

# Official Report

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2015-2016) 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*

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21<sup>ST</sup> Sitting

Thursday, 14<sup>TH</sup> January, 2016

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*The Assembly convened at 2.09 p.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

## **ANNOUNCEMENTS BY THE SPEAKER**

### **Address by His Excellency the President**

**Mr. Speaker:** Hon. Members, I was informed that His Excellency the President, Brigadier (Ret'd) David Arthur Granger M.S.S., would attend today's Sitting and address the Parliament. The Sitting would be suspended at a convenient time to receive His Excellency.

### **Aerial videography of the Public Buildings**

**Mr. Speaker:** I would like to inform Hon. Members that an aerial videography of the Public Buildings was conducted today by the Government Information Agency (GINA) before the start of our proceedings.

## **PRESENTATION OF PAPERS AND REPORTS**

**Mr. Speaker:** Hon. Members, before we proceed to the presentation of papers and reports, I would like to inform Members that, as a result of an agreement reached between Members of

both sides of the House, Private Members' Business on today's Order Paper would be taken at the next Sitting. I believe that the date which was agreed is the 21<sup>st</sup> January, 2016 and would be announced by the Prime Minister. That is an agreement which will see the Private Members' Business, which are listed on today's Paper, not being dealt with today, but instead being dealt with on the 21<sup>st</sup> of this month. I thank you.

**Leader of the Opposition: [Mr. Jagdeo]:** Mr. Speaker, I crave your indulgence. I thought that the Private Members' Business will take precedence on the Order Paper of the next Sitting. That was the essence of the agreement.

**Mr. Speaker:** Hon. Members, that is, in fact, the essence of the agreement. The Speaker should have said and made it clear that the agreement contemplated precedence being given to Private Members' Business on the 21<sup>st</sup> January, 2016. I thank the Hon. Member for that observation.

The following paper was laid:

The Fiscal Management and Accountability Order 2016 – Order No. 1 of 2016.  
*[Minister of Finance]*

## **STATEMENTS BY MINISTERS, INCLUDING POLICY STATEMENTS**

### **Outbreak of Gastro-enteritis in Baramita and surrounding villages**

**Minister of Public Health: [Dr. Norton]:** The Regional Health Services, on 4<sup>th</sup> January, 2016, informed that the staff at the Baramita Health Post and the Regional Environmental Officer had reported an outbreak of acute gastro-enteritis among residents in Baramita and some of the surrounding villages. The increase in cases was noted during the month of December. Fifty cases were registered with the Health Post. A review of the previous trend indicated that the number of cases is more than a fourfold increase from the expected 12 cases monthly that were seen in recent times. The situation continued into 2016 with an additional 31 cases being reported.

### **Case of Zika virus in Guyana**

On 12<sup>th</sup> January, 2016, the Ministry of Public Health was informed by the Caribbean Public Health Agency (CARPHA) Laboratory in Port-of-Spain, Trinidad and Tobago, that it had detected the presence of the Zika virus in a sample of blood which was sent from Guyana.

Details of the case: sex – female; age - 27 years; address - Rose Hall, Corentyne and Garden of Eden, East Bank Demerara (EBD); and symptoms - fever, rash, body pains and conjunctivitis.

Thank you very much.

**Mr. Speaker:** I thank the Hon. Minister for his statement.

Hon. Members, the Sitting will now be suspended to receive His Excellency the President. If Hon. Members would wish to observe the arrival of the President, you may do so from the corridors. I ask only that you reclaim your places before His Excellency enters the Chamber. Thank you. We are suspended for a short recess.

### **SUSPENSION OF SITTING OF THE NATIONAL ASSEMBLY**

*Sitting suspended at 2.18 p.m.*

*Arrival of His Excellency the President, David A. Granger, M.S.S.*

### **IN PARLIAMENT CHAMBER**

*Sitting resumed at 2.32 p.m.*

### **Remarks by the Speaker**

**Mr. Speaker:** Your Excellency, I bid you welcome to our Chamber. We are delighted that you have taken time out to speak with us and we invite you to do so now. *[Applause]*

### **Address by His Excellency the President of the Co-Operative Republic of Guyana to the National Assembly on Guyana's 50<sup>th</sup> Anniversary Independence and Guyana's Path to Economic Progress**

**His Excellency the President of the Co-operative Republic of Guyana [Brigadier David Granger]:** Mr. Speaker, thank you for your invitation and allow me to wish you and all the Members of this honourable House the best for 2016, the year of our 50<sup>th</sup> Independence Anniversary. Thank you, again, for inviting me here.

Mr. Speaker, Hon. Prime Minister, Vice-Presidents and Ministers of the Government, Leader of the Opposition, Members of this honourable House, Members of the diplomatic corps, ladies and gentlemen.

We, the Guyanese people, this year, celebrate the Independence we gained 50 years ago on 26<sup>th</sup> May, 1966. We were inspired then by our national motto – “*One People, One Nation, One Destiny.*” We are encouraged now by our efforts to make that motto a reality. We renew our pledge to make our cherished homeland a place of unity, security and prosperity.

We, Guyanese, commemorate this 50<sup>th</sup> Anniversary of our nation’s independence with determination to improve our citizens’ quality of life, to transform our national economy and to pursue a path to progress.

Guyana became independent after 350 years of Dutch and British imperial rule. The new nation was born under a state of emergency. The acrid odour of civil conflict hung over the land like a pall. The vista of divided villages scarred the landscape. The voices of disunity and enmity echoed in market places and bottom houses.

We had a new name, a new national anthem, a new flag, a new coat- of- arms, new passports, new postage stamps, new coinage, a new Constitution and a new National Assembly. These new symbols, however, did not make us independent. We were very much still British Guiana on the night of 25<sup>th</sup> May, 1966.

The Governor-General, the titular representative of the British Queen, was a foreigner. The Chief-of-Staff was a foreigner. The Commissioner of the Guyana Police Force was a foreigner. The Governor of the Bank of Guyana was a foreigner. The Vice-Chancellor of the University of Guyana was a foreigner. The Anglican Bishop of Guyana was a foreigner. The Roman Catholic Bishop of Guyana was a foreigner. The major industries – bauxite and sugar and the banking system – were in the hands of foreigners. We became an independent state by appellation but we remained a dependent economy in actuality.

Political Independence was neither the work of one person nor one party nor was it a sudden event. It was a process that took place over a long period of several decades. It was the climax of a popular movement. Legislators, in this very hall, workers, ex-servicemen and ordinary people

agitated to achieve political Independence. We are heirs to their efforts, successors to their struggles and, now, possessors of their patrimony.

Political Independence did not come easily or cheaply. It came only after decades of distress, distrust and, tragically, deaths.

*2.37 p.m.*

Let us not dwell on the pain of the past but look with faith to the future. Let the sacrifice of those who struggled and died inspire us today and guide generations to come tomorrow and beyond.

Political independence meant change. It meant, at the collective level, a change from colony to nation. It meant, at the individual and the psychological level, a change from subject to citizen, and from discrimination to dignity and equality. Statehood, however, meant more than political change. Our first Prime Minister, Forbes Burnham, wisely advised: “Independence... is a means towards an end. The end must be the changing of our society and the revolutionising of the economy.”

Changing the name of a country was a simple matter. Revolutionising the economy, indeed, was a difficult and never-ending process. This year, 2016, is an opportunity to hasten our economic development.

Our Golden Jubilee year presents us with the challenge of renewing the Independence Covenant and of rekindling the enterprising spirit of the 26<sup>th</sup> May. This year has been designated the “Year of Renaissance”. It will be devoted to the rebirth and the renewal of the promise of economic independence and resilience.

We became independent and made a covenant among ourselves that we would, in a free state, aspire to enjoy a better life than we had to endure in a colony. We toiled to repair a country that had been damaged by disunity and division. We strove to create a community of comity and unity. We sought to satisfy the needs of our people by expanding public education, health, communications and transportation services.

We erected an airport, bridges, highways, housing schemes, schools and a university. We established new national institutions such as our Ombudsman and our own Court of Appeal. We

created a credible Foreign Service and cemented international friendships and alliances to secure our territory from external aggression. We contributed to the establishment of the Caribbean Free Trade Association (CARIFTA), the Caribbean Community (CARICOM) and the African Caribbean and Pacific States (ACP). We took our place in the international community with dignity.

Independent statehood vested us with the responsibility of being guardians of our territory, custodians of our national patrimony and masters of our own destiny. Our new status imposed an obligation to improve our citizens' access to public services. Independence promised expanded opportunities and enhanced security. It engendered hopes of a "good life" for all.

The fulfilment of these hopes rested, in part, on the new nation's capability to build a resilient economy upon the remnants of the old order. The old colonial economy had produced an army of landless and impoverished peasants and workers. It had consigned the mass of our people to an existence of persistent poverty. It had doomed our country to a destiny of dependency.

The new state was expected to surmount the legacy and impediments of three and a half centuries of economic exploitation. It was expected to educate masses of unemployed young people; to enhance the productive capacity of workers; to eradicate poverty and to ensure everyone's well-being. These have not been easy tasks.

The old economy was dominated by six commodities - rice, sugar, bauxite, gold, diamonds and timber. Excessive economic dependence on the export earnings of these six primary commodities exposed us to the volatilities of global commodity prices. The old economy was susceptible to external shocks, and we still are today.

The Independence Covenant, therefore, remains unconsummated. Our task today is to complete our mission by securing, within the next decade, a "good life" for all Guyanese. The necessity of economic transformation cannot be denied or delayed. We must act resolutely to implement the reforms that are essential to building a resilient economy - one that is adoptive to the changes; one that is responsive to the challenges of the global economy.

We must, in so doing, recognise some of the other impediments imposed by the circumstances under which we attained Independence fifty years ago. These impediments must now be overcome if we are to achieve the economic basis for a new quality of life.

We are proud of our accomplishments since achieving political independence over the past fifty years. We now look forward to the achievement of economic independence over the next fifty years.

We shall be prouder when we employ our energies and efforts in this special year of our national renaissance to remove the remaining obstacles that still keep us disunited, and to chart a course that will bring happiness to our people. It is time to set forth on a new pathway to economic progress.

It is time for a fresh start - a new beginning. It is time to redouble our efforts to eradicate poverty. Our Government is committed to promoting sustained economic growth with enhanced distributive justice so that inequalities are reduced and opportunities are increased.

Our vision is for every Guyanese to be able to enjoy a “good life.” But achieving a “good life” is not a wish or a dream. It requires greater equality of opportunity in order to attain economic growth. A “good life” is about removing inequalities and providing opportunities for every citizen to be the best that he or she can be.

It is in pursuit of achieving greater economic independence that we have reconfigured an executive cabinet to give leadership to the renewed effort to rebuild our economy. It is for this purpose that we have come today before this legislative branch of Government to appeal for collaboration on our common pursuit of economic independence.

The executive and legislative branches, together, can continue to pursue policies which emphasise economic openness and competitiveness. We can, together, continue to seek investment for the sustainable development of our natural resources. We can, together, ensure that the benefits of the exploitation of these resources redound to enhancing the quality of life of all Guyanese.

The Ministry of the Presidency has been reconfigured to combine the offices of the President, Vice-President and Prime Minister and Ministers of State, Citizenship and Social Cohesion. This

combination, we feel, enhances governance and, especially through the Office of the Prime Minister, manages the Government's business and legislative agenda in the National Assembly.

Our Ministry of Social Cohesion, a Ministry within the Ministry of the Presidency, will continue its arduous work to reinforce national unity. We can be one nation only if all sections of our population feel that they share in our country's economic development. We must, in 2016, dispel enmity among individuals and groups. We must move forward as a united nation.

Colonial rule fomented divisions of race, religion and region which have imposed a big burden on the slender shoulders of our small society. These divisions, for fifty years, have frustrated our economic development, making national unity elusive. National unity does not preclude the existence of differences in philosophies or opinions. It does include a willingness to respect each other's rights.

Our Golden Jubilee is a propitious moment for all Guyanese to put an end to hateful and unhelpful political discord, disaffection and disunity. Our Golden Jubilee is a golden opportunity for us to cement national unity at the political level and at the economic level as well.

Our Ministry of Citizenship, a Ministry within the Ministry of the Presidency, will implement programmes to ensure that every Guyanese child's birth is registered. It will develop policies to ensure greater control over the entry of illegal aliens. The Ministry, in this era of global terrorist threats and transnational crime, will work with the Ministries of Foreign Affairs, Public Security and Social Protection to confront the challenges of international terrorism, migration and trafficking in persons.

The provision of public services is an essential and indispensable function of our Government. Public services build trust through common access, fairness, timeliness and usefulness. Public services play a vital role in creating an enabling environment for businesses and efficient functioning of markets. The quality of public services determines the quality of citizens' life.

We will continue to reengineer Government to ensure that our public services are accessible by all citizens in all parts of our country. Public services must be people-friendly; public servants must be educated; public servants must be *'unbriable'*. We shall continue to reform the public service to enhance its efficiency and to assure its integrity. We have recruited a resourceful team



of fourteen line Ministers from our six-party coalition for the purpose, mainly, of promoting economic growth.

Our Ministry of Business will improve the ease of doing business; will attract increased foreign and local investment; will support the development and export of value-added industries and products; support industrial development through the establishment of industrial estates; encourage small and micro-enterprises and revitalise our village economies. It will continue to support the traditional sectors of the economy and create a favourable environment for investors.

We will pursue economic diversification, augment value-added industries and introduce new developmental portals. We will also reduce Guyana's vulnerability by expanding the economy into the services sector and building strong tourism and hospitality industries by developing a diversified mix of tourism products.

Our Ministry of Agriculture has been confronted with the reality that some traditional sectors, which have been the mainstay of our economy, are in a crisis. The sugar industry suffered serious setbacks. Rice is facing competition from other low-cost producers and its export markets are at risk.

An agriculture diversification plan has to be launched. This must involve the restructuring of traditional agriculture production sectors. That plan is to diversify agriculture into new crops and to open up new areas of cultivation particularly away from the flood-prone coastal plain. We will expand rice cultivation and establish a stabilisation fund for the export prices of rice. We will improve drainage and irrigation systems; strengthen the regulatory framework governing the fishery sector and promote large-scale agriculture in the intermediate savannahs.

Our Ministry of Finance, over the next decade, will develop policies and provide incentives to encourage greater value-added activities in the productive sectors. This will ensure that our economy can be better insulated from external shocks. It will ensure that our young people benefit from the increased employment generated by greater valued-added activities. It will ensure enforcement of the law through rigorous suppression of contraband smuggling and tax evasion.

Our Ministry of Public Telecommunications, formally established at the start of this year, is evidence of our Government's commitment to a digital economy as a new portal of development. Data and information and communications technologies, increasingly, will become drivers of economic growth. They will allow us to develop new products and services, improve competitiveness and transform the business, health and education sectors. We will ensure that more teachers, more students and more schools go online over the next decade.

*2.52 p.m.*

Our Ministry of Communities will move progressively towards reaffirming the primacy of local government and creating a 'green economy'. Our efforts have started with cleaning up our environs to restore a sense of order and cleanliness to our communities and municipalities. Our determination to conduct local government elections, our decision to promote local democracy and our establishment of new towns to strengthen regions have opened a new chapter in public administration in Guyana.

Our Ministry of Education is committed to realigning our educational system so that it produces the skills necessary for economic transformation. It has become an article of faith of this administration that every child must go to school. It is our mission and it is our obligation to make universal, primary and secondary education a total reality. We will use every resource at our disposal to ensure that every Guyanese child, in every part of this country, has access to transportation – by bicycle, by boat or by bus to get to school.

Guyana's economic transformation over the next decade requires that we invest in a skilled and healthy workforce. It will also depend on our ability to deepen national unity and strengthen our national identity. We are committed to restoring national pride, fostering respect for our national symbols and monuments and protecting them from damage and degradation. We shall assert our identity and we shall celebrate our achievements.

Our Ministry of Social Protection will restore dignity to vulnerable groups, reduce gender disparities and protect the disabled. It will reduce major social ills such as child and elderly abuse, violence and sexual abuse, labour violations, suicide, trafficking in persons, youth crime and youth unemployment.

It will provide support to those facing difficult circumstances. It will improve enforcement of employers' obligations for national insurance protection for working people. It will also ensure safe working conditions for everyone and will suppress trafficking in persons.

Our Ministry of Legal Affairs is committed to the independence of the judiciary and the autonomy of constitutional offices. We shall defend the integrity and independence of our National Assembly.

Independence requires the preservation of national institutions which promote "national identity and ensure a stable legal and constitutional environment." We are committed to the strengthening of the institutions which were created as a consequence of independence. We reaffirm our commitment to the supremacy of the Constitution. We reassure the nation of our support through the strengthening of the National Assembly as an essential pillar of democratic rule.

Our Ministry of Public Infrastructure will extend our physical infrastructure in order to intensify integration and promote development. We will, at the same time, provide greater access to the resources of the hinterland which can be exploited for the benefit of all of our people.

Political independence was intended to benefit all Guyanese. Independent Guyana is a unitary state. We are one nation. The challenge of independence was to move forward as an undivided nation. Wide gaps have opened in income between rich and poor and in levels of development between rural and urban and between hinterland and coastland communities.

A key objective of our Government is the reduction of these inequalities by expanding infrastructure to promote geographical integration and economic inclusivity. Integration and inclusivity, in turn, impact positively on reducing inequalities.

Our Government, this year, will continue to place emphasis on greater connectivity between coastland and hinterland and between rural and urban areas. Our economic programme for 2016 will include important investments in internal transport infrastructure – especially aerodromes, bridges, ferries and stellings.

We will support plans for the expansion of communications infrastructure so as to support existing and new investments. This year will see increased emphasis on investments in

infrastructure to improve access to those areas where our natural resources are located and also to support the development and integration of the hinterland with the coastland.

Our Ministry of Public Infrastructure will lead Guyana's drive towards cheaper and cleaner forms of energy. Our economic transition towards developing a competitive manufacturing sector requires cheaper energy. Our goal is to achieve a 'green economy' – one characterised by greater use and dispersion, throughout Guyana, of renewable sources of energy such as wind, solar and hydro-electric power.

We will pursue climate resilience as another portal of development. Climate change is an indisputable reality. Guyana, as a small developing, low-lying coastal state, ignores the consequences of climate change at its peril. The rise in sea levels and the extremes of the weather, all associated with climate change, will present formidable challenges to our nation.

Our infrastructure is incapable of coping with the consequences of flooding, drought and damage to our sea defences at present. We will, over the course of the next decade, be implementing a national climate resilience and adaptation strategy that includes disaster risk reduction measures.

Our Ministry of Indigenous Peoples' Affairs will continue to play a pivotal role in protecting the livelihood of our indigenous peoples and in promoting the development of their communities. The Ministry will improve educational access; reduce poverty through skills training and entrepreneurship; promote sustainable agriculture and community-based tourism; extend a hinterland energy programme with a strong bias in favour of renewable energy technologies.

Our Ministry of Public Health will improve equity and quality in the delivery of primary health care through the strengthening of regional health systems. It will contribute to increased productivity by instituting a nation-wide system of accessible, quality health care. It will intensify its efforts to uncover the underlying personal and social causes of suicide.

Our Ministry of Natural Resources will oversee the sustainable exploitation of our resources which will require investments in infrastructure, particularly in the hinterland where our natural resources abound. We can open up our bountiful resources for development only if adequate infrastructure is in place.

Independence bequeathed the resources of our country as the common patrimony of all of its citizens. Guyana's natural resources need not be left idle. They can be exploited but exploited sustainably and in an environmentally-friendly manner for the benefit of all of our people. We will continue to improve the management of our natural resources in an environmentally conscious manner in order to ensure that our ecosystems make a contribution to global climate change solutions and the protection of our citizens.

Independence imposed the obligation on the state to secure its borders and to ensure the safety of its citizens. Our Ministry of Foreign Affairs will continue to advance Guyana's economic interests and at the same time secure protection for the defence of our territorial integrity within the international community. Guyana will continue to reinforce national security in order to protect the country's patrimony in the face of threats by working, and by working through the Secretary General of the United Nations to seek a swift juridical solution to the spurious claims of the Bolivarian Republic of Venezuela to our territory.

Our Government will continue to exercise vigilance over our territory and sea space. We will continue to advance Guyana's trade and economic interests, especially with our sisters states in the Caribbean Community and the Union of South American Nations (UNASUR) through vigorous bilateral and multilateral diplomacy.

Our Ministry of Public Security will implement policies to secure our citizens from the threat of national and transnational crime, violence and disorder. We will, in 2016, establish an environment of enhanced human safety and public security.

Our Government will continue to place emphasis on improving investigative and detective capabilities and regaining people's confidence in the Guyana Police Force. We shall equip the enforcement arms of the state with the resources to enable them to serve our citizens and safeguard our independence.

The legislative and executive branches of Government, this year, must work together. This is the year for national unity. This is the year for fulfilling the unrealised objectives of economic independence. This is the year for recommitting to the vision of a free, united and prosperous country – one in which “a good life” is attainable by everyone.

We, the elected political representatives of the people, must lead by example. The people of Guyana look to us for leadership. We must open avenues of cooperation and agreement so that we can join hands and hearts for the common good. We invite this honourable House to combine its talents to realise the aspirations and ideals to which we committed fifty years ago.

