



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

# OFFICIAL REPORT

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2020-2023) OF THE TWELFTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE DOME OF THE ARTHUR CHUNG CONFERENCE CENTRE, LILIENDAAL, GREATER GEORGETOWN*

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63<sup>RD</sup> Sitting

Monday, 24<sup>TH</sup> April, 2023

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**PARLIAMENT OFFICE  
HANSARD DIVISION**

*The Assembly convened at 10.23 a.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

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

**Speaker (1)**

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

**MEMBERS OF THE GOVERNMENT (38)**

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

**Prime Minister (1)**

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

**Vice-President (1)**

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

*[Absent]*

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

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

+ **Cabinet Member**

\* **Non-Elected Speaker**

## **Senior Ministers (17)**

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

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

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

[Absent – on leave]

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

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

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

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

+ **Cabinet Member**

\* **Non-Elected Minister**

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

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

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

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

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

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

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

+ **Cabinet Member**

\* **Non-Elected Minister**

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

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

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

#### **Junior Ministers (4)**

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

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

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

*[Virtual Participation]*

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

+ **Cabinet Member**

**Other Members (14)**

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

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

*[Virtual Participation]*

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

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

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

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

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

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

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

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

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

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

[Absent – on leave]

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

[Absent – on leave]

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

## **MEMBERS OF THE OPPOSITION (32)**

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

Hon. Mr. Aubrey Norton, M.P.,  
Leader of the Opposition

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

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

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

\* Non-Elected Minister

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

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

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

Hon. Ms. Volda Lawrence, M.P.,  
*Lot 7 Freeman Street,  
Castello Housing Scheme,  
La-Penitence,  
Georgetown.*

Hon. Ms. Dawn Hastings-Williams, M.P.,  
*Lot 933 Block 1,  
Eccles,  
East Bank Demerara.*

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

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

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

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

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

*[Virtual Participation]*



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

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

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

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

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

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

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

[Virtual Participation]

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

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

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

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

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

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

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

Hon. Ms. Beverley Alert, M.P.,  
*(Region No. 4 – Demerara/Mahaica)  
Lot 169-170 Stanleytown,  
West Bank Demerara.  
c/o Lot 13 A, New Providence,  
East Bank Demerara.*

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

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

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

Hon. Dr. Asha Kisooson, M.P.,

## **Officers (2)**

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

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

## **Hansard Division Officers (19)**

Ms. Allison Connelly,  
*Chief Editor*  
Ms. Marlyn Jeffers-Morrison,  
*Senior Editor*  
Ms. Shawnel Cudjoe,  
*Senior Editor*  
Ms. Carol Bess,  
*Editor*  
Ms. Shevona Telford,  
*Editor (a.g.)*  
Ms. Tesia Ellis,  
*Editor (a.g.)*  
Ms. Indranie Persaud,  
*Reporter*  
Ms. Roseina Singh,  
*Reporter*  
Ms. Somna Karen-Muridall,  
*Reporter*

Ms. Lushonn Bess,  
*Reporter*  
Ms. Bianca Cummings,  
*Reporter*  
Mr. Rohan Ramjas,  
*Reporter*  
Ms. Eyoka Gibson,  
*Reporter*  
Ms. Celisa DeFlorimonte,  
*Reporter (a.g.)*  
Mr. Tafari David,  
*Reporter (a.g.)*  
Ms. Shabana Chiraunjie,  
*Reporter (a.g.)*  
Mr. Parmanand Singh,  
*Pre –Press Technician*  
Mr. Saeed Umrao,  
*Audio Technician*  
Mr. Daison Horsham,  
*Audio Technician*

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Monday, 24<sup>TH</sup> April, 2023

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## OATH OF A NEW MEMBER

**Mr. Speaker:** Hon. Members, we had the resignation of Mr. Lenox Ron O'Dell Shuman. Following Mr. Shuman's resignation and my call upon the representative of The New Movement and A New and Untied Guyana list of candidates, I have been informed that the name of Dr. Asha Kissoon was extracted from the list and that Dr. Kissoon was on the 1<sup>st</sup> April, 2023, declared by the Guyana Elections Commission's Secretariat to be an elected Member of the National Assembly. Before Dr. Kissoon could take part in the proceedings of the National Assembly, she will have to make and subscribe the Oath of Office before the National Assembly as required by Article 167 of the Constitution. As Dr. Kissoon is present, she can now make and subscribe the Oath which will be administered to her by the Clerk.

The Oath of Office was administered to and subscribed by the following Member:

Dr. Asha Kissoon, Member of Parliament (MP).

## ANNOUNCEMENTS BY THE SPEAKER

### Welcome to New Member

**Mr. Speaker:** Hon. Members, I would like on behalf of all of you and also on my own behalf, to congratulate Dr. Asha Kissoon on her becoming a Member of the National Assembly. Dr. Kissoon, Hon. Member, I welcome you to the National Assembly and extend our best wishes to you.

**Leader of the Opposition [Mr. Norton]:** With your permission, Mr. Speaker, I want to take this opportunity on behalf of the Opposition Members of Parliament to welcome Dr. Kissoon to the National Assembly. We hope you have both an enjoyable and productive [*inaudible*].

**Prime Minister [Brigadier (Ret'd) Phillips]:** Mr. Speaker, may I take this opportunity to also welcome our newest Member of Parliament, Dr. Kissoon, to this House. We look forward to your contributions with the work of this House. Thank you.

**Mr. Speaker:** Thank you very much, Hon. Prime Minister. Please do not consider this Dr. Kissoon's first presentation. I just would like her to offer some remarks on these congratulations.

**Dr. Kissoon:** Thank you, Mr. Speaker. All protocols observed. First of all, I would like to start by saying thank you for the welcome remarks. I do pray that God blesses our leaders, both on the Government and the Opposition side with knowledge, wisdom, and the strength to lead our

country to where it needs to be. Today, I stand before you and I would like to say that it is an honour to stand here and be able to represent our constituency and the people who voted for us. I do give my word and my dedication that I would represent my office with much dignity and honour going forward.

I would like to give a reminder to the persons at home and who are here present, that with all the international uncertainty that is going on, Guyana needs to lead by example on an international scale. I urge our leaders, myself included, that as we go forward and as we put the people of Guyana first, we must remember that even though we say we are 'One Guyana', one people, we need to value and appreciate our unity in our diversity, appreciate the different ethnic groups in Guyana as we go forward. As I stand before you, I not only aim to enforce change, but much improvement where it is needed. I thank you, all, today. [*Applause*]

**Mr. Speaker:** Thank you, Hon. Member Dr. Kissoon. I have a few more announcements.

### Virtual Participation

First, we have a number of MPs joining online, including the Hon. Minister of Amerindian Affairs, Ms. Pauline Sukhai, and the Hon. Member Mr. Charlie.

### Reference to Collective Phrases

During the budget debate, references were made to the last Government, last Regime, this Government, this Regime. I did receive a letter from the Hon. Member, Ms. Volda Lawrence, raising some concerns with respect to the collective accusations being made on all two sides. She drew my attention to the fact there are sitting Members of the last Government in the House. I wish to say that there are sitting Members from the last Government in the House, and the last, last Government in the House. I consider those references as a collective and not a particular indictment.

### Reference to the Previous Minister of Finance

Ms. Lawrence also raised the concern that reference was made by the Hon. Minister Indar to the previous Minister of Finance and that was particular. I uphold that observation she made and I have asked the Clerk to strike those references from the records.

### 70<sup>th</sup> Anniversary of the Parliament of Guyana

On a final note of announcements, on the 27<sup>th</sup> April, 1953, Guyana saw its first elections on the universal adult suffrage.

What we could consider the first fully elected internal Government was elected on the 27<sup>th</sup> April. So, we are now in our 70<sup>th</sup> Anniversary. The Members of Parliament who were elected then were sworn in on the 18<sup>th</sup> May, 1953. The 18<sup>th</sup> May is another significant date when the first elected Members of Parliament on the universal adult suffrage were sworn in, and the first ceremonial opening of the Parliament was on the 30<sup>th</sup> May. We are going to circulate some of the information that we have with respect to those historic elections and the Parliament. At the Parliamentary Management Committee level, we are looking at a few initiatives to commemorate our 70<sup>th</sup> Anniversary which is, in my view, very significant. We are now almost two generations as a Parliament. I said I would bring this to your attention.

### **Recommendations for the Dress Code**

Finally, we have concluded, at the Parliamentary Management Committee, our recommendations for the dress code. We will circulate that shortly. There would be a bit more latitude so that what the Hon. Member, Mr. Cox, is wearing would not attract any objections from anyone. Look forward to that. Thank you very much.

10.36 a.m.

### **PRESENTATION OF PAPERS AND REPORTS**

The following Paper and Reports were laid:

- (1) Minutes of Proceedings of the 11<sup>th</sup> Meeting of the Committee of Selection held on Tuesday, 14<sup>th</sup> February, 2023.

[*Mr. Speaker – Chairman*]

- (2) Treasury Memorandum pursuant to Resolution No. 46/2022 dated 30<sup>th</sup> November, 2022, on the Public Accounts of Guyana for the year ended 31<sup>st</sup> December, 2016.
- (3) Government Notice No. 2/2023, regarding Notification Receipts of all petroleum revenues paid into the Natural Resource Fund during the period 1<sup>st</sup> January, 2023, to 31<sup>st</sup> March, 2023.
- (4) The Government Concessional Loan Agreement (GCL) No. (2023 1 Total No. 769 dated 8<sup>th</sup> March, 2023, between the Government of the Co-operative Republic of Guyana and the Export-Import Bank of China for an amount of Renminbi Yuan \$1,384,580,867.13¢ to finance

the Guyana East Coast Demerara Road Project Phase 2.

- (5) Financial Paper No. 1/2023 – Supplementary Estimates (Capital) – advances made from the Contingency Fund totalling \$4,743,000,000 for the period 2023-03-01 to 2023-04-20.
- (6) Financial Paper No. 2/2023 – Supplementary Estimates (Capital) totalling \$26,532,000,000 for the period ending 2023-12-31.

[*Minister of Parliamentary Affairs and Governance, Government Chief Whip*]

*The Minister on behalf of the Senior Minister in the Office of the Present with Responsibility for Finance, named Wednesday, May 10, 2023, as the date for the consideration of the Supplementary Financial Papers.*

- (7) Audited Financial Statements of the Cheddi Jagan International Airport Corporation for the year ended 31<sup>st</sup> December, 2021.

[*Minister of Public Works*]

- (8) Voluntary Partnership Agreement between the Co-operative Republic of Guyana and the European Union on Forest Law Enforcement, Governance and Trade in Timber Products to the European Union.

[*Minister of Natural Resources*]

**Minister of Natural Resources [Mr. Bharrat]:** Mr. Speaker, if I may for a few minutes, this is another landmark agreement. As a matter of fact, we are the second country in the world that is in a position to have the Forest Law Enforcement, Governance and Trade (FLEGT) licence after Indonesia and we are the only country in the world to have signed the Voluntary Partnership Agreement as well as the Forest Partnership Agreement with the European Union. They were both signed in the last quarter of 2022. The consultative process started since 2012 after a policy decision was made that we will engage the European Union to sign such an agreement so that there is a legal traceability of our timber products thereby enhancing our market share, especially in the European Union. This process has been ongoing since 2012 and I am quite sure that the Opposition Members, those who are involved in the sector, are very familiar with the Voluntary Partnership Agreement in Guyana being FLEGT Licenced because they were also part of those consultations. As a matter of fact, in 2018, it was

initial after the negotiations were completed and then signed in November, 2022. Thank you, Mr. Speaker.

- (9) The Rules, Policies and Procedures Manual (Amendment) Regulations 2023 – No. 4 of 2023.

## REPORTS FROM COMMITTEES

The following Reports were laid:

- (1) Eighth Report of the Parliamentary Standing Committee on Appointments in relation to the Appointment of Members to the Public Service Commission (PSC).

*[Minister of Parliamentary Affairs and Governance, Government Chief Whip - Chairperson]*

- (2) First Special Report of the Parliamentary Sectoral Committee on Social Services on the Visit to the Port Mourant Health Centre, the Port Mourant Hospital and Ophthalmology Centre, the New Amsterdam Regional Hospital, and the National Psychiatric Centre in Region No. 6, East Berbice/ Corentyne on 20<sup>th</sup> July, 2022.

*[Dr. Cummings – Chairperson]*

## ORAL QUESTIONS WITHOUT NOTICE

**Mr. Speaker:** Hon. Members, I received an electronic mail (e-mail) from the Hon. Member, Ms. Amanza Walton-Desir, for the question to the Hon. Minister, Mr. Hugh Todd. The question was received last evening; it was sent earlier. I am not going to be allowing it because, of course, there are formats for these questions and this is what the question said:

“Please be advised that we intend to ask the following question at a next Sitting of the Assembly.”

Hon. Members, the Speaker is not advised. Persons seeking to address the Assembly on questions, *et cetera* seek leave of the Assembly or the Speaker. They plea with; they request; they beg; but they do not tell the Assembly. We must and I will enforce the Standing Orders. Hon. Members, the question can come again in the proper format and it will be entertained.

**Ms. Walton-Desir:** Mr. Speaker? Mr. Speaker? Mr. Speaker, I am on my feet.

## QUESTIONS ON NOTICE

### [For Written Replies]

**Mr. Speaker:** We are already at Questions on Notice. Do you have a question on notice? I will address that.

**Ms. Walton-Desir:** Sir, I think, as a Member of the National Assembly, I have the right to ask a question without notice; do I?

**Mr. Speaker:** Hon. Member, could you please take your seat and let us move on with the agenda?

**Ms. Walton-Desir:** Mr. Speaker, please, you are providing guidance.

**Mr. Speaker:** I did.

**Ms. Walton-Desir:** I am asking you to provide guidance.

**Mr. Speaker:** I did.

**Ms. Walton-Desir:** Am I to understand you as saying, we are at the point in the agenda of...

**Mr. Speaker:** Questions without notice, we have passed.

**Ms. Walton-Desir:** ...oral questions without notice?

**Mr. Speaker:** Yes.

**Ms. Walton-Desir:** You are saying that we have to get approval to stand here and to ask questions without notice because I have questions for the Hon. Prime Minister that I wish to ask.

**Mr. Speaker:** Hon. Members, the Standing Orders are quite clear with respect to issues of questions – leave must be sought. In this case, leave was not sought. The Speaker was being advised that ‘this will be done’ which is contrary to the Standing Orders. Thank you very much.

**Ms. Walton-Desir:** I see, okay.

**Mr. Speaker:** Hon. Members, there are 14 questions on today’s order paper. Questions 1 to 11 are for Written Replies, questions number 12,13 and 14 are for Oral Replies. Question one is in the name of the Hon. Member Ms. Volda Lawrence and is for the Hon. Minister of Public Works, questions number two, three and four are in the name of the Hon. Member Mr. Vinceroy Jordan and are for the Hon. Minister of Housing and Water. Questions number five, six, seven, eight and nine are in the name of the Hon. Member Ms. Annette Ferguson and are for the Hon. Minister of Housing and Water. Question number 10 and 11 are in the name of the Hon. Member Ms. Amanza Walton-Desir and

are for the Hon. Minister of Foreign Affairs and International Corporation. The answers to these questions have been received and are therefore according to the Standing Orders, been circulated.

### 1. Repairs to the Demerara Harbour Bridge (DHB) retractor/acceptor span

**Ms. Lawrence:** The Minister was quoted in the Stabroek News on December 2, 2022, where he stated that “Repairs to the Demerara Harbour Bridge (DHB) retractor/acceptor spans, following the crash by the MV Tradewind Passion, is just over One (1) Billion Dollars”. Can the Minister furnish this House with the answers to the following questions:

- (a) From which account or fund the moneys payable to the Industrial Fabrication Inc. for the rehabilitation of the retractor span was/is going to be paid?
- (b) What was the estimated loss in revenue incurred by the Demerara Harbour Bridge?

### Minister of Public Works [Bishop Edghill]:

- (a) The Demerara Harbour Bridge’s Revenue Account.
- (b) The estimated loss of Revenue incurred by the Demerara Harbour Bridge (DHB) is approximately Ten Million Guyana Dollars (GYD \$10,000,000).

### 2. Treated water supply

**Mr. Jordan:** The Government in its budgetary allocations since taking office has catered for improved coverage of treated water supply across the country.

- (a) Could the Honourable Minister kindly state what percent of the customer base for the Guyana Water Inc., distribution network is receiving treated water in Region no.5, no.6 and no.7?
- (b) Can the Minister provide a list of the number of treatment facilities in those regions and the areas they are currently serving?

*Please see Appendix 1 for answers.*

### 3. Production Report of the Guyana Water Inc.

**Mr. Jordan:**

- (a) Could the Honourable Minister provide the Production Report of the Guyana Water Inc., for the year 2021 in the following areas?
- (b) The total amount of downtime by well stations and treatment facilities in all regions?
- (c) A list of non-functioning or inoperable wells in all regions?
- (d) A list of all the water distribution facilities supplying water under 24 hrs in all regions?

*Please see Appendix 2 for answers.*

### 4. Staffing at the Guyana Water Inc.

**Mr. Jordan:** The Chief Executive Officer of the Guyana Water Inc., during a press release aired live via Facebook on the GWI page on 13<sup>th</sup> May, 2022, and later rebroadcasted in several news agencies, i.e., News Source and HGPTV Nightly News said that the company has saved over \$240 million dollars annually since the reduction in the staff complement at the said Agency by over 300 staff.

- (a) Could the Honourable Minister provide a list of the designations, and years of service of staff who parted ways with the company from August 2020 to present in the following categories:
  - Dismissed
  - Retired
  - Positions became redundant
  - Resigned
- (a) Could the Minister provide a list of the designations of staff who were hired from August 2020 to present?

*Please see Appendix 3 for answers.*

### 5. Sale of residential lands

**Ms. Ferguson:** During the consideration of Budget Estimates 2022, it was stated that the sum of \$5.19B represented the revised budget for Capital Revenue received from the Sale of Assets for 2021, as stated in Appendix T: Budgets of Constitutional Agencies and Statutory Bodies, Detailed of Revenue and Expenditure; page 872, Agency: 45 - Ministry of Housing and Water; Programme: 452 - Housing Development and Management; Statutory Bodies: Central Housing and Planning Authority. Could the Hon. Minister provide this House with the following information:



A list detailing the lands sold for house lots, which must include: The quantity of house lots sold in the various categories (low, moderate, middle and high income), the areas and total cost by categories in Regions 2, 3, 4, 5 and 6 for the year 2021?

With reference to (a), can the Honourable Minister provide the average developmental cost per "low, moderate, middle and high income house lots" sold in Regions 2, 3, 4, 5 and 6 for the year 2021?

*Please see Appendix 4 for answers.*

#### **6. Construction and allocation of turn-key houses by Central Housing and Planning**

##### **Authority**

**Ms. Ferguson:** During the consideration of Budget Estimates 2022, it was stated that the sum of \$5.19B represented the revised budget for Capital Revenue received from the Sale of Assets for 2021, as stated in Appendix T: Budgets of Constitutional Agencies and Statutory Bodies, Detailed of Revenue and Expenditure; page 872, Agency: 45 - Ministry of Housing and Water; Programme: 452 - Housing Development and Management; Statutory Bodies: Central Housing and Planning Authority. Could the Hon. Minister provide this House with the following information:

(a) A list detailing the Turnkey Houses in different models (flat house, two-storey house with two or three bedrooms) build by the Ministry of Housing and Water and sold, which must include: the areas and cost per unit and total cost by models, in Regions 4, 5, 6 and 10 for the year 2021?

(b) Can the Honourable Minister provide detailed information on the number of Turnkey Houses issued to beneficiaries in 2021, including locations of those houses?

*Please see Appendix 5 for answers.*

#### **7. Lands acquired from GUYSUCO, Guyana Lands and Surveys Commission and NICIL by Central Housing & Planning Authority for housing purposes**

**Ms. Ferguson:**

(a) Can the Honourable Minister provide details of acquisition of lands from GUYSUCO, NICIL and Guyana Lands and Surveys Commission by the Central Housing and Planning Authority for housing purposes in 2021; for additional house lots and

housing units and which must include the cost paid, acreage and location?

*Please see Appendix 6 for answers.*

#### **8. Sale of commercial lands**

**Ms. Ferguson:** During the consideration of Budget Estimates 2022, it was stated that the sum of \$5.19B represented the revised budget for Capital Revenue received from the Sale of Assets for 2021, as stated in Appendix T: Budgets of Constitutional Agencies and Statutory Bodies, Detailed of Revenue and Expenditure; page 872, Agency: 45 - Ministry of Housing and Water; Programme: 452 - Housing Development and Management; Statutory Bodies: Central Housing and Planning Authority. Could the Hon. Minister provide this House with a list detailing sale of Commercial lands, which must include: Name of the purchasers, location of land, acreage of the land, intended purpose for the use of land and cost paid by each purchaser in Regions 2, 3, 4, 5 and 6 for the year 2021?

