



NATIONAL ASSEMBLY  
OF THE PARLIAMENT OF  
THE CO-OPERATIVE REPUBLIC  
OF GUYANA

# OFFICIAL REPORT

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2020-2021) OF THE TWELFTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE DOME OF THE ARTHUR CHUNG CONFERENCE CENTRE, LILIENDAAL, GREATER GEORGETOWN*

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32<sup>ND</sup> Sitting

Monday, 13<sup>TH</sup> December, 2021

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**PARLIAMENT OFFICE  
HANSARD DIVISION**

*The Assembly convened at 10.40 a.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

**MEMBERS OF THE NATIONAL ASSEMBLY (71)**

**Speaker (1)**

\*Hon. Manzoor Nadir, M.P.,  
*Speaker of the National Assembly,  
Parliament Office,  
Public Buildings,  
Brickdam,  
Georgetown.*

**MEMBERS OF THE GOVERNMENT (38)**

**(i) MEMBERS OF THE PEOPLE'S PROGRESSIVE PARTY/CIVIC (PPP/C) (38)**

**Prime Minister (1)**

+ Hon. Brigadier (Ret'd) Mark Anthony Phillips, M.S.S., M.P.,  
*Prime Minister,  
Prime Minister's Office,  
Colgrain House,  
205 Camp Street,  
Georgetown.*

**Vice-President (1)**

+ Hon. Bharrat Jagdeo, M.P.,  
*Vice-President,  
Office of the President,  
New Garden Street,  
Georgetown.*

*[Absent]*

+ **Cabinet Member**

\* **Non-Elected Speaker**

**Attorney General and Minister of Legal Affairs (1)**

+ Hon. Mohabir Anil Nandlall, M.P.,  
*Attorney General and Minister of Legal Affairs,  
Ministry of Legal Affairs,  
Carmichael Street,  
Georgetown.*

[Absent]

**Senior Ministers (17)**

+ Hon. Gail Teixeira, M.P.,  
*(Region No. 7 – Cuyuni/Mazaruni),  
Minister of Parliamentary Affairs and Governance,  
Ministry of Parliamentary Affairs and Governance,  
Government Chief Whip,  
Office of the Presidency,  
New Garden Street,  
Georgetown.*

+ Hon. Hugh H. Todd, M.P.,  
*(Region No. 4 – Demerara/Mahaica),  
Minister of Foreign Affairs and International Co-operation,  
Ministry of Foreign Affairs,  
Lot 254 South Road,  
Georgetown.*

+\*Hon. Dr. Ashni K. Singh, M.P.,  
*Senior Minister in the Office of the President with Responsibility for Finance  
Ministry of Finance,  
Main & Urquhart Streets,  
Georgetown.*

+ Hon. Bishop Juan A. Edghill, M.S., J.P., M.P.,  
*Minister of Public Works,  
Ministry of Public Works,  
Wight's Lane,  
Kingston,  
Georgetown.*

+ Hon. Dr. Frank C. S. Anthony, M.P.,  
*Minister of Health,  
Ministry of Health,  
Brickdam,  
Georgetown.*

+ **Cabinet Member**

\* **Non-Elected Minister**

+ Hon. Priya D. Manickchand, M.P.,  
*(Region No. 3 – Essequibo Islands/West Demerara),*  
*Minister of Education,*  
*Ministry of Education,*  
*Lot 26 Brickdam,*  
*Georgetown.*

+ \*Hon. Brindley H.R. Benn, M.P.,  
*Minister of Home Affairs,*  
*Ministry of Home Affairs,*  
*Brickdam,*  
*Georgetown.*

+ Hon. Zulfikar Mustapha, M.P.,  
*Region No. 6 – East Berbice/Corentyne),*  
*Minister of Agriculture,*  
*Ministry of Agriculture,*  
*Regent and Vlissengen Road,*  
*Bourda, Georgetown.*

+ Hon. Pauline R.A. Campbell-Sukhai, M.P.,  
*Minister of Amerindian Affairs,*  
*Ministry of Amerindian Affairs,*  
*Lot 251-252 Thomas & Quamina Streets,*  
*South Cummingsburg,*  
*Georgetown.*

+ Hon. Joseph L.F. Hamilton, M.P.,  
*Minister of Labour,*  
*Ministry of Labour,*  
*Brickdam,*  
*Georgetown.*

+ **Cabinet Member**

\* **Non-Elected Minister**

[Virtual Participation]

+ Hon. Vickram Outar Bharrat, M.P.,  
*Minister of Natural Resources,*  
*Ministry of Natural Resources,*  
*Lot 96 Duke Street,*  
*Kingston,*  
*Georgetown.*

+\*Hon. Oneidge Walrond, M.P.,  
*Minister of Tourism, Industry and Commerce,*  
*Ministry of Tourism, Industry and Commerce,*  
*Lot 229 South Road,*  
*Bourda, Georgetown.*

+ Hon. Nigel D. Dharamlall, M.P.,  
*(Region No. 2 – Pomeroon/Supenaam),*  
*Minister of Local Government and Regional Development,*  
*Ministry of Local Government and Regional Development,*  
*DeWinkle Building,*  
*Fort Street,*  
*Kingston,*  
*Georgetown.*

+ Hon. Collin D. Croal, M.P.,  
*(Region No. 1 – BarimaWaini),*  
*Minister of Housing and Water,*  
*Ministry of Housing and Water,*  
*Brickdam,*  
*Georgetown.*

+ Hon. Vindhya V. H. Persaud, M.S., M.P.,  
*(Region No. 4 – Demerara/Mahaica),*  
*Minister of Human Services and Social Security,*  
*Ministry of Human Services and Social Security,*  
*Lot 357 East and Lamaha Streets*  
*Georgetown.*

+ Hon. Charles S. Ramson, M.P.,  
*Minister of Culture, Youth and Sports,*  
*Ministry of Culture, Youth and Sports,*  
*Main Street,*  
*Georgetown.*

+ Hon. Sonia Savitri Parag, M.P.,  
*Minister of the Public Service,*  
*Ministry of the Public Service,*  
*164 Waterloo Street,*  
*North Cummingsburg,*  
*Georgetown.*

+ **Cabinet Member**

\* **Non-Elected Minister**

**Junior Ministers (4)**

Hon. Susan M. Rodrigues, M.P.,  
*(Region No. 4 – Demerara/Mahaica),  
Minister within the Ministry of Housing and Water,  
Ministry of Housing and Water,  
Lot 41 Brickdam & United Place,  
Stabroek,  
Georgetown.*

Hon. Deodat Indar, M.P.,  
*Minister within the Ministry of Public Works,  
Ministry of Public Works,  
Wight's Lane,  
Kingston,  
Georgetown.*

Hon. Anand Persaud, M.P.,  
*Minister within the Ministry of Local Government and Regional Development,  
Ministry of Local Government and Regional Development,  
Fort Street,  
Kingston,  
Georgetown.*

Hon. Warren Kwame E. McCoy, M.P.,  
*Minister within the Office of the Prime Minister,  
Office of the Prime Minister,  
c/o Colgrain House,  
205 Camp Street,  
Georgetown.*

**Other Members (14)**

Mr. Dharamkumar Seeraj, M.P.,  
*Lot 71 BB Eccles,  
East Bank Demerara.*

Mr. Alister S. Charlie, M.P.,  
*(Region No. 9 – Upper Takutu/Upper Essequibo),  
148 Lethem,  
Central Rupununi,  
c/o Freedom House,  
41 Robb Street,  
Georgetown.*

Dr. Vishwa D.B. Mahadeo, M.P.,  
*Region No. 6 – East Berbice/Corentyne),  
Lot 4 Public Road,  
No. 66 Village,  
Corentyne,  
Berbice.*

Mr. Sanjeev J. Datadin, M.P.,  
*Lot 60 Section 'K',  
John Street,  
Campbellville,  
Georgetown.*

Mr. Seepaul Narine, M.P.,  
*Lot 321 BB Seventh Street,  
Eccles,  
East Bank Demerara.*

Mrs. Yvonne Pearson-Fredericks, M.P.,  
*Mainstay Lake/Whyaka Village,  
Mainstay Lake, Essequibo Coast,  
c/o Freedom House,  
41 Robb Street,  
Georgetown.*

Dr. Bheri S. Ramsaran, M.P.,  
*Lot 340 East Street,  
South Cummingsburg,  
c/o Freedom House,  
41 Robb Street,  
Georgetown.*

Dr. Jennifer R.A. Westford, M.P.,  
*55 AA Victoria Avenue,  
Eccles,  
East Bank Demerara.*

Mr. Faizal M. Jaffarally, M.P.,  
*(Region No. 5 – Mahaica/Berbice),  
Lot 16-30 New Street,  
New Amsterdam.  
c/o Freedom House,  
Robb Street,  
Georgetown.*

Dr. Tandika S. Smith, M.P.,  
*(Region No. 3 - Essequibo Islands/West Demerara),  
Lot 290 Area 'J',  
Tuschen, North,  
East Bank Essequibo.*

Mr. Lee G.H. Williams, M.P.,  
*Paruima Upper Mazaruni,  
c/o Freedom House,  
Robb Street,  
Georgetown.*

\*Ms. Sarah Browne, M.P.,  
*Parliamentary Secretary,  
Ministry of Amerindian Affairs,  
Lot 251-252 Thomas & Quamina Streets,  
South Cummingsburg,  
Georgetown.*

*[Absent – on leave]*

\*Mr. Vikash Ramkissoon, M.P.,  
*Parliamentary Secretary,  
Ministry of Agriculture,  
Regent and Vlissengen Road,  
Bourda, Georgetown.*

*[Absent – on leave]*

Ms. Bhagmattie Veerasammy, M.P.,  
*Lot 32 Crown Dam,  
Industry,  
East Coast Demerara.*

**MEMBERS OF THE OPPOSITION (32)**

**(i) A Partnership For National Unity/Alliance For Change (APNU/AFC) (31)**

Lt. Col. (Ret'd) Joseph F. Harmon, M.S.M., M.P.,  
*Leader of the Opposition,*  
*Lot 99 Mazaruni Street,*  
*Guyhoc Park,*  
*Georgetown.*

Mr. Khemraj Ramjattan, M.P.,  
*Lot 10 Delph Street,*  
*Campbelville,*  
*Georgetown.*

Mr. Roysdale A. Forde, S.C., M.P.,  
*Lot 410 Caneview Avenue,*  
*South Ruimveldt,*  
*Georgetown.*

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Mr. Raphael G.C. Trotman, M.P.,  
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*East Bank Demerara.*

*[Virtual Participation]*

Ms. Dawn Hastings-Williams, M.P.,  
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*East Bank Demerara.*

Dr. Nicolette O. Henry, M.P.,  
*Lot 2227 Ozama Street, North Ruimveldt,*  
*Georgetown.*

*[Absent]*

Dr. Karen R.V. Cummings, M.P.,  
*Lot 2 Belfield Housing Scheme,*  
*East Coast Demerara.*

Ms. Tabitha J. Sarabo-Halley, M.P.,  
*Lot 3382 Caneview Avenue,*  
*South Ruimveldt Park,*  
*Georgetown.*

Ms. Geeta Chandan-Edmond, M.P.,  
*Lot 48 Atlantic Ville,*  
*Georgetown.*

*[Virtual Participation]*

Mr. Christopher A. Jones, M.P.,  
*Opposition Chief Whip,*  
*Lot 609 Conciliation Street,*  
*Tucville,*  
*Georgetown.*

Ms. Annette N. Ferguson, M.P.,  
*Lot 842 Eccles,*  
*East Bank Demerara.*

*[Virtual Participation]*



Mr. David A. Patterson, M.P.,  
*Lot 151 Durbana Square,  
Lamaha Gardens,  
Georgetown.*

*[Virtual Participation]*

Ms. Coretta A. McDonald, A.A., M.P.,  
*Lot 202 N, Fourth Street,  
Alexander Village,  
Georgetown.*

Ms. Catherine A. Hughes, M.P.,  
*(Region No. 4 – Demerara/Mahaica),  
Lot 13 A, New Providence,  
East Bank Demerara.*

*[Virtual Participation]*

Mr. Haimraj B. Rajkumar, M.P.,  
*Lot 18 Public Road,  
Johanna Cecilia,  
(Region # 2 Essequibo Coast).*

Ms. Amanza O.R. Walton-Desir, M.P.,  
*Lot 1285 EE Eccles Sugarcane Field,  
East Bank Demerara.*

*[Virtual Participation]*

Ms. Natasha Singh-Lewis, M.P.,  
*Lot 1110 Plot 'B',  
Herstelling,  
East Bank Demerara.*

Mr. Sherod A. Duncan, M.P.,  
*Lot 590 Good Hope,  
East Coast Demerara.*

Ms. Juretha V. Fernandes, M.P.,  
*Lot 1282 Block EE,  
Eccles,  
East Bank Demerara.*

Mr. Vincent P. Henry, M.P.,  
*(Region No. 9 – Upper Takutu/Upper Essequibo),  
Shulidnab Village,  
South Central,  
Rupununi.*

*(Culvert City Lethem)*

Mr. Ronald Cox, M.P.,  
*(Region No. 1 – Barima Waini),  
Mabaruma Compound.*

Mr. Shurwayne F.K. Holder, M.P.,  
(Region No. 2 – Pomeroon/Supenaam),  
Lot 55 Henrietta,  
Essequibo Coast.

Mr. Ganesh A. Mahipaul, M.P.,  
Lot 14 Plantain Walk,  
West Bank Demerara.

Ms. Nima N. Flue-Bess, M.P.,  
(Region No. 4 – Demerara/Mahaica),  
Lot 88 Nelson Street,  
Mocha Village,  
East Bank Demerara.

Ms. Maureen A. Philadelphia, M.P.,  
(Region No. 4 – Demerara/Mahaica),  
Lot 17 Block 1, Section F,  
Plantation Belfield,  
East Coast Demerara.

Mr. Deonarine Ramsaroop, M.P.,  
(Region No. 4 – Demerara/Mahaica),  
Lot 40 Block 3  
Craig Milne,  
Cove & John,  
East Coast Demerara.

Mr. Vinceroy H. Jordan, M.P.,  
(Region No. 5 – Mahaica/Berbice),  
Lot 214 Lovely Lass Village,  
West Coast Berbice.  
C/o Christopher Jones

*[Virtual Participation]*

Mr. Dineshwar N. Jaiprashad, M.P.,  
Region No. 6 – East Berbice/Corentyne),  
Lot 80 Babu John Road,  
Haswell,  
Port Mourant, Corentyne Berbice.

Mr. Richard E. Sinclair, M.P.,  
(Region No. 8 – Potaro/Siparuni)  
Church Street Mahdia.  
Lot 4 Public Road,  
Stewartville,  
West Coast Demerara.

Mr. Jermaine Figueira, M.P.,  
(Region No. 10 – Upper Demerara/Upper Berbice),  
Lot 136 2<sup>nd</sup> Street,  
Silvertown,  
Wismar, Linden.

Mr. Devin L. Sears, M.P.,  
(Region No. 10 – Upper Demerara/Upper Berbice),  
Lot 90, Section C,  
Wismar, Linden.

**(ii) A New and United Guyana, Liberty and Justice Party and The New Movement (ANUG, LJP & TNM) (1)**

Mr. Lenox R. O’Dell Shuman, M.P.,  
Deputy Speaker of the National Assembly,  
St. Cuthbert’s Mission,  
Soesdyke Linden Highway.

**Officers (2)**

Mr. Sherlock E. Isaacs, A.A.,  
*Clerk of the National Assembly,*  
*Parliament Office,*  
*Public Buildings,*  
*Brickdam,*  
*Georgetown.*

Ms. Hermina Gilgeours,  
*Deputy Clerk of the National Assembly,*  
*Parliament Office,*  
*Public Buildings,*  
*Brickdam,*  
*Georgetown.*

**Hansard Division Officers (19)**

Ms. Allison Connelly,  
*Chief Editor*

Ms. Marlyn Jeffers-Morrison,  
*Senior Editor*

Ms. Shawnel Cudjoe,  
*Senior Editor*

Ms. Latoiah Joseph,  
*Senior Editor*

Ms. Carol Bess,  
*Editor*

Ms. Shevona Telford,  
*Editor (a.g.)*

Ms. Tesia Ellis,  
*Editor (a.g.)*

Ms. Indranie Persaud,  
*Reporter*

Ms. Roseina Singh,  
*Reporter*

Ms. Somna Karen-Muridall,  
*Reporter*

Ms. Eyoka Gibson,  
*Reporter*

Ms. Lushonn Bess,  
*Reporter*

Ms. Bianca Cummings,  
*Reporter*

Mr. Rohan Ramjas,  
*Reporter*

Ms. Nadeila Allen,  
*Reporter (a.g.)*

Ms. Celisa DeFlorimonte,  
*Reporter (a.g.)*

Mr. Parmanand Singh,  
*Pre-Press Technician*

Mr. Saeed Umrao,  
*Audio Technician*

Mr. Daison Horsham,  
*Audio Technician*

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**TABLE OF CONTENTS**

*Contents* *Page*

---

32<sup>ND</sup> Sitting Monday, 13<sup>TH</sup> December, 2021

---

Announcements by the Speaker .....	4451- 4453
Presentation of Papers and Reports .....	4454-4456
Questions On Notice – For Written Replies .....	4457-4464
Introduction of Bills & 1 <sup>st</sup> Reading .....	4465
Public Business – Government Business .....	4466-4532
Bills – 2 <sup>nd</sup> Readings - Police (Amt) Bill 2021 – Bill No. 8/2021 .....	4467-4476
Bills – 2 <sup>nd</sup> Readings - Firearms (Amt) Bill 2021 – Bill No. 9/2021 .....	4478-4486
Bills – 2 <sup>nd</sup> Readings - Evidence (Amt) Bill 2021 – Bill No. 11/2021 .....	4488-4512
Bills – 2 <sup>nd</sup> Readings – Narcotic Drugs & Psychotropic Substances (Control) (Amt) (No.2) Bill 2021 – Bill No. 12/2021 .....	4513-4533
Committees’ Business - Motions – Outstanding Work of the PAC of the 11 <sup>th</sup> Parliament .....	4534-4535
Adoption of the Report of the PAC – Examination-Of the Public Accounts of Guyana for the Year 2015 .....	4536-4541
Public Business – Motion – Outstanding Work of the PSC-On Social Services of the 11 <sup>th</sup> Parliament .....	4542-4543
Adjournment - .....	4544

## ANNOUNCEMENTS BY THE SPEAKER

### Welcome

**Mr. Speaker:** Hon. Members, I welcome you back as we convene for this first sitting of our second year in the Twelfth Parliament of the Cooperative Republic of Guyana. Our last year was one of many innovative actions which challenged our skills in getting through the work of the people. Nevertheless, in my view, the output of that session was very satisfactory. We had 31 sittings of the National Assembly; we saw the passage of two budgets; 98 questions were approved by the Speaker; 29 motions were approved by the Speaker and debated; 22 resolutions were passed; 32 Bills were presented; 20 Acts were passed; and 40 meetings of Parliamentary Committees were held.

### Involvement in International Parliamentary Events

During the recess, I, along with the Clerk of the National Assembly and our international affairs officer, were involved in many international parliamentary events. We participated in the Inter-Parliamentary Union (IPU) Fifth World Conference of Speakers of Parliament, the World Trade Organisation (WTO) Public Forum, the 18th ParlAmericas Plenary Assembly, where the Hon. Prime Minister made a presentation...

**Minister of Parliamentary Affairs and Governance and Government Chief Whip [Ms. Teixeira]:** Mr. Speaker, I hate to interrupt you but there is a rule in this House which states that when the Speaker is on the floor, one does not interrupt him. There is constant heckling from the other side from Mr. Duncan. This is a sign of disrespect. This is our first sitting after three months.

**Mr. Speaker:** Thank you, Hon. Minister. I was about to call on that Hon. Member to observe the rules. Mr. Jones, we may have to ask Mr. Duncan to continue to restrain himself. I do not like to make my remarks standing. Hon. Members, I have seen Speakers stand in many Parliaments. When a Speaker stands, the Speaker is saying that he has observed disrespect and he is standing, so please be quiet.

Nevertheless Hon. Members, as I have said, though we were not present in Madrid, Spain for the 143<sup>rd</sup> Assembly of the Inter-Parliamentary Union, we have their deliberations and declarations for the National Assembly. All these important international parliamentary meetings – their communiqués and declarations – are being circulated for your information and guidance.

We also had other international engagements in establishing closer links, collaborations, and possible formal relations with the legislative council of French Guiana. I met with the Speaker of the Lok Sabha, the Hon. Om Birla, and we discussed the benefits of our Parliaments working together. In this regard, the Parliament of the Republic of India has hosted the Clerk of the National Assembly for almost eight months prior and has hosted other members of our staff for training. I also met with His Excellency Saqr Ghobash, Speaker of the Federal National Council of the United Arab Emirates. I also had discussions with the National People's Congress of the People's Republic of China.

### Submission of reports

Additionally, during the recess six reports were presented to me. These were the *Report of the Auditor General on The Public Accounts of Guyana and on the Accounts of Ministries/ Departments/ Regions For the Fiscal Year ended 31 December, 2020*; the *Performance Audit Report of the Auditor General on the COVID-19 Pandemic Assistance Voucher Programme*; the *Performance Audit Report of the Auditor General on the procurement, storage and distribution of COVID-19 supplies*; the *Follow-up Performance Audit Report of the Auditor General on a review of the Old Age Pension Programme in Guyana*; the *Annual Report of the Ethnic Relations Commission for the years 2018, 2019 and 2020*; and the *Final Report of Recommendations and Concerns of the Ethnic Relations Commission for the period 2018-2020*.

### Relocation of the Parliament Office

All our Hon. Members would have been aware that the Parliament Office was relocated for almost two months during the recess to the building which facilitates the Public Procurement Commission (PPC) in New Garden Street, Georgetown. This was due to the removal of asbestos from the ceiling of the western wing of the Public Buildings. That process having been concluded, we are now fully functional, again, at the Public Buildings.

### Standing Orders of the Parliament

Hon. Members, recent developments in the last few hours have caused me to add to my remarks. Once again, this is to inform. For those who have been informed, this is to re-educate Members on the Standing Orders of our Parliament. There has been some criticism of today's sitting by an Hon. Member. I would like to draw the Hon. Member's attention to

Standing Order 24 (2). We can go to school if he wishes and open the Standing Orders to Page 14 where it states:

“Subject to the Provisions of these Standing Orders, Government Business shall have precedence on every day except on every fourth Sitting when Private Members’ Business shall have precedence.”

‘Shall have precedence’. Private Members’ Business includes any business outside of Government’s Business – be it Committees. The Opposition in this Parliament does not constitute one party. Private Members’ Business can come through any Opposition Member or any Member for that matter.

Secondly, I would like to draw your attention to... Someone asked a question just now, I could not recognise the voice. Standing Order 24 (3) states:

“Government Business shall consist of Motions proposed to be made and Bills sponsored by Ministers or Parliamentary Secretaries and shall be set down in such order as the Government think fit.”

Standing Order 24 (4) states:

‘Private Members’ Business shall be set down on the Order Paper by the Clerk of the Assembly in the order in which they qualify for the Order Paper.’

In the order in which they qualify for the Order Paper. Not because someone submits a motion it means it automatically arrives on the Order Paper. Motions and questions have to be read against the Standing Orders. That is why we have a Table Officer. When they are read, the Clerk would advise, and we would discuss the questions and motions to see if there is any collision with the Standing Orders. These Standing Orders give the Speaker a certain amount of authority to amend/change, approve or disapprove of questions and motions. With due respect to questions and motions, we have suggested amendments to Members. We have not unilaterally made amendments, we have suggested. When those suggestions are incorporated, the Members will resend their requests and they are then qualified to go on a Notice Paper. When the maturity period comes, it then arrives on the Order Paper. There is a process fully set out in the Standing Orders.