We, Guyanese, chose to change the country's political culture from the divisive, degenerate and dangerous 'winner-takes-all' model to one of inclusionary, participatory, multi-party democracy. We aspire to strengthen national unity, expand national infrastructure, fortify national institutions, ensure national security and extend public services. We shall continue to work to regain public trust by improving and extending education, health, sanitation, water supply, electricity services and affordable housing to the people.

This New Year, 2016, must bring us closer to the goal of realising our mandate to remake Guyana as the most beautiful, most bountiful and greenest country in the Caribbean. Our mission is to enable everyone to enjoy a "good life" which they deserve as citizens of an independent state. Our aim is to ensure that the 'Independence Covenant', conceived fifty years ago, is consummated.

Let us come together to realise the objectives of this grand project. Let us come together to ensure that 2016 will be Guyana's glorious year of 'national renaissance.' Let us come together to grasp the opportunities that this year provides for us – to recapture the spirit of independence and to secure "a good life" for generations to come.

Mr. Speaker, may God protect this National Assembly! May God protect our people! May God protect the Cooperative Republic of Guyana!

I thank you. [*Applause*]

**Mr. Speaker:** Hon. Members, Your Excellency, I thank you on behalf of our Assembly for visiting us today and for sharing with us the vision and plans which you have laid out before us for the development of Guyana. If I maybe allow an observation, it is a truism that all Guyana must work together to develop all Guyana. [*Applause*]

I thank Your Excellency for the visit, Hon. Members, on your behalf.

3.07 p.m.

One other observation Hon. Members, there is an exhibition mounted at the western end of the lower corridor of our Assembly. Your Excellency, I invite you to view the exhibition before you depart. Hon. Members, you are invited to do the same at a convenient time during our deliberations here. The Assembly is suspended for a short period while His Excellency departed.

*Sitting suspended at 3.07 p.m.*

*His Excellency the President departed from the chambers.*

*Sitting resumed at 3.20 p.m.*

## **PUBLIC BUSINESS**

### **GOVERNMENT BUSINESS**

#### **BILLS – SECOND AND THIRD READINGS**

##### **CREDIT REPORTING (AMENDMENT) BILL 2015 – BILL NO.13 OF 2015**

A BILL intituled:

“AN ACT to amend the Credit Reporting Act.” [*Minister of Finance*]

**Minister of Finance [Mr. Jordan]:** I rise to move that the Credit Reporting (Amendment) Bill 2015 – Bill No.13 of 2015 be now read a second time.

In the spirit of His Excellency’s excellent address, I would like to begin this discourse utilising a fresh start as earlier adumbrated, and to start by complimenting the previous administration for having the foresight to bring the Credit Reporting Act. It indeed represented a forward step in the modernisation of credit in this country. When we speak of the Credit Reporting Act we are essentially speaking of the Credit Bureau. It is just to refresh some of us in the House. A Credit Bureau is an independent organisation that compiles information from credit granters such as commercial banks, and other private sources such as, for example, the Guyana Telephone and Telegraph Company (GT&T), Courts, Singers, and public sources, for example, Deeds Registry, Guyana Power and Light Inc. (GPL), Guyana Water Inc. (GWI) and the student loan agency, regarding individuals credit applications and payment behaviours.

The role of a Credit Bureau System is to

- (i) promote and facilitate a data sharing culture amongst the subscribers;
- (ii) provide the users with accurate information and solutions to support objective application processing models;
- (iii) help lenders reduce the risk of granting loans likely to default;
- (iv) support fraud prevention procedures;
- (v) enable loans to be granted without security; and
- (vi) protect consumers against over indebtedness by allowing for responsible lending by the granters.

The International Finance Corporation, which is the private sector's window of the World Bank, indicates:

“As recognition grows, Credit Reporting Systems will be vital to strengthening financial infrastructure, and ultimately access to finance. As such, more and more countries are increasing efforts to create an optimal legal and regulatory environment for these activities.”

We, in the coalition, share these views that Guyana should be a part of that process. It is why when we were in Opposition that we fully supported efforts to establish a Credit Reporting System in Guyana.

Now, the Guyanese markets would have waited awhile for such a bureau. This came to fruition with the passage of the Credit Reporting Act in 2010. It became a reality when the first licence to operate in Guyana was granted to the Creditinfo Group in July of 2013. Two and half years later, neither borrowers, lenders nor the economy have been able to experience the benefits of the bureau's operations. This is unlike what happened in Guatemala, where it just took six months and in Shanghai, for example, China, where it took a mere 12 months before benefits started to accrue.



An assessment of the reasons for this state of affairs, why the Creditinfo has not really made an impact on the economy, led to the fact that we did not have an enabling legislation. We had legislation but it did not enable the benefits to seep through the economy. We believe that some tweaking of the existing legislation is needed to give it ‘teeth’, as we say in local parlance. At the same time I hastened to add that a concerted effort has to be made to mount a public information campaign geared towards attaining the necessary buy-in by all stakeholders of this Credit Reporting System.

Thus, before this House today, are a number of amendments designed to improve the Credit Reporting System. These amendments are aimed at creating a legal framework, which

- (i) enables the Credit Bureau to operate effectively in the market and
- (ii) ensures those lenders, borrowers and the economy as a whole benefit from an efficient credit reporting industry.

Specifically, the strengthen legislation will

- (i) mandate regulated credit information providers to upload credit information to a licensed Credit Bureau;
- (ii) mandate utility companies to upload credit information to a licensed Credit Bureau provided that the Government is the majority owner;
- (iii) require credit information providers to obtain the consent of data subjects, prior to submitting a request to a Credit Bureau with a view of obtaining credit information;
- (iv) authorise credit information providers to upload credit information to a licenced Credit Bureau without consent having to be given by the data subject; and
- (v) mandate regulated credit information providers to pull a credit report before granting credit.

The proposed amendments before the House today aim to effect changes to the following sections of the Credit Reporting Act are section 11, permissible purpose, section 12, credit information providers, section 13, consent and section 14, data quality and security.

With respect to section 11, permissible purpose, the objective of the amendment is to make mandatory the use of credit reports for every credit application. It is therefore recommended that specific credit information providers mandated to submit a request to a Credit Bureau prior to issuing the credit. Hence, section 11 is amended by the insertion of the amendment circulated in the *Official Gazette*. The rationale being that consistent with internationally accepted best practices, mandatory regulated financial institutions will be required to pull a credit report for the purpose of assessment of every credit application.

Amendment to section 12, credit information providers: In the Act a credit information provider is an entity that furnishes information to the Credit Bureau, as currently obtains, credit information providers are reluctant to share data with the Credit Bureau. Probably because of fear of losing market share, resulting from the fact that participation in Credit Bureau is not viewed as mandatory. To date, only the large banks have been able to share information with the Credit Bureau. Additionally, it is necessary that participation in the Credit Bureau be extended beyond the regulated financial institutions to allow the inclusion of data that exists among non-traditional and non-regulated lenders, including the New Building Society, credit unions, the student loan agency, utility companies, hire purchase companies, telecommunications companies, Government agencies such as the Deeds Registry, and so on.

Participation of such agencies will facilitate access to credit by a wider section of the population, particularly those whom the World Bank refers to as the ‘unbanked’, that is, those mostly self-employed in the informal sector such as farmers, household based entrepreneurs with small retail shops or other service providers. Many of these individuals have no pay slips or traditional income statements for lenders to ascertain a borrower’s proof of income. Moreover, poor households tend to lack collateral or the right type of collateral or the proper legal documentation against which to secure credit. Inadequate access to finance and credit represents one of the most critical constraints to economic development, particularly for rural and self-employed households, and for micro, small and medium enterprises. This is because lenders often lack the necessary information to access the credit worthiness of potential borrowers.

As such, two amendments are proposed to this article. Amendment 1, an insertion of a subsection (2A):

“The credit information providers referred to in section 2 shall share credit information on all persons to whom they extend credit facilities in their portfolio to a licensed Credit Bureau.”

Amendment 2, recommended amendment:

“Utility Companies and other public sources are now authorised to share data with the Credit Bureau, as such, a Credit Bureau may now collect information from the data that is generally available in the public, court judgements, immovable property registers, company registries and utility companies.”

Section 13, Consent: The issue of consent has been the single most important factor affecting the progress of Credit Bureaus to date. Lack of full data inclusion in the Credit Bureau’s data base owing to the requirement in section 13:

- (i) That consumer’s consent is required before credit information is shared with the Credit Bureau.
- (ii) Lack of understanding by data subjects of the Credit Bureau’s benefits resulting in fear of information disclosure and withholding of consent.
- (iii) Creation of a window of opportunity for selective consenting by errant burrowers who wish to conceal bad credit records from from prospective lenders and so seek to guarantee approval of credit by engineering an information deficient credit report.

*3.35 p.m.*

- (iv) Cost to the credit information providers of acquiring post-consent for credit facilities already in their database.
- (v) Encouraging a system of informal data-sharing that has evolved between banks that can be considered contrary to existing legislation and which stymied the best efforts of the credit bureau.

Thus, the amendment to this particular Article reads:

“Consent is not required for data uploaded to a credit bureau but consent is required prior to submitting a request.”

Article 4 on Data Quality and Security of the Credit Reporting Act speaks to the responsibility of credit information providers to ensure quality in data uploads. This element of the Act is critical to maintaining the accuracy of consumers’ information while instilling confidence in the credit bureau. When data upload becomes mandatory for some credit information providers, the amendment to this clause is necessary. The credit information providers who are required to upload data to a bureau should also be required to ensure data quality. Otherwise, they could use data quality as an excuse for not sharing data. Therefore, the amendment to this section is to insert two new subsections.

Section 14(4):

“Where a credit information provider is unable to satisfy itself of the reliability of the information it is required to supply to a credit bureau, it shall take immediate steps to verify the data and provide a report to the credit bureau within three months or provide a written report to the Bank stating the reasons why it is unable to verify the data”.

Section 14(5):

“Where the report referred to in sub-section (4) is made to the Bank, a credit information provider shall abide by any directions given to it by the Governor of the Bank in relation to that Report.”

The rationale for this is obvious. The delay in receiving data by the credit bureau has been primarily due to credit information providers’ recognition of the quality of their data in relation to the requirements of the credit bureau, and the consequences they were likely to face for “unclean data”

Data accuracy is critical to the subject of consumers’ rights because inaccuracies in data can lead to negative consequences for a consumer, including erroneous credit decisions.

Let me conclude this first part by saying that, credit bureaus are essential elements of a country's financial infrastructure. They increase access to credit, they support responsible lending and they reduce credit losses. They are also strengthened bank supervision in monitoring systemic risks.

In general, an efficient functioning credit bureau in Guyana will allow for broader and fairer access to credit and will support responsible lending, while reducing credit losses. It will also help in stabilising the financial sector since positive economy-wide effects support banking supervision and systemic risks monitoring.

It will also increase competition, lead to responsible financial practices and allow a wider segment of the market to access credit, where before they would not have been able to do so. I thank you Mr. Speaker. [*Applause*]

**Mr. Ali:** Thank you very much Mr. Speaker. I wish to thank the Hon. Minister of Finance for elaborating on what may seem a very simple amendment. Indeed, I agree with the Hon. Minister that, in a modern financial system in a modern economy, it is necessary that we have the enabling legislative framework that would allow us to compete and function at an efficient level. However, that legislative framework can only give us the results, if we have the necessary infrastructural and institutional framework to back the legislative framework.

For the credit bureau to function in an effective and efficient manner and to achieve the objectives set out by the Hon. Minister, we must ensure that the infrastructure that is needed to make good the recommendation is in place and is functioning effectively.

In developing countries like ours, we also have to find the balance between creating an environment that becomes bureaucratic in a society that is still largely manual in its operations. Take for example, the use of cheques and currency in transactions, many people today still use cash in most of their transactions, although we have tried legislatively and institutionally to change this. We have not yet graduated from that situation.

The Minister made passing reference to various income-generating activities of different persons that are not captured in any database or on any payslip. It is a large component of the informal sector. Take for example, the conductor, the driver or a person who is receiving remittance, those are all incomes that are used in assessing the ability of the potential customer or borrower to

repay a loan. Capturing, recording and presenting that information, present a great difficulty for us.

Whilst the Hon. Minister alluded to the legislative framework that seeks to get this information, we have to go beyond that and to understand how we will develop the institutional infrastructural capacity that would give meat to the legislative amendment that we are seeking to pass.

The system, as it existed, was voluntary in nature. That is, there was no mandatory condition on any credit facility or financial institution that they had to get a credit report on a potential customer before granting the credit.

Listening to the Hon. Minister of Finance, in his interpretation, this legislation is seeking to make that mandatory, that a credit report will become mandatory. That I think would pose some amount of difficulty. We had a voluntary system and we are now moving to a mandatory system. If I look at the amendments that are proposed, none of them here points to a mandatory system for credit reporting.

As a matter of fact, section 12 of the Principal Act is amended as follows and I think this is the amendment that the Hon. Minister is referring to:

“The credit information provider as referred to in subsection (2) shall share credit information on all persons to whom they extend credit facilities in a portfolio to a credit bureau.”

The Hon. Minister may want to guide us to the specific section that makes the provision of a credit report mandatory in this amendment.

As far as I am concerned, these amendments do not give such powers. I want to say that I am in support of these amendments because I do not think that another layer of bureaucracy should be imposed or implemented at this time. I do not think that a mandatory credit report is the answer to the issue, perhaps, at this stage of our development, it might complicate matters more.

The use and sharing of information – information use and sharing are only relevant if the information itself is free from bias and good in nature, especially, to be utilised on a customer.

What do I refer to, Mr. Speaker? In the existing billing system of all the utilities services, whether it is Guyana Water Inc. (GWI), Guyana Power and Light Inc. (GPL) or Guyana Telephone and Telegraph Company Inc. (GT&T), there exist many difficulties. One still receives estimated bills; there are bills that are challenged by consumers and customers; there are bills that do not accurately reflect the true balances of customers; and there are customers who are wrongly disconnected. If we are to utilise this set of information to give consumers a credit rating, then I think we will have difficulties.

I firmly believe that before we move to this mandatory system, we must settle and correct the infrastructural institutional basis on which this legislation will be implemented.

The Hon. Minister spoke extensively on the benefits of the Bill to the financial institutions and to licenced credit bureaus. Over the last few months, we have had a lot of amendments to various financial legislations which gave more access to consumer information and to information regarding individuals. But, we are not having, simultaneously, the supportive legislative changes that would protect consumers' rights, safeguard the rights of the consumer and balance the interest of the consumer against the interest of the lender.

*3.50 p.m.*

Take for example, in the United States of America, they have what is termed the Fair Credit Reporting Act which sets out a number of conditions - approximately 13 conditions that must be satisfied in order to safeguard the consumer's rights and interest. It gives the consumer the right to challenge the ranking; the right to correct inaccurate information; the right to ensure that information is verified, especially, if information used is in the negative interest of the consumer.

The consumer must also give full consent, which is provided for in our legislation. What is important is that the consumer can only exercise these rights because enabling the infrastructure and systems are in place to give them the type of information. Let us look at a practical example such as someone going to purchase an item from Courts Guyana Inc. In our society someone may go to purchase a blender. The first point is: Is Courts Guyana Inc. a licensed financial institution? Courts Guyana Inc. is going to grant this credit facility to somebody who is going to buy a blender or microwave. At zero down, someone can buy anything. Are we saying that before Courts Guyana Inc. grants that facility, they would now have to get a credit report on that

consumer? Listening to the Hon. Minister of Finance... [*Interruption*] There is a distinction. One does not have to get a credit report from a credit bureau. That is the first point.

Now, there is what we called the transactional cost or the fine cost. In a number of banking transactions we do not see the fine cost or the transactional cost. I am sure that there must be a transactional cost. Who is going bear this additional transactional cost? It will most likely be passed on to the consumer by the provider of the credit facility. We have to address this. We also have to address the man buying a vehicle on terms. We have to address credit unions because credit unions also lend to their membership, and in that. We also have the Police Credit Union and the Army Credit Union. They do not fall under the licensed financial institutions, but they are lending. All of these lending must now be subject to a mandatory credit report by the credit bureau. That is what the Hon. Minister of Finance is saying in his presentation.

I am in full support of the amendment, but I fail to see how it is mandatory. My position is that it cannot be mandatory and I would like the Hon. Minister to re-examine that position.

In conclusion, I would like the Hon. Minister to also provide some comfort to the consumers out there that very soon we will have, tabled in the National Assembly, a specific Bill protecting the rights of consumers from all these legislative changes that we are making. It exists in many other jurisdictions. We have to balance what we want to do. I know that we can bring it. We are still to ensure that we pursue the Hire Purchase Act. That too, offers protection to the consumer. I am saying this in the spirit of us understanding together that we need to have balance when we are making legislative amendments and we cannot ignore the rights of the consumer. That is very critical for us.

I conclude by saying to the Hon. Minister that, we support the amendments in the legislation, however, the point that the credit report is mandatory must be clarified. Mr. Speaker, I thank you. [*Applause*]

**Minister of Business [Mr. Gaskin]:** Mr. Speaker, with your leave, I wish to speak in support of the Credit Reporting (Amendment) Bill of 2015. This Bill proposes to amend the Principal Act which is the Credit Reporting Act of 2010. This Act deals with the licensing of credit bureaus to operate in Guyana, and it makes provisions for the sharing and utilisation of credit information in order to strengthen the system through which individuals and businesses could access credit.



This Act would have been passed at a time during which the current Opposition had control of both the Government and this National Assembly. So, we can assume that the operation of a credit bureau in Guyana was something they found desirable and that there is some good reason why they wanted to have a credit bureau operating in Guyana back in 2010. So, I am a bit surprised that the Hon. Member, Mr. Ali, has just discovered that there is a deficiency in the institutional infrastructure, as he puts it, to support the industry.

If I could, I would like to give some background to the situation in Guyana which has led us to a stage where we now have to propose amendments to this Bill. Because of the sensitivities surrounding the sharing of private financial information, this new piece of legislation was created especially to govern the operation of a credit bureau in Guyana. The Credit Bureau Act of 2010 sets detailed conditions for the licensing and supervision of credit bureaus operating in Guyana. It also addresses issues of consent, data security, confidentiality, governance, and consumer rights, all of which were troubling the Hon. Member.

The Bank of Guyana is the designated regulator to ensure that safeguards are duly followed. The Bank of Guyana also has rights to request information and suspend licences.

Currently, as was said before, there is just one credit bureau operating in Guyana. It was licensed in July, 2013. It is an Icelandic company, with branches in 20 countries, including Jamaica. However, the presence of this credit bureau in Guyana has not succeeded in creating a profitable market for credit information in Guyana and this is due mainly to difficulties in obtaining permissions from consumers. No new credit bureau has entered the market since the licensing of this particular company.

Current credit bureau coverage in Guyana is estimated at 2.4% compared to a regional average of 40.5% and a 69.6% coverage in Trinidad and Tobago. In the World Bank's *Doing Business Index*, Guyana's ranked 167 out of 189 countries surveyed for access to credit, which makes us one of the hardest countries to get credit in the world. That has also contributed to our overall ranking of 137<sup>th</sup> place out of 189 countries in the world. Our 2.4% coverage is not enough to score even a single point on the *Doing Business Index*. So, we get zero points to access to credit.

Unfortunately, the *Doing Business Index* has become one of the key indicators for potential investors and, whether we like it or not, it is of critical importance that we improve our ranking

on that index. Having a functioning credit bureau operating in Guyana will allow for better risk assessment and provide a sound basis for decision-making on providing credit to businesses. To that extent, it will go a long way towards addressing the issue of access to credit in Guyana. Unfortunately, the company is unable to continue providing credit reporting services in Guyana because the information that it requires to perform its functions is not being provided by the lenders.

The Principal Act requires that lenders to get consent from the consumer before sharing their credit information with a credit bureau. Customers are not giving these consents and are therefore not benefiting from having a system in place that can provide banks and other lenders with information on their credit history and credit scores, when considering their loan applications. So, in other words, if one has a good credit history, paid all his or her loans and utility bills, one cannot be rewarded with a credit score that is being used by the banking system in Guyana when considering his or her loan application.

In short, the system is not working in Guyana and we are in danger of having our first credit bureau close shop and go home. If that happens, it will send all the wrong signals about Guyana and about our economy. A critical industry that works in most countries of the world cannot work in Guyana. This is not a message that we want floating around the world.

The stated purpose of the Principal Act was to establish a credit reporting industry with the aim of enabling more reliable, competitive and responsible credit lending, while protecting borrowers' rights. This is what it says in the Principal Act, it does this by:

“licensing a legal entity, the credit bureau, to engage in collecting and processing credit information for the purpose of furnishing reports and offering value-added services.”

The Principal Act, unfortunately, did not go all the way. While we applaud this measure by the previous Administration to have credit bureaus operating in Guyana and to improve the access to credit to businesses and individuals, we believe that the Principal Act had some deficiencies and these amendments are to correct these deficiencies and to make the industry work properly.

*4.05 p.m.*

If I could just get to the Bill which propose amendments to really just four sections of the Principle Act, there are 11 amendments in all, and they all apply to Part Three of the Principle Act, which have to do specifically with credit reporting.

The first amendment makes it mandatory for the credit information provider, which is the lender, to request a credit report from the credit bureau before granting credit to a customer. This means that, if one goes to the bank for a loan, that bank must request a credit report in order to assess the risk of lending to that individual.