*Please see Appendix 7 for answers.*

#### **9. Contractors awarded contracts for housing units**

**Ms. Ferguson:** Could the Hon. Minister provide a list of contractors that were awarded Contracts for Turn-key Housing units in 2021 and which must include the contract sum for each award, the quantity of Turn-key Housing Units constructed, and the locations in Regions 4, 5, 6 and 10?

*Please see Appendix 8 for answers.*

#### **10. Appointment of an Ambassador to the Bolivarian Republic of Venezuela**

**Ms. Walton-Desir:**

(a) Can the Minister advise whether the Government of Guyana intends to appoint an Ambassador to the Bolivarian Republic of Venezuela and if so, by what date?

(b) Can the Minister advise of the reason or reasons for the non-appointment to date, of an Ambassador to the Bolivarian Republic of Venezuela?

**Minister of Foreign Affairs and International Cooperation [Mr. Todd]:**

(a) The Government of Guyana intends to appoint an Ambassador to the Bolivarian Republic of Venezuela and will soon seek the agreement of

the Bolivarian Republic of Venezuela for its nominee to fill the position of Ambassador to that country.

(b) The Government has taken its time to review a number of potential candidates in order that a suitable nominee could be presented.

## 11. Appointment of an Ambassador to the Federative Republic of Brazil

### Ms. Walton-Desir:

(a) Can the Minister advise whether the Government of Guyana intends to appoint an Ambassador to the Federative Republic of Brazil and if so, by what date?

(b) Can the Minister advise of the reason or reasons for the non-appointment to date, of an Ambassador to the Federative Republic of Brazil?

### Mr. Todd:

(a) The Government of Guyana intends to appoint an Ambassador to the Federative Republic of Brazil and will soon seek the agreement of the Federative Republic of Brazil for its nominee to fill the position of Ambassador to that country.

(b) The Government has taken its time to review a number of potential candidates in order that a suitable nominee could be presented.

## QUESTIONS ON NOTICE

### [For Oral Replies]

*Questions 12, 13 and 14 were deferred to the next Sitting.*

## REQUEST FOR LEAVE TO MOVE THE ADJOURNMENT OF THE ASSEMBLY ON DEFINITE MATTERS OF URGENT PUBLIC IMPORTANCE

**Mr. Speaker:** Hon. Members, I received an e-mail from the Hon. Member, Ms. Catherine Hughes and it states, I have been asked to write you on behalf of the Leader of the Opposition, the Hon. Aubrey Norton, MP, to inform that at this morning's session of Parliament, he wishes to stand to address an issue of national importance. We look forward to informing the House on this critical issue. For your information and guidance. Hon. Members, I wish to state, again, under Standing Order 12 (1), it states:

“Any Member may at the time appointed under Standing Order No. 13 [Order of Business] rise in

his or her place and ask leave to move the adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance.

10.51 a.m.

(2) A Member who wishes to ask leave to move the adjournment of the Assembly shall, before the commencement of the Sitting, hand to the Speaker a written notification of the matter which he or she wishes to discuss. The Speaker shall refuse to allow the claim unless he or she is satisfied that the matter is definite, urgent and of public importance and may properly be raised...”

There are a number of issues with respect to this notice received from the Hon. Member Ms. Hughes. First, the Member asking for leave has to write to the Speaker. In this case, a delegatee is not allowed to. Secondly, we have a convention where these matters must come to the Speaker at a certain time before. When we meet at 2.00 p.m. that time is 11.00 a.m. For other questions, such as oral questions, it is at least four hours before.

The second issue here is that the matter has to be stated. The question of urgent public importance has to be stated. In this case, I neither know what the issue is nor if it is a question. From reading the e-mail it appears that the Leader of the Opposition, through the Hon. Member, Ms. Hughes, would like to address the Assembly. We have an understanding with the Opposition Chief Whip that if there are personal explanations that the Leader of the Opposition wants to make, we can have that particular heading be used, the Speaker can be informed and we can consider the request if the Leader of the Opposition wants to address on a matter of personal importance. There is enough flexibility within our rules, Standing Orders and agenda for these headings to be used to address concerns. All I am asking is that we pay attention to the conventions and the rules. We must respect the Speaker and allow him to exercise his judgment and apply the Standing Orders to all of these. Thank you very much.

**Ms. Hughes:** Mr. Speaker?

**Opposition Chief Whip [Mr. Jones]:** Mr. Speaker?

**Ms. Hughes:** Mr. Speaker, I just have one clarification.

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

**Ms. Hughes:** Thank you. Just for information, I am wondering if you could share the e-mail, document or whatever that explains the notice we need to give if we are meeting at 10.00 a.m. I was actually going through my records this morning and could not find any information in terms of what that timeframe would be. We know what it is if we are meeting at 2.00 p.m. I think going forward, you could share the e-mail or whatever parliamentary document that was explained to us.

Mr. Speaker, I am a very strong independent woman. I just want to say that we have a rule in this House which states that the names of persons who are not sitting in this House, should not be mentioned. Therefore, I take objection to my husband's name being mentioned in this House. I sit in this House as an independent woman and see that as verbal abuse. I think it is absolutely unfair that women in this House have to be subjected.

**Mr. Speaker:** All right, you are making an address now. Please, I am addressing the issue of the timeframe.

[*Interruption*]

Hon. Members, please. When we meet at 2.00 p.m., the timeframe was 11.00 a.m. The Standing Order states for oral questions, it is four hours. I have applied that principle – four hours before – with respect to time.

**Ms. Hughes:** Four hours before?

**Mr. Speaker:** Yes. This is for the sitting.

**Ms. Hughes:** [*Inaudible*]

**Mr. Speaker:** I have no problems with e-mails. I accept them. For the official records, for persons whose names are mentioned, I always raise an objection. I would expunge any references that may slip by.

[*Interruption*]

Hon. Members, come on. We are early and we have not been here for a long time. Please.

## INTRODUCTION OF BILLS AND FIRST READING

The following Bills were introduced and read for the first time:

### Foreign Judgements (Reciprocal Enforcement) Bill 2023 – Bill No.4/2023

A Bill intituled:

“AN ACT to repeal the Foreign Judgments (Reciprocal Enforcement) Act, and to make new provision for the enforcement of foreign judgments given in countries outside of Guyana which accord reciprocal treatment to judgments given in Guyana and for related matters.”

### National Intelligence and Security Agency Bill 2023 – Bill No.5/2023

A Bill intituled:

“AN ACT to establish the body known as the National Intelligence and Security Agency as the Agency to further enhance the State's defence and security policy stated in article 197A of the Constitution, to provide for the Agency to be responsible for the coordination of the State's defence and law enforcement activities relating to national intelligence and security, and to provide national intelligence and security advice to the President, Cabinet and entities in the security sector, and for connected matters.”

[*Attorney General and Minister of Legal Affairs*]

### The Combatting of Trafficking in Persons Bill 2023 – Bill No.6/2023

A Bill intituled:

“AN ACT to provide comprehensive measures to combat trafficking in persons and for connected matters.”

[*Minister of Human Services and Social Security*]

### Motor Vehicles and Road Traffic (Amendment) Bill 2023 – Bill No.7/2023

A Bill intituled:

“AN ACT to amend the Motor Vehicles and Road Traffic Act.”

[*Minister of Home Affairs*]

## PUBLIC BUSINESS

## GOVERNMENT'S BUSINESS

### Bills – Second and Third Readings

### Planning and Development Single Window System Bill 2022 – Bill No.26/2022

A Bill intituled:

“AN ACT to provide for the establishment of the Planning and Development Single Window System; to provide for the management and implementation of the Planning and Development Single Window System; to provide for the establishment of the Planning Oversight Committee; to define the functions of the Planning Oversight Committee; to centralize functions pertaining to land use planning and development and for matters connected thereto.”

[*Minister of Housing and Water*]

**Minister of Housing and Water [Mr. Croal]:** Mr. Speaker, I rise to move that the Planning and Development Single Window System Bill – Bill No.26/2022, published on the 5<sup>th</sup> of December, be now read a second time. It is my honour to present the Planning and Development Single Window System Bill – Bill No.26/2022 in this noble House. This Bill seeks to establish the planning and development single window system; set out the management and implementation of the system; establish and identify the functions of a small secretariat to provide administrative oversight; situate the functions pertaining to land use, planning and development; establish a quasi-judicial appeal tribunal; and provide for consequential amendments to other pieces of legislations to avoid duplication and overlapping.

The Bill provides for a single-entry point and platform for the submission, processing, and approval of all planning and development applications. Such applications and other related documents can be submitted from anywhere online when the Information Technology (IT) solution is implemented. It is also contemplated that the requisite fees can be made and apportioned electronically once the regulatory approvals have been obtained. The Central Housing and Planning Authority, (CH&PA), the implementing agency for the approvals, will be maintaining both a paper-based and electronic system during the transition and beyond, to ensure that individuals without access to computers and those who live in remote parts of the country can still submit in person or manually, planning and development applications. It is for that reason, one of the amendments proposed today – which has been circulated – amends, electronically and paper, to state, electronically or paper.

The Bill imposes an obligation on the Central Authority to consult and coordinate with identified relevant agencies and prepare an administrative scheme for coordination with respect to the expeditious processing of planning and development applications. However, a number of key

components of the system will be developed through regulations. These include the administrative measures relating to the use of the system; the preparation, first of all, and submission of planning and development applications; the timeline for processing and approving planning and development applications; and the terms and conditions that users of the system must comply with, with respect to the forms and the fees to be applied. Also, as part of the regulation would be the manner for making payments, as well as the procedure for registration and other details necessary for users' registration. The Bill sets out the procedure for the submission of documents pertaining to environmental protection through the system and provides for coordination between the Central Housing & Planning Authority and the Environmental Protection Agency (EPA).

*11.06 a.m.*

The Bill provides for the establishment of a small Secretariat to provide administrative oversight. This Secretariat will be headed by a director and will have responsibilities that includes: overseeing and monitoring the progress in implementing the system; resolve disputes between the authority and relevant agencies in implementing the system; advising the Minister on the authority's performance or its functions for the purpose of furthering the efficient and orderly operation of the system; consider and communicate to the Minister or advise on the opinion of the Committee any matter that has been referred. This administrative oversight, the Secretariat will be reviewed after a year and the decision will be made as to whether to sunset or continue that Secretariat. In essence, it is to ensure that we have a smooth transition.

The Bill sets out the procedure for an applicant to lodge an appeal against the decision of the Central Housing & Planning Authority in respect of planning and development applications. The appeals tribunal to hear such matters shall be established and it is clearly outlined in the Bill. We, as a country, aim to improve on our position on the ease of doing business and reducing or improving on the index. This intervention becomes a necessary tool. What obtains now is the tedium of parts that is costly, laborious, frustrating and with gaps that often lead to redundancies and inefficiencies which in turn disincentivise businesses. The platform will bring predictability; will bring less bureaucracy; will bring transparency; will reduce cost and compromise; and, most importantly, it will bring structure to what may be seen as some inefficiencies in the system. This is an investment that will bring tremendous dividends to the users and will

demonstrate that when we say that Guyana is open for business, our walk matches our talk.

This proposed legislation, once approved, will replace the paper existing base system with an electronic portal, as I said which could be accessed from anywhere in the world. Users will be able to submit their applications and supporting documents electronically and, equally, users will be able to check the statuses of their applications from the comfort of their homes or offices as well as allow decisionmakers to monitor the performance of the various agencies and ministries as this legislation includes timelines associated with each component of the process which will hold all the approving agencies involve in this approval process accountable. In making the process more efficient, by handing down decisions in a timelier way, there will be a reduction in the number of steps involved in each procedure. Notwithstanding, I hasten to reassure citizens that we will not sacrifice good governance for quick results, but we will continue to ensure that sound planning principles are respected; that there is compliance with all health and safety protocols; that development is consistent with key national and regional objectives. We will continue to ensure that we protect our natural resources and meet our environmentally sustainable goals. We will continue to ensure that we strengthen, monitor and enforce.

Mr. Speaker, let me further address the substantial parts of the Bill and the new provisions. There will be a single intake for all development applications. The Central Housing & Planning Authority will be that single point of access, whether one is applying for permission to build a single unit or major commercial establishments. Applicants may submit those applications through the portal or recognising that not everyone has ready access to the internet, the Central Housing & Planning Authority will accept paper-based applications and perform the duty of converting them into electronic format. Please note, that no one will be denied the right to submit a paper-based application. The CH&PA will strengthen its presence in the regions and lend support to the National Democratic Councils (NDCs), its residence and others to facilitate a smooth transition into the new system. In fact, as we speak, a team is travelling around the country. The main Architects are here today to listen. They have been travelling and consulting to seek input from local and municipal partners, to ensure that we are able to continue to work, improve, and have a smooth transition and timely interventions. This is so that the engagement can continue with ministries, agencies, Regional Democratic Councils (RDCs) and NDCs which would make the relevant or the

requisite resources available to facilitate this seamless transition to the new system.

We expect, as in any new system that is being implemented, there may be hiccups from time to time but I can assure everyone that we will be there to provide that assistance. While the proposed legislation will create a single access point for all applicants, the role of our partners will not change. We will still rely on our partners for their input, through this new system and their responses. It must be timebound and they will have to provide that information within a specified period. That time period will be defined in the administrative scheme provided for in this legislation because the Bill requires that the administrative scheme be put in place six months after the proclamation of this legislation and the staff is consulting with all existing partners on an amicable timeline. One of the other components of the proposed legislation is the introduction of a pre-consultation or a pre-submission process. The intention here, again, is to strengthen transparency of the process. This option will be available for major developments. It will allow proponents to have a discussion with CH&PA, all relevant ministries and local government to discuss an investment or development prior to the application. The intent here is to pave the way for greater clarity on the requirements and to allow the exchange of ideas between the proponent and the government entities. While this pre-submission consultation is not mandatory it could be beneficial to all parties and allow for a better outcome.

When approved, this legislation will set the stage for the requirement for a complete application before the timeline commences. The requirements of what constitute a complete application will be on the portal and, thus, proponents will be required to complete and attach all the relevant documents prior to the application being uploaded. It is not dissimilar to if one is applying for a passport online and all the relevant fields are not addressed. The system will identify the deficiencies and will not accept the application. This will eliminate any frivolous application or applications that could potentially clog the system. Once the applicants are successful or they have successfully uploaded and the fees are paid, the CH&PA will do a preliminary review and forward the application to the affected Ministries, Agencies and Local Government entities for their review and input. These agencies will also be given a definitive timeline to review and provide feedback. Once the comments are received, the staff will then prepare the reports and recommendations to the board.

To meet the timelines, we are also looking at the option of increasing the frequency of the meetings of the Central Housing & Planning Authority Board. Rather than meeting once a month, the Board may be required to have an additional meeting to facilitate timely decision-making. In this regard, the Local Democratic Councils and Local Public Works Committee will also need to review the frequency of their meetings. The proposed legislation includes a provision for an appeals tribunal. In this regard, an applicant who is aggrieved by the decision of the Board may within 28 days of the receipt of that appeal or receipt of the decision first, may appeal against that decision to the planning appeals tribunal by notice in writing, The tribunal may; allow or dismiss the appeal, may uphold the decision of the Central Housing & Planning Authority or reserve or vary the decision of the CH&PA. It should be noted that the planning appeals tribunal shall be final unless that there is a declaration that the matter of one of national interest. If such a declaration is made, the decision of the appeals tribunal would be reviewed and there may be by cabinet a confirmation of the decision, confirming the decision with conditions or a revocation of the decision.

Another important feature of this Bill is the creation of the planning oversight committee. The committee shall be responsible for overseeing and monitoring the CH&PA progress, in implementing the system, and advising on the performance of its function for the purpose for furthering the efficient and orderly operation of the system. As for the above, this will be an independent committee to ensure the efficacy of the system even the CH&PA actions will come under scrutiny. this, again, commits the Government's commitment to a robust, efficient and transparent system. The Bill provides that the committee should prepare and table before the National Assembly an annual report to this House.

11.21 a.m.

Setting out the steps that the CH&PA has taken to implement the system, any outstanding issues hindering the implementation and effective performance of the system, and the Committee's recommendations to resolve those issues. This is a transformational process that will allow us to make decisions faster, strengthen transparency, enhance predictability, and modernise our planning and development approval process. The CH&PA will continue to work with all of our partners to ensure readiness in implementing the new system, and we will provide the necessary training to strengthen adaptability. A little under five months ago, this Bill was laid in the National Assembly, and almost

simultaneously, the procurement process was published. At the end of December, 2022, following a competitive process contrary to statements that I saw emanating from the Opposition, a contract was awarded to Global Services, a consortium of companies based in Guyana, the United States of America (USA), and the United Arab Emirates (UAE). In preparation for the launch of the portal, we committed to consultations with all stakeholders and are committed to involving all stakeholders. Those consultations have been ongoing even as the portal is being constructed.

We are just two months away from the launch, and I wish to note... [**Ms. Walton-Desir:** Fraud is fraud.] They want to talk about 'fraud is fraud.' Let me make this point. I wish to note that on 21<sup>st</sup> April, a few days ago, the Opposition Members issued a press release. It claimed to have concerns about this Bill and made assumptions about the consultations and effectiveness of the Bill. For more than five months, my Friends across the *aisle* did nothing and said nothing about this Bill. Now, two months before the launching of the online portal, it seems to have awakened from its slumber. This Government, this Minister, and the Ministry have not closed off for inquiries from the Opposition at any point in time. It could have sent those concerns or suggestions to us just like all other stakeholders did. The release stated it does not want to stymie development and it supports the building principle. Why wait until almost the ninth hour to release an ominous sounding release that does not support its claim?

In the vein of good governance, last Friday evening, knowing fully well that the Bill was coming today, Monday, for the second reading and debate, we received a request for a meeting. First of all, this letter is dated 21<sup>st</sup> April, requesting a meeting with the consultant for the single window. I am the elected official of the House, and I am the Accounting Officer for the region and the ministry. In that vein, I responded and accepted a meeting with the Members of the Opposition. The Opposition then sent back a letter requesting a short notice for a meeting on Saturday afternoon. I then responded and agreed to a meeting yesterday, Sunday. We met at 2.00 p.m. or 14:00 hrs and listened to every matter and concern raised by seven Members of the Opposition. At one time, I thought it was a pre-National Assembly. That is an update of all the documentation and letters in which you see.

The consultations were intended to bring awareness about the portal, examine the procedures for the ministry, the agencies, the Regional Democratic Councils (RDCs), and even to receive feedback on the progress made. I am pleased

to report to this House that these consultations have been robust, fruitful and will greatly contribute to the success of this project. Complaints by investors and private homeowners in Guyana are frequent about the complexity, the time lost, and the lack of seeming transparency in existing multi-agencies process to obtain a construction permit. During the consultations, we realised that the entire process for a single building permit, for example, warehousing, could see as much as 30 activities taking place and implemented by six Government agencies. Every permit requires at least 11 trips by the applicant to Government offices. The risk of arbitrary decisions and corruption arising from undue discretion is high. There are at least six steps that increase the uncertainty and the risk of abuse for applicants. There may also be matters of hidden damage to economic activities, which can be substantial. Therefore, having outlined all of the above, reforms are necessary, hence, the presentation of this Bill.

These consultations have revealed that there may not be a clear order or sequence to obtain the authorisations. Apart from the length of time needed when one is applying now or the lack of clarity that is created from frustration or increased cost to do business, we are seeking a construction permit. One will need the following, for example, a cadastral survey plan, outlined planning permit, building permit, planning permit, environmental authorisation, fire safety planning, building plan approval, and sewage connection authorisation. Authorisation from other agencies will and can see engagement by agencies such as the Guyana Land and Survey Commission (GLSC), the local authorities, that is, the Neighbourhood Democratic Councils (NDCs), the municipalities, and I wilfully did not speak about the road because the Minister of Local Government and Regional Development will be speaking shortly – the Environmental Protection Agency (EPA) and even the utilities like the Guyana Water Incorporated (GWI) and so forth and civil aviation from under the Ministry of Public Works. Factor in the time and money it would take to chase after all of these agencies, and you would have an idea of how we would need to improve this system. In this regard, it is anticipated that once the new system is implemented, the entire procedure for the issuance of a construction permit should take – and this is what we are aiming for – no more than 30 to 40 days, or five to six, or four to five weeks, as opposed to now where it takes on average 208 days. This, of course, depends on the location of the construction.

