appointed an ordinary Member of Parliament. From 1966 to 1968, the House of Assembly was called the National Assembly of the First Parliament of Guyana and the Members of the House of Assembly became the Members of the National Assembly. On the 5<sup>th</sup> November, 1968, the First Parliament of Guyana was dissolved. General Elections of the Second Parliament of Guyana were held on the 16<sup>th</sup> December, 1968 under the system of proportional representation. The Second Parliament commenced when the National Assembly first met on the 3<sup>rd</sup> January, 1969. Sir Fenton was appointed an ordinary Member of Parliament. On the 7<sup>th</sup> June, 1973, the Second Parliament of Guyana was dissolved. Sir Fenton ceased to be a legislator on that date.

**Mr. Bernard Celestino DeSantos, Senior Counsel.**

**Mr. Speaker:** Hon. Members, I was also informed of the death of Mr. Bernard Celestino DeSantos, SC, a former Member and Minister of Parliament, who died on the 8<sup>th</sup> of March, 2019 at a city hospital after a brief illness. He was 80 years old, having been born on the 27<sup>th</sup> April, 1938. Mr. DeSantos came from the People's Progressive Party/Civic (PPP/C). General and Regional were held on Monday the 5<sup>th</sup> October, 1992.

The Sixth Parliament of Guyana commenced when the National Assembly first met on the 17<sup>th</sup> December, 1992. On the 13<sup>th</sup> October, 1992, Mr. DeSantos was appointed a Member and was named Attorney-General and Minister of Legal Affairs of Guyana. On numerous occasions, Mr. DeSantos had the responsibility to treat with matters of the Government which fall under the Ministry of Foreign Affairs whenever the substantive Minister was out of the jurisdiction. Mr.

DeSantos served continuously in the Sixth Parliament until it was dissolved on the 29<sup>th</sup> of October, 1997. General and Regional Elections were held on Monday, 15<sup>th</sup> December, 1997.

The Seventh Parliament of Guyana commenced when the National Assembly first met on the 26<sup>th</sup> February, 1998. Mr. DeSantos was elected an ordinary Member of the National Assembly. He served throughout the Seventh Parliament until it was dissolved on the 18<sup>th</sup> February, 2001. Elections were held on Monday, 19<sup>th</sup> March, 2001. The Eight Parliament of Guyana commenced when the National Assembly first met on the 4<sup>th</sup> May, 2001. Mr. DeSantos was again elected an ordinary Member of the National Assembly on the 12<sup>th</sup> April, 2001 and continued working in the Eight Parliament until it was dissolved on the 2<sup>nd</sup> May, 2006. Elections were held on Monday, 28<sup>th</sup> August, 2006 and the Ninth Parliament of Guyana commenced when the National Assembly first met on the 28<sup>th</sup> September, 2006. Mr. DeSantos was again elected an ordinary Member of the National Assembly on the 12<sup>th</sup> day of September, 2006 and served in that Parliament until it was dissolved on the 27<sup>th</sup> day of September, 2011. On that date, Mr. DeSantos ceased to be a Member of Parliament.

Hon. Members, please let us stand and observe one minute of silence, as a mark of respect for the late Sir Fenton Harcourt Wilworth Ramsahoye and Mr. Bernard Celestino DeSantos.

*Assembly observed one minute of silence.*

**Mr. Speaker:** Thank you Hon. Members, please be seated.

## **PRESENTATION OF PAPERS AND REPORTS**

The following Papers and Reports were laid:

- (i) Supplementary Estimates (Current and Capital) for the Guyana Elections Commission in the sum of \$3, 496,496,155.
- (ii) Supplementary Estimate (Current) for the Guyana Ethnic Relations Commission in the sum of \$83,355,678. *[Speaker of the National Assembly]*

2.39 p.m.

- (i) Financial Paper No. 1 of 2019 - Supplementary Estimates (Current and Capital) totalling \$7,962,209,485 for the period 2019-01-01 to 2019-12-31.

*The Minister named May 23, 2019 for consideration of the Financial Paper.*

- (ii) Annual Report of the Guyana Securities Council for the year 2018
  - (iii) Annual Report of the Guyana National Shipping Corporation for the year 2017
  - (iv) Financing Agreement Credit No. 6382-GY dated 11<sup>th</sup> April, 2019 between the Cooperative Republic of Guyana and the International Development Association for an amount of SDR14,300,000 to finance the Guyana Petroleum Resources Governance and Management Project *[Minister of Finance]*
- (i) Annual Report of the Central Housing and Planning Authority for the year 2017
  - (ii) Audited Financial Statements of the Central Housing and Planning Authority for the ended 31<sup>st</sup> December, 2017. *[Minister of Communities]*

## **PUBLIC BUSINESS**

### **GOVERNMENT'S BUSINESS**

#### **MOTION**

#### **AFFIRMATION OF THE PETROLEUM (EXPLORATION AND PRODUCTION) (TAX LAWS) (TULLOW GUYANA B.V., ECO (ATLANTIC) GUYANA INC. AND TOTAL E&P GUYANA BV) ORDER 2019 – NO. 2 OF 2019**

#### **BE IT RESOLVED:**

That this National Assembly, in accordance with Section 51 of the Petroleum (Exploration and Production) Act 1986, Chapter 65:04, affirms the Petroleum (Exploration and Production) (Tax Laws) (Tullow Guyana B.V., Eco (Atlantic) Guyana Inc. and Total E&P Guyana BV) Order 2019 – No. 2 of 2019 which was made on 14th February, 2019, under Section 51 of the Petroleum (Exploration and Production) Act 1986, Chapter 65:01 and published in an Extra Ordinary copy of the Official Gazette dated 18th February, 2019. *[Minister of Finance]*

**Minister of Finance [Mr. Jordan]:** By now this is familiar territory for the House. This is about, at least for me, probably the fourth or fifth time I have come to the House to affirm what had been placed in contracts and what had become an obligation of the Government under what is known as a Section 51 Order, which is premised on the Petroleum Exploration and Production Act 1986. In that Order, it seeks to modify the laws in respect of a licensee as follows:

Section 51 - Part 6 – Modification of Tax Laws states:

“The Minister assigned responsibility for finance, may by Order which shall be subject to Affirmative Resolution of the National Assembly direct that any or all of the written laws mentioned in subsection 2 shall not apply to or in relation to a licensee, where the licensee has entered into a Production Sharing Agreement with the Government of Guyana.”

In subsection 2 – the laws referred to are, The Income Tax Act, The Income Tax (In Aid of Industry) Act, The Corporation Tax Act and The Property Tax Act.

By way of a bit of background, Tullow Guyana BV is a fully-owned subsidiary of Tullow Oil (TLC), a leading independent international exploration and production company, formed under the laws of and registered in the Netherlands and which has a registered office at Chiswick Park, High Road, England. Tullow first became involved in offshore exploration activity in 2008 when the company obtained equity in the Georgetown Block and participated in the exploration Guyana SA-operated Jaguar I Well in 2012. As in many of these exploration activities, this Well failed to reach its original target depth as safety issues were key concerns. In 2013, shortly after the relinquishment of the Georgetown Block, Tullow gained an equity interest in Kanuku Block offshore Guyana where exploration activity continues. Presently, Tullow has a 37.5% interest in the Kanuku Block along with Repsol Exploration Guyana SA and Total E and P Guyana BV.

In 2016, Tullow Guyana BV and Eco (Atlantic) Guyana, Inc signed a petroleum agreement with the Government of the Cooperative Republic of Guyana to explore the offshore Orinduik Block in the Guyana Exclusive Economic Zone (EEZ). Tullow Guyana acts as operator of that Block and now holds a 60% interest, along with Tullow E and P Guyana BV, 25% and Eco (Atlantic) Guyana, Inc, 15%.

In 2017, Tullow successfully and safely acquired combined 3D-sized mixed surveys covering the Orinduik Block over an area of approximately 2,700 square kilometres and the Kanuku Block, operated by the partner Repsol. Good quality data was achieved through these two surveys and processed in 2018, enabling exploration/drilling activities to be planned in 2019/2020, which comprised of multi-well programmes. In sum, along with its joint development partners, Tullow aims to proceed with key explorations and drilling activities in the Orinduik Block in 2019/2020, thereby expanding its role and commitment to Guyana’s exploration and development portfolio. In fact, Tullow is scheduled to drill two wells in 2019 – Jethro and Joe.