Again, if one has an established good credit history, this could benefit him or her. It is at his or her advantage and to our advantage because I assume that most of us here pay bills and have a decent credit history. It is at our advantage to have this credit bureau functioning effectively in our economy.

The second amendment makes it mandatory for the credit information provider to share credit information on all persons to whom they extend credit facilities. This ensures that the credit bureau gets the information that it needs to provide the service that it does.

The third amendment makes it mandatory for public sources, from which the credit bureau may collect data or information, to make this information available to the credit bureau.

The fourth amendment is a punctuation so it makes way for the Fifth Amendment.

The fifth amendment adds utility companies to that list of public sources mandated to share information with the credit bureau. Again, if one pays his or her bills and he or she has a good track record it is to his or her advantage to have that being used when considering his or her credit.

The sixth amendment makes it mandatory for a credit information provider to share credit information collected on consumers without their consent.

The seventh amendment requires the credit provider to obtain written consent from the consumer, before making a request to the credit bureau for information on that consumer. Mr. Speaker this is one of the safeguards that these amendments create. Even though it mandates the credit providers to share consumer's credit information with the credit bureau without the

consent of the consumer, it requires the consent of the consumer for the credit bureau to share that information with the bank or the lender. So the consumer's information is not being shared willy nilly all over the place. It is protected under the amendments that are proposed in this Bill.

The eighth amendment removes the requirement for the consumer's consent, for his or her credit information to be shared by the credit provider to the credit bureau. That needs to be taken in conjunction with the seventh amendment to really understand what it means.

The ninth amendment simply redirects the penalty to the amended section of the Act, so that requesting credit information on a consumer without that consumer's consent becomes the offence that is punishable in the Principle Act, by a fine of \$1 million.

The tenth amendment places the onus on the credit information provider to verify the accuracy of the information it provides to the credit bureau, and where it cannot do so, the amendment specifies a timeframe in which it shall write to the Bank of Guyana, the regulator, and provide reasons why it is unable to verify the information.

And, the final amendment compels the credit provider to abide by the directions given to it by the Governor of the Bank of Guyana in relation to the verification of information provided, as described in the previous amendment.

**Mr. Speaker:** Are you rising on a Point of Order, Hon. Member?

**Mr. Ali:** Yes, Mr. Speaker. Just to help me along, I am trying to follow the seventh, eighth, ninth and tenth amendment the Hon. Member is speaking about. In our copy of the amendments, we do not have those amendments that he is referring to. I do not know if the Hon. Minister of Finance could help us here. The Hon. Minister is saying that he does not have it either, so I do not know what amendment the Hon. Member is referring to. Could the Hon. Member point to it?

**Mr. Speaker:** I thank the Hon. Member for his observation.

**Mr. Gaskin:** I am working with a document here that says Bill No. 13 of 2015.

**Mr. Speaker:** Hon. Minister does it read "EXTRACT DATED 26<sup>TH</sup> NOVEMBER, 2015"?

**Mr. Gaskin:** Yes, it does.

**Mr. Speaker:** Minister would you give way?

**Mr. Gaskin:** Sure.

**Mr. Speaker:** Hon. Member, Mr. Ali, does your document has the heading “EXTRACT DATED 26<sup>TH</sup> NOVEMBER, 2015”?

**Mr. Ali:** Yes, Sir.

**Mr. Speaker:** Thank you. Hon. Members, it may be no more than a matter of referencing. I would ascertain that that is the case and whether it is a substantive issue, if you would allow for clarification first. Thank you.

Hon. Members, we are trying to ascertain the clarity of what one should rely on here.

**Mr. Gaskin:** Could I be of assistance here? What I have simply done is disaggregate the amendments, so where there are more than one amendments to a section, I am counting it as two because I am explaining them point by point. I think if we count the specific changes that these amendments provide he or she would find that there are 11 in all.

**Mr. Ali:** Mr. Speaker, I want to assure the Hon. Member that I have also gone down that route. I tried to do that, but nowhere in these amendments do I see, for example, reference to a \$1 million fine and so on, to which the Hon. Member is speaking. He just spoke about a \$1 million fine. I know that it is already in the Act, but the Hon. Member said it was an amendment.

**Mr. Speaker:** Hon. Minister, it seems to me that there is need for clarifications. Hon. Minister perhaps, you can clarify matters by adding some more explanation perhaps to what you are doing, so that all Members on all sides of the House can follow. The amendments before us recite four points and that is what the Hon. Members are looking at. Perhaps you might want to bring them into the picture with respect to your references.

**Mr. Gaskin:** Well, like I said, what I am listing are the specific amendments; the specific sections that are being amended. If the term amendment is somehow misused, then I apologise and I could use a different word. The specific effect - there are 11 specific directions given in these amendments – changes. For instance, in the fourth amendment, according to the Bill that is now being presented, under section (d), in sub-section (5), by the substitution for the word “one”

of the word 'two', as I explained earlier, that that amendment simply redirects the penalty to a different section of the Act. I am not sure if that is too difficult to understand. That is the effect of the amendment. That is all I can speak on.

**Mr. Speaker:** Hon. Minister, if you would allow me. Hon. Ifraan Ali, would you...as the Minister

**Mr. Ali:** Mr. Speaker, thank you.

**Mr. Speaker:** You would allow me to ask a question and then you would tell me what it is that you have in mind, so we could try to clarify this.

**Mr. Ali:** No problem.

**Mr. Speaker:** Okay. Is the explanation which you just heard helpful to clear matters up?

**Mr. Ali:** Mr. Speaker, it is not helpful, but I am very confident that the Hon. Minister of Finance would clear it up. Thank you.

**Mr. Speaker:** Hon. Minister of Finance would you be able to contribute, so that clarity could reign in the Assembly.

**Mr. Jordan:** Thank you, Mr. Speaker. I believe that it would be helpful if we just stick to the amendments as they relate to the Bill before us, so as to avoid any further confusion. I think what Hon. Minister of Business is doing is not necessarily inaccurate, but I think that the parts the Hon. Minister is reading are already in the Principle Act, so one would get confused in thinking that there are amendments. Actually, the \$1 million fine and so forth are already in the Act. We should just relate to the amendments before us, and if we have the Act before us, we stick it in and then we get a new reading, but I do not think that we want to go down that road.

**Mr. Speaker:** Hon. Minister, would you be minded to proceed in that way in making your presentation? If so, it seems that it would be considered helpful all around.

**Mr. Gaskin:** Certainly, Mr. Speaker, in fact, I had just concluded the amendments; my list of amendments. Those are the amendments that are being proposed and, in a nutshell, they are

intended to give life to an industry that is about to expire and expire before it has had the chance to make its contribution to our economy.

Without these amendments, there would be no credit bureau. The current provider of this service cannot survive if it cannot get the information that it needs to generate its income. It would pack up, as I said, and go away. I do not think that is what we want to happen in our economy at this point. No one else is going to come and take up the slack because there is clearly no profit to be made in the industry as it is. I also cannot overemphasise the importance to our long term economic well-being of having this Credit Bureau operating in Guyana.

*4.20 p.m.*

We are dependent for our economic development on being able to provide credit to fund investments in Guyana. This will help us to do so because it will, as I said before, allow the lenders to better assess the risk of providing that credit.

In closing, our Government understands the importance of having functional systems and institutions and is therefore not prepared to sit back and watch this industry collapse. It does strengthen the credit information industry and I support this Bill.

Thank you very much. [*Applause*]

**Mr. Speaker:** Before we proceed to the next speaker, I crave your indulgence to recognise the presence, among us, of Mrs Harewood-Benn, a former Member of this House who served in many capacities in this House. We thank you for visiting us this afternoon and we hope that it would be possible for you to come again. Thank you for coming.

**Mr. Hamilton:** Let me begin, at the outset, by stating that we support the proposed amendments and by stating that I believe that the amendments are useful to improving the current Act. As indicated by both Ministers, we need to move to a point where there is some standardisation in how people are assessed for credit. I think the amendments are pointing in that direction.

We would, daily, as leaders and as politicians, journey around this country and we would know that citizens, regularly, speak about having access to credit in a timely manner. I can give some examples of how even in banking institutions the criteria are not settled. I know, for instance,

persons, who have applied for a loan at a branch of a banking institution in Georgetown and were denied, but went to a branch in Diamond or Parika and got the loan for a car or a house. Therefore, even in the banking and lending institutions the criteria are not settled as to how an assessment is done or what is assessed. We hope that the introduction of the amendments would help to standardise the criteria.

The other issue that my Colleague, Mr. Ali, spoke about is having the legislative environment without the infrastructural environment.

The other issue is the buy-in by the institutions when legislations or Government policies are presented. I can give an example to make that point. In 2012 or 2013, the then Minister of Finance, in his budget presentation, had indicated to this House and to the Guyanese people that there would have been a rebate system for first-time homeowners. I am aware of hundreds of persons who were unable to access the rebate from the banks. That programme, I suspect, came to an end and hundreds of homeowners did not get the rebate from the banking system. When the citizens went to the Guyana Revenue Authority (GRA) they were told that the problem did not lie with them, but it lied with the banks. When they visited the banks, they were told that the problem was not banks' but it was the GRA's.

There was a policy that had been presented by the Government but there was no infrastructural framework for the policy and, therefore, citizens were unable to be served. With the amendments, we have to ensure that, across the spectrum, there is buy-in by institutions. We are aware that the institutions always pay attention to their bottom line – their profit and loss. Every new service, every new legislation, seeks to have them employ more persons to perform these functions, as they see it. Therefore, it calls into question the point that my Colleague spoke about - the transaction charges.

It would be useful if the Minister can outline to us how the Government sees this developing. Would it be borne by the institution and the customer or would it be borne by either the institution or the customer? Again, institutions always pay attention to their bottom line which is profit and loss.

The other issue is the leakage or unauthorised distribution of information. We have had, not so long ago, instances in organisations of private information being released by unauthorised



persons to unauthorised persons. How would it be ensured, beyond the regulatory framework, that data gathered would be utilised only for the purposes for which it was gathered?

The Minister indicated in his opening remarks that the amendment will benefit the economy - I have no doubt about that – and that it would benefit the financial institutions. In his summing up, I want him to say to the citizens of Guyana how it will also benefit them. What benefits would the consumers derive from the amendment to the Principal Act?

Minister Gaskin spoke about the Credit Bureau that was established and licenced to function in Guyana and the Act and its deficiencies. Sometimes, we pass legislation and there is no follow-up to simplify its effects to transmit it to citizens. Minister Gaskin indicated that the lender, the consumer, the customers and the Credit Bureau should all be partners in this activity. Unless we can find a way to make this simple for the ordinary man at the back of Plaisance or in Black Bush Polder to understand and inform him of the benefits that will be available for him, all that we will be doing today is amending the Principal Act.

I hope that the Government, through the Ministry of Business and the Ministry of Finance, would put in place some mechanisms so that, through the length and breadth of Guyana, persons, whether they be rice farmers, from Indigenous communities, taxi drivers or minibus drivers, or the woman who runs a cottage industry, would be aware that there is a Credit Bureau and the benefits to be derived from them becoming a partner to this project so that they can buy-in to what we are attempting to do. If we fail to do that and there is no buy-in from the ordinary people, I suspect that what we are attempting to do today will have no benefit and, as the Minister of Finance indicated, the necessary benefits will not come to the economy and will not help us to move forward.

Thank you very much. [*Applause*]

**Mr. Jagdeo:** I think that the Members on our side who spoke have adequately expressed our views on the Bill before us. I want to make it clear that we support any legislation that will see a properly functioning Credit Bureau in Guyana. We recognise that the purpose of the Credit Bureau is to improve the quality of credit in the country and to make our financial system more resilient.

However, I cannot leave unanswered some statements that were made in the National Assembly. I do believe that we do ourselves a disservice when we make loose statements, particularly about our financial system, given the importance of the financial system to confidence and economic growth and development of any country.

4.35 p.m.

I have just heard a Minister of Government in this National Assembly say that if we do not pass these amendments, then the industry will collapse. The implication is that if we do not have a credit bureau, the banking system in Guyana will collapse. I beg to differ. He said that the industry will collapse. We can refer to the *Hansard* and read that. I have seen the evolution of our financial system.

**First Vice-President and Prime Minister [Mr. Nagamootoo]:** I rise on a Point of Order under Standing Order 40.

**Mr. Speaker:** Hon. Prime Minister, do you rise on a Point of Order?

**Mr. Nagamootoo:** The Point of Order is under Standing Order 40 (b). The Leader of the Opposition is presenting misleading information to this House. He has totally misconstrued what the Hon. Minister of Business had said. The *Hansard* would verify that the Hon. Minister had spoken only to the issue of a certain credit facility collapsing if we do not facilitate amendments that would allow the access of information by this particular dedicated facility.

**Mr. Jagdeo:** Mr. Speaker, the Prime Minister is making a speech here. He is making a speech. He is giving his interpretation of what the Minister said.

**Mr. Nagamootoo:** I have not ceded.

**Mr. Jagdeo:** I am prepared for us to go to the *Hansard* and read the record.

**Mr. Speaker:** Hon. Members, the Speaker should be allowed to control what happens here. The rules require the Point of Order to be made and then the person who made the Point of Order to take a seat. Those are the rules by which we work here. Those rules do not allow for the speaker who was on the floor to resume and speak during that interim. When the Speaker calls on the

speaker who was on the floor, then he resumes. Let us try to work that way. Thank you, please proceed. Do you wish a Point of Order too, Hon. Minister?

**Mr. Gaskin:** Mr. Speaker, I specifically said that...

**Mr. Speaker:** Is this a Point of Order, Hon. Minister?

**Mr. Gaskin:** It addresses the allegation of the Hon. Leader of the Opposition.

**Mr. Speaker:** Hon. Minister, you should state what the Standing Order on which you rise is, the Point of Order and then leave it to the Speaker.

**Mr. Gaskin:** The Standing Order is 40 (a). The Hon. Member quoted me and misinterpreted my remarks and I wish to correct it. Let me sit and then you will determine whether I should be allowed to show you the point in the Act that specifically states that the Act is designed to establish a credit reporting industry. The industry to which I was referring was the credit reporting industry and not the banking industry.

**Mr. Speaker:** I thank the Hon. Minister. Hon. Member, please proceed.

**Mr. Jagdeo:** Thank you, Mr. Speaker.

**Mr. Speaker:** You are, naturally, speaking to the Bill.

**Mr. Jagdeo:** I am speaking to the Bill and I am speaking to issues that were raised in this House by previous speakers. I hope that I would be allowed, also, to deal with those issues.

**Mr. Speaker:** Hon. Member, I am trying to ascertain that we are still talking about the issue, which is the Bill before the House.

**Mr. Jagdeo:** I am speaking to the Bill before us and to the statements that were made in the debate by Members on the other side.

**Mr. Speaker:** Hon. Member, I know that those can be dealt with in the context of your presentation without identifying or moving from it. I would like us to try to keep it focussed on the Bill. Please proceed.

**Mr. Jagdeo:** Precisely, Mr. Speaker. Mr. Speaker, if I can misinterpret what the Minister said, if we accept his explanation, then the people of this nation who are listening to the issues in the National Assembly would probably misinterpret it even more. It is this loose sort of statement that can cause the industry to collapse.

We have a strong and resilient financial system. I have seen the system grow in terms of depth and in terms of range. For this House to understand, in the late 1990s, after the financial crisis in 1997, we had the International Monetary Fund (IMF) come to this country and do a study called the Financial Sector Assessment Programme (FSAP) which looked at the strength of our financial system. That study concluded that Guyana's financial system was safe and sound, that we had good prudential regulations and that our banks were in compliance with those regulations. More recently, Mr. Speaker, a number of stress tests were done on our financial institutions, and if you look at the Bank of Guyana report, you would see the scenarios under which our financial institutions were tested and they came out well. Of course, they are at risk, but they are at risk for other things that may be happening in the economy now. For example, the sloth in the economy in terms of the repayment of loans, *et cetera*, in some of the sectors.

We have heard loose statements that one of our banks is being investigated for massive money laundering. This helps to undermine...

**Mr. Speaker:** Hon. Member, I must ask you to keep on the point that we are discussing.

**Mr. Jagdeo:** Mr. Speaker, I am speaking on the financial system in Guyana.

**Mr. Speaker:** Hon. Member, I must request you to stay within the confines of the Credit Reporting (Amendment) Bill. I would not find myself able to stretch my interpretation to allow for a range of issues. When we are considering the second reading of a Bill, we speak on the merits of the Bill. That is what we do.

**Mr. Jagdeo:** Mr. Speaker, if you would allow me to connect these issues. Mr. Speaker, it is impossible to make a speech in the National Assembly.

**Mr. Speaker:** Hon. Member, it is impossible, I suspect, for many Members to do that. What I would suggest is that you resume your speech and stay close to the purpose for which this aspect of the debate is structured.

**Mr. Jagdeo:** Mr. Speaker, the Bill before us is designed to strengthen the financial system. How can I not speak about the vulnerabilities of the financial system but talk about an Act to strengthen it? How can I not speak about it? I am speaking about the things that would affect our system.

**Mr. Speaker:** Hon. Member, I would not prevent you from speaking about the things that affect this Bill and that relate to this Bill. I am becoming myopic on this matter and so I would not want a range of issues. There are several issues which affect the financial system, but we are focusing on the Bill and I must ask you to focus on that.

**Mr. Jagdeo:** Mr. Speaker, would you allow me to focus on the “Doing Business” Guyana guide that the Minister spoke of during his presentation or would that not be about the financial system too? The Minister was given latitude to speak at length about the World Bank’s “Doing Business” in Guyana guide.

**Mr. Speaker:** I noticed that you also referred to the World Bank.

**Mr. Jagdeo:** Yes.

**Mr. Speaker:** Hon. Member, we are losing valuable time here. Please do your best to stay close to what I have asked you to do.

**Mr. Jagdeo:** Mr. Speaker, I will do my best.

We have heard about the Credit Reporting (Amendment) Bill. I daresay that there are other things that are more detrimental and inimical to the interest or to the state of our financial system than the Credit Reporting (Amendment) Bill before us and its non-passage. Nevertheless, we support it. With regards to the “Doing Business” Guyana guide, the Minister said that Guyana ranked 167 out of 180 odd-countries on that index in terms of access to credit, that it was difficult to access credit in Guyana. Now, if that is so and that is the truth, how much more difficult would it be with the passage of this legislation and with the implementation of the credit reporting system?

I would urge the Hon. Minister not to pay too much attention to these indices. We have to be careful about how these indices are composed. Take, for example, the World Economic Forum

Competitiveness Index. One of the elements of that Index that countries get high marks for is the size of their economy. So, guess which countries always would get the top marks in that Index? It is the United States of America (USA) followed by China because they have the first and the second largest economies.

Another element in the composition of that Index is that countries get marked down if there is a presence of Malaria in the countries. Guess which countries get Malaria? It is tropical countries. Although we are ranked 167 in terms of access to credit on the World Bank's "Doing Business" guide, check in our estimates and you will see that the growth in credit in this country has been absolutely phenomenal. In spite of us being ranked 167 on that Index, many countries that are ranked much, much lower than us have gone through severe recessions in the last 10 years when this country has seen almost 10 years of continuous growth, and growth is strongly correlated with credit. We should not have a slavish following of these indices. We must look at the reality of our country.

4.50 p.m.

I want to re-emphasise the point about transaction cost that my Colleagues on this side made. I hope that the Minister of finance will pay attention to this in attempting to implement the Bill. It is because we have already had this issue of the difference between the spread of deposit rates and lending rates with the banking institution. For many, many years we have tried to reduce that spread to give credit to people so that borrowers can have a lower rate of interest, but that spread still remains very wide. Now, we are going to add to the consumer, because it will be passed through, the cost of this service. We have to pay careful attention to ensure that the costs of providing this service is appropriately priced and it is not onerous on people.

I would also urge the Minister to clarify how the Central Bank will treat credit in this regard, particularly as it relates to the Basel Convention and its prudential regulations, particularly dealing with the provision for loans, *et cetera*. There is need for greater clarity in that regard.

We have a resilient, strong, financial system. The Credit Bureau or no Credit Bureau, the financial system in Guyana is a strong one. It has several vulnerabilities but the vulnerabilities have come more, now, from the non-repayment of loans and that can only come from a slowing

economy, *et cetera*. Credit has never suffered in this country, other than, maybe, because of the price of credit. There has been no other restriction to credit in Guyana.

These are just some of the points we want to make. I urge Ministers of this Government not to be so loose with their words about our financial system.

Thank you very much. *[Applause]*

**Mr. Jordan (replying):** First, let me thank all the speakers for a spirited debate and for ventilating a range of issues, germane and tangential. Forgive me, Mr. Speaker, if I lost it sometimes. I kept hearing the words “we support the amendments” but also a number of arguments that seemed to be the antithesis to that support, so to speak. But I value support and I want to believe that the support, at the end of the day, is being given in good faith.

I wish to reiterate that this was a forward-looking Bill that was presented by the then Government. I started out by congratulating them. Like with anything, there was scope for review to determine performance. The reality is that there is almost zero performance post-implementation of this Act. A careful analysis of the reasons for “failure”, together with developments since this Act has been put in place, has led us to these simple amendments which would strengthen the legislation and strengthen the implementation. We tried a thing, to be quite honest, when other more developed states, perhaps, knew better and we should have learnt from them.