Additionally, there would be increased transparency of the process and regulatory oversight. Redundancies would be weeded out so a more coherent system could be used and

there would be a complete institutional process redesigned and reorganisation of the existing system. Considering all of the above, the claims made by the Opposition, therefore, are baseless and may be an insult to the hardworking staff and all who have been involved in bringing us to this process or this stage. Guyana cannot claim to be opened for business and maintain an archaic business and trade system. A single window system, as set out in this Bill before us, will therefore do the following: make for a more effective and efficient use of resources, improve compliance, enhance security, increase transparency, cut cost by reducing the approval timeline by days, cut cost by reducing delays, and equally increase the predictability for every applicant. These are all good characteristics of a business investment enabling environment. It is what we are seeking to attain at the national level. To delay this intervention will be to the detriment of our country's development.

Last evening, we received a list of proposed amendments, and we recognised too that the list there was not similar to what the Members of the Opposition brought out or proposed yesterday in its engagement. Therefore, taking all of that into consideration, we do intend – following the debate and with the amendments that are proposed on our side too – there are two amendments that have been proposed – to send it for a brief period to the select committee. Thank you, very much. [*Applause.*]

**Mr. Speaker:** Thank you, Hon. Minister. I now call on the Hon. Member, Ms. Annette Ferguson to make her contribution. Before the Hon. Member takes the podium, I want to remind Members of Parliament (MP) that if you have your staff giving you stuff, the sanctity of the Members of Parliament has to be maintained. Give it to a member of staff to hand in. I do not want and would not tolerate people coming and handing papers to Ministers. The Chamber that we sit in is reserved for Ministers and when the appropriate time is there, for the Advisors to Ministers to sit along with the Ministers. You may proceed, Hon. Member.

*11.36 a.m.*

**Ms. Ferguson:** Thank you very much, Mr. Speaker. I rise from this side of the Assembly to give my brief contribution to Bill No. 26 of 2022, Planning and Development of the Single Window System. Before I proceed further, allow me to applaud Hon. Member Mr. Collin Croal for his consideration and acceptance of an invitation by the Opposition to attend a meeting where we were able to highlight our concerns and share with him our intended proposals. I believe that if we were to take such an approach

going forward, this Assembly would be the most improved Assembly, the Twelfth Parliament of the Cooperative Republic of Guyana. It will also say to our citizens that we can mature as leaders when it comes to national issues. I trust that Colleagues will take a page from Hon. Collin Croal's book, going forward, whenever bills are laid in the National Assembly, and we have concerns from this side of the House, and that we can meet at a discussion table and share our positions. Once again, I commend you for your efforts, Hon. Member, and your technical team that sacrificed their Sunday yesterday just to meet with us. I must report to the National Assembly that the discussions were quite professional and very cordial. Once again, thank you, Hon. Member.

I also want to put on record that this is not the first time our nation is seeing a single window system being established... [Mr. Hamilton: Seriously.] Oh yes, seriously. I do believe that we should be able to give the then Government, under the leadership of Brigadier David Arthur Granger, the applause, because it was able to introduce the Customs and Trade Single Window System Bill in 2019. This Bill came into effect after countrywide consultations between 2017 and 2018, where we were able to do widespread consultations and take recommendations and suggestions into consideration. I do believe, when I went through the Bill, that it is a very good Bill. In principle, the Opposition does intend to support the Bill, but it does have some concerns, and I think those concerns were shared yesterday. It has proposed amendments. I am also happy to hear, after much consideration, that this Bill will now be sent to a special select committee, where the Opposition and all other members, perhaps from civil society, could also have their input. I must applaud Hon. Member Collin Croal for this approach.

I think what is of utmost importance to us here is that the Hon. Member spoke to the issue of the company that has been awarded this \$202 million contract. It is not a case whereby the Opposition is beating up on the Government for the approach that the Government used. I think, in principle, what should have happened before the Government entered into that agreement is that a Bill should have come to this National Assembly, and then we do the next step, approach. If I am to parallel this Bill with what is being touted out there, the electronic identification card (e-Id) card, of which the Government has already entered into a contract arrangement with a foreign company... It heard from civil society that a Bill should have been laid in the National Assembly before any contract was awarded. As a concerned Guyanese and an elected Member, I believe the time has

come for us to raise the bar. If you are to conduct business across Government agencies, with the time and the bureaucracies that our people have to face, it is not easy. With this Bill now coming before the House to address a one-stop gap where everything will be processed and so forth, I think this is a positive step going forward.

As I said before, since the Bill is going to the select committee, I do not think I would want to derail my arguments further in the House of the National Assembly. I will await. When the Bill is sent to the select committee, we can have our say at that level. What are some of the issues we have with the Bill? I think that some part of Part III, specifically clause 13 of Part III, is also in our amendments. We also have concerns regarding Part IV, which also is in our amendments. In clause 20 (1), I have recognised that the Minister reported that annual reports would be presented to him, which he will have laid in the National Assembly. This, too, the Bill seeks to address.

Before I wrap up, I want to refer to an interview done by the National Communications Network (NCN) with Mr. Anil Nandlall, the Hon. Member. This interview was conducted on 20th April, 2023 under the headline "Interview on current situation relating to LGE 2023." This is what the Hon. Member had to say during the interview. He labelled the Opposition as follows we are obstructionists rather than constructive; we do not give constructive contributions. When we in the Opposition are not here, the business of the House flows smoothly, but when we are here, there are no constructive alternatives nor constructive criticism. The Hon. Member went on to accuse us of breaking the mace, assaulting Members of Parliament (MP), staff of the Parliament, that we sing and dance, and we blow whistles, and behave in the most unparliamentary manner.

This morning, I am humbled from this side of the House to have heard the previous Speaker before me saying to this House, and to the people of Guyana, "The Opposition has some good amendments proposed, of which the Government intends to utilise." [An Hon. Member (Government): *Inaudible*.] Well, I will deem it as good because they are good amendments. This has demonstrated our maturity this morning. We are not here to criticise; we are not here to condemn. This particular Bill is indeed important to the ordinary people out there, but we are here to put forward solutions to have a robust legislation. I want to also remind the House that I have prepared a motion under Standing Order 58, asking for this particular Bill to go before a special select committee. Again, for emphasis's sake, I want to say how happy I am that the Government has decided to have the



Bill sent to a special select committee for further elucidation and clarification.

With those few words, I want to say, from our side of the House, thank you. We look forward to the robust engagements in the special select committee so that we can bring back to this House a well-crafted Bill introducing the planning and development single window systems. We do not want a situation to repeat itself regarding the Local Content Bill or regarding the Condominium Act when we asked then for the Government to have those Bills sent to a special select committee. We have been hearing that it is the Government's intention to return the Local Content Bill to the National Assembly. If you had listened to the wisdom, we would not have been hearing that the Local Content Bill would return to the National Assembly. Once again, Mr. Speaker, thank you very much, and I look forward for further engagement in the special select committee. May God continue to bless us, and may God continue to bless our beautiful nation, Guyana, despite the fraudulent signatures leading up to...

**Mr. Speaker:** Hon. Member, do you want to withdraw that? I will have it struck. Thank you, very much. Hon. Minister Susan Rodrigues, the floor is yours.

**Minister within the Ministry of Housing and Water [Ms. Rodrigues]:** Thank you, Mr. Speaker. I rise to make my contribution in support of the Planning and Development Single Window System Bill 2022, Bill No.26 of 2022.

*11.51 a.m.*

This Bill is relatively uncomplicated and self-explanatory, but it significantly improves the way people access government services. This Bill also represents another demonstration or instalment of the People's Progressive Party/Civic (PPP/C) Government's plan and public commitment to modernise our laws in keeping a pace with the transformation of our country and economy. This Planning and Development Single Window System is part of a bigger commitment our Government has made to the people of Guyana and those desirous of investing here. We are committed to ensuring that we introduce E-governance platforms to promote expediency, transparency and accountability, to employ the use of technology and innovation in delivering goods and services and modernising our legal and legislative framework.

Guyana has historically had only a modest level of development to manage. However, in recent years, the discovery of significant oil reserves has generated substantial

interest in new development, an increase in public spending, the introduction of government programmes which has stimulated and rejuvenated the economy, and growth in private investments that prompted the need to revolutionise the planning and development permitting system. Interest in new development has included investments at all levels, from residential to industrial. Naturally, this has included development related to the petroleum industry, the construction sector, services industries, and even the hospitality industry, with new interest expressed by several hotel chains.

Traditionally, the national and local government bodies in Guyana have, with some difficulties, managed the volume of development applications, using simple paper base workflows with only minimal use of technology to record applications in a database. With the expected increase in development application volume, the Government has recognised the need to introduce a far more automated process that streamlines workflow, both within the Central Housing and Planning Authority (CHPA) and with stakeholder agencies that are part of the overall approval process. As a matter of fact, the increase in planning and construction permit is already a reality, with an unprecedented 2,530 applications processed by the CHPA between the period October, 2020 to April, 2023. Two thousand, three hundred and twenty-eight of those applications were approved in full or in part and 42 are related to the oil and gas sector. At this point, where Guyana is poised for economic take off, the enabling legislative framework is essential to effect and govern how we streamline procedures and how we work collectively as a Government to improve service delivery to our citizens. This Bill proposes to do exactly that.

The objectives include reducing processing time, enhancing predictability, and improving customer service. There must be clear timelines as will be set out by subsequent regulations and enhancement of accountability and transparency. How did we get here? It is important for our citizens and the Members of the Opposition to know what was involved in this journey. Within days of taking Office in 2020, we met with His Excellency President Irfaan Ali and received directions that we must make preparation for the introduction of an Electronic Single Window System and the accompanying legislation to govern its management and implementation. We hired consultants and professionals with the requisite expertise and experience in implementing similar electronic approval systems in other jurisdictions. We deployed the expertise to map and re-engineer the current processes for planning and building permission.

We held several rounds of consultations with stakeholders, which began in October, 2021 with CHPA staff, as well as between the consultants and senior technical staff from a number of Ministries and agencies and local authorities across the country. We consulted, as well, with other related Ministers of the Government who have responsibility for the agencies that are involved in this process. We sought recommendations for the development and implementation of an appropriate integrated electronic permitting system software that will reduce processing time and allow predictability. Finally, we identified possible options in relation to a legal and administrative framework that has produced the Planning and Development Single Window System Bill that we are considering today.

Mr. Speaker, you heard my Colleague go through, in detail, the clauses of the Bill. I would like to highlight just the main features of this Bill. First, it establishes the Planning and Development Single Window System, which serves as the single-entry point for planning and development applications. It provides for the management and implementation of the system, the legal framework that will govern how the system works, sets clear responsibilities on agencies, and introduces and governs remedies for redress. It centralises functions pertaining to land use, planning, and development by conferring the responsibility on the CHPA to be the single point of submission and receipt to effectively manage and implement the system and to facilitate the onward transmission of planning and development applications to any other person or agency for processing or review where applicable. It establishes a unit housed within the CHPA to manage the day-to-day function of the system, maintain an electronic database, and assist users, among other duties.

It establishes the planning oversight committee, which shall be responsible for overseeing and monitoring the CHPA progress in implementing the system and to ensure policy adherence. This is notable because while the Central Housing and Planning Authority is responsible for the receipt and onward transmission of an application, it does not have oversight of itself. We have established, by law, the planning oversight committee, which will monitor the progress of all agencies, including the performance of the CHPA. It establishes a planning appeals tribunal for the purposes of hearing appeals against decisions of the CHPA in respect of planning and development applications. The applicant who is aggrieved by a decision may, within 28 days of receipt of the decision, appeal against that decision by notice in writing. The appellant is afforded the opportunity to present his or her case, and the decision of the

planning appeals tribunal to dismiss, uphold or vary the decision of the central authority is final unless the Minister declares the matter to be one of public interest. Even this is not arbitrary because Clause 22(6) provides for the Cabinet to ultimately review and decide on a particular application that is declared a matter of national interest.

Those main features are perhaps the most outstanding of the Bill. However, the Bill has incorporated important characteristics and principles which must be highlighted. For example, this Bill ensures strict adherence to the principles of transparency, accountability, certainty, and predictability in the approval process. Notably, it reduces the powers and influence of political figures in the approval process. This is not the first time our Government is attempting such a courageous piece of legislation. May I remind this House that it is the People's Progressive Party/Civic Government that passed the Condominium Act of 2022, which significantly reduces the powers of the Minister with Responsibility for Housing and places upon him the responsibility to respond to an application and to make a decision on an application for a condominium within a certain time frame. Should he not issue his decision within that time frame, his approval is deemed to be granted. That has never been done before, and this shows conclusively this Government's commitment to transparency, accountability, and ease of access to government services.

We have demonstrated our willingness to let the system work. The PPP/C Administration, led by President Ali, is committed to ensuring transparency, accountability, and good governance in all sectors of government. There will be prescribed timeframes set out in the regulations for each agency to respond and provide feedback, raise objections, or issue a no-objection. These are characteristics associated with a modern transparent economy, and we are facilitating the transformation of our economy by updating and enacting legislation to govern a country in transition. Another outstanding feature is the ease of doing business with which this piece of legislation allows. We are fortunate enough to be living in a country that has become one of the fastest growing economies in the world. We can no longer rely on a paper base system alone. We have to welcome changes that make our work easier and give greater convenience to our citizens. We have to adopt new innovative ways of doing things. We have to embrace innovation and technology, and the legislative changes those technologies need to work.

The Single Window Planning and Development Approval System is another initiative to cut red tape, to eliminate barriers to doing business, and contribute to an enhanced

business climate. This system will allow developers and builders to know exactly how long they have to wait for a decision and can factor these considerations as they make plans to finance and execute their development projects. This brings me to another important feature or characteristic of this Bill. That is, it removes any form of bias and demonstrates our commitment to fairness.

12.06 p.m.

Anyone who lives in Guyana, or even outside of Guyana, would know that a common criticism of our Government from the Opposition benches is that this Government is a discriminatory one. Once again, we are demonstrating our commitment to removing political influences and removing any form of bias in allowing a professional system to work and allowing free access to all the citizens of our country. The use of technology and timeframes prescribed by law completely removes any form of subjectivity and even reduces the opportunity for corruption. A Government willing to legislate in this manner cannot be criticised as being racist or discriminatory.

I must now turn my attention to the proposed amendments that have been offered by the Opposition, albeit at the *eleventh hour*. We are fully aware that this Bill was laid in the National Assembly last year, some five months ago but it was only days ago we were contacted for consultation with the Opposition. Concerning the proposed amendments, I must say that we are not aware of the process by which these amendments have appeared. From which consultative process did these amendments emanate? We have been consulting with agencies and with the public at large but mere hours ago, the Members of the Opposition have offered proposed amendments to a Bill that is now being debated. I struggle to make sense of the amendments that are proposed. If I may give just a few examples. The unit, and that is, the unit that will be within Central Housing & Planning Authority (CH&PA), that has administrative functions to manage the day-to-day functioning of this system, the Opposition wants the Director of that unit to be appointed on the recommendation of the Committee on Appointments (COA) of the National Assembly. This is a purely administrative unit with day-to-day management functions of a system. I do not see the need for the Director of this unit to be appointed based on the Committee on Appointments of the National Assembly.

Further, they want the unit to be comprised of staff appointed by the Public Service Commission (PSC). Additionally, the Opposition is proposing that a nominee is

offered from the Leader of the Opposition on the Planning Oversight Committee. I struggle to fathom why we would want politicians or the Leader of the Opposition to be involved in this process. It is cumbersome and it is unhelpful to the functioning of this system. They also want the decisions of the Planning Appeals Tribunal to be subjected to appeal to the Caribbean Court of Justice (CCJ). We do not have to legislate access to the Caribbean Court of Justice. Every citizen has a right of recourse to the courts. They have the right to go there anyhow. We do not understand the use of this recommendation. All we can conclude is that this is an attempt to politicise the process, but, more importantly, they want to frustrate the process. That defeats the whole purpose of this Planning and Development Single Window System Bill.

Mr. Speaker, let me tell you why they are proposing these amendments. Not so long ago, when they were in Office and they had the power and the opportunity to pass this legislation, they did nothing. If I may reference one of the most unfulfilled documents ever drafted in the history of our country, the A Partnership for National Unity/Alliance For Change's (APNU/AFC) Manifesto for 2015. I refer to page 36 under the heading *Digital Nation*. They promised the citizens of this country in 2015 that they:

“...anticipate that all of Guyana is prepared for a world transformed by technology.”

They said that they would employ Information and Communication Technology (ICT) in Government services for efficiency and effectiveness. They then promised this Digital Nation which is a concept they proposed and said that it:

“...is a comprehensive three year master plan carefully crafted by globally respected experts in their respective fields to help prepare Guyana for that exciting transformation.”

I beg to know where is the Digital Nation that the APNU/AFC Coalition introduced to this country? That is why I could conclude that their proposed amendments are basically to frustrate the passage of this Bill. If we were to incorporate these amendments as they are proposed here, it would frustrate that process and defeat the entire purpose of this legalisation.

In concluding, I would like to acknowledge and thank all those who played a critical role in the development of the portal as well as the Bill. Many of them are here with us today. I would first like to thank our Attorney General and

Minister of Legal Affairs, Mr. Anil Nandlall and his Chamber. I would like to thank the Consultant, Mr. Fareed Amin who is also here with us; our Legal Drafter, Mr. Ramdhani and the members of his team; the Chief Development Planner of the CH&PA, Ms. Germene Stewart who is also here; our Senior Development Planner, Ms. Fayola Azore and all the staff of the Planning Department; the Head of the Corporate-Legal Secretariat of the CH&PA, Ms. Hannifah Jordan who is here in person as well; the Chief Executive Officer (CEO) of the CH&PA, Mr. Sherwyn Greaves; the Secretary to the Board, Mr. Rajesh Ramgolam; all the Research Assistants; and last but not least, I would like to thank all the stakeholders in all the other agencies without whose cooperation this would not have been possible.

The successful passage of this Bill is the beginning of the end of an era of running from one ministry to another to access Government services. Something I believe the business community and Guyanese at large have been waiting and calling for. Therefore, without hesitation, I commend this Bill for passage in this honourable House. Thank you. [*Applause*]

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

Hon. Members, I think this is a good time to take the suspension for lunch. Thank you very much.

*Sitting suspended at 12.15 p.m.*

*Sitting resumed at 1.52 p.m.*

**Mr. Speaker:** Hon. Members, please be seated. At the break, we concluded with the Hon. Minister Susan Rodrigues. I now call on the Hon. Member, Mr. Vincent Henry to make his presentation.

**Mr. Henry:** Thank you very much, Mr. Speaker. On behalf of the Guyana Action Party (GAP) and members of the Coalition, I stand to make my contribution on the Planning and Development Single Window System Bill. Before I delve into the substance, something seems wrong today in the House. I am accustomed to hearing Members of the Government, whenever they speak, mention discrepancies in elections. Today, nothing was said by them. I wonder why. Then I know why. [**An Hon. Member:** (*Inaudible*)] Thank you.

We also listened to the Hon. Susan Rodrigues, who mentioned that digital transformation did not happen under the APNU/AFC. I have a list of what was achieved from

2016 to 2019, of which I will read a few so that we could educate her and the others on the other side. We put into operation the fibre optic cable. We provided free internet access to primary and secondary schools, more than 400 Government ministries, Neighbourhood Democratic Councils (NDCs) and Regional Democratic Councils (RDCs), *et cetera*. Under the ICT Access and Electronic Services for Hinterland, Poor and Remote Communities Project, we provided internet to more than 100 communities, free internet to residential schools, over 200 ICT hubs, hot spots at community centres, the 'Smart City' programme in Georgetown, hinterland radio stations and more. We did not waste US\$5 million on a failed fibre optic cable. When one goes into the Rupununi one sees a little stick standing with a wire hanging down. Five million United States (US) dollars gone there.

The Hon. Susan Rodrigues did not even support her Minister, so to speak – her boss. She did not. The Hon. Collin Croal said that the Bill would be taken to a special select committee. She said the opposite. This reminds of the *Bible* and the Tower of Babel, where everyone began to speak different languages. If one researches the Tower of Babel, one will find the reason why God made that happen to them – if I could use that word, Mr. Speaker.

However, please allow me to express my heartfelt appreciation to Mr. Carl Greenidge and his team, including the Ministry of Foreign Affairs and International Cooperation, who with the patriotism and leadership skills like that of the honourable Linden Forbes Sampson Burnham and Cheddi Jagan – fathers of our nation – successfully defended our sovereignty in the first round at the International Court of Justice (ICJ). We applaud them and pray that the Almighty continues to stand by them on our behalf as they continue to represent us. We also wish to thank the APNU/AFC which, when in Government, not only made wise decisions on our behalf at a most sensitive time, but also made available, the signed bonus of US\$18 million to cover costs associated with this most crucial defence of our territorial integrity.

At first glance, the Planning and Development Single Window System Bill seems to be innovative and people-oriented, but when one studies it, one finds it to be disingenuous and in need of lots of tweaking to make it palatable.

*1.57 p.m.*

In the Bill:

“‘planning and development application’ means an application made under any enactment in respect of land use, building or development permission or other similar applications of the kind listed under the First Schedule.”