Mr. Speaker, I humbly seek to do my duty by asking that this Order be affirmed in keeping with Section 51 of the Act. Thank you very much. [*Applause*]

*Question put and agreed to.*

*Motion carried.*

## **BILLS – Second Readings**

### **INTERCEPTION OF COMMUNICATIONS (AMENDMENT) BILL 2019 – Bill No. 1/2019**

A BILL intituled:

“AN ACT to amend the Interception of Communications Act.” [*Minister of Public Telecommunications*]

**Minister of Public Telecommunications [Ms. Hughes] (2.50 p.m.):** This amendment, today, is an amendment to the original Interception of Communications Act. I want to start by reminding this most honourable House of what that Act entails. It has been defined, in the Explanatory Memorandum, as:

“An Act to make provision for the interception of communications, the acquisition and disclosure of data relating to communications and the acquisition of the means by which protected communications may be accessed and placed in an intelligible form and for connected purposes”.

In short, that Act, the Principle Act, defines Interception. It also goes on to define private telecommunications systems and public telecommunications systems. It defines and talks about protected communications, the prohibitions of interception, procedures for applying for warrants for interceptions and, of course, the issues that are associated with the scope of such warrants. It also looks, in a very comprehensive way, at issues of confidentiality and disclosure of communications and all the surrounding legal issues.

I want to go to the specific amendment that we are looking at today. Again, I seek to define the Act and the amendments that we are proposing, as are explained in the Explanatory Memorandum. Our interception of Communications (Amendment) Bill 2019:

“This Bill seeks to provide more exceptions to the offence under section 3 of the Interpretation of Communications Act which prohibits a person from intentionally intercepting a communication in the course of its transmission by means of a telecommunication system. The Act provides two exceptions. This Bill seeks to provide five more exceptions, including, if the person has reasonable grounds for believing that the person to whom or by whom the communication is transmitted consents to the interception, or if the communication is not a private telecommunication etc. These exceptions can be found in more similar legislations across the region.”

The Interception of Communications (Amendment) Bill, as proposed today in this honourable House, is a small amendment but with a big impact. Section 3 of the Interception of Communications Act makes it an offence to intentionally intercept a communication in the course of its transmission. Such offence is punishable by a fine of not more than \$5 million and imprisonment for up to three years.

This section created two exceptions, one such exception being the instance where communication is intercepted in obedience to a warrant issued by a Judge or by other exceptions provided for interceptions issued in the case of a national emergency. However, the section fails to capture the new trends and changes in time and technology since the inception of the primary Act in 2008.

*2.54 p.m.*



Here, I make specific reference to the advent of commercial and call centres, which by its very nature of its operation, required that the client and the provider must record conversations. The main reason for such recording, as many of us would know, is in the interest of ensuring better quality service to their customers. The purpose of the amendments proposed in this Act, today, is to expand those exceptions to the offence created under section 3 to include, among other things, the instances where a person or persons have actually consented to such interceptions.

I would like to list the specific amendments that we are proposing in this Act to this section. It starts with section 3(2) of the Principal Act and the amendments we are providing for is as of follows -

“(a) in paragraph (b), by the substitution for the full stop, of a semi colon; and

(b) by the insertion immediately after paragraph (b), of the following paragraphs”

I would go through the proposed amendments and then give some explanation as to how and why we are proposing these. The first amendment is to paragraph (c).

“(c) the person has reasonable grounds for believing that the person to whom or by whom the communication is transmitted consents to the interception...”

In that specific amendment, which is being proposed, we recognised that quite often that if you call internationally and a call centre is providing service, meaning that it is providing customer service to anyone that it is operating as and providing service to a client, many of us would know, quite often, that you would receive, initially, a recording to let you know that the conversation is being recorded and, therefore, you have a choice, at that point in time, to end the telephone conversation or to proceed. Internationally it is accepted that once you stay on the line and you proceed you are consenting to the communication being recorded. Again, the primary purpose for doing that is ensuring the quality of the service being provided, not only by the provider, but to the client itself. It is actually an agreement that call centres quite often have with the provider of the service.

The second amendment is in paragraph (d).

“...(d) the communication is intercepted as an ordinary incident in the course of employment in the provision of telecommunication services...”

Here we are acknowledging that a call centre staff, as part of their employment procedures, agree when they are actually hired, and they consent to being employed, that they are aware that that they are going to be recorded as part of their duties and it is as part of their employment contract.

Amendment, paragraph (e):

“...the communication is not a private telecommunication:

(f) the communication is a stored communication and is acquired in accordance with any other law; or

(g) the interception is of a communication transmitted by a private telecommunications network and is done by a person who has —...”

We have added:

“...(i) a right to control the operation or use of the network; or

(ii) the express or implied consent of the person to whom or by whom the communication is transmitted.”

The call centre industry is emerging and rapidly growing, not only in the world, but in Guyana. Internationally it is now a \$156 billion industry. In Guyana, I am happy to say that we already have quite a few call centres operating in our country. We recognise that to remain viable we must be able to attract and continue to attract a major international clientele.

The passing of this amendment is likely to create a herculean leap in confidence, in terms of those potential clients. One of the gaps for most of the international clients that have express an interest in investing in Guyana is the recognition that the primary Act does not allow for the recording of conversation, and that is why we have come to this House to seek passage of these amendments.

I am happy to say that just last week a Regional and International Business Process Outsourcing Conference was held in Curaçao. There were four awards given to the regional and international

call centre communities. I am happy to say that out of those four awards, one Guyanese call centre, Qualfon, received two of those four awards.

I always want to state and let this honourable House know that Guyana has a unique advantage when it comes to the expansion of services in this area. First of all, we are primary located in the time zone that is very similar to our North American counterparts, therefore the ease of doing business in the same time zone gives us a very strong competitive advantage. As the only English-speaking country in South America, many individuals would know that we have a clean distinct English accent, which is a plus in the call centre industry.

One of the things that we quite often do not realise is the challenges that climate change brings to several parts of the world. Many countries such as the Philippines, which has a very strong and vibrant business process outsourcing (BPO) industry, the effects of climate on the environment quite often is reaping havoc. In places such as the Philippines, it is seeing a higher incident of freak storms and challenges with the weather which make, of course, its own challenges for BPO providers and call centres which have to have uninterrupted access to the internet and broadband connectivity around the clock. Again, that is another competitive advantage that we have. Most importantly, the competitive advantage that we, as a Government, want to push is the fact that we have a very literate population and we have a youthful population.

In Jamaica, for example, there are now 36,000 seats in its call centre industry. They provide training in a wide range of areas, training that requires certification in technical, vocational education and training (TVET) and all the way up the line to primary and superior certification at a university and postgraduate level. I mention that distinction for us to understand that the call centre business provide employment, not only to young people, but to a range of individuals across ages, across sectors, and, therefore, as a country, we see this as an industry that could provide much needed jobs to our citizens of all ages. I am happy to say in the short years that we have being developing our call centre industry. We currently have 5,000 seats.

With that said, I have explained that the key tenets of the amendments we are making to the Principal Act really is to provide the opportunity for us to be able to record conversations. I have explained in detailed that with the passage of time and technology this is now a necessary foundation to be able to move forward and to expand our business.

In January of 2019, I had a conversation with a call centre provider in Guyana which already has a client waiting and ready to bring onboard 400 additional young people to provide services in that sector. That highlights how immediate the need is.

I am ecstatic that finally we are able to have the second reading of this Bill. With that said, it would be my honour to ask that the passage of this amendment be brought to this most honourable House today. Thank you. [*Applause*] (3.05 p.m.)

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

*Bill considered and approved.*

*Assembly resumed.*

*Bill reported without amendments, read the third time and passed.*

3.09 p.m.

## **PROCUREMENT (AMENDMENT) BILL 2019 – BILL No. 2/2019**

A BILL intituled:

“AN ACT to amend the Interception of Communications Act.” [*Minister of Finance*]

**Mr. Jordan** (3.10 p.m.): I rise to move that the Procurement (Amendment) Bill 2019 – Bill No. 2 of 2019, published on 24<sup>th</sup> January, 2019, be now read a second time.