At the very time when we were putting legislation for the establishment of the credit bureau in our Act, I believe, Jamaica, also, was, about that time, putting that legislation in its Act. Since then, Jamaica has moved on. There are three bureaus in Jamaica throughout the island and I think they are considering another one at the moment. We have one bureau that has invested over US\$1 million since it started its operations and it is limping along. The credit reporting system that this Act was meant to see put in place is no way near to becoming a reality. I said that we tried a thing. We went the voluntary route and asked the credit providers to voluntarily report to the bureau that consumers would agree voluntarily for the information to be uploaded. But it has not worked. When we went the voluntary route, Jamaica, at the same time, went the mandatory route and the results can be seen.

This Bill will mandate credit information providers, such as banks, to upload the information to the Credit Bureau. On the other hand, they will require the consent of the consumer and that consent has to be given in writing. So, if one goes to Courts (Guyana) Inc. for credit on a refrigerator, they will provide you with a slip that you will sign. One is not forced to sign it. One does not have to sign it. But then Courts (Guyana) Inc. does not have to give credit either. It is as simple as that. That is the ammunition which the credit information providers will use to access one's information that would be held by the Credit Bureau.

We have heard about transaction cost. To move on, some cost, whether it is a dollar, five dollars or ten dollars, will be involved. That is the cost of modernising. As to who pays it, it could be the consumer who pays in full, it could be Courts (Guyana) Inc. that pays in full or the cost could be shared. The long and short is, where cost is involved, there must be some level of sharing for the greater good. Guyana is way behind. There are other countries with credit bureaus; we are behaving as if this is something new. This is not something new. Other people go out there with credit card. We heard about Guyana being a cash economy. That might be a reality but we have to move away from having a cash economy. That is more of a cost than all of the existing modern systems that we have in place - credit cards, money transfer and so on. This is the cost of actually printing that money. If you knew the cost of continuously printing these moneys and going up to \$5000 and considering a \$10,000 bill is where the costs are.

Like I said, I believe, genuinely, that we are all on board where this credit reporting system is concerned; we are all on board that this legislation needs strengthening; and we are all on board with the amendments that have been proposed today. I agree fully – and I said it in my opening remarks – that a dramatic public information campaign has to be mounted. This is not only the business of the Government. Crucial to this has to be credit information. The message has to be spread that the Credit Bureau exists, what it does, and what the benefits to persons are. There is always a fear of change but it does not mean we do not have to change. I believe honestly that if we explain those changes, increasingly, more and more people would adapt to the changes.

It is unfortunate that it has to be mandatory instead of voluntary, but this is the price, sometimes, we pay for modernisation - some giving away of our so-called freedom. Like I said, one does not have to sign when the credit information provider gives one the slip.



Mr. Speaker, I think that we have had our say on this Bill and I believe it is time for me to sit and give way for us to consider this Bill, clause by clause, with the hope that it would be passed unopposed.

Thank you, Mr. Speaker.

*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:** Hon. Members, I thank you for your assistance with this Bill receiving the third reading. We are now at a time when I believe we can have a suspension of the sitting to allow for refreshments. The sitting is suspended for one hour.

*5.05 p.m.*

*Sitting suspended at 5.05 p.m.*

*Sitting resumed at 6.10 p.m.*

## **CORONERS (AMENDMENT) BILL 2015 – BILL NO. 11 OF 2015**

A Bill intituled:

“An Act to amend the Coroners Act.” [Attorney General and Minister of Legal Affairs]

**Attorney General and Minister of Legal Affairs [Mr. Williams]:** I rise to move that the Coroners (Amendment) Bill 2015, Bill No. 11 of 2015 be now read a second time.

This is a simple amendment. It, in fact, simply amends one section of the Coroners Act. This amendment has its genesis in the years 2000 to 2007, years in Guyana that people described as

the years of the killing fields. A period in our history which we perform ought to be ashamed of; a period that was attended by squads, not friendly squads - escapees, black clothes squads, phantom squads...

**Mr. Speaker:** Hon. Member, I crave the indulgence of the House. This is with respect to the Coroners (Amendment) Bill.

**Mr. Williams:** Yes Sir.

**Mr. Speaker:** I thank you. It seems to the Speaker as being somewhat unrelated, but please proceed.

**Mr. Williams:** Mr. Speaker, it is the genesis for the amendment that is before the House.

I could be heavier but I am just setting the scene as to show why we are coming with the amendment.

**Mr. Speaker:** The second reading is to discuss the merits and principles.

**Mr. Williams:** Exactly, Mr. Speaker. I am just giving you the setting for the Bill, Sir. Mr. Speaker, if you bear with me, it will soon be revealed.

**Mr. Speaker:** Hon. Minister, there is an expression. I will bear if you will forebear.

**Mr. Williams:** Sir, it is if you bear with me a bit more. That was a period where bodies were strewn all around the country in a particular area. Bodies were turning up in trenches, isolated roads, and in people's living rooms. As a result, a lot of people are alive today whose families were those bodies and they need to have closure in this country. They want to know how their brothers, sons and fathers met their ends. There was no one found guilty, no cause attributed, no police cases. The Government of the day was either unwilling or lacked the political will to investigate those unnatural deaths. In our campaign, the campaign of this coalition Government, we promised the people, Guyanese people, the families of the victims of the persons who were slain inexplicably, that we would hold inquests, investigations and inquiries into the deaths. This is nothing partisan. I do not know why anyone should have objection to finding the truth. South Africa sought and found the truth with a truth commission in this area. We need to have the truth.

There was no inquest as the law requires. The Coroners Act requires that when there is an unnatural death the coroner should hold an inquest, one with a jury or without a jury, to find out what, how and who caused the death of that person. As I said, no inquests were held and as a result recourse was made independently to the courts to obtain orders to command magistrates to hold inquests. Under the Coroners Act, magistrates are coroners in their magisterial districts. It appeared that magistrates were unable to hold any inquests before orders were obtained in, for example, the inquests for the 'Mandela three', Donna McKinnon, Donna Herod and Shaka Blair. Since the Government had no role in and did not support the inquests none of the few inquests were completed. Of course, the records show that there were intimidations and all kinds of things to militate against the completion of those inquests.

Families are still grieving, and it is under those circumstances that we have proposed an amendment to the Coroners Act to increase and widen the category of persons who could perform the functions of coroner. Recognising that the magistrates, today, have the daily tasks to deal with the myriad offences that are before them, the proposal to amend is to achieve a mandatory minimum amount of coroners in the three counties of Guyana. In addition to that, those coroners, unlike the magistrates in the magisterial districts, would have full jurisdiction to conduct coroner's inquest in any part of Guyana as the case may be.

If I might have recourse to the Bill, it purports to amend section 3 of the parent Act by including clause 3A (1) which provides:

“Notwithstanding anything in sections 2 and 3 the Judicial Service Commission may appoint fit and proper persons as coroners.”

We are proposing to amend the section to include the words, “who shall be full-time coroners”. We are also proposing amendments to the amount of coroners in each county, by increasing them. Therefore the quota of coroners, who will be permanently assigned to holding inquests or inquiries, would be better than it ever was in the history of Guyana. This is a very necessary thing that we need to do.

It is contended that this matter should go to a Special Select Committee, but a Special Select Committee to deal with one section is unthinkable. That is all the mischief that is sought here, to remedy, a shortage of coroners. A body no less than the Judicial Service Commission is tasked

with appointing fit and proper persons to be coroners. Once this is done, this nation would be assured that we are on course to hold the inquests and inquiries that the people were promised.

It is also contended that there ought to be a holistic review or overhaul of the entire Coroners Act. We agree with that. To do that at this time would not be convenient. It was said that it should be overhauled on the basis of the recommendations of the Disciplined Forces Commission of Inquiry. That inquiry was completed since May, 2004. Since May 2004 the last Government did not find the time or the opportunity to overhaul the Coroners Act, that it is now in Opposition it is asking us to do. We must put a stop to this, because the things the Opposition should have done in the last 23 years and never did, it is now asking us to do in seven months. It had every opportunity to overhaul the Coroners Act and it never did. We are concerned about remedying the defect since no inquests were held into the deaths of hundreds of Guyanese people slaughtered during the period of the killing fields.

I, therefore, commend this Bill for passage through this honourable House.

Thank you. [*Applause*]

**Mr. Anamayah:** The Hon. Attorney General has told us that the mischief intended to be cured is to increase the numbers of coroners, that there is a shortage of coroners. I do not know that that is the actual position. I do not know that that is the reality. For example in Berbice, we do have a full complement of magistrates and they are coroners by virtue of being magistrates.

*6.25 p.m.*

There is nothing preventing them, it would seem, from conducting these inquest or inquiries. Why is it that we are doing piecemeal amendment of the legislation? If research was done it would have shown that this section, which we are attempting to insert in the Coroners Act, was adopted almost wholesale from the Trinidad's Coroners Act. It is laziness, Your Honour. It speaks of incompetence. It does not address our concerns here in our jurisdiction. That is what is wrong with it, Your Honour. It is a cut and paste operation and we can do much better in this House. The persons who elected us here deserve much better from us.

I agree with the Hon. Attorney General that these families, who are waiting on answers, need justice and the need answers. In the killing fields, lots of *Berbicians* were also killed. During that

period people travelling to Timehri Airport..., and I could recall vividly two person from No. 71 Village. Those families need answers. The policeman who was burnt alive in his car in Buxton, that family needs answer also so let us do them all. The family of Sergeant Pyle and his wife...

**Mr. Speaker:** Hon. Member, you are speaking on the Coroners Bill.

**Mr. Anamayah:** I am speaking directly to the Bill.

**Mr. Speaker:** Are you speaking on the merits and the principles of the Bill?

**Mr. Anamayah:** Yes Your Honour.

**Mr. Speaker:** Please remember that.

**Mr. Anamayah:** Yes Your Honour.

**Mr. Speaker:** Thank you.

**Mr. Anamayah:** The third person who was killed, Richmond Eastman, family needs answers. Would simply increasing the number of coroners solve any of these problems? The emphatic answer to that is no.

The very first amendment, which is proposed, shifts the burden or puts in the hand of the Judicial Service Commission the ability to appoint fit and proper persons. Here in this House we should legislate the qualifications. We have an opportunity to legislate the qualifications. It is incumbent upon us to do so. For example, to become a coroner in England and Wales a person must have a degree in a medical or legal field, for example, criminology or biomedical science. Coroners must have had a previous career in the United Kingdom (UK) as a lawyer or a physician. As the Hon. Attorney General said the purpose of the coroner is to determine sudden and unnatural death, extrajudicial killings or of person who are in police custody. That is the first thing. We should legislate the qualifications of those persons. That is the first suggestion we have towards improving the Bill. That is why we are saying it needs a holistic review and that it goes a Special Select Committee where all these matters could be trashed out.

If proper meaningful consultation was done, which I know was not done, proper meaningful consultation with all the relevant parties, stakeholders, persons affected and the users of these

legislation, it would reveal that the main problem or one of the greatest challenges that the coroners are faced with when conducting these inquest is the availability of the civilian witnesses. What happens, too often, is because of the inordinate delays in conducting the inquest, the material witnesses may no longer be available. They may have migrated, died or they simply cannot be found. This needs to be addressed in any Bill, any amendment that we are putting forward.

Secondly, the investigation itself takes months on end to be completed. Before the file actually reaches the coroners' desk, months and months would have elapsed. To address this, there needs to be fixed timelines for the time period for the investigation to be completed and for the coroner to complete his tasks.

That is how the mischief is addressed and the problems on the ground, Your Honour. Additionally we are suggesting that there be a coroners department...Mr. Nandlall would address the House fully on that, but we need a coroner's office. There is need for a special investigative team that is equipped and trained and has the resources to solve these seemingly unsolvable crimes to provide answers. Without that investigative team to do the proper work... We would have all seen some episode or one of the episodes of Crime Scene Investigation (CSI). That is where the developed world has moved to and we are still lagging behind. That is why we are suggesting that there is need for a holistic review of this act. With of the greatest of respect, Mr. Speaker, simply appointing more coroners would not solve the problems.

The perception is being given that the People's Progressive Party (PPP) in office did not want answers and I close on this note. The PPP in office was the Government that commissioned that inquiry into the most infamous death, most notable assassination, that is, of Dr. Walter Rodney. It is this Government, and one of its first acts in office is to prematurely terminate the life of that inquiry. Our record is straight and we want answers.

Thank you Mr. Speaker. *[Applause]*

**Mr. Rohee:** The Hon. Member Mr. Basil Williams in some countries would be described as the distinguished Attorney General and in some countries he may be referred to as the distinguished Attorney General and the Minister of Justice. In this case, he has placed himself in a rather diminishing position.

In presenting the Bill, our worst fears have been confirmed. When we looked at this Bill, on the surface, it appears as though it was rather innocuous and it was well intended. Having heard the soon to be extinguished Attorney General... I am talking about extinguishing in respect to the debate, Mr. Speaker. I am not referring about job security. I am talking about the debate. The Hon. Member made it abundantly cleared... I do not want to use the word pellucidly clear. That word is overworked. He made it abundantly cleared that this Bill, and the intent behind this Bill, is politically inspired. Mr. Speaker, I pay very close attention to the attempt on your part by the way of a question to the Hon. Member to whether he is speaking to the Bill when you intervened just now.

**Mr. Speaker:** Hon. Member, are you not asking the Speaker to join?

**Mr. Rohee:** That would be the last thing that I would want to do, Mr. Speaker.

**Mr. Speaker:** I am grateful, but I wish that you would have said that I always pay attention to the Speaker. It is a much better term of praise. Please proceed.

**Mr. Rohee:** Mr. Speaker, I suspect that we were both on the same wavelength in this sense, that having heard His Excellency the President delivered such a speech that set a certain tone in this House and to the nation. That having now heard the Hon. Member Mr. Williams, he virtually slaughtered the good intentions behind the speech that we just heard. The intent of this Bill goes entirely against the letter and the spirit of the recommendations that are to be found in the 2014 Report of the Disciplined Forces Commission, what some people refer to popularly as the 'Chang Report.' In no way in the report...I have with me the report to the National Assembly of the Special Select Committee on the Conclusion of the Consideration of the 2014 Report of the Disciplined Forces Commission which was already laid in the House on the 3<sup>rd</sup> June, 2010. Being a member of that body, the Hon. Member Mr. Williams, himself, sat on that Special Select Committee and in the report, with respect to the deliberations and the conclusions that were arrived at, having deliberating on the specific recommendation in respect to the Coroners Act, the Members of this Special Select Committee spoke of the need of a holistic approach. I beg to repeat, but if I repeat, it is only for the purpose of reinforcing what was said by the previous speakers on this matter on this side of the House. That a holistic approach and holistic revision of

such an important Act is critical for the reflections of what ought to be the new elements recommended by the Special Select Committee in this Act.

More than that, what I believe is critically important to the recommendations is that the National Assembly was vested with authority to address the recommendations inherent in the report from the Special Select Committee. The point I am making in this regard is that the absence and the total lack of consultations with Members of this Assembly...because I heard earlier words to the effect that the executive and the National Assembly ought to work together, in other words, to consult on matters of importance to this nation.

*6.40 p.m.*

I believe, with due respect, the Coroners Act is indeed a matter of importance to this nation. If, as heaven forbids, the executive chooses to proceed in the absence of consultation with we who sit on this side of the House, I believe that it will be treading on grounds which cuts entirely across the spirit of the presentation we heard here earlier this afternoon.

I believe that the recommendations, which are reflected in the Special Select Committee that came to this House, are now being used, or utilised, in a manner to justify what the executive, what the Members on that side of the House are seeking to accomplish by political views. When we speak here about the investigative resources being placed at the disposal of the Coroner Act...This is a matter, especially within the context of recent development, which I would not elaborate on. I think the nation would appreciate when I speak about recent developments in respect of investigating teams, especially in light of the fact that the Hon. Member tells us that this Bill is being laid in this House to deal with what is described, "at the killing fields". More than that, I think this honourable House should take umbrage to the description expressed by Hon. Member Mr. Williams when he spoke about slaughtered. Now, I would like to know - I speak here as a layman - is it for a Member of this honourable House, lawyer or layman, to come to the conclusion that these persons were slaughtered? Who is the authority to state unequivocally that persons, who died from a natural death, were instead slaughtered? We are already drawing conclusions, political conclusions, that these persons were slaughtered in the absence of any investigation and in the absence of any coroner's inquest being held to arrive at such a conclusion.



I am somewhat confused; we need to have clarified... In the Bill it is not made clear whether we are seeking to make as coroners Justice of the Peace or additional magistrates. What is it that we are talking about here? To me, this is not very clear, it is rather ambiguous. I think we need to have this clarified because in the 2004 Report of the Disciplined Forces Commission reference is made to the question of Justice of the Peace being made coroners. What does it say in that respect? It states, and I am quoting from the 2004 Report of Disciplined Forces Commission Report, section 10, pages 155 to 162, that addresses the question of the Coroners Act. It states:

“The Commission examines concerns about the adequacy and application of the Coroner’s Act”.

Mr. Speaker, may I, for your information, read what it states about the role of the Justice of the Peace, in respect of the Coroners Act?

“In the more populist magisterial districts which have more than one magistrate, it is difficult to identify with magisterial coroner, since the Act contemplates only one magisterial coroner. Justices of the Peace, who are coroners in the absence of the magisterial coroner, can hardly be viewed as having the requisite competence to hold inquest or enquiries. It is therefore hardly a matter of surprise that despite effort to have inquest and enquires expedited, little success has so far been achieved.”

These, whatever described at distinguished individuals who constituted this Disciplined Services Commission had the foresight of anticipating that Justices of the Peace would not be adequate, in terms of their fulfilment, as the role of coroners. In that respect, that is why I am requesting that we need to have clarification on this matter because having the regard to what the Hon. Member Mr. Basil Williams said in his presentation, in the second reading... First of all, he did not agree with the holistic approach. I want to argue that the piecemeal approach, the approach by the Hon. Member, on this matter is not going to help the process in the long, short or medium term.

Approaching this Act, *vis-a-vis* these amendments is, to me like, taking a bowl of spaghetti and picking and choosing what you want out of the Act. This is what the Hon. Member is doing. Maybe, he is a fan of Italian cuisine. I cannot find other appropriate manner in which to describe what the Hon. Member is seeking to achieve. In other words, the Hon. Member has confessed – those of us who are Catholics, we would have learnt of the Catholicism; we know of the Holy

Rosary and we also know of the confession period - that it was not expedient for the Government, the Hon. Members on that side of the House, to approach the matter holistically, but it was expedient for them to deal with the matter in this way, politically.

**Mr. Speaker:** Hon. Member, do you wish to have the floor on a Point of Order?

**Mr. Williams:** Under Standing Order 40(a), Sir. There is nothing in the *Hansard* that could attribute to me, Sir, what the Hon. (extinguished) Member Rohee had just said – Hon., already extinguished, Member Rohee. I have never said anything about politicising. He cannot attribute that to me. If he wants to draw his inference, he cannot attribute that to me.

Secondly, the other allegation that he is making, I do not know what he is talking about. I am asking him to withdraw, Sir. I do not want to follow the Leader of the Opposition. It is the same way the Leader of the Opposition got up and misrepresented about the Hon. Member of the House.

**Mr. Speaker:** I thank the Hon. Member. Please resume with the presentation.

**Mr. Rohee:** It appears - it might just be an appearance - as though when some Hon. Members find themselves in a corner they seek to either withdraw or to review what they may have said. The crux of the content of this Bill, since the confession was that it is politically inspired to deal with the killing fields,..., and the slaughtering of individuals. Then by logical extension, I want to submit that the coroners, who are likely to be identified, will be politically selected in order to arrive at certain political conclusions. That is the mischief. I humbly and respectfully want to suggest also that this tendency, and this trend, appears to be part of the political repertoire of what is playing out in this country today. It is part and parcel of the jigsaw puzzle that is now emerging. We, on this side of the House, want to alert the nation about what is really intended here. The Guyanese people will listen to this debate and will pick sense out of the nonsense and in the same way that they are capable of determining fact from fiction. I am quite optimistic and confident that the Guyanese people would be able to understand the mischief behind this piece of legislation that is before this House.

Finally Mr. Speaker, let me crave your indulgence. Every single day we hear talk, we hear platitudes, about national unity. We hear talks about social cohesion, but where is the

genuineness in all of what we are hearing, all these wonderful appeals? Where are the connections?

6.55 p.m.

Where is the inter-connection between all this talk about national unity and social cohesion, when you are setting up coroners' inquest to deal with people who, the Hon. Member, Mr. Williams who is speaking on behalf of those on that side of the House, they already concluded were slaughtered.

I simply want to conclude on the note that, I certainly, like my Colleagues over here, hope that this will not happen in our beloved country, in the year of our country's 50<sup>th</sup> Independence Anniversary, to launch something like this, when everybody is talking about social cohesion, working together, *et cetera*.

Mr. Speaker, this is going to jettison whatever goodwill. This is not only a matter for us on this side of the House. The Hon. Member, Mr. Anamayah spoke of the families of others who need to have answers to the deaths.