Is the People’s Progressive Party/Civic (PPP/C) saying that even the enactment called the Amerindian Act of 2006 is to be engulfed or superseded by this Bill should it become an Act? For this Bill to begin to get a modicum of support from the Indigenous community and right-thinking Guyanese, then the Amerindian Act of 2006 has to be strengthened, *inter alia* to allow the following: One, a proviso clause to be included that all Indigenous lands, be it on the surface, subsurface, and inclusive of its cover, water ways and atmosphere, are excluded from interference by this Bill.

Two, also all lands that are identified ancestral lands of the first nations of Guyana should be exempted from being interfered by this Bill.

Three, all lands contiguous to Indigenous titled, non-titled and ancestral lands must not be interfered by this Bill without the free, prior and informed consent (FPIC) of the Indigenous peoples who stand to suffer the consequences of negative side effects of developments done.

Whenever I come to speak on behalf of the Indigenous people, there are certain ‘honourables’ who stand against it. I wonder why they are so against the Indigenous peoples whom they depend on so much at the time for the voting to happen. The Bill focuses on land use development as one of its components. On examination of the Bill, one notices that it insulates itself from the realities of living in Guyana. This Bill seeks to ignore that the first peoples of Guyana inhabit the hinterland of Guyana, and any laws made must protect their rights and safeguard their livelihoods. This Bill will open a Pandora’s box that will see the further erosion of the rights, and the destruction of the peaceful co-existence with nature of the Indigenous peoples. Why is it when we are advocating for the rights of the Indigenous people that the PPP/C stands against that? Why?

Currently, there are many Indigenous communities that are anxiously awaiting their applications for land extensions to be made legal. It is no secret that their hungry eyes are just waiting on opportunities to grab Indigenous lands, whether titled or untitled, and say that they are doing that in the name of development. This Bill similarly seeks to facilitate the land grabbers at the expense of the Indigenous peoples. As detailed in a *Stabroek News* article dated 17<sup>th</sup> December,

2022 and titled: “Court recognises ancestral lands rights of Upper Mazaruni villages

In what will be seen as a historic decision, the Chief Justice has confirmed the rights of Indigenous peoples of the Upper Mazaruni to their ancestral lands...

She made it clear, however, that those rights are subject to State lands/title and, therefore, could not be regarded as being to the exclusion of all others.”

It is apposite to note that the matter has not reached its finality and because of this some unscrupulous persons may seek to take advantage of the uncertainty and use the Bill, if enacted, to trample on the rights of the Indigenous peoples. A classic example of a wood ants behaviour described by the PPP/C was recently exposed. The people of Nappi Village South Central were promised by the PPP/C, prior to the last General and Regional Elections, that if they voted for them, they would be granted the land extensions. It must be noted that the land promised had been under a lease to the Pereira Ranch which had expired. However, the Indigenous peoples of Nappi were recently shocked when the Amerindian land Titling team of the Ministry of Amerindian Affairs informed them that the lease for the Pereira Ranch had already been secretly renewed.

The Bill before us speaks of confidentiality. If this is the kind of confidentiality or secrecy that this Bill represents, then we the Indigenous peoples do not welcome it. Some may say that the Amerindian Act of 2006 could defend the Indigenous peoples against land grabbers. As mentioned before, the Amerindian Act did not help the people of Nappi. The Amerindian Act did not defend the people of Chinese Landing, where the community contended that the Government granted a medium scale mining concession to a miner in its titled lands without consulting or seeking the consent of the community. This led to the village seeking the intervention of the United Nations Committee on the Elimination of Racial Discrimination. Recommendations made by the body to the Government of Guyana, included consideration being given to suspending or revoking the mining concession that affected the land territories or resources of the Chinese Landing until free, prior and informed consent is granted by the Indigenous peoples. Also, refraining from approving projects, and granting mining permits or concessions within the lands of Indigenous peoples, whether titled or not, incorporating the principles of FPIC in domestic legislation, including the amendment of the Amerindian Act of 2006 with Indigenous peoples’

participation, and to fully and adequately guarantee their right to consultation of the Indigenous peoples, and consider ratifying the International Labour Office (ILO) Indigenous and Tribal Peoples Convention of No. 169.

The Amerindian Act did not defend the Indigenous people of Isseneru. Back in the 1990 permission was granted by the Guyana Geology and Mines Commission (GGMC) to a miner to operate within the boundaries of the village title lands. However, the village shall be up in arms over this approval, which said it did not have the consent of the village. This matter has reached the Inter-American Commission of Human Rights (IACHR), an autonomous organ of the Organisation of American States (OAS), which ruled that Guyana is responsible for at least 16 violations of the rights of the communities and its members. As a result of which, Guyana's law will have to be amended. Among the conclusions of the Commission was that the right to health, food, water, as well as the rights of children and mothers had been violated. The IACHR recommended that the Government of Guyana...

**Minister of Parliamentary Affairs and Governance and Government Chief Whip [Ms. Teixeira]:** On a Point of Order.

**Mr. Speaker:** Hon. Member, the Minister has risen on a Point of Order.

**Ms. Teixeira:** The Hon. Member is being irrelevant to the Bill. Under Standing Order 41 (1), this Bill has nothing to do with what the Hon. Member is speaking. Maybe he might like to have a press conference outside with the media to air his views on this matter, but this has nothing to do with the Bill that is before us. Mr. Speaker, I am asking that you caution and ask the speaker to return to the Bill.

**Mr. Speaker:** Thank you, Hon. Minister. Hon. Minister, I was waiting to hear the Hon. Member now connect to the Bill. I am sure he is going to do so shortly.

**Mr. Henry:** I have been given a certain number of minutes. Within that certain number of minutes, I will bring it all together. You could be rest assured. The IACHR recommended that the Government of Guyana conduct full reparations for the people of Isseneru. Further to this issue, the PPP/C Government's response to the IACHR for this matter was that the Isseneru Villages had abandoned their traditional ways and customs by engaging in a cash economy. As opposed to subsistence living. Also:

“The State also argues that the Isseneru community members have lost their traditional culture in aspects

such as their building materials, their architecture and their farming systems. The State particularly emphasizes that most of the members of the community have converted to Christianity and, therefore do not preserve an ancestral spiritual connection to their territory.”

These statements speak volumes to the fact that this Government, the PPP/C one, is not keen to having the rights of the Indigenous peoples protected. According to the above, the PPP/C does not see any...

**Mr. Speaker:** Okay, Hon. Member. We have given quite a bit of latitude. We now have to come back to the substantive Bill, the single window. I was waiting to hear your plea for this particular initiative that you are on connect to the single window.

**Mr. Henry:** Mr. Speaker, I have one more paragraph and then I will connect it.

**Mr. Speaker:** I now ask that you come back to the Bill substantively.

**Mr. Henry:** I raise these issues to show that the guard rails that are there to protect the rights and livelihoods of Indigenous peoples are rapidly being weakened and eroded under the Government of the PPP/C. I will skip that paragraph. The Amerindian Act allows the Minister to sanction Tosahos who are perceived to be non-supporters of the PPP/C, but allows the Minister to ignore malfeasance done by...

**Mr. Speaker:** Hon. Member, I would now, again, ask that you speak to the Bill itself. How will the single window improve access to the Amerindian people for their applications? I think that is where you want to go.

**Mr. Henry:** The PPP/C, when criticised for not allowing free, prior and informed consent before the 15% of the carbon credit sales was unilaterally paid to Indigenous communities, replied by saying that they consulted with the National Tosaho Council (NTC).

**Mr. Speaker:** Hon. Member, I said that I think that was where you may want to go, but you choose to continue on a path that is for another contribution. We are speaking to the single window. If you do not have any more connects to the single window, then...

**Mr. Henry:** Mr. Speaker, please allow me to make the following recommendations to correct the omissions as I see it from an Indigenous eye. One, the Amerindian Act of Guyana should be revised as a matter of utmost urgency with

the full involvement of the Indigenous peoples. A provisional clause to be included that all Indigenous lands, be it on surface, subsurface and inclusive as its cover, water ways and atmosphere, are excluded from interference by this Bill. Also, all lands that are identified as ancestral lands of the first nations of Guyana should be exempted from interference by this Bill. Also, all lands contiguous to Indigenous titled, non-titled, and ancestral lands must not be interfered by this Bill without due, free prior and informed consent of the Indigenous peoples who stand to suffer the consequences of negative side effects of development. Anyone can see that this Bill, though well-meaning, could cause untold trampling of the rights and livelihoods of the Indigenous people of Guyana. Therefore, on behalf of the Indigenous peoples of Guyana, I humbly request that the somewhat self-regulatory Amerindian Act of 2006 must not be governed by this Bill.

2.12 p.m.

Should it be enacted and that a clause of this Bill reflects this, I propose that the Amerindian Act be at the level of stand-alone to defend the interest of the Indigenous peoples of Guyana. However, as posited before, it should be urgently revised to serve its intended purpose. Also, I do recommend that this Bill be sent to a special select committee and I do thank you for your patience. Thank you, Sir. [*Applause*]

**Mr. Speaker:** Thank you very much, Hon. Member. The Hon. Member and Minister of Local Government and Regional Development, Mr. Nigel Dharamlall, you may have the floor.

**Minister of Local Government and Regional Development [Mr. Dharamlall]:** Thank you Mr. Speaker and good afternoon, everyone. Mr. Speaker, I stand in solidarity with the Minister of Housing and Water in supporting this Bill and to also promote the movement of this Bill to a special select committee. Whilst I do so, I would like to make some clarifications. I would like to put on record, as we have always done, that the Amerindian people of Guyana, the best support they have ever gotten is from the People's Progressive Party/Civic.

The APNU/AFC, when they were in Government, a Minister of Government then used words to the effect that Amerindian people were greedy – those people, they were avaricious. This is because a policy of ours, moneys garnered from the oil industry as well as the Low Carbon Development Strategy (LCDS) and the extended LCDS, we decided that substantial resources would go towards the development of Amerindian communities, including their

land. A former Minister of the APNU/AFC said that Amerindian people should not get any of it, that they were too avaricious, words to that effect – in the Parliament too, when they were in Government. I have a note here, Mr. Speaker. As they are speaking about Amerindian development, in the Sustainable Livelihood Entrepreneurial Development (SLED) programme, \$371.75 million was allocated through SLED in the last Government. Out of that, \$228 million went to Region 9 to more than two dozen 'cooperative societies'. Many of those 'cooperative societies' were formed on the instructions of Congress Place. I have in these notes, Mr. Speaker, the person who spoke before me, his son benefitted from up to \$19 million...

**Mr. Speaker:** Hon. Minister, you would have to withdraw that because the Hon. Member's son is not in here to defend himself.

**Mr. Dharamlall:** Okay, Mr. Chairman. I withdraw saying the son, but I can tell you that the name of the person who spoke before me is cited in the report. When they speak of corruption, when they speak of Amerindian development...

**Mr. Speaker:** We are going to have to ask you to withdraw the word 'corruption', please?

**Mr. Dharamlall:** Is 'corruption' a bad word?

**Mr. Speaker:** Yes, it is unparliamentary.

**Mr. Dharamlall:** *Oh*, it is unparliamentary. Well, the siphoning off of taxpayers' moneys to the political purposes of APNU/AFC, we cannot countenance that in a democracy. We would never be able to countenance that in a democracy. Further to this, in that same report, two buildings were supposed to be constructed and the location... I would like to ask the Members of the Opposition, especially those who reside at Congress Place, there were two buildings that received moneys through 'cooperative societies' that were never registered. The address of where the moneys went was at Congress Place, Sophia. When the auditors went to check on the buildings... I have in my possession, again, the report where a senior Member of the Opposition chased the people out when they went to check on the construction. None of the buildings had anything inside. Block making, poultry farming, that is what they were doing with taxpayers' money at Congress Place. They were mining fowls and making blocks, but when we turned up there, there was absolutely nothing.

If they want to speak about democracy and good governance in ensuring that... Mr. Speaker, that is why we want a single window system because the approval process must be free, it

must be de-risk of political influence – that is why. I can also tell you too, Mr. Speaker, that same report has a lot of information about the barbershop and about every other region and what they have done with more than \$372 millions of taxpayers' money. That is why we should not also countenance some of these suggestions that the Hon. Mahipaul has put forth in the suggested amendments. This is because they want to retain political control. They want to have political influence, but President Ali has made a commitment that, in modernising Guyana, that in ensuring that we build local democracy, in ensuring that we enhance local governance, we have to de-risk political influence. That is why this Bill is situated the way it is. As my Colleague, the Hon. Member Susanne Rodrigues, said, it is built on an independent system. That is why we would like to have a single window system, to build efficiency, to build transparency as our Hon. Prime Minister was saying, to ensure that there is cost effectiveness in the manner of business, to ensure that there is compliance and to ensure that there is enhanced security of the approval system, quite unlike. None of those five guiding principles were evident, were practiced, during the course of the APNU/AFC. Do you know why, Mr. Speaker? Because they have many Members there who have constructed buildings. There is one person from the Eccles/Ramsburg Neighbourhood Democratic Council (NDC) area whose house, unfortunately, is incomplete at this time...

**Mr. Speaker:** Be careful Hon. Minister, I am from there.

**Mr. Dharamlall:** Not you Mr. Speaker. With the exception of the Speaker. That building does not have approval. The fence does not have approval. The businessman who was constructing it, after the Government changed, stopped constructing it so the building and the fence are both incomplete. The drains around the massive... I think when they started to build the house, the house became bigger than the land, so they had to get two additional house lots. Outside of the mall, it is the most ostentatious property in the Eccles/Ramsburg NDC area. The same person currently heckling, does not have approval from the Herstelling/Farm NDC for the construction of their building. That same person that is heckling me right now...

**Mr. Speaker:** Is the Hon. Member, Mr. Mahipaul, now in the area? He is the only person I hear heckling.

**Mr. Dharamlall:** Mr. Speaker, I shall not call names but Mr. Mahipaul knows who I am speaking about. There is one from Cove and John who says some of the most outrageous things about the PPP/C. They have no approval because we

checked the system – they have no approval as well. This single window system is going to massively reduce, I do not want to use this unparliamentary term 'corruption' but it will reduce the misuse and the inconsistencies in the management of public resources. It will also remove, to a large extent, subjectivity because we have evidence too when in the last Government and I personally have evidence, they denied approvals. In one case, there is a particular Minister of Government, currently, whose family was denied a construction permit because they are a member of the People's Progressive Party/Civic. That NDC is an NDC run by the APNU/AFC. We have to remove subjectivity and political influence. Also, the single window system adds value to our revenue yields. I say revenue yields, not in terms of how APNU/AFC imposed hardship measures on poor people across this country, but increase revenue yields through how fees will be paid, quite unlike fees being paid willy-nilly across different agencies that are involved. What about cutting costs? One of the most distressing things about constructing a building, I have a lot to say about you Mr. Ramjattan, quite a lot to say about you. I also have a copy of the bank account information that you have overseas, the amount of money and about who transferred the money to you, so you should be very careful because...

**Mr. Speaker:** Hon. Minister, please. Hon. Member, Mr. Ramjattan... If there are things that went wrong, do not impute it. Just go ahead with producing it and in the appropriate places, please.

**Mr. Dharamlall:** Mr. Speaker, any appropriate places the evidence will be provided. Yes, Mr. Speaker, we will be cutting delays. The inordinate amount of time that some approvals.... For example, Mr. Speaker, we are on the cutting edge right now, our country is moving in a direction never seen before and this is despite the narcolepsy that happened between 2015 to 2020 when the last Government were sleepwalking whilst running the country.

When I became Minister of Local Government and Regional Development, one of the first things we did within two months of us becoming Government, the last Government held up construction permits for 13 companies that work in the oil and gas sector, tier one and tier two companies. It did not take us two days to get those permits sorted. Thousands of people are now employed, hundreds of billions of dollars are now in our economy and the oil sector is flourishing. That is the type of country that we are building. But they deliberately held up those permits because they wanted to shake down many of these businesses. That is what the APNU/AFC was doing. They were shaking down our



businesspeople. Similarly, faster clearance is also one of the benefits of the single window system. Now people do not have to wait two years to get a construction permit. They do not have to wait six months to get a construction permit. They do not have to wait at the whims and fancies of anyone of the APNU/AFC political acolytes.

2.27 p.m.

As long as this system is implemented or when this system is implemented, it is going to be practically fool proof and everyone, which is also what President Ali promised, which is that everyone is going to benefit from his Government, irrespective of their political affiliations, irrespective of their ethnicities, and irrespective of the textures of their hair, or the colours of their skin. This is quite unlike what happened when the A Partnership for National Unity/Alliance For Change (APNU/AFC) was in Government. This was a commitment, also, of the manifesto of the People's Progressive Party/Civic (PPP/C). This is part of the vision of His Excellency. We want to modernise our country and compete. We also want to receive investments. Likewise, we would like for our Guyanese people, as they grow, earn, and invest further, that the means of doing business to become less complicated. This system is going to bring the approval process in Guyana to an international standard.

When you go through it, Mr. Speaker, you will see how it is harmonised with many of the first-world countries. The vision of His Excellency is not Guyana over the next two years but Guyana over the next 40 or 50 years. What we have done in the last two and a half years with President Ali is move this country so rapidly that even the Opposition is now in awe of what has happened. That is why they have no credibility in what they do and what they say. In their narrative, they cannot speak about development; they cannot speak about planning. As a matter of fact, for the modifications or the amendments that they are proposing, I would suggest strongly that they propose amendments on planning and development to the Leader of the Opposition. He requires a lot of support in planning and development, including in choosing and approving who comes to the National Assembly on his behalf. I do not know if this is a parliamentary term or not – cutthroat, but there is a lot of 'cutthroat' behaviour on the other side, even to their own leader.

So, this is an enormous leap that we are making as part of the evolution of our country. It is a giant leap. It is a place that we have never gone to before. That is why they are probably in so much shock. As the Prime Minister said, they

are in shock and awe because they could have never imagined that this would have happened in Guyana. They could never have imagined this. Do you know what, Mr. Speaker? As they continue to benefit from the management of this economy and as they continue to benefit from the leadership of the President, Dr. Mohamed Irfaan Ali, their approvals will also be part of the system. As long as they do what is right – ensure that their documentation is in order – they will also have a system from which to benefit that will fast-track their approvals.

On this issue of efficiency, there is going to be a great time offset in the administration of a single window approval system because time is money. Again, those on other side would not understand that. There are many small people who have to wait too long to get their plans approved. There are thousands of people who submit plans to City Hall. You know that the city is under the stewardship of the APNU/AFC. We are hopeful that we will be able to have new stewardship in our city after the 12<sup>th</sup> June Local Government Elections (LGE). I know that the Opposition is in panic mode because they have seen how this country is transforming. They have seen how many persons are joining the PPP/C to ensure that we build and enhance local democracy. Even some of their senior leaders have joined the PPP/C over the last.... [Mr. Ramjattan: How many visas have been (*inaudible*)?] How many gun licences did you issue?

Mr. Speaker, on the issue of transparency, to compete and be at the cutting edge, it is very important that there is freedom of information and, similarly, access to information. The verification and validation process involved in a single window system will also contribute to greater transparency. We spoke earlier about compliance. I raised the issue of enhanced security. We will not have people losing their plans anymore because that has been a bugbear in our system for a long time. This is where persons who submit plans, go months after to seek an update and have to resubmit. That happened to me as well when the last Government was in Office. I do not know if they were trying to victimise me because I am a known PPP/C Member; possibly so. That is how they were running this country.

This is on a secure platform also. Quite unlike the hazy behaviour of the Opposition, this single window system would be on a secured platform. So, it will be void of the insecurities that our people – even our businesspeople – sometimes have to suffer when their plans are sent for approval. Very importantly, sensitive information would not be at the whims and fancies of every other person. All the

documents submitted in this system will be at a secured location and would be protected. Very importantly, it will be protected. Again, I want to reiterate that when the Hon. Minister, Mr. Croal, said that this Bill will go to a Special Select Committee, our position as a Government is always to involve everyone. I can assure you that if you are to peruse the records of the last Government in Parliament, you will see how many times we asked, while in Opposition, for many of their Bills to go to Special Select Committees and they refused. What they did whilst refusing was to be so triumphalist in saying that they were in Government and they had the votes. Do you know what, Mr. Speaker? The votes that we have are credible votes. The votes that we have are valid votes. The votes that we have are not fraudulent votes. We run a legitimate, legal and lawful Government. We have a President who is going to be here every day this term and he is going to be here every day next term as well because of what he is doing to modernise our country, including ensuring that we have modern legislation in place, as my colleague, the Hon. Ms. Rodrigues said.

I commend the Hon. Mr. Croal for presenting this Bill and also encourage all others to ensure that this Bill goes to a Special Select Committee. Thank you very much and good afternoon. [*Applause*]

**Mr. Speaker:** Thank you very much, Hon. Minister. Now, for the Hon. Member Ms. Amanza Walton-Desir. You may proceed, Hon. Member.