As we all know, the current Procurement Act 2003 came into being in June, 2003, following the repeal of the Procurement Act of 2002, after being enforced for only one year. I believe that sometimes it is good to recall history. I went back into the *Hansard* to find out why, after only a year, the Procurement Act of 2002 was gotten rid of, repealed. If I may quote the *Stabroek News* of May 30 of that year, it states:

“On that day PNCR protestors blocked access to the Parliament during a sitting which their party representatives again did not attend.”

It was on May 25:

“Procurement legislation was tabled at that time rushed through all its stages in six days, a haste which earned criticism from professionals and the Auditor General, the former of whom had reservations about the Bill’s contents.”

The reason why I have done that is to show the deficiencies in the Bill of 2002 to such an extent that it had to be repealed after only a year. Although, in 2003 there was an improvement and it did have the support of the House and some other stakeholders outside of the House, still, the Act of 2003 was very deficient in a number of areas. In fact, after a decade and a half, we had to call upon a consultant to come and examine the Act with the view to see what changes could be made to allow our procurement to keep abreast with what was going on in the new procurement circles.

As we know, public procurement is an activity that is evolving into a developmental tool that enables vulnerable sectors in societies to participate in the overall economic process and to promote employment generation and other multipliers. Public procurement is a significant percentage of our country’s gross domestic product (GDP). This purchasing power, in the areas of goods, services and works, influences not only employment generation, but much of the dynamism in the domestic economy. It can also influence sustainable development. It is therefore necessary that our procurement law, the regulations attached to it and our procurement practices are consistent, not only with transparency, accountability and all of the other known virtues, but that it works in the best interest of Guyana, regardless of whether we have a local content law or not. In fact, in the absence of a local content law, a strong procurement legislation acts as a good motivator and indicator.

As I referred to previously, we brought in a consultant to look at the Act, to see where we can improve upon it, in keeping with modern practices. What the consultant said was that there were so many areas to be improved upon and so many areas to be added that it would be unwise to tamper with the Act. The suggestion is that we repeal the Act of 2003 and bring in a new act that will take account of all of the different additions, omissions, and so forth. In fact, I can give you a brief rundown of some of the areas that will be touched upon. There are so many that you will

understand why we had to come today and do what you would call low-hanging fruit, to be picked quickly, while we await our dear Attorney General and his Chambers to complete what will be a very voluminous Act - and it will take a while to complete - together with the regulations.

Among the omissions and additions, which will be addressed in the Act to bring it in line with international best practices, are as follows:

- (i) Definitions are going to be revised and expanded.
- (ii) There will be a wider range of listing of procurement methods reflecting the “fit for purpose” approach. We only have about four or five methods for procurement. There are a number of others, but our legislation does not provide for them. A few examples are electronic procurement, our legislation presently does not have that, framework agreements, electronic reverse auctions and competitive negotiations.
- (iii) Expansion in the way in which invitations to tenders are published. There will be greater use of the electronic media.
- (iv) There is a furtherance of socio-economic and environmental policies.
- (v) Identification of local industry and development programmes or set-aside programmes in procurement plans and in solicitation documents. All of these will now be going into the new Act.
- (vi) Use and identification of margins of preference in solicitation documents for works and goods.
- (vii) Availability of budget.
- (viii) Use of electronic means in procurement and Guyana’s Electronic Government Procurement (EGP) system and the responsibility for Guyana’s EGP System.
- (ix) Mandatory registration of bidders to participate in procurement proceedings.
- (x) Splitting of procurement. There will be an expansion of the definition.
- (xi) Estimation of the value of procurement.

- (xii) Participation and qualification of suppliers and contractors and due diligence of procurement entities and public bodies.
- (xiii) Prohibition of multiple bids or proposals by the same beneficial owner.
- (xiv) Description of the subject matter of the procurement and the terms and conditions of the procurement contract or framework agreement.
- (xv) Evaluation criteria and procedures, primarily the inclusion of evaluation criteria pertaining to elements other than price, all conducive to achieving value for money.
- (xvi) Prequalification proceedings.
- (xvii) Cancellation of procurement.
- (xviii) Rejection of abnormally low submissions.
- (xix) Acceptance of successful submission and entry into force of the procurement contract.
- (xx) Forms of communications.
- (xxi) Rules concerning documentary evidence.
- (xxii) Documentary record of procurement proceedings.
- (xxiii) Public notice of the award and a procurement contract or framework contract.
- (xxiv) Debriefing.
- (xxv) Contract management.
- (xxvi) Confidentiality.
- (xxvii) Prohibited practices.
- (xxviii) Prohibition of victimisation.
- (xxix) Code of conduct.

(xxx) Exclusion of a supplier or contractor from the procurement on the grounds of inducement from the supplier or contractor and unfair competitive advantage or conflict of interest; language of pre-qualification documents, professionalisation of the procurement function, updating the Act in line with the Caribbean Community (CARICOM) protocol for public procurement, roles functions and responsibilities of the public Procurement Commission, debarment and suspension of suppliers, procurement process, challenge process and professionalisation of the procurement function. There are many more to bring in areas such as green procurement and sustainable public procurement.

It is a very extensive law that will be forthcoming. As I said, it will take some time, but the framework has already been outlined for us and it is a matter for the Attorney General's Chambers to begin 'putting the meat' on it. That will take some time.

In the interim, the legislation before us, the Procurement (Amendment) Bill, is to take charge of three things that we said in the Budget 2019, what we call low-hanging fruits. We cannot wait until the law comes, we have to get this in place. It has to do with harmonising the Procurement Act 2003 with the Small Business Act 2004 to give effect to the following: the recognition of the Small Business Act, specifically that defines small businesses set aside, and to state that a small business has the same meaning assigned to it in the Small Business Act. That is not in the present Procurement Act, so that will be taken care of.

Secondly, this legislation before us today has to do with the registration of bidders. All over the world, persons wishing to participate in public procurement are required to be registered, no so in Guyana. As such, this amendment will give legal effect to the National Procurement Tender and Administration Board (NPTAB) maintaining and keeping an updated registry or register of bidders. The procedures for this activity will be laid out in the regulations to the Procurement Act.

The third aspect of the amendment today has to do with procurement plans. The public sector is expected to use procurement planning as an opportunity to evaluate and/or review the entire procurement process, so that sound judgements and good decision making will facilitate the success of the overall project implementation in the procurement of goods, works and services. To



this end, this amendment to the Act is proposed at this time and no later to make mandatory the preparation of procurement plans on the part of procurement entities.

These three amendments, though small, are extremely important in driving the procurement process forward, even as we await the bigger document. As I said, it gives credence to one of the measures in the Budget 2019. These were some of the omissions that were excluded from the Procurement Act 2003.

With those few comments, I commend the amendments for passage by this honourable House. Thank you Sir. [*Applause*] (3.22 p.m.)

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

*Bill considered and approved.*

3.24 p.m.

*Assembly resumed.*

*Bill reported without amendments, read a third time and passed.*

## **CUSTOMS AND TRADE SINGLE WINDOW SYSTEM BILL 2019 – Bill No. 3/2019**

A BILL intituled:

“AN ACT to establish the Customs and Trade Single Window System to facilitate trade and for connected matters.” [*Minister of Finance*]

**Mr. Jordan** (3.27 p.m.): I rise to move that the Customs and Trade Single Window System Bill 2019 – Bill No. 3 of 2019, published on the 31<sup>st</sup> January, 2019, be now read a second time.

The United Nations Centre for Trade Facilitation and Electronic Business, otherwise known under the acronym (UN/CEFACT), at recommendation number 33, defines “Single Window” as a facility:

“...that allows parties involved in trade and transport to lodge standardized information and documents with a single entry point to fulfil all import, export and transit-related regulatory requirements.”

The recommendation identifies three basic models for the single window. Basically:

“A Single Authority that receives information... disseminates this information to all relevant governmental authorities, and co-ordinates controls... in a logistical chain...”

Or

“A Single Automated System for the collection and dissemination ... of data related to trade that crosses the border.”

