

National Assembly Debates

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2006-2008) OF THE NINTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN Part I of II

59TH Sitting

14:00h

Friday 25 July 2008

MEMBERS OF THE NATIONAL ASSEMBLY (70)

Speaker (1)

The Hon Hari N Ramkarran SC, MP

Speaker of the National Assembly

Members of the Government (41)

People's Progressive Party/Civic (40)

The United Force (1)

The Hon Samuel A A Hinds MP *(Absent)*

(R# 10 - U Demerara/U Berbice)

Prime Minister and Minister of

Public Works and Communications

Performing the functions of the Office of the President

The Hon Clement J Rohee MP

Minister of Home Affairs

The Hon Shaik K Z Baksh MP

Minister of Education

The Hon Dr Henry B Jeffrey MP - *(AOL)*

Minister of Foreign Trade and International Cooperation

The Hon Dr Leslie S Ramsammy MP

(R# 6 - E Berbice/Corentyne)

Minister of Health

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

The Hon Carolyn Rodrigues-Birkett MP

(R# 9 - U Takutu/U Essequibo)

Minister of Foreign Affairs

*The Hon Dr Ashni Singh MP

Minister of Finance

The Hon Harry Narine Nawbatt MP

Minister of Housing and Water

The Hon Robert M Persaud MP

-(AOL)

(R# 6 - E Berbice/Corentyne)

Minister of Agriculture

The Hon Dr Jennifer R A Westford MP

-(AOL)

(R#7 - Cuyuni/Mazaruni)

Minister of the Public Service

The Hon Kellawan Lall MP

Minister of Local Government and Regional Development

*The Hon Doodnauth Singh SC, MP

Attorney General and Minister of Legal Affairs

The Hon Dr Frank C S Anthony MP

Minister of Culture, Youth and Sport

The Hon B H Robeson Benn MP

Minister of Transport and Hydraulics

**The Hon Manzoor Nadir MP

Minister of Labour

The Hon Priya D Manickchand MP

(R# 5 - Mahaica/Berbice)

Minister of Human Services and Social Security

The Hon Dr Desrey Fox MP

Minister in the Ministry of Education

The Hon Bheri S Ramsaran MD, MP

Minister in the Ministry of Health

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

*Non-elected Minister **Elected Member from TUF

The Hon Jennifer I Webster MP

Minister in the Ministry of Finance

The Hon Manniram Prashad MP

-(AOL)

Minister of Tourism, Industry and Commerce

*The Hon Pauline R Sukhai MP

Minister of Amerindian Affairs

Mr Donald Ramotar MP

Ms Gail Teixeira MP

Mr Harripersaud Nokta MP

Mrs Indranie Chandarpal MP, Chief Whip

-(AOL)

Ms Bibi S Shadick MP

(R# 3 – Essequibo Is/W Demerara)

Mr Mohamed Irfaan Ali MP

Mr Albert Atkinson JP, MP

(R# 8 - Potaro/Siparuni)

Mr Komal Chand CCH, JP, MP

(R# 3 - Essequibo Is/W Demerara)

Mr Bernard C DeSantos SC, MP

(R# 4 - Demerara/Mahaica)

Mrs Shirley V Edwards JP, MP

(R# 4 - Demerara/Mahaica)

Mr Mohamed F Khan JP, MP

-(AOL)

(R# 2 - Pomeroon/Supenaam)

Mr Odinga N Lumumba MP

-(AOL)

Mr Moses V Nagamootoo JP, MP

Mr Mohabir A Nandlall MP

Mr Neendkumar JP, MP

(R# 4 - Demerara/Mahaica)

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

*** Mr Steve P Ninvalle MP

Parliamentary Secretary in the Ministry of Culture, Youth and Sport

Mr Parmanand P Persaud JP, MP

(R# 2 - Pomeroon/Supenaam)

Mrs Philomena Sahoye-Shury CCH, JP, MP

Parliamentary Secretary in the Ministry of Housing and Water

***Non-elected Member

Mr Dharamkumar Seeraj MP

Mr Norman A Whittaker MP

(R# 1 - Barima/Waini)

Members of the Opposition (28)

(i) People's National Congress Reform 1-Guyana (22)

Mr Robert HO Corbin

Leader of the Opposition

Mr Winston S Murray CCH, MP

Mrs Clarissa S Riehl MP

Deputy Speaker of the National Assembly

Mr E Lance Carberry MP

Chief Whip

Mrs. Deborah J. Backer MP

Mr Anthony Vieira, MP

- (Absent)

Mr Basil Williams MP

Dr George A Norton MP

Mrs Volda A Lawrence MP

- (Absent)

Mr Keith Scott, MP

Miss Amna Ally, MP

- (AOL)

Mr James K McAllister, MP

Mr Dave Danny, MP

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

(R# 4 - Demerara/Mahaica)

Mr Aubrey C Norton MP

(R# 4 - Demerara/Mahaica)

Mr Ernest B Elliot MP

- *(Absent)*

(R# 4 - Demerara/Mahaica)

Miss Judith David-Blair MP

(R# 7 - Cuyuni/Mazaruni)

Mr Mervyn Williams MP

(Re# 3 - Essequibo Is/W Demerara)

Ms Africo Selman MP

Dr John Austin MP

(R# 6 - East Berbice/Corentyne)

Ms Jennifer Wade MP

(R# 5 - Mahaica/Berbice)

Ms Vanessa Kissoon MP

(R# 10 - U Demerara/U Berbice)

Mr Desmond Fernandes MP

(Region No 1 – Barima/Waini)

(ii) Alliance For Change (5)

Mr Raphael G Trotman, MP

Mr Khemraj Ramjattan, MP

Mrs Sheila VA Holder, MP

Ms Latchmin B Punalall, MP

(R# 4 - Demerara/Mahaica)

Mr David Patterson MP

(iii) Guyana Action Party/Rise Organise and Rebuild (1)

Mr. Everall N Franklin MP

- *(AOL)*

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

OFFICERS

Mr Sherlock E Isaacs

Clerk of the National Assembly

Mrs Lilawatie Coonjah

Deputy Clerk of the National Assembly

59TH SITTING-1ST SESSION- 9TH PARLIAMENT

FRIDAY, 25 JULY 2008

Commencement of Sitting: 14:10h

PRAYERS

[The Clerk reads the Prayers]

QUESTIONS ON NOTICE

For Oral Replies

The Speaker: Honourable Members, there are four questions remaining on the Order Paper.

Mr Raphael Trotman ...

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Mr. Raphael GC Trotman: Mr. Speaker, I am grateful for this opportunity though I did ask last evening for the written answers to be delivered immediately. That was not done, so I am grateful that you anticipated that the answers would not be provided as per Standing Order and facilitated this course of action. Thank you.

Mr. Speaker with your leave, I believe these questions are addressed to the Minister of Finance through you.

(1) THE EUROPEAN UNION'S MICRO PROJECT SCHEME

Does the Government propose to endorse and support the European Union's Micro Project Scheme?

There are several questions. This is the first one. Should I ask them all or one at a time?

The Speaker: Is there any question with several parts?

Mr. Raphael GC Trotman: No, please, Sir.

The Speaker: Okay. Are they independent questions?.

Mr. Raphael GC Trotman: Yes. There is one question with several parts.

I personally submitted several questions. If it is that the Clerk has decided that it is one question with several parts, he should tell me, but when I submitted my questions about two months ago, they were ... The day that this matter appeared in the

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

newspapers I submitted these questions. They are now on the Order Paper.

Could I have them answered one at a time please, Sir, with your leave and permission, unless we are doing some violation to the Standing Order?

The Speaker: Very well, Honourable Member. Thank you, proceed.

Honourable Minister of Finance ...

Hon. Dr. Ashni K. Singh: Mr. Speaker, first of all allow me to clarify that in relation to the submission of the written answers, it was to... *[Interruption]*

The Speaker: I did not hear you.

Hon. Dr. Ashni K. Singh: In relation to the submission of written replies following our discussion yesterday, I was of course being guided by your ruling and your interpretation.

The Speaker: Right, I have to look at that ruling again, because it seems as if, when you look at it, it seems as if we were taken by surprise yesterday, because these are not rules that engage our attention on a regular basis; because the insistence on the forty minutes has never occurred in this Parliament or the last Parliament or has it ever occurred in the memory of anybody, who is here and who has served for a long time. So we are not very familiar with the rules and we had to interpret them on the spot, but I will have to instruct the Clerk to send around ... it seems when you look at the section that it requires the Member to answer the question

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

immediately, because it talks about circulating at this Session. So we will have to advise Members at a later date that when questions are asked they must have their answers in writing so that if the forty minutes elapse and there is an insistence on the rule that it is obeyed ... Members have a right to do that. Then for the questions which remain unanswered the Members shall have their written answers ready to be submitted and circulated at that Session. I think that is what the Standing Orders said. That is just a note of explanation. I am sorry to interrupt you Honourable Member.

Hon. Dr. Ashni K. Singh: No, Mr. Speaker, I offered that in fact, largely in response to Mr Trotman's suggestion.

The Speaker: Yes, I understand that.

Hon Dr Ashni K Singh: Because I was in possession of a written reply and subject to your interpretation and ruling on immediately it was available and I would have happily submitted it.

In response to the question asked Mr. Speaker, as to whether the Government proposes to endorse and support the Project identified, I assume of course that the Project to which the question refers is the Guyana Micro Projects Programme and believing it to refer to that particular Project, I would say that the Government does in fact endorse and support the Programme. In fact the Programme has its genesis in a financing agreement executed by the Government with the European Union in 2004 signed by my immediate predecessor, then Minister of Finance Sasenarine Kowlessar.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

The Speaker: Mr. Trotman ...

Mr. Raphael GC Trotman: Second question:

If the Government does in fact endorse this Programme as per the 2004 Agreement or is the Government still studying the proposals, does its concerns ...

Mr. Speaker these questions as framed do violence to what I submitted.

Does its concerns relate to the type of Projects under a location of the Communities receiving the financing?

I am trying to put it back into the way I would have framed it.
Thank you.

Hon. Dr. Ashni K. Singh: Mr. Speaker as I believe I might have indicated on a previous occasion in this Honourable House, the Government has expressed certain concerns in relation to the administration of the Project. These concerns do not relate to specific projects and for the location of specific projects or specific Communities.

Mr. Raphael GC Trotman: Well I believe that if a supplementary is permitted -

Supplementary Question:

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Can the Honourable Member tell us then precisely what the concerns are so that those involved may know what jeopardies to avoid and when the monies would be forthcoming?

Hon Dr Ashni K Singh: Mr. Speaker, the Project Agreement that was executed by the Government with the European Union had of course a number of conditions attached to it and in fact had Annex to it, a fairly comprehensive description of what was anticipated in relation to the implementation of the Project. As a result of which, no doubt all of the Parties concerned, I am sure the European Union, but certainly the Government of Guyana would have had certain expectations particularly that the Project would have been implemented in accordance with these expectations. It has come to our awareness, our information that some of these expectations have not been met in relation to the execution of the Project and so we registered our concern in this regard.

Supplementary Question:

Mr. Mervyn Williams:

Could the Honourable Minister tell the National Assembly exactly at what level do these administrative difficulties exist, would it be at the level of -

- *The Government of Guyana and European Commission relationship;*

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

- *The Government of Guyana and the European Board relationship that is the EU Board or is it;*
- *The Governments relationships and expectations of the NGOs, FBOs and CDOs executing the Projects?*

Hon. Dr. Ashni K Singh: Mr. Speaker, in relation to the question asked, I could say definitively with respect to the last suggestion that is expectations with respect to individual NGOs, I could say that as I indicated earlier, our concerns do not relate to specific projects as such, but of course like I said the expectations, what was articulated in the agreement is an expectation that I believe both the European Commission and the Government would have had. And they also relate to expectations that we would have had with respect to the Board and the Entity implementing the Project, so I am not quite sure.

The Honourable Member asked the question about at what level I would say that to the extent that it is an agreement executed between the European Commission and the Government of Guyana, I think it is a concern that ... I would not argue that, perhaps it is at that level, but the issues that we have raised also relates to the role of the Board and the role of the Manager of the Project.

Supplementary Question:

Mr. Raphael GC Trotman:

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Can the Honourable Minister tell us whether he is prepared to share with this House, the analyses which have been generated or have come as a result of the Programme's implementation since 2004, which lead to the point of view that there are concerns vis-à-vis its implementation? Can you share that analysis or analyses with us as I believe we are entitled to being in receipt of?

Hon. Dr. Ashni K Singh: Mr. Speaker, the question presupposes that there is a single particular analysis that would have led to this conclusion. The Honourable Member refers to an analysis or...well I thought he referred to an analysis Mr. Speaker. There isn't a single...the Honourable Member Mr. Speaker refers to a single analysis, I am not sure what his expectations are in relation to this analysis to borrow his words. If it is that he is referring to a particular analysis, a particular study or set of studies, I would say that I am not sure that I am in a position to say that a single document or a single analysis or a set of analyses exist. Again, I would say the agreement articulates a set of things that Government would have expected and that indeed the other Party I am sure would have expected. It is our understanding that some of those have been departed from.

Mr. Raphael GC Trotman: Mr. Speaker, I have had the benefit of studying, in Development Economics, the whole process of the analysisation of these types of Projects and I know that there is a particular format in which it is done. But if he wishes to say there is no one set of analysis or analyses that

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

is his right, but certainly there is a methodology that tells us that the Project is not meeting the targets.

Mr. Raphael GC Trotman: The third question –

Is the Government providing monies to be disbursed for this Programme and if so, how much?

Hon. Dr. Ashni K. Singh: Mr. Speaker, the Government of Guyana is not providing monies to be disbursed under this Project.

Mr. Raphael GC Trotman: *The fourth question –*

Is the Government of Guyana reviewing the General policy regarding aid and assistance by Foreign Governments and Aid Institutions in Guyana of course?

Hon. Dr. Ashni K Singh: Mr. Speaker, apart from the fact that there are ongoing assessments and reviews being implemented, I would say that there is not a single discreet review that is currently being conducted of the general policy regarding aid and assistance.

Mrs. Sheila V.A. Holder: Can I ask a supplementary please?
[Pause]

I am waiting on the Speaker.

The Speaker: The Honourable Member Mrs. Holder.

Supplementary Question:

Mrs. Sheila VA Holder: Thank you ...

Will the Honourable Minister indicate whether he is concerned about the... let me put it another way, there is a number of NGO's in Community-based Organisations that are anxiously awaiting word on the outcome of their projects. Do you think they are entitled to an explanation? Are you prepared to give them an explanation at this point in time?

The Speaker: Honourable Minister of Finance.

Hon. Dr. Ashni K. Singh: Mr. Speaker, I would seek perhaps your guidance on that question, it is my understanding that supplementary questions can be asked for the purposes of elucidating an earlier answer. *[Interruption]*

The Speaker: Honourable Member let me interrupt you, I have to apologise I was in discourse in an important matter. I did not hear the question.

Mrs. Sheila VA Holder: ...

I was seeking to ascertain from the Honourable Minister whether he thought that the NGOs in Community based Organisations that had applied for funding and had heard nothing in several months, were entitled to an explanation as to what is the cause for the delay and if so is

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

he prepared to give that explanation here and now?

The Speaker: That seems simple enough, Honourable Minister.

Hon. Dr. Ashni K Singh: Well Mr. Speaker, except that again, of course, I do not have the vast experience of many as are in this House, but my simple reading of Standing Order 22 (6) would say that after an oral answer to a question has been given; supplementary question may be asked for the purpose of elucidating the answer given orally. It goes on further to say, the Speaker may refuse any such questions which in his or her opinion introduce matters not relative to the original question. So Mr. Speaker, I am perhaps appealing to...
[Interruption]

The Speaker: Honourable Minister do not appeal me, if you adopt a creative posture, you can answer the question.

Hon. Dr. Ashni K Singh: Mr. Speaker... *[Interruption]*

The Speaker: If you are asking me to rule the question out of order, I will have some kind of...

Hon. Dr. Ashni K Singh: Mr. Speaker at this stage ...

The Speaker: I will have to ask what the original question was.

Hon Dr Ashni K Singh: Mr. Speaker I would not at this stage necessarily go so far as to ask you to rule the question out of order, except perhaps to draw to your attention that particular

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

matter. But I will say Mr. Speaker that our predominant concern - the Government's predominant concern - is that the objectives of the project are achieved.

The Speaker: Thank you, Honourable Member

Mr. Trotman.

Mr. Raphael GC Trotman: Mr. Speaker, the *fifth question* –

If the Government is still studying the proposals and with these concerns that we have been told about, can the Honourable Minister indicate when we are likely to have this matter concluded?

I think that is what we all want to know, when ...?
[Interruption: 'Is it an open ended ...?' "I do not think so. You are not the Minister, but if you want to get up, get up I know you are vying, why don't you get up and answer then?"]

The Speaker: Yes, any idea of when?

Hon. Dr. Ashni K. Singh: Mr. Speaker, because the Government does not have exclusive control over this matter, I could not indicate a definite time, but I would say that the Government is firmly committed to engaging with all of the parties concerned, in ensuring a timely resolution of this issue.

The Speaker: Thank you. Mr. Williams first and then Mrs. Holder

Supplementary Question:

Mr. Mervyn Williams: ...

Could the Honourable Minister say whether the Ministry of Finance and the Government would support the extension of the implementation deadline for the thirty-nine EU Micro Projects in question and if the Government is so inclined, then would the Honourable Minister say if there are special conditions to be met by any of the NGOs for this purpose?

The Speaker: Honourable Minister of Finance.

Hon. Dr. Ashni K Singh: Mr. Speaker that would depend of course on the discussions that are still to be had.

The Speaker: The Honourable Member Mrs. Holder ...

Supplementary Question:

Mrs. Sheila VA Holder: ...

(a) Thank you Mr. Speaker, I was going to repeat the question in the context of this last question to find out whether or not at some point in time, the Minister would consider it appropriate, prudent to inform all these NGOs and Organizations that are awaiting urgently word on the outcome of their Projects, what is the status of those Projects?

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

(b) Do you believe, Sir that they are entitled?

Do they have the right to an explanation?

That is the main question; I have not gotten an answer as yet.

Hon. Dr. Ashni K Singh: Mr. Speaker, I am not sure that I can add anything further to what I have said already. I have said already that the Government's predominant concern is ensuring that the issues we have raised are addressed and that the project can be implemented in a manner that would ensure the achievement of its objectives. Mr. Speaker, I really am not, you know, in a position to say anything more beyond that.

The Speaker: Honourable Members the others questions are for Ms. Amna Ally who I do not see here. Is there a request that they be deferred?

Mr. Mervyn Williams: No, Sir, I have been authorized to ask the questions on behalf of Ms Ally. The Clerk has so been notified, Sir.

The Speaker: Proceed, Honourable Member.

2. SPECIAL EDUCATION IN GUYANA

Mr. Mervyn Williams: Thank you Sir. The question is directed to the Minister of Education.

(i) Could the Honourable Minister share with this National Assembly the programme for Special Education in Guyana?

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

(ii) Is there a Special Education Unit to deal with special education in Guyana?

(iii) What is the staffing strength of this Unit?

The Speaker: The Honourable Minister of Education

Hon. Shaik KZ Baksh: Mr. Speaker, there is a Programme for Special Education in Guyana and this Programme is being run at the following schools and locations;

- Sophia Special School;
- St. Roses Unit for the Blind;
- St. Barnabas Special School;
- Diamond Special School;
- New Amsterdam Special School;
- Linden Special School;
- David Rose School for the Handicapped; and
- The Ptolemy Reid Rehabilitation Centre;

To support these Programmes, the Ministry is engaged in the training of Teachers both at the CPCE as well as workshops conducted by the National Centre for Education Resource Development. The main challenge is to train more persons with a higher degree of specialization in this area and the Ministry has requested scholarships to send some of our teacher's abroad for this specialized training. In the interim,

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

we are relying on five VSOs who are here and who have specialization in the area and who are now working at NCERD at the CPCE. They are assisting the Ministry and they have already conducted workshops assisting in drafting a National Policy for Special Education and so on.