**Ms. Walton-Desir:** Thank you, Mr. Speaker. Good afternoon. I noticed that my colleagues on the other side have a lot to say even before I have started. You all should know that it does not matter what you all have to say about racism, racist and whatever, we will continue to speak the truth. This is just so that you are put on notice. I want to clarify a few matters before I get to the substance of what it is that I want to say. I felt as if you did me a disservice this morning by only extracting two lines from the letter that I sent to you. Mr. Speaker, you will recall that it states:

“In the context of our external affairs and national security, and in respect of the information in the public space in connection with the Permanent Secretary of the Ministry of Home Affairs, please be advised that we intend to ask the following questions at the next sitting of the National Assembly:

1. Was the Permanent Secretary...”

**Mr. Speaker:** Hon. Member, if you have a problem with my ruling, you are free to bring a motion against me and have it debated here. I now...

[*interruption*].

Hon. Members, please. I quoted the relevant line because you do not advise the Speaker. You seek leave, regardless of what matter it is. You may proceed substantively with your contribution.

**Ms. Walton-Desir:** Mr. Speaker, I will say this: I understood exactly what you said this morning. I understood it very clearly and I have made the point that I feel as if, as a Member of this National Assembly, you did me a disservice. I will continue...

**Mr. Speaker:** Hon. Member, when I apply the Standing Orders to the questions and to any matter in the Assembly, I apply them based on convention and the letter of the Standing Orders before us. I cannot determine how a person will feel once a decision is made. I do not deal with emotions; I deal with the rules.

**Ms. Walton-Desir:** You are absolutely right about the fact that you cannot determine how we will feel. Mr. Speaker, I think that I have made my point on that matter.

**Mr. Speaker:** I think I have made mine.

**Ms. Walton-Desir:** So, I will proceed now. I want to make a few points of clarification because I noticed that my colleague, the Hon. Mr. Henry, was continually interrupted when he spoke about the Amerindian Act. [**Brigadier (Ret'd) Phillips:** What is the relevance?] Well, I will tell you how it is relevant, Prime Minister. This morning your side sent an amendment that states:

“27A. In the event of any conflict between the provisions of this Act and those of any other law, the provisions of this Act shall prevail.”

You have opened the door for us on this side to talk about any law on which we wish to speak. That is what that means. So, for you to attempt to curtail my colleague when he spoke of the impact of this on the Amerindian Act, now we know who is not reading and who is not understanding. It is there. I will respond to Mr. Dharamlall in due course. It is a good thing that people do not take him too seriously. I want to go on record as saying that we support efficiency, we support ease of doing business and we support, in principle, this notion of a single window. We are on record as having said that. So, I want my colleagues on the other side to understand that when they attempt to say to the press that we

are against business and efficiency, the people of Guyana will weigh them in the balance and find them wanting because we are on the record saying that we support it. That must be made pellucid. [**Brigadier (Ret'd) Phillips:** What is the point that you are making?] Prime Minister, if you listen, you will hear the point that I am making. You will certainly hear it. Do not worry. Mr. Speaker, let me say this. [**Mr. Nandlall:** If you are supporting it, why are you (*inaudible*)?] I think that I have been very clear that we support the Bill; we support efficiency; and we support the ease of doing business. I have repeated this just for emphasis and the benefit of the Hon. Attorney General (AG) on the other side. The concerns that we have, however, cannot be ignored.

2.42 p.m.

We have to point out that this single window business, while it is relatively new to Guyana, is not new to the rest of the world and, therefore, we have the advantage of not only learning from their successes but also learning from the pitfalls that we have to guard against. When you read and research, you realise that there are a couple of pitfalls that we have to guard against – a lack of accountability. We have to appreciate the fact that this single window system could lead to a diffusion of functions and when you diffuse functions, you create the opportunity for a lack of accountability. We are not saying do not do it. What we are saying is, let us fix it so that it is a pitfall that we could avoid.

I am very happy that the Minister has taken up the suggestion to have this matter sent to a Special Select Committee. We appreciate it because there are a number of very serious issues that have to be addressed. Another one of the concerns is this issue of reduced oversight. The effect of what we are seeking here to do is to consolidate a number of approving functions and, in doing so, we have to understand that we are creating the opportunity for a lack of scrutiny. Again, we are not saying do not do it. We are saying acknowledge that this is a risk and let us together figure out how we could put robust measures in place to mitigate those risk.

The other issue that we have to be very mindful of is developing the expertise across the approving agencies. We have to be sure that before we roll this out, all of the agencies involved are, at a bare minimum, on an equal level of expertise. I do not have to read and spell for us the dangers of that not being so. Again, we are not highlighting this as a hinderance to the Bill. We are highlighting it with the view that we can, in the Select Committee, find a

solution to it. The other issue that we have to guard against is the potential for bias. I smile there because I heard my colleague before me in his – I do not know what that was – presentation speak about the removal of political interference. I want to read for us from the Bill itself. It is Part VI, clause 22, subsection 5 of the proposed Bill. It states:

“(5) The decision of the Planning Appeals Tribunal shall be final unless the Minister declares the matter to be one of national interest.”

The Minister, without any circumscription that guides this discretion, can declare a matter of national interest. So, if he does not want to deliberate on a matter, ‘oh, it is matter of national interest’. That is dangerous and that is not decentralising it politically. Let me continue. It states:

“(6) If a declaration under subsection (5) is made, the decision of the appeals tribunal shall be reviewed by the Cabinet....”

We are depoliticising it, but the appeal is to the Cabinet. Basically, we are *trying the devil's case in hell*. I notice the Attorney General (AG) on the other side is saying that it is only in relation to the national interest. The fact remains, sir, that you cannot have a Minister declaring that. The reality is that it is highly unlikely that the Cabinet will disagree. You can, therefore, see very clearly how this provision allows somebody who may not be a friend, a family or a favourite of this Government to be prejudiced in their application. That is the point I am making. So, when you talk about removing political interference, Mr. Dharamlall, who has left the dome, this is the.... [**Mr. Ramjattan:** Epitome.] ....epitome of putting it in the middle there. What it means now is if Hon. Member, Mr. Ramjattan, wants to put up a building, they can declare that it is in the national interest that he does not and then they will take it to the Cabinet and they will say that the Cabinet says no, having removed the right of Mr. Ramjattan to appeal to a judge in the Chambers, which was occasioned when they revoked that Section 16 of the Town and Country Planning Act. That is what they have done. They have removed the right of a citizen to appeal to a judge and they are sending it now to the Cabinet. So, we are going to *try the devil's case in hell*.

This is the problem that I have with the PPP/C. Every opportunity they have to engage in mischief, they take it. So, they would go out there and they say to the people that this is about the ease of doing business and so on, but couched in this same legislation are all of these nefarious provisions. This is why you have to watch them closely. You have to

watch them. The other day, there was a red wave. When you got down to the bottom, dead people signed, people overseas signed, but there was this big red wave. Right now, the people at Belladrum are being paid \$20,000 to put their names on the nomination form. You have to watch them. The people at Wakenaam were visited by a Minister to say they must take their names off of the list. You have to watch them. You have to watch them; the Hon. Member Mr. Indar. So, they come with all of these nice things that they want to ease doing business and that we have to move up on the business index, but couched in it is the wickedness and the totalitarianism that we on this side of the House will forever stand against.

The other recommendation and the other observation that we have made is.... And maybe the Hon. Member, Mr. Nandlall, could look at the drafting because there is a paucity of offences in this Bill. There is an offence created for confidentiality breaches but certainly we are dealing with a system that people can hack and that people can deliberately cause to malfunction. Certainly, this must be countenanced in the Bill and the appropriate penalties put in place. We need a stronger, more robust enforcement in this Bill because, as you have acknowledged, it deals with serious issues, and it deals with sensitive information. Based on the rantings of the Hon. Mr. Dharamlall, we are not very confident in the ability to deal with confidential information. The fact that he could tell people about whose house has not been built and who owns properties where, when Members of Parliament (MPs) are dutybound to declare that to the Integrity Commission, tells us that they have a difficulty with being confidential, and that posture undermines the system.

The other issue that we want to look at...and I think in this regard my colleague, the Hon. Member Mr. Mahipaul, moved some amendments. I believe he is speaking, and I will therefore defer to him to move that. We need, as a matter of urgency, to have this appeals tribunal clearly spelt out. If you look at section 22, what it states is:

“(1) There is hereby established a Planning Appeals Tribunal for the purpose of hearing appeals against decisions of the Central Authority made pursuant to this Act and any other enactment, in respect of planning and development applications.

(2) The constitution and procedure of the Planning Appeals Tribunals shall be prescribed in regulations....”

You are giving a body appellate function and you do not bring the constitution and the procedure requirements for this tribunal in the principal legislation; you bring it in regulations. That is completely unacceptable. It has to be spelt out, very clearly, how this tribunal is going to be convened and how it is going to be constituted, particularly because you are proposing to vest it with wide and sweeping powers. [Mr. Ramjattan: It is supposed to be in the primary legislation.] It should be in the primary legislation. The lawyers over there who like to tell people that they are not lawyers, they want to sneak it in because they know that the regulations are not subject to the level of scrutiny that the principal legislation is. So, for all of you, the Hon. Mr. Nandlall will tell you that I am correct. A grave matter like this should be in the principal legislation and subscribed to and scrutinized on the floor of the House. This is somebody.... [Mr. Ramjattan: They want to deal with it in the Cabinet.] They want to deal with it in the Cabinet. They want to *try the devil's case in hell*. It is not going to work. [Mr. Mahipaul: You have to watch them.] You have to watch them.

The other point that I want to make is that we have to contemplate the possibility that this Bill really does – as referenced by my colleagues on the other side when they spoke – whittle away at the powers of local authorities, and so we have to be very clear. I welcome the Select Committee because this will give us the opportunity to hammer this out. The constitution is very clear on local governance. The constitution is very clear in Article 13 about inclusionary democracy, and it goes on to say particularly for people in their localities and making decisions that will affect their local lives. It therefore means that if there is a possibility that this Bill would offend the constitutional provisions on local governance, we have a duty as this House to correct it before we send it forward. We have a duty, and we cannot shy away from that duty.

I want to end by making an observation and this comes from my experience of working in the civil aviation sector. We have to be very careful on the backend with how we are integrating these permissions and who is pronouncing on these permissions. This is because there are safety and security considerations that attend, for example, the maritime sector and the aviation sector. This is why we just cannot have any and everybody that the Government would think suitable on this tribunal. This is why we cannot exclude the review of the court. I want to flag those points. Again, I want to make it clear – lest the propagandists on the other side run away to say that we are against progress – that we are not against progress, we are not against efficiency, we support,

in principle, the Bill, but we are highlighting these pitfalls so that we can avoid them. On this side of the House, we have been doing that. We warned, when they brought that motion of the Public Accounts Committee, what you will see. We warned about the Natural Resource Fund and the abuse that we would see.

2.57 p.m.

We warned and we are warning now that this has to change or else the people of Guyana are going to be done a great disservice. Mr. Speaker, I thank you. *[Applause.]*

**Mr. Speaker:** Thank you very much, Hon. Member, and now for the Hon. Member, Ms. Oneidge Walrond, the Hon. Minister of Tourism, Industry and Commerce.

**Minister of Tourism, Industry and Commerce [Ms. Walrond]:** Mr. Speaker, I rise to support this Planning and Development Single Window System Bill, piloted by my honourable friend, Mr. Colin Croal, Minister of Housing and Water. Before I get to the substance of my presentation with regard to this Bill, I do wish to address a quite troubling habit, I dare say, which my friend on the other side, Ms. Amanza Walton-Desir... **[Mr. Mahipaul:** The honourable.] I did say honourable friend on the other side... in addressing this Government as a totalitarian regime. It is not the first time that she has done it. She said so on the floor a few moments ago.

It cannot credibly be stated that our country even resembles, remotely, a totalitarian state, as it was, in fact, internationally acknowledged to have been during the period 1968 to 1992, when it was ruled with an iron fist by the political party of which the Hon. Member, Ms Walton-Desir, is now a leading Member. During that period, elections were internationally acknowledged as being repeatedly rigged, fundamental freedoms were curtailed and all institutions of the state, including the armed forces and the judiciary, were explicitly made subservient to party control and the assassination of political opponents was a common tactic. Is this the totalitarianism that the Hon. Member, Ms. Walton-Desir is referring to? We have lived it before, and it certainly does not exist here today.

It took close to three decades of struggle for Guyanese to regain the precious right to elect a government of their choice. Finally, in 1992, under a system brokered by President Jimmy Carter, the first post-independent People's Progressive Party/Civic Government acceded to office and was repeatedly returned to office in free and fair elections until May, 2015. That was what happened to totalitarianism.

Our Government was re-elected in elections, and true to form, in free and fair transparent elections by a host of impartial international observers, including representatives of the Government of the United States of America (USA), the United Kingdom (UK), Canada, the European Union (EU), the Commonwealth, the Organisation of American States (OAS) and our own Caribbean Community (CARICOM). It is also apt to note that the party in which the Hon. Ms. Walton-Desir belongs, then in Government, had to be forced out by international pressure to call the elections of March, 2020 after refusing to resign. Now, this, to my mind, characterises a totalitarian party. I shall not go further to recount the arduous journey of getting them to resign and getting the elections and to... **[An. Hon. Member:** We have to put it on record always.] Yes, please.

I rise to support this Planning and Development Single Window Bill. At the outset, I wish to make the point today, as I have on almost every occasion that I speak to Bills introduced by our Government, that this initiative is, as always, part of a wider, well considered strategic plan for our national development.

This Bill does two major things in relation to planning and development. The first thing it does is provide a single interface for members of the public to deal with the Government with regard to planning and development projects. That is to say, projects in respect of land use, building or development permissions or other similar projects as per clause 2 of the Bill. This is particularly impactful because if we refer to the second schedule, we can see that there are some 16 agencies, any number of which may be involved, along with the central authority, in obtaining planning permission for a particular project. This makes it a total of up to 17 agencies, any number of which may be necessary for a developer to approach in relation to his or her project. It goes without saying that navigating the particular information and procedural requirements of even three or four agencies, as might be typical, could be overwhelming for our perspective developers. Without anything else, the creation of a single interface for these 17 agencies would be a welcome improvement in the ease of transacting business with the Government. The Bill therefore creates a one stop shop, if you will, for the planning and development process.

This Bill does not only create a single interface. Significantly, it also provides for the business with those 17 agencies to be conducted electronically. I do not think I need to say much to convince us of the quantum leap in convenience and efficiency that this will bring to those

members of the public, businesses, and individuals alike who need to transact business with the state. This transformation, in terms of convenience and efficiency, is at the very centre of our thinking. It is amongst the foremost reasons for our embarking on this and other related initiatives. It is part of our thrust to modernise the state and it stands alongside a number of other initiatives aimed at its modernisation objective. For example, alongside this single window for planning and development, we have a single window for trade through which we shall similarly be integrating the procedure and information requirements of 14 agencies in the import/export regime. That project is well underway, and we expect the electronic single window to be operational by the end of this year.

In the same way that the Central Housing and Planning Authority (CH&PA) is the central entity for the planning and development single window, so too will the Guyana Revenue Authority (GRA) be the central entity in the single window for trade. Again, similarly, in that single window for trade processing, we would not only look at the electronic automation of processes, but we would also look at streamlining those processes with the ultimate objective being to maximise efficiency for the benefit of the clients of the system. The national electronic identification card (EID) project is another essential component of our modernisation thrust. Citizens, once enrolled with the EID, would be able to seamlessly use the various online government services, such as the planning and trade single windows, without duplicating registration processes. This EID would eliminate the tedious, duplicated process of providing personal information at every government agency with which one attempts to transact business.

Once equipped with the EID, a registrant would be able to automatically be enrolled for any government service or programme for which he or she qualifies. Those obtaining driver's licences, passports, national insurance benefits and government pensions are among those. Access to all of these services would be enabled for qualified applicants simply by tendering one electronic identification card (ID) and this includes services offered through the electronic single window. We are also, shortly, going to bring to this august Assembly, a data protection Bill through which we shall provide a framework to secure sensitive information regarding our citizens as we move more of our processes online. In this regard, you may have noted, Mr Speaker, that clause 5(2) of the Bill mandates that the system ensures:

“(d)confidentiality and privacy; ...”

Clause 6(1)(d) requires that the central authority ensures that system users comply with application laws and regulations relating to data protection. Also eminent is the tabling of the electronic communication and transactions Bill. This would be an omnibus Bill covering a number of areas, including making provisions for digital signatures, electronic records, electronic contracts and electronic payments, among other things. This Bill would provide a comprehensive framework for all manner of transactions to be affected by electronic means. It would provide for online commerce to feature the same legal protections and recourse that obtains in the offline environment. This Bill would deliver the environment for electronic commerce which is critical for developing the competitiveness of our firms.

In addition to all of these initiatives, Mr. Speaker, you may also recall our rapid move to liberalise the telecommunication sector which has already resulted in increased availability and affordability of internet access in Guyana. We have supplemented those efforts by providing free access to remote communities, consistent with our commitment to ensuring that Guyanese in every community benefit from the programmes and services that the Government has to offer. With these various pieces of legislation that I have outlined and with our efforts to facilitate universal affordable access to the internet, we aim to create a comprehensive digital ecosystem that would enable our people to fully benefit from all the advantages that the 21<sup>st</sup> century technology has to offer. We are also motivated to embark on these types of initiatives because of our philosophy of being service oriented. We believe that it is incumbent upon us to deliver services to our citizens to the best of contemporary standards.

I wish to spend a few minutes speaking to the significance of this Bill for the business community in particular. For the business community globally, dealing with construction permits was one of the key issues addressed in the now defunct Ease of Doing Business rankings. Two issues that featured principally in this metric were the number of procedures and the time it took to obtain the relevant planning permissions. This legislation addresses these two metrics by empowering the authority to:

- “(a) implement,... policies relating to the System;
- (b) integrate the systems of public agencies involved in... planning and development applications;...”

And most critically:

“...(k) establish timelines for the processing and approval of planning and development applications.”

Through this Bill, therefore, we are enshrining the power to effect much needed reforms within a statutory framework. I wish to be clear that my comments here are not meant to be an endorsement of the global Ease of Doing Business rankings which for a good reason has been discontinued. Indeed, many of these global ranking systems have inherent, systemic biases against developing countries, such as ours, and serve to unfairly stigmatise us. My honourable friend, Minister Teixeira, has had cause recently, outside the honourable House, to treat with one of those international rankings. We do not need to be slaves to these rankings. Rather, what we aim to do is to consider some of the more relevant metrics and set ourselves feasible, realistic and useful targets for them. In doing so, we will remain unbothered by flawed ranking methodologies that are more often than not useful when it comes to accessing our progress.

3.12 p.m.

To return briefly to the substance of the reforms enshrined in the Bill, I draw attention to the provision for the central authority to establish an administrative scheme by which there will be coordination with relevant agencies for expeditious processing. It is this administrative scheme that will specify timelines for the processing of applications across all agencies. I believe that one of the most valuable outcomes that such a scheme will deliver to the business community is relative certainty and predictability, because predictability facilitates planning. Predictability in the business environment allows people to order their affairs accordingly, whether the timeline for a particular class of application is six weeks, six days, or even six months. Once the service is consistently delivered to that time standard, this consistency itself constitutes a benefit to business.

Another benefit to business is the increased potential for efficiency because of the provision for a regime of electronic payments. Many times, modernisation initiatives fall down on a matter of payments. People go to a lot of trouble to automate many of the core operational processes but then leave payments untouched. This Bill is remarkable for its provision of a wide range of electronic payment methods. At clause 8(1) is listed some eight specific and distinct modes of electronic payments, added to which is the ability to utilise other authorised electronic payment methods. The methods include use of credit and debit cards, electronic fund transfers, and online banking among others. The

business community has been using a variety of electronic payment methods for years. This Bill will bring this aspect of efficiency to planning, which is one of the more important classes of commercial transactions.

I wish to conclude by reiterating that this Bill is part of a wider suite of strategic initiatives designed to achieve a particular development objective. In this case, the overall objective is modernisation so that business can be conducted efficiently through the use of technology, not only within the private sector and amongst individuals but between the private sector and Government and between individuals and Government. This planning and development single window is an indispensable part of our modernisation, and I wish to commend this Bill, which would establish it, to this honourable House. Thank you. *[Applause]*

**Mr. Mahipaul:** Mr. Speaker, I heard my good friend, Hon. Gail Teixeira, saying that Hon. Minister Oneidge Walrond has set the standard and that I must not disappoint. I want to first say that Hon. Minister Oneidge Walrond, since being in this National Assembly, has continuously, in her presentation, talked about the A Partnership for National Unity/Alliance For Change (APNU/AFC) and referred to us as ‘them’, get ‘them’ out of office, and what they had to do to get ‘them’ to comply. I need to remind Hon. Oneidge Walrond that she served in the APNU/AFC Government from 2016 to 2020—August 2020, as a matter of fact. You were not a public servant; you were employed on contract, and you were part and parcel of the APNU/AFC team. I do not know why the constant attack on the APNU/AFC by the Hon. Minister. It baffles me, Sir. I just want to let the Minister know...