I am accused of not putting certain things on the Order Paper and of reducing this particular sitting – which gives precedence to Private Members’ Business and Opposition’s Business – to Written Replies. Again, I will say a Member

decides if his question will be oral or written. Yes, I do have some amount of authority in moving a question from oral to written, but all the questions on today’s Order Paper were designated for Written Replies by the Members asking. I would like to reinforce that, in the event that persons may misconstrue, especially what is reported, we have our process, our Standing Orders, the rules that govern how the business of the National Assembly and the people of Guyana in this House are organised.

While I understand there are interesting elections looming largely in our country and when elections are to come, those who are in Opposition tend to have the luxury of being ridiculous – Mr. Mahipaul, you should know better. We understand that. A lot of accusations have been levelled at this sitting. I would like to reassure all Hon. Members and all those who are tuned in to today’s sitting that the Order Paper presented today had been prepared by the Clerk of the National Assembly based on what he had before him.

*10.55 a.m.*

He cannot manufacture items for the Order Paper that lingers in people’s imagination. There is a process of getting the business of the people on the Order Paper. That process governs all Members of the National Assembly. Our Standing Orders states that on every fourth sitting, Private Members’ and Opposition Business takes precedence. Mr. Clerk, go ahead.

## **PRESENTATION OF PAPERS AND REPORTS**

The following Papers and Reports were laid:

- (1) Report of the Auditor General on the Public Accounts of Guyana and on the accounts of Ministries, Departments and Regions for the fiscal year ended 31<sup>st</sup> December, 2020.
- (2) Performance Audit Report of the Auditor General on the Coronavirus disease 2019 (COVID-19) Pandemic Assistance Voucher Programme.
- (3) Performance Audit Report of the Auditor General on the procurement, storage and distribution of the COVID-19 supplies.
- (4) Follow-Up Performance Audit Report of the Auditor General on a review of the Old Age Pension Programme in Guyana.

*[Speaker of the National Assembly]*

- (5) Annual Reports of the Ombudsman for the years 2019 and 2020.
- (6) Annual Reports of the Ethnic Relations Commission for the years 2018, 2019 and 2020.
- (7) Final Report of Recommendations and Concerns of the Ethnic Relations Commission for the period 2018-2020.
- (8) Eighth and Ninth Annual Reports of the Women and Gender Equality Commission for the years 2019 to 2021.
- (9) Annual Reports of the Rights of the Child Commission for the years 2017 and 2018.
- [Minister of Parliamentary Affairs and Governance and Government Chief Whip]*
- (10) Audited Financial Statements of the Demerara Harbour Bridge Corporation for the years ended 31<sup>st</sup> December, 2015 to 2017.
- (11) Audited Financial Statements of the Guyana Civil Aviation Authority (GCAA) for the years ended 31<sup>st</sup> December, 2017 and 2018.
- (12) Audited Financial Statements of the Berbice Bridge Company Inc. for the years ending 31<sup>st</sup> December, 2019 and 2020.
- (13) Annual Reports of the Berbice Bridge Company Incorporated for the years 2019 and 2020.
- (14) Annual Reports of the Cheddi Jagan International Airport Corporation for the years 2016 to 2020.
- (15) Audited Financial Statements of the Transport and Harbours Department for the years ended 31<sup>st</sup> December, 2008 and 2009.
- [Minister of Public Works]*
- (16) Mid-Year Report 2021.
- (17) The Constitutional Offices (Remuneration of Holders) Order 2021 – No. 29 of 2021.
- (18) The Ministers, Members of the National Assembly and Special Offices (Emoluments) Order 2021 – No. 30 of 2021.
- (19) Amendatory Contract No. 1 signed on the 25<sup>th</sup> August, 2021, in relation to the Loan Contract No. 3798/BL-GY signed on the 21<sup>st</sup> February 2017, between the Cooperative Republic of Guyana and the Inter-American Development Bank in the execution of the Sustainable Agricultural Development Program.
- (20) Dollar Credit Line Agreement dated the 29<sup>th</sup> September, 2021, between the Government of the Cooperative Republic of Guyana and the Export-Import Bank of India for a sum of US\$7,290,000.
- (21) Annual Reports of the Financial Intelligence Unit for the years 2019 and 2020.
- (22) Financial Paper No. 3/2021 – Supplementary Estimates (Current and Capital) totalling \$5,112,355,210 for the period 22<sup>nd</sup> July, 2021 to 9<sup>th</sup> December, 2021.
- (23) Financial Paper No. 4/2021 – Supplementary Estimates (Current and Capital) totalling \$21,477,833,982 for the period ending 31<sup>st</sup> December, 2021.
- [Senior Minister in the Office of the President with Responsibility for Finance]*
- The Minister of Finance named Thursday, 16<sup>th</sup> December as the date for the consideration of Financial Papers Nos. 3 and 4.*
- (24) The Public Health (Coronavirus) Regulations 2021 – No. 10 of 2021.
- [Minister of Health]*
- (25) Audited Financial Statements of the National Drainage and Irrigation Authority for the period ended 18<sup>th</sup> November, 2013 to 31<sup>st</sup> December, 2013 and for the year ended 31<sup>st</sup> December, 2014.
- (26) Audited Financial Statements of the National Agricultural Research and Extension Institute for the years ended 31<sup>st</sup> December, 2016, 2017 and 2018.
- (27) Audited Financial Statements of the Pesticides and Toxic Chemical Control Board for the years ended 31<sup>st</sup> December, 2018 and 2019.



(28) Audited Financial Statements of the Guyana Marketing Corporation for the years ended 31<sup>st</sup> December, 2017 and 2018.

[Minister of Agriculture]

#### QUESTIONS ON NOTICE

##### [For Written Replies]

**Mr. Speaker:** Hon. Members, there are 16 questions on today's Order Paper. All of the questions are for Written Replies. Question number one is in the name of the Hon. Member, Ms. Annette Ferguson, and is for the Hon. Senior Minister in the Office of the President with Responsibility for Finance. Questions two, three, four, five and six are in the name of the Hon. Member, Mr. Jermaine Figueira, and are for the Hon. Minister of Education. Question number seven is in the name of the Hon. Member, Ms. Annette Ferguson, and is for the Hon. Minister of Housing and Water. Questions number eight, nine, 10, 11 and 12 are in the name of the Hon. Member, Ms. Chandan-Edmond, and are for the Hon. Minister of Home Affairs. Questions number 13, 14, 15 and 16 are in the name of the Hon. Member, Ms. Nina Flu-Bess, and are for the Hon. Minister of Housing and Water. The answers to all of these questions have been received and have, therefore, in accordance with our Standing Orders, been circulated.

#### (1) Domestic component of borrowing in Budget 2020

**Ms. Ferguson:**

- (a) Can the Hon. Minister provide a detailed breakdown of the amount, by source, of the domestic component of the borrowing that was projected in Budget 2020?
- (b) With respect to (a), can the Hon. Minister provide the latest estimate of the amount, by source, for year ended 31<sup>st</sup> December, 2020?

**Senior Minister in the Office of the President with Responsibilities for Finance [Dr. Singh]:**

- (a) See Budget Speech 2020.
- (b) See Budget Speech 2020.

#### (2) Virtual attendance of students in Regions 1-10

**Mr. Figueira:**

- (a) Can the Hon. Minister inform the House of the number and percentage of students by gender in Regions 1-10 that attended online classes in the September to December, 2020 term and the January to March, 2021 term, for nursery, primary and secondary schools?
- (b) Can the Hon. Minister also inform the House of the number and percentage of students by gender in (a) that attended classes online 50% of the time and 75% of the time in Regions 1-10 for nursery, primary and secondary schools?
- (c) Can the Hon. Minister further inform the House of the number of students that were required to attend online classes for the last two terms by gender in Regions 1-10, for nursery, primary and secondary schools?

**Minister of Education [Ms. Manickchand]:**

See *Appendix*

#### (3) Physical attendance of students in Regions 1-10

**Mr. Figueira:**

- (a) Can the Hon. Minister inform the House of the percentage and number of students by gender in Regions 1-10 that attended classes, face to face, in the September to December, 2020 term and the January to March, 2021 term, for primary and secondary schools?
- (b) Can the Hon. Minister also inform the House of the number of students that were required to attend classes face to face for the last two terms by gender in Regions 1-10, for primary and secondary schools?
- (c) Can the Hon. Minister further inform the House of the number and percentage of students by gender in (a) that attended classes face to face 50% and 75% of the time in Regions 1-10, for primary and secondary schools?

**Ms. Manickchand:**

See *Appendix*

#### (4) Refitting of schools or classrooms to deliver virtual classes

**Mr. Figueira:**

- (a) Can the Hon. Minister inform the House whether any schools or classrooms were refitted over the last two terms, September, 2020 – March, 2021, by the Ministry of Education to deliver online classes?
- (b) If yes, please list the names of the schools and region/s in which this was done and the number of students those schools serve.

**Ms. Manickchand:**

See Appendix

**(5) Direct support for teachers in Regions 1-10**

**Mr. Figueira:**

- (a) Can the Hon. Minister inform the House what direct support (free data, devices, electricity cost, allowances, or training, *et cetera*) was given to teachers delivering online classes from their homes over the last two terms in Regions 1-10 for nursery, primary and secondary schools?
- (b) Please state whether anywhere in *Budgets* 2020 and 2021 addressed direct support for teachers who delivered online classes from their homes using their personal computers, data, and electricity, given that both Budgets were delivered amidst the COVID-19 pandemic?

**Ms. Manickchand:**

See Appendix

**(6) Absentees from virtual and physical classes in Regions 1-10**

**Mr. Figueira:**

- (a) Can the Hon. Minister inform the House how many students (number and percentage) by gender in Regions 1-10 did not attend online classes but were required to, over the last two terms for nursery, primary and secondary schools?
- (b) Can the Hon. Minister further inform the House how many students (number and percentage) by gender in Regions 1-10 did not attend face to face classes but were required to, over the last two terms, for primary and secondary schools?

**Ms. Manickchand:** In Notice Paper 94, questions a and c, the number required and the number of learners that attended

virtual classes were submitted. Therefore, to answer the above question, please refer to pages 4-5 and pages 1-2, respectively.

- (a) **Primary Level** – No learner made any attendance because they were not required to attend face to face classes for the period: September to December, 2020 and January to March, 2021 which was in keeping with the *Gazetted* order issued by the Ministry of Health.

**Secondary Level** – In Notice Paper 95, questions a and b, the number of learners who attended and the number required to attend face to face classes were submitted. Therefore, to answer the above question, please refer to pages six and seven, respectively.

**(7) Funding for the award of contracts**

**Ms. Ferguson:** The *Budget 2021* has an appropriated sum of \$6 billion under “Capital Expenditure” for Infrastructural Development and Buildings (**Budget Estimate Volume 3, profile 225**). The sum of \$1,254,187 billion under “Current Expenditure” for “Subsidies and Contributions to Local Organisations” to the Central Housing and Planning Authority (CH&PA) for Housing Development and Management (**Budget Estimate Volume 1, page 599**). In an online reporting by the Department of Public Information, dated 16<sup>th</sup> March, 2021, “\$13.9 billion in contracts was signed for housing development”.

Can the Hon. Minister state where the shortfall of \$7.9 billion was funded from for the awarding of some \$13.9 billion in contracts to commence infrastructural works and construction of housing units in Regions 3, 4, 5 and 6, respectively

**Minister of Housing and Water [Mr. Croal]:** A combination of Government subvention and the CH&PA Housing Fund.

**(8) Death of Mr. Sewdial Persaud while in police custody on 17<sup>th</sup> June, 2021**

**Ms. Chandan-Edmond:** The death of Mr. Sewdial Persaud, 45, of Number 58 Village, Corentyne, Berbice, while in police custody on 17<sup>th</sup> June, 2021, has triggered serious concerns and calls for justice by his family and members of the community in which Mr. Persaud resided.

- (a) Could the Hon. Minister provide details related to the incident involving Mr. Persaud, which led to the intervention of the Guyana Police Force?

- (b) Could the Hon. Minister say whether all required Standard Operating Procedures were followed before, during and after the arrest of Mr. Persaud?
- (c) Can the Hon. Minister say what was the cause of death of Mr. Persaud? Is there a medical report? If yes, can it be made available to this House?
- (d) Can the Hon. Minister indicate whether this matter was referred to any investigating body or authority? If yes, can the Minister provide the House with the findings of such investigation?

**Minister of Home Affairs [Mr. Benn]:**

- (a) Mr. Sewdial Persaud was arrested and placed in custody on the 17<sup>th</sup> June, 2021 after reports by his reputed wife of verbal and physical abuse and threats to commit suicide by ingesting poison.
- (b) Basic standard and operating procedures were followed related to the arrest of Mr. Persaud.
- (c) The cause of death of Mr. Persaud has been given as asphyxiation due to hanging.
- (d) The death of Mr. Sewdial Persaud was investigated by the Office of Professional Responsibility (OPR) which recommended that an inquest be held. The file on this matter has been referred to the Chambers of the Director of Public Prosecution (DPP).

**(9) Protocols for suspects while in custody at police stations**

**Ms. Chandan-Edmond:** Can the Hon. Minister indicate what protocols are in place when a suspect is found dead while in police custody at police stations across Guyana?

**Mr. Benn:** Standing Order 108, which governs the operation of the Office of Professional Responsibility (OPR) gives the Commissioner of Police the authority to direct the OPR to investigate the death of persons while in police custody.

**(10) Reconstruction of the Lusignan Prison**

**Ms. Chandan-Edmond:** It has been reported in the *Guyana Chronicle* on 17<sup>th</sup> June, 2021, that the Ministry of Home Affairs signed a \$1.2 billion contract for the reconstruction of the Lusignan Prison under the Guyana Prison Service.

- (a) Can the Hon. Minister state whether there was a public bidding process for the award of the contract? If yes, when, and where?
- (b) Can the Hon. Minister state whether the awardee/s was/were prequalified?
- (c) Can the Hon. Minister provide the name of the contractor(s) who was/were awarded the contract? Further, can the Minister state what experience this/these company/s has/have in the construction or reconstruction of prisons?
- (d) Regarding (a) and (b), could the Hon. Minister state which entity was responsible for the evaluation and recommendation of the awards of the contracts?
- (e) Can the Hon. Minister state what criteria were used in the pre-qualification and qualification process?
- (f) Can the Hon. Minister state whether the principal/s of any of the companies, which were awarded contracts, have any pending litigation against the Government of Guyana, or whether the Government of Guyana has any pending litigation against the Principal/s of these companies?

**Mr. Benn:**

- (a) Yes, there was a public bidding process for the award of the contract. Bids were advertised in the *Guyana Chronicle* newspaper, the *Kaieteur News* newspaper and the *Stabroek* newspaper from the period 4<sup>th</sup> to 26<sup>th</sup> April, 2021 and opened on 29<sup>th</sup> April, 2021 at the National Procurement and Tender Administration Board (NPTAB).
- (b) No, the awardees were not qualified as this project was publicly tendered.
- (c) The names of the contractors awarded the contract are:
  1. Mohamed's Enterprise – Lot 1
  2. Construtora Cobra Eireli and M and P Investment Incorporated – Lot 2
  3. Nabi Construction Incorporated – Lot 3 M and P Investment and Nabi Construction Incorporated worked on the construction of prisons with the Guyana Prison Service. M and P Investment has worked on prison construction projects in Guyana

and its Brazilian joint venture partner have worked on similar projects areas.

- (d) The evaluation of the project was done by an evaluation committee appointed by the National Procurement and Tender Administration Board, and it was that Board which made the recommendation of the awards of the contracts. The Ministry was not a part of this committee.
- (e) The standard evaluation sheet and criteria of the National Procurement and Tender Administration Board were used.
- (f) The Ministry of Home Affairs is not aware of any pending matters of litigation for these companies or whether the Government of Guyana has any pending litigation against the principals of these companies.

#### (11) Community Policing Groups

**Ms. Chandan-Edmond:** In a report in the *Guyana Chronicle* dated 10<sup>th</sup> March, 2021, with the caption “Community Policing Groups membership climbs rapidly under new management” it was stated that several new groups have been formed.

- (a) Could the Hon. Minister provide the criteria which were utilised in the selection of members of the Community Policing Groups (CPGs)?
- (b) Could the Hon. Minister say whether the establishment of new groups is related to the upsurge in crime being witnessed in all regions of Guyana?
- (c) Can the Hon. Minister state in which communities were the new Community Policing Groups established?

**Mr. Benn:**

- (a)
  1. Voluntary residents who are sceptical of the rise in crime within their communities.
  2. Individuals who are concerned about security in their communities.
  3. Background checks and criminal background checks. All individuals must have a clean criminal record.
- (b) No.
- (c) See *Appendix*

#### (12) Issuance of firearm licenses to security companies

**Ms. Chandan-Edmond:** Can the Hon. Minister state the number of security companies that were issued with firearm licenses since 2<sup>nd</sup> August, 2020 - to present?

**Mr. Benn:** Sixteen companies were issued with firearm licenses for the period 2<sup>nd</sup> August, 2020 to 28<sup>th</sup> September, 2021.

#### (13) New bridge to link Diamond – Mocha

**Ms. Flue-Bess:** Reference to article published in the *Guyana Chronicle*, “New bridge to link Diamond – Mocha” by staff writer on 12<sup>th</sup> July, 2021:

- (a) Can the Hon. Minister say if consultations were done with the Neighbourhood Democratic Councils (NDCs) mentioned in the article about this project?
- (b) Can the Hon. Minister say what form of consultation was done; if any, with the Neighbourhood Democratic Councils and when was it done?

**Mr. Croal:**

- (a) Yes.
- (b) The Mocha/Arcadia and the Little Diamond/Herstelling Neighbourhood Democratic Councils were engaged by the Central Housing and Planning Authority before and during the project.

#### (14) Assessment/Assessments done in the Great Diamond area

**Ms. Flue-Bess:** Reference to article published by the Department of Public Information (DPI), “65 Great Diamond Squatters to get land”, by staff writer on 21<sup>st</sup> April, 2021:

Can the Hon. Minister say what assessment(s) were done to determine that the location is best for permanent habitation, since there is an industrial plant (methane) in the area that can be considered a health risk to people?

**Mr. Croal:** The location has been occupied by residents for over 30 years for which ownership documents are being processed.

#### (15) Land titles for Great Diamond squatters

**Ms. Flue-Bess:** Reference to article published by the Department of Public Information, “65 Great Diamond Squatters to get land”, by staff writer on 21<sup>st</sup> April, 2021:

Can the Hon. Minister say how many of the residents have received their land titles to date?

**Mr. Croal:** None of the residents have received their land titles as yet as the land is being transferred from the National Industrial and Commercial Investments Limited (NICIL) to Central Housing and Planning Authority. All surveys and preparatory works have now been completed for processing of the titles.

**(16) Status update on house lots allotted to four families in the Prospect area, under the Coalition Government**

**Ms. Flu-Bess:** Under the Coalition Government, house lots were allotted in the Prospect area to four families living in close proximity to Demerara Distillers Limited (DDL). Can the Hon. Minister provide a status update on the house lots that were allotted to these four (4) families?

**Mr. Croal:** House lots were allotted to three families, who were relocated to Prospect, and they have received their allocation letters. The house lots were paid for by the Demerara Distillers Limited.

**INTRODUCTION OF BILLS AND FIRST READING**

The following Bills were introduced and read the first time:

**1. Powers of Attorney (Amendment) Bill 2021 – Bill No. 15/2021**

A BILL intituled:

“An Act to amend the Powers of Attorney Act.”

*[Minister of Parliamentary Affairs and Governance and Government Chief Whip on behalf of the Attorney General and Minister of Legal Affairs]*

**2. Deeds Registry (Amendment) Bill 2021 – Bill No. 16/2021**

A BILL intituled:

“An Act to amend the Deeds Registry Act.”

*[Minister of Parliamentary Affairs and Governance and Government Chief Whip on behalf of the Attorney General and Minister of Legal Affairs]*

**3. Fiscal Management and Accountability (Amendment) Bill 2021 – Bill No. 17/2021**

A BILL intituled:

“AN ACT to amend the Fiscal Management and Accountability Act and the Audit Act.”

*[Senior Minister in the Office of the President with Responsibility for Finance]*

**PUBLIC BUSINESS**

**GOVERNMENT BUSINESS**

**Bills – Second Readings**

**1. Police (Amendment) Bill 2021 – Bill No. 8/2021**

A BILL intituled:

“An Act to amend the Police Act.

*[Minister of Home Affairs]*

**Mr. Benn:** Mr. Speaker and Hon. Members, I proposed the passage of the Police (Amendment) Bill 2021 – Bill No. 8/2021, a Bill intended to arrive at a new stage and new posture with respect to policing in Guyana. This Bill is intended, principally, to have the engagement between the police and persons who may become engaged with policing, for whatever reasons, that the police would have recourse to less lethal force. In their staged responses to the engagement of persons who may need to be arrested, the responses would be a less lethal by the implementation to the addition of certain results with respect of assets, implements and so on.

*11.10 a.m.*

In the first instance we want to amend Section 2 of the Principal Act which states:

“(a) by the insertion immediately after the definition of ‘aircraft’ of the following definition –

arms” includes less-lethal weapons;”

Section 2 (b) states:

“by the insertion immediately after the definition of ‘inspector’ of the following definition–

‘less-lethal weapons’” includes –

- (a) night sticks, batons and clubs;
- (b) chemical irritants, including a pepper spray or tear gas;

- (c) conducted electrical weapons, including a taser or stun gun;
- (d) kinetic impact projectiles, including rubber coated bullets; or
- (e) a water cannon;”

Simply by the insertion of those terms, by those definitions, we identify that we want to avoid situations in which the engagement moves from simply a scuffle. This is because we have seen in many instances, they have been on Facebook and in other places, where persons have taken the resort of scuffling and even fighting with the police, resisting arrest. Unfortunately, in some instances, the police may have to go to what is described as lethal force. We want to avoid that. We want to avoid the resort of having to go to the use of firearms. We want to be able to go through a staged response in respect of the use of force by our police. This is why these amendments are proposed. These insertions are proposed.

They are not unique in our situation really, they are not unique in policing, or in any other place in the world, advanced of course, or normal even in the Caribbean, in the Caribbean Community (CARICOM) Region. I think, the use of these resorts will go a long way towards reducing the friction, the tension between the police and persons who may become engaged with the police for arrest, and will also reduce the possibility of injury, serious harm or even death. This is why we use the term less-lethal force. I emphasise the point again that I think each one of us should welcome our ability to move in a stage towards a position where we could bring clam to a situation, where we could have arrests which are less tendentious. I think everyone should take the position that these amendments, these insertions were long in coming and should be properly placed in the Police Act so that any resort which could be made or should have been made, would be properly identified in law and in regulations.

Section 25 of the Principal Act, we had proposed “after the word ‘photographs’, wherever it appears, the words ‘Deoxyribonucleic acid (DNA) information’”. We are since proposing that we want to delete this clause in this Bill. We want to amend and remove this proposal from this Bill – Bill No. 8/2021. After some due consideration, perhaps some criticisms too, a critic, that at this time this resort is not necessary. I would also want to delete this clause, to amend the Bill by deleting clause 3 which would only leave clauses 1 and 2 for our consideration. Thank you, Mr. Speaker. [Applause]

**Ms. Hastings-Williams:** A very good morning to all Hon. Members. My contribution to the Police (Amendment) Bill 2021, I must state, firstly, that I have no problem. I take a position in supporting the deletion of the clause 3. As the Minister rightly said, we were waiting a long time for these insertions. We on this side of the House, we support the amendment. Mr. Speaker, please speak to Minister Dharamlall, he is interrupting me. I will continue, Mr. Speaker.