There is a Special Unit within the Ministry which has been established and this is staffed by two top level professional officers and we do have a draft policy. [*Interruption: 'We do not have a draft policy.'*] You are not listening Member. This will be incorporated into our strategic plan, which would shortly be out. So we do have a Special Unit set up. This Unit will be strengthened with the appointment later of a coordinator for Special Education, so that is what we are doing and more details of the Special Education Programme in Guyana will be laid out in our Education Strategic Plan.

Supplementary Question:

The Speaker: Yes Honourable Member.

Mr. Mervyn Williams: Honourable Minister you said that work is currently being done to draft a policy; you also said that you are currently drafting a strategic plan.

- (a) *Is it true to say Sir that there is no policy existing and that there is no strategic or other plan existing at the moment for Special Education?*
- (b) *Finally, is there a Secretariat dealing with Special Education Needs and where is that Secretariat located?*

Hon. Shaik KZ Baskh: Apparently the Member was not listening because all of those questions have already been answered.

Mr Mervyn Williams: I do not think so.

Hon. Shaik KZ Baksh: But I will repeat for your edification. There is a Special Education Unit and this Unit is located in Queenstown at the National Commission, the building houses the National Commission for UNESCO; there is a building there. We are working and I said that and we do have a draft policy on Special Education.

Secondly, we do have a Strategic Plan and this plan is in draft and will be out by the end of this month.

The Speaker: Honourable Member...

3. DAVID ROSE SCHOOL

Mr. Mervyn Williams: Could the Honourable Minister of Education tell this National Assembly, what category of Schools the David Rose School falls under?

Hon Shaik KZ Baksh: Mr. Speaker, this is a very ambiguous question. I spent several hours trying to find out what is the meaning of this question, *[Laughter]* because there are two David Rose Schools; I do not know which one the Honourable Member is referring to, because I wanted to know if there are other Schools for David. We do have the David Rose School for the handicapped and we have the David Rose Community

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

High School, so I do not know which one the Honourable Member is talking about.

Supplementary Question:

Mr. Mervyn Williams: ...

Honourable Minister the question is specifically... [Interruption: 'The one that Neendkumar went to.' "Precisely, [Laughter] the school for the handicapped, Sir. Is it an all-age school or is it a school that deals with intake to a certain level be it Primary or Secondary?

That is essentially the question.

Hon. Shaik KZ Baskh: Yes the David Rose School for the handicapped is categorized as a Special School delivering education at the Primary level.

Supplementary Question:

Mr. Mervyn Williams:

Is the Honourable Minister aware ...

The Speaker: Could you not have rung the Headmistress and found that out man?

Mr. Mervyn Williams: Pardon me, Sir.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Is the Honourable Minister aware that there is at least one student over twenty years old in that School?

Hon. Shaik KZ Baksh: It is a special school and some of the children may be of a certain age, but they are still at the primary, because it is within the needs of the mentally and physically challenged.

The Speaker: Next question please.

4 MONITORING OF THE SCHOOL SYSTEM IN REGION 5

Mr. Mervyn Williams: ...

Could the Honourable Minister of Education tell this National Assembly what is the role of the Regional Executive Officer of Region 5 in the monitoring of the School System in Region 5?

Hon. Shaik KZ Baksh: Mr. Speaker, I want a bit more detail on this one here, to provide some education for the Honourable Member. The RDCs are responsible to the Ministry of Education for the implementation of education policy in their respective Regions. Such policies are only made after wide stakeholder participation, which include inputs from the various Regions. The Regional Chairman and Regional Executive Officers are as political and administrative heads respectively of the Regions; are accountable to the RDCs for day to day management of the Regions. This includes the management of education delivery through the Regional

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Education Departments with assistance from the Regional Education Committees.

The Regional Education Department headed by the REDO does the day to day implementation of education in the region.

The REDO is the Chief Professional Education Officer in the region and answers to the Council by way of the REXO that is the Regional Executive Officer, the Regional Chairman and the Regional Education Committee.

The Regional Executive Officer should go through the REDO in the monitoring of the school system in Region 5 and any other Region.

Supplementary Questions (2):

Mr. Mervyn Williams: ...

Is the Honourable Minister aware that the Regional Executive Officer is often present at Head Teachers' Meetings giving directions to Head Teachers in the Region, even in the presence of the Regional Education Officer?

Is the Minister also aware that the Regional Executive Officer goes so far as to issue instructions to the PTAs one such instruction having to do with the PTA being asked not to use a school building to hold PTA Meetings and does the Honourable Minister believe that this conduct is reasonable against the background of the answer to the question?

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Hon. Shaik KZ Baksh: Mr. Speaker, there is nothing to preclude the Regional Executive Officer from attending Meetings of the Heads of Schools in any given Region. As a matter of fact, I would support the attendance of the REXO to understand the workings of the Regional Education Department [*Applause*] and to be able to provide funding and other support services, this is vital. As a matter of fact, when I visit the Regions as Minister, I want the REXO and the REDO along with other Professional Officers to be there. So they have to coordinate their activities in such a way so as to bring the greatest benefit in education delivery to the Region.

In terms of the PTAs, the Regional Executive Officer will have an important role here, because the PTAs can raise funds for the Schools. As a matter of fact, we just issued a circular stating that all funds to be raised by Schools, must go through the Board of the School or the PTAs and therefore it is important that he has a coordination with the PTAs in terms of the raising of funds for the carrying out of essential services to the School.

The Speaker: Thank you Honourable Minister.

Honourable Members, we can now proceed with the next item on the Order Paper

PUBLIC BUSINESS

(1) GOVERNMENT BUSINESS

BILLS - Second Readings

**1 NATIONAL ASSEMBLY DEBATES 25 JULY 2008
THE EVIDENCE AND MOTOR VEHICLES AND
ROAD TRAFFIC (AMENDMENT) BILL 2008 -
Bill No 2/2008 published on 2008-07-11**

*A Bill intituled, an Act to amend the
Evidence Act and the Motor
Vehicles and Road Traffic Act*

The Honourable Minister of Home Affairs

Hon Clement J Rohee: Mr. Speaker, the Bill that we have before us is timely and has had a long journey before it arrived at this Honourable House following consultations with persons, who have an interest in Road Safety and keeping death off the roads of our country.

The Bill goes to the heart of addressing the question of driving under the influence of alcohol. That is the fundamental thrust of the Bill in seeking to put in place laws and subsequent measures that will seek to address this age old problem.

Mr. Speaker driving under the influence of alcohol is a serious problem in our country. I would not want to venture into the sociological aspects of this problem. I believe that there are others who will speak, who are better prepared than I am to address this problem from a strictly sociological perspective. We have to admit that driving under the influence of alcohol is a serious problem in our country and it is a matter that has resulted in many deaths on the roads. Now *rum-drinking* as we call it in popular jargon is not un-peculiar to our society, as it is with many other countries that produce rum.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Imbibing alcohol particularly at weekends, holidays, after certain social activities such as weddings and some of these activities which we see now springing up around the country that are called bar-be-cues and a number of illegal activities. These are activities that take place around a certain period of the week and following those activities, persons participating in those activities they rather nonchalantly enter the vehicle and begin driving on the roads. They are many places in Guyana, when you drive around this country; you would see signs in very bold letters stating that *IF YOU DRINK DON'T DRIVE* and when you listen also to the programme that comes over every morning somewhere between six and seven o'clock - a programme by the Guyana Police Force issuing certain tips on Road Safety; they quite frequently, encourage people to desist from driving when they drink.

The problem has been with us for quite some time Mr. Speaker and the issue is how you deal with it? I would wish to by way of introducing this Bill simply say that education and laws must go hand in hand in addressing driving under the influence of alcohol. We know that in many countries including ours, I think it is still active, there is an Organization called *Alcoholic Anonymous*, where persons who have become addicted to this problem are given counseling; we know they are certain rehab centers that seek to address persons affected by this malady. We know that patient and persistent work by faith based organization, religious bodies, make a significant contribution in encouraging persons not to imbibe in alcohol, because it is not only a question of contributing to unsafe driving; but

- Wife beating;

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

- Domestic violence;
- Disturbing the peace and good order in the villages and the communities and so forth.

So it is a multi-faceted problem, but for the purpose of this Bill, I would wish for the purpose of the debate to restrict myself mainly to the Evidence and Motor Vehicles and Road Traffic (Amendment) Bill, which seeks to address the question of driving under the influence of alcohol in the context of the laws.

Mr. Speaker the Bill, having given that brief background seeks to amend the Motor Vehicle and Road Traffic Act and the Evidence Act as well. With respect to the Evidence Act, the Bill seeks to insert the Interpretation Section of the Evidence Act, treating with a number of interpretations and explaining what those interpretations are in that particular section. Interpretation Sections 39(a) to 39(f) and we see that at 39(g), a further amendment of the Evidence Act seeks to insert a number of other sections; Section (2) for example explaining the meaning of the authorized analyst, who is an authorized analyst to address the question of blood test, which incidentally is to be administered to the same person, whom the police would have stopped and sought to have both the blood test and the breath test done.

- (i) Through a designated place by the Minister of Health, where such blood test ought to be done.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

- (ii) In the case of the breath test, at the Police Station nearest to the place where the incident or where the police may have apprehended the individual.

There are also insertions to address questions of the reports, Sections 43(a) and 43(b) of the authorized Analyst and the Radar Device that is to be used to conduct the breath test.

Mr. Speaker, the Bill also seeks to amend the Evidence Act to allow the certificate of an authorized Analyst or a registered Medical Practitioner; the certificate which is to be authenticated by the Ministry of Health to be received in a court as evidence of the findings of the breath or blood test.

The Bill also seeks to amend the Evidence Act to provide for certificate to be received in court as evidence as to the accuracy of;

- A Speedometer;
- Radar; and
- A weighing device by an appropriate Public Officer;

Mr. Speaker, in so far as to the amendments to the Motor Vehicle and Road Traffic Act, the Bill proposes insertions of a number of sections, example Section 39(a), which is the basic offence which states that -

A person shall not drive, or attempt to drive or be in charge of a motor vehicle on a road or other public place if he has consumed alcohol in such a quantity, that the proportion thereof

NATIONAL ASSEMBLY DEBATES 25 JULY 2008
*in his breath or blood exceeds the prescribed
limit.*

Now the prescribed limit is to be found in the interpretation section where it stipulates that -

Breath alcohol concentration 35 micrograms of alcohol in 100 millimeters of breath and blood alcohol concentration 80 milligrams of alcohol in 100 millimeters of blood or such other proportion as may be prescribed.

Because the question may very well be asked, how do you ascertain from the person whom the breathalyzer test is to be done and the blood test and he has exceeded the prescribed limit of alcohol in his or her system. So, that is clearly spelt out, Mr. Speaker.

Section 39 (b) deals with the role of the police in treating with the person, who he suspects would be driving under the influence of alcohol and in Section 39 (a), (b) and (c), the Bill stresses the role the police is expected to execute in dealing with the person whom he suspects would be in such a situation.

Mr. Speaker, Section 39(b) (iii) is an important section of the Bill, because it points out where the breath test is to be taken that is if the constable thinks it fit at a police station specified by him, being a police station in reasonable proximity to that place.

It also points out that in the case where the person is hospitalized, the person may have been involved with the

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

accident under the influence of alcohol and that person is hospitalized the Bill makes it clear that there is certain conditions or conditionalities that are attached to taking a blood test in conditions where this person is hospitalized. The medical practitioner is the person who determines whether such a test should be taken of the patient at the hospital.

The penalties are quite clearly elucidated in the Bill, in that same Section 39(b) and at Section 39(c) reference is made as to how the breath analysis is to be conducted and where it is to be conducted.

The question of the timing between the taking of the breath test and the blood test is spelt out at Section 39(c) (iii) (b) where it states that -

There must be an interval of not less than two minutes and not more than ten minutes before the provision of specimens and the reading from the specimen that indicates the lower concentration of alcohol in the person's breath shall be taken to be the result of the breath analysis.

This is a technical question, which I will leave to my colleague the Minister of Health to address in greater and wider detail.

Mr. Speaker, in the Section 39(c), which is quite an expansive section; it addresses the question of statements from the police which has to be provided to the person providing the breath analysis. In others words, the police simply cannot take a statement of a person providing a breath analysis and find it

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

somewhere; he has to show it at the same time to the person from whom he has extracted the breath analysis.

The question of laboratory test are addressed at Section 39(d), because in view of the fact that you may have cases in court; it is necessary to go into great detail on some of these matters if evidence is to be presented in the court by the prosecutor in respect of the levels of alcohol found in the person.

The lab test reflected at Section 9(d) of the Bill, I think instructive and will obviously lay the basis for the prosecutors to successfully prosecute these cases.

There are certain conditions also highlighted at Sections 39(e) and 39(f) in respect of the conditions for taking blood test. It is important to have these matters inserted in the Bill, because you are dealing with sensitive issues here, where a person is either hospitalized or not hospitalized. They have to give permission to take the blood test which is a matter that will have to be presented as evidence in the court. Now if the person refuses to consent to the taking of specimens, the Bill addresses that issue as well.

Mr. Speaker, the demerit point system, which is a new element in traffic regulation, is what the Bill also seeks to introduce and this will be done by subsequent regulations. The demerit point system addresses drivers, who would eventually be disqualified from driving over a period of time, having been found to be consistently violating the new laws that are to be implemented.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Mr. Speaker fatal accidents involving drivers under the influence of alcohol between the 1 January and the 23 July 2007 to 2008; we had twenty-one drivers in 2007 killed as a result of road accidents; these drivers under the influence of alcohol and twenty-nine in 2008 so far.

In 2007, persons who died from accidents and these, mainly fatal accidents related to drunken driving, they were ninety such accidents in 2007 and fifty-four in 2008, in terms of deaths however, they were 105 in 2007 and sixty-five in 2008.

With respect to children, they were thirteen in 2007 and three in 2008. We will obviously see from the figures that in cases where drivers under the influence of alcohol are involved in accidents, most of them would have died. The numbers vary and the numbers have been reducing in terms of other persons in the vehicles where drivers under the influence of alcohol were involved in accidents. I believe that this new law will make drivers recognize their limitations when consuming alcohol, I certainly believe so. Persons are likely to park their vehicles when going on a drinking spree. Mr. Speaker persons who may have the intention of consuming alcohol at social events, I believe that this Bill when enacted will contribute significantly as a deterrent to their imbibing of alcohol and it is obvious that drivers, who are in a sober state will be much more focus while driving and thus avoid accidents. Therefore, for a pedestrian or pedal cyclist who is under the influence of alcohol, the driver who is sober and not under the influence of alcohol is likely to avoid involving themselves in accidents in relation to such persons. As I said, most of these accidents involving drivers under the influence of alcohol takes place at weekends and at certain times of the day especially in the

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

evenings and the Bill that is before us Mr. Speaker, I think is long overdue.

The Honourable Member Mr. Corbin in the debate last night asked the perennial question, why is the Bill allowing the DPP to appeal cases being rushed? Well I do not think this is a question of rushing this particular one. I think our society, persons out there are anxiously looking forward to such a Bill being passed in this Honourable House and I believe that we would be doing a great service to our society if we were to unanimously pass this Bill in order to address the question of driving under the influence of alcohol.

I therefore wish Mr. Speaker to propose that the Bill be read a second time.

The Speaker: Thank you Honourable Member ...

The Honourable Member Mrs. Backer ...

Mrs. Deborah J Backer: Sir, I would have thought that Minister Rohee would have been so upbeat about this Bill, but something seems to be weighing on him as he spoke on it. It was almost as if he felt a speedometer was targeted towards him, because he spoke not his usual effervescent way. So Sir I will try to do what he did not do and bring some life to this Bill in my unusual way.

No sober Guyanese, no pun intended Sir can seriously dispute the fact that far too many of our drivers drive when intoxicated or to use a nicer language, when they are *sweet*. [Laughter] Sir Guyana is not usually statistics friendly, so I was initially pleased when I realised Mr. Rohee was about to give figures

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

but, Sir, with the greatest respect, because of my superior vision I did see the letter head of the Commissioner of Police from the document he was reading. I would want to challenge those figures, because they seem quite low and I am not usually very impressed with the figures of the Guyana Police Force when it comes to certain things, road traffic accidents-non fatal ones being one of them.

It is no doubt and I agree with Mr. Rohee that if one is intoxicated and there would be Members here, who would have personal experience of this; [*Laughter*] perhaps repeated experience. If you are intoxicated, you do not have the kind of control that you would normally have and this does not only mean when you are driving, in other circumstances, Mr. Ramotar, if you are intoxicated you may not have the kind of control in the morning which you had had.

Sir, just to give you an example, in the United States in 2006, thirty- two percent of total traffic fatalities including alcohol and we all know that the USA had quite stringent laws and the level of enforcement is extremely high and they had thirty-two percent. I do not think that we can seriously feel that in Guyana, we drink less than the people in the States. We Sir, I would think have a culture of drinking, but Mr. Rohee has in an unusually pedantic and low-key way gone through the Act itself, so Sir I would not want to do so. We are very pleased that this Act is coming. As I said earlier, no forward thinking Guyanese or no sober Guyanese can be against such a test. I want to caution Mr Rohee, but I do not want to depress him any further, so I would not read the list, but to caution him that there are many, many legal arguments, technical arguments that can be used and have been used successfully against

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

evidence coming from breathalyzers and so on; there is a long list of them. You can go online, they actually tell lawyers, these things you can do to get your client off if the breathalyzer is being used.

So we are going to have problems with it. I say that to endorse what the Minister said and I want to expand slightly on it that the PR aspect is very, very important. I think recently Dr. Ramsammy and I am sure his compendium there will give us all the necessary evidence that we need to show that alcoholism is too high in Guyana and alcohol consumption, I would say if not out of control, is excessively high. We want to say that we have to join hands in this quest to make our roads safer, because every accident that is caused by a drunken driver is completely avoidable if that person had been sober at the time. So it is something where we have almost a one hundred percent cure and that should also make Dr. Ramsammy happy. As I said, there are wider health issues involved which I am sure Dr Ramsammy will tell us.

I want to turn briefly to the prescribed limit. The Honourable Minister mentioned the fact that the Act lays out the prescribed limit and then he read from Page 16 of the Bill:

Breath alcohol concentration 35 micrograms of alcohol in 100 milliliters of breath and for blood alcohol concentration 80 milligrams of alcohol in 100 milliliters of blood.