**Ms. Teixeira:** Mr. Speaker, a Point of Order.

**Mr. Speaker:** Hon. Minister.

**Ms. Teixeira:** I am not aware that slavery still exists, and that people can have transports on people. Mdm. Oneidge Walrond is not a property of the APNU/AFC, she was a public servant who served her country and served the Government of the day. That is what we ask public servants to do. You do not have a transport on her. How disgraceful.

**Mr. Speaker:** Hon. Member Mr. Mahipaul, I would say that you are crafty enough to be able to couch good words with respect to the Hon. Member.

**Mr. Mahipaul:** Thank you very much, Sir. My only concern is that when the Minister wishes to speak about ‘them,’ then she should say ‘us,’ because she was part and parcel of the APNU/AFC Government. That is my only concern.

Allow me to begin by first thanking the Hon. Minister of Housing and Water, Mr. Collin Croal, for meeting with a team from the Opposition Members of Parliament concerning this important piece of legislation. Without a doubt, it is premised by the manner in which business is conducted in the Cooperative Republic of Guyana. It baffled me, I must say, when we met with the Hon. Collin Croal and the Opposition team, as to why the Hon. Minister within the Ministry of Housing and Water, Ms. Susan Rodrigues, was not there. But after listening to Hon. Susan Rodrigues' presentation on this Bill, I now clearly understand why Hon. Collin Croal kept the Hon. Member away from the engagement. Moreover, the conclusion that Hon. Member Rodrigues' presentation was merely to save face is well understood on this side of the honourable House.

Notwithstanding Hon. Minister Susan Rodrigues' shallow and nothing of substance presentation, allow me to touch on two observations she made. First, the Hon. Member said that when the APNU/AFC was in office it did nothing to pass a legislation of this nature. Sometimes I wonder if the Hon. Susan Rodrigues was not existing between 1992 to 2015. Twenty-three years of the People's Progressive Party/ Civic (PPP/C) rule and we did not have a legislation of this nature either. Many of the Members on that side of the House, when they speak, operate as though Guyana gained its independence in 2015. And they may be very well right, because with the punishment that we had under the People's Progressive Party, I can only conclude that indeed democracy reigned in this country from 2015 to 2020. Perhaps, indeed, that is when legitimacy of a real Government existed, from 2015 to 2020.

Let me say, with reference to this Bill, that the APNU/AFC—and I want to make this very clear and put on the record for the investors, both foreign and domestic, the business community, the private sector, and all of Guyana—is not against a Planning and Development Single Window System Bill. We are not against that approach. We support making or having more efficient and effective use of resources; we support and endorse improving compliance; we believe in enhancing security; we believe in enhancing transparency and increasing transparency; we believe in cutting costs by reducing the approval timeline by days; we believe in cutting costs by reducing delays; and equally, we believe in increased predictability. Indeed, as Hon. Minister Collin Croal articulated, the Bill seeks to do that, but the Bill fell short of a number of protections for the Guyanese people. The PPP/C has a track record of always meandering its way through absence in a legislation to take advantage of the Guyanese people. They always look at where there is

absence in terms of the law and apply their own beliefs, and then they torment, degrade, segregate, and favour their friends, their families, and their favourites. That is what we would like to protect against. That is why we have opted to submit some amendments to this legislation for consideration, so that we can make the Bill stronger for proper and real democracy, and real transparency and real accountability. That is what we target on this side of the House.

My colleagues went in depth to explain a number of aspects as to why it is necessary for these amendments. Permit me to put on record the amendments the APNU/AFC is putting forward and what is expected to be deliberated in the special select committee. Hopefully, we can find consensus and come back to this House with a strong piece of legislation that can enjoy the full support of the Opposition and put forward a Bill that will benefit all Guyanese. We are looking to insert clause 8(3). Right now, there is no clause 8(3) in the legislation, and we are asking that that be inserted. We are saying that clause should read: 'All fees collected on behalf of relevant agencies shall be remitted to the agencies within sixty (60) days after receipt.' I believe it is important that this be placed in the primary legislation, so it guarantees the local authority areas their rightful revenue as garnered or as will be collected by the Central Housing and Planning Authority (CH&PA). To tell me that this will be placed in the regulation is just word of mouth. At the end of the day, the regulation is going to be created by the Minister of Housing and Water. I daresay that we on this side of the House, given the track record of the People's Progressive Party, do not trust them. We simply want it to be in the primary legislation. We are also proposing for clause 13(1), which currently reads:

“The unit shall be headed by a director appointed by the Central Authority in consultation with the Minister.”

If we are talking about removing political forces and strengthening our democracy, then why does it have to be in consultation with a political appointee? Why does the director have to be appointed in consultation with the Minister? That clearly shows, and the record is there to prove it, the amount of people who are serving in public service positions are there as political appointees who were appointed by Ministers of this very Government, and they are doing political work. Look at the Permanent Secretaries in all the Ministries that we have, they are all card-bearing PPP/C members. They are supposed to be accounting



officers, and they are supposed to be employed to meet certain requirements.

**Mr. Speaker:** Hon. Member, you have actually said all “Permanent Secretaries”, and none of them are here to defend themselves. If you have the evidence that they are card bearing members, please produce it and I will keep the remarks.

**Mr. Mahipaul:** Guided by you, Sir, I withdraw. I would like to say that we find a problem with this particular part that states:

“In consultation with the Minister...”

And we are proposing that clause 13(1) should read: ‘The unit shall be headed by a director appointed by the Central Authority on the recommendation of the Committee on Appointments of the National Assembly.’ That way we guarantee inclusion; that way we guarantee participation, and we will find a person to fit the criteria to hold such a position with the necessary qualifications that it so demands.

3.27 p.m.

Sir, I turn your attention to clause 15(3). Clause 15(3) currently reads:

“An administrative scheme may be revoked or modified by a revised scheme approved by the Minister.”

Again, we talk about removing the politics; again, we talk about ensuring that this Bill does not have politics inside it and people are afforded the opportunity to feel safe and not feel as though they have to have some sort of connection to a Minister. We are therefore proposing that clause 15(3) should read: ‘An administrative scheme may be revoked or modified after consultation with the Director and other relevant agencies as contemplated by this Act’. That simply means, all the persons and agencies directly involved in the administrative scheme, who have a role to play in the administrative scheme, would be given that opportunity to participate should there be a need for us to revoke and modify the administrative scheme. Sir, I turn your attention to clause 18(2). Clause 18(2) currently reads:

“The Committee shall comprise the following members:-

- (a) chairperson appointed by the Minister;
- (b) the director of the Unit,

(c) one person appointed by the Minister from the private sector, having knowledge and experience of matters relevant to land development and drawn from the areas of business, finance, law, physical planning, natural science, land surveying and architecture or engineering; and

(d) two persons appointed by the Minister after consultation with the professional bodies representing professional land use planners, architects, engineers and land surveyors”.

Sir, we are simply proposing to add to this list a nominee from the Leader of the Opposition. We do so against the backdrop of talking about inclusivity, talking about inclusion so that the country, the population, can feel safe knowing that representation on this committee reflects both sides of the House. **[Mr. Datadin (Government)]:** *(Inaudible)* You want the AG *wuk. Duh* is *wuh* I know. We turn to clause 19(2). It currently reads:

“The committee shall be responsible for implementing the policies given to it by the Minister and shall act in accordance with directions given to it by the Minister”.

That is authoritative, that is dictatorial, Sir. That this committee we are expecting to be very independent... In fact, in Hon. Member Mr. Croal’s presentation he said that this committee will be independent. Now, tell me Sir, how is that being independent when you are telling us that the committee must act on your guidance and directive? We are proposing that clause 19(2) should read: ‘The committee shall be responsible for implementing the policies given in accordance with this Act and any regulations made thereunder.’ We believe that that will show greater adherence to the rules, regulations and law that govern this entire Planning and Development Single Window System Bill. I turn your attention to clause 22(5). Clause 22(5) currently reads:

“The decision of the Planning Appeals Tribunal shall be final unless the Minister declares the matter to be one of national interest.”

Now, this I think deprives citizens the right to appeal a decision that is made by one single body. I heard when the Hon. Minister, Ms. Rodrigues said that nobody is depriving... In fact, she said ‘we do not have to legislate that persons must go to the Caribbean Court of Justice (CCJ)’. What you did here in this legislation is to tell us that

they cannot go because you are saying that the decision is final. In this legislation, clause 22(5), you have put:

“The decision of the Planning Appeals Tribunal shall be final unless the Minister declares the matter to be one of national interest.”

It means that you are depriving citizens that right to express themselves *via* the court system and to seek redress. That is why, because we understand the expeditious nature of this kind of system, we are proposing that ‘the decision of the Planning Appeals Tribunal shall be subject to appeal to the Caribbean Court of Justice’, which is the final Court in the jurisdiction of Guyana. I turn your attention to clause 22(6). We are asking for clause 22(6) to be completely deleted since clause 22(5) will afford the applicant the opportunity to appeal to the CCJ. There is no need for a clause 22(6). Whilst we are proposing to delete it completely, we will ask that the following be inserted: ‘The Planning Appeals Tribunal shall be composed of three members.’

There is a reason why we would like the Planning Appeals Tribunal to be listed in this primary legislation so that persons will know directly who the persons are that they are appealing to. If we leave it to the regulation, we are therefore giving the Minister the authority to, in his view, if he finds fitting, perhaps put the Hon. Member, Mr. Datadin, as the head of the Tribunal. If such happens, we know that people whom they believe are associated to the APNU/AFC will not get through with anything. We do not want a situation like that. We do not want a situation where the Minister will decide single-handedly who shall be the members of the Tribunal because we know how the People’s Progressive Party/Civic operates. They have a track record. It is against that track record that we have to, on this side of the House, put measures in place to safeguard the real people who will be affected, the ordinary people who will be affected. The People’s Progressive Party is well known for its little clique at the top, friends, families and favourites and the ordinary poor citizens suffer at their hands.

These amendments that we seek to bring are to protect the ordinary citizens of this dear land. We are saying, for clause 22(6): ‘The Planning Appeals Tribunal shall be composed of three members, as follows:- (a) a chairman appointed by the Minister who holds or has held office as a judge of a court having unlimited jurisdiction in civil and criminal matters; (b) a member appointed by the Minister after consultation with such professional bodies representing professional land use planners, architects, engineers and land surveyors; and (c) a member nominated by the Leader of the Opposition and

appointed by the Minister, who has knowledge and experience of matters relevant to land development and drawn from the areas of business, finance, law, physical planning, natural science, land surveying and architecture or engineering.’

Even though we on this side of the House are proposing these changes, we are not seeking to put political people in these positions. Even though the Leader of the Opposition will be having that opportunity to put a nominee forward, the person must have knowledge and experience of matters relating to land development and issues surrounding this Bill. Likewise, even though we are giving the Minister the opportunity to appoint someone, it must be someone who is qualified to do the job. I made the case earlier about a lot of *square pegs in round holes* that currently exist in the People’s Progressive Party/Civic. That is what we are simply trying to guard against. We are simply trying to guard against someone who may have served the People’s Progressive Party for 20-odd years and they want to just give them a job. They just decide to say ‘look, go and serve on this tribunal and collect a big fat-cat salary’. Those are the things we are trying to guard against, Cde. Speaker. When we look at clause 29, it states:

“This Act binds the State”.

We would like to drop that to clause 30 and insert into clause 29, ‘with the exception’— and this is very important — ‘of the Amerindian Act of 2006, this Act takes precedence over any other Act it comes into conflict with’. I believe that that is the protection my honourable friend, Mr. Vincent Henry, speaks to and is looking for in this legislation. Another aspect of this Bill that is frightening is the conflict it comes into with the *Constitution of the Cooperative Republic of Guyana*. My good friend, the Hon. Member, Ms. Walton-Desir, took the time to speak a little on it. I want to say that Chapter VII speaks to Local Democracy. Article 71 of our Constitution states:

“Local Government is a vital aspect of democracy and shall be organised so as to involve as many people as possible in the task of managing and developing the communities in which they live.”

Article 74 (1) states:

“It shall be the primary duty of local democratic organs to ensure in accordance with law the efficient management and development of their areas and to provide leadership by example.”

Article 75 states:

“Parliament shall provide that local democratic organs shall be autonomous and take decisions which are binding upon their agencies and institutions, and upon the communities and citizens of their areas.”

I heard a heckle just now of how many local authority areas are we contesting in. All that we are contesting in, Cde. Speaker, we have legitimate signatures for. We did not seek to forge any signature. All that we are contesting in, there are legitimate signatures for them. We have genuity on our side. Everyone who signed is alive and well; no one is dead from this side that signed. They are alive and well. When we want to talk about transparency, honesty and who rigged and who did not rig, I say no more about rigging. I think the Guyana population knows who the real riggers are now. Coming back to the Constitution, after interacting with the Hon. Minister, Mr. Croal, and his staff yesterday, I must say that it is frightening that this Bill seeks to override the authority that local authority areas have. We simply put a couple of questions to the Hon. Minister, Mr. Croal. I do not want to say that he looked as though he was lost, but I think he was worried too. I believe the Hon. Minister, Mr. Croal, was equally worried when we raised those concerns with him. It is as though they did not contemplate that they are violating the *Constitution of the Cooperative Republic of Guyana*. Perhaps those are all reasons that caused him to agree that this Bill should go to a special select committee.

Hon. Minister, Mr. Croal, on behalf of the APNU/AFC, I want to thank you for recognising that this Bill requires further scrutiny, this Bill requires further inclusivity. I am happy that a decision to that nature was taken. I want to thank your staff for putting together this Bill. I want to thank them for their hard work.

3.42 p.m.

I know with the full cooperation of the Opposition’s side in the special select committee, we will work hard to bring forward a more robust bill that can reflect inclusivity and can work within the best interests of all Guyanese. Cde. Speaker, on that note, I thank you for the time and I look forward to being in the special select committee to participate in making this Bill better. Thank you, Sir. *[Applause]*

**Mr. Speaker:** Thank you, Hon. Member. I will say that we are looking to establish that meeting to choose Members of the Committee at 11.00 a.m. on Friday. The notices will be sent out virtually. Now, the next speaker will be the Hon. Minister of Home Affairs, the Hon. Robeson Benn.

**Minister of Home Affairs [Mr. Benn]:** Thank you, Mr. Speaker. I rise in support of this Planning and Development Single Window System Bill 2022. I heard it clearly stated that it will go to a special select committee. It appears to me that the depth in which the discussion has unfolded so far is a waste of precious parliamentary time and has also degenerated into sheer politicking on one side. Secondly, even with the presentation just now, it has gone back to the ‘sanctimoniousness’ of which the People’s National Congress (PNC), the APNU and the AFC have become infamous for.

The Hon. Mahipaul said here in this House that democracy reigned between 2015 to 2020. ‘Sanctimoniousness’. **[An Hon. Member: (Inaudible)]** Yes. I am speaking about ‘the people now know who the real riggers are’. The Hon. Mahipaul in this honourable House spoke about ‘taking advantage of the Guyanese people’. Again, I want to refer to the period between 2015 and 2020. I would also refer to the previous period when they took advantage of an opportunity they had to cut the national budget. Perhaps that did not disadvantage the Guyanese people, in their view. Thereafter, they were in power, contrived somehow, but they were in power between 2015 and 2020. They could have brought such a bill on this matter to this House. They could have brought a bill in relation to this matter.

The Hon. Member Henry, who is seemingly representing Amerindian interests, should have made sure that the land titling for the Amerindian communities was accomplished. The Hon. Member should have been proud to stand here today to say that the adjustments which they, perhaps, speak of in the Amerindian Act of 2006, have been corrected, that which they are now saying are blemishes in the Act, so as not to come here today to speak about blemishes and what overrides what and who is being disadvantaged.

Coming back to Mr. Mahipaul... **[Mr. Mahipaul: Hon. Member.]** Hon. Member, of course, by convention of the House. The Hon. Member, in the true spirit of the APNU/AFC’s ‘sanctimoniousness’, does not pay attention to who took advantage of the Guyanese people between 2015 and 2020. **[Mr. Mahipaul: You bruk up the place, Mr. Benn.]** I am not even speaking about after the elections of 2020. The Hon. Member Mahipaul does not remember who encouraged the blocking of the Berbice River near Kwakwani, closing the bauxite operations of the Russian Aluminium (RUSAL). The Hon. Member Mahipaul conveniently forgets who closed the sugar estates. More than 7,000 sugar workers *on the breadline*, not even on the ‘roti line’. Those people and their families mean nothing to those

persons on that side of the House. The Hon. Member Mahipaul does not remember or care about the changes which were made in relation to value-added tax (VAT), in relation to old age pension, *et cetera*. In relation to those issues – old age pension, electricity and water for older people, for pensioners – the Hon. Member Mahipaul and his friends on that side of the House conveniently have dementia, Alzheimer's or whatever afflicts them in relation to these matters.

Here it is that it is otherwise a fairly simple bill. It is otherwise a fairly simple bill to bring administrative efficiency, efficacy and all the things which were spoken of before by various Members, somehow, in their presentations in relation to doing clear-cut parliamentary work to bring a bill to the House which could stand scrutiny in the public and to bring the efficiency of land titling and the related issues to a point where it would be efficient. It will take away the stress of delivering services to the people. It will take away the stress of considering whether there was integrity in the systems through which these applications flow. It will make it all much better for the ordinary people whom we both speak of but we do not need to grandstand about, if we look at the facts.

Mr. Speaker and Hon. Members, it is a shameful thing that even while we are speaking, the Hon. Member is deflecting by trying to raise other matters which are not under the direct purview of this House, at this moment. He does not want to have to discuss those. I noted that we have the issue of going to a select committee. I think a lot of energy was already ventilated on matters which should have been raised and dealt with clearly in the select committee. I noted there was talk by the Hon. Member Ferguson on being alarmed about the electronic identification (e-ID) card even though she says that we need to *raise the bar* and that this is a matter of great anxiety for them. I note that. We need to pay attention to what purpose we are going to have in discussions in the select committee. Strangely enough, Ms. Ferguson said in her presentation that she does not want to derail her own arguments before going to the select committee, after already putting out those arguments here in this House. It is a thing of wonder. The Hon. Member Henry somehow backhandedly gave us some information *out of the box*, strangely enough, on where the signing bonus money was going. Surprisingly, a suggestion. After all this time, he now knows where the signing bonus money was going to. **[An Hon. Member (Government): (Inaudible)]** Yes. Shameless. **[Mr. Mahipaul:** Shameless is not a word to be used in this House.] We need...

**Mr. Speaker:** Yes. I agree with the Hon. Member, Mr. Mahipaul. You have to withdraw the word “shameless”.

**Mr. Benn:** It is sanctimonious. I believe that we should spend our energy, now that this matter is going to the select committee, in the select committee. Much has already been spoken on the matter here beyond those persons who have specific legal expertise, such as the Attorney General, the Hon. Member Anil Nandlall, Senior Counsel (SC). Those persons could perhaps enlighten us on approaches to dealing with the Bill in the select committee. I think that too much grandstanding is going on here. There is a waste of parliamentary time; we need to spend our time more efficaciously in this House. Thank you very much. *[Applause]*

**Attorney General and Minister of Legal Affairs [Mr. Nandlall]:** Mr. Speaker, I want to begin by endorsing the comments made by my colleague, the Hon. Robeson Benn, when he said that in this debate so far, though the other side has indicated their intention to support not the bill but the concept, I believe that this debate has become very discoloured by the extraneous matters we have allowed to infect this debate. As a result, the Guyanese population listening to us would have completely lost the importance of this Bill. What I first wish to do is to bring back into focus the importance of this Bill so that our people can understand what we are trying to do by this Bill.

Let me also say, to reiterate the point already made, that there was nothing stopping the other side from bringing a bill of this type. Do not tell me that 23 years have passed; that is not a sensible argument. You want this Bill, you appreciate the importance of it, you had five years and the fact of the matter is that you did not bring it and we decided to bring it. That is what the record should reflect.

It is not that the other side does not appreciate the concept of a single window system, because they brought a bill. They brought a bill capturing the concept in a miniaturised manner. The Bill is the Customs and Trade Single Window System Act of 2019. Here, they were integrating a very small number of agencies in a very narrow and precise area of activities. That is, customs and the revenue authority, but using the single window concept. Even in its narrowest form, do you know what you did? You passed the Bill, President Granger assented the Bill, but the Minister never issued the order to bring the Bill into operation. This Act is on the record of the laws of Guyana and it is non-functional. That is your record and that is how efficient you are. Here, what we are doing is bringing a comprehensive bill stretching across

all the relevant public sectors. Despite your objections, we are willing to delay it further yet so that you can have an opportunity to contribute in a more constructive way in the special select committee.