As I was saying, the Minister of Home Affairs rightly said that we need these insertions to avoid situations where engagement with our police officers and whoever is to be arrested, had sometimes become very tenacious and caused serious harm to both parties. For example, one of my Colleagues on this side was referring to where a police officer was bitten, and we do not know what exactly came out of it. There were many times our police, when they go to do their jobs, have been treated in such a way. That we do not want to continue. We need our police officers to do their job in a peaceful manner and that whatever is done to do arresting will be done less harmful and would avoid the use of firearms. I fully support the amendment to this Police (Amendment) Bill 2021. I thank you. [Applause]

**Mr. Datadin:** Good morning, Mr. Speaker. Good morning fellow Members. The legislative framework in Guyana has to change. It has to be updated and it has to be able to address the challenges and the needs of the country. His Excellency the President has emphasised this. We have to overhaul our nation’s laws. The Hon. Attorney General, as recently as last week, emphasised that the legislative architecture of Guyana is now to be updated. We have to reflect in our laws the changes and norms of society. We cannot be stuck in the old ways doing things in the old manner with the old tools, when society and times have changed.

This Bill addresses a very important aspect of modern society; the police force, how the police force would do their job, what equipment they could lawfully use to do that job and, importantly, how is the use of force treated. At the outset, it should be clear that the use of force by the police should always be proportionate and appropriate. As the saying goes, ‘you do not need to take a gun to a stick fight’. We are a Commonwealth country. Centuries ago, in England, in the streets of London, policemen were equipped with wooden batons for the first time. The proliferation of the English empire brought those wooden batons as tools of the trade for policemen. The baton was a weapon of choice in the 1800s. From about 1880, it became part of regulation and law

throughout the Commonwealth and indeed this country too. Guyana had received from England, as a Colony the policemen were armed with batons. At its inception, it was considered a useful tool and was “state of the art” for its time. Times have changed. Batons are no longer sufficient. Criminals now possess more sophisticated weapons. The proliferation of guns for example have rendered batons insufficient. If policemen are not adequately equipped, they are in harm’s way without any protection.

In Guyana, policemen can only carry arms that they are authorised by law to do. They can only protect themselves in a way that this Parliament permits them to do. Section 3 (iii) of the Act empowers the Minister to permit members of the force to carry arms. By Section 54 of the Act, it is mandated that those arms are to be provided to Members of the force at the public’s expense. In essence, Your Honour, this Parliament directs what could be carried by a policeman in the course of his duty and provides it to that policeman so that he could effectively carry out his duties. The Department of Justice, the National Institute of Justice (NIJ) in the United States in its *Winter Edition of 2010*, focused a lot on the use of lethal and non-lethal weapons. Non-lethal weapons – it has been found by research that non-lethal weapons being carried and authorised to be carried by the police force allows for every opportunity that greater force not be used. Proportionality of response becomes easier to access by a policeman and easier to quell whatever situation the officer faces. The reduction of the carrying of non-lethal weapons has led by research that same organisation to greater and a decreased number in the use of lethal force. If you have less officers employing lethal force, it is very likely you are going to have less-lethal injuries.

11.25 a.m.

This was recognised as far back as 2010. The world has recognised that it is vastly different now than it was a mere 15 years ago. Batons are insufficient; guns are the other end of the scale. We have batons, which are clearly insufficient, and we have guns, which are at the other end. We do not have in Guyana as yet, to fill that void, non-lethal weapons which can be employed to great effect. In 1990, it was recommended by the United Nations (UN) that there be developed... and there were moneys spent and research undertaken to fill the void between a baton and a gun. Non-lethal force became something for which resources were being expended so that there could be a full spectrum. The idea is to not get to the final option as a second option. If you only have a baton...The idea is to get to the final option after

you have exhausted your other options. That was Basic Principle (2) of the United Nations in its research. In Guyana, we have to authorise policemen to carry devices and weapons for non-lethal force. We have to train and equip them. That is why this Parliament must give that authority. Without it, the Minister and the policemen are powerless to carry anything otherwise.

Basic Principle (3) of that same United Nations Declaration recommended that research be done into an evaluation, which was undertaken by that body. It was discovered that, in many cases, there are policemen of different experience and rank. It would be appropriate for policemen with certain duties and ranks to effectively conduct their duties by having at their disposal non-lethal weapons as opposed to senior ranks who might be more trusted. I hate to use that word in the sense to differentiate, but they would have more experience and would be able to deploy lethal force. In 2014, the Human Rights Council made it known that guidelines had been developed for the use of non-lethal force. Those guidelines were found to be very effective at de-escalating situations where lethal force was required.

We cannot escape from the realities of what Guyana faces. We cannot escape that we would like better policing. We have to equip the policemen with better tools. We have to make it so that the widest range of tools are available to policemen. Their equipment must be such that it allows them the widest spectrum of resources to adequately perform their duties. To restrict them to only a clearly insufficient baton, with their next step being a firearm, would not be adequate and would only give them limited options. It is not every situation that requires lethal force. This Bill specifically addresses that lacuna and the diverse range of matters that the Guyana Police Force (GPF) should be able to address. It allows this amendment and the Minister to provide the police with adequate tools to meet the events and situation of Guyana at present day. I, therefore, fully support this Bill as proposed by the Hon. Minister of Home Affairs. [*Applause*]

**Mr. Speaker:** Thank you very much, Hon. Member. It is now the time for the contribution of the Hon. Member, Ms. Geeta Chandan-Edmond, who is joining us virtually.

**Ms. Chandan-Edmond:** Thank you, Mr. Speaker. I am just confirming that you are hearing me.

**Mr. Speaker:** Yes, we are.

**Ms. Chandan-Edmond:** Okay. Thank you, Sir. Please permit me to extend happy birthday wishes to my Colleague and fellow Berbician, Hon. Vincero Jordan.

**Mr. Speaker:** Happy birthday.

**Ms. Chandan-Edmond:** Sir, I rise to make my presentation on this Bill which seeks to amend the Police Act, Chapter 16:01. I wish to state that the Guyana Police Force is empowered to prevent crimes and apprehend criminals. We are of the view that this duty is crucial to public security. As the representatives of the people of this country, we must demonstrate an unwavering commitment to their safety. Our law enforcement officers should serve, and they must have a plethora of investigative techniques which can assist them in solving crimes. They must, however, be properly trained with cutting-edge equipment and have the capacity built to use the asset and confirm to their motto of service and protection.

Therefore, I wish to be pellucid. As long as I am a Member of this National Assembly, I will always be disposed to giving consent to any legislation which may result in the police being equipped with legal cover and power to execute their work, once the human rights of individuals are protected. I must state that it is very heartening to see that the proposed controversial clause 3 of this Bill was removed. We know that deoxyribonucleic acid (DNA) sampling is a part of modern investigative techniques. We are also well aware of the efficiency of this process, but it is not absolute. It is highly contextual, and every instance of its practice has to be examined based on the circumstance. What is our circumstance? What is our context? We know that what was attempted was to adopt these measures in a context and circumstance of a highly-politicised police force and a nation that has no guarantee that it is dealing with a Government that will not be tempted to take any data procured and use it for nefarious or political purposes. This means that, as a responsible Parliament, we must ensure that we oversee this process and guard against its unlawful use.

The Guyana Bar Association, civil society and the wider Guyanese population had issued a clarion call to put a halt to this legislative march. In a statement issued on 15<sup>th</sup> June, the legal fraternity stated that the Guyana Bar Association opposes the collection of the DNA of persons in custody. In the absence of extensive learned and scientific opinions in the highest standards of scrutiny, it would have been reckless to proceed with this clause since it was pregnant with all manner of frightening implications. When there is competition between public and private interest in a democratic society,

the standard of all democratic constitutions is that public interest can only take precedence in extreme circumstances.

The proposed amendment, which was removed, did not even hint at the possibility of extreme circumstances. Sir, it proposed that, once someone is in the custody of the Guyana Police Force and is detained at any police station, an officer can arbitrarily proceed to extract a DNA sample from that individual. This is the wild, wild west approach and is symptomatic of what Guyana has become in a year. Thankfully, good sense prevailed, and the Government listened to sound advice. This should always be the case when public policy is being established. We must, therefore, thoroughly consider all the issues if we are to be seen as a mature parliamentary body and true representatives of our people. Thus, it is against this backdrop that I state I am heartened that the controversial clause was removed, and that the Government has listened to the cries and the calls of the wider population.

It is hoped that the Government will continue to act in a similar manner in relation to other cries by the nation. The cries are loud, and they are getting louder. I say to my Friends on the other side, listen to the people. The ongoing deteriorating security situation in Guyana and its impact on the lives and the well-being of the citizens has not escaped our attention and that of the Guyanese population. National security must be given priority treatment. It is incumbent on all of us in this National Assembly to interrogate, objectively, all the issues in relation to national security matters. We are continuously receiving disturbing reports on the state of affairs, more particularly in relation to human safety and public security. We have observed the fear being manifested and expressed from all sections of society. There is deafening silence from the Minister responsible for home affairs. When he speaks, it is an articulation of incompetence, gross incompetence. Additionally, it is now clear to all Guyanese, except the Government, that Guyana's public buildings are at serious risk of fire – added to public safety and security. We noted, recently, that yet another public building went up in flames. This latest fire has led to serious concerns about the potential destruction of vital information in relation to investigations of high officials in the Government and the Guyana Police Force, based on accusations of involvement in criminal and corrupt practices.

In relation to the recent fires, one would recall that after the Brickdam Police Station's fire, we called for a comprehensive assessment and new approaches for reform to safeguard our public buildings. These calls have all *fallen on deaf ears*. We



must immediately demand that every effort is made to establish structured mechanisms to examine all aspects related to fire safety and the review of existing systems, including building codes. The spate of fires at public institutions requires a proper, exhaustive investigation of their causes. These investigations are vital if we are to prevent further tragedies. In this regard, we have tabled a series of questions in the National Assembly, seeking public clarification and answers to the issues surrounding the causes, conditions, and circumstances surrounding the fire at the Brickdam Police Station. We have also asked for a comprehensive review of the Fire Services Act, aimed at establishing comprehensive legislation with the participation of all parliamentary parties. We have also asked for a public explanation in relation to the placement of fire hydrants all across the country and the state of readiness in the event...

**Mr. Speaker:** Hon. Member, can we get back to the Bill?

**Ms. Chandan-Edmond:** Yes, Sir, I am getting to that. I am putting everything into context. Mr. Speaker, we ask again, what is the status of the fire hydrants? Are they in working order? Can the public be confident that they can be utilised if fire strikes once again?

*11.40 a.m.*

We have heard little about these investigations and we demand answers. We have been sounding the alarm about the security situation since the execution of the Henry boys and Haresh Singh. The situation has since worsened. We have seen assassins move from bright lights of the city, and they continue to operate without fear of the consequences. Recently, we have seen the morale of the Guyana Police Force reach its lowest ebb. We have witnessed an unprecedented surge in crime and the country now ranks in the top 10 countries, globally, for crime and criminal activities. In spite of the glamorous statistics presented by the Guyana Police Force, Guyana can see that they obviously do not reflect the current crime situation. We believe that the Guyanese people must be made safer and made more secure. The Guyanese public awakened to the news of the award of a contract in excess of \$600M for the construction of a new Guyana Fire Service headquarters at Homestretch Avenue. We are unsure about the process and the precise grounds under which the awardees were qualified, and we have requested the Minister provide an evaluation and assessment report.

**Mr. Speaker:** Hon. Member, again, for me, just tie that back into the issue of these amendments and how they would

impact on the evidence or else I will have to say that you need to come back to the Bill, as you have been straying a bit.

**Ms. Chandan-Edmond:** Thank you, Sir. I am just putting everything into perspective, basically to say that the country cannot continue to have a Minister who is clearly out of depth and continues to interfere with the administration of the police force. We, on this side of the House, will continue to highlight the abuse and the unconstitutional conduct by the Government and its agency in relation to security. We will not waiver from this commitment.

In relation to the proposed amendment of section 2 of the principal Act, which seeks to include a redefinition of 'less lethal weapons', I observe that the amendment includes conducted electrical weapons, including a taser or stun gun as non-lethal weapons. We have noted that, internationally, tasers have been responsible for the deaths of several individuals as a result of improper training of several law enforcement officials. The inappropriate use of these tasers has had an impact on the lives of individuals. When used as a default choice where other tactical options, such as communication could have been more effective, this has also led to the reduction in the confidence in law enforcement agencies by citizens internationally. It has been observed that public perception has been strongly influenced by increased instances where tasers have not been used appropriately. I am saying that there must therefore be the highest possible levels of training of all members of the Guyana Police Force before the wide use of tasers is implemented.

Additionally, the irresponsible use of chemical irritants has also inflicted permanent damage to the bodies of citizens globally and this must be taken into consideration when seeking to include those items as non-lethal weapons in the Act. When one considers that the Guyana Police Force has already been tainted as a result of their irresponsible use of force, I say that there must be exhaustive consideration of this redefinition of non-lethal weapons to be used by the members of the force and law enforcement offices in general. We recognise that there is a lack of confidence in law enforcement agencies amongst our citizens and it will add to further deterioration of public trust of these agencies if this legislation is rushed into law without significant and exhaustive analysis and the proper training of our law enforcement officers. All I am asking is that there be careful review and careful consideration of the rights of our people.

Once again, we see clear evidence of the incompetence of the current Minister responsible for home affairs. Public Security

cannot be taken lightly. The people are crying. The public cries are for the Minister to go. They are screaming and they are shouting. All I am saying is that you have listened to the people before and you removed that clause. Listen to their cries right now. They are saying that the Hon. Minister Benn has to go. They want to feel safe; they want Guyana to feel safe; and they want the discrimination to stop. I thank you, Mr. Speaker. *[Applause]*

**Mr. Speaker:** Thank You, Hon. Member. I now call on the Hon. Member, Ms. Coretta McDonald, to make her contribution.

**Opposition Chief Whip [Mr. Jones]:** Cde. Speaker, my mistake. I failed to share with you and the Government Chief Whip that the Hon. Member, Ms. Coretta McDonald, will not be speaking on this Bill.

**Mr. Speaker:** Thank you, Hon. Member, Mr. Jones. I also want to inform the House that the Hon. Member, Mr. Anil Nandlall, will also not be speaking on this Bill. Hon. Member Mr. Ramjattan, you have the floor.

**Mr. Ramjattan:** Mr. Speaker, I want to upfront indicate my support for this Bill, as amended by the deletion of DNA information, which quite frankly, could have been abused. Quite frankly, I did not believe at all that the integrity of the collection and preservation of DNA samples would have been to the high quality I think we should make it. That is an important deletion. To make this point of it being supported, as Mr. Sanjeev Datadin, the Hon. Member said, legislation has to change. However, as mentioned by the Hon. Member, Ms. Geeta Chandan-Edmond, when there are better tools as a result of the evolution of technology, there has to be an evolution of the personnel who are going to use these resources and that is of paramount importance.

We saw what happened to Mr. Orin Boston. Mr. Orin Boston was in his room with his wife and they went in there with big guns. They did not take any other non-lethal weapon or whatever or even asked the Criminal Investigations Department (CID) detectives at Suddie to arrest that man. He was not a known criminal. With all the powerful lethal weapons they have, somehow, they were punctured intellectually and rushed into the man's house and started shooting. That is what I am talking about. Legislation must be accompanied by the implementation of the professionalism of the police. You do not send Special Weapons and Tactics (SWAT) team from Georgetown to go there to kill some people. I am urging the Minister. The security task is not easy; we know that. This came around as a result of the

Russell Combs set of recommendations. Whatever it is – if you want to use drones, better technology in relation to facial recognition in the surveillance field – you have to have a core set of members who are going to ensure that they deal with these things professionally and with integrity, and that the reliability in court especially when being used, that they ensure that it is 100%; nothing less. That is the point I wish to make here and urge the Minister to get on with the business of that aspect of it now that you are going to get all your nightsticks, batons in clubs, chemical irritants, electrical weapons and so on. I hope those electrical weapons do not kill.

Kinetic impact projectiles, whatever those are, at least the Members of the public security committee in the National Assembly – I think that I am a Member and Ms. Chandan-Edmond is a Member – should be told what these projectiles are so that we can see them. This is because you can very well have all these that you regard as non-lethal being very lethal. So, let us understand it. We know about the water cannon already, so we do not need to go into that. I do not think it is working. Hon. Member, Mr. Benn, please get down to the task of implementing these changes that are going to work in our policing architecture which will see professionalism in the use of these so-called non-lethal weapons. This is so that we can get a combination of the change and the professionalism from the men using it rather than the unfortunate incident at Essequibo. Thank you very much. *[Applause]*

**Mr. Speaker:** Thank you very much, Hon. Member. Hon. Minister of Home Affairs, you have the floor.

**Mr. Benn (replying):** Thank you, Mr. Speaker and Hon. Members. I am a bit surprised and puzzled at some of the responses we have had from the Opposition side in respect to what is a fairly simple and welcomed matter as presented. The last speaker, the Hon Member, Mr. Khemraj Ramjattan, spoke about integrity and professionalism in the police force, a force for which he was responsible as Minister. Now, when I come to present something in relation to improving the professionalism, the training and the attitude of the police force, he seems to have a problem, wants to question it and not take responsibility for his inability to put that in place when he was a Minister. It seems to have completely flown over his head that he was the Minister before me. **[An. Hon. Member:** He is supporting you.] I am happy that he is supporting me, and I cannot find, by any means, that he could refuse to support me in this matter. I point out to the fact that when he speaks about integrity and professionalism, training

and the kinetic projectiles – he said he does not know what those are, “whatever those are”...What were you doing as a Minister all those years? I am extremely surprised and disappointed at your histrionics on this matter when you were the subject Minister, immediately before me, in respect of crime, security and safety in Guyana.

I want to thank, in any event, all those Members, particularly those two on the other side, for simply professing their support for these measures. Simply put, again, as Hon. Member Sanjeev Datadin expressed, we need to fill the gap in the use of force continuum by having staged resorts and responses in engaging and bringing calm, peace and safety, not only for people who are engaging the police, but also for the policemen and women. That is what we are about. I have to point out, too, the extensive fulminations of the Hon. Member, Ms. Chandan-Edmond, on the virtual platform.

11.55 a.m.

She did get into an extensive discussion or attack, as it were, on the work of the Ministry of Home Affairs. Some of it is useful. I just want to say, on the simple question of safety and security in Guyana, year-to-date, since we have come into Office, serious crime has been reduced by 21% when compared to last year. [Mr. Ramjattan: Cost of living has gone up too.] Now, he wants to go to another thing. Serious crime in Guyana has gone down by 21%. Road deaths have gone down by 30%. Perhaps, it is excusable that persons were not paying attention to the level of crime when the Hon. Member, Mr. Khemraj Ramjattan, was Minister of Public Security. People were more concerned with the bigger crime: the theft of our democracy; the bigger crime, the greatest crime: the theft of our democracy. People were more absorbed with that. Maybe, it is excusable for all of us to have not paid attention to the statistics, and to even believe the statistics that we have now.

I do not want to quarrel on this matter about which we, on the face of it, agree. I want to thank all the speakers who have made presentations with respect to the matter. There were unnecessary digressions and unhelpful remarks, but on we go to prevent a deterioration of law and order in Guyana. We have these measures which give us better resorts and better tools to make our country safer, to make our society safer, to bring peace to Guyana, and to make policing more sustainable, more professional, and with much, much greater integrity, which will take time. Thank you, Mr. Speaker.

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

**Mr. Speaker:** Hon. Members, there are three clauses to the Bill. I propose to put all the clauses together. I now propose the question that clauses 1, 2, and 3...

**Mr. Benn:** Mr. Speaker, I want to refer to the proposed amendment, the removal of clause 3, as I intimated earlier.

**Mr. Speaker:** The Bill will now be amended by the removal of the proposed clause 3.

**Mr. Benn:** Yes, Sir.

#### **Clauses 1 and 2**

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

#### **Clause 3**

**Mr. Speaker:** The Minister has proposed an amendment that the third clause be deleted. I now put the question that clause 3 be deleted.

*Question put and carried.*

*Clause 3 was deleted.*

*Assembly resumed.*

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

**Mr. Speaker:** Hon. Members, I think this is a good time to take the suspension for lunch.

*Sitting suspended at 12.02 p.m.*

*Sitting resumed at 1.30 p.m.*

**Mr. Speaker:** Hon. Members, we will now proceed with the second reading of the Firearms (Amendment) Bill 2021 - Bill No. 9/2021, published on 7<sup>th</sup> June, 2021.

## **2. Firearms (Amendment) Bill 2021 – Bill No. 9/2021**

A Bill intituled:

“An Act to amend the Firearms Act.”

*[Minister of Home Affairs]*

**Mr. Speaker:** Hon. Minister of Home Affairs, proceed.

**Mr. Benn:** Mr. Speaker, I rise to move that the Firearms (Amendment) Bill 2021 - Bill No. 9/2021, published on 7<sup>th</sup> June, 2021, be read a second time.

Mr. Speaker and Hon. Members, the purpose of the Bill, in effect, is to assure a safe chain of custody in relation to the examining and the testing of firearms and ammunition for the work of forensic applications. We have had a forensic laboratory for some time. The issue is that we need to make sure that each person along the way who handles, examines and tests firearms and ammunition, as part of investigations, are appropriately covered under the legislation. This is to make sure that there are no gaps, no lacunas, no opportunities for surprises when it comes to examination in the courts in respect of the serious matter of the use of firearms in committing crimes. So, it is a fairly simple paragraph at clause 1. The act to amend is at clause 1.

“This Act, which amends the Firearms Act, may be cited as the Firearms (Amended) Act 2021.”

Clause 2:

“Section 20 of the Principal Act is amended by inserting after paragraph (8) the following paragraph as paragraph (9).”

That paragraph (9) being:

“An analyst of the Guyana Forensic Science Laboratory may without holding a licence, have a firearm or ammunition in their possession during and for the purpose of executing their duties in the area of ballistics.”

Since the forensic laboratory is there, exhibits may move from the police, the CID and other persons who are covered under the Act for this purpose. Officers, analysts, and persons, again, who have to do higher levels of forensic examinations have to be covered to make sure that there are, as I said, no gaps, surprises or opportunities for persons to argue that an analyst or a person who is not covered under the Act should not have handled the weapon or ammunition and perhaps may have been involved in some indiscretion which will affect the outcome of a case relating to the use of firearms in the commission of crimes. It is, of course, for the legal empowerment of the analyst of the Guyana Forensic Science Laboratory to handle a firearm and ammunition in the execution of his or her duties in the area of ballistics. Thank you, Mr. Speaker. [*Applause*]

**Mr. Speaker:** Thank you, Hon. Minister. The next person to make a contribution is the Hon. Member, Ms. Geeta Chandan-Edmond, who is joining us virtually.

**Ms. Chandan-Edmond:** Thank you, Mr. Speaker. Once again, I am just confirming that you can hear me.

**Mr. Speaker:** Yes, we can.

**Ms. Chandan-Edmond:** Thank you so much, Sir. I rise to make my presentation on this Bill, which seeks to amend the Firearms Act, Cap 16:05. Mr. Speaker, this Bill is being presented in the context of possibly the worst performance ever by a government in the area of public security. It pains to see what the sector has become after five years of exceptional leadership, which led to the nation experiencing a re-emergence of order and a lawful society after 23 years of mayhem and lawlessness. The record is there for all and sundry to see. We restored public trust after years of phantom death squads and the ghost police. We restored the Guyana Police Force to a professional institution. We established a command centre and a smart city...

**Mr. Speaker:** Hon. Member, in your previous presentation, I had to caution you with respect to deviation. I want to make two other observations. There is a Standing Order about repetition. We have heard you mention and call for certain Ministers' resignations, so you do not have to repeat that every time you speak. Secondly, let us stay on track with respect to the proposals before us.

1.37 p.m.

The record of the previous Government... shortly we will have another budget debate and you will be afforded as much opportunity to go as wide as you want.

**Ms. Chandan-Edmond:** Thank you so much, Sir. I want to emphasise the point that crime is certainly out of [*inaudible*].