Well Sir, I want to know who of us here, apart perhaps from Dr Ramsammy, Dr Norton and Dr Anthony know what that means to John Public. What does that mean to a Mr. Nandlall,

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

not our Mr. Nandlall or Mr. Kellawan Lall, not our Mr. Kellawan Lall or a Mrs. Backer, let me be inclusive here, and this is serious, when they go to have a drink, what would take someone's breath alcohol above thirty-five micrograms? I would have thought Sir that the Honourable Minister because we have to talk about PR, we have to sensitize. [*Interruption: 'I will talk about that.'*] Oh he said you will say, but I will say before you say it: Is it:

- Two glasses of wine;
- Three shots of...I think the thing is gray goose;
- Two beers; or
- Six Guinness;

We need to know; John Public needs to know and I am Mary Pubic. What does this mean in real terms to them? Because we may have a lot of people having to park on weekends; well we have all these taxis;

- Showtime;
- Sheriff; and all of these things;

I understand, I do not if it is true that some people are looking into the possibility of cycles on weekends as they go about, at least they would not be charged with driving. Sir, we support this Bill and we support the fact, I do not know if it is just coincidentally, but we notice that the Act comes into force by order, it does not come into force immediately. It is our expectation that the reason, we hope that the rationalization for

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

that is that this period will be used for that PR Campaign that we feel is so necessary. Sir, it is easy to legislate, but what we are talking is changing the social culture of a large section of our Guyanese people of all ethnicity. So this is something that will concern everyone and we need to have a real aggressive campaign to let them know that, this is not to cut down on their fun, and I do not mean the European fun, this is to save;

- Their lives;
- Their families lives; and
- Other people as they go about their legitimate purposes using the road.

Mr Rohee did make the point and I think quite accurately that no one could fault the Government and say they are trying to rush it, in fact Sir, this is a Bill that should have seen ...*[Interruption: 'Should have come here a long time.']* Thank you Honourable Member Ms. Shadick ... This should have come here a long time, because it is not a controversial Bill, I do not think the Government could have had any concerns that any serious person would oppose it.

As I was looking back in the Hansard, I saw that the Honourable Prime Minister, who was the then Minister of Home Affairs in 1998 or 1999, nearly ten years ago, speaking about breathalyzers are on their way, well it has taken them nine years to come. Sir it cannot be because of the exorbitant cost of these instruments, because I see here the Security Sector Action Reform Plan (Guyana) - the unit cost of a breathalyzer, the princely sum of £4 and I see here, we are

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

going to get 400 from the British Government. So Sir, it could not have been the cost. I suspect it comes back to what I think my learned friend Mr. Trotman mentioned that we keep saying, we need to look at our laws holistically to see what is relevant and what is relevant we keep, what we need that we do not have, we do it because had this been done; Jamaica had this since in the 1990s. Had this been done in the 1990s, we would have saved a few hundred of lives on the road. We are cognizant of the well known Guyanese phrase *better late than never* so we are glad it is here, we support it and we commit ourselves as a Party to doing whatever we could on the PR front to sensitize the Guyanese public and support the initiative of the Government. I thank you Sir. [Applause]

The Speaker: Thank you Honourable Member.

The Honourable Minister of Transport and Hydraulics

Hon BH Robeson Benn: Mr. Speaker, Honourable Members, I rise to support the Honourable Minister of Home Affairs and also to reinforce what has been said by the Honourable Member Mrs. Backer before me with respect to this matter of regulating of testing for persons who may be drinking and driving on our roads.

It was pointed out that alcohol use and driving under the influence is a leading cause of fatal road accidents and injuries world wide and particularly in Guyana too and I hope and I expect that with this measure, we will have a greater sense of what the statistics are, as the testing comes into place.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

The Police and the Health Authorities will have the tools and the facilities to properly inventorise the problem so that it can be better managed, so that our roads can be safer. The fact that people speed on the roads; and the fact that people drive under the influence, go beyond any limits or any safety parameters you can engineer or design into highway safety and as was said, issues of culture is a very important issue with respect to this matter in our own particular Guyanese way. There has been some measure of self-regulation creeping into this matter I believe.

- We note that people have been attempting to put in place designated drivers when they go out on the weekends;
- We know that some people rely entirely on chauffeurs; and
- Some people take taxis;

I have heard people saying boy we shouldn't go beyond two drinks or four beers, but the problem is a pervasive one and we have lagged behind in respect of coming forth with the appropriate legislation to deal with this problem.

Mr. Speaker, particularly with respect to public transportation vehicles, the great worry is that we have drivers who are seriously impaired - many of our drivers I believe are seriously impaired. Many of our bus drivers, minibus drivers by my understanding and some discussions cannot function without a drink or even a drug. Some have to have a hit; some of them

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

are somehow permanently intoxicated and need the drink or drug to function and when I say function, I mean to drive.

We know within a couple hundred meters of this building here, it appears that illegal sale of alcohol and drugs is going on openly within the precincts or just outside the market places and we have a situation, it shows how much more work we have to do immediately. We have a situation where people drawing public transportation vehicles where the drivers are impaired and where the passengers are impaired; so they themselves do not even know to make the judgment to come out of the vehicle or to advice on caution. And those who themselves may be sober are intimidated to the point where they do not make the judgment, take the step to disembark from a vehicle or from a situation, which puts themselves and others at great risk. So I am very pleased that this measure, these devices are coming into use in the hands of the Police, the specific actions it requires of the Police would turn out to be preventative in nature; it would require a Police too, in some instances to no longer be accommodating when they see instances of people who are impaired by alcohol; meaning that they do not put them to sit on the bench to cool out or to sleep it off. Hopefully we would not have a situation, where a Traffic Chief who was accused of being impaired, when he himself had an accident some years ago. Mr. Speaker, we are in a situation and this legislation would help, where it is dangerous to drive at weekends and in the evenings and particularly at weekends as the Honourable Minister of Home Affairs pointed out. Some of the public transportation vehicles and private cars are missiles driven by intoxicated persons and one is either placed in a state of great vexation, not to mention

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

the danger when one attempts to take a family drive at the weekends or at evenings in the current environment. So this legislation should quickly address this situation. The adaptation of a demerit system is a very critical device that is present in the proposed legislation and I think it should gradually, the gradual movement from one level of restriction to another and maybe to total de-licensing, refusal of being granted a license, should give people enough time to consider what their actions were or what change of behaviour should occur in relation to them driving under the influence of alcohol and too, of any drug; driving under anything which impairs their mental and motor skills. The situation in which there is an authorized analyst and where it is required that the instrumentation that is used are examined and calibrated is important, because it gives the public the surety to know that they are being tested and examined and that the information which results from such examinations could be validated and that the person him or herself who is being examined would have the protection of knowing that the test results are responding to certified and standardized protocols, procedures, standards, and hopefully national standards or international standards.

With that Mr. speaker, I am very pleased to finally too, being able to say and to be standing and speaking on an issue which finds the support of the entire House as indicated by Mrs. Backer and I would also like to ... I do not expect the AFC to be off side on this one, but I want again to commend and to thank the Minister for being courageous in bringing forward this one of a number of pieces of legislation, which will go a

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

long way towards improving issues in relation to road safety in Guyana. I thank you. [*Applause*]

The Speaker: Thank you Honourable Minister.

The Honourable Member Mr. Trotman ...

Mr. Raphael GC Trotman: If it pleases you Mr. Speaker, I rise on behalf of the Alliance For Change and to state that unequivocally the Alliance For Change supports this Bill. It is important that in a proper functioning Parliamentary Democracy that there are occasions when if Bills are brought or Motions or Statements that do not find agreement with one side or the other that we state so vociferously as we did last evening. And so it is with a high sense of respect and with some pleasure that I must commend the Minister of Home Affairs for finally bringing this raft of legislation, which we have here this afternoon and though I believe Mrs. Backer was being modest, I do recall that whilst a Member of the People's National Congress Reform-One Guyana, as a Member of Parliament, some six or seven Budgets ago, she did set out in quite some detail, suggestions as to how the whole issue of Road Traffic Management could be dealt with. I believe this is one of the proposals that had been called for, not only by her, but by others since then. As we *say better late than never*, I believe that the Minister should be commended and we have no hesitation whatsoever in supporting this legislation.

I will, however, wish to just point out what I believe are perhaps just two minor issues, which maybe I could be mistaken on them, but the first has to do with Section 43 (b)

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

and a carry over of Subsection (iii). It starts off, of course by saying:

That a document purporting to be a record of the testing of the accuracy, inspection, servicing, et cetera ...

But I am more particularly desirous of drawing your attention to the first paragraph on the third page, (the pages are not numbered) and it appears to me Mr. Speaker that there should be a new paragraph created where it says;

...Shall be admitted in any criminal or civil proceedings before any Court on its production without further proof.

The way it reads, is as though those words form part of Subsection (iii) and I believe that that could just be the printers devil and so we may need to take care of that. It should be that that final proviso covers all of the Subsections which flowed before. I do not know whether the Minister would be in agreement with me, but I believe that suggests more of the preparation of the Bill for publication.

The other thing that concerns me is what appears to be somewhat of a contradiction that very proviso ends with the words *without further proof* and as you know Section 43 of the Evidence Act speaks about *prima facie* proof and lower down in fact, on the very Page 3 at Subsection (b) *the document shall be prima facie evidence of all matters connected therewith*. It appears to me, that the draftsman may have confused the two terms, because if you are saying without further proof at all, it

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

means that that is final. But we know that the analyst report on certificates, et cetera are *prima facie* admissible as proof of their contents, but can be challenged by Council or the Magistrate or court on their own volition, may ask that an analyst or expert be brought to support the document. So it is something that appears in my view to be an inconsistency that we may have clarification on later on.

Mrs. Backer referred to Section 39(a) on the *prescribed limit* and did ask and I believe rightly so, what is in simple lay person's term and particularly in a place like Guyana, what is eighty milligrams per one hundred milligrams of alcohol? My research tells me, this is perhaps not even a half; my research tells me that two beers is the limit to which this goes and in a place like Guyana that could create serious jeopardy for many persons, but if that is the law, that is the law. So I believe that two beers would equate to a glass and a half of wine or two shots and that is it for the night or day. As we know there are some places you can drive down on Robb Street or on Charlotte Street, people start from about seven/eight in the morning and they go right through until night, so I do not know what will happen in such an instance.

Mr. Speaker, there is one other matter on which I am putting on my defence counsel's cap that I thought I would raise and that has to do with the reference continuously throughout the Bill to *constable*. I do see that in the Interpretation Section and I will get back to that, but in the Interpretation Section, *constable* is defined to mean *a Member of the Guyana Police Force*, but I can see a smart defence counsel taking issue if a corporal or a sergeant or an Inspector challenges the driver and what I would suggest is that instead of saying *a member*, it

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

should read *any member of the Guyana Police Force as against a member of the Guyana Police Force. constable* shall mean *any member of the Guyana Police Force*, because if in fact a Sergeant comes before me and I have had my too. I may wish to challenge on the basis that he or she is not a Constable within the meaning of the Act. So to make doubly sure or as Mr. Williams would want us, in his Latin phrase *ex abundante cautela*, let us say or I am suggesting *Constable* shall mean *any Member of the Guyana Police Force*.

As we are on the Interpretation Section, I believe that I may be considered old school, but it used to be that the Interpretation Section of a Bill came at the beginning. I know that Mr. Funga-Fat pointed out a few days ago, while we were reviewing a Bill about the Saving's Clause coming at the end. But it used to be that the Interpretation Section came at the beginning, but it in this one it came at the end, but I do not know whether this is a new form of drafting. As I said, I will concede that obviously I have crossed that threshold and can be considered old school.

Before I take my seat, I wish to say something on speed; those radar guns that are being pointed at people around the country. On Sunday last, on my way down from Linden, I did have cause to say to a Police Officer, whom I believe was a Constable that whether or not this gun that he had pointing at me was probably calibrated; whether he was familiar with its use, manufacturer's standards or margins of error and so fourth. Of course, he could not answer those questions. But the point is, I am happy that the law is now catching up with the practice. Many people have been brought before the courts of Guyana for being above the speed limit. I remember there is

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

a celebrated case, I believe, it was Perry and Nicholas 1958 - All England - where this very issue of the use of these radar guns was decided upon in the UK. So it is not as simple as saying I have found you to be 10 km above the speed limit, if you as the person pointing the instrument, have no knowledge whatsoever about what makes this thing record 88 or 98 or whatever, on the odometer so it is good to know that the legislation is here, but it may also be better to have some kind of retroactive effect put in place, because many people have paid fines and have been convicted in the absence of this legislation. So those are matters that I thought I would bring to the attention of the... or I do not know whether you could get back the money, but I know for sure that any conviction in the past using that gun is subject to being overturned. It could be, because especially now that the legislation is here so it is something that the Government may wish to consider.

So Mr. Speaker it is with, as I said, a profound sense of pleasure that I endorse this legislation, all of us have a duty to become more responsible and to convey as Members of this House that level of responsibility to the citizens who look up to us, particularly firstly our friends, Members of our families and those with whom we come into contact.

I certainly will do my best to adhere to Mr. Rohee's law and to the laws as set out here. I see Mr. Baksh looks up at me and I urge you, please Sir, in the interest of our young children, abide by the law. Thank you Mr. Speaker. *[Applause]*

The Speaker: Thank you Honourable Member

The Honourable Minister of Health

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Hon. Dr. Leslie S Ramsammy: Mr. Speaker, I too would like to add my support to this Bill. I believe, most sober minded, as my colleague the Honourable Member Mrs. Deborah Backer said, would support this Bill.

This Bill highlights two major developmental problems that we have:

- (i) The menace of road traffic accidents; and the other is
- (ii) The harmful use of alcohol.

Indeed Mr. Speaker, road traffic accident is a major public health problem, as recently as 31 March, the United Nations declared this as a public health pandemic in Resolution 62/244. It has now become firmly placed, road traffic accidents as a priority agenda item in the global sustainable development:

- It is true for Guyana;
- It is true for the Caribbean;
- It is true in Latin America;
- It is true for the African countries globally.

This is so and indeed I heard my colleague Minister Benn talking about the *missile*, you put an automobile in the hands of somebody drinking; it is a potent deadly weapon.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

I know Minister Rohee has given some of the statistics and I hope to add to some of these statistics, but extensive research has identified eleven risk factors for traffic accidents and of these the top two are:

- Inappropriate and excessive speed; and
- Alcohol consumption.

I am glad today that we are passing a Bill that addresses the alcohol problem; previously we had addressed the issue of seat belts and helmets. We have speed limits that few people adhere to. We have today, not only alcohol, but we are addressing the use of cell phones while driving and loud noise in vehicles. These will all contribute to this menu of interventions; they will add to us having a safer use of our roads.

I have been talking, I believe and I echo the sentiments of Minister Rohee and the other Members, who have spoken that this Bill is long overdue. Indeed, while the Honourable Member talked about Jamaica in the 1990s, in fact the limits that we are introducing were only recently introduced in Jamaica and it is exactly today - one year since it was introduced in Trinidad.

I am glad that we have gotten to that. I have been clamoring for this for almost ten years now and I know that the Mothers in Black and the National Road Safety Council have also been calling for us to address the alcohol problems of people who drive. The alcohol level of 0.08 percent or 80 milligrams per

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

100 milliliters 0.035 percent or 35 micrograms of alcohol in breath, brings us in line with countries such as

- Trinidad and Tobago;
- Jamaica;
- Other countries in the Americas;
- US and Canada have the same limits;
- Uruguay has the same limit;
- Mexico has the same limit;

There are countries in Europe, it is probably the most popular limit that has been established and this has come about from extensive experience and research. When I was living in the US, I know the debate was going on about whether it should be lowered from 0.1 to 0.05 and indeed, it is only within this last decade that it was shifted from 0.1 to 0.08. Because of the experience, because of the extensive research and so on, I think Guyana has chosen the right place to start, but I would hope that like other countries this is a start, because I for one am an advocate for an even lower level to be established.

Indeed, both Canada and the US have given the option to the States. In Canada, Manitoba has chosen to shift to 0.05, but in some countries like Mexico where it is 0.08 just like us, they have also put qualifications so a driver with less than five years experience has a limit of zero; it is *zero tolerance*. In Canada, certain classes like of the big trucks and so on, it is

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

zero limit so that there are variations that people are coming up with.

In Australia if you are less than twenty-one years old or less than two years experience, it is zero limit so that we have to address the issue of the level. I know I am hearing a lot of people talking about that is too low and I think our colleague Mr. Trotman talked about what it means in ordinary term. Yes, for a person such as me or Debbie and a few others here, the level would be;

- Two beers; or
- Two shots or;
- Two glass of five ounce wine.

That is what it means really, for a bigger person, 180 pounds it might be three beers, so it is not a lot of drinking and what it means is that we will have to change our behaviour and when we want to go and drink, we should take somebody along as a designated driver. I would hope that all Members of Parliament would join the Ministry of Health as we promote our *Designated Driver Campaign*, because that is what it has to be, we have to find designated drivers when people go out or use taxis.

The problem is, sometimes the taxi drivers and minibus drivers themselves are drinking, but that is what it means. It means that if we are driving and we are going out, we simply cannot drink, because I know a lot of people, once they start drinking one or two beers, it is very difficult for them to stop. So I want

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

to give notice to my own colleagues, to everyone that as Minister of Health, I will continue the advocacy for us to enforce these rules, but also that as we gain experience, we can look at adding more restrictions to drinking and driving. Indeed, some countries have gone the full - NO DRINKING AND DRIVING. For instance in Hungary; Croatia and the Czech Republic, they have already gone that way.

Minister Rohee talked about the statistics and indeed it has been a growing problem and while so far this year, we seem to be a little less than last year, it has been a growing problem. In 1997, we had 151 deaths on our roads and last year I think we had 207 deaths on our roads. Last year we also had 1,356 persons seriously injured and this for a small country like ours is not acceptable. If we look at our death rates, in fact in 2002 road deaths ranked as the number ten cause of death in our country. In 2006 it ranked as number nine and looking at the preliminary figures so far for 2007, it ranked number eight as cause of death. This follows the global trend and indeed in 2007, road deaths caused more deaths than HIV/AIDS in Guyana and that simply must put it in perspective of how serious this problem is. For 100,000 persons, road deaths account for twenty-six deaths.

- In the Caribbean and Latin America that is exactly the rate 26.1 for 100,000;
- In Africa it is about 30, but
- In developed countries it is much less so in the US for example it is 14.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

In terms of deaths;

- The drivers and passengers account for 35 percent of all deaths in Guyana; and
- Indeed users of road, non-drivers accounted for some 32 percent of the deaths, but
- If we add motorcyclist and we add cyclist to the pedestrians it comes up to about 65 percent of our deaths;

Mr. Speaker, there is a cost to all of this, in the public health sector, in our hospitals; it cost us about \$500 million a year to deal with the injuries and the hospitalization of persons because of accidents. For a country like ours that, is just simply too much. In 2000, Professor Gowkarran Boodhoo did a study using the data from 1998, 1999 and 2000. He found that it costs Guyana \$3.7 billion dealing with accidents that was the economic cost to Guyana \$3.7 billion. Mr. Murray would know that this is about 3.2 percent of the GDP of this country that is just an astounding cost to Guyana, because of road traffic accidents and one of the major reasons for this, is alcohol. Therefore it behooves us that we need to address this problem.

If we take developing countries as a whole, in 2002 it cost developing countries \$65 billion, which is more than the total amount of overseas development assistance. I could go on and tell you about all the major injuries, for example;

- Intracranial injuries;

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

- Broken bones and so on;
- Internal injuries that accidents cause.

We have to do something. When I made my address at the World Health Assembly this year, I called for certain goals to be established and one was *Vision Zero*, which addressed road traffic accident and the prevention of deaths, calling for the elimination of road traffic deaths by 2025, which is hugely ambitious, but I think Vision Zero is something that all of us, Guyana and all countries should work towards. Last year in fact, Prime Minister Golding launched the project Below 300 Initiative and I think a good starting point for Guyana would be a project Below 100 Initiative.