3.57 p.m.

Mr. Speaker, any person who has ever had the opportunity or the occasion to apply in Guyana, whether in country or in town; meaning in the town or in the rural areas, for building and planning permission could easily relate to you the ordeal and the agony that he/she has to endure to get the permission, plans and licences granted. It is an agonising, tedious and frustrating process. Depending upon the type of construction, depending upon the geographic area that one wishes to construct in and depending upon the use that one will use the construction for, one has to go through a number of agencies. Each agency has to play a role and the sad reality is that one has to spend an extraordinary amount of time at each step or each link in the process. The Bill outlines the various agencies in a schedule to which it applies and which now is the current procedural journey that one has to travel.

Let me quickly go through the Second Schedule of the Bill – just listen to the agencies. One has to get permission from the:

- “1. Central Board of Health
2. Ministry of Public Works
3. River and Sea Defence Board
4. Guyana Lands and Surveys Commission
5. Environmental Protection Agency
6. Guyana Fire Service
7. Guyana Civil Aviation Authority
8. National Trust of Guyana
9. Guyana Office for Investment
10. Land Registry
11. Deeds Registry
12. Guyana Water Incorporated
13. Maritime Administration Department
14. Guyana Forestry Commission
15. Neighbourhood Democratic Councils (inclusive of all other municipalities).”

Depending upon the type of construction one is about to engage in or the geographic location of his/her proposed construction, one has to travel a journey that involves all or many of these agencies. At every step of the way, one is confronted with administrative; red tapes; obstacles; hurdles; and, I dear say, corruption before one gets his/her permission or... [Mr. Mahipaul: *(Inaudible)*]

**Mr. Speaker:** Sir, Hon. Minister, we have [*inaudible*].

**Mr. Nandlall:** [*Inaudible*] One has this horrendous, bureaucratic and frustrating journey. I know this from a real personal experience. As a result, many constructions, projects and investments have been aborted midway because of frustration and citizens being unable to travel this tortuous journey. The other alternative is that many of these projects are completed without these permissions being granted and that is the reality. This concept captured in this Bill is to collapse all these agencies into an integrated machinery. The single window unit is the engine that will drive that process of a person’s application or request for permission, from the beginning to the end. All the person has to do is to come back to that single window for his/her approvals. This is a remarkable initiative that is being implemented. One cannot have a rational mind and be opposed to this. This is cutting out years of red tape, millions and millions of dollars of investment, time, and energy.

What people do not understand is that when investment is being done at a certain level, financing is a must have. These financings have to come from commercial institutions. One will go to the bank to borrow, the money is disbursed, but one cannot begin to put a truckload of sand on his/her land because none of the permissions that the person has is approved and nothing could be done to accelerate the process because of the bureaucratic incompetencies that are so institutionalised in the system. There are moneys disbursed to a person from the bank. The person cannot spend it but the person’s instalment becomes his/hers; the person’s interest becomes his/hers; and after a while the person’s project becomes a financial nightmare. That is what I am saying, many people had to abort projects, which denied this country millions of dollars of investments and denied hundreds of jobs to Guyanese which would have been created by these projects at the construction and other stages. This Bill... [Mr. Mahipaul: When did that happen?] You do not understand the Bill. That is why you stood there and did not make any sense. ...seeks to bring all of this together in this institutionalised way, in order to collapse it to make the process an efficient one.

The People's Progressive Party/Civic (PPP/C) did not pull this Bill out of a hat. We had, first of all, a qualified person who studied these types of institutional machinery. This consultant engaged all the players along the way, all of the agencies and important stakeholders before a concept paper was prepared. That concept paper, in the form of policy directives, culminated in recommendations. Those are the recommendations that formed the drafting directives and imperatives that resulted in the crafting and final result of this Bill. Many a times we speak about doing business easier and improving our administrative efficiency in every sphere of government. This is a striking illustration of our Government making strident steps to achieve those objectives. This Bill, therefore, is long overdue. The transformation, physical and infrastructural taking place in our country makes it now, perhaps, the most opportune time for a Bill of this type and a system to which the Bill brings, to be implemented. The Hon. Minister, Mr. Collin Croal, took his time when he was going through the Bill and the system that the Bill outlines, both manually and electronically submissions could be made. A person could be in Timbuktu or in Georgetown and submits his/her application. It begins to process immediately. It travels that journey. I heard a lot about the undermining of the autonomy and functional authority of local Government institutions. That is a very uninformed opinion expressed. There were persons who quoted the Constitution and everything else. The truth of the matter is that this Bill will not interfere with or deprive any of the authorised statutory agencies from performing their functions – not at all. It will not usurp the power of the Guyana Fire Service, for example. It will not usurp the power of the City Engineer Department. It will not usurp the Environmental Protection Agency. It will not usurp the Neighbourhood Democratic Council (NDC). All it will do is that it will police the process to ensure that those agencies who are assigned responsibilities in this process, discharge them in accordance with law and discharge them competently but, most importantly, efficiently. That is why in the Regulations, each type of application, a timeframe will be delimited from beginning to end.

It is also expected that the Regulations will stipulate the particular timeframe that an application or a request will spend at the different agency, linkages in this complete chain. It will have a mechanism in it that if the agency does not determine the particular application before it within a time prescribed, then that application will be deemed to be granted a provision or a mechanism we used in the Condominium Act. The intent is that no bureaucratic delay will be tolerated to the detriment of the investor or the man

who is making the application. Whatever bugbear is in the agency; the citizens of Guyana will benefit from it. They will not suffer a detriment as a result of it. How could anyone find that objectionable? That is why we want this Bill to be passed with every convenient speed, because a lot more work has to be done. We have to build the administrative portals. We have to do the regulations. That is why the Bill has a provision that speaks to it coming into force by an order of the Minister. We have to ensure that all the administrative protocols and regulatory frameworks are in place to ensure when the machinery of the Bill begins to run, then it has the tracks to run and it has the regulation by which it would be guided. The Bill has to be passed first before we could start the processes and finalise them.

I heard a lot being said about the governance structure. Let us put a couple of things on the record. [**Mr. Mahipaul:** We do not trust you.] I do not have a problem with that. I do not need you to trust me. You did not vote for me. The people of Guyana elected this side to govern this country and govern we shall. Let me debunk this concept that Ministers must not be empowered under legislation to perform statutory functions. There is this notion that is being pedalled on other side that if Ministers are resided with some power, that is political patronage and that would lead to some abuse of power. Let me reject that for the record. We, on this side, have been elected by the people of this country to exercise governmental power and Ministers appointed are going to exercise those governmental powers. Mr. Speaker, do you know why? It is because we are answerable to the people. We are answerable as a collective to this House. Article 106 of the Constitution - an article with which you ought to be familiar – states, the Cabinet is collectively responsible to the National Assembly. Members want to hold the Hon. Member, Mr. Collin Croal, responsible to the National Assembly but, do you not want to give him the power to perform the functions under this Act? Do you want to give the Leader of the Opposition's nominee? Do you want to give some abstract entity? That will not be tolerated either on this Floor or in the Select Committee. The Minister who is charged with the responsibility will be allowed to discharge those responsibilities. That is an accountable Government. That is a transparent Government, because you know the people of Guyana will know whom they have to hold answerable. They could vote against him if they wish, if they think that he has misbehaved, if they think that he has performed his duties inadequately or incompetently. When a public officer goes there or a non-elected agency goes there, he/she is not answerable. The person is not going to elections. The person does not come before this National

Assembly. Mr. Collin Croal does; Ms. Susan Rodrigues does. They are the Ministers. You could grill them how much you want, but you cannot grill them and hold them responsible when they do not have the power to perform the functional responsibility that you want them to account for. That is democratic governance.

4.12 p.m.

Let me make it very very clear, this Government has no apologies for, by law, equipping Ministers with powers that are democratically across the globe ascribed to Ministers. We have done nothing extraordinary in this Bill – nothing at all. I want to make that point very clear. For this Bill, we looked at other bills. In Canada, the consultant is based in Canada. Canada is widely regarded as a democratic country and this Bill was informed by experiences from Canada and different parts of the Caribbean. We also took guidance from your Bill, the Customs and Trade Single Window System Act. We are not hesitant to admit that. We admit it fully because when we went through this Act, it has a reasonably good structure, so we drew from it. You do not have to invent the wheel whenever you have to do something.

The appeals, big hue and cry have been made about the appellate process. Now, first of all, every first-year law school student would tell a person that any decision of a public officer is judicially reviewable once it arises out of a statute or it affects the public's interest. Anytime any public officer – being a Minister, being any other public officer, being a Permanent Secretary or being anything technical officer – once he is exercising statutory power that decision is reviewable by a judge of the High Court in judicial review proceedings. It matters not what the statute outlines as a process, A person can still go to the judicial review court. Our Judicial Review Act states that, I believe it is section 13, despite whatever alternative remedies may exist, any person affected by the decision of a public officer can come for judicial review, so let me disabuse the House's mind. One does not have to wait for the appeal process in the legislation, he/she can go to the High Court immediately, at any stage of the process. If the High Court refuses to accept at the beginning of the single window.... If the person presents his/her plan right there and the court says no, the process has not even begun, the person then goes to the High Court – of course, the person has to get a proper lawyer, Mr. Mahipaul – where a judge of the High Court will review that decision to refuse the acceptance of the application at the commencement of the process, that is the first thing.

The Bill states that the appeal is final. Now, the statutes and the lawyers here will now – Mr. Ramjattan is here; he is an experienced lawyer; he will tell you – that National Assembly has attempted many, many times to use linguistic mechanisms and formulations such as that this decision is final. A Minister may determine this application as he deems fit. This decision shall not be appealed. Those are called exclusionary clauses. They purport to create on their faces what is called untrammelled discretion. Ouster clauses, Mr. Ramjattan will tell Members that none of these have ever succeeded. The courts always find a way of reviewing. You can write a million times in a legislation that the decision of some administrative tribunal is final, and the courts will tell you “*Uh-uh*, we will review it”. Hon. Member Mr. Mahipaul, it goes without saying that you have access to the court to review any matter here. Great objection has been taken for the Minister to have this power to declare a particular project a matter of national interest and much criticism has been levelled in relation to that. The truth of the matter is that the executive is elected to govern, there are certain matters that inalienably reside in the executive domain of governmental responsibilities. There are certain matters that are inalienably resident in the judicial arm - the judicial determination of matters can only be done by the Judiciary. If we are to pass a statute here tomorrow that seeks to assign that responsibility to a tribunal outside of the judiciary, it will be struck down as unconstitutional.

There are certain policies/directives that are inalienably that of the Executive – one of them is to determine matters of national security and matters of national interest. When a minister is assigned a function to determine a matter of national interest, he is performing an inalienable executive function under the doctrine of separation of powers. The Acquisition for Public Purposes Act empowers the Minister of Public Works to determine what is a public work and to acquire private properties, if private properties are required to be acquired for the accomplishment of the public works. It is the Minister of Public Works who determines that. How does one qualify what are public works? It is a matter of national interest. There is absolutely nothing unconventional or unorthodox for a minister of the Government to determine what is in the national interest; that is a ministerial function, that is a functional responsibility of the executive Government under the Westminster Constitution. One can put that power nowhere; where does one want to put that power? If an appeal committee goes rogue, is the Opposition telling me that a sitting Government who enters into international transactions for the construction of a big project which involves public health and national importance, it can

refuse to give planning permission? If the Government remains a sitting duck; is that how you want to govern a country? No, my friend. Governments are ultimately responsible. It is a risk that every Government must take. That is the nature of Government.

When a national project comes... [An. Hon. Member (Opposition): *(Inaudible)*] In the remote possibility, it is not going to happen every day. You are not going to have a committee acting irrationally. In that rare eventuality that you have a committee going rogue, you must have a fall-back position in the national interest. If we are doing joint relations, joint projects with Mount Sinai, as we are actually doing and we signed agreements with those people. We take money from international financial institutions and we are to build a joint hospital with them. With the project, everything is okay. We have commitments under international agreements and if there is a committee that goes rogue within this governance structure, the government is a sitting duck! Is that what you want to commit the Government to be – a sitting duck Government?

Well, we are not a sitting duck Government. We reserve that power to take what we consider actions in the national interest. We will not obligate that responsibility. When the people elected us to govern, they have us that responsibility and that power. We will exercise them. That is the first thing and you will note... When persons read things hurriedly and we do not assimilate, read it carefully you will see that the Minister does not have the power to overturn the appeal tribunal. What the minister has a power to do is to declare a particular project, the national interest project and that is all that minister has to do. The minister then brings it to Cabinet, the entire Government. It is not one minister; it is the entire Government now who will review that project. Comrades, governments review projects of that type every single day. When you were in Government for five years, how many national projects did you review at Cabinet before they went to procurement? You had to do it but you did not have much projects, honestly. Every government must have that power; we are not going to alienate that power from ourselves. I have a series of legislation here that I extracted, for example, the Guyana Tourism Act read...

**Mr. Speaker:** Hon. Minister, I have one Standing Order I have extracted. It states that you will need an extension of time.

**Ms. Teixeira:** Mr. Speaker, I would like to ask for an extension of time for my Colleague, Minister, for 10 minutes, please.

**Mr. Speaker:** The question is, the Honourable Minister be given 10 minutes. Hon. Minister, proceed.

**Mr. Nandlall:** Thank you. The Guyana Tourism Authority Act is one piece of legislation of many, I am going to give you more, where a Minister has a power of review over decisions made by a tribunal. You have one example here. Then, you have, Mr. Speaker, the Financial Institution Amendment Act of 2018 passed by this Government, your Government in 2018 where the Minister of Finance was given review power over a tribunal. Then, in the Petroleum Exploration Act 1986 which was passed under your Government again, the Minister has a review power to review applications made for an extension of a license issued under that Petroleum Exploration Act. I give you those examples to show you where ministers have powers of review and appeal. Here we are not giving the minister that power, but we are giving the Cabinet that power only to be exercised in a matter that the minister declares to be a matter of public national interest. What is wrong with that when we, as a Government, are answerable to the people of Guyana. We made promises. We have a manifesto that we are working with. We have to account to you in this House when our projects fail but you do not want us to give us the power.

Comrades, you cannot hold us accountable in relation to powers that we cannot exercise. You cannot have it both ways. It is either you give us the power, give us the responsibility and hold us accountable or you do not want us to have the power then, you cannot hold us responsible. A democratic, accountable and transparent government dictates that government must have those powers and government must account to both the electorate every five years and to the National Assembly at periodic intervals in relation to the exercise of those powers. That takes care of this big controversy about Cabinet being totalitarian. People are using concepts in this House without understanding what they mean. Totalitarian sounds you know, perhaps sexy so we use it but we are going to talk about totalitarian as my sister the Hon. Member, Ms. Oneidge Walrond did and you get offended. I do not want to waste my time dealing with that because those facts are well established. Mr. Ramjattan will tell you that elections were rigged from 1968 to 1985. He campaigned against that. He fought cases against that. Look at how he is putting his face, remove your face and let the young lady see you. You know that, so tell them about totalitarianism. Reference has been made to a proposed... [Mr. Henry: *(Inaudible)*] My friend Mr. Henry, again not understanding concept. The Amerindian Act is a legislation that is *sui generis*.



4.27 p.m.

Your Honour, you wore another hat, you spent a lot of your life agitating in the Amerindian communities, and you may have played an instructive and instrumental role in the coinage of the Amerindian Act. You know that Act is *sui generis*, in that, it creates this big land mass and it has its own governance structure in relation to that.

Mr. Speaker, you know that that system of governance is different from our system of governance in the rest of the country. For the rest of the country, at the local level, we have municipalities and Neighbourhood Democratic Councils (NDCs). In that structure, you have village councils, the National Toshias Council (NTC) and so on. It is completely different. I took the time to read the Schedule with the agencies that are going to be interlinked in this integrated one-window system. Did you hear me say anything about the Amerindian village council? This is because this Bill does not apply to the Amerindian district council. The provision that is now being inserted as an amendment is simply to iron out the bureaucratic or administrative conflicts that can arise between this Bill and the different pieces of legislation that it will relate to. For example, there is the Municipal and District Councils Act. For example, there is the Local Democratic Organs Act. For example, there is the Fire Service Act or the Environmental Protection Act. Those are the Acts that this machinery being created now will interface with. In the event that there is a conflict between this Bill and any of those Acts, this one must prevail because this now will be the governing machinery that will administer or administrate the processing of these permissions and certifications that are being required. That is why that is there.

The other issue is that they want to add an appeal to the Caribbean Court of Justice (CCJ). Now, that is born out of ignorance. There is no other way of putting that. The Caribbean Court of Justice is our apex court. It has its own charter and statutes that govern its jurisdictions. The court has two principal jurisdictions. One is a treaty jurisdiction to adjudicate on treaty matters. It then has appellate jurisdiction. The appellate jurisdiction can only be activated in respect of appeals filed against Courts of Appeal in the territories to which it applies or in which the court sits as the final court. [Mr. Mahipaul: *(Inaudible)*] Check the Act – section 7 (8) and (9). You can only appeal decisions coming from the Courts of Appeal of the various states. When this Appellate Tribunal within this Bill makes a decision, that is not a decision of the Guyana Court of Appeal. So, an appeal cannot lie there. Mr. Mahipaul, as

much as you would like it to happen, that is a final court. It is a serious place; you cannot just determine that you will give the people work. You want to decide one Sunday afternoon that you do not have anything to do and you will rope in the CCJ to give it an appeal to be heard. It does not operate like that. This should not be let out of this Assembly. The CCJ might be very offended.

The proposed appeal going to the CCJ... [Mr. Ramjattan: *(Inaudible)*] Yes, now Mr. Ramjattan makes sense, finally. Finally, it is a rare moment. So, if there is a judicial review application and it travels all the way to the CCJ... If it travels all the way to the Court of Appeal and you are aggrieved by the Court's, decision then you go to the CCJ. What Mr. Mahipaul is proposing is to leapfrog the appeal – from the appellate process created in the Bill straight to the CCJ. That is simply impermissible and absolutely illegal. That cannot fly.

For the other points on the proposed amendments, again, I want to take my time to show theoretically and in principle why they cannot apply. They want appointments to be made by the Committee on Appointments of the National Assembly. Again, I go back to basics. Our Constitution embraces the doctrine of the separation of powers. Listen to me, *Prak*, under that doctrine, the legislative and scrutinising functions of the executive are performed by the Parliament, the National Assembly. Only the Constitution can vary that. The Constitution has done so by empowering the Committee on Appointments to make appointments. Only the supreme law – the Constitution – can enlarge the role of the National Assembly or the Parliament outside of its assigned and ascribed functions under the doctrine of the separation of powers. An ordinary legislation cannot convert this House into an appointment agency; it cannot. It would be *ultra-vires* the Constitution. It would be in abrogation of the doctrine of the separation of powers. Parliament's core function is not an appointive or appointment one. Its core function is to make legislation, scrutinise the Government's business and discuss policy. It is not to make appointments. The Constitution has enlarged that functional responsibility in a couple of cases to make appointments. Only the Constitution can grant further extension. There are no ordinary legislations that can do so.

This amendment that you are proposing here to have the Committee on Appointments appoint persons to this Appeal Tribunal, will not fly. It is unlawful. It is unconstitutional. My predecessor, Mr. Basil Williams, attempted to do that. From this floor, I said to him that he was wrong. He attempted to do that in relation to the Anti-Money

Laundering and Countering the Financing of Terrorism (AML/CFT) (Amendment) Bill. [An Hon. Member: *(Inaudible)*] Yes. I am wrapping up now. He sought to give the National Assembly the power to appoint the AML/CFT authority. We said then on this side that he was wrong and that the National Assembly could appoint these people. He went ahead with the appointment and the Caribbean Financial Action Task Force (CFATF) told him that he has to go back and remove those repugnant things from the legislation. He had to do that.

I hope that I have achieved the core objectives of my presentation which are: first, to highlight the merits of this Bill; remove the discoloration that has penetrated it; have the people of Guyana understand its importance; correct some of the errors being peddled from the other side; and disabuse the minds of my Hon. Members on that side of the many misconceptions that have affected and impaired their presentations and outlooks on this matter. I support my ministerial Brother, the Hon. Mr. Croal that this Bill be sent to a Special Select Committee for a period of one month. Thank you. [*Applause*]

**Mr. Speaker:** Thank you very much, Hon. Attorney General and Minister of Legal Affairs. Now, to conclude the debate on this Bill, we have the Hon. Minister, Mr. Collin Croal.