**Mr. Speaker:** I want to remind you that I will reemphasise the point every time you go off the Bill.

**Ms. Chandan-Edmond:** Thank you, Sir. I mentioned all what I said earlier to put into perspective the kind of security environment we are in and the context in which the legislation is proposed. I want to say that this is absolutely necessary for us to get a holistic understanding of the issues at play. There is no issue with what the legislation is trying to achieve. We accept that the technical staff at the Guyana Forensic Science Laboratory must be empowered with the legal cover. We believe that they have to be empowered with

the legal cover to handle weapons and to do the required testing. This is a continuation of the operationalisation of the modern lab which started under the watch of the Coalition Government under the stellar leadership of Mr. Khemraj Ramjattan, and we support this move. We are fully in favour of the moves by the Ministry to ensure that the lab achieves all the legislative cover. In doing so, we expect that the issue has been fully ventilated at the technical level and at the level of policy. We hope that it has been fully thought out. On the evidence of how this Ministry is currently handling public security, it is difficult to get the confidence needed to be reassured. Notwithstanding our unreserved support, I need reassurances. As you know, the business of ballistic testing is not an engagement to be taken lightly.

“It is the science of propulsion, flight, and impact of projectiles.”

“Forensic ballistics involves the examination of evidence from firearms that may have been used in a crime. When a bullet is fired from a gun, the gun leaves microscopic marks on the bullet and cartridge case. These marks are like ballistic fingerprints. If investigators recover bullets from a crime scene, forensic examiners can test-fire a suspect’s gun, then compare the marks on the crime scene bullets to marks on the test-fired bullet. The examiner will then assess how similar the two sets of marks are and determine if the bullets are likely to have been fired from the same gun or different guns.”

Markings on bullets can tell a scientific story about a particular crime, and it allows for less reliance on eyewitness accounts which may be inaccurate. Importantly, it prevents the opportunity to deny eyewitnesses concocting stories for different reasons. The ballistic test would even contradict eyewitness accounts and ensure the correct delivery of justice. In Guyana’s context, this science is very important because witnesses are often subject to bribery or would simply not produce themselves to the court system to testify. The metal in a gun’s barrel is hard. This leaves bullets scraped, scratched and nicked as they are loaded and then fired. Two bullets with the same characteristic markings, which likely came from the same gun, ties guns and their owners to crime scenes. This is a point I am really trying to establish. Mr. Speaker, what I am saying is that this is very important in the grand scheme of crime fighting, and the A Partnership for National Unity/Alliance For Change (APNU/AFC) welcomes moves to make crime solving efficient.

It is important that, once the staff at the laboratory are tasked with completing this important task, which has always been within the remit of the Guyana Police Force, they be subjected to all of the necessary training. It is hoped that they are exposed to training in basic firearm identification, advanced firearm identification course, the internship firearm identification course, the certificate of instruction of firearm identification course, *et cetera*. It is hoped that they receive scholarships and they are given the opportunity to be exposed to the highest global standards. As a former member of the bench and a current member of the Guyana Bar Association, I cannot emphasise how important this is. If the technical staff are called upon to testify, and they are not in possession of the requisite qualifications, their expertise will be called into question. A defence attorney will simply have a field day. Therefore, it is my wish that the Minister understands the totality of what this legislation encompasses.

We have seen endless gun crimes over the years which have remained unresolved. It is no secret that our borders allow for guns to flow, undocumented, into this country. Therefore, this legislation would mean little for ballistics if we do not improve our border security. *GunPolicy.org*, which documents the firearm by country, lists the number of licit and illicit firearms held by citizens in Guyana. For 2012, it was 155,000 firearms and, in 2017, it was 122,000 firearms. It also documents gun ownership for 100 persons at 20,000.4. At the end of this, I will provide all the relevant citation. If those numbers are to be believed, we believe and we can expect our need for ballistic testing to be great.

It is not just about ballistics. There are other parts of this equation which I hope the Minister has anticipated. We support the Government with the introduction of this Bill, but we want to ensure strict protocols and standard operating procedures to ensure that the aims of this amendment are achieved. In as much as we find this piece of legislation of the amendment to the Firearms Act to be important, a strong message must be sent that we also feel that responsible and efficacious leadership is lacking at the Ministry of Home Affairs. Like I have said before, we have taken note of the deteriorating security situation. Like you have said, Sir, and I respect your ruling, I will not repeat those aspects of what I said before in my earlier presentation. What I am basically trying to say is that a piece of legislation cannot stand by itself. It must stand in support of the continued reform of the Guyana Police Force which was implemented by the APNU/AFC Coalition. We must continue to operate in the national interest with reasoned dialogue and collaboration.

We have repeatedly spoken in this House about the rampant corruption that has since returned to the country since August 2020, and the absence of any serious measures to address it. We see the United States of America (USA) appealing to the Government to demonstrate commitment to transparency and to make institutions accountable. The United States of America is now echoing the sentiments which we expressed a long time ago. The international community knows it and is keenly aware that, between 2015 and 2020, Guyana moved to regain its place as an accountable and transparent State. In fact, we are ranked number 83, globally, on Transparency International, Corruption Perceptions Index after being placed at 119 in 2015. It is not without significance that, just last week, the United States of America, through its Ambassador to Guyana, highlighted the need to be transparent to the extent that even the citizenry...

**Mr. Speaker:** Thank you, Hon. Member. Again, we are speaking about the Firearm (Amendment) Bill 2021. I am sure that you are going to get an opportunity to debate corruption, sooner rather than later. Please stay on track.

**Ms. Chandan-Edmond:** Thank you for your guidance, Sir. In light of what you said, I would like to say, basically, that I commend this Bill to the House, and I commend the Hon. Minister in the hope that our recommendations will receive full support. I thank you, Mr. Speaker. [*Applause*]

**Mr. Speaker:** Thank you very much, Hon. Member. The Hon. Member, Mr. Sanjeev Datadin, you have the floor.

**Mr. Datadin:** Good afternoon, Mr. Speaker. Permit me to thank the speaker before me whom I believe might have been either Mr. Larry Page or Mr. Sergey Brin. For those who do not know who those persons are, they are the founders of *Google*.

If we can look past much of what we heard, allow me the opportunity to explain what the simple amendment before this House is. An Analyst is required to conduct an analysis in relation to firearms. He or she would then produce a certificate. That certificate is admitted in a court as a finding of what the Analyst would have done or what he or she would have found. It would contain his or her opinion. What this seeks to do is to allow the Guyana Forensic Science Laboratory to hire persons who have the qualifications to be an Analyst, and for them to handle and take control of the firearm for the purposes of doing their job, of conducting their test and producing their report without them holding a firearm licence. That is all this amendment seeks to achieve.

Previously, these reports were done by persons who are members of the Guyana Police Force. There is a ballistics and firearm department. Those officers, being members of the Guyana Police Force, held or were entitled to hold and possess firearms. Earlier, I had indicated that the Attorney General had said, only a week ago, that the legislative framework of the country must change to suit its needs. Part of that had to do with the creation of a forensic science laboratory. That has been created. It is now being staffed. The people who staff it must produce the results we would like. They must do their job. For them to do their job, as it relates to firearms, they must be allowed to hold, examine and conduct their analysis. To do that and to have any control of a firearm in Guyana, by law, one must have a firearm licence.

*1.52 p.m.*

It allows those employees, who are tasked and hired for the specific purpose of examining the firearms, to handle it, to produce their report and to give evidence in a court of law without them having to have a firearm permit. This in itself is not an unusual circumstance in firearm laboratories. They are, of course, only allowed to handle a firearm in the conduct of their duties. It is not to take home. It is not to walk around with. It is to do their job. Regardless of anything that the Hon. Member on the other side who spoke before me says, that is all that is before the House. That is all that we are seeking. The Hon. Minister is seeking to amend the law so that the forensic laboratory could better perform its functions. To do that, the law must be amended, because the possession of a firearm, in any form, is regulated by a statute. Obedience of the rules would be that the person who, at present, works in the forensic laboratory and does not have a firearm licence cannot perform these tasks related to a firearm. They cannot be an Analyst, cannot do an examination and cannot produce an Analyst report. It cannot be done without a licence.

This amendment is to allow that to happen so that law enforcement will take place with an underpinning of law and rules which we could follow to produce the results that we wish. Mr. Speaker, I absolutely support the amendment by the Hon. Minister, Mr. Benn, and I commend it to the House. [*Applause*]

**Mr. Speaker:** Thank you very much, Hon. Member Mr. Datadin. The Hon. Member, Mr. Hemraj Rajkumar, you may go ahead.

**Mr. Rajkumar:** The Firearms Amendment Bill No. 9 of 2021... it is the opinion that this amendment is necessary for an Analyst employed at the Guyana Forensic Science

Laboratory to operate within the confines of the law. This is the view of the Members of this side of the House.

Section 16 of the Firearm Act makes it unlawful for a person to have, in his or her possession, any firearm or ammunition without a firearm licence. However, this is subject to the exemption of section 20 of the said Act. Section 20 of the Firearm Act provides seven categories of persons who are permitted to handle or have in their possession, firearm or ammunition without the need for a firearm licence. With the advent of the Guyana Forensic Science Laboratory, which plays an important role in the examination and processing of evidence in crime fighting, the Analysts employed at this facility has, from time to time, been called upon to analyse firearms as part of their duties. These Analysts, whether they are police officers or civilian employees, have been providing the service in the area of ballistics since the commissioning of this facility.

Clause two of the Firearms Amendment Bill, Bill No. 9, is seeking to add to the list of exemption provided by section 20 by adding subsection 9, which reads:

“An analyst of the Guyana Forensic Science Laboratory may without holding a licence, have a firearm or ammunition in their possession during and for the purpose of executing their duties in the area of ballistics.”

This amendment proposed by clause 2 of Bill No. 9 seeks to protect an Analyst who is employed with the Guyana Forensic Science Laboratory, many of whom are civilians. This amendment is necessary so that the person may feel assured and comfortable that they are operating within the confines of the law. This amendment of section 20, by adding clause two of Bill No. 9, seeks to make lawful what would otherwise be unlawful under section 16 of the Firearms Act, and I support the passage of this amendment. Thank you. [Applause]

**Mr. Speaker:** Thank you, Hon. Member. It is now time to call on Mr. Viceroy Jordan to make his contribution.

**Mr. Jordan:** I rise to make my contribution to the Firearms Amendment Bill No. 9 of 2021. I am quite happy to know that consideration has been given to this important, yet peculiar piece of legislation. The fact that it is conceived and prepared by the APNU/AFC Coalition and the then Minister of Public Security, Mr. Khemraj Ramjattan, it tells me that it is an excellent piece of addition to section 20 of the Principal Act governing firearms and ammunition in Guyana.

This amendment would exempt any Analyst from holding a firearm licence, and legally empower the Analysts of the Guyana Forensic Science Laboratory to handle a firearm and ammunition in the execution of their duties in the areas of ballistics. This in turn, once carefully managed as a system, would see positive outcomes and much more effective and efficient services being offered by the Guyana Forensic Science Laboratory. This would definitely be of great support to the Guyana Police Force for crime fighting and clearing of backlog of matters. Albeit the then APNU/AFC Coalition Government understood what it was to prudently and effectively govern and ensure that the necessary important pieces of legislation were crafted so as to guarantee the best of service and a good life for all Guyanese. I, therefore, formally commit to supporting this piece of legislation. Thank you. [Applause]

**Mr. Speaker:** Thank you, Hon. Member. It is now Mr. Khemraj Ramjattan’s turn to make his presentation.

**Mr. Ramjattan:** This is a piece of the hanging fruit, which was cultivated in the chambers, that I am happy to see Mr. Benn plucking and scoring some political points. Indeed, the exemptions to this set of workers, who constitute the forensic Analysts in that lab, came to me about two or three years ago, and we had done some preparations and had agreed that there should be a waiver and an exemption. We also wanted to [**An Hon. Member:** (*Inaudible*)] Well, we had a lot of problems that you brought onto our Administration, and you kind of stalled it but, whatever it is, it is a good thing that we could, at least, unite on an issue.

The important point here is a protocol, because I recall – and this is just short, Mr. Speaker – that we do not want to say that the Analysts, although he or she is working on a gun for the purposes of analysing it, that they are going to take it home or put it in their car and so on. The laboratory has the facilities and, once in the lab, they could do their thing, and nobody should say that they are in unlawful possession because they do not have a licence. We have to ensure that these protocols are adhered to so that they do not start gallivanting, as it were, with this. I fully support this and thank you very much Mr. Minister. [Applause]

**Mr. Speaker:** Thank you, Hon. Member Mr. Ramjattan. Hon. Minister Benn...

**Mr. Benn (replying):** Thank you, Mr. Speaker. I would like to thank the Hon. Members who spoke in support of the Bill. There is something a little strange happening here. I am hearing that it was the APNU/AFC that established the

Guyana Forensic Science Laboratory, which is not true. It happened under Minister Clement James Rohee. I would also want to clarify the low hanging fruit you spoke about. They were hanging so low that you could not pluck them. It is as simple as that. They were hanging so low, like low hanging mangoes, that you could not pluck them. I am happy to pluck all of your low hanging fruits if there are any available to properly pluck.

**Mr. Speaker:** Hon. Minister, I have no low hanging fruits.

**Mr. Benn:** I am sorry, Mr. Speaker, I...

**Mr. Speaker:** If you could address the Chair, my comments could be avoided.

**Mr. Benn:** I am sorry, Mr. Speaker. With that said, I do not think that there is any need to try to embellish what is a fairly simple matter. I think that we could go forward into full consideration of the Bill in committee.

**Mr. Speaker:** Thank you very much, Hon. Minister.

*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.*

2.07 p.m.

**Mr. Speaker:** Thank you very much. I call on the Hon. Minister of Home Affairs as we now proceed with the second reading of the Evidence (Amendment) Bill 2021 – Bill No. 11 of 2021 published on 7<sup>th</sup> June, 2021.

### **3. Evidence (Amendment) Bill 2021 – Bill No. 11/2021**

A BILL intituled:

“AN ACT to amend the Evidence Act”.

[*Minister of Home Affairs*]

**Mr. Benn:** Thank you, Mr. Speaker. Mr. Speaker and Hon. Members, I rise to move that the Evidence (Amendment) Bill

2021 – Bill No. 11 of 2021, published 7<sup>th</sup> June, 2021, be now read a second time.

Mr. Speaker and Hon. Members, this relates to the Evidence (Amendment) Bill 2021. In simple form, the Evidence Act has some weaknesses in relation to questions of chain and custody and clarity of legal language in respect of how evidence is presented to a court. Again, it relates to the question of the appropriate insertion of language which accounts for the presence of the Guyana Forensic Science Laboratory and the Forensic Officers and the Analysts in relation the handling of evidence. We propose the insertion of appropriate language to make the legislation more secure so people could proceed in relation to the appropriate coverage for the handling of evidence, and for being identified as persons handling evidence in relation to the Bill.

Clause 2 of the Bill states:

“Clause 2 of the Bill seeks to amend section 43(1) of the Principal Act to include the report of an evidence officer as receivable by the Court as evidence of any matter or thing contained within that Report relating to the receiving for examination of any evidence submitted to the evidence officer.

This Clause also amends subsection (4)(c)(v) of the Principal Act by expanding the list of objects that can be examined by an Analyst to include hair.

Additionally, subsection 4(d) is amended to make receivable as evidence certificate and laboratory examination forms issued by the Guyana Forensic Science Laboratory or any other prescribed accredited forensic laboratory.

Further, this clause amends subsection (5) to include a science officer of the Guyana Forensic Science Laboratory and remove the reference to a scientific officer of the Guyana Police Force.”

In replacement of course.

“Finally, this Clause inserts a subsection (6) to include, for the purposes of this section, the definition of an evidence officer”.

All being said, it is to make sure issues relating to evidence, those who are now responsible for being appropriately identified for handling such evidence in relation to the Evidence Act, and to make sure that the certificates and examination forms of the Guyana Forensic Science



Laboratory or any other accredited forensic science laboratory, as may be prescribed by the Minister of course, by Order, after consultation with the Director of the Guyana Forensic Science Laboratory... It is quite straightforward. It is to tighten our legislation; it is to take account for the fact of us being aware of the appropriate use of the Guyana Forensic Science Laboratory; it is to make sure that we carry a watertight case, as may be said, to the courts; and it is to make sure that we can appropriately deal with issues relating to crime and the evidence relating, thereto, to the courts. Thank you, Mr. Speaker. *[Applause]*

**Mr. Speaker:** I now invite Ms. Geeta Chandan-Edmond.

**Ms. Chandan-Edmond:** Thank you, Mr. Speaker. Once again, just confirming.

**Mr. Speaker:** Confirmed, we are hearing you.

**Ms. Chandan-Edmond:** Sir, I rise to make my presentation on Bill No. 11 of 2021, which seeks to:

“... to amend section 43 of the Evidence Act, Chapter 5:03 to better provide for the role of the officers of the Guyana Forensic Science Laboratory and other Analysts when required to give evidence in proceedings before the court”.

Sir, the APNU/AFC welcomes any move to empower Government officers or officers of the law to be better equipped to present evidence, and aid in the prosecution of crimes, and to provide justice for all Guyanese citizens. I first want to commend the Hon. Minister for embarking on this journey for a more comprehensive approach to collecting evidence. It is timely, given the changing times, and it would require updated and more effective procedures, and would provide support with recent dialogue, consultation and support by all Guyanese. It is evident that the Hon. Member is seeking to ensure that the activities of the Guyana Forensic Science Laboratory are anchored in law and that its work receive the necessary legal backings with clear legislation. Sir, I am just choosing my words very wisely, having regard to your objections. Having paid close attention to the workings of this sector, as the shadow Minister and former member of the bench, I am supremely aware of the issues which the technical staff members have been experiencing as they seek to satisfy the aims and the objectives of the laboratories and mechanisms for forensic Analysis.

My research suggests that the technical staff have been experiencing numerous challenges to align their work with

the law and would be very appreciative of the legislation which could facilitate and assist in their quest. I am happy to be participating in a legislative process that will ensure that this is done. In this regard, from this side of the House, there are no arguments with this approach. We are well aware that the laboratory was established in 2014 with a mandate to provide quality and specialised forensic service to support the criminal justice system, with focus on five main areas. Those areas are administrative, technical, financial, educational and research initiative. The GFSL was commissioned with four departments: Toxicology, Documents, Trace Evidence and Chemistry and six Non-Analytical Departments: Security, Quality System, Information System, Facilities Operation, Evidence and Administration. When the APNU/AFC Government assumed Office in 2015, the newly appointed Minister of Public Security did not hesitate to ensure that the forensic lab was prepared for the modern challenges of the collection of scientific evidence. Under his watch, two key pieces of equipment were purchased: A Deoxyribonucleic acid (DNA) analysis testing machine and an automated gunshot residue analysis machine at the cost of \$98 million.

Every effort was made to ensure the laboratory functioned by ISO 17025:20005 standards. The APNU/AFC Government ensured that the members of staff recruited were well trained, were accredited by institutions and were provided with the practical exposures in the field of forensic science. I must say that it must be recognised that the APNU/AFC moved expeditiously to ensure that Guyana developed the capacity to perform its own independent testing after years of total reliance on international bodies. This move indicated the commitment of the APNU/AFC Government to overcome the obstacles which were present and to acquire the equipment and the personnel, which must be applauded. We note the changing nature of crime globally, regionally and locally. It is imperative that evidence collection be improved in keeping with international standards. I hope that the Hon. Member, Mr. Datadin, is keeping notes of my contribution. We encourage the advance training of police officers who serve. They must operate in tandem with laboratory officials in collaboration to ensure that proper evidence is collected, stored and transmitted. Today, it is our duty to ensure that this laboratory does not become another white elephant. I said to you earlier in my first presentation what my intentions are as a Member of this House. Sir, you will recall that it took US\$32,524 to operationalise this laboratory. The time must come when we must be in the position to do local testing, remove the need for sending samples overseas, and the waiting for a lengthy period of time for a response.

This Bill represents a step in the right direction in as much as you may want to object to what I am saying to put stuff into perspective and in as much as my Colleague may want to put stuff into perspective. We are saying that we are not in the business... At least, as I remain a Member of this House, I will not be in the business of opposing for the sake of opposing.

2.22 p.m.

Sir, I say to you and to the Members of the House that we are a responsible Opposition. We will always support legislation that is of national interest. I repeat, if you see any Government initiative which will result in significant Government (*inaudible*) people of Guyana, we express our unreserved support. Let us be clear, we would like to ensure that all legislation is aimed at protecting the citizenry of the country and the national interests. All I would like to say is that there is a time to oppose and there is a time to support in national interest. This Bill represents a time for national support. What I am basically saying to you, Sir, is that for Section (4) CW, we seek to insert the word “hair”, h-a-i-r, immediately after the words “human blood”. Research has shown that hair being the most common biological material found at the scenes of crimes, plays a crucial role in criminal investigations relating to wildlife and other stances of forensic science. We see hair being picked up and being used as contributing to biological evidence in crime cases. What I wanted to say, and what I want to be recorded in the *Hansard* is that it can be helpful in determining the perpetrators of crime and providing more information about what happened during the actual incidents.

We know that hair... is probably encountered in the forensic investigation and can be a good and critical source of DNA. We know that when biological material is transferred between a perpetrator and a victim in violent crimes, such as murder and rape, we need to take cognisance of this and... DNA recovered from the scene of a crime as well as biological... recovered from the scene have the power to potentially identify the perpetrator. This is what I wanted to establish from the inception. What I wanted to say is that in the crime investigation, hairs are commonly encountered and have been proven to be of importance towards DNA which is helpful in establishing the scope of crime. Some of the hairs include the hair bulb which is composed of living cells that generate dekeratin shaft. This is so very important. Do not object to it. The bulb cells contain DNA. The DNA can help in connecting the suspect to the weapon and the crime scene. It also provides strong evidence if found over the body of the

deceased or the accused. What I am basically trying to say is that, it is important to note that there is a major role of the crime scene investigator to check the crime scene thoroughly and to collect all the evidence that can be used to solve the crime.

Medical officers conducting the post-mortem investigations also have the important role of collecting all the evidence over or inside the body of the deceased while performing the autopsy. Basically, what I am trying to say is that proper collection, preservation, and timely transmission of evidence is of utmost importance while solving any crime case. Failure to comply with any of these parameters may cause the loss of important evidence and the degradation of samples. There is a whole lot I can speak about hair morphology, but I know you will object to these. What I will do is highlight a few of our concerns.

Sir, there is so much concern and I hope that you will entertain us. In relation to Section 4 (c) 8, the Bill seeks to insert here, immediately, after the words ‘human blood’, and research has shown that hair being the most common biological... found at the scene of crimes and plays a crucial role in criminal investigation related to wildlife taxonomy and pathology. What I would like to ask are a few questions, because I am sure my Colleagues will have a host of other questions to ask. We would like to make sure that the evidence is stored properly and that it will not be tampered with or leaked. There are also concerns that the police vehicles do not carry internationally recognised crime scene barrier tapes. I think that this is a fair question. How are we properly and effectively utilising these tapes? What about our weapon recovery kits? What about our crime scene investigations? Are we assisting, *et cetera*? Basically, what I would like to say is that the legislation must not be tabled and passed to be created in a vacuum. There must be a holistic approach.

At this juncture, I wish to draw our Colleagues’ attention to the 1995, US Attorney General Ms. Janet Reno’s report when she dealt with a technical working group on crime scene investigation to compile a guide of the best and highest standards of the collection of evidence. I wish to say to you, Sir, for the record, according to this report, the group comprised of some of the best technical minds of the investigations. The members hailed from medical and investigative backgrounds. Their work produced: *Crime Scene Investigation a Guide to Law Enforcement* recommends this document to anyone whose work includes crime fighting, investigation and the collection of evidence. It

is my hope that as much as applicable and legal, the standards outline in this document can be used as a guide to ensure that we are observing the most basic aspect of the collection and storage of evidence. It is an opportune time to draw attention to Section 5 (c) of the aforementioned report under the heading:

“Collect, Preserve, Inventory, Package, Transport and Submit evidence”

This represents the standards which we must aspire to embrace. It states:

“The handling of physical evidence is one of the most important factors of the investigation.

The team member(s) shall ensure the effective collection, preservation, packaging and transport of evidence.