I heard a lot of people, the Honourable Member Mrs. Deborah Backer and Mr. Trotman, but also without standing up to speak I heard the Opposition Leader and others talk about the levels of alcohol and two beers ain't nothing, but *two beers is a lot*. Let me show you something, at levels of 0.03 to 0.06 this is below what we are talking about in this law. A level of 0.03 to 0.06 something happens that you might think are good, for example the person has;

- A mild sense of euphoria;
- Sense of well being;
- Relaxation;
- Talkativeness;
- Joyousness;

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

But, guess what? At the same time that those things are happening, the person begins to have;

- Decrease inhibition;
- Decrease impairment of alertness;
- Judgment coordination and concentration;

These are well documented that happens to these persons; so two different sets of things happen;

- (i) Feeling better, but another
- (ii) Lack of coordination and so on.

And at the level we are talking about in this law of 0.08, this is what happens - Let me talk about the things that you might feel is good such as;

- Blunted feelings;
- Dis-inhibition;
- Extroversion; and yes
- Sexual pleasure;

These things happen at that level. *[Interruption]*

The Speaker: Is that so, could you expand on that?
[Laughter]

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Hon Dr Leslie S Ramsammy: I think some people can go on tonight Mr. Speaker and figure it out. These are additional things that happen at levels of 0.08 percent;

- They loose reflex;
- They loose reasoning;
- Depth perception is lost;
- They loose distance acuity;
- They loose peripheral vision; and
- They have a loss of glare recovery.

These are the things that really lead to accidents, these are the things that happen and sometimes we do not know that these things happen, but they do happen to us. So while it seems like two beers is not a lot, it has huge impact on our response to danger.

Mr. Speaker, alcohol is a huge problem in our country. One of the things that we lacked in Guyana for a long time was our surveillance system. Guyana has now established an injury surveillance system so that we are able to look at what are causing injuries and in terms of accidents, alcohol and other factors, we are now collecting this information so that it can inform us in terms of interventions that we have to take.

So Mr. Speaker, road traffic accident like HIV is wholly preventable and we should endeavor to work to eliminate traffic accidents and traffic related deaths in our country.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

These are lifestyle issues and there are human made problem and yes, it is true Mr. Murray that there was no need for me to speak this afternoon but I thought I would speak, because it is part of the PR Campaign and it is part of educating the public - making them more aware.

So Mr. Speaker with those ... I want to commend this Bill for unanimous support. Thank you. *[Applause]*

The Speaker: Thank you Honourable Member

The Honourable Minister of Home Affairs

Hon. Clement J Rohee: Mr. Speaker, I am very conscious of the time. I would like to express this side's appreciation for the constructive approach taken by the Honourable Member Mrs. Backer and her colleague, the leader of the AFC, Mr. Trotman, born on 27 December 1966 and I will refer to that later on.

The Honourable Member Mrs. Backer, I do not want to break a lance over this, but she said that she would usually challenge the statistics put out by the Guyana Police Force. Well anybody could do that; I agree with you, but at the end of the day, we have to go to the official sources for the statistics. I would prefer to go to the official; because if you do not go there, the question is where else do you go. If you go there, if you go somewhere else you might be inventing something from some other organization.

Mr. Speaker I have taken note of the Honourable Member's observation that there is a number of loopholes in the presentation of breathalyzer evidence in court and we will certainly look this up together with the Guyana Police Force.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

The public relations aspect is extremely critical and we will certainly take note of that as I have done.

I have also taken note of the Honourable Member Mr. Trotman's remarks about his experience with a Traffic Policeman on the East Bank Road; I think he said it was. I think this is a question of training; training is an extremely important aspect for the Guyana Police Force's ranks in the use of the radar device and even the breathalyzers. I have made a note of that as well. Mr. Speaker.

The breathalyzers that we have now in the possession of the Guyana Police Force were purchased with Government funds. Cabinet has approved the purchase of a number of breathalyzing equipment and that is currently with the Guyana Police Force. We have not received the donation as yet from the United Kingdom, I suppose they are still on their way from the UK, but in the meantime, we have purchased with our own funds, a number of breathalyzers.

I think that my colleague mentioned Women in Black, I am sure they would be very comfortable with this piece of legislation as well as the Road Safety Council and faith based organizations.

I agree with the Honourable Member Trotman, when he said that the question of the prescribed limits; we need to do some public relations on that. My colleague Minister Ramsammy elaborated in great detail on the technical elements on that matter, but I do agree with both Members of the House, Hons Backer and Trotman that we need to do some PR on that.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

In relation to the question of constable that was raised, I have advised that a *constable* means any member of the Force. Yes, a *constable* means any member of the Guyana Police Force. The reason why the Interpretation Section was put at the end rather than the beginning, I have also been advised and I suppose ably so that because the Bill is dealing only with Sections 39 (a) and 39 (f) that is why the Interpretation Section comes at the end of the proposed Bill.

Retroactivity in relation to fines paid by persons who may have been prosecuted, I am not so sure how possible that is going to be, but I have taken note of it.

In conclusion Mr. Speaker, I think that the country would be better off, road users would be better off, the Parliament has done a great service to persons, who wish to use the road in a way that is responsible and civil and I wish to thank my colleagues on the other side of the House, as well as Ministers Benn and Ramsammy for supporting this Bill and I wish therefore to request that it be read a Second time.

The Speaker: Thank you very much.

Question put and agreed to

Bill read a second time.

IN COMMITTEE

Clauses 1, 2, 3 and 4

Question proposed, put and agreed to

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Clauses 1, 2, 3 and 4, as printed, agreed to and ordered to stand part of the Bill

Bill considered and approved

Assembly resumed.

Bill reported without Amendment, read the Third time and passed as printed.

The Speaker: Thank you. Honourable Members we will suspend for the usual time.

16:08- SUSPENSION OF SITTING

17:12- RESUMPTION OF SITTING

Honourable Members, we can now proceed with the next Item on the Order Paper

**2. PREVENTION OF CRIMES (AMENDMENT)
BILL 2008 - Bill No. 9/2008 published on 2008-07-11**

*A Bill intituled, an Act to amend the
Prevention of Crimes Act.*

The Honourable Minister of Home Affairs

Hon. Clement J Rohee: Mr. Speaker, this Bill seeks to repeal and re-enact Section (iii) of the Principal Act, which addresses the question of supervision of persons who immediately after the expiration of the sentence passed on them, especially in cases where identified at 3(i)(a), (b) and c). We find that there

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

is some progression in the penalties as regards to provision. It is quite clearly outlined here that -

- Where there is no previous conviction of any crime, supervision will be for a period of one year;
- Where there is one previous conviction of any crime, supervision will be for a period of two years;
- If he has more convictions than one of any crime, supervision will be for a period of three years;
- In the case of paedophiles supervision will be for life.

The amendment of Section 4(iii) of the Principal is to address in practical terms the Police's involvement in the supervision of the persons who are identified and in the Schedule of the Bill, PART 1, a new set of offences have been outlined:

- Armed robbery;
- Domestic violence;
- Hijacking;
- Offences involving the use of firearms or explosives;
and
- Piracy;

In PART 2, this has to do with offences under any law involving any acts mentioned affecting children- child as a victim. There are seven of them which are outlined, I would

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

not read them out, I think they are all outlined there, but I believe, in view of the fact that offences involving or affecting children as victims, have become so prevalent not only in the world today, but in Guyana and my colleague Minister Manickchand will speak more expansively to that matter, although she will of course speak on the other aspects of the Bill, I think it is only incumbent upon the Administration to address these matters in the way the Bill has outlined them.

The Bill seeks also to insert a new Section 18 (a), which is amending the SCHEDULE and inserting in the amended SCHEDULE, what is referred to as PART 1 Offences and PART 2 Offences affecting a child as victim.

I think, the EXPLANATORY MEMORANDUM points to the exigencies of the Bill and the issues which the Bill points us to. What I think is of great import in this Bill is that whereas in the past, it was not mandatory or compulsory to do the supervision, now it is being made compulsory and mandatory for that to happen. I would rest my case at this point Mr Speaker because I believe the following persons who are scheduled to speak will raise a number of issues which I intend to listen to very carefully with a view to replying at the appropriate time. Thank you very much. *[Applause]*

The Speaker: Thank you Honourable Minister

Before I call upon the next Speaker Honourable Members, I would like to announce that today is a special day for Honourable Member Mr. E Lance Carberry. He is celebrating his birthday today *[Applause]* and I wish to chide Mr Carberry for not bringing it to my attention earlier so that I could have

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

made the appropriate announcement when the press was here in full flow, so that he could have gotten the publicity which he deserves.

Mr. E Lance Carberry: Thank you

The Speaker: But on your behalf and on my behalf I would like to extend many happy returns to Mr. Carberry. *[Applause]*

The Honourable Member Mrs. Backer

Mrs. Deborah J Backer: Sir, it would be remiss of me not to echo your sentiments. I got a non- verbal invitation from you that you will take us to have two drinks *[Laughter]* but no more in keeping with Dr Ramsammy, so that should cut down on the cost Sir.

The Speaker: I shall make the necessary arrangements.

Mrs. Deborah J Backer: But only two drinks, perhaps you can give us two chits, so as you go up to give in one and you give in the other one, you cannot go back after that. Thank you, Sir.

The Prevention of Crimes Act became law in the then British Guiana, I can safely say before the birth of anyone here on the 1st day of July, 1885. *[Laughter]* I have been advised by Mr. Carberry, he was not yet born that was 113 years ago.

The long title of this Act, simply says this an Act for the more effectual prevention of crime

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

The scheme of the 1885 Act which to date is still being retained in essence can be divided into four broad areas:

- Police supervision of convicted persons;
- The keeping of a register of criminals;
- Punishment of certain offences;
- The power of search for stolen property;

In the last thirty years or so, since we had the last major law revision in 1973, this Act has been amended on three occasions. The first two occasions in 1997 and 1998 by way of Acts 9 of 1997 and 11 of 1998; were done solely to increase relevant fines to bring them in place or inline (I should say) with modern trends.

The last amendment to this Act, was Act 8 of 2002 and that was a significant amendment, (if I say so myself) and I would briefly I wish to refer to this 2002 Amendment and the purpose of it.

I read from the EXPLANATORY MEMORANDUM of Bill 10 of 2002, which eventually Act 8 of 2002 came from and it says this:

The Bill seeks to introduce legislation that allows for Guyanese convicted of certain offences in a Foreign State and who are deported to Guyana to be effectively monitored by the Police.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

As the law now stands that was pre-2002. Only Guyanese who were convicted of offences within Guyana may be subjected to police supervision. The Honourable Minister was correct, when he said that prior to now, as the law stands now, it is not mandatory - supervision is not mandatory - and there is very good reason for that which I will come to very shortly. So as we stand here now, the law in essence is this; a Guyanese convicted of two or more offences *may*, if the Court so determines be subject to Police supervision - *may* if the Court so determine and for deportees or people who have voluntarily come back in lieu of deportation they can also be subjected to police supervision by order of court.

What does this Bill before us - Bill 9 of 2008 - seek to do? By Clause 2 as the Honourable Minister has said, it seeks to repeal the existing Section 3, which speaks about the person twice convicted may be subjected to police supervision and it replaces it by a mandatory requirement, where any person convicted on indictment of a crime, in addition to the punishment awarded, he shall be subject to the supervision of the police commencing immediately after the expiration of his sentence. What in real and practical terms does this mean if this Bill is passed? This, in our opinion, as a matter of fact, this is what will happen if this Bill is passed as is. I am charged with felonious wounding, the AJA is applied, but of course it remains an indictable offence. I am charged under Cap 80:1; I am sentenced to a year's imprisonment, so I go to prison for a year. What this Amendment says is that when I come out of prison I will be supervised - a mandatory supervision by the police. It does not say *may*, it says *mandatory*. I will be supervised by the police; he shall be subject to the supervision

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

of the police. Sir, let us juxtapose that, so these large amount of people, if not excessively large, not small amount of people serve their sentences for various things and they come out, they now are required for one year, they are subjected to supervision. I have already served my time; I live in Meadowbrook, I now want to move into the vast interior and I want to go to the names of those places that MP Nokta used to roll out of his head, Paramakatoi, et cetera. - places where there is no easy access to a police station, because the law says, I must tell them that I am changing my address. So I say to them, I would not be in Meadowbrook anymore I am going to be in Wakapau. Where is the police station that I am going to report to? Do I then have to stay in certain confines for the year? Surely, this must be a restriction, because I have served my time. I get a job in Trinidad as a mason; will I then have to get the permission from the police? I have served my sentence. Do I then have to get the permission, because the Law says, I will be subject to mandatory police supervision. How am I going to take up this job in CARICOM? We are talking about freedom of movement. How can I take up this job just like that? Because what happens it goes on to say that if I am not there and I miss it, I could go to jail. So then who do I go to, to get this permission or can I get this permission from anyone? Sir, there was a reason and when one looks at the reason ... the Minister spoke about the EXPLANATORY MEMORANDUM of this Bill, this is what it says, I am just reading a section:

With a view to curbing crime in a more effective manner, it is considered necessary to subject

NATIONAL ASSEMBLY DEBATES 25 JULY 2008
*every person convicted on indictment of a
crime...*

Minister Manickchand

...to compulsory police supervision.

They are saying that the explanation for this is we want to curb crime and to do that, we are going to subject every person convicted of a crime to compulsory police supervision and the minimum time is a year and it goes on, because if it is:

- Two offences, it is two years;
- It goes to three; and
- For the designated offences some of them are as long as life;

Sir, does our police force which is currently six hundred persons on the strength have the capacity to administer this thing? If you have a little accident and you go to the police station, the officer is not there, you have to come back; sometimes two/three days and that is why I do not accept the fact that the police give, when they say that larceny has decreased and so on. Larceny has not decreased, people stop reporting larceny, because in Guyana you are so glad that it is only your chain that has been stolen, you are going to be harassed by the police for three days to take a statement about:

- The place dark; and
- The man had on dark clothes;

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Where are you going to get? People do not worry, they go home and they say, *boy lucky, only my chain was stolen*. So when the police say that larceny has gone down, they should say only the reported cases of larceny and that is why I do not accept the report. That is not only true for Guyana, but I am not knocking the Guyana Police Force. All the reports say that statistics tend to be inaccurate, because of the fact that many people do not report crimes, particularly petty crime anymore. So Sir, where is the capacity of the Guyana Police Force to supervise? I can see a situation where young people who have already served their time and perhaps not so young people;

- Who may have made a mistake in their life;
- Who have served their time;
- Who want to put this thing behind them as they are entitled to do and move on with their lives;

For the next year, they have to go to the police station.

Mr. So and So, who took the report, he is not there; we do not have the register; come back, the officer gone to Court with the keys; sit down and wait. After an hour you ask the policeman, skipper what going on? Skipper, you got to wait. I am trying to put my past behind.

This is what happens, you go to Court, they cannot bring exhibits, hear what they say; the Station Sergeant worked late last night and he has not come in as yet and the case is postponed because of the key. These are real life stories so we have to situate them in real situations. This Sir, will lead to:

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

- frustration; and
- a sense of when is this going to end for me.

I do not think that the Government has thought this thing through and I do not think it is farfetched to say that this amounts to harassment of a citizen, who has served his/her penalty. It is harassment to our citizens; we seem to be slowly getting to a kind of a police State I want to know where you are; you see how the Minister got up, perhaps he thought half-jokingly and he said, I could tell the Honourable Member Mr. Trotman his date of birth and his year of birth. We have our information; we have fingers on you; do not think you are free. We are getting to a police State. *[Applause]* Even though you might say the longest distance starts with a single step, but what we are seeing is a continuous erosion. We saw it yesterday with the Court of Appeal Bill and I would want to say Sir that it is one of the most heinous Bills I have seen. There is a nice little phrase I would like to share with Minister Rohee, *you cannot jail away crime*; the way to deal with crime is not to push everybody in jail and even when you come out of jail, we want to know where you are.

The people who are deported, they may be subjected to weekly supervision; going to the police station weekly. Imagine you come back as a deportee; you get a job at the Ministry of Health as a driver and every week you got to tell Dr Ramsammy, skipper I got to go and clock in and he will take whole day, so he ends up getting four days' pay and after about two months, the Honourable Minister Dr. Ramsammy will say, why did you not tell me that in the first place, because I would not have employed you ... *[Interruption: 'For*

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Indictable crimes only.’ “No, it is all crimes; you do not read ... it is for all crimes” ‘No, *it is not for all robbery, no, it is not.* [Inaudible] What is wrong with that? All crimes, indictable crimes Mde. Teixeira; let me spend half a minute on this. Indictable crimes [Interruption: ‘Part 2 of the Schedule.’ “No, no, no ... *That schedule is for those specific things, but if you read earlier, any indictable crime, felonious wounding*] If the two of us have an argument and I stab you or you stab me and I go to jail for a year, that is an indictable offence. I have to report for a year and things like that. It is not only these offences here; these offences here are attracting three years ... [Interruption: ‘Suppose they keep you there until two o’clock.’] I would not mind that, I will miss Parliament. Three years for certain and life, but in all indictable offences you have to go. We are saying the Guyana Police Force does not have the man power to monitor that; it amounts to State harassment and if not sufficient, we strongly believe that it also offends Article 148(3) (d) of the Constitution.

Sir, if I may Article 148 deals with freedom of movement and it says this, I am reading Article 148 (1).

No person shall be deprived of his freedom of movement, that is to say, the right to move freely throughout Guyana, the right to reside in any part of Guyana, the right to enter Guyana, the right to leave Guyana and; immunity from expulsion from Guyana.

Then (3) says;

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this Article.

So people might say, oh, well this is a law, but it goes on to say;

For the imposition of restriction by order of court on the movement of people

So this Section, the limitation is saying look, you could restrict the re-movement of citizens if the law says so, but the restriction itself must come as a result of an order of court. The original Act says so, I am reading the original (3) where it says;

Any person is convicted on indictment of a crime and a previous conviction of a crime is proved against him, the court...

Not the police station or the police or the Minister of Home Affairs, the court that institution which this Government is trying to emasculate and to bring to its knees.

... having cognizance of the indictment may, in addition to a sentence impose supervision of police.

The Amendment in 2002 which dealt quite rightly with the deportees, because remember the original Act in 1885, there is no need to deal with deportees, I do not know if we use to send them to Australia or New Zealand or where, but if you deport

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

them, by the time they reach where they are going, they would have aged that they would not even come back. So in 2002, we had a necessary amendment to deal with the deportees, but in that amendment, the advisers to the Government understood the Constitution, because this is the 2000 Constitution. It says here:

The Commissioner shall, before making an application ...

Because what (3) (a) says - the existing (3)(a) - which deals with deportees says that the Commissioner has to move to the Minister to get an order for supervision, but before he goes to the Minister, he has to apply to a judge of the High Court for permission to make the application giving the reasons. So as we stand today, no citizen, there is no authenticity that a convicted Guyanese whether convicted in or out of Guyana, is subject to police supervision and that Sir is in keeping with our Constitution which says, you could restrict him, but the court has to say so. But in this one now, we are pushing the court aside yet again. Forget the court, we, Rohee *et al*, will supervise you and you have to be supervised a minimum of a year.

Sir, if that is not State oppression in a heavy handed way and I noted that the Minister said he wants to hear the comments so he could reply again. We want him to tell us, how is this going to effectively help crime? How is this having to go to the police station once a month, or if a deportee once a week; how is that going to help crime? It is a wrong-handed way of dealing with crime and the Government keeps putting the proverbial foot in its mouth in seeking to deal... I do not think

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

that they have this mind set, *jail, jail is it* and even when you come out of jail, we will supervise you;

- A minimum of a year;
- In some cases three years; and
- In others for life;

Not that may, we are saying that the 2002 Amendment recognized the sanctity of moving to the court before you can supervise. We recognize the sanctity of Article 148 and we urge this Government to have the wherewithal, to have the fortitude to say, hey, this may have been an oversight. Let us replace *shall* with *may* and let that *may* be dependent on a court and that court means according to the Amendment in 2002, the High Court.