There are a number of other models for the single window, but the first one is the one that we will be following.

As we know, international trade for imports and exports requires submission of information and documents to customs and other government security and regulatory agencies for compliance with laws and regulations. In Guyana, for example, we have the Guyana Bureau of Standards as one of the places that importers will have to lodge documents. In the case of wildlife export, you would have to speak to the Guyana Wildlife Conservation and Management Commission, and so on.

Each agency where these documents would have to be lodged would have its own system. In Guyana’s case, many of it is paper based, and manual based, while some are automated, whilst others utilise both methods, that is, paper based and automated, and they would have their own models, their own forms and procedures. Currently in Guyana, information is submitted and processed numerous times to customs and different Government entities. These procedural steps and associated cost for compliance impede the facilitation of international trade, in addition to being costly and time consuming.

What is the case for the Single Window? It is because of the challenges that are experienced by the various stakeholders involved in the process. For example, based on whatever outline, we have multiple levels of vetting, multiple levels of approval, website deficiencies, multiple visits to agencies, deficient and inefficient payment collection, high transaction costs, duplicate document

submission, distributed trade requirements and revenue losses among others. So, the single window obviously presents itself as an alternative. In this system, information associated with trade and transportation will be submitted only at one focal point of entry. This information will then be distributed to all the pertinent public entities and enterprises for subsequent processing, be they customs, regulatory agencies concerned with trade, law enforcement and port authorities.

There are a number of benefits that can be accrued from the utilisation of this system.

- (i) it allows submission of all import, export, transit information and documents at one single point of entry *via* a single electronic gateway;
- (ii) improvements in availability and management of more reliable information;
- (iii) it accelerates and simplifies the documentary procedures necessary for trade;
- (iv) it harmonises and shares the information among the various agencies, hence more interagency collaboration;
- (v) permits improvements in the efficiency and control exercise by involved Government agency, hence enhance visibility and transparency;
- (vi) it contributes to cost savings for business and Government, because it better utilises the resources available;
- (vii) modernises and simplifies trade processes and improves trade facilitation;
- (viii) it introduces substantial automation across various Government agencies;
- (ix) it builds on the Guyana Revenue Authority's (GRA) risk management system and expands across agencies;
- (x) simplification and digitalisation of paper based processes;
- (xi) electronic payments;
- (xii) speed up and simplify information flows between agents involved in trade and governments;

- (xiii) it eliminates duplication and redundancy by avoiding the repetitive submission of data;
- (xiv) reduces transaction cost, time to clear goods and carbon footprint;
- (xv) it increases revenue, transparency and accountability, and
- (xvi) GRA's move to Automated System for Customs Data (ASYCUDA) can and will provide a platform for enabling the environment.

Having said that, it may sound as: why not do it or why has it not been done before? Well, as with everything, it comes with certain degrees of difficulty. I think that, in the previous administration, this was attempted and I do not want to say whether it was abandoned, but by the time this Government came, no progress has been made on the establishment of the Single Window.

I think it has its challenges, as I said, foremost of which are one, outdated legislation, hence the need to correct that deficiency; two, the lack of computerisation and information technology (IT) services and connectivity and competent staff in the various agencies. Overriding all of this, we see that one of the greatest challenges will relate to involving all the relevant governmental authorities and agencies, as well as, importantly the business community. We have over 20 Ministries and departments of Government that are actually involved in import and export for some reason - whether you have to lodge a document with them or having their permission in one way or the other.

As I said, the challenges are going to be enormous, especially in a paper driven society where there might be marked reluctance to move over to automation, but we have taken up the challenge. When the Government entered office in 2015, we decided to resuscitate the project for the improvement of the processing of documents as it relates to getting a Single Window in place. So far, we have been able to obtain a loan from the Inter-American Development Bank (IDB) for US\$6 million for the implementation of this Single Window. I had the opportunity of signing that loan and we have met all the preconditions and the loan is being disbursed. Meanwhile, Cabinet has approved and empowered a steering committee comprising the main Government budget and regulatory agencies.

The Guyana Revenue Authority and Ministry of Business co-chair this committee. From time to time, we will be able to invite additional persons to be on the committee and lend their expertise

or as it relates to their particular area. This project will be implemented in phases. In phase one itself, we will be looking at modernising the regulatory environment and part of that regularisation is this Bill before us today.

This Bill has five parts and as explained in the Explanatory Memorandum, Part I deals with the preliminary, defining the Act, and so forth; Part II speaks to the Customs and Trade Single Window System; Part III looks at the management and implementation of the Single Window System and Part IV identifies a number of the participating agencies and their requirements and what they are required to do. It also speaks to areas of confidentiality, and so on, and Part V speaks to the oversight committee comprising the Minister of Business or his appointee who will be the chairperson as well as the Commissioner-General and the Director of the units of the various participating agencies.

This Bill had the oversight of a number of agencies before it is being finalised. I think, in my own estimation, it is a good Bill. It is simple, but it is necessary and needed to drive this process forward. Together, hopefully, in time with greater connectivity and the speed of automation, we can have this Single Window becomes a reality and, hence, improve doing business in Guyana.

Without further ado, I commend this Bill for passage by the House. [*Applause*] (3.39 p.m.)

*3.39 p.m.*

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

*Bill considered and approved.*

*Assembly resumed.*

*Bill reported without amendments, read the third time and passed as printed.*

## **CUSTOMS (AMENDMENT OF SCHEDULES) BILL 2019 – Bill No. 4/2019**

A BILL intituled:

“An ACT to amend the Customs Act.” [*Minister of Finance*]

**Mr. Jordan:** Mr. Speaker, I rise to move that the Customs (Amendment of Schedules) Bill 2019 – Bill No. 4 of 2019, published on 28<sup>th</sup> March, 2019, be now read a second time.

This voluminous document is the Bible of the customs and excise part of the Guyana Revenue Authority (GRA). The harmonised commodity description and coding system, otherwise known as the Harmonised System or HS, is an international multipurpose nomenclature for the classification of products. It was developed by the World Customs Organization (WCO) and consists of 21 questions divided into 97 chapters, which comprise about 5000 commodity classes, each identified by a six-digit code arranged in a legal and logical structure to ensure uniformity in classification.

Approximately 98% of the merchandise in international trade is classified in terms of HS or Harmonised System and is applied by more than 180 countries worldwide. It is used by Governments, international organisations and the private sector as a tool for the basis of customs tariffs, international trade statistics, trade tariffs, internal taxes, trade policies, transportation statistics, rules of origin, price monitoring, quota controls, monitoring of controlled goods, compilation of national accounts and economic research and analysis. Hence, it is truly a universally and internationally accepted economic language leading to its indispensability in international trade.

Every five years, it is amended to reflect changes in trade patterns, technology, environmental issues, clarification of texts and simplification to reinforce the multipurpose nature of the nomenclature by taking account of the needs of the various users.

The HS 2007 version was implemented in Guyana in 2011 and has been in use since then. The 2012 version was never implemented in Guyana, as recommended by the World Customs Organization and, as such, the 2007 version has become outdated. We are now moving to the 2017 version, which is this version, that will ensure Guyana is compliant with its obligations to the World Customs Organization, also, ensuring a more modern and consistent legislation to facilitate trade and protect Guyana’s revenues.

Changes to the tariff structure that are evident in HS 2017:

One - due to the importance of the HS in the collection of trade statistics, the HS 2017 amendments for fish and fishery products are to further enhance the coverage of species and product forms, which need to be monitored for food security purposes and for better management of resources.

Two - the amendment for forestry products aims at one main area, that is, the enhancement of the coverage of wood species, in order to get a better picture of trade patterns, including endangered species. In particular, separating the data on tropical wood trade would both serve to focus attention on the important issue of tropical wood use and clarify data on non-tropical hardwoods.

Three - nearly one half of the world's population lives at risk of malaria. The HS 2017 amendment aims at detailed information for several categories of products that are used as anti-malarial commodities.

Four - the HS 2017 edition introduces, also, new subheadings for specific chemicals controlled under the Chemical Weapons Convention (CWC) for certain hazardous chemicals controlled under the Rotterdam Convention and for certain persistent organic pollutants controlled under the Stockholm Convention.