The team member(s) should:

- (a) Maintain scene security throughout the processing and until the scene is released;
- (b) Document the collection of evidence by recording its location at the scene date of the collection and who collected it;
- (c) Collect and of each item, identified as evidence...”

Hello?

**Mr. Speaker:** Is her connection lost or is she finished?

**Ms. Chandan-Edmond:** No. I am not.

**Mr. Speaker:** You may proceed, Hon. Member.

**Ms. Chandan-Edmond:** I think I had a break in the connection. My apologies, Sir. Basically what I wanted to say is that the evidence must be stored properly and it should not be tampered with. Are you hearing me, Sir? Hello?

**Mr. Speaker:** We are hearing you.

**Ms. Chandan-Edmond:** That is all right. What I am trying to say is, if these officers are not trained in the collection of data such as hair and other critical samples, we are well aware of the haphazard fashion in which evidence is collected by the police, handed to the evidence officer and then passed to the analyst at the laboratory. There is so much to be desired in this regard. What I wanted to say is that my call is for a

high level of professional training and the use of cutting-edge materials in these investigations. I am sure no one will object to this. What I basically wanted to say from the inception is that legislation must not be tabled and tasked to be created in effect in a vacuum. There must be a holistic approach. It is not all well and good to have legislation that takes care of the operation of the laboratory while neglecting other parts of the process of collection and storage of evidence.

Sir, at this juncture, if you would permit me, as I know my Colleague Sanjeev Datadin referenced research material and I wanted to draw your attention to a very important piece of research which I encountered during my preparation for this presentation. What I found is that in 1995, the US Attorney General, Ms. Janet Reno, asked a technical working group on crime scene investigation to compile a guide of the best and the highest standards of the collection of evidence.

2.37 p.m.

Sir, this group is comprised of the best technical minds on investigations. The members hailed from medical and investigative records. I will produce these citations to your *Hansard* staff. What I am basically trying to say is that their work produced *Crime Scene Investigation: A Guide for Law Enforcement I*. I recommend and commend this document to anyone whose work includes crime fighting, investigation and the collection of evidence. What I wanted to say is that it is my hope that, as much as practicable and legal, the standards outlined in this document could be used as a guide to ensure that we are absorbing the most basic aspects of the collection and storage of evidence.

Mr. Speaker, this is an opportune time for me to draw to your attention Section 5(c) of the aforementioned report under the heading: Collect, Preserve, Inventory, Package, Transport, and Submit Evidence. This represents the standards which we must inspire to embrace. It states:

“The handling of physical evidence is one of the most important factors of the investigation.”

I do not think that anyone on our side will even argue with this.

“The team member(s) shall ensure the effective collection, preservation, packaging, and transport of evidence.”

“The team member(s) should:

“a. Maintain scene security throughout processing and until the scene is released.

“b. Document the collection of evidence by recording its location at the scene, date of collection, and who collected it.”

“c. Collect each item identified as evidence.”

“d. Establish chain of custody.”

“e. Obtain standard/reference samples from the scene.”

“g. Consider obtaining elimination samples.”

“h. Immediately secure ...”

“i. Identify and secure evidence...”

**Mr. Speaker:** Hon. Member, I do not know if you were informed that there was a time limit for speakers on these Bills. I think it was 20 minutes per a Hon. Member. You are about five minutes over your time, Hon. Member. I was about to ask you to wine down. Thank you.

**Ms. Chandan-Edmond:** I am sorry, Sir. I was under the impression that I had 30 minutes. If no one is going to ask for additional time for me, I just want to go to the topic regarding the different containers. Is there an extension? If not, I would be happy to... (*inaudible*).

**Mr. Speaker:** Hon. Member Mr. Jones, you have the floor.

**Mr. Jones:** Cde. Speaker, I do ask that the Hon. Member be given five minutes to conclude her presentation.

**Mr. Speaker:** Hon. Chief Whip for the Opposition, I have actually flexed on the five minutes. Right now, the Hon. Member is about six minutes over her allotted time. You could ask for two minutes for the Hon. Member to wine down.

**Mr. Jones:** Could we agree to three minutes, Sir?

**Mr. Speaker:** Yes, Hon. Member. Hon. Member, you have three minutes to conclude your presentation.

**Ms. Chandan-Edmond:** Thank you, Sir. I was operating under the perception that I had 30 minutes plus five minutes. I was going to deal with the topic regarding different containers and document the condition of the evidence, *et cetera*. Essentially, what I want to say is that this is a good Bill that has been tabled by my Colleague. The evidence

officers are dependent on the strictest application of the standards, which I had highlighted which I hope I have highlighted in the time constrain. I did not realise that there was a time constrain. I hope that these measures are considered by the policymakers.

As a proud Member of the legal fraternity, I sincerely wish that the State could become more efficient in its operations. We, the people of Guyana, demand nothing less. In so doing, the collection of evidence must be cardinal consideration. I welcome the Bill. I am elated that the technical staff of the forensic laboratory could receive the legislative support they so need. I know that this Bill seeks to bring us into the modern world regarding additional sampling of evidence require to solve crimes. I commend the Hon. Minister. He has to be commended. Like I said earlier, if he is to be commended, he will be commended. If I do not want to support the Hon. Member, I certainly would not support him. At the end of it, we have to ensure that the final product is capable of execution in the best interest of our people. We demand more efficient operations in relation to investigation and evidence collections.

Sir, I ask that there must be technical training, efficient utilisation of material and a high level of professionalism and that these are given the highest priority. Like I said before, in my initial speech, once I am a Member of this House, I will always act in the best interest of the people of our country. If there is a legislation that is supportive of the people of our country, I will support it, but if there is a legislation that clashes with human rights, certainly, I will not support it. Sir, I thank you, and I thank you for your patience and guidance. [*Applause*]

**Mr. Speaker:** Thank you, Hon. Member. That was well ticked and talked. Hon. Member, Mr. Vincent Henry, you have the floor.

**Mr. Henry:** On behalf of the Guyana Action Party (GAP), a Member of the A Party For National Unity/Alliance For Change (APNU/AFC) Coalition, I rise to make my presentation on the proposed Evidence (Amendment) Bill 2021.

Before I delve into the subject matter, please allow me to express my sincere condolences to families and friends of the deceased persons who are not with us because of the COVID-19. Also, on behalf of the people of the hinterland, I wish to express deep condolences to the Boston family on the death by the hands of the Guyana Police Force. I sincerely hope that justice will prevail and that the Evidence (Amendment)

Bill that we are about to pass would be of help to bring this matter to an acceptable conclusion.

Mr. Speaker, please allow me to express congratulations to the Toshaos and councillors of the Indigenous villages of Guyana who were elected earlier this year to serve their villagers in leadership capacities or, as we say in the hinterland, 'as servants to the people'. It is my hope that this Government will fulfil its promise of increasing the Toshaos stipends to the level of minimum wages in Guyana and pay village councillors an honorarium for the work that they selflessly do in their villages.

I note that evidence being used internationally have progressed from good detectives and police leg work, to include the use of science to solve crimes and bring perpetrators to justice. Further, the method of acquiring and processing evidence to solve baffling crimes have improved monumentally, to a point where specialists are trained and retained to utilise the processes and equipment that are being used in this age of modern technology. It is the view of many who have been following these developments that, while it is good to keep up with modern scientific methodologies of solving crimes, it must also be noted that it is important to ramp-up on the other hand that does not allow the new methodologies to be abused and used to perpetrate crimes against innocent persons, who, for one reason or another, are targeted by the justice or the political system. In the Guyanese layman language, this simply means that the new methodologies must not be used to set up persons who are of interest to the police nor persons who are not supportive of the Government of the day. In the opposite way, persons who are powerful because of wealth, social status or political alliances must not be allowed to circumvent the law because the appropriate available evidence is not allowed to see the light of day.

I, therefore, request that the laws and penalties that are to act as disincentives for corrupt officials, who may be tempted to falsify evidence, also be amended to allow heavier penalties than those which currently exist to be imposed on anyone who falsifies evidence that contributes to the sanctioning of innocent persons. These heavier penalties must also be applicable to persons who hide evidence in favour of guilty persons. Further to the gathering and processing of evidence, I would like to propose that the judicial system of Guyana be improved to allow the formation of community courts in Indigenous villages. The United Nations Declaration on the Rights of the Indigenous Peoples (UNDRIP), Article 34 states:

“Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.”

Recently, the hinterland residents have become worried after noting that some sentences handed down to persons found guilty are seemingly draconian in comparison to those granted to persons on the coast who were found guilty of similar or even more serious offences. Although the Laws of Guyana allow for an Indigenous person who is facing charges in the court to be accompanied by a court provided interpreter, it is apposite to note, that these interpreters are rarely made available. Thus, there are examples of Indigenous persons who had no legal support and are not able to answer basic questions because of their languages but are found guilty and given hefty sentences that bear no relationship to moderation. In Indigenous communities, the village councils traditionally hold courts that hear and adjudicate on matters that covered a wide range of issues reflected and not reflected in the Amerindian Act of 2006. Some of these are [*inaudible*] larceny, domestic violence, family problems, *et cetera*.

2.52 p.m.

According to the United Nations 27<sup>th</sup> Session of the Human Rights Council and the study by expert mechanism and the rights of indigenous people Section C states:

**“The role of indigenous juridical systems in facilitating access to justice**

20. Indigenous juridical systems can play a crucial role in facilitating access to justice for indigenous peoples, particularly in contexts where access to the State’s justice system is limited due to, among other factors, distance, language barriers and systematic discrimination. Informal justice institutions can provide better access to justice because they may reduce the need for travel if they are conducted in the local area, may cost less, may be less prone to corruption... and can be conducted by trusted people in a language that everyone understands and in a culturally accessible manner. This is particularly true in contexts where State justice systems are plagued by inefficiency...”

It is time to utilise free prior and informed consent (FPIC) to formalise these community courts and decide the *modus operandi* that could be acceptable within the Laws of Guyana. The community courts will help to alleviate the problems of the harsh utilisation of the law against the people of the hinterland and allows its utilisation in a culturally sensitive manner. Earlier I insisted that evidence must be used fairly and equitably in the discharging of justice. Not so long ago, in Region 9, Guyana and further, people were shocked when reports were made that an Indigenous female youth was allegedly shot by the Regional Executive Officer (REO) of Region 9. The people of Region 9 and the world are waiting to see what the People's Progressive Party/Civic (PPP/C) Government will do. It may be lawful for this matter to be settled out of court, but it is not acceptable to have this REO still having a license to carry a firearm. It also is not acceptable to have this individual in the position after what took place. Already we have noted that the REO is...

**Mr. Speaker:** Hon. Member, I think you are trying this case now here and we have some Standing Orders with that. Could you just please refrain from this aspect of your presentation?

**Mr. Henry:** I was about to close. In closing I support the Evidence (Amendment) Act of 2021 but ask that parallel systems be put in place to deter persons from abusing this Act in a dishonest and negative way. I do thank you. [*Applause*]

**Mr. Cox:** Mr. Speaker, as I rise to make my contribution on the Evidence (Amendment) Bill, Bill No. 11/2021. Permit me to first express birthday greeting to my Colleague, the Hon. Vinceroy Jordon and season's greetings to all Guyanese. I wish that this season will bring us love, peace and goodwill.

Let me state from the onset that I am no attorney at law. I must state this because I wish not for my learned attorneys in this honourable House to condemn and ridicule my cognitive and intellectual capabilities as have become a norm in this noble House. I may be no lawyer, but, like everyone else, I have an academic career of my own. There were many cases as it relates to evidence which prolonged the course of justice. While we support this amendment, we also call on the Government to adequately train officers so that their credentials or lack thereof cannot be attacked in the court of law. Quality control of evidence must be improved and professionalised. Systems must be implemented for police to improve on their collection of evidence which is delivered to the lab. We must seek to remove any glaring deficiencies in the system and set into motion a programme to strengthen

law enforcement and to upgrade, generally, the quality of justice.

One of the areas in law enforcement which has been criticised extensively over the years is the criminal investigative function. We do not need a study to conclude that detectives are largely unsuccessful in solving crimes. If a suspect is not identified or in custody at the preliminary investigation level, the chances for a solution are extremely remote. We should acknowledge the importance of efficient identification, collection and preservation of physical evidence, its accurate and speedy analysis, and its proper presentation in criminal court proceedings. These are essential to professional criminal investigation, increased clearance of cases, and ultimately the reduction of crime. This recommendation of the National Advisory Commission on Criminal Justice Standards and goals could also be applied here in Guyana. Especially now, where Guyanese have little confidence in our police and the justice system.

Hair being the most common biological material found at the crime scene plays a crucial role in criminal investigation. There is constant loss, and replacement of hair strands spread over the body. They get transferred during the act of crime. Its microscopic comparison and chemical analysis play a significant role other than blood and fingerprints. In addition, hair is usually used to study characterisation of the known samples versus the questioned hair recovered from the crime scene to check if they are from a common source for the establishment of a relation between crime and a criminal. Hair identification is done not invasively followed by invasive examination and it provides very precise results along with other relevant information about the suspect and pose its utility over other evidence in the detection of drugs, other illegal substances, along with the information of habits and geographical region.

We must also analyse the effectiveness of using physical evidence during the four stages of the criminal justice system or processes: search, analysis, investigation and adjudication. We must always seek to use physical evidence. This could be centred on improved communications among investigators, prosecutors, and criminalists and improved training programme for non-scientific users of forensic evidence. There must also be better integrated record keeping, as outlined earlier by my learned Colleague, the Hon. Chandan-Edmond. Systems that pattern the uses and measures of impact might actually be monitored on a regular basis. Investigations could also be (*inaudible*) and valuable information destroyed due to the actions or inactions of patrol

officers and detectives who lack the proper training in physical evidence recovery or are simply too busy with other responsibilities. While we applaud this amendment to this Act, we call on the present Administration and hope that their thinking is in the interest of professionalising the justice system.

As I applaud those who brought this Act in its amendment form to this National Assembly, I want to say it is against those backdrops that I support this amendment. I do hope that my recommendations are also taken seriously. Thank you.  
[Applause]

[Mr. Speaker left the Chair.]

[Mr. Deputy Speaker assumed the Chair.]

**Deputy Speaker [Mr. Shuman]:** Thank you, Hon. Member. I now call on the Hon. Member, Mr. Sanjeev Datadin to make his presentation.

**Mr. Datadin:** Good afternoon, Mr. Speaker. Good afternoon Members of the House. My Colleague, the Minister, is seeking to add or to alter one word. We need to have an ‘evidence officer’ included where ‘analyst’ is in the Evidence Act. All that we have been hearing from the Hon. Members from the other side, I am not sure how it relates to anything to do with that. It is difficult to accept what they say when, on the face of it, it does not relate to it. The Hon. Member, Ms. Chandan-Edmond, started with she ‘rise’ to make her comments and she did not stand. How preposterous does this get? We want to change one word...

**Ms. Chandan-Edmond:** Sir, I cannot stand if I am participating virtually. I object to that. I cannot stand if I am participating virtually. What is your objection in relation to the...

**Deputy Speaker:** Hon. Ms. Edmond, if you are going to interject, please do so on a Point of Order and those orders are laid out. Thank you. Hon. Member, continue.

**Mr. Datadin:** Thank you, Mr. Speaker. I think my Friend did not understand what I said. Ms. Chandan-Edmond said she could not stand, Mr. Speaker. If you were not going to stand, do not say, ‘I rise to make my comments’. You are not going to do it, then do not do it. Nobody told you that you had to stand. If we could look at it very simply, Mr. Speaker, you will see how organised it is. First, we have to get an authorised analyst, so we could get the necessary reports. The Evidence Act in Guyana provides...

**Ms. Chandan-Edmond:** Mr. Speaker, if I cannot stand, I would have to object. If I am sitting, if I am participating virtually, I cannot put mechanisms in place... I do not know what the Hon. Member is getting at.

**Deputy Speaker:** Hon. Member, Ms. Chandan-Edmond, if you are going to interject, once again, please do so on a Point of Order.

**Ms. Chandan-Edmond:** If I am going to interject, my Chief Whip is going to represent me. That is all I wanted to say.

**Mr. Datadin:** Mr. Jones, I am sorry.

**Deputy Speaker:** Hon. Ms. Chandan-Edmond, you have had your opportunity to make your presentation. I will ask once again that the Standing Orders be respected and permit the Hon. Member to continue.

**Ms. Chandan-Edmond:** The Standing Orders will always be respected. Mr. Datadin has to also respect the Standing Order. I am sure my Chief Whip will make representations on my behalf.

**Mr. Datadin:** He is not making any representation yet. You better tell him. If we could get back to things that make sense, this is it. Evidence is produced in court in matters by virtue of legislation. There is an Evidence Act. The Evidence Act provides that for you to receive the reports of analysts, as the Firearm Act that we discussed before and provided for, the legislation must permit it.

3.07 p.m.

In the architecture, as I have emphasised before, where the legislative framework is changing to meet the needs of the country, we now have a Guyana Forensic Science Laboratory. [Mr. Ramjattan: *Inaudible.*] Man, go and take a drink. Now, when this Guyana Forensic Science Laboratory came into being, the previous way in which things were done...In the legislation, it provides for a scientific officer of the Guyana Police Force (GPF). What we now need to permit, in fact, is an evidence officer. That evidence officer should be from the Guyana Forensic Science Laboratory. Again, the Guyana Forensic Science Laboratory is intended to perform certain duties. To be able to do those duties, the men and women who will be hired need to be able to produce their reports and deliver evidence in courts. Whatever they will be examining and analysing will be for litigation and court purposes. They need to be able to be authorised. Not anyone can do that unless the Evidence Act specifically provides for it. That is why this House is called upon to allow

persons with the necessary skills and training, who will be hired by the Guyana Forensic Science Laboratory, to produce those reports in accordance with our legislation.

Additionally, there is a need – because of movement of science and technology – for them to be permitted to analyse hair samples and produce their results to the court. Previously, it was only in relation to human blood, but technology is now advanced. We all know – and if you do not know, it is very simple – we can obtain scientific evidence from hair. All this provides is that we widen the things we can take evidence to the court with, and we are authorising those with the necessary skills to be able to go to court and present their findings. The Evidence Act is the piece of legislation in this country that is the framework for all evidence in courts to be addressed and provided for. As times change, as science improves, and as the material which could be of evidential value expands, the legislation of necessity must change. It must provide for the improvements and the available avenues so that evidence can be gathered. For this amendment – no exaggeration – all the evidence seeks to do is allow the people from the Guyana Forensic Science Laboratory to be able to give their evidence in court. All of everything else is really not relevant to this. All that has been said about anything else is really not relevant to this. This is a simple amendment that the Hon. Minister has brought to the House so that law enforcement, as a whole, moves forward and keeps with the time.

Now, if you read the amendment, it states very clearly:

“...insertion after the word, ‘analyst,’ the words, ‘or evidence officer;’”

An analyst has a specific meaning. We dealt with that only today in relation to the Firearms (Amendment) Bill. There is now an evidence officer.

**Deputy Speaker:** Hon. Member, please let me interrupt you. You will get your time back. Technicians, could you please mute any peripheral sound? Thank you. Hon. Sanjeev Datadin, do continue.

**Mr. Datadin:** Now, part of it would require that analysts remain as analysts and evidence officers be evidence officers. It does not change and there is no change to their roles and the functions they must perform. All it does is allow them access to the court system so that they could perform their tasks and go to a magistrate or high court and say, this is what my job is; this is what I have done; this is my finding; and

this is my opinion and my analysis of the information I have. Now, that is all that has been done here.

It allows the Guyana Forensic Science Laboratory to perform its tasks as it was intended and to deliver on its obligation to law enforcement. The amendments to remove the words, ‘scientific officer of the Guyana Police Force represents a change from the police being investigators and doing the scientific part of it, to going to a specialist institution, which is the Guyana Forensic Science Laboratory, to do that. That is all that is being achieved today. It is providing the framework, widening the scope, and allowing for the reception of evidence into the court. There is no other way for this to be achieved except by legislative intervention. There is no other method which will permit this to be done. Otherwise, we are left in the position where relevant information and evidence cannot be received by a court because the laws have not moved with science and technology to be able to provide that information. I absolutely and wholeheartedly commend this to the House, and I support this amendment. [*Applause*]

**Deputy Speaker:** Thank you, Hon. Member. I now call on the Hon. Member, Dr. Karen Cummings, to make her presentation.

**Dr. Cummings:** Thank you, Mr. Speaker. I rise to speak to the Evidence (Amendment) Bill 2021 – Bill No. 11/2021 – a Bill of purely legal character and a wag of moral and social importance that would require careful thought from this noble Assembly.

It would seem that the intent of the framers of this Bill was to better provide for the role of the officers of the Guyana Forensic Science Laboratory and other analysts – as they are called – when they are required to give evidence before the court. One would have thought that, after 55 years of independence, more futuristic technologies that are impactful in areas of detection and analysis would have been occupying this Assembly’s attention. I am not alone. I echo the sentiments of the former speaker, Hon. Ms. Geeta Chandan-Edmond, who brought to our attention that we need to be in line with the modern world. Hon. Mr. Datadin just spoke about technology now needing to be vast in its construct. We are lagging behind, Comrade. I speak of technologies that are used in this 21st century to accelerate the speed and efficiency of the judicial system.

[*Mr. Speaker assumed the Chair.*]



For example, I will give you a few, we have Laser Ablation Inductively Coupled Plasma Mass Spectrometry (LA-ICP-MS). According to Paravasthu (2017), who looked at *Crime Scene to Court Room, Futuristic Forensic Technology*:

“... if there is a broken glass found as evidence, there are multiple derivations required as to the force of impact, direction of bullets, type of weapon used...”

That is just to give you an example.

“The LA-ICP-MS has the highly sensitive isotopic recognition technology, which samples materials like glass samples, and reduces the back to their atomic structure. By this process, the forensic analysts would be able to analyse any other material evidences, which have been found to compare and match to the evidence.”

There is also Alternative Light Photography where damage is ascertained before it is visible to the naked eye. Thus:

“...aids in knowing situations like, say physical damage which a patient suffered that can be the difference between life and death.”

I am advised, Mr. Speaker, that, with this type of technology, there is an Omicron camera which uses blue light and orange filters to clearly show bruising in the affected place, deep down. There is High-Speed Ballistics Photography. According to Pravasthu (2017), in this type of technology, there is:

“... high-speed camera, which can shoot bullets, especially or any fast moving objects in order to track their origin or its pathway. This doesn't need an expertise and is very much important to examine the position and place of incident. This is most used in bullet trajectories, impact marks and wounds.”

I will give you two more. I am speaking of Video Spectral Comparator 2000.

“This is used in analyzing the delicate documents or especially paper so as to look at the hidden handwriting and when or how was it damaged, if at all, by fire or water etc. The analysis could also be able to let us know the origin and quality of paper.”

There is also the 3DForensic Facial Reconstruction. It is a technology which:

“... is used to reconstruct a face based on the evidence, which was found, say it may be skull or any part of it.”

And yet there is one other – the Link Analysis Software for Forensic Accountants. This:

“...is used in the Accounting and can analyze and generate probable illegal behaviour by comparing strange financial activities, customer profiling and statistics by using a tool of the software.”

Mr. Speaker, such technology helps in tracing the illegal fund transfers, which ordinarily takes a heap of paperwork. I reiterate that these are some of the new technologies that the learned Attorney General and legal officer should be informing this noble National Assembly about, thus, bringing some *music to our ears* as to what the forward trajectory of the science officer of the Guyana Forensic Science Laboratory would look like futuristically. However, I must say that this small amendment under review should be of value to legal practitioners, the judiciary, the justice system and, more importantly, to the people of Guyana who depend upon this system for the delivery of justice. On looking at the Evidence Act itself, one would agree that it has gone through several stages of metamorphosis, as careful consideration would have been made of its language, its purport, and its nature to improve the judicial system, thus, making it more supportive and beneficial to the citizenry.