Sir, as I have said, we have reservations about this Bill for the reasons that I have stated. As I said, based on those grounds, as it now, we would therefore have reservations to support this proposed Amendment to the Prevention of Crimes Act. We think that it is an ineffective way of trying to deal with crime. It will not lead to a reduction in crime; it will lead to frustration of our citizens. Again, this whole issue of double jeopardy comes up again. They have already served their time and there are back again - back again under supervision as if they are still criminals; they cannot get on with their lives. Thank you Sir. [*Applause*]

The Speaker: Thank you Honourable Member

The Honourable Member Ms. Shadick

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Ms. Bibi S Shadick: Mr. Speaker, when I was preparing to make a contribution on this Bill ... [*Interruption: 'You are coming out of the dar.'* “ *I was never in the dark*] When I was preparing to do this, it dawned on me that what this Bill was trying to do was to look at something that we call recidivism, which is convicted people repeating offences and going back into prison and that is what this Bill was trying to do. So in preparation, I try to go ... I know and I agree with Debbie; Guyana is not the best place to look for statistics, so I went to countries that pride themselves on having statistics. I looked at the United States Bureau of Justice, the statistics on criminal offenders and I found that they had some statistics; the first set of statistics on for instance sex offenders in the United States was generated in 1994. I would like to read some of these statistics. They looked at fifteen States on this subject of recidivism in 1994 and it says that;

An estimated 67.5 percent of convicted felons, people who have been convicted for felony or serious misdemeanor were within three years reconvicted and resentenced for similar offences.

That within three years of release from prison 2.5 percent of released rapist that is those who were convicted for rape would be rearrested for another rape.

That sex offenders were about four times more likely than non-sex offenders to be arrested for non- sex crimes.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Concerning sex offenders there were some who were put on parole and while they were on parole they convicted new sex offences, similar ones and had to be rearrested while they were on parole, not when they had finished their sentences. And among child molesters released from prison in 1994, sixty percent had been put back into prison for molesting another child thirteen years or younger.

Now, when this Bill was being looked at and to my mind supervision of convicted felons has to be a necessary thing, because we want to try to minimize, repeated offenders. So the thinking is that if you keep them under supervision so that they are gainfully occupied they do not recommit. I heard the Honourable Member Debbie Backer said its offensive, we are restricting people's movements and you know, I remember as a young person when my Constitutional right to freedom of movement anywhere in this country was seriously curtailed, when I had to get permission, not court permission and so on to go to certain parts of this country. What this says is police supervision:

- It does not say police supervision in Georgetown;
- It does not say police supervision where you went to jail;

It says police supervision. There is a committee on law and order, what is to stop the police from doing as they do in the United Kingdom, from co-opting the public, giving members of the public a role in monitoring and helping to supervise some of these people wherever they are. Protocols have to be established in this supervising. I agree our police force is

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

understaffed we know that but that does not mean that the things we need to do to help to protect our citizens should not be legislated for and should not be catered for. What we have to do, is to be innovative and find means how these things can be carried out, in spite of the fact that our police force might be short staffed.

It might be a good thing if all the Members of this National Assembly can go out there and try to get more people to join the police force, so that we would not be short staffed and so these things can be done, because they are necessary.

Mr. Speaker, when I agreed to speak on this Bill, I wanted to concentrate on the section that dealt with the offences under PART 2 that is the Offences under any Law involving Acts mentioned, affecting a child. I noticed that they called them paedophile offences. This word paedophile and child molesters sometimes are used synonymously. What we need to understand and from all readings that we need to understand the differences between paedophiles and child molesters.

- A child molester is a paedophile who has moved to the stage, where he has put his fantasies into practice.
- A paedophile fantasizes about committing certain acts and doing things with children.

Some of them remain in that fantasy and some of them are helped by the internet now where they go on the internet and they go into chat rooms and they act out those without actually physically touching anybody and we need to look at that. But when the pedophile becomes a child molester and commits the

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

first act according to all the readings we have, these people usually maintain these desires throughout their lives. If they are going to maintain those desires throughout their lives, then monitoring should help us to see that they do not get the opportunity to molest other children.

Mr. Speaker, when I was doing some research; I read a short book called the *Slaughter of Innocence* by an author called Mark Gado. He was talking about child molesters and a child molester being described as an older person male or female, who experiences any type of sexual act with another person who is a child.

It does say that the majority of child molesters more than ninety-five percent are male and it does mention the most famous child molester in the United States, who was a teacher and who was put into prison for sexual involvement with a thirteen year old boy. The relationship having begun when the victim was a student in her sixth grade class; she ended up giving birth to two daughters fathered by that youth.

When I read this, I remembered an incident in this country where a young female teacher of a Hinterland community had given birth to a child that was fathered by a student of that school. The thing is, more recently, we read in the newspapers of a person of Guyanese origin who lived in New York, who worked in a child care facility and was charged with rape of a two or three year old boy and the matter went to court and all of that. So it does not mean that women do not become child molesters as well. There is one thing that stuck me and it says that child molesters can have an astounding number of victims and these cause a national uproar when a suspect who was

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

convicted of molesting a six year old boy was given a six year sentence, served the six year sentence, on his release he told the police that he got away with abusing over 240 children before getting caught for molesting a single child and that if released, he would do it again.

Now, how do we protect our children if we do not supervise, if we do not have some kind of supervision of at least the people that are caught? Mr. Speaker, it is such a difficult thing in Guyana to get a conviction of a child molester. It is a very difficult thing in this country to do that.

There are times when the parents they do not want the shame, so they take money from the molesters so that no case comes up;

There are times when the child is a child, gives one statement and then somebody else asks a question, the child makes a little change in that and the child is accused of lying and all kinds of things;

There are times when all kinds of things happen;

To gain a conviction of a child molester in this country is a hallmark event and if that child molester is sentenced, serve the sentence as my Honourable friend Debbie Backer says and comes out, that does not stop that person from going back, because the psychology of the child molester is that that person will go back and molest another child. *[Interruption: 'How can that stop it?'* “Supervision can stop it, because you

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

can make sure that that person does not have direct contact with children. That is how supervision will stop it”] The thing is if you know and that is why we need a register of these people. I am addressing the offences against children here mainly. The thing is, once we have that, we need to supervise because you know what, child molesters are very devious people. You will find that:

- They are uncles;
- They are brothers;
- They are grandfathers.
- They pick out the vulnerable;
- They pick out from that child that she is dissatisfied; because the parents are too strict and so they are not so strict;
- They get close to them;
- They find out whether they are involved in child labour;
- They have this mind set,
- They go where children are;
- They ask them all these things and they help them out;
- They give them little gifts and then it progresses;

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

It does not start off with rape or sexual molestation of a child. It starts off with an inappropriate relationship, which seems to be innocent to begin with and then it progresses to the actual act for which this person is taken to court.

There are so many times, I remember reading ... there is this big scandal of the Catholic Church where adult men were coming forward now to accuse Priests of molesting them when they were young boys. It is not because they could not be found out, if one person had listened and that is why I know that I will deviate a little bit from talking about this, but we have to talk about listening to children and paying attention and looking at inappropriate relationships between adults and children;

We need to do that and more especially for people like the deportees, who have come from overseas and who have been convicted on sex offences from over there and come here. We need supervision of these people. The Act might say police supervision. I am sure that the Honourable Minister of Home Affairs and this Commission on Law and Order that we have, can put their minds together and work out protocols, where police and responsible people from...*[Interruption: 'This does not say so.']* This is the Law; Regulations can be made in order to bring effect to the Law. The Law does not have to spell out in detail how the supervision will be done. The fact remains that the police need to supervise, because if we do not supervise, these things happen again and again. Most famously - in England, the most famous English child molester went to prison and I am telling you this man called Bill Malcolm went to prison for molesting a three year old child in 1981, went to prison, came out in 1984 and went back and sexually molested

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

that same child, because he was angry that the child had identified him as her rapist and wanted revenge. How are we going to know that that man is going to go and do that? If they had some kind of monitoring system, that could not have happened. The man went back and raped the same child that was since 1984. They now have the monitoring system. The thing is that Guyana is moving to try to protect its citizens, especially its children and I am amazed that you can think that that is a retrograde step ... [*Interruption: 'Yes!'*] It is not a retrograde step, it is a forward step and if we all are positive about it then it will help, but if we are going to sit there and say that we are becoming a police State and we are going to re-criminalise or whatever it is these people, by asking or subjecting them to supervision then we are not going to be protecting the people whom we have sworn to serve. It is very, very important that we do that, Britain has those laws and they have now moved. This is in 2002 where they have given the public a role in management of supervision of paedophiles and child molesters. That can be part of the protocol that this country has. The thing is, I do not understand why you are so opposed to us trying to protect our children. The thing is, there are certain types of crimes that people are likely to recommit. If we supervise, we might prevent, not all of them, but we can prevent a great number of them from recommitting crimes and going back for those kinds of violent offences. That is all this Act seeks to do, to supervise convicted people from recommitting crimes, so that you monitor them, so that you can see what their activities are. And talking about them being stopped from going and work anywhere, this Act does not stop anybody from going anywhere in Guyana. This Act does not say that you have to remain in a certain area; this Act says

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

there should be police supervision. *[Interruption: 'What does that mean? Look at the Act and see what it means; Look at Section 4, it says once per month]* Yes, but it does not say I have to report to Brickdam Police Station once a month. *[Interruption: 'Reporting once a month, every month where ...']* The Agency or place that you have to report depends on when you report where you are going... *[Interruption]*

The Speaker: Honourable Members, please do not have a conversation.

Ms. Bibi S Shadick: Thank you Mr. Speaker. The thing is as far as I see this Act, I am very pleased that at least something is being done to stop people from repeating offences and for that reason, Mr Speaker, I urge my friends on the other side to think carefully before just writing this thing out of hand. Mr Speaker, I join my colleague in asking that this Bill be read a Second time. *[Applause]*

The Speaker: Thank you Honourable Member

The Honourable Member Mr Trotman

Mr. Raphael GC Trotman: Mr. Speaker, rising to make my contribution this evening, I must confess that I am somewhat in a dilemma, where on one hand, the jeopardies we began to point out last night about the infringement of rights and on the other, the absolute need I believe to indeed supervise persons who interfere with children sexually whether they are paedophiles or molesters and persons who abuse women.

In my view, of late there has been an increase of instances, where women have complained, gone to police stations, men

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

have been cautioned, sent away and then women have ended up dead. So that is my dilemma and for that reason, I am going to say that I conditionally support this Bill, because I wait to hear from the Minister, what is going to be put in place to ensure that this Bill could be catered for. If it is he is unable to say to us what capacity the police force has and what mechanism are going to be put in place, well then I will be unable to support it.

As I said, I am particularly interested in those parts of this Bill, which target persons who go after children, being a father myself, I cannot think of my own reaction if a paedophile were to even cast a glance on one of my children or if a molester worst yet, were to go after them. I would be comfortable in fact, if there were something put in place, to have a person who is convicted monitored. It used to be that we did have a law that said that the court may; what I am concerned about is that we are transferring the discretion or taking away rather, the discretion from the court and giving an absolute, making it mandatory that all persons of this drama must be subject to monitoring.

- In view of what is happening around the world;
- In view of the spread of some sickening things on the internet; and
- In view of what I read about and what happens in minibuses and elsewhere,

I am prepared to allow my principles to go to the side that says perhaps it may be better for us to go on the far side rather than

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

to be ultra cautious and allow one person of this type to slip through the cracks. So I am awaiting to be assured by the Minister that he is not just bringing this Bill to this House, because it reads well or because it is in place in other jurisdictions, but I prefer or would have rather have heard him say that at every police station in Guyana, there is a desk set up for this monitoring; that there is going to be either in computerized fashion or in a volume at the Station, some way in which this record keeping is going to be kept; that there is going to be some Officer either from his Ministry or Minister Manickchand's Ministry that is going to make monthly or weekly visits to the various police stations around Guyana to ensure that the persons who are registered are in fact complying, but we have not heard any of this and that is why I am saying that my support is conditional.

Mr. Speaker I would have liked to hear that built into this that a person even if he or she to be monitored that they be some kind of probationary service attached. I am aware for example and moving away from the sexual offences, let us say firearms. I once had a situation many years ago where a young man who lives in my street, in an act of utter stupidity and in what he thought was defence of his sister's honour, flew home grabbed his father's firearm and ran back around the corner to some men who had interfered with his sister. Police happened to be on the scene, arrested him; I do not place him in the same category as that of a brutal criminal, yet this young man would have to report on a monthly basis if he decides to plead guilty upon Counsel's advise and subject himself to the mercies of the court, yet he is lumped with the other types of criminals

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

who commit heinous crimes with a firearm. I am saying that we should find a way to sift through the different types.

There is also the jeopardy which I think Mrs. Backer alluded to, we have a high migration rate in Guyana. A person who is convicted and goes to example to Suriname or Brazil after having served his or her period of incarceration, would be in essence for every month that he or she is abroad trying to get work or trying perhaps to put their past behind him, would be in contravention of this law. So that is something that we too have to be aware of. In a sense this Bill is tantamount to being one of those invisible bracelets, which in more advanced societies are placed around offender's ankle or wrist to ensure that they remain, operate and exist in certain confine spaces. So in a sense, this Bill is going to have perhaps that unwanted effect, so it is something that has to be looked at.

Coming back to something else, I must say that I am concerned about the new Section 4, the creation of the new Section 18 (a). This whole business, we saw it last night that gives the Minister the power to add new offences as he or she sees fit. It is a new penchant for this Government - this administration. So tomorrow morning, we could wake up and hear that assault has been added to this, there is no need to come back to Parliament and I am concerned and that is why I said, I am in a dilemma based on what began last night and on the other hand, about the infringement of these rights and the rolling back of what I term, to be basic human rights as against evolving trends that threaten the fabric of our society.

So Mr. Speaker those are my comments. I will add... I see a note that I have made here that whilst we have listed;

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

- Molestation;
- Rape;
- Sexual exploitation;
- Pornography;
- Prostitution;
- Incest and;
- Kidnapping;

vis-à-vis children as victims; I believe that we are missing a whole, an opportunity (I would not use the word glorious in this context) to include the same offences against women. Why is it that it is only if you commit an act of molestation against a child or you rape a child that you are subject to the scrutiny? If you do the same to a woman or a young girl, you should also, so I am asking that... [*Interruption: 'So you are negotiating for young boys.'*] No, that should not be negotiated or boy; so it should not just be for children. I am saying that any act of this nature should bring the offender under the net and you may very well find that some people decide that they are going after children only or they going after adults, because children place them in a certain bracket that restrict them. So they decided or they will decide to leave children alone and graduate to older persons; so I am suggesting that the Minister takes a look at that.

With those words, Mr. Speaker, like I said, I will refrain from going the distance of fully endorsing this Bill, because I await

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

the Minister's response. I would have liked to hear Minister Manickchand's statements on this Bill; unfortunately she has chosen not to speak, but what mechanisms are in place? It is all well and good for us to pass all these laws, but what mechanism is in place to ensure enforceability and to ensure that we do not tilt the scale to the point where we start to literally persecute persons, who have paid their debts to society and not leave those who ought to be monitored and go after those who we have a personal grudge against.

So Mr. Speaker even though the Minister may want to quote my date of birth as the 27 December and I may want to mention his of 16 March 1950 [*Laughter*] We are all here gathered as law makers, not to threaten each other, you were not threatening me, I am not easily threatened like that, but I have his records, perhaps he has mines, we are both public officials. I urge him to reconsider and to assure this House that his intentions are honourable and that he has mechanisms in place to address the concerns raised. Thank you very much. [*Applause*]

The Speaker: Thank you Honourable Member

The Honourable Member Mr. Basil Williams

Mr Basil Williams: Mr. Speaker, I wish to make it abundantly clear that the PNCR-1G supports the aspect of this Bill, which treats with the paedophiles or the child molesters. However, a common thread, which runs throughout these rafts or this raft of Bills that have been presented in this Honourable House is this. There have been intermixed, good Bills intermixed with horrific Bills that is really the trend so that you could have

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

been put off for non-plus by the Bill dealing with the breathalyzers and the Bill dealing with the hand held cell phones and not pay attention to the Court of Appeal Bill for example. You come here now and in this Bill, you intermingle again a good provision with a very ominous one, so in the first instance, I am respectfully submitting that we have to bifurcate the arguments in relation to this particular Bill. How could we in the PNCR-1G have a problem with measures taken to deal with paedophiles and child molesters? We do not, so unlike what the Honourable Member Ms Shadick was suggesting; we are not opposed to that, but what are saying is that most of these Bills that are being brought today, we have to speculate as to what we intend to do to effect the measures you are talking about.

In other words, I remember the Honourable Member Mr. Murray calling it *bare bones* and he keep doing this all the time, now we would expect that if you are dealing with paedophiles and child molesters and you are quoting statistics from America, at least you would have put the regime in that is in America you propose to put it in Guyana. For example;

- Registering of paedophiles wherever they go to live;
- The question of them reporting;
- The question of them having parole or probationary Officers treating with them;
- Case Officers;

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

That type of regime would have to be put in place in order to make it efficacious. So let the record show; we have no problem with that. You have not indicated how you intend to import that type of stricture on those offenders.

The other aspect of this Bill is what I wish to take issue with and it is in keeping with this trend that, they are some people hold up in a house in Robb Street, in morbid fear; they have a morbid fear that somebody is coming for their throats and I do not know why they are having this fear. So they are locked up in a room, just pushing out, oppressive, draconian legislation ... [*Interruption: 'Diversion!'*] No, but in so doing, it is overturning the very fabric of our Justice System as we know it and the purpose is to take away all those fundamental rights that have been guaranteed in our Constitution.

Mr. Speaker, this question of preventing crime, it is a sore question in Guyana and really it is one that you have to give a failure mark to this Government, because they believe obviously that all you have to do is bring a Bill to this Honourable House and the problems of crime will disappear and/or be prevented. They have missed the bus on this one, because there is existing legislation - the Prevention of Crimes Act - that treats with repeat offenders. That is what it does, it treats with repeat offenders and they had this discretion that not only a repeat bicycle thief or egg thief, you are going to enter in the register. That is why they had the discretion, so they would determine what offences that society would be concerned with and so enter those in the register, because as my learned sister said right now, anybody comes out as a first offender is automatically subjected to supervision. We all know it is impossible for you to effect and monitor. So the

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

existing legislation is a well thought out one, but it came over a century or so ago, but now you are having... remember in the present legislation if you had a previous conviction that is the only time you are qualified to be entered into the register and be supervised. This proposed Bill has this provision that if you are a first offender once you come out of prison; you are subject to register. That is why it is not impossible so that has to be revisited.

Mr. Speaker, preventing crime in this context; we expect to hear from the Honourable Members of that side about measures to rehabilitate offenders. I do not know ... what is this thing about having one offence, so you come out, because a lot of times you go in there and you are perfectly innocent? You come out and you have to be subjected to supervision:

- Your movements curtailed
- Your liberty curtailed and
- Your freedom is curtailed in a way

So what is the position of this Government with the rehabilitation of offenders, when they are in the prison? That is what we expect to hear, not that you are putting in a procedure to further criminalize people; that is all you are doing, you are setting up a system to further criminalize a person, who might have gone in there for a first offence on one of the illustrations given by my learned friend the Honourable Member Mr. Trotman. We all know the police are busy stereo typing young men in this country; picking them up and fitting them to offences. We know that and so if you do not have a credible

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

rehabilitation programme for offenders when they go into the prison, you really ought not to come and tell us that they must register and they must report to you and all of that. You must come to tell us that ... you must come and tell us what you are going to do about ensuring when they come out ... [Inaudible] Well, what we want to hear in this country, when they come out, what good citizens you have prepared them to be and citizens to take their rightful place in this society and I am sure you could talk to me about the language, Honourable Member.