I rest my case, and respectfully suggest that this Bill goes to a Select Committee in order for the letter and spirit of what we heard here a few hours ago, be translated into reality. Thank you very much. [*Applause*]

**Vice-President and Minister of Public Security [Mr. Ramjattan]:** Thank you very much Mr. Speaker. I would not seek to deal with issues of how extinguished or distinguished this debate has gotten. I will simply try to have its principles and merits replenished because there was an overflow that sought the principles and merits depleted, apparently, especially with the last two speakers.

I noticed that my good Colleague, Mr. Rohee, mentioned that it was since 2010 that the Commission of Inquiry was held and that, thereafter, very shortly, it went to a Select Committee. All these recommendations, when they had a majority, could have been passed by them when they were in Government. **[Mr. Williams:** In three parliaments.] It was in two parliaments - 2011 and then in 2013. But they did not pass it. They are now coming here to lecture us as to the moral authority or the lack of that we have in relation to wanting to do, as

they described it, piecemeal. Well, I would like to tell them that piecemeal is better than nil, because that is what the Hon. Members over there, when they were in Government, did not seek to do. They did not seek anything about that Disciplined Service Commission or the recommendations of its Select Committee. [Ms. Teixeira: You said you were better.] We said that we were better and we are amending here.

This goes a far way, and I will show the merits of each of these amendments as to why they go a far way. This has no political mischief about it, absolutely none. If we were to ask about political mischief, it might have been the lack of amending prior to today. That probably would have, but I do not want to go further than that.

I want to say on the issue as to what the law is right now in, the Coroners Act, Chapter 4:03, there is a meaning for coroner. It “means the magistrate of the magisterial district” or if that magistrate cannot conveniently or speedily be found or he/she is unable to act, then the nearest justice of the peace (JP), who is able to do so, can become the coroner. “Every justice of the peace shall be *ex officio* a coroner.” That was this law. If they did not like this law, as the Hon. Member, Mr. Rohee, was saying, they could have amended that, but they did not.

Today, we are passing an amendment that says exactly the same thing, but we have added a piece that it is the Judicial Service Commission that will appoint, not the distinguished Attorney General. This is where we do not have any political mischief. It will be, notwithstanding those sections, the Judicial Service Commission that may appoint fit and proper persons as coroners. We are not going to be political about it. Who is the Judicial Service Commission made up of? The Judicial Service Commission is made up of the Chief Justice (CJ), the Chancellor of the Judiciary (CJ) and whoever else constitutes that very important body and they are insulated from any political mischief in my opinion, unless the Opposition now wants to feel that they are going to do political mischief with the appointments.

Let us get it clear, apparently they did not read the amendment. This part of the law goes a far way in taking care of what the Hon. Member was trying to give the impression of, that it was not being taken care of, so that must be understood - the very first section. The Principal Act is amended by section 3(a) and it states that:

“Notwithstanding anything therein per sections 2 and 3, the Judicial Service Commission may appoint fit...”

This is the law that we are passing. That is why I want to replenish the debate by making those points.

What we are dealing with is also confronting the issues of the Disciplined Service Commission because in these magisterial districts, where these unnatural deaths happen, they are so loaded with work that they might not be in a position to do the inquest. That is why, within these counties, we have no more than one coroner in Essequibo, who could be appointed by the Judicial Service Commission. What it is? In relation to the county of Demerara, there shall be at least three coroners because there were many unnatural deaths that occurred there and there is a serious backlog. So we will have at least three coroners in the county of Demerara. We could have five or seven coroners, but at least three. In the county of Berbice, there will be at least two coroners and at least one in the county of Essequibo.

When these coroners are appointed the files go to them after the police investigations. There are lots of files there. I understand that all of those unnatural deaths that occurred during that period, the backlog which are there, will now have to go to the coroner and the coroner would then call up witnesses and he or she can even summon additional witnesses. This must be understood because the existing Coroners Act has that as the power of the coroner. The coroner has these magisterial functions. Under the Coroners Act, in sections 27 and 28, and going on to a number of other sections, it is made quite clear. That if the coroner demands a certain witness to come, the coroner must have that witness there, otherwise, like a judge, the coroner can make sure that that person, if he or she does not come after a certain procedure, by issuing arrest warrants, *et cetera*.

We do have the powers, under the Coroners Act, in relation to these matters. The problem was, however, the backlog of the magistrates within each district having these difficulties because they have quite of lot of work to do. What do we do? We now have added that more coroners can be appointed by the Judicial Service Commission.

The impression is given here by the Hon. Member, Mr. Anamayah, that this is a cut and paste piece of legislation from Trinidad. What is wrong with cut and pasting if it will meet the

requirements that we, the Executive, see fit? When the Opposition had this amendment, what would have been wrong if it had manufactured its own amendments so that we could have debated it here? Why did you not do that? At least we are trying to make the Discipline Service Commission... you sit there, knowing your duties. [*Interruption*]

*Mr. Speaker hit gravel.*

I am asking that the Hon. Members across the floor, since we can only cut and paste ...

**Mr. Speaker:** Hon. Member, are you referring to the Hon. Members opposite us as what?

**Mr. Ramjattan:** As Hon. Members and Colleagues over there, I would like them to do better than our cut and paste job and let them be manufacturers. Be the manufacturers, but you do not want to.

There was the other argument which was made that we have to legislate the qualifications. In this Coroners Act, we know basically what magistrates' qualifications have to be and we also know what the justice of the peace qualifications are. In view of the fact, that we are, in a sense, depositing the appointments to the Judicial Service Commission, knowing what this Act requires and what kinds of investigations should be done because there is a Chapter on how it should be done, the Judicial Service Commission can deal with that rather than we doing it here. Even so, that we did not do it, I would have thought that the Opposition could have come up with some qualifications and an amendment. But it would appear that the Opposition does not want to manufacture. [**Mr. Nandlall:** We are not in Government] Alright, it does not matter. The Opposition has come with amendments before which it said had not been passed. [**Mr. Nandlall:** That you all passed.] That does not mean that you must not manufacture. Let the public out there know that you came with something. [**Mr. Hamilton:** Stop *busing* man.] I am not *busing*, I am merely rebutting point by point.

Material witnesses not available: Who might have caused material witnesses to be absent? After all that which transpired years ago and there was no coroner's inquest held, who caused that? At least within the first eight months of our Government we are trying to do something about what happened a long time ago. Was it us who caused material witnesses to be absent, if they are indeed absent today? It is those Hon. Members on the opposite side.

Let us deal with Walter Rodney Commission of Inquiry. The argument was that we must have fixed time lines for the inquest, but that is extremely difficult to do. Take for example, the Walter Rodney Commission, they had made a certain...

*Mr. Speaker hit gravel.*

*7.10 p.m.*

**Mr. Speaker:** Hon. Member, are we staying on the Coroners Bill?

**Mr. Ramjattan:** This is a very important point I want to make.

**Mr. Speaker:** Hon. Member every point you make is important.

**Mr. Ramjattan:** That is correct. I am sticking to it.

**Mr. Speaker:** I must ask the Hon. Member to remember that he is speaking on the Coroners Bill. At this stage we deal with the merits and principles of the Bill. I must strongly urge Members to remember that when they speak. I do not believe that I can accommodate the diversions and digressions.

**Mr. Ramjattan:** Yes Mr. Speaker. Timelines are always going to be extraordinarily difficult to fix when you are going to have certain investigations. In the last Commission and the one that is ongoing, I think that the Government at that time had fixed a certain timeline. It could not have been reached. Then, this Government got into office and we fixed another timeline. Then because of the request of the Commissioner, we had to fix another one. How many times? It was for about two or three times for that same Commission of Inquiry that I am talking about?

[**Mr. Nandlall:** Which one?]      The Walter Rodney Commissioner of Inquiry.

So, it is always going to be difficult to legislate timelines for inquest. That is why this Government could not do that. I want Mr. Anamayah, the Hon. Colleague on the opposite side to understand that. We cannot sometimes legislate these difficult questions because, assuming the witnesses do not come and then we say that it is a six-month period and when there is the summons for the witness to come, the six months are up. What do we do when the six months are up? Do we then stop that investigation forever? No. So, I want it to be urged upon Members over there that, sometimes the points that they are making are not well thought out and are ill-

advised. To that extend then they must appreciate that, at least, we came with something; the Hon. Members over there never came with anything. I urge you, with those points made, that the Hon. Members please support this Bill rather than to send it, again, to a Select Committee, where that one went and nothing happened. Thank you very much. [Applause]

**Mr. Nandlall:** Today, we had the privilege of listening to an Address to us by His Excellency the President. One of the fundamental points that His Excellency made was the fact that he chose this forum from which he addressed the nation and he explained why. He said that we are all elected Members and representatives of the people, who we are functioning here in that capacity and that there is no better place for us to demonstrate our representation of our peoples' interest than right here in this National Assembly.

We have asked, repeatedly, to have this Bill sent to a Select Committee, where the Members of the House, this August Assembly that the President has identified as the instrument through which we move in our jubilee year, we have asked the other side to engage us in the Select Committee, in a parliamentary process, for over one month. Not because we want to play politics Sir, but we want not to give anything, as the Hon. Member Mr. Ramjattan said. We do not want to give something to the population. We want to work together with the Government to ensure that we get the best possible product for our people.

That is why Sir, in the Anti-Terrorism and Countering the Financing of Terrorism Bill, we asked for it to go to a Select Committee. They said no. We asked in this instance and they also said no. Do you know Sir, what is most worrying? It is that the Hon. Attorney General, who happens to be the subject Minister and perhaps he is replicating the *modus operandi*, which will be used by the Government to consult at any or every other fora, other than the institutions of this Parliament and that is a worrying thing. We on this side reject that because we consider it a degutting of our Parliament. It is against the grain of what the President said today that this should be the premier deliberative forum in this country were the leaders must sit. We must not sit at the Arthur Chung Conference Centre. We must not sit to do Parliament work at the AG's Office. We must sit here Sir. I am not against holding consultation there, but...

**Mr. Speaker:** Let us talk about the Coroners Bill.

**Mr. Nandlall:** It is the Coroners Bill, because the Coroner Bill, Sir...



**Mr. Speaker:** Hon. Member, I will not wish to interrupt you, but I must insist that we stay on point. The other excursions can wait another time.

**Mr. Nandlall:** Sir, my learned friend, in his presentation, spoke to a request being made that the Bill be sent to a Select Committee. That request came from us and I am dealing with that very issue because we still maintain, most resolutely, as will be seen as my presentation unfolds, that this Bill should be sent to a Select Committee. I am just giving the antecedent of the efforts that my learned friend made to avoid going to Select Committee, which I say that this National Assembly should take an umbrage to because it is an attempt to undermined parliamentary democracy. That is what I am saying, Sir.

**Mr. Williams:** Mr. Speaker...

**Mr. Speaker:** Hon. Attorney General, are you rising on a Point of Order? What is it?

**Mr. Williams:** Yes please Mr. Speaker, under Standing Order 40 (a).

**Mr. Speaker:** Please, give way.

**Mr. Williams:** It is a clear rule of parliamentary democracy that one cannot infer...

**Mr. Speaker:** Hon. Attorney General, I must ask you to tell this House what the Point of Order is?

**Mr. Williams:** Sir, the Hon. Member is imputing improper motive to the Attorney General. It is against the parliamentary rules. He cannot impute proper motive to a Member of this Hon. House. Sir, he must recall that assertion.

**Mr. Speaker:** Hon. Member, I thank you. You may proceed Sir. Let us try to avoid imputing improper motives to Hon. Members.

**Mr. Nandlall:** I am not imputing any improper motive. I am saying that the Hon. Member...

**Mr. Speaker:** Hon. Member?

**Mr. Nandlall:** Yes Sir.

**Mr. Speaker:** What the Speaker is saying is that we must avoid imputing improper motive to Hon. Members. That is all. It is not for dialogue or discussion. Please proceed with what you were doing and what you should do.

**Mr. Nandlall:** I have received invitations already in relation to two other Bills, inviting submissions to be made elsewhere, other than in this National Assembly. I am saying that, under our law, the National Assembly, the Parliament of Guyana, is the law making institution and it is broken up into different systems and processes. It has a committee system; it has a Select Committee that offers detailed scrutiny of Bills; it allows for the Committee to invite members of the public; it allows the Committee to invite stakeholders, experts, *et cetera*. We will not participate in a process that will deprive this National Assembly of the opportunity to make laws in this country. [Mr. Williams: They said that they will not partake?] We will not participate. I do not know what is wrong with the Hon. Member. What part of it does he not understand? We will not participate in processes that will undermine the integrity of this national institution. That is what I am saying. I have no bones about that. I am saying that my learned friend is embarking on a course of conduct that would seem to want to undermine the integrity of this institution. That is what I am saying Sir.

**Mr. Williams:** On a Point of Order I rise Mr. Speaker under Standing Order 40 (a).

**Mr. Speaker:** Hon. Member, if a Member rises on a Point of Order you give way without the speaker asking you to do so. Mr. Williams, do you have a Point of Order?

**Mr. Williams:** Mr. Speaker, this is the second time I have had to rise. I believe that the Hon. Member is showing crass disrespect for this Hon. Speaker of this Hon. House. The Hon. Speaker had just spoken to the Hon. Member about imputing improper motive to a Member. So, Mr. Speaker, I am contending that the Hon. Member has, again, imputed improper motive to the Attorney General of this Country. I am asking him to withdraw that. I consider Sir that he is disrespecting the Hon. Speaker of this Hon. House.

**Mr. Speaker:** I thank the Attorney General for his statement, but let me say to Hon. Members that they must not trouble themselves in relation to the Speaker. All Hon. Members in this House must not trouble themselves in relation to the Speaker, but I thank you for your comment.

**Mr. Williams:** I take your point Mr. Speaker.

**Mr. Speaker:** What I would ask the Hon. Member, Mr. Nandlall, to do, is to bear in mind that the concerns he has for the House, also obliges him to conduct himself in a certain manner. It also obliges him to observe the proprieties which are incumbent upon all of us when we stand in this House. It also obliges you to remember the Standing Orders. Please proceed Sir?

**Mr. Nandlall:** Yes Sir. We on this side, will work with the Government in the parliamentary system to ensure that we have legislation produce that are beneficial to our country. We are submitting that, in its current form, this Coroners Bill does not address the real issues that it ought to address.

First of all let me say that our position is that we would like the implementation of the Discipline Forces Report which essentially requests that a holistic review be done to this Bill. [Hon.

**Member:** So why did you no do it?] We concede that we did not do it, but if the Government wishes to proceed along that same path, it is a matter for them. That Commission's Report should not be wasted. I remember we sat for a period of nearly two years. We took evidence from nearly 200 persons, including the representative organisation. We went through the legislation one by one. We heard evidence from the People's National Congress Reform (PNCR), I think that is what their name was at that time, and they made a submission.

**Mr. Speaker:** Hon. Member, have we skilfully moved from the Coroners Bill to something else?

**Mr. Nandlall:** No Sir. It is the Coroners Bill.

**Mr. Speaker:** To the Discipline Service Commission.

**Mr. Nandlall:** I am giving the reason why I am asking that that report recommendation be implemented. It is in relation to this Bill.

**Mr. Speaker:** Please proceed Hon. Member.

**Mr. Nandlall:** Sir, we sat for two years. I remember the Hon. Member, Mr. Raphael Trotman moving a motion in the Parliament to congratulate the Commission for the work it did.

*7.25 p.m.*

In the PNC's submissions to that Commission, in one of those submissions were that the Coroners Act be overhauled. It was their submission that we admitted on the Commission. His Excellency President Granger was a Commissioner on that Commission, also, Mrs. Deborah Backer, along with Mrs. Clarissa Riehl. I do not know whether my learned friend was there. That is why we are asking, we are basing our request for an overhaul, based upon that recommendation. That recommendation came as a result of a review of the entire substantive Act.

The Coroners Act, Chapter 4:03, states the date that it was enacted in the Colony of Guyana. It was enacted on the 11<sup>th</sup> May, 1887. It is a law that is 130 years old by sheer passage of time, it needs to be overhauled and that is all that we are saying. For example, let me quickly read section 16 of the Principle Act to demonstrate my point. It says this:

“Where the death of any immigrant is an unnatural death within the meaning of this Act, and occurs on any plantation, the magistrate of the district in which the plantation is situated shall forthwith hold an inquiry”

It is the Attorney General who wants to keep this in the law. All that it will require is a line that says “Section 16 is hereby repealed”. That is all that it will require.

Let us go to section 52 of the Principle Act, which reads:

“Where any inquest or inquiry is held into the death of any Asiatic immigrant...” An immigrant from Asia. “...the coroner shall transmit to the Immigration Agent General the name and description of the immigrant and the date and cause of his death.”

I mean, come on, Mr. Speaker, do our country not deserve better? Do the people of this country not deserve a better law? All it requires is one sentence - “This section is repealed.” Why do we not want to do that? And what was the response of the Hon. Member, Mr. Ramjattan? “At least we try; at least we bring something. What did you all do for all those years?” That was the Hon. Member's response. That is why we are saying to take it to a Select Committee.

Let us go to the Definition Section of the Bill. It says:

“Coroner” means the magistrate of the magisterial district in which an unnatural death occurs, or, if that magistrate cannot conveniently or speedily be found, or is unable to act the nearest justice of the peace who is able to act.”

I am going to read back this in a few moments to demonstrate where the problem lies in this Act and this Bill does not rectify it. My Colleague spoke at length about the sloth with which inquests are being done in Guyana. I will identify for him the reason why. But before I reach there, I want to say that there are parts of the Act that are simply anachronistic, simply antiquated, for example, section 3:

“Every justice of the peace shall be *ex-officio* a coroner”.

Now, a hundred years ago, perhaps, a justice of peace could have done an inquest, but in the today’s age, I do not think we want to be a country that has a justice of peace performing the functions of an inquest. I do not, and I am sure Sir that you cannot point to any example where a justice of peace ever did an inquest; but, a justice of peace is a coroner. So, the Hon. Prime Minister is a coroner, but he does not do inquests? I am suggesting that that section be repealed.

The major problem with the Coroners Act is that there is an abdication of responsibility because of the definition that coroner is given. Coroner, as it says, is *the* magistrate in *the* magisterial district. We know that Guyana is divided into several magisterial districts and each magisterial district has several magistrates. So when it is said that the coroner shall be *the* magistrate of *the* magisterial district and there is a magisterial district that has five magistrates then no magistrate really knows which one of them should embark upon the inquest, so there is an abdication of responsibility and that should be remedied.

My point was not understood, so I am going to give a practically example, with your kind permission, Sir. The East Demerara Magisterial District begins from Conversation Tree, Bel Air and it ends at the left bank of the Abary River - that is the East Demerara Magistrate District. Within that Magisterial District, there are the Sparendam Magistrate’s Court, the Vigilance Magistrate’s Court, the Cove and John Magistrate’s Court, the Mahaica Magistrate’s Court and the Mahaicony Magistrate’s Court. So there are five magistrates court in that one district. What does the law says.

“If any unnatural death occurs within that district the coroner shall do the inquest.

But we have five coroners, so none of them really accept the responsibility of doing the inquest, so it slips through.

As we know, each magisterial district is divided into geographic areas, over where specific magistrate’s court exercise jurisdiction. So within in the East Demerara Magisterial District, the Sparendam Magisterial Court exercises jurisdiction from Conversation Tree all the way to the canal that divides Good Hope and Mon Repos. Any act that occurs within that geographic expanse, the Magistrate at Sparendam Magistrate Court exercises jurisdiction. What we need to do is to amend the Bill to say that: “If an unnatural death occurs within the geographic area that a particular magistrate exercises jurisdiction, then that magistrate should do the inquest.” It is as simple as that and that will solve the problem.

Although the President has said that we must work together, when we are trying to work together, the other side tells us that it is nonsense.

*Mr. Speaker hit gavel.*

**Mr. Speaker:** Hon. Member, please resume your seat for a while. Thank you. Hon. Members it has been brought to my attention that Members are abusing the privilege afforded to them by recording on their cell phones the proceedings in this House. I would request those Members, in the clearest of terms, to desist immediately.

It is not a practice that should be encouraged in the House nor should be permitted by anyone in the House. The recording of the proceedings on cell phones or by any other means is not permitted; it is not allowed. Members, who sit in this House, sit here under the privileges of this House. So I repeat, we will end that practice immediately. Sir, you have the floor, please continue.

**Mr. Nandlall:** Thank you very much Sir. For the Georgetown Magisterial District, which I believe has 10 courts, obviously different considerations will have to apply and the Bill should reflect that because there are 10 magistrates exercising jurisdiction over the same geographic expanse. Therefore, we will have the same problem of not having a clear line of responsibility between a sitting magistrate and an unnatural death in terms of who shall do the inquest. So those

are the types of amendments that we have to implement, if we want to address the question of a delay in inquest. This Bill does nothing of the sort. What does this Bill say, and I will try to be as respectful as I possibly can, though that is difficult. This Bill amends section (3) and all it says is that:

“The Judicial Service Commission may appoint fit and proper persons as coroners”.

We have magistrates who are coroners and, who are fit and proper persons, but because of the structure of the legislation they are not discharging their functions. We need to tighten that; it is what we need to do. We do not need any additional coroners to be appointed. Sir, in the system, if every magistrate was to discharge his or her responsibility, we would not be in the state that we are in today.