Six - furthermore, at the request of the International Narcotics Control Board (INCB), new subheadings are being introduced for the monitoring and control of pharmaceutical preparations containing ephedrine, pseudoephedrine, or norephedrine and for alpha-phenylacetonitrile, a precursor for drugs.

Seven - other amendments resulted from changes in the national trade patterns. Headings 69.07, which is unglazed ceramic products and 69.08 glazed ceramic products, were merged to take account of the fact that the main subheadings within these headings concern products which are essentially no longer manufactured. The industry and trade no longer make a distinction between unglazed and glazed ceramic products. While new products, with a very high trade volume, are classified under subheadings 607.90 and 6908 Other.

Eight - furthermore, for purposes of adopting the HS to the current trade practices, certain important products would be separately identified in either existing or new subheadings.

Nine - advances in technology are also reflected in the amendments. *Inter-alia*, the size criteria for news print, light-emitting diode (LED) lamps, multi-component integrated circuits (MCOs) and hybrid, plug in hybrid and all electric vehicles.

3.54 p.m.

Ten - finally, the amendments include clarification of text to ensure uniform application of the nomenclature. For example, the regrouping of monopods, bipods, tripods and similar articles in a new heading namely 96.20. The general restructure of the Harmonised System 2007 was maintained during the upgrade to HS 2017. However, alignment with the CET of the Caribbean Community (CARICOM), established by the decision of the Council for Trade and Economic Development, was paramount in keeping with our commitment to CARICOM.

The WCO's accepted amendments to the Harmonised System nomenclature include approximately 280 sets of amendments in areas such as the agricultural sector, chemical sector, wood sector, textile sector, base metal sector, machinery sector, transport sector and other sectors. Environmental and social issues of global concern are some of the major features of HS 2017 amendments. Specific items include agricultural products, fertilisers, anti-malarial drugs, electric motor cycles, tractors, drones and hybrid and electric motor vehicles.

There are a number of exemptions, a few of which are contained in the First Schedule Part III B (1) and (2), Approved Industry and Agriculture. The amendments are as follows:

Amendment B (1)(4) - Raw and packaging materials from manufacturers and producers. This schedule was updated to remove reference to the Consumption Tax Act, which was repealed in 2007.

Amendment B (1)(5) - Supplies and equipment for fishing. This schedule was rewarded for clarity and consistency with the current policy and application.

Amendment B (2)(49) - Release provided for electric vehicles. This schedule was updated in keeping with Government's greening and environmental policy. In addition, electric motor cycles not exceeding 10 kilowatts have been exempted in the tariff by tariff number, in keeping with the greening and environmental policy of the Government. This will also ensure consistency as gasoline motor cycles up to 175 cc are currently duty free.



These amendments are vastly varied and in keeping with modernised systems and practices. With the passage of this Bill, Guyana would have leaped into the stratosphere of those other 100 plus countries that have already gone to HS 2017. I ask this House to let Guyana leap forward by approving the passage of this extended document. Thank you, very much, Mr. Speaker. *[Applause]*

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

*Bill considered and approved.*

*Assembly resumed.*

*Bill reported without amendments, read the third time and passed as printed.*

**Mr. Speaker:** I thank you. Hon. Members this appears to be an appropriate time for us to take the suspension. We are going to return at 5 o'clock.

*Sitting suspended at 4.02 p.m.*

*Sitting resumed at 5.05 p.m.*

## **NATIONAL ACCREDITATION COUNCIL (AMENDMENT) BILL 2019 – Bill No. 5/2019**

A BILL intituled:

“AN ACT to amend the National Accreditation Council Act 2004.” *[Minister of Education]*

**Minister of Education [Dr. Henry]** Thank you, Mr. Speaker, I rise to move that the National Accreditation Council (Amendment) Bill 2019 – Bill No. 5/2019 published on 5<sup>th</sup> April, 2019, be now read a second time.

Let me begin by saying that today is a momentous day for education in this country. I am pleased, on behalf of the Government, to present this significant education reform legislation, amending the National Accreditation Act No. 12 of 2004. These amendments build on the strengths of the

existing legislation but, more importantly, reflects the reality of contemporary education. Its main purpose is to improve the effective and efficient administration and enforcement of the Act to underpin quality education and training delivery in Guyana, both now and well into the future.

The National Accreditation Council by statute is mandated to address several key service areas in relation to post-secondary and tertiary education, including registration, accreditation, conferment of titles, equivalency, recognition of qualifications and programme approval. The constituent document of the National Accreditation Council is the National Accreditation Council Act 2004.

The need to amend the National Accreditation Council Act 2004 arose out of difficulties that the National Accreditation Council encountered with implementing the National Accreditation Council Act 2004. In particular, the National Accreditation Council observed that the Act contains certain inadequacies that hindered or prevented the National Accreditation Council in the effective execution of its mandate. My presentation will focus on weaknesses or lack of clarity in the Act in relation to six major areas which are:

Firstly, the scope of the jurisdiction of the National Accreditation Council as it relates to the exercise of its mandate, including the registration and accreditation of institutions and conferment of titles.

Secondly, the inadequacy of the statutory provisions regarding due process, in particular the right of review, the right of appeal and the absence of sanctions, including sanctions of operating an institution that is not registered by the National Accreditation Council.

Fourthly, the failure to expressly empower the National Accreditation Council to carry out specific functions, such as the accreditations of institutions.

The fifth point is the failure to specifically prohibit the provision of tertiary or post-secondary education by an institution or provider that is not registered by the National Accreditation Council.

Finally, the absence of a substantive provision prohibiting or restricting the commission of acts that have been treated as offences.

As a Ministry, we have also noted that, some of the words and expressions commonly used in the National Accreditation Council Act 2004, are not defined while others are not correctly defined in

light of the scope of the legislation as reflected in its other provisions. These commonly used words and expressions include accredit, accreditation award, Caribbean Community, degree, standards, register and technical institute. As Minister of Education, my responsibility is to ensure access and provision of quality education for all students here in Guyana. The people of Guyana deserve and expect the best possible learning opportunities, whatever their background or circumstances. Our key education and training priority for post-secondary education, therefore, is to ensure that all of our students are provided with a wide range of accredited and effective programmes that caters to community and individual needs. It also means building a highly integrated and responsive education and training system that offers multiple pathways and allows Guyanese to acquire genuine and *bona fide* qualifications and skills to lead the life of their choosing.

The amendments, therefore, will seek to define commonly used terms and expressions in the National Accreditation Council Act 2004 that have not been defined. It will also redefine the terms and expressions that require redefining.

5.12 p.m.

It will expressly empower the National Accreditation Council to carry out specific functions as accrediting institutions, prohibiting the operation of an institution or the provision of a tertiary or post-secondary education by an institution or provider that is not registered by the National Accreditation Council.

It will insert appropriate provisions, respecting confidentiality, obligations, institutions and providers, as regards the provision of tertiary and post-secondary education. We will insert appropriate appeals provisions and insert appropriate provisions that prohibit or restrict the commission of acts that would amount to offences.

The Bill is concise but a very important piece of proposed legislation. The Bill seeks to amend the National Accreditation Council Act with a view of incorporating the recommendations previously mentioned, so as to improve the legislative framework under the Act.

May I, at this time, address, specifically, the clauses of the Bill to be amended.

Clause 2 of the Bill seeks to amend section two of the Principal Act to improve existing definitions and insert new definitions as well. For example, qualifications recognised and registered.

Clause 3 of the Bill seeks to amend section four of the Principal Act to incorporate consequential amendments as a result of amendments made to definitions under the Act.

Clause 4 of the Bill seeks to amend the Principal Act by inserting a new Part III A, which provides for various matters related to institutions and providers. It seeks to provide for the registration of institutions and providers and make it an offence for an institution or a provider to provide post-secondary and tertiary education without holding a valid Certificate of Registration issued by the Council.

The primary aim of the registration of institutions and providers is to certify that the institutions and providers satisfy certain minimum operating standards required for the conduct of tertiary education institutions in Guyana.