Now, the deportee is in a better situation right now than a Guyanese born and bread landed, because a deportee commits an offence abroad, comes into this country and could only be supervised by a certain order of the court and we live here and we have to register *cart blanche* so I do not know, it is an obvious oversight I should think, because in so far as you retain for the deportee, the court intervention then it amounts to discrimination and we have an anti-discrimination law in this country. You will be discriminating against Guyanese, who have been living here and who happen to have found their way into the prison and in any event that provision could not stand the scrutiny of a court action in this thing, so take note.

Now, Mr. Speaker, the Bill really you have to lift the veil, this is just another nail that is being put into this coffin in which the burying freedoms - the freedoms of the individuals of this country.

This ability to amend the Schedule, it is clear that the very first offence, one among the first offences that I except to see in all these and the one yesterday is sedition, you did not want to put sedition in there, but it is clear that you want to put sedition in

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

as fast as possible and from the reaction of the Honourable Member Mr Ramotar, he seems to agree with me. But if you are serious about this Bill and about protecting people from sexual offences, children and paedophiles, how come you do not have incest recorded here *ab initio*?

As a practitioner, I know those victims; they are easy prey. That is happening in the country. So how come the big sociologists in the Government are not prepared to deal with that. So we do not think this is a genuine attempt to address these problems. We think it is an attempt to be able to identify, supervise and monitor certain people. You feel that you need to do that in dealing with them in relation to that matter. That is what you intend to do here and so we keep saying these things come in this form, but you said that the Honorable Member Mr. Rohee telling another Member on this side about his birthday. It is clear that in these vague messages that you are sending that look, you are monitoring us. If you see somebody going to Congress Place, you monitor them; if you see somebody coming out of Congress Place, you monitor them. That is what you intend to do. *[Interruption: 'You did not get that right ... look at the second Schedule.'*

'Yes, that is correct'. "No, I was looking at the first SCHEDULE; it is the second SCHEDULE." 'But we support that. Do you remember we supported the activities of incest?' "I stand corrected about incest. Incest occurs in the other SCHEDULE, which the PNCR-IG overwhelmingly supports subject to the mechanism that you would have put in place to affect it. 'And the Court Order ...' "We are coming to that"].

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

You see what happens here when you have added ... you have shown your hand when you add these new offences:

- Armed Robbery;
- Hijacking;
- Offences involving use of firearms and explosives;
You are obvious going to Terrorism and Terroristic Acts;
- Piracy.

These are the offences you really want to deal with and anybody who is charged once-off with these, no matter how you are on a boat and something happens and they all come in the same net, they have to be supervised.

So we have to be very careful, Mr. Speaker, about these measures that appear on the face of it to be well intentioned, but really could have far reaching consequences for the freedom of the individual, for the individual privacy and the protection of the law.

Mr Speaker, when we are speaking about preventing crime, we do not want to be distracted by these things where you say somebody must come and report once a month and if you move out of that jurisdiction, you must go and report to the next jurisdiction where you are in. If you do not report in forty-eight hours, you might get a fine that is greater than the fine you had severed.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Why do you want all these oppressive things? Why do you want all of that? Because in effect, your proposed amendment is saying that if you breach the parole, if you do not make contact... then there is no police officer; I do not see any parole officer, you are talking about the police generally. If you do not make contact with them within forty-eight hours, you are subjected to a serious penalty - a fine and one year imprisonment.

What is that? What this thing is missing is that these men have served their sentences and unless when they were being sentenced or they have come up for sentence, there is a clear law that says in sentencing, we would take into account the fact that you will be supervised. Then you are pressing the citizen and you need to supervise these people in an unobtrusive manner, because you can not put in a regime, when a man served his time, gave his time to society, paid his dues and then you hamstring him from making himself an acceptable member of this society.

How could we justify that in this land? Then you are supervising a man for three years, who is a come out as a first offender, because if you come under piracy or armed robbery - I do not even know what is meant by armed robbery. They are just bringing in these American terms, theft and all these things, hijacking, you are being supervised for three years and when you have these people on the register, the tendency is that when anything happens, the police go right away to these people, they do no investigative work. Oh! John Thomas, I remember he was convicted for this offence ... bam they gone for you and they pick him up. They do that now, we can tell you that. A choke and rob occur on the road, they gone in a

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

particular yard. Read the Act and withdraw that too. All offences on indictment are attracted here, the only reason why you put this in the SCHEDULE is because you are going to give it a longer period of supervision and there would not be repeat offenders, but you have moved away from the entire spirit of the original Act, which is to deal with repeat offenders. In other words, the alarm bell should start triggering if you are coming back to the Court a second and third time, but it ought not to trigger on a first offence, because if you are doing that it means you are abandoning a time-hallowed principle of the Criminal Law that you must look towards rehabilitating offenders.

Mr. Speaker, we do not want to lose sight of the fact that these measures do not go far enough and these measures are only the tip of the iceberg. We do not want them to distract us into believing and forgetting what really causes crime in the country.

What really causes crime; things that they have deleted from there Security Plan and the role of the police in preventing crime, because this is crime prevention. The police must be equipped to prevent crime. We do not want the Government to lose sight of that by telling us to register people who are coming down the chute. They must equip the police to investigate crime properly and effectively, so that the police would not just run and look at the register when a crime occurred and decide whose name they are picking out to go and target.

So we need to avoid that kind of thing, equip them and do not give them forensic capacity on their life and then in the

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

preventative aspect of the police work, you must have sufficient numbers of policemen on the streets and in the force to help do police work and they can not escape the responsibly to have a criminal intelligence network.

They must not lose sight of these things, because these things would effectively help them to prevent crime and not have to go and target people, who they say had committed a previous offence, bearing in mind even under our rules of evidence, you cannot come to the Court in a trial and except your are establishing modus and system, purporting to say that this man has not committed a previous crime sometime ago, must be guilty for the present one that he is charged with.

Even our Criminal Law does not allow that, so why should it be allowed for when a man goes in and comes out on a first occasion that you decided, he has the propensity to commit further crimes and so he should be supervised and monitored.

Now my sister, the Honourable Member Mrs. Deborah Backer dealt with the fundamental freedoms in depth, which would have been breached by this activity. What we have to guard against, we have not factored in preventing crimes is the involvement of other persons; we have a whole set of other forces now. You have not told us anything about the community policing, these things would help, so you would not have to come with these puerile measures to say you are targeting some man who comes out of the prison on a first offence. Of course, it would be wholly unacceptable for you to have a five-hundred member Police Force having to supervise a register of five thousand/ten thousand people in Guyana. It would not make sense.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

One of the things we have to deal with, we have this habit of transposing matters from other jurisdictions into our situation and treating them as facts.

The Honorable Member, Bibi Shadick, regaled us with statistics in America, but how do they apply in Guyana. How are they applicable here? They have a lot of technology in America to make those assessments. But what is the situation in Guyana? We expect you to tell us that, do we have that kind of problem in Guyana? What are the numbers? How have you determine that? You can only determine a child molester, because he manifests the act, but do you propose to determine the paedophile that you describe just now that he acted out of his mind. How do we identify that person, because that is the definition you give?

So you can not come and transpose data from America and want to apply it to Guyana without telling us whether it is applicable or how it is applicable or workable in this country.

So, Mr. Speaker, this question of mandatory supervision for every indictable offence in relation to a person being convicted is wholly unacceptable and in the first instance unworkable. It can not ever be made efficacious. And so you have to have something in a narrow compass and that is why at first blush that they were restricted to these offences that you have exhibited here.

But looking so far as you are going wider than this, it really cannot work. We need to go back to the drawing board.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

And so in conclusion, Mr. Speaker, the PNCR-1G would have to make a dichotomy between the paedophile aspect of the Bill and the general aspect of the Bill. We support out of hand the measures taken to deal with paedophiles and child molesters, but we would find it difficult; they must still go to the Court still in these matters. They should go and have their privateer of the court with these matters, because since the paedophilic offences, one in the mind, no one from over there has told us how we are going to determine the person and so that has to go to the Court before you could determine somebody is a paedophile. On the other aspect, a deportee cannot be in a better situation than the people who are living in this country and having the court to intercede for them and we can not have the court interceding for Guyanese living here who are charged with offence.

So they must also have the Court's intervention before you can have them entered on the register for supervision. I thank you.
[Applause]

The Speaker: Thank you Honorable Member.

The Honourable Minister of Human Services and Social Security

Hon Priya D Manickchand: May it please you Mr. Speaker, I want to join you and other colleagues in wishing Mr. Lance Carberry a happy birthday and God blessing and many more to come.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Mr Speaker, I have to confess when I first perused the Bill and I questioned why we needed so many speakers for a Bill; for me, this is a straightforward and amending Bill, timely, responding to the needs of Guyanese and all in all a sensible piece of legislation that has been put forward.

Alas, having heard presentations from the opposition save and except the AFC, I understand the wisdom of Acting Chief Whip, Ms. Gail Texiara in having Members on this side prepare to speak.

Mr. Speaker, as was outlined by the Honourable Member of this House, Mrs. Deborah Backer, the prevention of crime is not new, it existed a long, long time ago. Since 1885 and it was revised or as recent as 2002.

The whole Act, if you read the entire principal Act, you see that the tenor of the Act is to prevent crime by supervising. The aim of the Act is to help to prevent and protect the public and to prevent re-offending, by being able to access and manage the risk posed by convicted offenders, by using the means of effective supervision.

What struck me in those presentations was that the Honorable Members of the Opposition of the PNCR-IG were making it sound as though these persons who would be subjected to supervision, were persons who were taking a stroll around the National Park that the police just went and picked up and are harassing. These persons are convicted persons, a court has determined that they are guilty of one offence or the other and so these are persons who have been determined to be convicts; persons who committed crimes against the people of Guyana.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

And to answer Mrs. Backer, who is bellowing one crime; we know from practical experience that many times the persons who appear as first offenders before the Court are actually not first offenders and we are not talking about foul thieves. These were the first times they were caught or these were the first times that their matter reached completion and so the only difference in this amendment in this amending piece of legislation is that the discretion is now in the hands of the police as opposed to the Court.

Mr. Speaker, in the Principal Act, the court took cognizance of a previous conviction and upon sentencing the offender for the offence that it was trying at that time; it would take cognizance of the previous conviction and perhaps impose a sentence of police supervision, which is a part of the sentence of the court.

Mr Speaker, at that time 1973, when we had limited human resources and probation officers were not something we heard about frequently, the court was using as information for itself to determine, to inform its decision to...*[Interruption: 'I don't think they are real probation officers.'* “*Oh! We will tell the probation officers now that you do not think that they are real probation officers*”]. The Court was using that previous conviction as information to determine whether or not this convict now should be supervised. We do not any longer need to do that, while the person is in prison, we can join with the police, integrate services, which I believe there is much room for improvement between the Probation Department, Prison Services in the Police Force to determine whether that person is likely to re-offend.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

So when it says that the offender is subjected to police supervision it does not mean he shall be supervised. It means he is subjected at the discretion of the police to be supervised. *[Interruption: 'That is not what it says.' " That is exactly what it says"]* And so the police acting on the advice of the Probation Officers and the Prison Officials can say that we do not need to supervise this person, he has been reformed or this person has expressed his desire to come out and finish this matter, so he subjected to Police supervision at the discretion of the Police and so to answer Mr. Trotman or hopefully to make the Honourable Member Mr. Raphael Trotman a little bit more comfortable, we in the administration of Ministry of Human Services, yesterday, took a decision in anticipation that this Bill would be, quite frankly, fully supported by all sides of this House to dedicate two members of our staff specifically to Camp Street alone and the other Prisons that are around Georgetown. These are persons, who will be working specifically with the inmates of the Camp Street Prison and will not have other duties such as the distribution of pensions and going to court for other matters,

So they would be able to focus specifically on whether or not the person there is likely re-offend, likely to come out and harm the public and to give effect to our objective, to assess and manage the risk posed by persons who could possibly re-offend.

So what is different in this new piece of Legislation that is before the House? The only thing that is different is that it is now at the discretion of the police, who will be more informed simplify because they will be working in collaboration with the prison services as well as the Ministry of Human Services

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

and the staff there at and the other thing that is slightly different is now for first offence one may be subject to supervision for one year, so it is not for life.

Mr. Speaker, the offences listed in the SCHEDULE incidentally to correct Mr. Basil Williams; incest is listed in this SCHEDULE. *[Interruption: 'You did not hear him.']* I did not hear him.

The offences listed in the SCHEDULE are serious offences. Mr. Basil Williams deliberately skipped over domestic violence. These are persons who are seen, reports and studies across the world have shown protractors of domestic violence offences are persons who are mentally sick. They have illnesses that cause them inferiority complexes and all sorts of issues that cause them to re-offend and repeat their offences and so they need supervision for three years that we are going to ask. Supervision by the police does not necessarily mean report to the police station. It could very well mean the police could drop in on you unexpectedly. It could very well mean that the police will act according to the reports that are offered by the probation officers as to whether or not this person is likely to re-offend.

Mr. Speaker, Mrs. Backer was talking about when you leave Paramakatoi ... *[Interruption: 'When you leave Meadowbrook and you go to Paramakatoi.']* ... when you leave somewhere and go to Wakapow, where do you register and you are putting all this hardship on the people to register. That is not under this Act, this is not something new, it existed under the previous legislation. You had to go and register your name under this legislation. If you changed address, you had to go and register

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

with the police ... you want to speak again Mrs. Backer? ...
[*Interruption: 'I can speak when I want.'*]

The Speaker: Honourable Members, please do not crosstalk.

Hon Priya D Manickchand: So, Mr. Speaker, this is not any difficulty, because this existed under previous legislation.

The other thing that stands out is that Mrs. Backer, Mr. Williams and other Honourable Members of this House spoke of this being a hardship on the offenders and spoke of this being harassing, but these are criminals who are convicted. So we are going to have to publicize this and I reiterated the call from the Opposition to Minister Rohee, and I support that call that we are going to publicize to the people of Guyana that if you want to commit the crime, you are going to have to pay the time, which includes supervision by the police. That is what it includes.

Mr. Speaker, so this that people are being harassed, so it makes it sound that some man in a tie going to work and somebody just stops and picks him up and tells him that he is under police supervision is inaccurate, because this is someone who has raped a child; someone who has beaten his wife practically to death. [*Interruption: 'If he slapped his wife once - three years.'*] Mrs. Deborah Backer, it would be interesting... [*Interruption*]

The Speaker: All Members, let us get through this debate, there are some beverages of a high quality awaiting Mr. Carberry [*Laughter*]. Please let us get through this debate with peaceful intentions.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Hon Priya D Manickchand: Mr. Speaker, you said *peaceful*, so I am hesitant to say what I am about to say, but it would be interesting to have as a public response from Mrs. Backer, an Honourable Member of this House, if she believes one slap from a man to his wife or his partner is acceptable, because that is what she really said just now. If after one slap...

Mrs. Deborah J Backer: Mr. Speaker, on a point or order ...

Hon Priya D Manickchand: Mr. Speaker, I am on my legs and I am not sitting.

Mrs. Deborah J Backer: Mr. Speaker, on a point of order, I have never said and it is highly malicious of the speaker that I am say that if a man slaps his wife once that nothing is wrong with that. I never said that.

Hon Priya D Manickchand: You said that.

Mrs. Deborah J Backer: I never said that I would not support it. [*Noisy Interruption*]

The Speaker: Honourable Members, I will have to suspend this sitting. [*Pause*] Mrs. Backer you are the senior of the two. Please. Honourable Members, let us be careful with our language and our allegations and the hecklings too. Continue Honourable Member.

Hon. Priya D Manickchand: It is my view that if someone is convicted for slapping his wife once, that he should be supervised for three years, [*Applause*] because it is not after one slap and we all know this sociologically and from our practical experiences, it is not after one slap that a woman goes

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

to court, so that the perpetrator can be convicted of a domestic violence offence. So I believe, yes, he should be supervised so that he does not re-offend.

Mr. Speaker, we heard from Mrs. Barker specifically... [*Noisy Interruption*]

The Speaker: Let us have some quiet, Honourable Members.

Hon Priya D Manickchand: Mr. Speaker, we heard from Mrs. Barker specifically in reference to Mr. Basil Williams about a breach of constitutional rights and I borrowed from the Clerk - Thank you Mr. Clerk for lending me your Constitution - and I was really wondering and had to query whether this was the latest Constitution or is it this Constitution that contains our relevant and applicable Law, because what was read to us by Mrs. Backer or what was told to us by Mrs. Backer is diametrically opposed or opposite to what is in the Constitution. [*Interruption: 'Why are you surprised?'*] I was surprised; sorry I was.

Mr. Speaker, Mrs. Backer suggested to us that Article 148 allowed for freedom of movement and nothing outside of a court order could take that freedom away. Article 148 says:

- 1. No person shall be deprived of his freedom of movement, that is to say the right to move freely throughout Guyana; the right to reside in any part of Guyana; the right to enter Guyana; the right to leave Guyana and immunity from explosion from Guyana. Any persons restrictions on the person's freedom of*

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

movement that is involved in his lawful detention shall not be held to be insistent with/or in contravention of this Article.

I am about to go to No. 3. I continue to quote from the Constitution of the Co-operative Republic of Guyana:

3. Nothing contained in or done under the authority of any Law, shall be held to be insistent with or in contravention of this Article to the extent to the Law in question makes provision:

And I am continuing to quote:

- (a) For the imposition on restrictions on the movement or resident within Guyana of a person or on any person's right to leave Guyana that are reasonably required in the interest of defence, public safety or public order or for the purpose of preventing the subversion of democratic institutions in Guyana*

- (b) For the imposition of restrictions on the movement of residents within Guyana or on the right to leave Guyana of persons generally or any class of persons that are reasonably required in the interest of defence, public safety, public order, public morality or public health or for*

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

*the purpose of preventing the subversion
of democratic institutions of Guyana.*

Mr. Speaker, this Article of the Constitution clearly says.

Mrs. Deborah J Backer: Mr. Speaker, on a point of order. I refer to Article 148(3)(d), which my learned friend conveniently stopped short of and our argumentation to use Mr. Alexander's phrase is that Article 148(3)(d) is offended by the proposed amendment -Article 148(3)(d) that is what my contention is. If the Honorable Member reads this, she may argue about my interpretation, but she could not stand there and dare to suggest that I am misleading this House - Article 148(3)(d).

Hon Priya D Manickchand: Mr. Speaker, if I may with your leave continue Article 148(3) (c):

*For the imposition of restriction on the
acquisition or use of land or other property in
Guyana...*

I wish to repeat what Article 148 says:

*No person shall be deprived of his right to freedom of
movement ...*

it then goes on to say :

*... nothing contained or done under the
authority of any Law shall be held to be
inconsistent with or in contravention of this Article*

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NATIONAL ASSEMBLY DEBATES 25 JULY 2008

And it says:

- (a) *If it for public safety, public health, public good...*

And a Law says you cannot move it is not inconsistent with Article 148 (d). It says for public morality and so on a Law says you cannot move, it is not inconsistent with Article 148 and Article 148(3) (d) says:

... if an order of Court makes it ...

It is not inconsistent.

Mr Speaker it would be an enlightening, a delightful time, when we could go back to the exact record almost immediately to see what it is the speaker said before. I am subjected to correction, but I do not believe I am wrong. The speaker said except an order of court provides the imposition or subjects the offender to an imposition, it would be unconstitutional and I just read Article 148(3) (a), (b) and (c) to show you and it goes on with many exceptions to show you that what is being brought here is not a violation of Article 148. A court order would not be necessary for it and that is why I am saying what Mrs Backer diametrically opposed to what the Constitution says.