Then another amendment says in the County of Demerara there shall have at least three coroners; in the County of Berbice at there shall be least two coroners; and in the County of Essequibo there shall be at least one coroner.

In the County of Demerara, we have and will always have about 25 coroners because every magistrate is a coroner. This does not even make sense. How will there be at least three coroners? There is no point in time when we will not have three magistrates in the County of Demerara, unless we have a natural disaster. So this amendment does not make sense because at any given time, in the County of Demerara which includes West Demerara, Georgetown, and East Demerara, we will have 25 magistrates. If we leave justice of peace, we have 500 hundred justices of peace in Demerara, so why is the Government putting a law which says that we must have at least three coroners. We have three justices of peace in the Parliament, now. We have three coroners sitting right here, including, the Hon. Prime Minister, so this provision does not make sense.

What we need to do, having amended or formulated amendments that will treat to the issue of abdication of responsibilities, we need to tighten the penalty sections of the Act. The Penalty Sections can be found at section 38. Section 38 says:

“Every coroner who refuses or neglects without reasonable excuse to hold any inquest or inquiry which it is his duty to hold...”

So once we craft the law to clearly assign a particular magistrate, the specific responsibility to hold an inquest, and he refuses or neglects to do, this very Principle Act says that he is liable to a fine of \$750. Now, if this was the penalty in 1887, one could have bought a quarter of Georgetown, I think, for \$750, if we amend this to reflect current realities, we would have a fine of about \$1 million. That is what we need to do. Make it deterrent, tighten the laws and make the penalties strong so that magistrates would discharge their functions.

*7.40 p.m.*

It speaks to other officers who have been assigned responsibility under the Act. For example, the Act states that anyone who has notice of an unnatural death must report it. It is an offence if one fails to do so because section 39 of the Act states:

“Everyone becoming aware of any unnatural death who neglects to notify it to the coroner or at the nearest police station shall be liable on summary conviction to a fine of nine thousand seven hundred and fifty dollars”.

What needs to be done to get the machinery of the Coroners Act spinning smoothly is to increase the penalties for those who neglect to perform their duties that the law devolves upon them. Assign the responsibilities clearly and then have the enforcement mechanism if there is a violation of the law. That will not take us more than two weeks in the select committee and we could have a far better Bill than the one that we are considering.

This Bill proposes that we leave the qualifications of coroners to the Judicial Service Commission. This side of the House respectfully disagrees with that. An inquest, for the non-lawyers, is a judicial proceeding or a legal proceeding that can lead to the institution of a charge of murder, as result of which death penalty can result. The death penalty is still in the law. One does not want to put that responsibility into the hands of the persons who are described as “fit and proper”. There must be some qualifications. We are recommending that the person must have, at minimum, a university degree, preferably in the area of law. It does not necessarily have to be in law. One could be a medical doctor. But one must have a university degree. We cannot leave it to “fit and proper persons” because, at the end of the day, we are not dealing with a man with a good character or the woman of outstanding social background. We want persons with some degree of mental aptitude. We need somebody who has some kind of understanding of the



seriousness of the task at hand, not merely somebody who is of impeccable character. We do not believe that this is a suitable qualification.

In addition to what I said earlier about the delineation of responsibilities, we are advocating that there be fulltime coroners - coroners who are performing the functions of coroners exclusively, and not sharing magisterial functions. I do not know if my Learned Friend took my submission on board. He told me, at an engagement that we had, that he may take it on board. I do hope that he did so.

I want to reiterate the point that that my Learned Friend, Mr. Anamayah, made about timeframes. I heard that the Hon. Member, Mr. Khemraj Ramjattan, rejected that argument. It is not so difficult. We have legislated in this House timeframe for judges. Unfortunately, they are not being followed, but we have legislated timeframes for judges and we can do it for inquests and coroners. There is nothing wrong with that. If it is that we are complaining about and we have identified the mischief to be the slothfulness in the conclusions of inquests, why not prescribe a timeframe? Once it begins, it must end within a particular time. Once it comes to the attention of the coroner, then an inquest should be concluded within six months. What is wrong with that? That has been said to judges. I do not see any reason why it cannot be said to magistrates and coroners.

This Bill seeks to reside the responsibility of the coroner with the Office of the Chief Justice. This will become an administrative nightmare. Coroners are largely magistrates and they fall under the supervision of the Chief Magistrate. Why do we want to burden the Office of the Chief Justice with such, I do not want to say frivolous function, a function that is so lowdown on the judicial ladder? I am saying that it is unnecessary and it is an undue burden to place on the Office of the Chief Justice the responsibility for coroners when there is a Chief Magistrate and all of the magistrates are coroners. This Bill does not change that. There are magistrates who exercise far greater powers and they are answerable to the Chief Magistrate, but coroners, who can be Justice of Peace or magistrate performing narrow functions, are answerable to a higher authority. What is that? Magistrates deal with murders and rape cases and they are answerable to the Chief Magistrate. But the coroners have this narrow function of performing inquests and they are answerable to a higher authority. To me, it makes no administrative sense. The Chief Justice already has the responsibility of dealing with the judges in the High Court and the complement

of judges is being expanded. Why add the coroners to the Chief Justice's responsibilities? We have not heard any convincing argument and, therefore, we, on this side, are of the view that that part of the Bill is not worthy of our support.

Another important aspect, if we want to seriously address coroners and inquests, as my Learned Friend seemed to present in his argument that he wants to do, is the establishment of an administrative infrastructure that will coordinate the functions and the responsibilities of the coroner. Right now, the inquests and the business of the coroner are accommodated in a holistic way in the Magistrates' Courts office. We understand that there are resource considerations. That is why we are not asking for the establishment of any grand infrastructure to accommodate the coroner. Simply put a department within the Magistrates' Courts office and let that department, adequately staffed, only deal with matters relating to the coroner. We believe that that will bring great administrative ease and will translate into great dispatch and expediency in the disposal of cases. Currently, there is no administrative infrastructure in place that treats with the business of the coroner. It is like a stepchild in the Magistrates' Courts office. The files are all mixed with the other files; and the staff are concentrating their efforts on the magisterial functions proper, as opposed to the inquest and the business of the coroner. Therefore, we are asking that a department be established within the Magistrates' Court structure that is staffed to deal exclusively with the coroner.

When we understand the coroner and the historical evolution of the office of the coroner, then we will understand why there must be some independence between the office of the coroner and the Guyana Police Force (GPF). The office of the coroner used to be, in medieval times, an office of the king and the king used to send the coroner to collect his dues and investigate wrongs, *et cetera*. The role of the coroner diminished with the evolution of the police force, *et cetera*.

There was a study done in Hong Kong, quite recently, and one done in Canada. The studies identified the major functions of the coroner in today's society as being the institution that will inspire confidence in the public when they lack confidence in the police that a particular matter will not be investigated properly. The coroner's office is like a public office that the people can go to if they are dissatisfied or they lack confidence in the police investigation. They can go the coroner and ask him or her to investigate a death because they do not believe that they can get

justice from the police. That is the role of the coroner. To deliver on that objective, we are asking that a team of investigators be attached to the office of the coroner. It was done with the Police Complaints Authority and it can be done with the office of the coroner. It will not cost any great sum of money but we will have a system that will deliver what we want it to deliver. That is why I am saying, respectfully, that these are the matters that can be addressed together in the select committee.

In seventy-two hours we, on this side, can produce a Bill to replace the current one and that Bill will capture the real mischief. [Ms. Ally: You were in power for 23 years and you did not bring it] I understand that. We did not do it, but we are happy that the Government ...

**Mr. Speaker:** Hon. Member, let us not chase after every sound that is different from ours. I was wondering whether you have been speaking for nearly an hour but I might be mistaken. Please proceed.

**Mr. Nandlall:** That is all that we are saying. This is not about politics. My Learned Friend conveyed the impression, quite erroneously, in his presentation, of how many deaths occurred under which Government. He spoke about the delay and wants to place the responsibility at the foot of a Government. This is a lawyer who said so. Inquests and the failure to do inquests is a matter for the Judiciary. It has nothing to do with the Executive. If my friend believes that he will instruct inquest to be held then we, on this side, will not sit silently because that will amount to interference with the Judiciary. All of the arguments about when these deaths occurred and no inquests being held – trying to make a political case out of it – are misconceived arguments.

My friend spoke about cutting and pasting and Mr. Ramjattan asked what is wrong with cutting and pasting.

**Mr. Speaker:** Hon. Member, I will interrupt you unless you use the proper form of address.

**Mr. Nandlall:** The Hon. Member.

**Mr. Speaker:** Honourable is the word.

**Mr. Nandlall:** The Hon. Member Mr. Khemraj Ramjattan asked the rhetorical question of what is wrong with cutting and pasting the Trinidad and Tobago legislation. Nothing is wrong if the

same concern is being addressed. Trinidad and Tobago had a particular problem and the legislation was crafted to meet its problem. If Mr. Ramjattan had read the speech of Mr. Ramesh Lawrence Maharaj, the then Attorney General of Trinidad and Tobago, when he piloted those amendments in the Parliament of Trinidad and Tobago, then he would have understood that Mr. Ramesh Lawrence Maharaj was addressing a particular problem and he crafted a Bill to meet that problem. As the Leader of the Opposition said, in his presentation, on another matter, we cannot slavishly follow these things. We are an intelligent people and a sovereign nation and we must take pride in that. We must craft legislation to deal with our own issues.

In my humble and respectful opinion, this Bill is inadequate. Even with what it sets out to achieve, in its current state, it does not achieve it. It is an abysmal failure of an attempt to reform the law. Thank you very much, Sir. [*Applause*]

*7.55 p.m.*

**Mr. Williams (replying):** Mr. Speaker, I am always placed in this invidious position whenever I have to respond at the end of these presentations and I have to give lectures in these matters.

This is an unusual proceeding in the sense that the Cabinet of the Government said that it wanted this Bill to come to the National Assembly and deal with a particular and clause and now that the Bill has come, the Members on the other side are saying that they want to deal with another section. It is so unusual and unheard of but as you said, Sir, this is democracy. Be that as it may, the Cabinet of Guyana of the A Partnership for National Unity/Alliance For Change (APNU/AFC) Government said that this Bill must be brought to the honourable House for passage.

The remit of this honourable House is to deal with the provisions in this Bill. The Parliament has been carried and meandered on all kinds of extraneous paths dealing with all kinds of sections and provisions that are not before this honourable House and that are not contained in the Bill.

For the Opposition to say to the Government, after the Government has deliberated on the matter and brought the Bill to the House, that it is not concerned with what the Government has brought and it must take what they want it to take...Democracy does not work that way. The Hon. Members on the other side are confused by this democracy that they have not practiced in the

last 23 years. Democracy is confusing them. For example, the Hon. Member, Mr. Nandlall, is complaining about being consulted. He is complaining about being consulted at the Arthur Chung Conference Centre. He is complaining about being consulted at the Attorney General's Chambers. What is democracy? What is article 13?

In the case of a previous Bill, there was a big furore that stakeholders were not consulted. This Bill was laid in this honourable House. It was gazetted on 13<sup>th</sup> November, 2015. It was placed on the official website on the 16<sup>th</sup> September, 2015. Once it is gazetted, judicial notice has to be taken. Any Minister or Government worth its salt must do its work. That is why, having failed to do their work for the last 23 years, they are on the other side of this House. We do not have to spoon feed them. They are supposed to read the Official Gazette and see these Bills.

We did more than that. We consulted with the stakeholders. Having spent money to consult with stakeholders, it is painful to hear the official spokesman on legal affairs for the Opposition complaining. This is after the private sector and the Guyana the Bar Association sat...He was there. He called it a "gyaff". That is what he is saying about consultation that he had asked for. The Hon. Member is confused about consultation and what democracy is. This Government will continue to consult the Guyanese people, inside and outside of this National Assembly. When he realised that this consultation was taking effect and members of civil society were participating, he suddenly decided that democracy only inheres within the walls of the Parliament, and that is only in a special select committee.

Every Parliamentarian who knows the procedure and the rules of Parliament would tell you that a Bill does not go to a special select committee whimsically or capriciously. If that were the case, no work would be done in the Parliament and no Bill would come out for passage. Only complex Bills go to special select committee. Why would a single paragraph in an amendment be taken to a special select committee? The only reason is because the Opposition knows that the Bill was an APNU/AFC campaign promise and they want to derail it. They want to postpone it. And they are talking about political this and political that. You never kept your promise to the Guyanese people. That is why you are over there.

The President of this country, His Excellency, the Hon. Brigadier (Ret'd) David Granger, came in this honourable House and tried to set a mood. As soon as he had departed, the Hon. Leader of

the Opposition destroyed that mood in this House. Now, he is coming to tell us that the President spoke about this and that. We, on this side, know what the President said.

**Mr. Speaker:** I must interrupt. In the Standing Orders, which I know that every Member is very familiar with, Standing Order 41 (7) states: I will read it, while I am sure that all Members will want to look at it. It states:

“The President’s name shall not be used to influence the Assembly”.

I do not think that it needs any kind of interpretation. Hon. Members, please observe this provision. Thank you.

**Mr. Williams:** Mr. Speaker, I was merely responding to the Hon. Members Rohee and Nandlall, who invoked the President’s name without demur. Being very familiar with that rule, Sir, I will observe it.

**Mr. Speaker:** Proceed.

**Mr. Williams:** When I spoke on this Bill and introduced it, I never approbated or reprobated on this matter. I never cast blame on any one in this honourable House or out of the House. What we want is to have inquests into hundreds of unnatural deaths. I do not know why anyone would find a problem with that. Why would anyone have a problem with holding inquests into all those deaths that had occurred during that period of the killing fields? How could that face opposition? I do not understand that. We have not blamed anyone. An old saying about the throwing of corn comes to mind easily, though. I am surprised at this type of opposition to a simple Bill and amendment as this.

The question of why all of these coroners are needed was contended here. It was stated that all of these coroners are not needed. A person who was the Attorney General of this country said that. He said that the magistrates could do the work. In 23 years the magistrates never did anything to clear up the coroners’ backlog.

The reason we have decided that there should be permanent fulltime coroners is to clear up the backlog, hundreds of cases from 2000 upwards. How could the magistrates who are dealing with the current situation, day to day...Why would we want them to divert from that to hold inquests

when we could appoint coroners to do inquests? It is a simple answer; I do not know what is so hard to understand. There would be fulltime coroners who could work in any part of Guyana. They would not be restricted to the magisterial district, as the sitting magistrates are.

There was another question about multiple magistrates in a district. I do not know what the contention is. Any lawyer who went to the High Court and made an application by way of prerogative writ to obtain an Order of Mandamus commanding a magistrate to conduct an inquiry would know the procedure. They never did, but this lawyer did. When they were not holding inquests, I went and caused them to have inquests to be held. They were mandated to hold the inquests. There is no question about confusion. If there were ten magistrates, some magistrate would have been assigned to comply with the order. I do not know where this contention is coming from. There was no political will on that side of the House to get inquests off of the ground.

On the issue of fit and proper criteria, again, when I became Attorney General, one of the things I had to deal with was the registries. Everyone knows about the headless Supreme Court Registry, *et cetera*. The Deeds Registry was like that too. There was this belief that the Registrar had to be a lawyer. Search any of the Acts and one would see that there are no qualifications for the Registrar. Yet, the Judicial Service Commission has been appointing Registrars. So, it is nothing unusual. The qualifications for coroners do not have to be spelt out. The Judicial Service Commission will determine the qualifications. It is an independent body and that is the remit of the Commission. The Judicial Service Commission will determine who the fit and proper persons are. I do not know what all of this conjecturing is.

The only thing to which I could really attribute all of this confusion is that some people just do not want these inquests to get off the ground. They do not want people to have closure. Why else? People must want to know what happened to their families. They have a right to know and this [*inaudible*] Government will ensure that they know. The relatives of Mr. Satyadeow Sawh have been calling for an inquest which was never given to them by his own colleagues. There would be an inquest into his death too.

I do not know that when the Judicial Service Commission appoints someone that appointment is a political appointment. All of these questions are fallacious, specious and must be rejected out of hand. I do not want them to warm me up tonight.

We have heard the contention that the Bill does not rectify some section in the Coroners Act. That is not the intention of the Bill. The Opposition has to take this Bill, brought by the Government, *talem qualem*. They have to take it like that. How could they tell us that they rectified clauses in the Bill?

8.10 p.m.

Our Cabinet did not decide that. The Cabinet decided that we needed to have more coroners so that we could deal with the backlog of all of those cases that were not heard under the Opposition. That is what it is. It is nothing else. It is a simple amendment. Why should this go to some special select committee? The only reason is to delay. There is no intellectually stimulating exercise in this. In the Disciplined Services Commission Report, I made the submissions. I can tell you all of the submissions that I made about coroners. One of the submissions was: when the police cause the death of someone, the police should not collect the body of the person that they shot and killed. It is because when the post-mortem is done, no warhead is found in the body. If no warhead is found, the police cannot be blamed. If the police shoots a person, and collects the person and goes with the person, that cannot work.

We are saying to the Opposition that, after only seven months in Government, we will do what it did not do from 2000 to now. And we will not encourage the Opposition to suggest to us what we must do and what we must not do when it had the opportunity to do it all those years ago. We will not take that from the Opposition.

Mr. Speaker, this Bill is a simple Bill and the amendment that is being proposed is a simple amendment. The amendment, Sir, if I may respectfully refer to the amendment, states: Clause 3A (2), substitute:

“In the County of Demerara there shall be at least four coroners, in the County of Berbice at least three and in the County of Essequibo at least two, who shall be full-time coroners.”



Clause 3A (3) states:

For the words “(3)” substitute the words “(2)”.

Simple amendments and these are amendments that we are going to move in this honourable House to amend the simple clause in this Bill. Without wanting to unduly delay this honourable House, I commend this Bill to this honourable House.

**Ms. Teixeira:** Mr. Speaker, if you would allow me. There is a matter of real importance for this Bill. Section 52 of the Principal Act refers to the Asiatic immigrant. The refusal of the Hon. Member to consider going to a parliamentary select committee is, in fact, leaving this issue in a racial and colonial context at this time. We are a sovereign country. We are no longer Asiatic, Portuguese and African and Chinese immigrants. Therefore, this needs to be addressed urgently and seriously by this House. It is a racist section. We are celebrating our 50<sup>th</sup> Anniversary as an independent sovereign nation and as Guyanese. *[Applause]*

**Mr. Speaker:** Hon. Member, it leaves the Speaker with a distinct impression that he should be very careful when he allows such interjections. I believe that we can save ourselves a great deal of effort if we were to try to stick to the procedures which we have in place. I believe that point could have been made, if I may say so from where I sit, in any one of the interventions which had been made previously. It does mean that the point is not valid; it simply means that we could do it better, both sides.

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

**Mr. Chairman:** Hon. Members, there are two sets of amendments. You would have the amendment being proposed dated 12<sup>th</sup> November, 2015, No. 11 of 2015, and there is another set of amendments dated 7<sup>th</sup> January 2016. These I will now treat.

*Clauses 1 and 2 agreed to and ordered to stand part of the Bill.*

**Clause 3**

**Mr. Williams:** Mr. Chairman, I propose that sub clause (2) of Clause 3A (2) be substituted with a new sub clause (2) which reads thus:

“In the County of Demerara there shall be at least four coroners, in the County of Berbice at least three and in the County of Essequibo at least two, who shall be full-time coroners.”

**Mr. Williams:** I propose that clause 3A (3) be amended as follows:

“For the words “(3)” substitute the words “(2)”.

*Amendments put and agreed to.*

*Clause 3 as amended, agreed to and ordered to stand part of the Bill.*

*8.25 p.m.*

*Assembly resumed.*

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

**Mr. Speaker:** Hon. Members, there is another Bill that requires our attention. We can return here at a quarter to nine. We will have a brief suspension and return to continue.

*Sitting suspended at 8.27 p.m.*

*Sitting resumed at 8.55 p.m.*

## **LAW REFORM COMMISSION BILL 2015 – BILL NO. 12 OF 2015**

A BILL intituled:

“AN ACT to provide for the establishment of a Law Reform Commission for reforming the law and for matters connected therewith.” [Attorney General and Minister of Legal Affairs]

**Mr. Williams:** I rise to move that the Law Reform Commission Bill 2015, Bill No. 12 of 2015 be now read a second time.

This Bill seeks to establish a permanent Law Reform Commission to keep under continuous review the laws of Guyana with the aim of undertaking a systematic reform and development. There is great need for a commission of such a permanent nature as the laws of Guyana are long overdue for reform. The majority of Guyana's laws were inherited from its colonial masters and these laws have not been subject to much reform since their inheritance. As a result, very many laws are archaic and very much irrelevant to our society today. Further, the past approach towards law reform in Guyana has always been reactive in nature. In a sense, laws are only reformed to solve problems as they arise, or as a result of external pressures for change in specific areas of the law. This has resulted in the creation of temporary law reform committees to address law reform in a piecemeal fashion. This Bill seeks to remedy the inefficient approach to law reform that was previously utilised, by creating a permanent body that will pro-actively examine Guyana's laws to ensure that the law, at all times, is fair, relevant and effective, in serving and protecting the interest of the people of Guyana.