Of course, it will be known who the officers of the Guyana Forensic Science Laboratory would be – let alone the other analysts – as the Act has indicated that the officers include a Government Analyst, an Assistant Government Analyst, a Radiologist, a Government Bacteriologist, a Pathologist, a Scientific Officer of the Guyana Forensic Laboratory or any other qualified person that the Minister may, by order, prescribe so as to add to this category of evidence providers.

3.22 p.m.

Rightfully so, Mr. Speaker, as the amended Bill, at Clause 6, states that the evidence officer of the Guyana Forensic Science Laboratory is expected to be assigned the duty of being the custodian of legal evidence, to receive evidence from and release evidence to an analyst or an officer who is investigating evidence before the court. The most important question is, should the forensic officer be independent of the police? There continues to be the interesting debate as to whether the forensic officer should be independent of the police. According to Gupta (2017), amongst the several types

of evidence that are collected from the crime scene is forensic evidence, and the latter helps in determining the possible nature of the crime from who the perpetrator is. The evidence that is admitted in court helps the judge to determine whether the accused is guilty of the crime or whether he is being implicated or not.

The criminal legal system is based on the maxim, “presumed innocent until proven guilty”. When a crime is committed, the investigative authorities reach the crime scene and collect any biological evidence that they may find. Such evidence may be blood stains, saliva, sexual secretions or fingerprints, to name a few. The forensic specialist then analyses the samples and deduces information regarding to whom the sample belongs. If there is an accused, the sample will be tested against the sample to check if there is a match. Due to the uniqueness to one person, the forensic evidence can be most conclusive. For instance, fingerprints are known for their uniqueness as there are no two person who will have the same fingerprints. Of course, this could be due to the theory that fingerprints are formed in the womb due to the pressure and positioning of the infant. Therefore, because of the conclusive nature of this evidence, it is important to ensure that samples are not tampered with by the forensic analyst to implicate the accused for a crime he has not committed. Moreover, it is even more important to ensure that forensic evidence is used to exonerate any person who has been wrongly convicted of a crime.

According to Gupta (2017), a bias can creep in when forensic laboratories are not independent of the police department, as the scales of justice are no longer balanced. The illegitimate use of influence at the police department may have on scientific laboratories and their employees is not limited but has been a persistent problem in several jurisdictions. In the same study, Gupta (2017) further noted that crime laboratories should be independent of law enforcement agencies as the scientists who work for police are prone to subtle, but evident contextual bias. The idea of contextual bias has been developed in the United Kingdom (UK), whereby a 2006 study at the University of Southampton found that when academic re-presented fingerprints to examiners who had previously studied them and with some contextual background stating that the suspect had confessed; this prompted the examiners to stay from the original findings. A director of the Henderson Police crime laboratory in the United Kingdom, Rick Workman, reported that there is a perceived and, in some cases, actual bias whenever there are laboratory employees working directly for law enforcement. Hence, it is important to note that this is a

statement and a perspective coming from a scientist within the field who is propagating the idea of independence.

Yet another investigation found that the forensic science service has failed to detect DNA in 2500 cases involving murders, rapes and serious assaults. In an American study, it was pointed out that independence allows laboratories to prioritise their budgets with respect to cases and expenditure and this cannot be done if the laboratory is directly under the aegis of the law enforcement agency. Mr. Rick Workman further reported that there will continue to be a competition for funds and training facilities which can lead to a reduction in the quality of the work produced. So, there is a constant trade-off between buying an expensive new equipment or hiring a more experienced technician. Gupta (2017) also reported on the downside of independence as well. If the crime laboratories are privatised and set their own prices, it may become very expensive for the Government to undertake tests for all cases. This may, in turn, dissuade the use of forensic science as evidence altogether. But the negative effect of independence should not compel laboratories to remain under the law enforcement body as the theoretical relationship between performance of the laboratory and its independence which can be ambiguous. Of course, no one wants such a negative influence to be placed on the laboratory by law enforcement agencies in an adversarial criminal-justice system, which has already been deemed to potentially bias the outcomes of their investigations. Independence is required not only from law enforcement, but scientific laboratories and their employees need to be independent from all such pre-conceived notions which may create a bias when testing the sample. Therefore, permit me to underscore the point that forensic laboratories should be independent of the police so that there can be a fair trial for an accused and so that we can have an observation of objective veracity. It is our belief, over this side of the House, that the forensic laboratory owes a responsibility to the accused to analyse the samples in an unbiased manner. If not, an innocent person would be deprived of his livelihood, which is against our Constitution and the morals upon which society thrives.

Hair Evidence. The Bill, which is before us, has an amendment which has been circulated. Clause 2 of the Bill seeks to amend section 43 (in subsection 4 (c) and (v)) by the insertion of the word, “hair” immediately after the words, “human blood”. The use of hair evidence in convicting the innocent is also discussed in Scheck, Neufeld, and Dwyer’s book, *Actual Innocence: Five Days to Execution and Other Dispatches from the Wrongly Convicted*. They include a

chapter on Williamson vs. Reynolds, a federal habeas corpus case. Interestingly, it has been reported that even a state court can misinterpret the evidence, writing that the hair evidence placed the petitioner at the decedent's apartment. With this report, the district court's decision was subsequently reversed on this ground. Nonetheless, the defendant was later exonerated by exculpatory evidence. Hair evidence may be invaluable in some criminal prosecutions, but it is often one of the most abused types of scientific evidence. According to Giannelli at Case Western Reserve University School of Law, it should be challenged as a matter of routine.

Quality Assurance. At subsection (4)(d), the substitution for paragraph d speaks to quality assurance. At this section of the amendment, the question to be asked is: is the laboratory internationally...Or if we are going to have it subsequently in the region, will it be accredited? We all spoke about being International Standardization Organization (ISO) Certified. I hope where it is located, I think it is located close to the University of Guyana, they would have that hype of activities and continuing medical education and so forth that will enhance their work and as they try to produce good laboratory officers. The APNU/AFC Coalition is positing that there should be periodic proficiency testing by an internationally recognized firm to provide public assurance of the quality of evidence collection, management and analysis.

This amendment will clear principles related to the evidence chain of custody. This is important in affirming the authenticity of the evidence and proving that the evidence is free of contamination, I reiterate. As I am considering the forensic laboratory and, in particular, crime laboratories, permit me to say that crime laboratories have been a vital organ of the justice system as they are the strongest link between technology and criminal justice. The courts have been known to rely heavily on the expert opinion and results of the examinations during criminal trials. It is therefore very important and necessary that these crime laboratories work to the fullest of their potential and that there is no hindrance to or control over the way they function as to ensure that justice and equality prevail.

**Mr. Speaker:** You have just one minute remaining.

**Dr. Cummings:** Yes. We just want to say that we hope the integrity of this institution would not be compromised. We hope that the mover of the amendment indicates to and clarifies for this august body whether the police will have a different laboratory, a specialised crime laboratory, and whether law enforcement officers would also have access to

the Guyana Forensic Science Laboratory. Will this specifically deal more with crime scene type investigations? When they accumulate the evidence, would they themselves take it to the laboratory? We need some clarity.

However, as I conclude, it is our wish that the statutory powers that the Bill gives to the forensic science regulator will enable us to address the long-standing, deep-rooted challenges that need to be met if the provision of forensic science in this country is poised for take-off for Guyana to be in line to lead in this regard regionally. By further empowering the regulator, this legislation will drive a culture of continuous improvement and a commitment to quality, competence and impartiality across forensic science provision. I, therefore, look forward to supporting the Bill throughout its remaining stages. Thank you. [*Applause*]

**Mr. Speaker:** Thank you very much, Hon. Member. Hon. Minister of Home Affairs, you have the floor.

**Mr. Benn (replying):** Thank you, Mr. Speaker.

**Mr. Ramjattan:** I think I am on the list; I just want to clarify some points.

**Mr. Speaker:** You have to stand on a Point of Order, and if you could identify that Point of Order, I will allow you to speak.

**Mr. Ramjattan:** I thought I was on the list.

**Mr. Speaker:** Hon. Minister of Home Affairs, you have the floor.

**Mr. Benn:** Thank you, Mr. Speaker. I am sorry that the Hon. Member, Mr. Khemraj Ramjattan, did not have an opportunity to speak but I thought Ms. Geeta Chandan-Edmond...

**Mr. Speaker:** Hon. Minister, let me hear the Chief Whip, please.

**Mr. Jones:** My apologies, Cde. Speaker. Earlier this morning when myself and the Government Chief Whip met...it appears that Mr. Ramjattan is on the original list from August month. Essentially, the Hon. Member had mentioned that it is in support of the Bill.

3.37 p.m.

**Mr. Speaker:** Hon. Chief Whip, just clarify to ensure it is not a typo on our part. I just want to remind Members that lists are provided, and the Standing Orders provide that the person

who is called upon is the first person to catch the Speaker's eye or attention. I just want to ensure this is not a list that unintentionally dropped anyone.

**Mr. Mahipaul:** [*Inaudible.*]

**Mr. Speaker:** You will get a chance to be appointed Speaker sometime, Mr. Mahipaul. Hon. Minister, you have the floor.

**Ms. Teixeira:** Mr. Speaker, when Mr. Jones and I went through the speakers for today, there were changes from 9<sup>th</sup> August names that were listed. I do not recall Mr. Ramjattan being put on the list for this Bill. He was put on the list for the next Bill, which is the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) (No.2) Bill, and he was put on the lists for the Police (Amendment) Bill and the Firearms (Amendment) Bill. I cannot find the handwritten copy that was sent to be typed, just to make sure that we are making a mistake. I cannot say that right now because I do not have the handwritten one that was used to type from.

**Mr. Jones:** Cde. Speaker, I have the original list and indeed Mr. Ramjattan is slated before the Hon. Minister. I could share this with the Government Chief Whip.

**Ms. Teixeira:** No, we changed the 9<sup>th</sup> August one, Mr. Jones, and I did the handwritten one.

**Mr. Jones:** In terms of the speaking arrangement, as we indicated, Mr. Ramjattan is the second to last speaker before the Minister.

**Ms. Teixeira:** The 9<sup>th</sup> August list was changed by Mr. Jones.

**Mr. Jones:** It was not changed.

**Ms. Teixeira:** Yes, it was.

**Mr. Speaker:** Hon. Members...

**Ms. Teixeira:** We went through it name by name, but if the Opposition wishes Mr. Ramjattan to speak, we have no objections. The point is that we went through and amended the 9<sup>th</sup> August list. I am not going to sit in this House and let Mr. Jones cast aspersions.

**Mr. Speaker:** Hon. Members, I would stick with the list before me. Please, as the list comes to me, let us double check. From today, I will ask both sides to initial the lists before they come to me. Hon. Minister of Home Affairs, proceed.

**Mr. Benn:** Thank you, Mr. Speaker. Hon. Members, the point I was trying to make was that I thought Ms. Geeta Chandan-Edmond had spoken, in many ways, in support of the Hon. Member, Mr. Khemraj Ramjattan. I do not know that there is any necessity for him to speak on this matter, which I am sure he supports wholeheartedly. [**An Hon. Member:** (*Inaudible*)] I do not believe you have the list, Chief. We did have quite a number of presentations on this matter which, again, in itself, is fairly simple. I think Hon. Member Sanjeev Datadin put it in proper prospective in relation to what we are attempting to do. The language, the layout and the writing speak for themselves. Just let me say that I think it is unfortunate that Ms. Geeta Chandan-Edmond – Hon. Member, Dr. Cummings – digressed and seemingly broke off and went into a long filibuster. I want to assure her that there will be every effort made for...Perhaps, one important point which she made was about the safe custody and there not be falsifying of evidence in relation to the overall issue of matters of the Guyana Forensic Science Laboratory in terms of the evidence.

The Hon. Member, Mr. Henry, raised the novel idea of community courts in indigenous areas after Article 34 of the United Nations Charter. He spoke about draconian sentences for indigenous persons and no interpreters and legal support. He seemed to suggest a different standard. I think there should be an appropriate standard. He spoke about draconian sentences and hefty sentences for indigenous persons. I am not particularly aware of it, I am surprised at it, and it should be examined. I just want to say that is a matter for the legal people and for the courts to deal with. The issues of quality control and certain other issues which were raised are related, at the side, with respect to the operations of the Guyana Forensic Science Laboratory. But these issues have nothing to do with what we were attempting to do in respect of the legislation being implemented.

I have heard a lot about Laser Ablation Inductively Coupled Plasma Mass Spectrometry (LA-ICP-MS) technology and all kinds of other things. I think there was a great deal of cognitive dissonance in the presentations from the other side. It had not much to do with what we are working at, but I would say that I heard, at one point, unreserved support for the proposed legislation. Therefore, I suggest that we go forward into going into Committee to deal with the proposals clause by clause. Thank you, Mr. Speaker.

**Mr. Speaker:** Thank you, Hon. Minister. Hon. Minister Teixeira, proceed.

**Ms. Teixeira:** If I could ask your indulgence, the 9<sup>th</sup> August record of speakers did not include Mr. Ramjattan for the Evidence (Amendment) Bill and did not include him for the Evidence (Amendment) Bill on 13<sup>th</sup> December.

**Mr. Speaker:** Thank you, Hon. Minister, but from now I ask that we get the list initialled by both sides.

**Mr. Jones:** Cde. Speaker, I will just forward to you, *via* WhatsApp, the original list that I have.

**Mr. Speaker:** Okay. Hon. Members, that concludes the debate on the Evidence (Amendment) Bill 2021. I put the question that the Bill be read a second time.

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

#### **Clauses 1 and 2**

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

*Assembly resumed.*

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

**Mr. Speaker:** Hon. Members, we will now proceed with the second reading of the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) (No.2) Bill 2021 – Bill No. 12/2021 published on 7<sup>th</sup> June, 2021. Hon. Minister of Home Affairs.

#### **4. Narcotic Drugs and Psychotropic Substances (Control) (Amendment) (No.2) Bill 2021 – Bill No. 12/2021**

A Bill intituled:

“An Act to amend the Narcotic Drugs and Psychotropic Substances (Control) Act.”

*[Minister of Home Affairs]*

**Mr. Benn:** Mr. Speaker, I rise to move that the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) (No.2) Bill 2021 – Bill No. 12/2021, published on 7<sup>th</sup> June, 2021, be now read a second time.

The purpose of the amendments is to take account of the now very well-known fact that there are a number of designer drugs, analogues of drugs which are already known, that they are compounds of narcotic drugs and psychotropic substances, synthetics, of course, with a similar chemical and structural makeup and a similar or greater stimulant, depressant, or hallucinogenic effect on the central nervous system to those substances currently prohibited by the principal Act. The intention is to ensure, by passage of this Bill, that persons in possession of these substances be charged and prosecuted accordingly. We are already seeing instances in the public, by seizures by the police and the Customs Anti Narcotic Unit (CANU), drugs, some called “Molly” and other fanciful names, in use in clubs, in private homes, and being smuggled into the country. We have to take the step forward to make sure that these designer drugs which, in many cases, are precursor drugs for younger people, are brought into the realm of the legislation so that persons who use these drugs can be prosecuted according to the laws. This Bill intends to amend the Narcotic Drugs and Psychotropic Substances (Control) Act and is cited as the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) (No.2) Bill 2021.

“2. Section 2 of the Principal Act is amended as follows –

- (a) by the insertion, immediately after the definition of ‘coca leaves’, of the following –”

And I read:

“‘controlled substance analogue’ means a substance that is structurally or chemically similar to the substances set out in the First Schedule or Second Schedule and produces a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially comparable to or greater than the stimulant, depressant, or hallucinogenic effect of the substances set out in the First Schedule or the Second Schedule;

- (b) in the definition of ‘narcotic’, by the insertion, immediately before the semicolon, of the words ‘and a controlled substance analogue.’”

3.52 p.m.

So, as I said and as I explained, in simple language and printed here too, this is an intention to bring into the realm of the law and in the realm of prosecutorial offences, the designer drugs, the synthetics and all the other substances

which are narcotics and psychotropic substances and stimulants of a new kind, which were previously not captured in our legislation. I commit the Bill for discussion by the House. Thank you, Mr. Speaker. *[Applause]*

**Mr. Speaker:** Thank you, Hon. Minister. Hon. Member, Mr. Jermaine Figueira, you have the floor.

**Mr. Figueira:** Thank you, Mr. Speaker. I am happy to be back in this National Assembly after 64 long days and after the recess since October. It begs the question: Is this the robust parliament that was promised to the Guyanese people? I say this without fear of successful contradiction that this is yet another failed promise.

**Mr. Speaker:** Hon. Member, could you stick to the particular Bill before us. I note it states Narcotic Drugs and Psychotropic Substances (Control) (Amendment) (No.2) Bill 2021. We have to be careful what we see in the Bill and how we address it. Proceed, Hon. Member.

**Mr. Figueira:** Thank you for reminding me, Mr. Speaker. I say this is yet a failed promise by this Administration. I rise to contribute to the proposed amendments to the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) (No.2) Bill 2021.

These amendments, according to the Explanatory Memorandum, seek to control the possession and use of the new and emerging psychotropic substance popularly known as designer drugs, which are being abused, especially by young people; young Guyanese men and women; and, in some instances, school-aged children. This amendment seeks to capture, in its new definition, all forms of new chemical compounds of narcotic drugs, psychotropic and synthetic substances with named effects that this existing law does not capture. From the outset I want to say to the Minister that I commend his efforts with regard to this Bill and, more so, to say that I do support the good intent of the Bill. This amendment targets young people, so it is a Bill that I would render my support. It targets young people who are primarily the users of synthetic cannabinoids for prosecution with a straight face, and there lies my concern. It provides no alternative avenues for our youths, be it first time offenders, for the amount in possession above 15 grams.

This should be of great concern for every Guyanese, in that first-time offenders, for example young people, are not given an alternative route to alternative sentencing for example. The question is: Do we really want to go in this direction? Has there been any much thought to the implication this will have

on our already overpopulated prison system? Has any thought been given towards alternative sentences and alternative punishment, such as hours of supervised community service or sentenced to a drug rehabilitation centre for example? Has there been any research done to ascertain why our youth are attracted and are engaged in the use of these synthetic drugs? Has there been a national education campaign to educate not only young people but parents, teachers, coaches, youth organisations, and police officers, about the ever-changing chemicals in these drugs and, more so, the danger they pose to the user?

These are questions that the Bill does not answer. These are important questions that the Ministers with responsibilities, who can put measures in place, must give thought to – the Minister of Education and the Minister of Social Services. Have these Ministries, which have overarching responsibilities, such as the Ministry of Culture, Youth and Sports, been engaged when this Bill was being concocted? That is a national conversation and an interlinking agency conversation that, I believe, this Bill has failed to capture. I do support the Bill, but I believe, strongly, that much thought has not been put to the real intent of what the Bill seeks to achieve. Where can the victims of these drugs go to seek help? Are our healthcare providers trained to deal with these victims? Do our health facilities possess the testing kits and the toxicology laboratories to provide the needs that will be most useful for those who abuse these drugs? These are questions that have to be answered.

According to the 2020 Monitoring the Future (MTF) survey of youth drug use trends, despite the Coronavirus disease (COVID-19), about 8% of 12 graders in the United States of America were reported to be using synthetic cannabinoids in the past year. This rate puts synthetic cannabinoids at the third most frequently used drugs among high school seniors, after marijuana and amphetamines. Many young people have tried synthetic cannabinoids and suffered adverse health consequences believing that, because these products can be bought in the stores, gas stations, pharmacies and are marketed online as being legal, they must be safe. This is what we have to contend with. The reality is that the use of synthetic cannabinoids can be extremely harmful. A Professor at the Clemson University, Mr. John W. Huffman, credited with the synthesis of some of the first cannabinoids such as JWH-018, was quoted as saying:

“These things are dangerous – anybody who uses them is playing Russian roulette.”

The contents and effects of synthetic cannabinoids have profound psychological effects. They are also unpredictable due to the consistent change in variety of chemicals used in manufacturing processes, devoid of quality control and government regulatory oversight. The other question this Bill does not answer is the Government's readiness to do proper testing and screening of users of these drugs. With our known inability to test certain soil, Deoxyribonucleic acid (DNA) and COVID-19 samples, and respective variants, to name a few, when will we put the necessary infrastructure in place to properly deal with this emerging issue in our society, besides the proposed incarceration of the users who are mostly youths or the users who are mostly our young population?

The rise and adulteration of Molly, a popular synthetic drug used by many young people right here in Guyana, should be of concern. The term 'Molly' dates back several years and has traditionally been used to describe a pure high-quality powder form of ecstasy. 'Molly' became popular in the concert and club scenes and was mostly used by teenagers and people in their 20's. These are young people. Musical artists such as Miley Cyrus, Kanye West and Rihanna have all included verses of Molly in their music, which has contributed to the popular rise in its use.

It must be noted that many synthetic drug manufacturers have attempted to cash in on the popularity of Molly by replacing the traditional Molly ingredient, methylenedioxyamphetamine (MDMA) as it is termed as, with a myriad of other substances, including ingredients commonly found in synthetic cannabinoid products. Between October 2009 and September 2013, in the United States of America, the United States Drug Enforcement Authority (DEA) found that only 13% of seized drugs, believed to be Molly, were submitted to a laboratory in New York contained MDMA. The results of the adulteration of Molly have been grave, causing the deaths of thousands of its users.

The rise of Molly, and its subsequent adulteration, is an example of the dangerous uncertainty inherent in all synthetic drugs. Even when buying the same brand from the same dealer, users are unaware of what they are putting into their bodies from one package to the next. Chemical ingredients and doses amounts vary widely, as exemplified in products being marketed as Molly. Such uncertainty can be deadly. A sense of urgency is needed to control synthetic drugs before they take paramount root in the Guyana drug market; yes, the Guyana drug market. It is important to note that the drug counterfeiting industry is very lucrative. The best estimate suggests that the global counterfeiting drug market is \$320

billion. This figure is representative of the entire gross domestic product (GDP) of South Africa with a population of 58 million people. The counterfeit drug market compared with other illegal drug markets, specifically heroin and cocaine markets, are estimated to be \$160 billion. One can imagine the influx of what the potential of these synthetic drugs may have for drug lords and drug kingpins.

The World Custom Organisation estimates that \$200 billion of synthetic drugs are sold every year, resulting in 700,000 people dying annually. This is a potential risk we as a nation is posed to face with. I commend the Hon. Minister for his effort and the intent of this Bill. The aim of this Bill to ensure that all persons in possession of these substances be charged and prosecuted, accordingly, seems so secondary and not well thought out.

4.07 p.m.

Sir, I submit to the Government several perspectives for its serious consideration for a more prudent review of this much-needed Bill. The exponential rise of these drugs in the developed world, with the advances and advancements we as a nation aspire to achieve, still presents great challenges beyond what we are proposing as a fix to this potential societal conundrum. We must consider reforms to, one, decrease the negative potential public health consequences that will come with the use of these drugs; two, prevent the incentive for largescale trafficking in synthetic, psychoactive, and party drugs; and, three, eliminate an easy income strain for terrorist organisations. We must first recognise that these synthetic drugs could endanger public health and burden our already porous healthcare system. The potential threat of these substances to users themselves and the subsequent impact on our communities can be alarming.

According to a report by the Substance Abuse and Mental Health Services Administration (SAMHSA) in the United States, Drug Abuse Warning Network, 28,531 emergency department visits involving a synthetic cannabinoid product occurred in 2011. This number of visits was 2.5 times higher than the 11,406 emergency department visits in 2010. Could you imagine what the data is in 2021? In addition, in 2011, the only year for which there is available data, bath salt products were involved in 22,904 emergency department visits. In many of the hospitals around the country, emergency departments had to regularly confront users of synthetic drugs, many of whom were in delusional states and pose a danger to hospital staff. Communities in general are also seeing unprecedented and unpredictable dangerous

behaviour caused by these substances. The use of synthetic drugs can cause anxiety, elevated blood pressure, seizures, hallucinations, paranoid behaviour, and non-responsiveness. It also caused significant organ failure, as well as death. Some users of synthetic cannabinoid products described their experience under the drug. Hear how they have described this. They described it as a hell from which they cannot escape. These are some dangerous drugs, Mr. Speaker.