Mr Speaker, Mr Raphael Trotman, was querying as to why it is that women were not catered for under the SCHEDULE Part 2 and I agree that initially how it would look ... but under Part 1, where you can be supervised for three years we catered for domestic violence offences.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

The Domestic Violence Act is very clear and very wide as what are domestic violence offences. They are offences that are rape and so on. I agree with you, that it is not wide enough, because a domestic violence offence is only with someone that you are associated with so it does not cater for stranger rape and ... [*Interruption*]

Mr Raphael GC Trotman: Mr Speaker, as it has become fashionable, on a point of order ...

The Speaker: Yes ...

Mr Raphael GC Trotman: I said in terms of sexual offences ... rape, molestation, pornography, et cetera, against women, my learned friend speaks about domestic violence, so

I have to rise on a point of order as well.

The Speaker: Honourable Member, you know, correcting a speaker is not a point of order.

Hon Priya D Manickchand: I know, I said *elucidating* ...

The Speaker: I just want to remind you.

Hon Priya D Manickchand: I was disagreeing with the Honourable Member. I was saying in a very narrow way and I was going to recommend to the Minister of Home Affairs that he may wish to consider including in a speedy fashion offences against women. [*Interruption: 'Offence against women is rape.'*] Mr Speaker, this Bill answers the call of Guyanese. That is what is absent in this entire debate.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Mr Speaker, we heard how this is violating the rights of persons who have been convicted criminals; we heard how this will violate the rights of rapist and the rights of paedophiles, but we have not heard about what the ordinary Guyanese people think.

We have not heard anyone say to us, what I it is that Guyanese want. I am saying definitely without fear of contradiction that this Bill answers what Guyana wants.

Mr Speaker, I hold in my hand a Draft Report on the consultation meetings on STAMP- IT- OUT, which was a document that contains proposals to strengthen protection against sexual violence and reform the law on sexual offences and that law is like this one. The Principal Act is over one hundred and thirteen years old.

Mr Speaker, in a few months, we went to sixty-seven places across Guyana in all ten Regions and these post-its at the side of the book indicate all the persons - well all the places, because we did not repeat every single suggestion if it was the same. We just had one suggestion of each in the report. This report is going to be published in two weeks.

Throughout the consultation persons called vehemently, passionately, stridently for us to do many things that they thought would prevent offending, re-offending; that they thought would protect the public more.

Mr Speaker: Some of those were very extreme, sometimes put the faces of rapist on bill boards and post them across the

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

country. I do not know if it is extreme, I am telling you as they came.

We want registers of sex offenders, not registers kept by the police as under the Principal Act, but we want registers of persons who are published, so that we can access them; so that we can go and see who a sex offender is. Incidentally, we want the DPP to appeal the verdicts of some of them. We want to be able to restrict the movements of some of the persons so that they must not ... Port Kaituma in particular ... I remember the persons there saying that people were leaving the coastland and going there and polluting their society. So they said they must stay wherever they last committed the crime and these post-its show the places where they specifically said that:

- Moruca;
- Mabaruma;
- Port Kaituma;
- Aurora;
- La Retraite;
- Morocabai;
- Many places in Georgetown including the City Hall, when we had the public consultation there, including the students of Queen's Collage,
- Carbwood Creek,
- Corentyne;

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

- New Amsterdam;
- Bartica;
- Mahdia;
- Lethem in Region 9; and
- Two places in Region 10 - Central Linden as well as Kwakwani

The persons in these places said that they want rapists, sex offenders and other persons, who were convicted under what we are proposing to be the new sexual offences Bill, to be supervised by the police. So that they can tell where they are, persons specifically said in the studies done by the GHRA and published in a document called *WITHOUT CONVICTION* that they felt very unsafe, because they did know when persons were released on bail, where they were and what they were doing. And so persons across Guyana in excess of four thousand persons who came to these consultations and in an excess of the one hundred and eighty organizations that contributed to these consultations in all ten regions of Guyana, persons said in the majority - this is Guyanese people saying - we want offenders to be supervised and they wanted it for life.

Mr Speaker, we know that they asked for matters ... but we do know that we have to balance the rights of a person /a defendant as opposed to what it is persons might want, but we have a duty as a State and I would think we have a duty as responsible Members of this National Assembly to pass laws or to make laws that protect the public and that is what this one here seeks to do.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

I cannot stand here and say definitely that once we pass this piece of legislation, we are going to see this massive reduction in crime.

I cannot stand here and say that once we pass this piece of legislation a woman is no longer going to be raped or a child molested.

I cannot stand here and say piracy will stop once we start supervising pirates.

But I can stand here and say that this is a move in the right direction and if we do not do it we will be acting against the interest of the public.

I cannot stand here and say in good conscience, knowing it has the possibility of changing the way our country is; knowing that it has the possibility of reducing crime and certainly reducing re-offenders; knowing that we would be able by this legislation to access and manage the risk posed for re-offending.

I cannot stand here and say it is not our duty or let me put it more positively, I stand here and say it is the duty of all in this Honourable House to support this legislation as I do. I thank you. *[Applause]*

The Speaker: Thank you Honourable Member.

The Honourable Minister of Home Affairs ...

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Hon Clement J Rohee: Mr Speaker, there is a certain irony in this legislation or this Bill especially when we look at it from the practical aspects. Every Friday, I would have my day when I would meet members of the public at the Ministry of Home Affairs and I would be exaggerating if I were to say that every Friday a person would come to me to seek my advice on what they should do, knowing that a person who is in the jail is about to be released and having received messages through different channels that they are likely to be attacked once again, in light of that situation, they would ask advice as to what they should do and the irony of this situation is rather than the person who have already served time being supervised it is the person who would have suffered at the hands of that person that is looking for somewhere else to live - to move to another part of the country. This is what is so ironic about the situation that we are dealing with. It is a truth and it is a fact. After all that has been said on the Opposition benches, I ask the question, where do we start? [*Interruption: 'Leave it to the court to have a restraining order. What is wrong?'*] I will deal with that; just give me a chance I will deal with that. Where do we start? Do we start as some have suggested by increasing the strength of the Guyana Police Force or do we start by putting the laws in place? Which comes first? My humble view is that you start with the laws. If we do not start with the laws, we will end up in the same situation, where some are accusing the police of acting lawlessly. We have to start with the laws...So when the laws are in place, the police irrespective of what their strength is, they are acting within the confines of the laws. [*Applause*]

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

That is what is paramount; that is what is primordial in this respect.

Mr Speaker, look at the nature of the offences that we are talking about. The Honourable Member Mr. Basil Williams sought to sand-dance and to introduce some kind of a dichotomy by saying it is okay for us to go with the laws or what is proposed in respect of offences with respect to children, but the others, we are not comfortable with them. So like a bowl of spaghetti, we are picking and choosing what we want.*[Laughter]*

Mr Speaker, the Honourable Member Mrs Backer, looked into her crystal ball *[Laughter]* and concluded that what is intended here will not work. On what scientific basis has she drawn that conclusion? What is the basis for her drawing this conclusion?

- The first reason is because there is a shortage of ranks in the Police Force; it will not work;
- The second reason is because we are pushing the courts aside;
- The third reason why it would not work is because it is tantamount to establishing the police State;
- The fourth reason why it would not work is because it is tantamount to State harassment;
- The fifth reason of why it would not work is because of a number of rhetorical questions which were asked by

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

the Honourable Member but to which she offered no practical or tangible solutions.

Mr Speaker, I want to submit that all these arguments with respect to pushing the court aside,

establishing a police State and engaging in the State harassment, all these are political arguments that have absolutely no relevance to the Bill that we are discussing here this afternoon and are all aimed at the cameras to make political mileage.

Mr Speaker, I made a note of last night's debate, where the Honourable Member Mr Corbin said that dark clouds hang over Guyana, that a dictatorship is on the horizon and that the

Bill seriously threatens the wellbeing of Guyanese.

The Honourable Member, Mr Trotman, more or less, although in a more moderate way echoed those sentiments ... The reason why I referred to the Honourable Member Mr Trotman's date of birth is because when we come in this Honourable House and we come to speak about a rising dictatorship, police State and all those inventions of one's imagination, of what is happening in Guyana Times, Mr Speaker, when I look at the persons who spoke those things, I tend to ask myself, where were they and what age were they between 1968 and 1985?

What were their ages between 1968 and 1985? Because if we are to talk about dark clouds hanging over Guyana, rising dictatorship and police State; let me tell you in this Honourable House, for those of you who may not have lived

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

through it, we are more authoritative to speak on those matters by virtue of life and experience than anyone of you ... *[Applause]* because we lived through it and we know what it is like and we have fought against it. We will never allow those days to return to this country. *[Applause]*

Mr Speaker, they say we must go to the courts; my research tells me that there is no record of the use of Section (3) of the Prevention of Crimes Act as it currently stands. The court has under the present Law to instruct that supervision be done but they never did so. It is within the authority of the court at present to instruct that supervision be done. Now, we are seeking to make it mandatory that it be done, *[Applause]* because we have as my friend and colleague the Honourable Minister, Ms Manickchand said, we are not talking about a group of men or any individual strolling around the Promenade Gardens. We are not talking about such things.

Mr Speaker, I agree fully that you cannot jail away crime, we do not have to be lectured about that: that is A B C; we know that. What I can tell you is that even though we cannot jail away crime, we can jail away the criminals. *[Applause]* These are the people who are wreaking havoc on the lives of the overwhelming majority of people in this country who want to live in peace. We have to deal with them.

Mr Speaker, I want to submit that this country needs tough anti-crime laws and it will have such laws irrespective of how much bellowing and resistance, because our interest is for the overwhelming majority of the people of this country. We hear talk, that this government is seeking to emasculate the courts. I wonder when persons come to this Honorable House and

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

make such wild statements about emasculating the courts of this country, whether they have a sense of history of what took place in this country years ago, when the courts were a mere toothless poodle to the executive. The Honourable Member Mrs Clarissa Riehl knows that.

Mr Speaker, you can deal with crime the soft way or you can deal with crime the tough way. It would seem that your preference with crime is somehow ... But our vision is clear and our perspective is clear.

Mr Speaker, what is the wider consideration in all of this debate? The wider consideration is protecting the public; that is the wider societal consideration - protecting the public. If it means passing tough laws to protect the public then so we will.

Mr Speaker, they say we will be frustrating criminals by having them supervised. The Oxford Dictionary speaks about *supervision* and it says *to oversee the actions or work of a person*. That is what we want to do; we want to oversee the actions, because many of them is form a part of a criminal enterprise, which we are seeking to dismantle; many of them have contacts that we would like to know.

Mr Speaker, I would not pay very much attention to claims that this is aimed at frustrating persons; supervision helps to keep track of the criminals. That is what it does.

How can we deem supervision by the police as harassment, as tantamount to establishing a police State and so many evils? The police force is part and parcel of the law enforcement agencies in this country and if the police are asked to supervise

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

criminal elements, then it is their task to co-operate. They must cooperate.

I have taken notes of the comments made by the Honourable Member Mr Trotman, and he has made some valid observations. For example, he asked about mechanism being put in place to insure enforceability. That is indeed a genuine concern. But let us have the Bill passed in order to have the mechanism put in place. We cannot have the mechanism put in place without the Bill.

Mr Speaker, we have in both police stations, especially the police stations that are currently being modernized under Citizens Security Programme, sections of the stations treating with domestic violence issues. There is a special book where domestic violence occurrences have to be recorded. Police officers are being trained to deal with domestic violence issues.

I want to submit that in relation to this particular matter, obviously we would have to put mechanisms in place to insure that effective monitoring and supervision take place, because at some point of time, someone will get up and ask for statistics; someone will ask for data. In order to have the statistics and data, we have to have effective monitoring and supervision, so when questions are asked we have the information to provide.

Mr Speaker, I want to assure the Honourable Member Mr Trotman that this Bill is not brought here for any fanciful reasons or objectives. This Government does not believe in passing Bills for such reasons and as someone said it is part

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

and parcel of the raft of anti-crime legislations and there is more to come as a result of the decision taken by the CARICOM Heads of Government at the Heads of Government Special Conference addressing crime and security in the Caribbean.

Mr Speaker, I believe this Honourable House would be sending the wrong signal to the criminal community; it would be sending the wrong signal to the criminal enterprise and would be sending the wrong signal to the law abiding citizens. Sometimes, Mr Speaker, with due respect when you listen to what some Members on the other side of the House have to say publicly; you wonder whether they are against or for the fight against crime and also the criminal elements who are forming and re-forming criminal gangs.

When we say this Bill will overturn the Criminal Justice System and erode our constitutional rights ... This is a political statement and it certainly has nothing to do with the Bill. When we say this is another nail in the freedom of individuals, this has no relevance whatsoever to the Bill. It is another political statement that is being made to win political attention either inside Guyana or outside Guyana.

Mr Speaker, worse of all, when I hear a statement to the effect that the intention of this Bill is at some point of time to introduce sedition in one of the SCHEDULES, I am amazed. This is the second time in less than twenty-four hours that we are hearing there is sinister motive on the part of the administration to introduce sedition as a matter of interest to itself, because certain Opposition benchers have interest in some of these matters. Let me put it like that.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Mr Speaker, this conspiracy theory continues to abound and it is becoming part of the psyche for some people. When they speak either inside or outside of this Honourable House, to say that the intention of this Bill is to introduce sedition and that is why the Minister should not be given the authority or should not be given the powers *in nothing else*.

I want to conclude by saying that this Bill will do greater good for our country; ... will do good for the overwhelming majority of citizens of this country. This Bill will serve to ensure that criminal elements that revolve around the system will be monitored and will be supervised.

We are now at a stage in our country, where the crime situation calls for measures of this type and that is why I want to suggest that this Honourable House support unequivocally the Bill in order that we send the right signal to the country as a whole that we are committed to putting appropriate laws in place to ensure that the fight against crime is strengthened legally and the police have the lawful authority to act in accordance with such legislation. Thank you

[Applause]

The Speaker: Thank you Honourable Member

Question put and agreed to.

Bill read a Second time.

IN COMMITTEE

NATIONAL ASSEMBLY DEBATES 25 JULY 2008
Clauses 1, 2, 3, 4 and 5 together with the SCHEDULE

Question proposed, put and agreed to

Clauses 1,2,3,4 and 5 together with the SCHEDULE as printed, agreed to and ordered to stand part of the Bill

ASSEMBLY RESUMED

Bill reported without amendment, read the Third time and passed as printed.

The Speaker: Thank you Honourable Members, we will suspend for the usual time.

19:28H - SUSPENSION OF SITTING

20:15H - RESUMPTION OF SITTING

Honourable Members, we can now proceed with the next Item on the Order Paper.

Before I call on the Honourable Minister to make this presentation, I would like to remind Members that we recently had a debate on the effects of alcohol on the human system and it may or may not have been mentioned ... I do recall alcohol makes people garrulous. There was something mentioned by Dr Ramsammy which I asked him to expand upon, but he declined.

We do know that alcohol makes people talk a lot. So for those who intend to contribute to this Bill, you may wish to not expose yourself [*Laughter*] and the amount you consumed during the recess.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008
3. MOTOR VEHICLES AND ROAD TRAFFIC
(AMENDMENT) BILL 2008 - Bill No. 10/2008
published on 11 July 2008

*A Bill intituled, an Act to amend the
Motor Vehicles and Road Traffic
Act*

The Honourable Minister of Home Affairs ...

Hon Clement J Rohee: Mr Speaker, the Bill that we have presently before us for consideration deals with four amendments and four new insertions, all in the Principal Act, that is, the Motor Vehicles and Road Traffic Act.

The amendments cover Sections 2, 11, 13 and 106.

- *Section 2* in relation to amendments deal with the definition of the ATV. That is an amendment as well as an insertion;
- *Sections 11 and 13* address questions in relation to penalties; and
- *Section 106* addresses a separate issue, which is the identification mark and registration of fraudulent number plates as well as the Certificates of Registration relating to such false number plates.

The insertions are Sections 2(a), 37(a), 55(a) and 106.

- *Section 2(a)* addresses the question of ATVs being treated as a motor vehicles - the all terrain vehicles;

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

- *Section 37(a)* takes us to a new area which has to do with the restriction in the use of the hand-held phones - which we call the mobile phones;
- *Section 55(a)* has to do with the persons ... [*Pause*] (I cannot make out my own handwriting here; I do not know if it is a result of the alcohol) [*Laughter*] ... the number of persons to be carried on the ATVs. That is the insertion to be made of the Motor Vehicle and Road Traffic Amendment
- *Section 106* treats with the use of hand-held mobile phones.

Mr Speaker, quickly, the all terrain vehicle is a new type of vehicle that has been introduced among the generation of vehicles in Guyana. It is to be seen in many parts of the interior of our country and used mainly by persons in the mining community and interior as a whole.

Unfortunately, this legislation is rather late in coming, because in Guyana there is already a whole series of them waiting to be sold as well as being used. So I think that this legislation in fact is playing catch up in a sense.

Cell Phones Used While Driving A Motor Vehicle - We all would recognize that cell phones play an integral role in our society. I understand that there is one cell phone to every two Guyanese. [*Interruption: 'Two to each one' "No, one cell phone to every two Guyanese ... some people have two; some have three."*] Fifty percent of the population has cell phones and there are about 350,000 cell phones currently in

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

circulation in Guyana, so one can very well image the magnitude within which cell phones are being used in our country. Persons use cell phones basically to communicate either by voice, texting messages or sending e-mails depending on the features which are in the phones. Whether you are doing one out of the three, it brings a distraction to a person who is driving a vehicle and obviously if a person is distracted from focusing on the road. There are cases where one can be seen holding one cell phone on one hand speaking and having another cell phone in the other hand manipulating the steering wheel; obviously this does not help.

There are also cases where persons can be seen using cell phones, while they are teaching someone to drive - providing driving lessons. Therefore one asks the question: how can they actually be focusing on the instructions while speaking on a cell phone?

Mr Speaker, use of the cell phone while driving obviously posed a major hazard and a risk to road users. Last year, the Ministry of Education was moved to put in place a rule prohibiting the use of cell phones in schools by students in the classrooms. Obviously this was because it was a distraction by students not being able to focus on their class work during school hours.

False Number Plates ... Mr Speaker, this Bill seeks to address this also. The criminal elements commit a number of crimes, robberies and other unlawful acts ... changing number plates on vehicles as soon they are finished committing the crime ... they take off the false number plate and put on the original plate. This poses a challenge to the police, because if

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

a crime is committed with the false number plates on a vehicle and they changed that number plate subsequently to the original number plate, obviously the police will be in a quandary in respect of determining that vehicle as part of the evidence in the robbery.

Therefore in those situations the police can only charge under/as a traffic offence. Now we are moving it way beyond a traffic offence in this regard, Mr Speaker. Before it was merely a fine that was instituted, now it is a heavier fine along with a penalty.

Mr Speaker, there is also a lot of cross border crimes committed with vehicles with false number plates; there are also vehicles with false number plates being imported *illegally* into the country through our borders. Obviously they are not paying the relevant taxes to the Revenue Department and apart from depriving the public purse of revenues, they are also using these vehicles for criminal activities.

Mr, Speaker, I therefore wish to commend this Bill to the House and look forward to the unanimous support to both sides. Thank you. *[Applause]*

The Speaker: The Honourable Member Mrs Backer ...

Mrs Deborah J Backer: Sir, I was a bit concerned when you spoke about the fact ... which is quite true that people speak a lot when they have imbibed. I hope that people do not assume that I am always under the influence of alcohol *[Laughter]* So I was a bit concerned about that.