The structure of the commission: The Bill provides for the commission to consist of no less than three nor more than seven commissioners. It is necessary to have a relatively large number of commissioners for the work of a law reform commission which is voluminous. It provides that there shall be a chairperson of the commission who shall be elected by and from the members of the commission. The Bill provides for the commissioners to be appointed by the President after acting in consultation with the Minister of Legal Affairs for a term not exceeding five years. The Bill provides that persons appointed as commissioners must be suitably qualified by the holding of or by having held judicial office, experience as an attorney-at-law for over ten years, experience as a law professor or person teaching law for over ten years. The Bill provides for the appointment of three permanent persons, including the chairperson of the commission. The two other permanent members would be appointed by the President, and it would be indicated in the instrument of appointment. This provision, under the qualification of the commissioners, is necessary as commissioners require extensive legal experience that will allow them to critically analyse the law in the legal and societal context and make proposal for law reform whilst still adhering to fundamental constitutional principles.

The Bill grants the commission the power to regulate its own procedure and to make rules for that purpose. The commission also has the power to employ staff and retain the services of

professionals required for the proper performance of its functions. These provisions grant the commission independence to manage its internal organisation structure to ensure efficient performance of its functions.

The functions of the commission: The Bill gives the commission a mandate to keep under review all the laws applicable to Guyana with the view to its systematic development and reform, including the modification of any branch of the law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernisation of the law.

For the purpose of carrying out its mandate the commission may

- (i) receive and consider suggestions or proposals for reform of the law, which may be forwarded to it by Ministers of Government, public officials, association of lawyers, any law reform committee or other learned bodies or members of the general public;
- (ii) prepare and submit to the Minister of Legal Affairs specific programmes for the examination of different branches of the law with a view to reform;
- (iii) undertake the examination of particular branches of the law and formulate proposals for reform;
- (iv) undertake the formulation of draft Bills relating to proposals for reform contained in the recommendations;
- (v) consult any person who has technical experience or specialised knowledge in any branch of the law;
- (vi) set up temporary law reform committees to examine particular branches of the law with a view to making proposals or recommendations for reform.

It can be gleaned from the summary of these functions that the commission seeks to embark on law reform through consideration of proposals from Government or other stakeholder groups and also through its own initiative. The Bill stipulates that the commission may set up temporary reform committees to examine particular branches of the law. The Bill specifically states that members of these committees shall not be restricted to members of the legal profession. This

particular provision is essential, in that it provides non-legal persons with an opportunity to offer contributions to law reform. It assures that the process of law reform is not conducted strictly by legal-minded persons who may sometimes fail to appreciate societal implications of reform.

The Bill stipulates that the chairperson shall prepare a report of its activities and programmes of law reform to the Minister. In addition, the commission must submit annual reports to the Minister of Legal Affairs who shall lay such reports before the National Assembly. This ensures that the work of the commission is transparent and open to examination.

There were consultations with stakeholders in relation to this Bill. Some of the proposals, which were put forward by stakeholders, have been embraced and are include in the amendments that have been laid over before this honourable House. I propose to move those amendments at the relevant time.

I, therefore, commend this Bill for passage through this honourable House. [*Applause*]

**Ms. Manickchand:** I am grateful for the opportunity to speak on what I believe is an important piece of legislation that will create or that is seeking to create what is probably going to be the mother of all commissions in this country. For that, I want to congratulate Mr. Williams, the Hon. Attorney General, for bringing to the nation's attention the fact that we need this Bill and that we need the Commission. It does not matter that it was left there by his predecessor. It does not matter that it was in draft form and that it needed to be corrected. The fact that the Hon. Member has taken his time and made it a priority is much to be congratulated. I do deeply and sincerely offer my congratulations to the Attorney General as well as to the new Government for bringing this piece of legislation.

It worries me gravely that in 2015, with a new Government, seven months old, which had promised transparency, accountability, democracy, to do better the things the previous Government had done, to do things that the previous Government was not doing... Members were standing on their soap boxes, not so long ago, promising the nation that they would bring change that was positive and fresh to this country. It frightens me that so far we have seen a deliberate erosion of the democracy established in this institution, not by the PPP.

9.07 p.m.

The People's Progressive Party cannot take credit for that. It is by both sides of this House working tirelessly towards a common cause, that is full inclusion of all the elected Members of this House.

Your Honour several reports, Davies' Report, the Bradford Report, the Pinders Report, which were done on behalf of the people of Guyana and I believe they may have been consultants hired. They all went to a Select Special Committee in this House *circa* 2006 and there was many recommendations in these various reports that sought to bring Guyana up to a place where we could more easily and freely boast of democracy.

These reports were derived from the Herdmanston Accord and those talks that happened around the Herdmanston Accord. Your Honour, I do not want to delve into the ugly history, that brought us in the ugly circumstances, that brought us to the place where we were forced to have foreigners intervened in our country just because the people of this country wanted peace and to be safe, which they were not enjoying at that time. Those reports recommended strongly that most pieces of legislation, but particularly important pieces of legislation, as a matter of good practice and democracy, must go to the Special Select Committees where representatives from this House and wider nations could come and make their voices known on these Bills. It is true that we have not always been faithful to those provisions but we have been, on this side of the House, when we had the power to make those decisions, more faithful than not. I say that with confidence.

I, myself, piloted in this National Assembly over the periods 2006 – 2015 eight pieces of legislation. One was not considered because we had a Parliament that was dissolved. Of the seven pieces, six pieces went to a Special Select Committee none of those Bills did we have to come and do what has been done eight times in the last seven months, that is push through a first, second and third readings all in the same day - never done. This is irrefutable so we could heckle and we could scoff at these important principles that would determine what we are as a people but this is the fact.

This is the second piece of legislation for tonight that I am hearing about where the PPP, and the People's Progressive Party/Civic (PPP/C), is begging and pleading with this fresh new Government that promise so much to put this short but an important Bill, one that will determine

what our legal framework in this country looks like going forward, in a Special Select Committee. We are met with a big 'fat' no. We know that the Bill is not perfect. I am not telling you that, Sir. Mr. Williams tells you that he brought a Bill and he brought a hurried amendment. More amendments will have to be brought because the Bill is faulty. Even if it were not faulty on any issue, 65 heads will always be better than 33 heads.

This here is dangerous. This Bill is not a regular Bill. It may look small but it is seeking to establish the commission which will tell women of this country what their rights are. If you are not married, can you get property from your reputed husband? It will tell children what their status is in this country. It is going to speak to gold miners, rice farmers, people in the private sector and people in labour people and every single thing. Infrastructure is going to tell us that is what our road's act should look like. Every single piece of legislation is going to come through here. It is unfortunate that Mr. Williams has sought to put in such an important piece of legislation and clearly his colleagues are unaware of what he is doing. They find it easy to scoff, and that is unfortunate.

I am calling and pleading with the Government. You are in power and you have the power and we are begging you to put this before a Special Select Committee. We promise you that we will not delay the work of that committee and in the same way that you were able to, invited to and encouraged to, come and sit at that Special Select Committee when we passed an important piece of legislation, the Sex Offences Act. Mr. Williams, the Hon. Attorney General was there and made his input and this country is benefiting from that. Do not lock us out from this process; you will harm the people of Guyana if you do that.

First call here, tonight, is that we are pleading with the Government and demanding on behalf of the people of Guyana that this Bill be sent to a Special Select Committee.

Your Honour, I also want to raise two brief concerns that I have. One is that although this Bill is the most important Bill, it will establish the one place that will deal with all the other pieces of legislation it departs from what we have established in other pieces of legislation. In this Bill, we are asking this nation to accept that the President, having consulted with his colleague, Attorney General and Minister of Legal Affairs, will come up with the appropriate persons who should sit on this commission. With the greatest of respect to senior citizens in this country, we see when

certain offices are left to select people, and we have live example here in front of us, of what kinds of ages are appointed to those important committees. We do not have to look very far to see what the predominance gender will be. I am worried that we will have five old men, senior citizens of this country, perhaps distinguished, who served us, who will sit on a Law Reform Commission that will make laws for me, my children, orphans, rice farmers and senior citizens. I would like Your Honour to see a wider representation on this Law Reform Commission. We must see representation from different groups. We are asking that the law does what other laws have done. What does the Medical Council of Guyana Act states? It is stated that these persons from these organisations should be appointed from the Guyana Medical Association, the Nurses Association, I believe, two persons who are none medical related, coming from the President. It speaks to a large representation of persons. What the lawmakers at that time were seeking to do, as we should be seeking to do here, is to make sure you hear from all relevant persons. On a commission such as this, we cannot hear from everybody who the laws will affect but we could hear from a wider cross-section of persons.

What do we say we want on the Rights of the Child Commission, on the Women and Gender Equality Commission and on the Ethnic Relations Commissions? We say that we must come to this House and the two sides must sit and must decide which are the best organisations to consult before they could get representation on those commissions.

Here we are coming to this National Assembly to say that from now on Guyana your laws will be made by this commission, but the President and the Attorney General alone must decide who sits on the commission. That is what we are being told tonight, that is what we are being asked to vote for tonight. I am kindly asking, please Your Honour, that we reconsider. The People's Progressive Party/Civic has put up a reasonable list of organisations from where people should be nominated. Your Honour, we are asking too, and I am particularly concerned, I was raising that concern under clause 4 of the Bill, about clause 10 of the Bill, which, for me, is going to be an important commission and this clause in a very casual way mentions that it may be staffed if funds and resources are available. I would like to see something more concrete. This is going to be the mother of the law in Guyana and we should have more definitive language about this being fully staffed and fully funded.



Mr. Williams would have actually benefited from that because the last thing you would want to do is to set up a commission in name only. Then I get very worried when I hear Mr. Ramjattan's reasoning: "We are doing it for the sake of doing it. At least we are doing something." We do not want to do that. This is long in the making; it is necessary for Guyana. It is something our country needs, so let us fund it within the capacities and limitations that we have.

Your Honour, I would like to see something more firmed and fixed on the funding of this commission. Those are matters we could discuss sensibly and stably in the Special Select Committee. As the Government has pointed out, we have not had this commission, so what is the rush to pass it through, right now, when even the Bill, itself, does not allow for a composition of the commission and a funding of that commission. How is this going to hurt our country if we delay this for the one month it will take, and it would not even take a month - let us work with extreme outside for - to consider this sensibly in a Special Select Committee? How does that hurt us? Even the smallest research, Google and Wikipedia... I am not talking about going and sitting in libraries, although I wished I had the opportunity to go to University of Guyana. There is a paper there by Mr. Shahabuddeen and it was delivered in 1988 about law reform in Guyana. I am almost absolutely sure that much of what we are representing here today is contained in that call in 1988, more than 20 years ago.

Even the smallest research will show that everybody starts out - England, Wales, Nova Scotia, Tanzania, and Uganda, and anywhere - with a Law Reform Commission, that it must be an independent body. Nowhere in this is Bill there a provision for this commission to be an independent body. Places that made a Law Reform Commission in 1967 spoke of an independent commission. A 2016 Guyana is leaving that out deliberately. We cannot be that backward. We should have a Bill that any other country looking to do a Law Reform Commission could hold Guyana's Law Reform Commission Bill and say this is what we want to mirror. This would be tossed aside for being an anachronistic and stuck in a cave. This would not be a model that is used by any country going forward. We want to make legislation that is not only good for being model-like, but good for the people of this nation. This Bill, which we have before us that we are expending energy, time, resources and your staff time, and so on, to debate tonight, is not going to be good for Guyana in its present form.

*9.22 p.m.*

On behalf of the people of Guyana, I call on the Attorney General and Minister of Legal Affairs, I call on the Government, both sides, A Partnership for National Unity and Alliance For Change (APNU/AFC), I call on them, to send this Bill to a Special Select Committee, so that the best Guyana has to offer could be reflected in the law we pass in this House.

I thank you Mr. Speaker. [*Applause*]

**Mr. Ramjattan:** I wish to say that the pious protestation of the last speaker does not move me at all. I want to say that all of a sudden they are making the indications as if this here, the Bill that we have in front of us, is not a necessary Bill at this stage.

I recall when my Hon. Members over there were over here a motion for the institutionalising of a Law Reform Commission, which was brought by Mrs. Deborah Backer, was literally thrown out when they had the majority. They come with their pious protestations now to indicate, “yes, we would like to make it more refined.”

The Members over there, honourable as they are, are not doing their memories well when they make those statements as they are now making. To the extent, then that they are going to say that this will be “the mother of all commissions”, they had aborted the commission very quickly, in, I think, it was 2005, or sometime there. We had extensive deliberations on why it is necessary to have a Law Reform Commission. We made the distinction that indeed these volumes – a Law Revision Committee can make these volumes - as only just now, was debated on,... The point is that certain pieces of our law that called for Agent General to direct the coroners, to investigations, and all of those things, are indeed archaic. What this Bill seeks to do, as to what is in these blue volumes, under Attorney General, Mr. Anil Nandlall, is to ensure that those will be deleted. Those, which are obsolete, will come out. It is just as what was point out when debating the previous Coroners Bill – all of those. If we would have had that since 2005 when Hon. Member Madam Deborah Backer had brought that Bill, we would have got that done a long time ago. There is absolutely no need to delay this Bill one day more in any Special Select Committee. To come here now and indicate to the House with all those pleas and demands of theirs, that cannot pass muster, knowing there history. It must never be allowed.

I noticed that they are making the criticism now, the Hon. Members across there. When I say that I do not say it with disrespect. It is just that sometimes it comes out. [**Ms. Manickchand:**

Well, speak respectfully.] All right. Well, please I will. Hon. Member Priya Manickchand, when you made the point just now about we are not going to appoint independent members of this commission, that is rather... [Ms. Manickchand: I did not say that...] Please, whatever you are saying, you are giving the impression that we are going to deliberately not... [Mr. Nandlall: She said old men.] Yes. We are deliberately going to put up “old men”, who probably do not know the law, it would appear. My goodness, that is a premature approach that is doing harm to the actual Bill that we have here, by saying what the Hon. Member feels that we are going to do. We should not support it.

As it is known, I will always come back to this point, and it is not that it was not brought here before, why did they not bring a Bill here with all of the 23 years that they were in Government? We are doing this thing also to keep a promise to the people of this country. When we are keeping our promises, they want to delay the promise and the delivery of that promise. We should not. There is absolutely nothing against the grain, as it were, in a Bill having that these Commission members will be appointed by the President after consultation with the Hon. Attorney General and Minister of Legal Affairs. Commission of this nature generally will have to be appointed by the President. It is not as if the President is going to appoint people who do not know the law, to do all these things – reform the law, modify the branches of the law, eliminate anomalies, repeal obsolete and unnecessary enactments, reduce the number of separate enactments, and so on. All those things will require people and minds in the legal field that know about these things. This is giving the impression, so we must block it, and delay it by virtue of them, simply because, she was saying that - I do not know the wildest of imagination - “old men” will be appointed. [Mr. Williams: I do not know why they are attacking the Speaker like that.] Apparently, they have something against old men.

I am urging, as is, this is an excellent Bill for purposes of what we need for this country, and it was 11 years late in coming. We must not delay it one further day.

Thank you very much Mr. Speaker. [*Applause*]

**Mr. Nandlall:** I rise to add my voice to the debate on this very important piece of legislation and as my colleague, the Hon. Member Priya Manickchand, I want to congratulate the Government for bringing forward the concept of a Law Reform Commission. I want to say that it was always

the intention of the PPP/C administration to establish a Law Reform Commission and the *Hansard* of this Parliament will establish that.

In the debate, pursuant to a motion brought by the Hon. Member Mdm. Deborah Backer for the establishment of a permanent Law Reform Commission, the Hon. Attorney General, at the time, the Hon. Mr. Doodnauth Singh and yours truly, both spoke on the motion, and we pointed out that, at that time, that we were engaged in the process of revising the law. The revision of the law did not take place for approximately 34 years in this country, and we were in the middle of that exercise. We said, then, that once that exercise is completed and all the laws are assembled in a central place, all the bits and pieces, all the Bills that would have been passed for the last 34, years, once we are able to assemble them together, we will have a wholesome product to hand to the Law Reform Commission for it to conduct a review of it. That is the reason that we said our priority, at that time, was the completion of the law revision exercise, and then we will proceed with the establishment of a Law Reform Commission. That is how it is normally done. We cannot establish a reform commission and then the laws are in a state of disarray. What are you reforming? What are we going to look at when the laws are not consolidated in a singular place and conveniently accessible? That was our position then. That is in relation to that point.

The other point, which I want to address, is the mantra that is being repeated by the Hon. Members on that side. Every time that we stand up to make our contribution their answer to us is “Well you had 23 years to do it. Why did you not do it? During the Ninth Parliament of Guyana, we passed one hundred and forty pieces of Bills in this Parliament. We passed one of the most modern pieces of legislation dealing with sexual offences. Before that, a hundred years before, we did not have that. It is an ongoing process. It was impossible to do everything at the same time. In fact, the reason why my friends are breaking new ground is because we have covered most. That is why. There is very little for them to do now, so everything that they do now is new and novel. It is because a solid foundation has been laid. I want to address that frontally. The Nandlall’s edition of the Laws of Guyana is an outstanding testimony of the work that we have done. [An Hon. Members: How much did you pay?] A lot of money was paid for it Sir, because it is an expensive exercise. Law revision is not cheap after a neglect of 34 years,

Let me get back to the Bill, itself. The Bill, again, mirrors the Trinidad legislation. The difference, however - I have the Trinidad legislation - the Bill of Trinidad was passed in 1969

and in 2016 we are mimicking it. Mr. V.S Naipaul wrote an entire book about it, *The Mimic Men*. In 1967, that which Trinidad felt was fit and proper for it we are borrowing in 2016. Our objection to this Bill, Sir, is... The fact that a Law Reform Commission is always an independent body, I made that suggestion to the Hon. Attorney General, most of the legislation, which exist in the world, declare those commissions to be independent. If we look at the 1965 Law Reform Commission Act of the United Kingdom, the first sentence is that it shall be an independent commission.

9.37 p.m.

We want that to be inserted into the Bill.

We must not pay lip service to the independence about which we celebrate. The independence must be reflected in the Constitution of the Commission, as well as the method by which those are appointed to the Commission. That is our fundamental quarrel with this Bill, that this Bill centralises power in the Executive. The whole appointment process is done by the Executive. The persons who are to sit on this Commission are all selected by the discretion of the Executive with absolutely no consultation and input from an extrinsic agency or authority. We find that objectionable. We were accused by the Hon. Member of being controlled *freakists* and here it is, in less than seven months, we see a Bill that mirrors *freakism* at a highly controlling level. For example, the Bill says that:

“The President shall make the appointments.”

There is nothing is wrong with that, but, “...after consulting with the Attorney General”. What kind of consultation is that? That is not consultation, that is a soliloquy; that is, speaking to one’s self. Dr. Roopnarine is a person trained in the fine arts, he knows about speaking to one’s self. It is the Executive speaking to itself. That is what the President is doing, speaking to himself when he is consulting the Attorney general. A much better mechanism...

*Mr. Speaker hit gravel.*

**Mr. Speaker:** Hon. Member, I did read for the benefit of Hon. Members, a prohibition contained in an appropriate Standing Order and that also applied to you so please observe it.

**Mr. Nandlall:** The President's name is in the Bill and I am debating the Bill. I am not invoking the President's name.

**Mr. Speaker:** Hon. Member, I will not permit you to indulge yourself in that. Now you will do it some other way or not at all. If you insist, I will rule you out of order. Let us be clear on that. Now please proceed.

**Mr. Nandlall:** The Bill confers upon the President, a power of appointment, after he consults with the Attorney General. My respectful submission is that that is not healthy, democratic and that consultation connotes an engagement with an extrinsic authority. One does not consult with one's self. That is what I am saying is a soliloquy; it is not a consultation.

Like the Hon. Prime Minister, when I asked him during the budget debate, with whom did he consult for the appointment of a Constitutional Reform Committee that he had appointed, he said that he consulted with his Colleagues. So this is a new form of consultation. Again, Mr. Speaker, they borrowed the concept from the Trinidadian legislation, which I will read again, and I will show the flaw in this when compared with the Trinidadian legislation.

The Trinidadian legislation says:

“For the purpose of promoting the reform of law, there shall be constituted, in accordance with this section, a body of Commissioners to be known as the Law Reform Commission consisting of a Chairman on such Commission as may be appointed by the President.”

My learned friend did not realise that the President in Trinidad is a titular President. He is not an Executive President, so he exercises a titular power. He is not a Member of the Executive, so it is not the Executive that is appointing. But here, we have the Executive President making the appointment and consulting with another member of the Executive, so it is incestuous in terms of lack of consultation.

That is our first problem. The Hon. Member, Mrs. Deborah Backer, in her presentation before this House, supported by the Hon. Member, Mr. Khemraj Ramjattan, whose speeches I have in the *Hansard*, all spoke about the importance of this Commission being independent. This is not a political issue.

The Hon. Member, Ms. Manickchand, detailed the nature of the exercise in which the Commission will have to engage in. The Bill speaks to the broad mandate that this Commission has. That is why we must never confuse our legislative function in this Parliament with our political function. Our laws must always be objective, devoid of politics and must always be directed to address the welfare of our people. We must keep the politics out of our law. That is why the Commission that will make recommendations is only an advisory body, it is not a law making institution. It will advise on what laws we should implement, reform, declare obsolete, *et cetera*. Therefore, in giving this advice, this body must be broad based in its composition. The appointment process must assure the nation that the product that will be produced by this Commission will not be political; it will not be contaminated with partisan considerations of a political or other nature. That is our problem with this Bill in its current construct.