The second reason that a sense of urgency of much thought is needed is the potential for violent drug trafficking organisations (DTO's) to enter the synthetic drug business. Because the profits from synthetic drugs are so immense, international criminal syndicates, particularly, DTO's, are likely to become major players in synthetic drug trafficking if demand persists. The DEA currently estimates that synthetic drugs that make its way to the United States are primarily from Asian manufacturers who are not bound by the same controls on substances that American manufacturers are.

Mr. Speaker, because DTO's already have extensive distribution networks in place, it is unlikely that they will stay out of the synthetic drugs business if they believe they are missing out on easy profits. The recreational drug market in North America alone is estimated to be valued at approximately \$121 billion. The enormous amounts of money that can be made from selling drugs have given rise to large drug trafficking organisations, many of which are headquartered in Mexico. Violence, including mass killings, torture, political assassinations, and car bombings are inherent features of DTO's. It is estimated that, between 2006 and 2012, there were 60,000 organised crime-related homicides in Mexico. With immense profits to be made, DTO's will almost certainly enter the synthetic drug market if they have not already done so. A 2012 United Nations resolution highlighted the potential opportunities for transnational organised criminal groups to exploit the market for these substances.

The third reason for a sense of urgency and for more thoughts is the potential that the synthetic drugs market has to attract the attention of terrorist organisations which are looking for quick and easy financing opportunities. The DEA has stated that the proceeds from synthetic drug sales in United States have gone to countries in the Middle East. News reports specify that millions of dollars of such proceeds are flowing into the hands of terror groups. While the connection between terrorism and drugs is not a new phenomenon, the connection with synthetic drugs, in particular, makes sense to those said organisations. Instead of needing acres of land and field

workers to grow poppy, coca or even marijuana, all terrorist organisations need to make synthetic drugs is a laboratory and a scientist. The internet can provide most of the necessary information on ingredients and recipes.

This Bill and its amendment we do support, and I said that from the embryonic part of my presentation, but, again, I do ask: Has the author of those amendments given much thought to the new psychoactive substance (NPS), which equally has the potential to be widespread in use right here in Guyana and the region, given our landlock borders with our large South American neighbours, particularly Brazil and Venezuela? It is noteworthy to recognise that the approach of this Bill was largely guided and influenced by the global north, precluding South America and the Caribbean. I specifically made reference to the potential of our local reality and that of other influences closer to us, whom we have ignored for the creation of nonclassical packaging of new psychoactive substance in homemade herbal mixtures and drug cocktails in the region and continent to which we belong. Herein lies another potential conundrum that this Bill does not foresee. I hereby make the call for a comprehensive and coordinated research that would map the availability; types; patterns; and, moreover, provide reasons and motives young people are taking NPS in Guyana.

In doing so, it will facilitate the design of evidence-based harm reduction strategies to mitigate the challenges posed by NPS. The emergence of new psychoactive substances and the challenges they pose to public health are attracting scholarly attention in many parts of the world. According to P. K Et al 2019 and others, NPS are narcotic drugs or psychotropic substances made available or used from the early to mid-2000s for their psychoactive properties. There are substances produced to mimic the effects of traditional drugs or pre-existing drugs use in novel ways. The United Nations Office on Drugs and Crime (UNODC) 2021 also defined NPS as:

“substances of abuse, either in a pure form or a preparation, that are not controlled by the 1961 Single Convention on Narcotic Drugs or the 1971 Convention on Psychotropic Substances, but which may pose a public health threat”.

The United Nations Office of Drugs and Crime 2021 added:

“the term “new” does not necessarily refer to new inventions— several NPS were first synthesized decades ago — but to substances that have recently become available on the market.”



Research has shown that, aside from many traditional substances of abuse such as alcohol, cannabis, and opium, NPS are increasing in number, and the rapid increase is due to the growing markets for such substances. The United Nations noted that, between 2009 and 2018, 892 types of NPS have been identified. This represented a heightened increase from 560 to 700 NPS which were previously reported in 2016 and 2018, respectively, by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) 2016 and 2019. While a large body of research has been conducted on NPS in Western countries, little is known about the use of NPS in non-western contexts such as Guyana, thus it will be most useful if a one size fits all approach is not accepted. This Bill and its intent are pointed in the right direction. Minister, your Bill is pointed in the right direction. A direction we on this side of the House support. It is our belief the steps in this direction need to leap far beyond what is in the Explanatory Memorandum for a much more thorough and prudent approach to address the myriad of concerns these drugs present. The future of our young population, the future of Guyana and Guyana's youth demand such.

Minister, I beseech you; I call on you to allow your experience and wisdom to guide you to be magnanimous in this House and accept the proposals that we have put to make this Bill much better. I thank you. [*Applause*]

**Mr. Speaker:** Thank you Hon. Member. I now invite the Hon. Member, Minister Charles Ramson.

**Minister of Culture, Youth and Sports [Mr. Ramson]:** Thank you very much, Mr. Speaker. It is a pleasure to be able to rise in support of the Hon. Minister in his presentation of the amendment to the Narcotic Drugs and Psychotropic Substances (Control) Act, where one amendment is being made. Listening to the previous speaker in relation to the psychotropic drugs, one would think that drugs like Lysergic acid diethylamide (LSD), methamphetamines, ecstasy and all of the so-called designer drugs, were invented in 2021.

4.22 p.m.

These are drugs that have been in existence and have been affecting Guyana's youths. In particular, in the last five years, one would have seen a number of instances where the police were called into schools in relation to ecstasy. There were some folks who were charged and arrested. Investigations were done in relation to where there was a supply of ecstasy to young people and to school children. Not once did the loud voices that we are hearing now from the Opposition care enough to present a simple amendment of three words to the

Bill. I am standing here proudly to support my Cabinet Colleague on this amendment. I am also happy to say to you, Mr. Speaker, and to say to the nation that this amendment has received a full Cabinet discussion as well as its approval. I am not quite sure what the Hon. Member was insinuating in relation to whether we had a discussion on our side. I could only tell you how it works on our side. I do not know what happened before in the previous dispensation, but I could tell you that, before any amendment or any legislation comes to this honourable House, it has to be discussed and approved by the Cabinet.

The second point that I want to make in relation to the questions that had been raised about the amendment... Despite hearing all of the reasons it should be supported, we hear questions being raised about treating with the persons who are using these drugs. The Hon. Member should be aware that there is a Narcotics (Amendment) Bill at the Special Select Committee, of which the Hon. Minister who is presenting this Bill is a Member, the Attorney General and Minister of Legal Affairs is a Member, and the other side also has representatives. Those amendments would deal specifically with penalties. Any question in relation to training cannot be dealt with at a legislative stage. All of the ministerial portfolios have the ability to engage in training. The Ministry of Social Services, the Ministry of Education, the Ministry of Culture, Youth and Sports; all of us have programmes in educating young people, especially as it relates to drugs.

There are on-going programmes that exist to help to deal with the education of the use and the deterrence of the use of any drug. Any of the points raised that are ancillary to the support that ought to be given to this Bill, because it specifically deals with a provision that prohibits the possession of drugs that are harmful to young people in particular... It is harmful to everyone and it affects young people in a negative way. There ought to be no debate in this House about whether support would be given on the amendment or whether it ought to be conditional. The fact is that this is a problem that exists all around the world. All around the world every country has issues in relation to young people using drugs. Instead of the Opposition giving blanket support for the possession of those drugs, they attempt to evolve it into a debate of something that the Minister has not done.

The Government has a holistic approach to dealing with programmes against the use of drugs, making sure that the police and the justice sector have the regulatory and legislative framework. That is the reason they are bringing

the amendments. All of this happened, but none of it happened in the last five years. This claim of professorship, which we are hearing about from the other side, about their great ideas, about how they will be able to reform the justice sector, or reform the use of drugs and the young people, and help prohibit young people from using drugs, not a word mentioned in the last five years, but that is understandable.

It is understandable because young people were never represented at the level of the Cabinet in the previous Administration. Not a single young person could have been represented at the level of the Cabinet by the previous Administration. That is why none of the amendments ever came. As I am the person in the country who is authorised on behalf of the Government of Guyana and the people of the country to speak specifically on youth issues and to make executive decisions in that regard, I am very proud to be able to support the amendment coming before this House on behalf of the Government of Guyana, which is looking out for the protection of young people in this country. Thank you very much, Mr. Speaker. *[Applause]*

**Mr. Speaker:** Thank you, Hon. Member. I now invite the Hon. Member, Mr. Devin Sears.

*[Interruption]*

**Mr. Sears:** Mr. Speaker...

**Mr. Speaker:** Yes, Hon. Member, just ignore those who are talking about people's...

**Mr. Sears:** Of course. As I rise to make my contribution on the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) (No. 2) Bill 2021 – Bill No. 12 of 2021, I bid this honourable House good afternoon. To the Hon. Member, my Colleague, Mr. Vincent Jordan, Member of Parliament, happy birthday.

On a heavier note, to those who might have lost a relative or friend as a result of COVID-19, to their families and friends, I will keep you in my prayers and may God grant you strength. On a lighter note, a festive season to all. The Narcotic Drugs and Psychotropic Substances Act, also commonly termed as the NDPS, was made with the purpose to control drugs of abuse and to prohibit its use, the dissipation and the distribution manufacturing and trade of the substance of abuse. Narcotic drugs are those drugs that induces sleep and, clearly, Mr. Speaker, some Members on the other side are sleeping. While psychotropic substances have the ability to alter the minds of individuals, although all these kinds of

drugs have their importance in practice of medicine, the main agenda of this Act is to have control of manufacturing, possession, sale and transport of such narcotic and psychotropic substances. This Act bans new and emerging psychotropic substances resilient on these drugs... are not available over the counter for walk-in individuals. Violation of this law may result in punishment, including rigorous imprisonment, fine, or both. The degree of punishment is dependent upon the harshness of the case being dealt with. The NDPS also lacks in differentiating, among users, drug peddlers and hard-core criminals in this drug trade. As it is, the Laws of Guyana cannot differentiate between cannabis sativa and what we call, pills. Guyana is traditionally known as the land of many waters but, sadly, recently, it is being peddled in the international news outlets as becoming the transshipment point of drugs mainly to Europe, Africa and other Asian routes.

Guyana has inherited cultural routes with mysterious and eccentric ways of worshipping, celebrating festivals and ceremonies. Like western countries, Guyana has been slow to adapt legislation and certain natural forms of narcotic substances, again with reference to cannabis sativa, thus the cultural difference is an important aspect to consider while framing and forcing any drug laws in Guyana. On the other hand, we cannot overlook the menace of substance abuse which is on the rise in our country. We have a large number of drug addicts in our society. Substance abuse has created a lot of problems, especially in our health care sector. Even psychiatric disorder has had a damning effect on our economic situation and even on our budget because, year in and year out, we have to ensure that we spend finances to develop various services to curb these issues that are being dealt with.

It also leads to a number of social problems which can be defined under family disintegration which can also lead to criminal activities. The war on drugs has resulted in more sensitive issues than with other pandemonium in our history. It may be the cause of crime ranging from various collar crimes, like white-collar crimes and blue-collar crimes. The era of terrorism, where drugs is a way of producing funds for terrorist activities, is a very important area which should be taken into consideration, again, while framing and amending the laws related to drugs. Effective laws are necessary to fight the nuisance associated with drugs. According to the World Health Ranking on Drug Deaths in Guyana, as of 2018, it is 0.2%. The average death rate is 1.78%, too many for every 100,000 of Guyanese. In fact, Guyana ranks 57 in the world.

According to the *Organization of American States (OAS) Evaluation Report on Drug Control 2014*, Recommendation No. 27 states that Guyana should:

“reaffirm the principle of cooperation contained in international instruments to address the world drug problem, through actions to ensure compliance and effectiveness”.

Sadly, this evaluation is incomplete. Let us get to the meat of the matter about what we are talking about here today, particularly about designer drugs.

4.37 p.m.

While the speakers before, more so the Hon. Member, Jermaine Figueira would have talked a little about the drugs. Let me explain to you what designer drugs are. I am speaking from an informed point of view. The term ‘designer drugs’ refers to drugs that are created in a laboratory. Fair enough. Typically, underground or in an illegal laboratory. A designer drug is created by changing the properties of a drug that comes from a plant such as cocaine, morphine, or marijuana, using the tools of chemistry. The result is what we call designer drugs which typically have a different effect on the behaviour of the person using it. There are many examples of designer drugs. In fact, some of them were mentioned earlier. One of the most popular ones is 3,4-Methylenedioxymethamphetamine (MDMA or Molly). Molly has different names such as Trump, Ferrari, Mario, Sonic or even Pokémon. As the contents of the drug changes, jokingly I would say, maybe someday we will have a drug named after the Hon. Member, Minister Robeson Benn. We have Rohypnol, Lysergic acid diethylamide (LSD or acid), Methamphetamine, Ketamine (special K), alpha-Pyrrolidinopentiophenone (Flakka), synthetic cannabinoids (marijuana), U-47700, and so many others that we can talk about today. The drug names do not easily *roll off the tongue*. In most cases, they come in the chemical structure of the substance itself and that is how they develop the name.

The challenge with this Bill that I believe is so necessary to pass, as it is right now, a lot of these drugs, even though they create that *highness*, cannot be easily detected even with using a breathalyser test. For instance, someone gets into an accident and a breathalyser test is done on them, it will not show up in their system unless a blood test is done. The next challenge that I have and the reason why I am supporting this amendment is that a person who commits a physical assault or some sort of crime can claim temporary insanity because they would have used these drugs. They likely would get off,

providing that they have a really good lawyer such as my Colleague, the Hon. Member Khemraj Ramjattan.

These are dangerous times. In the words of the Hon. Member Sherod Duncan, *things tight*. We cannot be hypocritical in our approach to dealing with this drug problem and the psychotropic substance issues that we have in Guyana. Times are so hard, and people are looking for an escape. Sadly, this is the escape route they choose to take because it creates enjoyment for them. They get to separate themselves from the harsh realities of life. For instance, dealing with a 7% increase which is not enough. The cost of living is constantly going up. The environment is what causes many young people to find solitude in using these drugs. When one drives around Georgetown and some parts of the other regions, one sees poverty. One sees families not being able to provide for their children, especially single parents. What do they resort to? A temporary escape. Unless we, as Parliamentarians and Ministers of Government and the Opposition, change this reality, provide equal opportunities for everyone, that is the only way we can curb this drug situation that we have in Guyana. While some adults may look down on young people and say that they are *a menace to society*, really and truly they are asking for help. That is all they are asking for. I am trusting that maturity prevails in terms of making these careful considerations when making the amendment to this Bill.

As I recall, a few years ago, there was a rapper called Waka Flocka Flame who came to Guyana, shot a music video here and praised Guyana for being a transshipment point for drugs. This is how the world is seeing Guyana. If we are an oil producing nation, I believe that, as a people, we have to act differently and, again, create equal opportunities for other people. One other harsh reality I have to bring to your notice is the cost of these drugs. A Banks Beer is maybe \$300 in some places. A STAG beer is \$250. I can go on and on. One would need maybe about five to six of those just to get a high. But with just \$200 one can get a high for the entire day. Let me explain. They are now mixing Molly with gasoline and burning it, which creates a froth. When that is dried, they scrape it off and sell it to anyone for \$200. That will take them through the rest of the day. They will feel nice for the rest of the day. One could get a pill for \$800 and that will take you through the day. Drugs have become so affordable. This is worrisome, especially in a society where we have 65% or over of young people who are unemployed. A lot of them are unemployed.

When it comes to reintegration, we should not treat recreational, ceremonial or even drug addicts as outcasts. If the law does not provide for it, one can only conclude that they need help. It is time that the Government invests more in the lone Psychiatric Hospital that we have – the ‘mad house’ – and other clinics across the country. The hospitals and wards lack maintenance and resources. Even the frontline workers’ risk allowances and salary increases. To top it off, we do not have enough mental health experts. Under the APNU/AFC, with the leadership of the Hon. Member Khemraj Ramjattan, the Citizen Security Strengthening Programme (CSSP) was introduced where young males and females, who, in many cases were first time offenders in crime or even got pregnant, were given a second chance to go back to school, to learn a trade, earn a stipend and even given a second chance at getting a respectable life. These are the sorts of forward thinking and we need the continuation of such programmes so that our young people can be catered for, especially when dealing with drugs and these psychotropic substances.

Effective implementation of the Narcotic Drugs and Psychotropic Substances (Control) Act for regulating drugs and its usage in society needs to be kept under constant review. This is *no walk in the park* – we approve it and it is done. It needs to be constantly worked on. I am trusting that the Hon. Member, Minister Robeson Benn, considered the following: one, we need to ensure and monitor the distribution of prescribed over-the-counter-drugs. These drugs, which are opioid pain killers, one can get them and use them. That is a form of drug. We need proper regulations in that regard. Two, data of drug addicts should be well maintained and regulated incorporating various organisations working in this area. Three, improving co-ordination among regions for investigation in cases related to drugs. Four, differentiating synthetic drugs from natural drugs can be helpful for clear lines of investigation. Five, transparency of the policy can be a great advent for effectively solving crimes related to drugs. Six, understanding the drug pattern is an essential requirement for eliminating the problem of illegal drugs from this country. Seven, bringing awareness and education which can help in eradicating the problem of drug addiction in our country. Eight, finally, rehabilitation centres should be co-ordinated with the central Government for preventing substance abuse of drugs and its practice. This may very well result in finding alternative methods of curbing this growing nuisance. I was watching the news the other day and the City of New York decided to have a safehouse where persons can go to use heroin. According to them, within a

week this would have saved at least 17 persons from losing their lives from overdosing. I believe, like I said, it is a work in progress, but we have to come up with the ideas and be inclusive in tackling this problem.

In regard to Article 65 of the Constitution, under the Powers and Procedure of Parliament it states that the Parliament of Guyana is empowered to make laws for peace, order and even the good governance of Guyana. Within this mantra I strongly believe that this amendment will ensure same. With good intention and conviction based on facts, I am in support of the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) (No. 2) Bill 2021.

Mr. Speaker, I thank you for your indulgence and I yield my remaining time to make way for other contributors.  
[Applause]

**Mr. Speaker:** Thank you very much, Hon. Member. The Hon. Member Mr. Khemraj Ramjattan, you are on the list.

**Mr. Ramjattan:** I will see if I can sneak in what I missed out. Thank you very much, Mr. Speaker. Again, I would like to say to my Hon. Minister Benn, *low-hanging fruit* cultivated some years ago.

[Mr. Speaker left the Chair.]

[Mr. Deputy Speaker assumed the Chair.]

Mr. Speaker, I enjoyed many of the contributions made by Members of the Opposition in relation to matters very ancillary and direct in relation to this new kind of drug that we categorise as ‘controlled substance analogue’. Indeed, we will have to setup those important institutions and medical facilities, and do the necessary role modelling, as it were, to deter and avoid them from getting there. It is important to understand the actual objective of this Bill, which is akin to an architecture that we were dealing with a couple years ago that has even the previous Bill – the Evidence (Amendment) Bill. What we were trying to do because of the evolution of the drug... Remember our present Act has narcotic drugs and psychotropic drugs and substances. What we saw coming out from the forensic laboratory was that new types of drugs were being found, especially in young people, but they could not be captured by the First Schedule and the Second Schedule of the Narcotic Drugs and Psychotropic Substances (Control) Act. The First Schedule lists all the narcotic drugs. There are some lengthy names stated here:

“...Methyldihydromorphine...”

“...Metopen...”

“...Normophine...”

It is complicated. Under the testing equipment of the forensic laboratory, to catch someone with a list of narcotic drugs, it has to fall within these 150 types of drugs. Similarly, the Second Schedule has a list of psychotropic substances and a full set of chemical names. When they found out what was happening... I will give you an analogy that happened with Japanese cars shipped to England. The compound that is now being made by these *smart alecs*, as they were, was to not fall under these categories. A very lengthy list here. One had to do something called an omnibus clause that can catch them. The omnibus clause as we have seen in international practices and regional practices as well, we decided controlled substance analogue which would mean a substance that is structurally and chemically similar to the substances set up out in the First Schedule or Second Schedule and produces a simulant, depressant, or hallucinogenic effect and so on.

4.52 p.m.

This may not be direct as is listed in the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Bill. It is a development that is fundamental to capture those who gets smart. In this drug business, as we found, it has some real bright guys who know how to make these drugs. They know how to burn it inside the laboratory to make their designer drugs. Those persons cannot be caught under the old Act that we have. It is necessary to come up with something that will, in a holistic way, capture that which they are making. Once the Act has the characteristics of hallucinogenic, stimulant, depressant and comes with a combination of a narcotic or a psychotropic substance, a person could be caught now under this Amendment. I must commend the Hon. Minister for bringing the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Bill to the National Assembly.

Similarly, the definition of narcotic at Section 2 (b) is not a widening of the definition, but it is now including that same control substance analogue. This is an extremely important development when one is targeting those drugs makers, wheresoever they are from, whether regionally, locally or internationally. As we know, and as heard from all of the speakers before, this drug is cheap now. A lot of youths are using it. It has tremendous negative effects. From using some of these drugs, a person could get violent when they use them. It is something we noticed happening in domestic violence situations. There are new types of drugs being taken because the actual cocaine or heroin is too expensive. This

combination and the word that is used by some of these specialists is that they are dirtier but are very dangerous. There could not be any objection to this Bill. What there would be not an objection to, as was mentioned by the last two speakers, is the fact that because of the increased use of all of these drugs, we have to start doing social programmes, educating and ensuring that we take people ... That is for another time, I supposed.

[*Mr. Speaker assumed the Chair*]

The other thing that is important that we found, and which relates to the last Act, was when the laboratory did its testing after the policemen had brought in the substance, the evidence officer of the laboratory would say that it is not cocaine, or narcotic, but it is a designer drug. When he/she used that, he/she just cannot come and convict the person because what the Evidence Act did was to now allow... This is what this Evidence Bill is doing, which is to allow the actual analyst certificate to be made receivable in a court of law. The analyst does not necessarily have to go to court. However, if a defence counsel wants him/her to be cross examined, then he/she could be. It is important to understand the purpose of that Evidence Act because when the Guyana Forensic Science Laboratory catches a person and write up what they found as having been brought by the policeman or whosoever that caught the person with the substance, that is now receivable in evidence and is made admissible. That is the entire purpose of the Evidence Act.

Prior to 1972, whenever a person wanted to take a document to the court, he/she had to take the document with the writer of the document as the witness. There is no documentary hearsay. In 1972, there were a lot of doctors who did examinations on persons who were either chopped or died, and as a result, they did a post-mortem. If the doctor was a Cuban doctor, and he/she went back to Cuba, one still needed the evidence. The doctor cannot be brought back. If the doctor wrote an analyst certificate saying that he/she examined the body, and if that body had three bullet wounds in the heart or the person haemorrhaged, that is admissible in a court of law, although the doctor was in Cuba. That is what the Evidence Act has done. It is to make receivable in a court of law, and now an evidence officer's certificate. The evidence officer does not necessarily have to go into the court. That is what we tried to do, but it was not passed because many things happened. I want to bring this to your attention, because I think it would be wiser for this National Assembly to know the truth – the principle and purpose behind that. Also, for the purposes of when one is proving a

criminal case, especially criminal cases where the standard is very high, it is called beyond a reasonable doubt. You generally have to get your witnesses. For example, the witness has to come and say that he/she did something with the DNA or whatever stuff they used to make sure that it was the hair and compared it with the hair of the suspect and so on. That is where persons could get convictions as a result of DNA from the laboratory. Even if an evidence officer dies, that does not mean that the case dies because the evidence officer would have done his/her analyst certificate to prove that, yes, I did this on this date, having had the hair from the suspect, and hair from the scene of the crime. It is useful. That is admissible evidence. That is what I want to state.