Ms Gail Teixeira: That explains a lot *[Laughter]*

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Mrs Deborah J Backer: Yes. Those who may feel so ... I will be particularly brief, I am perhaps inversely affected as I consume alcohol - I get quiet. I understand from Dr Ramsammy that that is the effect it has on some people.

Mr Speaker, unlike the last Bill, we can find no reason why we should not give our fullest support to Bill No. 10/2008.

Sir, there is no but or because or however, the new proposed section, I just want to mention very briefly, the hand-held phones. As I said again, Guyana is not too statistics-friendly, but statistics worldwide average out that people using cell phones are four times more likely than

non-cell phone users to be involved in an accident.

We have had many examples, but I think the most dramatic ones were the three or five young people by the Houston bypass, who absolutely unnecessarily lost their lives, when I think the driver, it was shown, was attempting or using her cell phone, I have no doubt about the statistics on this occasion that the Minister has given, because we see people on donkey carts driving using cell phones. People of all categories, everyone, even the dustbin man in my area, he has his cell phone answering ... and it usually more advanced than the ones we can afford [*Laughter*]

I do not know how that happens, maybe a need for another Bill as to see how people are getting the money to buy these very... and they may need to be supervised.

But Sir, there are just two things I would like to say about the Bill. First of all, I did yesterday, when I thought the Bill was

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

coming out, I pointed out to my colleague, the Honourable Minister Rohee that I was of the opinion Section 37(a) (iv) as presently worded did not address the mischief that I am sure that it was meant to. I understand at the appropriate time, Sir, a small amendment will be made to do so.

Sir, as I looked at the Bill critically, which I think is the right, and indeed the obligation of the Opposition to do, one section has caused me some concern, but it is not insurmountable concern I hope and that is Section 13 and this has to do with what Minister Rohee spoke about just now ... about the false number plates or no number plates at all ... Section 13 as is proposed to amend it, to make it an offence and to carry the fine up significantly to \$150,000 and an imprisonment for three months.

We have no quarrel with that when we look at the mischief that this amendment is seeking to capture, but as it is presently worded it says this ... I am reading and do not know if my learned friend Minister Manickchand has a copy:

Section 13

Any person who drives a motor vehicle, the identification mark which is not affixed, that is the license number, as proscribed or being so fixed is anyway obscured or not easily distinguishable commits an offence.

Now what about the person whose number plate ... a part came off in a minor accident? These things break, because of the substance they are made of. So my licence plate may not be

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

easily identified, because the 8 8, the last two numbers may have come off, sometimes these things break. I would be caught under this section.

This is not somebody who has false number plates, because the section, as presently worded, says:

... not fixed thereon or being so fixed is in anyway obscure or not easily distinguishable.

If a part of my number plate is missing, the identification number will not be easily distinguishable and under this Act, I will now be fined \$150,000 and imprisoned for three months.

So, I think we have to look at that, because I know that is not the mischief which this amendment is intended to cure. I want to point that out; I do not if you can put in some clause - a proviso perhaps. You see it does say provided on prosecution for having a mark obscured, if you can prove that all reasonable practicable steps have been taken to prevent the mark. If somebody is malicious people could be charged with something like that. I feel that it is our duty to point out these possible loop-holes in the system. Sir, I point that out ...

Barring that the all terrain vehicles (the ATVs), we have no problem with that. The restriction on hand-held phones, we feel that the time has passed when that should have been done, but again better late than never and why this? And while this Act is not going to come in by order, it is going to come in, we presume, on the assent, we would still like to see some PR being done about telling people this is going to happen. I have started a PR in my home, particularly my children using cell

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

phones, but I think we need some PR to let people know what the statistics are, because a lot of young people now have driver's licenses and it is kind of macho... you have your cell phone and the music out loud unnecessarily. How have we all become so important that in a five minutes drive, we not only receive calls, but make calls? How could we have become so important that we cannot travel for five to ten minutes without using the phone?

Peoples have to be sensitized to this before it comes in, because we do not want to just catch them; we want to give them an opportunity not to use it. I think that should be our first line of attack and if we have that kind of thing, that PR, and they still do it, then they will have to face the brunt of the law.

With those few words, Sir, *[Laughter]* I should tell you that I am an amateur actor and to prove it I can do it at all times. I take my seat, Sir. *[Laughter]* We support the Bill. Thank you. *[Applause]*

The Speaker: You may not expose yourself with garrulousness, if that is the correct noun, but you did expose yourself otherwise. *[Laughter]*

The Honourable Member Mr Whittaker ...

Mr Norman A Whittaker: Mr Speaker, I am so enthused by the extent of the support of the PNCR-1G

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

for this Bill that I too am tempted to simply say I support the Bill and take my seat. But I think that I ought to share with the House the reasons why I support this Bill that is before the House.

Mr Speaker, spiraling road accidents and road fatalities due in large measure to indiscipline among motorists, make me feel compelled as a concerned Guyanese to support this Bill - the Motor Vehicles and Road Traffic (Amendment) Bill 2008. This Bill, like Bill No. 8/2008 must be viewed as part of a larger effort on the part of our government to improve the general road culture and ethics in this country. In many ways, Mr Speaker, road lawlessness remains, okay, somebody says Guyanese - it remains almost out of control and several of the factors which contribute to serious road accidents, remain with us, the use of mobile phones while driving is one of them. Somebody referred to it as inattentive driving. It may not be the leading cause, but it is a cause and that is enough not only to make us want to remove the cause, but to ensure that there are penalties for those who would not wish to do same.

Generally speaking, Mr Speaker, the culture of using a cell phone in one hand, as the Honourable Minister of Home Affairs pointed out, and attempting to control the vehicle with the other, represents a total absence of road ethics, Mr Williams. In fact, the use of the mobile phone while driving has developed into a common, but controversial practice today. The need to pass legislation which prohibits this type of negligence and inappropriate, undisciplined behaviour, I am happy has

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

found support not only in the House but among a majority of Guyanese.

Mr Speaker, the Motor Vehicle Road Traffic (Amendment Bill) 2008, as I understand it prohibits Section 37(a) mobile phone use while driving or supervising the driving of the holder of a provisional license except in some cases. To my mind, this will make our roads safer and make us more comfortable by ensuring that our drivers have both hands available for driving, That is important, that they have both hands available for driving. Drivers can concentrate on the road better and be more alert. They can think traffic, anticipate traffic and focus on traffic, instead of focusing on other things besides traffic. *[Laughter]*

Mr Speaker, I can assure you it is not the drinks, it normally takes longer. *[Interruption: 'We have evidence.']*

Mr Speaker, there are punitive measures, which increase in arithmetic progression for second and subsequent offenders as part of our enforcement campaign. I wish to add that my investigation has shown that to date there are fifty-two countries including countries like Australia and Brazil to come nearby, the United Kingdom that have in place legislation that makes it illegal to use hand-held phones while driving. If we accept, my dear, that public safety is a priory for us then our effort to remove a major cause of distracted driving accidents must be commended and supported. I am happy that we have that support here.

Mr Speaker, we ought to know well and be alarmed by the increasing incidents of the use of false number plates or other

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

identification, moreso on stolen vehicles and others and by persons, Mr Williams, with criminal intentions and motives. This Bill addresses the concerns of decent, law abiding Guyanese among which I count you, relative to the intentional defacing, altering, obscuring of identification marks, theft, et cetera.

This also relates to vehicles across the border using false number plates. Again, Sir, we are aware of the growing use of these illegal methods by criminal elements to evade detection and to support their criminal activities.

Mr Speaker, the penalty and the punitive measures for breaking the law is a fine of \$1,000,000 together with imprisonment harsh and large enough to serve as a deterrent.

Mr Speaker, The Motor Vehicle Road Traffic (Amendment) Bill 2008, seeks to define and to designate all terrain vehicles as motor vehicles for the purpose of registration, licensing and motor vehicles insurance. This is important for us especially in the hinterland areas, because this is where the first set of ATVs was mostly used. In fact, if you understand that ATVs came in small numbers and they were used mostly by medium scale miners to be able to access areas, to be able to negotiate the type of terrain that other types of vehicles could not. But with gold prices being high, with an extension of the scale of mining activities, there has begun to be a larger number of these vehicles coming into the country.

The fear is that with the increasing numbers, the probability of accidents, bearing in mind the kind of terrain that has to be negotiated will increase; the fear is that because of the fact that

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

these vehicles can access terrain that other vehicles can not, the criminal elements may also wish to use these types of vehicles to pursue the criminal type of activities. Therefore, we ought to be able to have ways and means of identifying these vehicles. Not to mention also the loss of revenue, because these vehicles come in illegally.

Mr Speaker, in countries that use these motor vehicles, there are strict laws relative to their use. This legislative amendment reflective in the Motor Vehicle Road Traffic (Amendment) Bill 2008 seeks to address the need for safe behaviour and attitudes among users of the ATVs to protect people and property in the event of accidents involving ATVs, and also to ensure that there is some form of record in terms of ATVs that come into this country.

In conclusion, Mr Speaker, the need for discipline among motorist and other road users have for long been one of the talking points among decent law abiding Guyanese and we know well the grief, the pain, the medical cost, the cost in terms of lost hours of work, et cetera associated with accidents. In fact, road safety has long been one of our nation's serious public health issues affecting everyone whether you drive, cycle or walk; every law abiding citizen wants this public health issue addressed and urgently. Legislation, such as this Bill No. 10/2008 that is before this House, provides for us a medium for addressing this issue and it is for this reason that I support this Bill and I am happy that my colleagues even on the Opposition seem to be supporting it also. Thank you. *[Applause]*

Mr Rapheal G C Trotman: Mr Speaker ...

The Speaker: Mr Trotman ...

Mr Rapheal G C Trotman: If I may, given the lateness of the hour I would not be long. I

wholeheartedly support this Bill, but in saying so, I must revisit the theme which came up during the occurrence of the last Bill, that is capacity.

The Minister has asked to be given the tools to fight crime and tonight we are providing those tools to him. He said give him the tools first and I would put capacity in second place - the preverbal chicken and egg scenario. I have my doubts, but I am formally against crime and I am formally on the side of fighting crime and so he has asked and he can never say he was given the tools. I do have one concern, which I have raised informally with some colleagues and that has to do with the interpretation of road as it relates to the use of the ATVs. I know the Ministry of Amerindian Affairs gives out a lot of these; Mde Sudkai shares them out, so it is not only just miners. The Roads Act says that a road has to be declared by the Minister to be a road. The Road Traffic Act says that any place used by the public, but I dare say that a track which we encounter many times in the Rupunini or Region 8 or Region 1 could be designated a road. I know the insurance companies are not issuing insurance policies for the use of vehicles along some of those trails. So I believe, the Government, as part of its crime fighting activities, insofar as capacity building goes

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

will have to re-visit the whole concept of identification of public roads and highways. Take for example, the Mabura Road which is really maintained by Demerara Woods; it is not a public road; the public has access to it, because Demerara Woods has given permission for people and persons to traverse through, but for all intents and purposes that is a private road, which passes through a concession given by the government to a timber company.

So there are these nuances, which simply passing laws have not been queued or addressed, but as I began, I would like to say that we are outfitting the Minister. He says he is up to the task and so he cannot challenge us when we come against him in the future, if he fails, because he would have been given all that he has asked for to fight crime. Thank you, Mr Speaker.
[Applause]

The Speaker: Thank you, Honourable Member.

The Honourable Minister of Transport and Hydraulics ...

Hon BH Robeson Benn: Mr Speaker, I rise to support another bold intuitive of the Hon Minister of Home Affairs and the Government with respect to making safe issues of road use in addition to bringing into the realm of legality the use of the all terrain vehicles - ATVs.

Mr Speaker, the issues with respect to the switching of number plates and other identifications on vehicles. These issues with

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

regard to noise nuisances in public service vehicles and the cell phone issue are fairly clear and have been expounded upon by speakers before me.

With respect to the use of cell phones, I want to point out that a recent warning by a Cancer Centre Director, a professor Dr Ronald B Herberman who is the Director of the Pittsburg Cancer Institute is warning about the use of cell phones, which depend on electromagnetic radiation and particularly about the damage this may cause in young people.

With respect to the all terrain vehicles, making regulations to facilitate their proper use and safety is very welcomed at this time. As was said, it was delayed though its uses in mining have been ubiquitous since the mid 1990s.

They have created somehow an unfortunate impression that the vehicle was coming in for recreational use only - for joy riding. I am glad that more or less, we have turned the corner in recognizing that this is a utility vehicle and that the time has come to make it street or road legal.

In terms of the use in mining, it has now turned out to become a workhouse in mining and there are two initiatives or two on-tray vehicles which have been introduced in mining over the last fifteen years or so which have had a significant impact on the economics of mining deposits in the country and these are the jet boats, which allow us to go up and go over many shallow rivers and rapids to get high up in the interior with significant load.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

The second one was the all terrain vehicle. The all terrain vehicle is now a work horse in mining. Historically, we have not had the development where we moved from drovers in the country. Where men, usually Amerindian crews - drovers - when we did our geological explorations on mining. You had men carrying one hundred and twenty to sixty to eighty pounds on their backs for many distances and I accompanied men who could not carry more than sixty to seventy pounds myself on fifty or more miles in the bush drugging food and materials and so on. We did not make the transitions as happened in other countries, where we moved to packed animals given the nature of the country, except for movement from Rupununi to places like Ebini and Tacama, where on the Rupununi cattle trail when they had cattle droves up into the late 1950s, because there was no forage, no hay in the jungle itself, we were unable to have a situation where we could have dispensed with drovers.

It was only until the ATVs came that we were able to move to transport with greater speed, mobility, with greater pay loads into the bush. This has been a very significant development in mining particularly and I said played a key role; and is even now playing a keener role in ensuring we take advantage of the higher gold and diamond prices in the country at the moment and that we are able to mine some deposits, which in other circumstances, do not meet criteria for economic exploitation.

The ATVs are also used as mentioned by the Hinterland communities and this is also very important and the Ministry of Public Works and Communication this year going in to fulfill its promise to build an ATV trail from the Kassikaityu River to Massacaniarie. The new Wais-Wais community so

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

that people who take two weeks or more in drugging and hunting and go along to get from Massacaniarie to Aishaltion or to the Kassikaityu, River would ultimately not have to do that, we would be able to move by ATVs and by tractors and trailers.

We are developing a comprehensive network of trails in the interior as a result of the advent of the ATVs. The Bill speaks of three-wheeled or four-wheeled bikes. Most of the ATVs being used in the mining are quad-fours, meaning that they have all four wheels and all four driving, which is much safer than a three-wheel bike can take over more precarious terrain ... much greater load with higher safety.

There are some new models which in fact have GPSs and other safety or tracing instrumentation built in. The Government of Guyana has been maintaining as an incentive to medium and small scale miners duty free permissions in respect to the ATVs and I think this has contributed greatly to their advent in the interior and to their generalised use in the mining sector.

In respect of safety issues, we would have to think as we go along the roads not trails that a highly visible flag or a light at some three or four meters above ground on the machine would be necessary in situations, where a great deal of dust is created on a large road in the interior.

With that, Mr Speaker, I want again to say I welcome the legislation. *[Applause]* And again to say that I am happy that it has the complete support of the House today and to commend the Bill to the House. I thank you. *[Applause]*

The Speaker: Thank you Honourable Member ...

The Honourable Minister of Home Affairs ...

Hon Clement J Rohee: Mr Speaker, on a similar note as I did with the first Motor Vehicles and Road Traffic (Amendment) Bill. I would like to convey the deepest appreciation on behalf of this side of the House to the Opposition benches for the support that they have extended in relation to this particular Bill.

The Honourable Member Mrs Backer asked what if a number plate is defaced or broken. I have seen a case like that a couple of times or a couple of cases, where persons happened to have their number plates damaged for one reason or the other, as a result of an accident. I am of the view that issues like this have to be looked at in the context of what the law says. For example, this fine of \$1,000,000 together with imprisonment for two years is what one can say to be the maximum penalty. The Magistrate may very well exercise his/her discretion and not necessarily impose such a fine.

I believe the important thing is for us to see this penalty as a reminder of the penalty that is likely to be suffered by an offender, if indeed they are found to have fraudulently lent or allowed the identification mark or the registration certificate to be tampered with and in that context, we could probably see the maximum fine being imposed by the Magistrate.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

It does not necessarily follow that if per chance that you encounter a situation, a type that the Honourable Member, Mrs Backer spoke about that they will suffer the same penalty. We did not want to include a special circumstance, because that would give a different connotation to what we are seeking to established.

Mr Speaker, the amendment which the Honourable Member indeed brought to my attention, Section 37(4)(a) of the Bill, she did draw to my attention that there is some issue here that needs to be addressed; some inconsistency to what is in Section 37(2)(a) and what appears in Section 37(4)(a). I would like to recognise that this is indeed a matter that needs to be addressed and at the appropriate time I will move the amendment.

I thank the Honourable Member Mr Trotman for the goodwill and good faith that he has entrusted in the Ministry of Home Affairs in respect of the tools to execute and implement these legislation when enacted.

I agree with him fully that we will obviously need at some time to look at designating certain roads as public roads. In fact, my colleague, Minister Benn is now working on an order in respect of designating some roads as public roads, because the pace of the development in the country is moving so rapidly that the legislation is lagging and we obviously need to update many roads as public roads, because of the pace at which development in Guyana is proceeding [*Applause*]. So it is a good point and obviously it is being addressed.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

Mr Speaker, with those few words I wish to ask that the Bill be read a Second time.

The Speaker: Thank you Honourable Member

Question put and agreed to.

Bill read a Second time.

IN COMMITTEE

Clauses 1, 2, 3, 4 and 5

Question put and agreed to.

Clauses 1,2,3,4 and 5 as printed, agreed to and ordered to stand part of the Bill

Clause 6

The Chairman: There is an amendment ... what is the Clause, Honourable Member.?

Hon Clement J Rohee: Mr Chairman, the Clause reads that a person who drives a motor vehicle on any road in

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

contravention of Subsection 1 or 2 commits an offence and is liable to summary conviction. The proposal is to amend that to read a person who contravenes Subsection 1 or 2 ... we will delete *drives a motor vehicle on any road in contravention of* ...

Mr Chairman, at Subsection 3(a) on the same page any person using a hand free mobile *telephone*, I am proposing that we remove *or one so equipped as to allow the use of either hand* that we delete those words.

Amendments -

(i) Subsection 3(a)

After the word *telephone* delete the words *or one so equipped as to allow the use of either hand*.

Question proposed, put and agreed to.

Amendment carried

(ii) Subsection (4)

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

After the word *who* delete the words *drives motor vehicle on any road in contravention of* and insert the word *contravenes*.

Question proposed, put and agreed to.

Amendment carried.

Clause 6 as Amended

Question put and agreed to

Clause 6 as amended, agreed to and ordered to stand part of the Bill.

Clauses 7, 8 and 9

Question proposed, put and agreed to.

Clauses, 7, 8 and 9, as printed, agreed to and ordered to stand part of the Bill

ASSEMBLY RESUMED

Bill reported with amendments, as amended, considered, read the Third time and passed as amended.

NATIONAL ASSEMBLY DEBATES 25 JULY 2008

The Speaker: Thank you Honourable Members; that brings us to an end of our business for today.

The Honourable Minister of Home Affairs ...

Hon Clement J Rohee: Mr Speaker, I wish to move that the House stands adjourned until Thursday, 31 July 2008 at 14:00H.

The Speaker: Honourable Members, the House stands adjourned until 31 July 2008.

Adjourned Accordingly At 21:10H