When one looks at who will be appointed, one sees that the President determines who this law professor will be; the President alone determines who this judge and the attorney-at-law will be. We are saying that that is not an appropriate mechanism to use because we have associations representing these people. We are saying that, let the association representing the lawyers nominate an attorney-at-law to sit on the Commission, who they believe can best represent their interests, and the President will appoint them. [Mr. Williams: It is the same thing you are saying] No. It is not difficult and I do not understand. Let me go it over. I am saying that, rather than the Executive handpicking who will sit on this Commission, let these persons come from representative organisations and their organisations should represent them. For example, I have here with me a copy of the Deeds and Commercial Registries Authority Act and I want to and point to the mechanism employed in this Act, which was passed in 2013, coincidentally by our Administration.

Part 5 deals with the composition of the Board. The Chairman - to be appointed by the Minister of Legal Affairs; the Registrar of Deeds – well that is *ex officio*; the Registrar of Companies of the Commercial Registry – that is *ex officio*, no discretion; a nominee from the Ministry of Finance; a nominee from the Ministry of Housing and Water; a nominee from the Guyana Bar Association; a nominee from the Guyana Association of Legal Professionals - the Berbice Bar; and a nominee from the private sector. The Minister is appointing, but his discretion in terms of choosing who to appoint is limited and confined. We are suggesting that nominees come from

the judiciary as well.

There is no institution in our constitutional matrix that deals more closely with interpreting, reading and applying the law than the judiciary. Mr. Speaker would be aware of the repeated instances where judges have had the cause to call upon Parliament to rectify some particular lacuna in the law.

Here it is that we will give the judges a say in this advisory body and let that nominee come from the Chancellor of the Judiciary. What is wrong with that? I understand that an argument would be raised about the separation of powers because it is believed that if the judiciary is part of the Law Reform Commission, somehow, by some weird and stretched method of mental process that is in violation of the separation of powers. It is not. It is a representative of the judiciary sitting on an advisory body advising on the law.

It is not that we are without experience on this matter. I have in my hand, Dr. Mohamed Shahabudeen's book, *The Legal System of Guyana*. At page 333, he speaks to the question of law reform. He took credit, and quite justifiably so, for having a Law Reform Commission. It is not the first time that they are having a Law Reform body in this country because Dr. Shahabudeen tells us that the first Law Reform Committee was established in this country in 1838 and it reviewed the laws at that time. And then, a Resolution was passed in this legislature by Mr. Balram Singh Rai, unanimously recommending the Government to appoint a permanent Law Reform Committee.

Pursuant to that Resolution, on 26<sup>th</sup> November, 1958, the Governor General in Council appointed a Law Reform Committee:

“To consider and report to the Governor in Council, at least annually, what the laws should be and what should be enacted in the colony”.

Sir, listen to the composition: The Committee consisted of the Chief Justice as Chairman, the Attorney General, a practicing Barrister-at-Law, and a practicing Solicitor with the Legal Draftsman as the Secretary. The Chief Justice could nominate a Judge of the Supreme Court to attend in his place and in like manner, the Attorney General could appoint the Solicitor General.

In 1960, the Committee was enlarged by the inclusion of an additional practicing Barrister-at-



Law and an additional practicing Solicitor to be respectively nominated by the British Guiana Bar Association and the Law Society of British Guiana. Since 1950, we have had mechanisms in place that allow for representatives to come from their own organisations.

Here it is that we are talking about democracy, consultation, and Article 13 that speaks to participatory democracy from the citizenry, and here it is that we are shutting out nominees from representatives of organisations.

*9.52 p.m.*

We are submitting that the Commission should be constituted as follows: A nominee from the Chancellor of the Judiciary who should be a retired judge, a sitting judge, or one who holds the qualification to be a judge and this person should be the Chairman; a nominee from the associations representing the legal profession, because there are more than one; a nominee from the Council of the University of Guyana because we need a broad based body - we need sociologists and persons trained in different disciplines, not necessarily lawyers. This Commission has about three lawyers already. A nominee from the Private Sector Commission; a nominee from the religious community, we have gay rights and all sorts of controversial things that we will have to legislate on in the near future; a nominee from the labour movement; a nominee from the major political opposition in the Parliament; and a nominee from an organisation that appears to represent human rights based organisations. These are only seven or eight person Sir, which is what the Bill contemplates in any event. But if there are seven or eight persons that come from a process that is all inclusive, are you going to reject this approach in the year 2016? Is that the democratic approach and ethos which you promised the Guyanese people? That is all that we are saying. Alright, we are dictators, we are bad, you are the good guys, well implement the good things. That is all we are saying.

Sir, I also looked at the matters that the Commission would be seised of, and there is a gaping omission. [Ms. Teixeira: Another one?] Another gaping omission. I want to refer to the manifesto of the A Partnership for National Unity (APNU).

**Mr. Speaker:** Hon. Member, the Speaker is a little puzzled. I thought that we were talking about the merits and principles of the Bill. I see that you have made a detour into something else, which the Speaker would not permit.

**Mr. Nandlall:** Sir, I am dealing with the merits of the Bill. I want to point out that...

**Mr. Speaker:** Let the House learn about your approach to the Bill. You have taken us to Trinidad and to a number of other places. Could you bring us back home now please?

**Mr. Nandlall:** I am bringing us home. I cannot get closer to home than with the manifesto of the Government. This is their manifesto and they promised constitutional reform, and in the list of matters with which this Bill is expected to deal with, constitutional reform is absent. Is it that this Government would have a new legislative agenda? Because I thought, and we were led to believe, that constitutional reform is a major issue and we on this side are prepared to make a contribution for the constitutional reform process. But, here it is the premiere recommending agency, in relation to what laws are going to change in our country, is being set up and established with a written mandate of what its jurisdiction will be and constitutional reform is missing.

I want to know from the Attorney General whether constitutional reform would be one of the nebulous matters that they would stick in or whether it is going to be a major plan of the work of this Commission.

Secondly, we already have certain committees in this Parliament that we have constitutionalised in the Constitution, as a result of the 2001 process. For example, we have a Standing Committee on Constitutional Reform. I want to know what relationship would that Committee have with this Law Reform Commission. Who will be consulting with whom? My learned Friend is the Chairman of the Constitutional Reform Commission in the Parliament. So, what relationship, if any, will that body have to this? Are we going to submit to them? Are they going to work with us? The Bill is silent on that matter. That I believe is a very important matter. That is why there is nothing wrong with us going to the Select Committee.

I cannot mention names, but I can refer to an address made earlier to this House in which we were implored, as the premiere institution of this land, to work together, to use this forum and the institutions here to create and serve the year of renaissance. In this year of renaissance, we are going to have this revival, so let us revive the Parliament. Let us take this to the Select Committee. Let us energise ourselves in the Select Committee and engage in the acts of

renaissance that we were implored to do, and produce for the people of Guyana a good Law Reform Commission for which all of us can be proud.

I hope that it is the position or the posture on the other side that the very profound address made to us today would be reduced to anything other than a mandate that we should all work to implement. Some very strong policy directives emanated from that high pulpit earlier this afternoon. Some of them included the importance of this institution and the importance of us working together. As I said, this is not a political exercise.

**Mr. Speaker:** Hon. Member you have three minutes.

**Mr. Nandlall:** Yes Sir. This is not a political Bill; this is not a political Commission. This is an impartial law-making advisory body that should be broadly constituted and its constitution should reflect all the sections of our society, so that it can capture all the aspirations and all the issues facing the various segments of our society, and it must be inclusive. We are asking, as my learned Colleague and the Hon. Member, Priya Manickchand, requested, we can spend less than two weeks. The country has been without this for 50 years and we have progress. Two weeks would not cause any great damage. Let us retire this Bill to Select Committee for a period of two weeks, so that when it comes back to the House, we would have a product that can best serve the people of this country. Thank you very much Sir. [*Applause*]

**Mr. Speaker:** I would like to thank the Hon. Member for his statement. The Chair would await a motion from the Prime Minister.

#### **SUSPENSION OF STANDING ORDER 10(1)**

**Mr. Nagamootoo:** Mr. Speaker, with your leave Sir, I move that this House continues its business uninterruptedly beyond the hour of 10 p.m. and that it completes the current debate on the Bill before the House and that all other matters on the Order Paper be proceeded with the manner of the announcement today.

*Question put and agreed to.*

*Standing Order suspended.*

**Mr. Speaker:** I thank the Hon. Prime Minister.

**Mr. Williams (replying):** Mr. Speaker, this really should be a non-contentious Bill. How could anyone have a problem with establishing a permanent Law Reform Commission? In the previous Bill, it was pointed out that there were some osseous matters in it and it wanted reform. All of these things were mentioned in the last Bill. One would have thought that this Law Reform Commission would have been welcomed with opened arms. So, I do not know what the problems are.

There was a problem raised about the mode of appointment. As I said, throughout the region, this is a non-contentious law. In Trinidad, as it was referred to, the President alone appointed the Commission. We need more trust in this country. They look for *jumbies* all over the place.

The self-same Act of Trinidad merely says that the members of the Commission will be appointed by the President. The Hon. Member said that that is titular. I am not going to traverse all of this because I do not have to try to show the Hon. Member that I did research and that I have the Hon. Member covered on the other side. Even in Dominica, there is simply that the Commission shall be appointed by the Minister alone. Nowhere in this region is the establishment of a law reform commission a problem.

In our Constitution it has here, “Not more than four members appointed by the President, after consultation with the Prime Minister”. In this country, I do not think we ever had a President and a Prime Minister from two different parties. So, it is one Government. Our Constitution is the highest law of the land. [*Interruption*]

If one looks at the prerogative of mercy and all of those things, the President consults with the Minister. I do not understand. Let me show this honourable House, for example, some of the boards that were appointed under the last Government, just to show the tears that we cried. This is Act No. 1 of 2010, the Guyana Livestock Development Authority Act, section 5:

“The Minister shall constitute the Board comprising of...”

Look at the Board this Minister will be comprising.

“...a Board comprising of fifteen Directors of whom no more than eight Directors shall represent the Government and seven Directors shall be chosen by the Minister from nominations submitted by the associations

**[Members of the Opposition: By nominations]** But the Minister is appointing everybody. The Minister is appointing all fifteen Directors.

Mr. Speaker, if I might respectfully refer this honourable. House to the Guyana Lands and Survey Commission Act No.15 of 1999, section 1:

“The Board shall consist of a Chairman the Commissioner and eleven other members, all of whom shall be appointed by the Minister.

It could not be the Minister of this Government. So, I do not know why these tears; why this biasness. This is a simple Bill, a Bill to set up a Commission to review the Laws of Guyana - all applicable laws. The Guyana Rice Producer Association (GAPA) and all of these Bills are important to the Members on the other side – “the Minister” alone. That is why the Hon. Colleague, the Vice-President in this House, coined the phrase of *control freakism*. It did not apply to us. The Hon. Members on the other side caused him to come up with that. I do not think we need to detain this honourable House any longer with the mode of appointment.

*10.07 p.m.*

In Bahamas, all appointments are again made by one person, the Governor General. I do not understand what the problem is. It is a question of trust. I recalled a Hon. Member on the other side saying to us that we have to build trust and that Hon. Member is the Leader of the Opposition, who is still questioning this process for a simple none contentious Bill.

On the question of the independence: When one looks at the provisions, the Bill tells us clearly that, “the Commission shall regulate its own procedure”. The Hon. Member tells us that there must be nominees from this and that body. This is a beautiful Bill.

Clause 7 of this Bill says the functions include:

“To receive and consider suggestions for the reform of the law, which may be forwarded to it either on the invitation of the Commission or otherwise by judges, public officials, lawyers and members of the general public”.

So this Bill contemplates, that one – we appoint judges, lecturers in law, practicing and attorneys-at-law because they have to deal with the law, but, then they are enjoined to consult widely. Why do we have to receive a judge nominated by the Chancellor?

Moreover, clause 7(b) says this:

“To receive and consider proposals for changes in the law referred to it by the Minister and recommended by any law reform committee, association of lawyers or other learned bodies”.

So the Bill clearly tells us that we do not have to have all these representations from civil society or whatever we would like on the Commission, but they all have to be consulted by the Commissioners. They could receive proposals from these bodies to do the work of law reform in Guyana. I think this Bill is well and properly constituted.

It was contended that there is a glaring omission in the Bill, a lacuna. Why? Because it does not mention constitutional reform. Now, if there is going to be a hole on a lacuna, then there should be some substratum which would support an omission. Where is it? Does this Bill tell us anything about reforming family law; does it mention the reform of the criminal law. What does it mention that the Hon. Member could say and contend that it omitted to mention constitutional reform? It does not. This simply sets up and establishes a Law Reform Commission with qualified persons and they are supposed to be with a remit to look at all the applicable Laws of Guyana, to bring them in line, make the relevant changes, *et cetera*. That is all it says. It never said that one must look at constitutional reform, criminal law, *et cetera*. That is the remit of the Commission, so when the time comes, the Commission will receive proposals for constitutional reform, reform of the family, reform of the criminal law, reform of the coroners’ law and reform of any branch of law.

The Coroners Act would also be subject to the Law Reform Commission once proposals go for its reform. It is fallacious to contend that there is a gaping omission. When having joined all of the contentions and render them insignificant, we must address this question of reviving the Parliament. I can understand why the Hon. Members on the other side talked about reviving this Parliament because they knocked this Parliament out for a very long time. How long was it? It was for nearly 10 months that they knocked out this Parliament, until the A Party for National

Unity and Alliance For Change (APNU/AFC) Coalition came to the rescue of this Parliament and revived it. That was the revival that they needed.

I thank the Hon. Member and Vice- President, Khemraj Ramjattan, for his contributions. I thank the Hon. Member, Ms. Priya Manickchand for her praise and endorsement of the actions of the Attorney General for bringing this Bill. I trust that it would not bring a problem with the Hon. Member seated next to her, who did not bring the Bill. In fact, the Hon. Member was vociferous in condemning this Bill, when my late sister brought this Bill to this Hon. House.

I must applaud the efforts made by the Hon. Member, Mr. Anil Nandlall, to suggest to us that it was always in his mind to deal with law reform. It was a great effort, but not even the devil knows what is in a man's mind. So that could not help us. But if I could judge by a manifestation, under the hand of the Hon. Member, it is in those purple books that adorn these desks. I am surprised that there were mentioned because right now, I have within my Chambers a Professor Zuru. I am calling him a Professor Guru because his remit, after these purple volumes were produced, was to clean up the entire thing all over again. In fact, we have budgeted to have this law revision done over altogether. So, we are not surprised about the attitude of the Hon. Member towards the passage of this Law Reform Commission Bill through this honourable House. That notwithstanding, I still commend and propose that this Bill be passed through this honourable House. I thus commend this Bill to this honourable House.

*Question was put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

**Mr. Williams:** Mr. Chairman, there were certain amendments that were laid over since last week, at the last Sitting. In keeping with the procedure of this honourable House, the amendments were laid before this Hon. House and we wish to treat with the proposed amendments that were circulated.

**Long title**

**Mr. Williams:** It begins with the “Long title”. The proposal is, and I wish to move, that the long title is substituted and replaced by these words:

“AN ACT to provide for the establishment of a Law Reform Commission for keeping under review the Laws of Guyana for the purpose of its simplification, modernisation, systematic development and reform for connected matters”

*Long title as amended, agreed to and ordered to stand part of the Bill.*

### **Clause 1**

*Clause 1 as printed, agreed to and ordered to stand part of the Bill.*

**Mr. Chairman:** Hon. Members, you are providing a great deal of competition to the Chairman. Perhaps, if you can restrain yourselves, if I use such inelegant language, we would be out of here very shortly, but do let us complete in a manner in which everyone in the Chamber can hear me. Thank you.

### **Clause 2**

**Mr. Chairman** Hon. Attorney General, do you wish to speak on clause 2?

**Mr. Williams:** Yes, please sir.

**Mr. Chairman:** Please proceed.

**Mr. Williams:** I moved that subsection (1) be deleted. Right now it reads clause 2 subsection (1) and we asking that the subsection (1) be deleted.

Mr. Chairman, I am not sure about the interventions on the other side, but perhaps, it is because this side of the House has taken on board the recommendations from the stakeholders which are reflected in these amendments.

**Mr. Chairman:** Hon. Member would you like to repeat the amendment that you are now proposing.



**Mr. Williams:** Sir, in clause 2, we proposing that subsection (1) is deleted. Where there is clause 2 subsection (1), we saying that the word “(1)” in bracket be deleted, so the section would read subsection (2) and not 2(1).

**Mr. Chairman:** Perhaps, Hon. Attorney General you might wish to treat with all the amendments in clause 2.

**Mr. Williams:** Yes, Sir.

In the definition of “Chairperson”, for the full stop at the end, substitute a semicolon.

*10.22 p.m.*

For the definition of “Commissioner” substitute the following - “member” means a member of the Law Reform Commission appointed under section 4.”

Those are the amendments under Clause 2.

*Amendments put and agreed to.*

*Clauses 2 as amended, agreed to and ordered to stand part of the Bill.*

## **The Act**

**Mr. Williams:** The amendment to the Act should be as follows:

For the words “Commissioners” and “Commissioner”, wherever they appear substitute for the words “Members” and “Member” respectively.

*Amendment put and agreed to.*

*The Act as amended, agreed to and ordered to stand part of the Bill.*

## **Clause 3**

*Clause 3 as printed, agreed to and ordered to stand part of the Bill.*

## **Clause 4**

**Mr. Williams:** Mr. Chairman, for clause 4 (2):

Immediately after the words “members of the Commission” insert the words “and shall be a full-time member”.

*Amendment put and agreed to.*

**Mr. Williams:** Mr. Chairman, clause 4 (3) should be substituted as follows:

“The President shall in respect of two other members of the Commission designate those members in the instruments appointing them as full-time members of the Commission”.

*Amendment put and agreed to.*

**Mr. Chairman:** Hon. Members, you are interrupting the Chairman in what he is doing. Please help me to do what I should do towards you, that is, let you know what the decisions are. I do not believe that the Chairman needs to mention any Member by name for any reason at all.

**Mr. Williams:** The proposal for clause 4 (5) is:

For the word “five” substitute with the word “three”

*Amendment put and agreed to.*

*Clause 4 as amended, agreed to and ordered to stand part of the Bill.*

## **Clauses 5 and 6**

*Clauses 5 and 6 as printed, agreed to and ordered to stand part of the Bill.*

## **Clause 7**

**Mr. Williams:** It is proposed that in clause 7 (d) and (e):

For the words “draft Bills”, substitute the words “drafted instructions”.

*Amendment put and agreed to.*

*Clause 7 as amended, agreed to and ordered to stand part of the Bill.*

## **Clause 8**

**Mr. Williams:** Mr. Chairman, the amendment proposed for clause 8 (1) (b) is the same:

For the words “draft Bills”, substitute the words “drafted instructions”.

*Amendment put and agreed to.*

*Clause 8 as amended, agreed to and ordered to stand part of the Bill.*

### **Clause 9**

**Mr. Williams:** For clause 9 (3), it is proposed:

For the words “one full-time member of the Commission” substitute the words “in the absence of the Chairperson a full-time member may preside at a meeting”.

**Mr. Chairman:** My copy tells me that clause 9 has two subsections. If that is correct, then this would not be an amendment to clause 9 (3). Perhaps, there can be a clarification on that.

**Mr. Williams:** Mr. Chairman, it should be an amendment to clause 9(2). It was a typographical error.

*Amendment put and agreed to.*

*Clause 9 as amended, agreed to and ordered to stand part of the Bill.*

*10.37 p.m.*

### **Clause 10**

*Clause 10 as printed, agreed to and ordered to stand part of the Bill.*

### **Clause 11**

**Mr. Williams:** It is proposed that after clause 11, the following clause be immediately inserted:

“11A. the Commission shall prepare and submit for approval, its annual budget in accordance with Section 79 of the Fiscal Management and Accountability Act.”

*Amendment put and agreed to.*

*Clause 11 as amended, agreed to and ordered to stand part of the Bill.*

**Clause 12**

*Clause 12 as printed, agreed to and ordered to stand part of the Bill.*

**Clause 13**

**Mr. Williams:** If it pleases you, Mr. Chairman, we propose to substitute as a new clause 13 the following:

“The Commission shall submit to the Minister an annual report of its activities during the financial year which shall include information on its financial affairs no later than the 30<sup>th</sup> April, together with an audited financial statement and the audited financial statement and the report shall be tabled in the National Assembly no later than the 30<sup>th</sup> June.”

*Amendment put and agreed to.*

*Clause 13 as amended, agreed to and ordered to stand part of the Bill.*

*Assembly resumed.*

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

**ADJOURNMENT**

**Mr. Speaker:** Hon. Members, this brings us to the end of our work for today. I was going to say our labours for today against all odds, but I did not say that. Hon. Prime Minister.

**Mr. Nagamootoo:** Mr. Speaker, I move that this House be adjourned until 21<sup>st</sup> January, 2016  
2.00 p.m.

*Assembly adjourned accordingly at 10.47 p.m.*