Certainly, we cannot have a situation where primary schools are claiming to offer bachelor's degrees as we have come to learn quite recently. The criteria for registration are closely related to the criteria for accreditation since they are meant to provide a registered institution with a foundation for logical development towards accreditation.

The Bill provides for restrictions and prohibitions in respect of the institutions and providers under the new section 15E. The new section 15F provides that where the Council is required to make any decision in respect of any institution, provider or course programme, an award of an institution or a provider, the Council shall do so in accordance with the principles of natural justice. In a similar vein, promoting due process, and natural justice.

Part III A provides transparent procedures for the imposition of administrative fines and penalties with respect to non-prosecutable breaches committed under regulation on the new section 15G.

The administrative fine system is designed to assist in the determination of the required enforcement actions to be taken for a variety of frequently occurring minor infractions or breaches committed by persons providing post-secondary and tertiary education. The administrative fine prescribed for each frequently occurring minor infraction or breach against the National Accreditation Council Act 2004 is intended to serve as a deterrent.

The new part inserted by clause 4 also provides transparent procedures for the amendment, revocation or annulment of decisions of the National Accreditation Council under the new sections 15H and 15I, respectively.

In addition, it establishes an Appeal Committee under the new section 15K and provides a procedure for the appeal of any decision of the Council by aggrieved institutions or providers.

Clause 5 of the Bill seeks to amend section 15 of the Principal Act by the deletion of sub-section (2), which recreated offences under the Act. The reason being, these offences have been restated and expanded under new sections 15A, and 15E, which is the new Part of III A.

Clauses 7, 8 and 9 of the Bill amends sections 18, 19 and the Schedule to the Principal Act, respectively.

Clause 7 seeks to amend section 18 of the Principal Act to provide that regulations made under the Act may create offences punishable on summary conviction by fines not exceeding \$200,000 and non-prosecutable breaches punishable by an administrative fine not exceeding \$200,000 or the suspension or revocation of a relevant certificate.

Finally, clause 9 of the Bill seeks to enhance the Act by empowering the Council to make certain specified determination respecting any committee that the Council establishes under the Act.

In summary, this Government is committed to improving and developing the education sector. The amendments to this Bill not only reflect the reality of contemporary education and training but will support the learning and development of future generations. Education and training are crucial to our individual and collective futures. They are the cornerstones of strong democracies in which all citizens can play a role in determining the type of society in which they wish to live and prosper. It is also one of the most fundamental factors for the achievement of sustainable economic, social, productive and creative development of our human capital.

As Minister of Education, I am duty-bound to ensure that all students here in Guyana have the opportunity to achieve their potential in learning from recognised and creditable institutions. I firmly believe that the successful provision of quality education for all is the glue which provides economic prosperity, social cohesion and individual aspirations for all Guyanese.

Therefore, all of the institutions need to serve the purpose for which they were created and the amendments provided here, provide the means to enable this to happen for the National Accreditation Council of Guyana. It, therefore, gives me great pleasure in commending this Bill to the honourable House. I thank you, Mr. Speaker. [*Applause*]

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

*Bill considered and approved.*

*Assembly resumed.*

*Bill reported without amendments, read the third time and passed as printed.*

**NATIONAL ACCREDITATION COUNCIL ACT 2004 (VALIDATION) BILL 2019 – BILL No. 6/2019**

A BILL intituled:

“AN ACT to validate the commencement of and all acts and things done under the National Accreditation Council Act 2004.”      [*Minister of Education*]

**Dr. Henry:** Mr. Speaker, I rise to move that the National Accreditation Council Act 2004 (Validation) Bill 2019- Bill No.6 of 2019 published on 5<sup>th</sup> April, 2019, be now read the second time.

As I indicated in my previous presentation, this Government takes the delivery and access to quality education very seriously.

As Minister, I recognise the National Accreditation Council, since its inception, was operating without a Commencement Order. And it is for this reason that the Validation Bill is before us today.

The National Accreditation Council is a principal body in Guyana, responsible for conducting and advising on the accreditation and recognition of educational and training institutions, providers,

programmes and awards whether foreign or national. The Act as stated in section 1, requires a Commencement Order to bring it into operation. However, there is no record of a Commencement Order being prepared and published in the Official Gazette to bring this Act into operation.

5.27 p.m.

Since 2004, the National Accreditation Council of Guyana has been carrying out functions under the Act and has been registering and accrediting post-secondary and tertiary institutions and programmes, approving programmes, issuing equivalency and recognising qualifications and statements, *et cetera*. It has also been receiving funds from the Government of Guyana and it has been collecting fees from the public for the performance of these functions. Given the absence of a commencement order, the National Accreditation Council of Guyana has therefore been carrying out these functions under an Act that was never operationalised. The National Accreditation Council Act 2004 (Validation) Bill seeks to validate the commencement order and all acts and functions performed under the National Accreditation Council Act 2004, with effect from 30<sup>th</sup> July, 2004. It validates all acts and functions performed between 30<sup>th</sup> July, 2004 and the commencement of this Act, which would have been lawful if the National Accreditation Council Act had been brought in force by order published in the *Official Gazette*.

There are 470 acts and things that were done by the National Accreditation Council, which are considered service provision, and they are being validated. These services include: 88 registration and reregistration of institutions, 89 programmes that were approved, 203 equivalencies of qualifications that were performed and 90 cases of recognition of qualifications. Additionally, the acts and functions performed by the National Accreditation Council of Guyana also included the development of documents for the effective and efficient functioning of the National Accreditation Council of Guyana. These include: national qualifications and credit framework, policies for the quality assurance services in Guyana, manual for quality assurance of post-secondary and tertiary education institutions and programmes in Guyana, guidelines for the recognition and comparison of qualifications, draft regulations, and the National Accreditation Council's Strategic Plan 2018 to 2021.

Mr. Speaker, this Validation Bill 2019 provides for the National Accreditation Act to be deemed to have come into operation, retrospectively, on 30<sup>th</sup> July, 2004, the date the Act was assented to

and published in the *Official Gazette*. With this brief statement, I am pleased to correct this anomaly and I commend the Bill to this honourable House. I thank you. [*Applause*] (5.30 p.m.)

*The question was put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

*Bill considered and approved.*

*Assembly resumed.*

*Bill reported without amendments, read the third time and passed.*

## **COMMITTEES BUSINESS**

### **MOTION**

#### **ADOPTION OF THE REPORT OF THE SPECIAL SELECT COMMITTEE ON THE FOOD SAFETY BILL 2016 – BILL NO. 22/2016**

#### **BE IT RESOLVED:**

That the Report of the Special Select Committee on the Food Safety Bill 2016 – Bill No. 22/2016 be adopted. [*Minister of Agriculture*]

**Minister of Agriculture [Mr. Holder]** (5.34): Mr. Speaker, I was heartened by the participation of the Hon. Members of the Opposition in the lively discussions in the Special Select Committee on the Food Safety Bill, it being such an importance piece of legislation for the well-being of our country. At the level of the Select Committee, logical assent and consensus was the order of the day; we thank them for that. Of the 92 clauses of the Bill that were reviewed and debated, some 18 clauses were amended, mainly through the contributions by Members of the Opposition. I think it was an extremely healthy experience for both sides.

The Bill had a second reading and was debated in the House in February 2017. Members may have forgotten some of the intents of the Bill, so perhaps I can take a minute or two to remind Members about what it is all about.



The protection, strengthening and restitution of the population must be one of the fundamental social goals of Guyana. Proper and healthy nutrition is one of the basic pillars of health. To ensure to protect health, food must not only be of suitable compositional and of nutritional quality, it must also be safe. That means it must not contain health hazards in terms of biological, chemical or physical contaminants occurring as a consequence of non-hygienic preparation of food, food production and processing procedures, industrial pollution of the environment and agro-technical and veterinary procedures in the primary processing of agricultural products; or in the breeding of animals to slaughter, which would endanger human health.

The well-being and proclivity of the nation should be the primary goal of the Government of the day. Poor food safety systems can cause a strain on the economy due to the cost that food-borne illnesses impact, *via* loss of production and the cost of treatment on the health system. The integration and consolidation of agricultural and food industries and the globalisation of the food trade are changing the patterns of food production and distribution. These are conditions that are creating an environment in which both known and new food-borne diseases can become prevalent. Food and feed are distributed over far greater distances than before, creating the condition necessary for widespread outbreaks of food-borne illnesses. These issues make it imperative for us to develop a more responsive and fail safe inspection and control system that would inspire confidence from consumers.