Having cleared that up, although I did not speak on the Evidence (Amendment) Bill, I must support it. It goes a very far way. In similar terms, with these *smart alics* that there are now, it operated at transnational levels. I remembered reading an economist article in which the Americans did not want the Japanese cars, so they put a limit on them. If a vehicle was 2000 Cubic Capacity (CC) or less, one could not import it into America. What the Japanese did was to make a car that was 1999 cc to avoid the brutishness of the Americans defending their trade. They say that they are not buying Uncle Benn's rice. You probably remember that. That is what they do. When one puts all of these things in the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Bill, and one says well it is with 90% tetrahydrate, *et cetera*. If one does not catch that and a man makes a nice little compound that is a little different, one cannot catch him. This Bill goes a far way in an omnibus clause and a compound clause as it were to catch those persons like that.

I urge that we all support these two Bills. Well, the Evidence Bill was supported. We must support this final one, the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Bill. Thank you, very much, Sir. [*Applause*]

**Mr. Benn (replying):** Thank you, Mr. Speaker. Thank you to all the Hon. Members for supporting this Bill, particularly on the other side. Unfortunately, my erstwhile friend, the Hon. Member, Mr. Ramjattan, seems to have been speaking about the previous Bill too. I am happy that he, along with the other Hon. Members on the other side have expressed support for the Bill. However, I must say that the Hon. Member, Mr. Figueira, made some criticisms of the Bill not being properly thought out. I think he has basically missed the point of the amendments which we proposed, omnibus as the Hon. Member, Mr. Ramjattan, has said, to capture all the combinations and additions relating to the matter, to put them

as an amendment to the Principal Act, it is to strengthen our approach to this problem. It is a very simple thing.

I heard a lot of talks and discourse about different types of drugs, how they are made and all of those things. There seems to be a lot of expertise on that side of the House in relation to this matter. Perhaps, it is a lost and sad thing that much expertise was not used in the previous life of those persons on that side when they were in the Government, but we are hearing it now. The issue of magnanimity which was raised and the question of making the Bill a better Bill, there is no way it could be made a better Bill, but for the distinct purpose for which it is intended. It is intended to capture all the combinations with respect to the designer drugs and the psychotropic substances under the term 'controlled substance analogue' as set out in Section 2 (b) of the amendments proposed. Also:

“In the definition of ‘narcotic’, by the insertion, immediately before the semicolon, of the words “and a controlled substance analogue.””

It is very simple. We have digressed into Guyana being similarly a big transshipment for drugs, internationally. I will repeat, the knowledge we have that the large amount of drugs which were found in Rotterdam, the 11.5 tonnes of cocaine, were accumulated during the five months period of the recount for the 2020 Elections. Perhaps, the structure, intelligence and anti-drugs agencies – there were two or three – all blinked, or they had their eyes open wide shut [**Mr. Holder: (Inaudible)**] We will get it from you. There was a question on poverty and all of these things. They are not unique to our country. Again, I will say and I do not know why we go down this path in making these expressions, the APNU/AFC in Government had a problem with rice and sugar. The measures they took and the decisions they made destroyed and impoverished people related to the rice and sugar industry. Also, they did and allow the same thing to happen in relation to the bauxite industry, gold mining and the forestry industry. [**Mr. Holder: (Inaudible)**] Yes, everything was destroyed.

5.07 p.m.

Go and ask the people out there. Everything was destroyed. Here you come to talk about poverty and this and that, posing it against a government which is about a year over in Office. Shameless expressions. You opened this debate and this discussion. [**Ms. Sarabo-Halley: (Inaudible)**] You should give them it. You opened discussions, this talked about over-the-counter opioids and all kinds of stuff. It is a simple

discussion. We take the point. We take the critique. We go into the discussion, but you make it sound as if we are guilty of something. I would have to say too that the Minister of Health of the People's National Congress (PNC) was one with the United States (US) and had a thorough time in the prisons in the United States in respect of the selling of over-the-counter opioids. [**Mr. Holder:** *(Inaudible)*]. Exactly. It has everything to do with you and the culture that you create.

I want to thank the support I have had from this side, for particularly pointing out too – Hon. Member Charles Ramson – the issues related to drugs and young people. Also, the critique criticism we had from the other side with respect to the effort we need to make in respect to this matter. Again, I say, a lot of what has been said in wasting time is dissonance. A lot of it is dissonance and not focused on what we ought to do. With that said, Mr. Speaker, I think I want to commend the consideration of the Bill in Committee.

*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.*

**Mr. Speaker:** Hon. Members I know it is just past 5 o' clock when we could have had a break. As we have been progressing so nicely, let the rhythm continue. Let us take the motions before us. I am sure that persons who may want, in the meanwhile, to step out if they are feeling some necessity to so do, can. Let us continue on with the business of the day and take the first motion.

## COMMITTEES' BUSINESS

### MOTIONS

#### OUTSTANDING WORK OF THE PUBLIC ACCOUNTS COMMITTEE OF THE ELEVENTH PARLIAMENT

WHEREAS, in accordance with Standing Order No. 104 (1), every Committee shall before the end of the Session in which it was appointed, make a report to the Assembly upon matters referred to it;

AND WHEREAS, the Public Accounts Committee, a Standing Committee of the National Assembly of the First Session of the Eleventh Parliament, was unable, owing to the dissolution of Parliament on 30<sup>th</sup> December, 2019, to conclude the work that was referred to it in that Session,

BE IT RESOLVED:

That the Public Accounts Committee of the National Assembly of the First Session of the Twelfth Parliament take into account all outstanding work of the previous Committee.

[*Mr. Figueira – Chairman*]

**Mr. Figueira:** “Whereas, in accordance with Standing Order No. 104 (1), every Committee shall before the end of the Session in which it was appointed, make a report to the Assembly upon matters referred to it;

And Whereas, the Public Accounts Committee, a Standing Committee of the National Assembly of the First Session of the Eleventh Parliament, was unable, owing to the dissolution of Parliament on 30<sup>th</sup> December, 2019, to conclude the work that was referred to it in that Session,

“Be it resolved:

That the Public Accounts Committee of the National Assembly of the First Session of the Twelfth Parliament take into account all outstanding work of the previous Committee.”

Thank you, Mr. Speaker. [*Applause*]

**Minister of Public Works [Bishop Edghill]:** I rise in support of the motion moved by the current Chairman of the Public Accounts Committee (PAC) that the work that was unfinished by this Committee in the Eleventh Parliament be continued in this Twelfth Parliament.

Just for the sake of the record, I wish to remind this honourable House that the reason the work of the Public Accounts Committee was not completed in the Eleventh Parliament, was not because of our unwillingness or inability to work. It was simply because of the successful passage of a no-confidence vote against the then Government in December 2018.

Mr. Speaker, I am aware of your own comments when the Auditor General handed in his report quite recently of which you presented to the Assembly today, the Report of 2020 about dealing with the backlog. We would want to ensure that

the accounts of Guyana are examined, the public officers give the necessary explanations, clarifications and reasons and at no stage at all would the reports of the Auditor General of Guyana be left in a hiatus or in abeyance. It is with that in mind that we support this motion, to absorb what was already done, to continue the work so that we could add completeness and that a proper report could be offered to this National Assembly. As a result of that, the Minister would be able to offer his treasury memorandum and the issues that needs to be addressed will be addressed and that the public's purse, at all times, will be preserved and that public officers will be held to the highest levels of accountability.

Please be assured that the Government side of this House supports the cardinal principles of transparency, accountability, and good governance. At all material times, we would do everything within our power to ensure that such processes are facilitated to ensure that the people of Guyana get value for what they are paying for and to ensure there is adequate accountability. Thank you very much, Sir. [Applause]

**Mr. Figueira:** Sir, I would like to thank the Hon. Member for speaking to the motion and most importantly, for supporting the motion. Sir, I believe it would be remiss of me not to state definitively that I have articulated the reason why the work was incomplete when I presented this motion. Just to say, Sir, that every report presented on behalf of the Public Accounts Committee of the National Assembly that comes before this honourable House, ever Member has in the past and present, have all been afforded the opportunity with the primary objective as elected servants of the people of Guyana, irrespective of the divide to ensure that the people's money is accounted for. To ensure that transparency and accountability of all taxpayers' money are well protected and ensure that the highest level of scrutiny of those accounts are provided so that the people of Guyana could rest assured that every effort was put in place to ensure that the people's business has not been railroaded by anyone.

Just to reiterate, we will continue as Members of the Public Accounts Committee to ensure the highest regard is bestowed in our efforts to ensure that transparency, to ensure that accountability is achieved in the conduct of our business in the Public Accounts Committee. I, therefore, put the motion for acceptance. Thank you, Mr. Speaker.

*Motion put and agreed to.*

#### **ADOPTION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON ITS EXAMINATION**

#### **OF THE PUBLIC ACCOUNTS OF GUYANA FOR THE YEAR 2015**

BE IT RESOLVED:

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

[*Mr. Figueira – Chairman*]

*5.22 p.m.*

**Mr. Figueira:** Once again, it gives me great pleasure to present to the National Assembly, the *Report of the Public Accounts Committee on its Examination of the Public Accounts of Guyana for the Year 2015*.

From 6<sup>th</sup> February, 2017, the Committee began its work to look at the reports for 2015. During that time, we had a number of meetings to do the work of the Committee which was required to get the work done on the report of the Auditor General. For the recommendations that we were able to arrive at and all of the explanations provided, I believe I would be wrong in my delivery to not acknowledge and, more so, thank all the Members of the Public Accounts Committee (PAC) for their time, effort and work they were able to get done. Additionally, I also want to thank the staff of the Parliament Office, who are assigned to the Public Accounts Committee, and all the advisors for their work and guidance.

I say to us, in this National Assembly, that we have a duty and responsibility to ensure that the prudent and erudite recommendations of the Public Accounts Committee are implemented, and that agencies take the corrective actions as recommended in the report of the Auditor General on the public accounts. With those words, Mr. Speaker, I would like to move the motion.

“BE IT RESOLVED:

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

I thank you.

*Motion proposed.*



**Mr. Speaker:** Thank you, Hon. Member. The motion is proposed. The Hon. Minister of Public Works, you have the floor.

**Bishop Edghill:** Thank you very much, Mr. Speaker. I rise to support the motion as proposed by the Hon. Member, Mr. Figueira. I want to begin my comments by, first of all, expressing thanks to the Audit Office of Guyana for continuously providing to this nation audited financial statements in keeping with the statutory deadline. This is something that we should not take for granted because it was not always like that. I am happy that we have an Audit Office that is fulfilling its constitutional and statutory responsibilities and ensuring that the people of Guyana get audited reports.

Secondly, the work of this Committee was ably assisted by our advisors at that time, the current Auditor General, the Finance Secretary, and the Accountant General, who played very important roles in guiding the Committee, helping us through some very turbulent waters by understanding and unravelling some of the discrepancies that were discovered and helping to providing solutions so that we were able to eliminate some of those problems as we moved forward. I wish, on behalf of the Government, to express our thanks to the advisors.

The staff of the Parliament Office, particularly the staff of the Public Accounts Committee, I believe, have done and are doing a wonderful job. The Public Accounts Committee is probably one of the most difficult committees to clerk. The hours of work are long. The number of meetings is numerous. The issues to be dealt with are great. The number of persons to host are numerous. We would like to express our thanks to the Clerk of the National Assembly and his staff for clerking and staffing this meeting to ensure that we get our work done.

Allow me, as I support this motion, to point out some very important things to the Hon. Members and the people of Guyana as it relates to this 2015 report. One, it was in 2015 when this thing called the Public Procurement Commission (PPC), which had eluded us for so many years, was established for the first time, in keeping with our Constitution. It was that Public Accounts Committee on which our now President served as Chairperson. On the Government's side, the lead person at that time, the Hon. Ms. Volda Lawrence, led us into putting in place the Public Procurement Commission. This was largely because of the People's Progressive Party/Civic (PPP/C) principled position, which was publicly stated and rebuffed at the time when we were in Government. Even though we were then in

Opposition, we remained faithful to that principled position of Government, three and Opposition, two. That Public Procurement Commission that was established in 2015 has expired because of the passage of time. We are at that stage again when we have to yield the putting in place of the next Public Procurement Commission. I urge that, in the same spirit of 2015, and the principled positions that were taken, we are able to get on with the current job of the Public Procurement Commission. That was in 2015 and it was documented in this report.

Secondly, in all my years of serving in this august House/National Assembly, 2015 saw a dispensation of public officers, when they came to the Public Accounts Committee, being ill-equipped, ill-prepared, or unwilling to answer the questions that were put to them. I would like to remind you, Sir, that the 2015 period was also a very special one. We did not have a budget until August, 2015. We had General and Regional Elections in May, 2015 and any expenditure was done by way of the one-twelfth provision until we got a budget.

These accounting officers who were appointed, and who came and answered for the 2015 expenditure...it was really a matter of concern. Even Members of the Committee of which the Hon. Member at the time, Ms. Volda Lawrence, was the lead person...I think the Hon. Member, Mr. Figueira, may have been a Member at that time. Members of the Government themselves were appalled and amazed at some of the answers that were being given. I bring this out because it is documented in the report that accounting officers who receive the authority to expend Government's resources, once appropriated in this House, must be aware that the Public Accounts Committee is not a joke. It is the place where they work out their accountability and answer to the people of Guyana. As a matter of fact, under the Chairmanship of Mr. Irfaan Ali – and it is documented in this report – there was a special meeting with the Public Accounts Committee and accounting officers – Permanent Secretaries, Regional Executive Officers (REO), and Heads of Budgets Agencies – to discuss this. I want to use the opportunity, as I present this report, so that this never happens again. Sadly, we are still seeing some of it in the current examination of reports, especially, when we had to send for accounting officers from previous years. Some do not turn up and some, when they turn up, are unhelpful. Perhaps, this National Assembly needs to consider an approach that holds accounting officers more accountable. So, the unpreparedness of accounting officers to manage and answer questions posed by the Committee was documented.

The second thing that this report brings out, and I believe it is of interest to all of us in this House, is that we have to strengthen the supervision of projects. I speak here as a Minister who is running a sector that has a number of projects. I am fully aware of that. Collectively, we have to strengthen the mechanism. Overpayments continued to be a major issue which was documented in this report. Overpayments mean that people were paid beyond works that were measured. It means that engineers, project officers, and accounting officers, who ultimately sign off on these documents, have to be more careful. It would appear that, as an Assembly, maybe as part of our work, we should seek to do some more training and make people, especially accounting officers, more aware of the Fiscal Management and Accountability Act (FMAA) because the breaches were numerous.

While we have this report and the normal politics would be to point fingers at who was and who was not, I think, ultimately, what the people of Guyana want is that whenever we pass a budget, an Appropriation Bill that becomes an Appropriation Act or supplementary budgets that come here, wherever moneys are directed, we have people who are managing their resources adequately to ensure that we get value for money. We, in the PPP/C, will continue to play our role with our Colleagues on the other side to strengthen any and every mechanism that could be made available to ensure that such ideals are observed and followed. I support the motion that is before us. I thank you for the opportunity, Sir, to make my few remarks. *[Applause]*

**Mr. Speaker:** Thank you. Hon. Minister. Hon. Member Mr. Figueira, you have the floor.

**Mr. Figueira (replying):** Thank you, Mr. Speaker. I want to thank the Hon. Member for his presentation. I agree with him. I do not believe that now is the time for us to be pointing fingers, particularly with respect to work that has to be done in the Public Accounts Committee. Both sides of the divide, I believe, strongly want the best for Guyana, want taxpayers' moneys to be spent in a respectable manner and want transparency and accountability. I believe that Committee should reflect some level of neutrality. I believe the primary objective for both sides of the divide is to ensure that there is prudent and accountable service of the people's money.

5.37 p.m.

I agree with the Hon. Members. There were times when accounting officers seemed very ill-prepared, and they had to be sent away. It is happening presently. Our objective as

Members of the Public Accounts Committee is to ensure that the highest level of scrutiny is undertaken so that the best of Guyana...and the moneys that are spent to develop Guyana, value for money is achieved. I want to also agree with the Hon. Member that this National Assembly must and should take into serious consideration...and ensure that good sense prevails in allowing the Public Accounts Committee to have sanctioning powers and to have *teeth* to ensure that these accounting officers, who fail to execute their responsibilities as professionals and who want to be political and serve their political masters, can be called to reality and understand that their role as public servants is to give service of distinction on behalf of the people of Guyana and on behalf of all taxpayers.

I believe all Members of the Public Accounts Committee now have a golden opportunity to look into themselves and see to it that when they go as Members of the Public Accounts Committee, the look beyond political affiliation, see Guyana and ensure that the service that they give, as elected officials who sit on the Public Accounts Committee, to ensure that transparency and accountability of the people's money is assured. I believe this opportunity is ripe for us to re-evaluate if that is not what we are doing. Guyana is depending on us – taxpayers on both sides of the divide, who have the democratic right to choose whoever they want to support as their political persuasion. When we are in that Committee, we should ensure that the highest level of professionalism and the highest level of our efforts to ensure transparency and accountability are achieved.

In conclusion, once again, I would like to reiterate my embryonic remarks by thanking all Members, staff and advisors for their work that we were able to accomplish in this report that is being presented here today. I also want to thank the members of the media for the work they do and the coverage they give to ensure, as my Comrade, Mr. Ramjattan, usually says, that the guardrails of transparency and accountability are maintained, and for their vigilance to expose and educate the nation on matters of the Public Accounts Committee. I really want them to see that they are indeed the fourth estate. They hold balance to ensure that the nation's taxpayers' money is indeed accounted for, transparency is achieved and, moreover, the entire population is informed and educated.

I ask all Members of the National Assembly to familiarise themselves with those recommendations. Those with governance responsibilities, those with leading responsibility for respective ministries, agencies, government organisations should ensure that those recommendations are enforced and

ensure that they remind all public officials who man State resources that they have a duty to ensure that Guyanese benefit from them executing their work in a transparent and an accountable manner. I thank you, Mr. Speaker.

**Mr. Speaker:** Thank you very much, Hon. Member.

*Question put and agreed to.*

*Motion carried.*

## PUBLIC BUSINESS

### MOTION

#### OUTSTANDING WORK OF THE PARLIAMENTARY SECTORAL COMMITTEE ON SOCIAL SERVICES OF THE ELEVENTH PARLIAMENT

WHEREAS in accordance with Standing Order No. 104(1), every Committee shall before the end of the Session in which it was appointed, make a report to the Assembly upon matters referred to it;

AND WHEREAS the Parliamentary Sectoral Committee on Social Services, a Sectoral Committee of the National Assembly of the First Session of the Eleventh Parliament, was unable, owing to the Dissolution of Parliament on 30<sup>th</sup> December, 2019, to conclude the work during that Session

BE IT RESOLVED:

That the Parliamentary Sectoral Committee on Social Services of the National Assembly of the First Session of the Twelfth Parliament adopt all outstanding work of the previous Committee.

*[Minister of Human Services and Social Security]*

**Minister of Human Services and Social Security [Dr. Persaud]:** Thank you very much, Mr. Speaker. I rise to move the motion to continue the outstanding work of the Parliamentary Sectoral Committee on Social Services of the Eleventh Parliament. This is important since, during the life of that Committee, many critical social issues were discussed in a robust manner and we were able to definitely have those moments when we examined policy legislation and came up with several recommendations. The motion states:

“WHEREAS in accordance with Standing Order No. 104(1), every Committee shall before the end of the Session in which it was appointed, make a report to the Assembly upon matters referred to it;

AND WHEREAS the Parliamentary Sectoral Committee on Social Services, a Sectoral Committee of the National Assembly of the First Session of the Eleventh Parliament, was unable, owing to the Dissolution of Parliament on 30<sup>th</sup> December, 2019, to conclude the work during that Session

BE IT RESOLVED:

That the Parliamentary Sectoral Committee on Social Services of the National Assembly of the First Session of the Twelfth Parliament adopt all outstanding work of the previous Committee.”

*Motion proposed*

**Dr. Cummings:** Thank you, Mr. Chairman. As Vice-Chair of that Committee, I join with the Chair in supporting this motion. I thank the parliamentary staff for working with us, as this Committee seeks to scrutinise all areas of the government in terms of policy administration in relation to the social services.

Of course, we want to ensure that the Guyanese people enjoy longevity and enjoy optimal health and social care. Whatever we do, as we monitor, we ensure that there is transparency and accountability, especially the ruling part of the Government in Office. This Committee is continuing its work, which we started some time ago. We continue to work assiduously to address topical issues, such as health issues in schools and encouraging healthy eating habits by encouraging the sale of healthy, wholesome and nutritious foods.

We know the importance of chronic diseases. It takes up about 70% of our national budget in health. Coming off of the visit by Dr. Etienne in 2017, we have continued to place chronic disease and healthy eating for children in schools...because we know juvenile diabetes is on the rise here. So, we keep that on the front burner as we continue with other issues such as violence, bullying in schools and child pornography. These are some things to which our attention is addressed. In terms of the youths, we look at stress, depression and peer pressure. As we know, suicide is real. At one stage, we were at number one, but thanks to the very good work that was set by the A Partnership for National Unity/Alliance For Change (APNU/AFC), we have shifted to fourth going to sixth. We continue to work assiduously in keeping these issues on the *[Inaudible]* looking at the ethology and see how we can manage, maintain our visits and have personnel come to speak to us for us to keep it in the air and in the media. This Committee is very serious in taking on

its work and we hope that we will continue unhindered. We are all Guyanese on both sides of the divide and we have to keep that in front of us. We are *One people, one nation, one destiny*. Our goal is to ensure that our people in Guyana live happy and health lives.

Without much ado, I just want to support this motion. As we continue our work, even in this dispensation...Of recent, we have been looking at legislation in relation to the sale of alcohol to minors and on religious holidays. We have been looking at some old work that we need to amend. We have been continuing our work. As long as our motive is clear and we are working with one goal, I am assured that this Committee will go places. I just want to join with the Hon. Member, Dr. Vindhya Persaud, to say that I will continue to work with this Committee and I will support it. From this side of divide, you will get our full support as we march on from one stage to the next. Thank you. [*Applause*]

**Mr. Speaker:** Thank you, Hon. Member. Hon. Minister Persaud, you have the floor.

**Dr. Persaud (replying):** Thank you, Mr. Speaker, I would like to thank the Member for her support. This is the Committee that brings together both sides of the House to look at commonalities as they relate to social ills and how we can tackle those areas in a very comprehensive and collective manner, especially as it refers to policy, legislation and the operation of various key entities within the ambit of social services. We have dealt with many, many critical issues, as was mentioned – the sale of alcohol to minors – looking at the legislation to come up with recommendations on how we can have our religious holidays be dry days, looking at those recommendations from sections of the public and also looking at other areas as it deals with mental health, including suicide and wellbeing, generally, and also looking at the impact of these social ills on various segments of the populations – families, children and people across the county.

It is a Sectoral Committee where we can frankly and candidly share our perspectives and views and I have no doubt that, if we continue in the same vein as we stated in the Eleventh Parliament, as we continue as this session of Parliament progresses, we can definitely achieve much. I look forward to working in tandem with all the Members of the Committee.

Mr. Speaker, once again, I thank the Members for their support and I sincerely thank the staff of Parliament Office, the Clerk of the National Assembly and yourself for always being very willing to offer guidance and also for the support that they have given to this Committee over time. Thank you

very much. I am very happy to present this motion to the House today.

**Mr. Speaker:** Thank you very much, Hon. Minister.

*Motion put and agreed to.*

**Mr. Speaker:** Hon. Members, we have had a very productive day, today, and this brings us to the end of our business for today.

#### ADJOURNMENT

BE IT RESOLVED:

“That the Assembly do now adjourn to Thursday 16<sup>th</sup> December, 2021 at 10.00 a.m.”

[*Prime Minister*]

*Motion put and agreed to.*

**Prime Minister [Brigadier (Ret'd) Phillips]:** Mr. Speaker, I move the adjournment of the Assembly to Thursday, 16<sup>th</sup> December, 2021 at 10.00 a.m.

**Mr. Speaker:** Thank you, Hon. Prime Minister. Hon. Members, the House stands adjourned to Thursday 16<sup>th</sup> December, 2021 at 10.00 a.m. Thank you.

*Adjourned accordingly at 5.53 p.m.*