The passage of this Bill by this honourable House will pave the way for the integration of all aspects of our food safety system and create a Food Safety Authority, which will be tasked with ensuring that all agricultural produce, such as fruits and vegetables, either produced locally or imported, all processed food stuff, meat, fish and water destined for human consumption are of the highest quality, nutritionally, and are produced under hygienic conditions of the highest level and will not cause any harm to the persons consuming them.

This food safety system will be created using the farm-to-fork and One Health approach, whereby food production will be monitored, commencing from the farm level, to ensure safety and sustainability of its production in an environmentally-friendly manner.

Establishing and maintaining a robust food safety system is not only necessary for the maintenance of a healthy and happy populace but also to allow produce from our farmers to access regional and

international markets. This leads to, in truth, increased production and the subsequent increase in the incomes of our farmers.

The agro-processing industry will also benefit from a larger and more reliable supply of quality raw materials that meet certification requirements of acceptable international standards.

Since this Bill was brought to the House in 2016, other Caribbean Community (CARICOM) countries have begun drafting their food safety Bills and we have seen, since the formation, the Bahamas Agricultural Health and Food Safety Authority (BAHFSA) in 2018.

The international organisations continue to encourage the reorganisation of the food safety systems of small and developing economies such as ours. The Food and Agricultural Organization (FAO) and the World Health Organization (WHO), together with the African Union (AU), hosted a conference in Addis Ababa in February, 2019, where policy solutions were proposed for introduction of modern technology and the formation of national systems that promote higher food safety practices. The FAO and WHO teamed up with the World Trade Organisation (WTO) in hosting another event in Geneva at the end of April, 2019 to further looked at actions and mechanisms for facilitating participation in international trade in food. These two conferences are being held under the theme: *The Future of Food Safety: Transforming knowledge into action for people, economies and their environment*, and underscores the need for Guyana to modernise its food safety system and to be able to participate in international food trade. The Pan American Health Organisation (PAHO) recently, in Trinidad and Tobago, introduced a new risk-based food inspection manual, designed for use in the Caribbean and the Americas. Once adopted, this manual will create a transparent and harmonised methodology for food inspection in our countries that will engender trust in our food control system. For the implementation of this manual, we needed legislative support, such as this Food Safety Bill, for the creation of an integrated environment for a full success.

As we move towards becoming an oil-producing nation, and with the increased recognition of Guyana as a tourism destination, we are compelled to move with the times and create a system where foreign residents and visitors do not feel compelled to import their own food, but for Guyana to become known as a food destination for tourists. This Food Safety Bill and the proposed Food Safety Authority are the future of food safety in Guyana.

In conclusion, I would like to express my gratitude, also, for both the assistance provided by and the guidance received from the staff of the National Assembly.

*5.42 p.m.*

I would like to express appreciation for the presence of the Chief Parliamentary Counsel (CPC), who gave us advice and also particularly our resource person, Dr. Mark Pierre, Agriculturalist Health and Food Safety Specialist in the Ministry of Agriculture who was extremely useful in guiding us through all the technical parameters of this Bill.

Mr. Speaker, I commend this Bill for approval by this honourable House.

*Question put and agreed to.*

*Motion carried.*

### **BILL - Third Reading**

#### **FOOD SAFETY BILL 2016 - BILL NO.22/2016**

A Bill intituled:

“An Act to prevent the spread of food borne diseases through the control of the production, preparation, handling, storage and the transportation of food and provide for connected matters.” *[Minister of Agriculture]*

**Mr. Holder:** Mr. Speaker, I rise to report that the Food Safety Bill 2016 – Bill no. 22/2016 was considered in the Special Select Committee clause by clause and was passed with amendments. I move that the Bill be now read a third time and passed as amended.

*Question put and agreed to.*

*Bill reported with amendments, read the third time and passed as amended.*

### **ADOPTION OF THE SEVENTH REPORT OF THE COMMITTEE ON APPOINTMENTS IN RELATION TO THE APPOINTMENT OF MEMBERS OF THE INDIGENOUS PEOPLES' COMMISSION**

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

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

- a) not more than ten members, nominated by entities, by a consensual mechanism determined by the National Assembly, after the entities are determined by the votes of not less than two-thirds of all elected members of the National Assembly;
- b) three persons, at least one being a woman nominated by the Toshaos Council and two persons including one woman nominated by Amerindian organisations determined by the votes of not less than two-thirds of all elected members of the National Assembly; and
- c) A member who shall be a nominee, without the right to vote, chosen by and from each of the following Commissions, the Human Rights Commission, Ethnic Relations Commission, Women and Gender Equality Commission and the Rights of the Child Commission unanimously agreed on the following entities to nominate one person each as members of the Indigenous Peoples' Commission.”

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

- (i) Ministry of Indigenous Peoples' Affairs;
- (ii) Ministry of Public Health;
- (iii) Ministry of Social Protection;
- (iv) Private Sector Commission;
- (v) Environmental Protection Agency;
- (vi) Bar Association of Guyana;

- (vii) Guyana Gold and Diamond Miners Association;
- (viii) Forest Products Association;
- (ix) Inter-Religious Organisation; and
- (x) National Agricultural Research and Extension Institute (NAREI)

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

AND WHEREAS, the Committee invited the National Toshias Council and the five (5) Amerindian Organisations namely, the National Amerindian Development Foundation (NADF), the Amerindian Action Movement of Guyana (TAAMOG), the Guyana Organisation of Indigenous Peoples (GOIP), Amerindian Peoples Association, and North Rupununi (NRDDB) to submit their nominees;

AND WHEREAS, the Toshias Council on March 17, 2017, submitted three (3) nominees to the Indigenous Peoples' Commission (IPC);

AND WHEREAS, only four (4) Amerindian organisations submitted two (2) nominees through a process of selection.

BE IT RESOLVED:

That the National Assembly adopts the 7th Report of the Committee on Appointments in relation to the appointment of Members of the Indigenous Peoples' Commission, which recommends the list of entities proposed in the second "And Whereas" clause, to be consulted to nominate members of the Indigenous Peoples' Commission in keeping with article 212 S (2) (a) of the Constitution;

BE IT FURTHER RESOLVED:

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

### **First Schedule**

Consensual Mechanism for the Nomination by Entities for Member of the Indigenous Peoples' Commission;

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

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

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

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

Where there is recognized "umbrella organisation" in the list of entities for that Group, the Clerk shall write to that organisation and copy his letter to each of the "constituent entities" within the Group. *[Minister of Social Cohesion with responsibilities for Culture, Youth and Sport, Chairperson of the Committee on Appointments]*

**Mr. Speaker:** The next item, Hon. Members, requires a two-thirds majority of all elected Members, that is the Adoption of The Seventh Report of the Committee on Appointments in Relation to the Appointment of Members of The Indigenous Peoples' Commission. That not being available to us, this matter would not be taken at this sitting.

## **ADOPTION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON ITS EXAMINATION OF THE PUBLIC ACCOUNTS OF GUYANA FOR THE YEAR 2015**

BE IT RESOLVED:

That the Report of the Public Accounts Committee on its examination of the Public Accounts of Guyana for the year 2015, be adopted and refer the Report to the Government for consideration.

*[Mr. Ali, Chairman of the Public Accounts Committee]*

**Mr. Speaker:** This motion stands under the name of the Hon. Member Mohammed Irfaan Ali. Members would recall that it was also on the Order Paper at our last sitting. Hon. Members, in the absence of the Chairperson of the Committee, it is possible that another Member of the Committee, who may be present here or who may wish to do so, can present the report. If no such Member is present... Hon. Minister of Communities, please proceed.

**Minister of Communities [Mr. Bulkan]:** Mr. Speaker, I rise to ask that:

“BE IT RESOLVED:

That the Fourth Periodic Report of the Parliamentary Sectoral Committee on Natural Resources be adopted.”

**Mr. Speaker:** We have not yet reached there. Thank you very much, Hon. Minister. We are discussing the possibility of a Member presenting the report of the Public Accounts Committee in the absence of the Chairperson. We will then move to consideration of the Fourth Periodic Report of the Parliamentary Sectoral Committee on Natural Resources.

#### **ADOPTION OF THE FOURTH PERIODIC REPORT OF THE PARLIAMENTARY SECTORAL COMMITTEE ON NATURAL RESOURCES**

BE IT RESOLVED:

That the Fourth Periodic Report of the Parliamentary Sectoral Committee on Natural Resources be adopted. *[Minister of Communities and Vice-Chairperson of the Parliamentary Sectoral Committee on Natural Resources]*

**Mr. Bulkan:** Mr. Speaker, I rise to ask that BE IT RESOLVED: That the Fourth Periodic Report of the Parliamentary Sectoral Committee on Natural Resources be adopted.

Mr. Speaker, the report covers the period March, 2012 to January, 2014, which is actually the previous Parliament. However, the report itself was laid in this National Assembly in December of last year. During the reporting period, the Committee held nine meetings during the period March, 2012 to January, 2014. The Committee also received three presentations during the period. Firstly, there was a presentation from then Prime Minister Samuel Hinds and his team, including mainly members from the Guyana Power and Light.

Secondly, there was a presentation from Minister Robert Persaud, former Minister of Natural Resources, and members of his team, which were persons from the Ministry of Natural Resources, Guyana Lands and Surveys Commission (GL&SC), Guyana Geology and Mines Commission (GGMC), Environmental Protection Agency (EPA), Guyana Forestry Commission (GFC), The Wildlife Division and other officers.

Thirdly, there was another presentation from Prime Minister Hinds, also comprising mainly officials from the Guyana Power and Light. That final presentation was in January, 2014. During that presentation, the Prime Minister and his team highlighted developments in regard to wind farms and other activities in which the GPL was engaged.

Finally, during the reporting period, Members of the Committee made one visit and that was July, 2013 to Hope Canal Project. Those are the main activities that are contained in this report which, as I said, was laid here, in the National Assembly, in December of last year.

*Question put and agreed to.*

*Motion carried.*

## **ADOPTION OF THE FIFTH PERIODIC REPORT OF THE PARLIAMENTARY SECTORAL COMMITTEE ON NATURAL RESOURCES**

**BE IT RESOLVED:**

That the Fifth Periodic Report of the Parliamentary Sectoral Committee on Natural Resources be adopted. *[Minister of Communities and Vice-Chairperson of the Parliamentary Statutory Committee on Natural Resources]*



**Mr. Bulkan:** Mr. Speaker, BE IT RESOLVED: That the Fifth Periodic Report of the Parliamentary Sectoral Committee on Natural Resources be adopted.

Mr. Speaker, Hon. Members, this report covers the period September, 2015 to March, 2017. The report itself was similarly laid here in the National Assembly in December of last year. The Committee comprises four Members from the Government side, namely, MPs Joseph Harmon, Yours truly and Winston Jordan, Mr. Audwin Rutherford with the alternate being Mr. Jermaine Figueira and from the Opposition, Ms. Campbell-Sukhai, Mr. Odinga Lumumba, Mr. Neendkumar with the alternate as Ms. Yvonne Pearson-Fredericks.

During the period September, 2015 to March, 2017, the Committee held 11 meetings. In addition, the Committee received five presentations. The first of these was from Minister Raphael Trotman, he was then styled Minister of Governance, and his team comprising members from the Ministry of Natural Resources, Guyana Geology and Mines Commission, Wildlife Division, EPA, Protected Areas Commission (PAC). The Minister and his team presented on a wide range of activities under the various agencies under the Ministry of Natural Resources.

The second presentation was by the Hon. David Patterson, Minister of Public Infrastructure, in February, 2016. The team comprised members from the Hinterland Electrification Company and the Guyana Energy Agency (GEA). During the presentation, the Minister and his team focused on the development of the energy sector and presented various initiatives and activities in that area.

The third presentation was by the Minister of State, the Hon. Joseph Harmon, and the team comprised of Members from the Guyana Lands and Survey Commission, the Office of Climate Change (OCC), Institute of Applied Sciences and Technology (IAST). The Minister, during his presentation, gave an overview of the Government's policies in the various agencies under his purview.

The fourth presentation was again by the Hon. Raphael Trotman, now as Minister of Natural Resources, and members of his team comprising the Minister within the Ministry of Natural Resources, Hon. Simona Broomes, the Permanent Secretary (PS) and the agencies - the GGMC, EPA, Guyana Forestry Commission - and the team from ExxonMobil Corporation, headed by the Country Manager. The Committee was updated on activities in the petroleum sector and in particular that of ExxonMobil Corporation.

The fifth presentation was by the Vice-President and Minister of Indigenous People's Affairs, the Hon. Sydney Allicock, who presented in August, 2016 in a wide-ranging presentation. Similarly, the activities are captured in the report.

There were six visits. These being to the RUSAL company and Kwakwani, Aroraima, meetings in Linden, Vitarna Holdings, which is in the Essequibo, the Barama Company Operations at Buckhall. These activities are all captured in the report, as I said, which was laid here, in the National Assembly, in December, 2018 and this honourable House is asked to adopt this fifth periodic report. Thank you.

*Question put and agreed to.*

*Motion carried.*

## **ADOPTION OF THE SIXTH PERIODIC REPORT OF THE PARLIAMENTARY SECTORAL COMMITTEE ON NATURAL RESOURCES**

BE IT RESOLVED:

That the Sixth Periodic Report of the Parliamentary Sectoral Committee on Natural Resources be adopted. *[Minister of Communities and Vice-Chairperson of the Parliamentary Statutory Committee on Natural Resources]*

**Mr. Bulkan:** Mr. Speaker, BE IT RESOLVED: That the Sixth Periodic Report of the Parliamentary Sectoral Committee on Natural Resources be adopted.

*5.57 p.m.*

This Report covers the period March, 2017 to April, 2018 and, as was the case with the previous reports, was laid here in this honourable House on 6<sup>th</sup> December, 2018.

During the reporting period under review of the Committee, six meetings were convened. There were two field visits. The meetings were held during the period March to April, 2017. There were three presentations by the Minister of Natural Resources in July, 2017 and February and April, 2018. In addition, during the period under review, Members of the Committee made two field

visits, the first being in April, 2017 to the Isseneru Mining area which was followed, in May, 2017, by a visit to the Aurora Gold Mine.

The first of these visits was to the village of Isseneru and the mining area. The purpose of that visit was to observe whether miners were complying with the laws and regulations, to tour mining sites, to discuss occupational health and safety conditions and, very importantly, to conduct a meeting with the residents of the Isseneru community. Several issues were raised by the Committee and numerous issues raised by the residents of Isseneru on which the Committee deliberated at its subsequent visit. The second of these visits was to the Aurora Gold Mine. The purpose of that visit was to have a practical view of the practices obtained at that particular mining location. That was a very fruitful and productive visit. This honourable House is now being asked to adopt this report which was previously laid in this honourable House.

*Question put, and agreed to.*

*Motion carried.*

**Mr. Speaker:** Hon. Members, this concludes our business for today. I will invite the Hon. First Vice-President and Prime Minister to move the adjournment.

**First Vice-President and Prime Minister [Mr. Nagamootoo]:** Mr. Speaker, before I move the adjournment, I would like to take the opportunity of the presence of Vice-President, Mr. Allicock, to express our deepest sympathy at the death of his father, national awardee Allicock, popularly known as Uncle Fred. I would like to convey the sympathy of all of our Members and the entire House to Minister Allicock, the Chairman of Region 9 - Upper Takutu/Upper Essequibo, Mr. Brian Allicock and the rest of the family.

## **ADJOURNMENT**

**Mr. Nagamootoo:** In saying those words, I would like to move the adjournment of this House to Thursday, 23<sup>rd</sup> May, 2019 at 2.00 p.m.

**Mr. Speaker:** I thank the Hon. Vice-President. This House stands adjourned to Thursday, 23<sup>rd</sup> May, 2019 at 2.00 p.m.

*Adjourned accordingly at 6.01 p.m.*