**Mr. Croal (replying):** Thank you, Mr. Speaker. We have heard an initial debate on this Bill and the full explanation from this side of the House by all the presenters. I first must thank my Colleagues – Ministers – who stood today and debated this Planning and Development Single Window System Bill – Bill No.26/22. You have just also heard clearly even, many of the eleventh or twelfth-hour submissions of amendments in which the Hon. Attorney General debunked the genuineness or legitimacy of the suggestions that have been proffered by the Opposition.

Since we will have another round because we have to go to the Special Select Committee, I would not speak long in my wrap-up, but I want to make this point. Most of the speakers on the other side started off by acknowledging the maturity of us, on this side, by agreeing at the last minute to a request for a meeting, even though – as I said – this Bill was first gazetted and laid in the National assembly since 5<sup>th</sup> December, 2022. This is five months after. I am not sure whom they consulted, but despite claims of consulting, at the last minute, they proposed those changes. Even with all that, one can listen to the mockery by the Members of the Opposition. They were mocking in the sense to say: one, who is present or not; two, who is lost and who is not; and

matters of frivolity. At the last minute, on a Sunday, I pulled together a team very quickly on a very short notice. They are here with the exception of the Chief Executive Officer (CEO). [An Hon. Member (Opposition): *(Inaudible)*] You had your chance; this is my time. I am making a point here. In that engagement, I did not prevent the technical people from speaking because I wanted the Members of the Opposition to be able to have the best possible guidance and information at their disposal with what they were proposing and understand what we are doing. When you can throw such spokes in your sincerity, it brings into question, how sincere you are.

Secondly, I wish to acknowledge a number of persons and agencies who participated from the initial phase and throughout the process. I also want to say that there were consultations held as far back as October, 2021. We started with consultations. Based on those engagements, the Drafter has been able to come up with and agreed on the draft Bill that we have before us. Following the laying of the Bill, we then moved the focus to the proposed implementation. We then started another round of consultation which focused more on the administrative, implementation and Information Technology (IT) platform which we intend to go live with by 1<sup>st</sup> July this year. A number of agencies and all ministries with affected agencies – when one seeks approval permits – were consulted.

4.42 p.m.

I want to acknowledge the work of Mr. Fareed Amin and his curriculum vitae (CV) was clearly outlined by the Hon. Attorney General (AG) and Dr. Amin worked as the lead consultant on this project. Mr. Darshan Ramdhani was the lead Attorney and drafter for this Bill. All the staff of Central Housing and Planning Authority (CHPA) at the Ministry, Germene Stewart, the head of our planning division; Ms. Hannifah Jordan from the head of the legal division; the Chief Executive Officer (CEO) of the CHPA, Mr. Sherwyn Greaves, the Board itself because since it is involved in the approvals some of the bottlenecks that it saw, it was able to give its input, so I wish to acknowledge the Chairman and the Board Members of the CHPA led by Dr. Cummings and the Secretary of this Board Mr. Rajesh Ramgolam.

At the ministry level, I want to acknowledge the support of the Hon. Minister of Local Government and Regional Development because you realise... I know this is part of what is troubling you.... A major player who will be affected by what we are doing here, is the local authorities. So, what we are seeking to address is removing sabotage, deliberate

delays, and non-response, and you can choose the other description. I want to acknowledge Minister Dharamlall, who ensured that all the local authorities participated in the consultations. I also want to acknowledge the stakeholders such as the Environmental Protection Agency (EPA), Guyana Fire Service, and Guyana Civil Aviation because, you know, with high-rise buildings, they will have an important role to play, Maritime Administration Department (MARAD), the Sea Defence Board, National Trust, Guyana Lands and Survey Commission, Guyana National Bureau of Standards (GNBS), Guyana Office for Investment (GO-Invest), the Diaspora Unit of the Ministry of Foreign Affairs, Ministry of Health which has the central board of health, Guyana Revenue Authority (GRA), utility agencies such as Guyana Power and Light (GPL) and Guyana Water Inc (GWI) for its contribution and participation so far.

There is much more I can say, but we will leave the rest since we are moving in a different direction. In essence and in accordance with Standing Order No. 58 (1), I am proposing that the Planning and Development Single Window System Bill - Bill No. 26 of 2022 be sent to a Special Select Committee. I also would ask that you, Mr. Speaker, call a meeting in the shortest possible time so that we can complete the next task ahead within a one-month time frame. Thank you very much.

**Mr. Speaker:** Thank you, Hon. Minister. Hon. Members I now put the question that the Planning and Development Single Window System Bill 2022 - Bill No. 26 of 2022 be read a second time.

*Question put and carried.*

*Bill read a second time.*

*The Bill was referred to a Special Select Committee.*

As indicated by the Hon. Minister the Bill will now go to a Special Select Committee to examine the Bill, clause by clause. The notices are going out if not already that the first meeting of the Committee of Selection to consider the nominees of this Bill will be held on Friday at 11.00 a.m. *via* zoom. The Hon. Member, Mr. Seeraj will take over for a short while.

[*Mr. Speaker left the Chair.*]

[*Mr. Seeraj, Presiding Member, assumed the Chair.*]

**Presiding Member [Mr. Seeraj]:** Good afternoon, Hon. Members we will now proceed with the second item under the Public Business which is the Criminal Law (Procedure)

(Amendment) Bill 2022- No. 21 of 2022. Hon. Minister and Attorney General, please proceed.

### **Criminal Law (Procedure) (Amendment) Bill 2022 – Bill No. 21 of 2022**

A Bill intituled:

“An Act to amend the Criminal Law (Procedure) Act.”

[*Attorney General and Minister of Legal Affairs*]

**Mr. Nandlall:** Thank you, Mr. Speaker. I rise to move that the Criminal Law (Procedure) (Amendment) Bill 2022- Bill No. 21 of 2022, published on 1<sup>st</sup> November, 2022, be read a second time. The Criminal Law (Procedure) (Amendment) Bill 2022 is inspired by a decision of the Caribbean Court of Justice (CCJ) in the case of Marcus Bisram against The Director of Public Prosecutions (DPP) delivered on 15<sup>th</sup> March, 2022. The relevant facts and consequential legal issues which arose in the case are quite simple. Mr. Bisram was charged with murder. His Preliminary Inquiry (PI) was concluded by the Presiding Magistrate at Springlands Magistrate Court, within the East Berbice/Corentyne magisterial district. At the conclusion of the Preliminary Inquiry, the learned magistrate found that a *prima facie* case was not made out against Mr. Bisram for him to stand trial before a Judge and Jury in the High Court. As a result, the learned magistrate discharged the accused.

Under section 22 of the Criminal Law (Procedure) Act, the Director of Public Prosecutions is conferred with a number of powers. These include: *inter alia*, where a magistrate discharges an accused person upon the conclusion of a Preliminary Inquiry to require that magistrate to send him the deposition taken in the case and any other documents and things connected with the cause, review the same, and, if in the opinion of the DPP that accused person should be committed to stand trial, instruct the magistrate to reopen the Preliminary Inquiry and commit the accused. Similarly, if the DPP, after reviewing the deposition, is of the view that additional evidence is to be taken and for the accused person to be committed, the DPP is empowered to instruct the magistrate to reopen the PI, take the relevant evidence, and commit the accused to stand trial. The DPP is also empowered to give any such further directions as he may deem fit.

A magistrate is bound to carry out all or any directions given to him by the DPP under Section 72. In the Bisram case, in exercising the powers conferred by Section 72, the DPP directed the magistrate to reopen the Preliminary Inquiry and

commit the accused to stand trial before the High Court. Bisram challenges these directions by attacking the constitutionality of Section 72. In a nutshell, the challenge was that Section 72 empowers a nonjudicial agency to direct one component of the judiciary on the outcome of a case before the judicial organ that such a power undermines the independence of the judiciary, abrogates the doctrine of separation of powers and is in violation of Article 122A of the Constitution of Guyana which guarantees judicial independence to all courts as well as Article 144 of the Constitution which affords to every citizen protection of the law. Bisram won in the High Court but lost in the Court of Appeal. He appealed to the Caribbean Court of Justice. The CCJ, our apex court, made the following orders, the CCJ allowed the appeal and ordered a declaration:

“It is hereby declared that section 72 of the Criminal Law (Procedure) Act violates the separation of powers and is also inconsistent with Article 122A and Article 144 of the Constitution;”

The CCJ went on to make the following pronouncement:

“Until the National Assembly makes suitable provisions, section 72 is modified to excise those provisions permitting the DPP to direct the magistrate. In lieu thereof, a DPP aggrieved at the discharge of an accused person by a magistrate after the whole of the proceedings at the PI may apply *ex parte* to a judge of the Supreme Court for an order that the discharged person be arrested and committed, if the judge is of the view that the materials placed before the judge justify such a course of action.”

The CCJ first declared Section 72 of the Criminal Law (Procedure) Act to be unconstitutional and then proceeded to modify it in the manner and form I just outlined. The CCJ being our apex court, our court of final appeal, we are bound to follow the decision in Marcus Bisram and to correct the law in the manner suggested by the CCJ. This amendment seeks to do just that. As explained above in its current construct, Section 72 provides that where an accused person has been discharged by a magistrate, the DPP, after examining the evidence, may direct the magistrate to reopen the inquiry. This section also requires the magistrate to comply with the directions of the DPP. The CCJ, as I just said, held at Section 72, by which the DPP directs the magistrate to reopen a PI amounts to an unlawful fetter on the principle of judicial independence as enshrined in Article

122A of the Constitution and for completeness of the record, Sir, permit me kindly to read Article 122A. It reads:

“(1) All courts and all persons presiding over the courts shall exercise their functions independently of the control and direction of any other person or authority; and shall be free and independent from political, executive and any other form of direction and control.”

It is clear that although the DPP is neither part of the political nor the executive regime, the DPP will fall under the linguistic expression of “other person or authority”, who by directing the magistrate as the DPP did, offended the magistrate's free and independent exercise of powers as enshrined Article 122A which I just read. In other words, section 72 is void to the extent that it makes the magistrate's decision subject to the direction and control of any other person or authority and, in this case, the DPP.

4.57 p.m.

The Caribbean Court of Justice (CCJ) further held that the language in which 72(3) is drafted, that is where the magistrate shall comply with all directions coming from the DPP that the mandatory nature of the way it is drafted is also inconsistent with fair trial principle and the right of the accused to be protected by the law as guaranteed to him as a fundamental right under Article 114. So, the magistrate, as a judicial officer, is best placed to weigh and determine the evidence that is before him. In the conventional method by which we engage in legislative making on this side of the House, we conducted a consultative process before we came up with the current Bill. We consulted with the office of the Director of Public Prosecutions, we consulted with the Police Legal Advisor, and we consulted with the Bar Association of Guyana, as well as the Berbice Bar Association. These associations and offices were invited to make written submissions which they did. We then did a first draft of the Bill, based upon what the CCJ adumbrated and the submissions we received in the consultative engagement. That draft bill was then circulated to the agencies and offices that were the subject of consultation.

When that exercise was completed, we received further inputs, and we adjusted the Bill accordingly. We also, in drafting, consulted similar provisions of the different criminal law procedure laws in several countries in the Caribbean, including Jamaica, Trinidad and Tobago, Saint Vincent and the Grenadines, Dominica, Barbados, and Grenada. Having conducted that exercise, our conclusion found expression in the current Amendment. What the

current Amendment does, is that it deletes. We felt that this was the cleaner way to go. Section 72 of the Principal Act is deleted, and a new Section 72 is substituted. This new section provides, and if I may quickly read what the section states:

“72. (1) In every case where a magistrate discharges an accused person under section 69 or 71A (4), the Director of Public Prosecutions may make a written request to the magistrate to furnish an authenticated copy of the depositions taken at the preliminary inquiry and every other statement, document or things relating to those proceedings and the magistrate shall comply with the request.”

So far so good. Basically, nothing has been changed. This is the important part.

“(2) Where the Director of Public Prosecutions, after considering the depositions and any other statement, document or thing furnished by the magistrate under subsection (1), is of the opinion that a *prima facie* case against the discharged person was established and the discharged person should have been committed for trial, the Director of Public Prosecutions shall make an application to a Judge of the High Court for a warrant for the arrest and committal for trial of the discharged person:

Provided that a Judge shall only grant the application of the Director of Public Prosecutions where the Judge is satisfied that the evidence, as given before the magistrate, was sufficient to commit the discharged person for trial.

(3) Every application under subsection (2) shall be made within three calendar months of the discharge of the accused person.”

The DPP cannot wait until an undue period of time elapses and a man gets his freedom as a result of a court determination, that is, a magistrate court determination, and then after a protracted delay, go and make this application to the Judge. If the DPP is aggrieved by a decision of the magistrate who discharges an accused person at the conclusion of a Preliminary Inquiry (PI) within three months, the DPP must make this application to a Judge in the chambers. As I said we consulted the DPP to find out whether this is a satisfactory period, and of course, the DPP agreed. I continue with clause 4:

“(4) Where a Judge grants an application for the arrest and committal for trial of a discharged person

under subsection (2), the Judge shall issue the warrant for the arrest and committal for trial of the discharged person and that person shall be kept until otherwise discharged in the due course of law or granted bail.”

Of course, if bail is grantable. Once the Judge hears the application and is satisfied, the power now is removed from the DPP and given to a Judge. That is all. The Judge would review the deposition and the evidence in support thereof. The Judge would make an opinion that the magistrate is wrong and that the person should be committed. The Judge would then make the Order of Committal, and issue an arrest warrant, because the person is out or has been discharged by the magistrate. Once that is done, that Arrest Warrant and Order of Committal with the cumulative effect, the person would be arrested and kept in the public jail.

“(5) Every person proceeded against under subsection (4), shall be further prosecuted in the like manner as if that person had been committed for trial by the magistrate by whom the person was discharged.”

Everything else would proceed as normal. That in essence is what the Bill does in accordance with what the CCJ has ruled. The Bill removes the repugnance as found by the CCJ that the DPP directs a magistrate. A Judge now, a judicial organ, as the Constitution allows is the authority that would now direct the magistrate. Of course, that is permissible. Everyday Judges overrule each other depending upon the hierarchical structure at which they sit. The Court of Appeal would direct the High Court Judges. The High Court Judges would direct the magistrates as the case may be. The Caribbean Court of Justice would direct all below it. That is acceptable. But outside of the four corners of the judicial parameters, one cannot have an extraneous body giving directions to the Judiciary. That is what the CCJ in essence found. The CCJ in its wisdom... I quoted what the CCJ said - it said and let me briefly read again, as a modification. The CCJ said in its ruling when it modified the section that the DPP must apply to the judge *ex parte*:

“Until the National Assembly makes suitable provision, Section 72 is modified to excise those provisions permitting the DPP to direct the Magistrate. In lieu thereof, a DPP aggrieved at the discharge of an accused by a Magistrate after the whole of the proceedings at a PI, may apply *ex parte* to a judge of the Supreme Court...”

The lawyers – and I do not know if they will share my view – but if an accused person is charged with murder, appears before a magistrate, and rightly or wrongly is discharged by that magistrate; therefore, he or she is free. Once again, the presumption of innocence has not been dismantled, so he is presumed innocent and walks a free man. I believe that it would be repugnant to go before a judge *ex parte*, reinstitute a criminal charge and get an arrest warrant issued against that person, and commit him to stand trial before a judge and jury *ex parte*. This means without him being heard. I have problems with that, though the CCJ is saying it should be done. Here, I believe the CCJ, in their recommendation – and I say this with the greatest of respect – that may be guilty of that which it is attempting to regard as preserving and protecting, that is, protection of the law and the rights of an accused person. In this Amendment, you will see that we did not use the word ‘*ex parte*.’ The DPP could make the application if the judge wishes to hear the application *ex parte*. That is a matter for the judge. If the judge wishes to hear the defence or hear the man... Here it is, you are committing a man to stand trial before a judge and jury and a man who has been acquitted. A single human being is now reversing that whole process without hearing that person.

We felt that let the judge determine whether he or she should proceed *ex parte* when the application is made by the DPP. We did not follow that admonition of the CCJ by including the phrase ‘*ex parte*.’ The application is going to be made, and the judge can deal with the matter as the judge deems fit. The Amendment also creates a right of appeal. If the DPP goes there before that judge and is aggrieved by the decision of the judge, let us say that the judge refuses the application to commit, then the DPP is given a right of appeal to the Court of Appeal. We believe that this Bill accurately captures the jurisprudential essence of the CCJ’s decision and directives, as well as it accords due protection to the constitutional rights of the accused person.

We have two amendments which at the appropriate time I will put before the House. These two amendments are consequential to Section 72 and consequential to the pronouncements by the CCJ. Though these sections... Section 78 is deleted by this amendment, or the amendment to this amendment is circulated. Section 78 contains a similar power in a different circumstance where the DPP could direct a magistrate again. Section 78 states in the event that the DPP is of the view that the magistrate should not have discharged or commit and he should have taken the matter summarily, the magistrate has a power to direct, and the DPP has the power to direct the magistrate again. Section 79 of the Principal Act is also amended to remove another

set of powers that the DPP has to direct the magistrate. These provisions were not reviewed by the CCJ. The essence of what the CCJ has ruled would necessarily infect these provisions with the same repugnant virus that the CCJ found Section 72 was infected with. Rather than wait for the CCJ to sometime in the future rule, we have taken the proactive measure of reviewing the legislation, applying the principles of law enunciated by the CCJ, and by parity of reasoning and logic, we have adjusted the different sections of the legislation. This, in our opinion, is going to similarly be affected, having regard to the principles enunciated by the CCJ. The amendments that are on the white sheet of paper before Members are consequential amendments that ought to bring the gravamen and the new nucleus of the CCJ’s ruling in Bisram properly incorporated in the Criminal Law (Procedure) Act.

5.12 p.m.

The question may arise as to why this thing took so long, how it is that section 72 remained in our books for such a long period of time and why no other court reviewed it and found that it was so patently repugnant as the Caribbean Court of Justice (CCJ) did. There is an explanation for that. If the other side raises it, we can have that discussion as to why the CCJ did what it did and why brilliant judges such as JOF Haynes, the Luckhoos, the Massiahs, the Cranes, in our legal system read this and never found it to be so elementarily offensive. There is a reason why, and there is a big debate in the region as to whether... The Privy Council has taken one position and the CCJ has taken another. However, that is a little outside the parameters of the debate but if my Friends wish to raise it on the other side, we can have a healthy exchange on the matter. Those are my few comments on my Bill. I commend it to the House for passing with the amendments at the appropriate time. [Applause]

**Mr. Seeraj:** Thank you, Hon. Attorney General and Minister of Legal Affairs. Hon. Khemraj Ramjattan, you have the floor.

**Mr. Ramjattan:** Thank you very much, Mr. Speaker. There is a term that is coined generally when you fully support the pronouncements in a Court of Appeal or any court, namely, “I concur”. It is the term. I feel, at this point in time, that I would like to concur completely with Mr. Anil Nandlal. I do it when it is necessary, as is my prerogative. As the Hon. Member enunciated in his inimitable style, with passion and verve, it is important that a statement be made, as the Hon. Member mentioned finally in his approach to the discourse, as to why, for such a long time, this piece of legislation

stood the test of time, notwithstanding a lot of people being critical of it. I could recall criticism coming since the time I was a member of the Director of Public Prosecution's Chambers, and that was from 1984 to 1989. I remember lots of magistrates at the time, especially in matters dealing with the banned goods cases. Remember, there was a time when certain items were banned, and magistrates found people smuggling and then came to the conclusion that the matters should be discharged or dismissed.

Not only that, regarding some serious matters that ought to have been sent to the supreme court for trial, there was a situation whereby the DPP would want to make the necessary committal to the High Court. The evidence was sometimes in tremendous deficit, and you got the impression that this magistrate was right not to commit the person. But there you had it, a DPP... I remember some, Mr. Ramone, Mr. George Jackman, and I think later on Mr. Ian Chang, who felt that it ought to have been sent to the High Court for trial, they would send it under section 72. I want to state that it indeed had certain jurisprudential value in the sense that when some of the DPPs found that the magistrate might not be too straight or a shady magistrate and had released or discharged the person, there might be grounds then if they looked at the depositions and found that this was a case that ought to have gone up and it looks like there was some skulduggery.

That is where, generally, this power of the DPP became very valuable. Indeed, as a result of that, they will then do the order and then commit to the High Court. Notwithstanding all of that, there is this process that the law evolves. It evolved in that way whereby this provision, section 72, was highly regarded because of the fact that certain judges of tremendous quality gave it an authority. That set of judges dealt with the matter in a case that was very important. I think it was Williams. The very important judges of that case comprised some of the most brilliant legal minds: Chancellor Haynes, Justice of Appeal Crane, and Justice of Appeal Massiah. This matter came before them where they had to test the constitutionality of that section 72. For good reason at that point in time, and probably because of the advocacy of the lawyers then, because it was an extremely nice point, a really good jurisprudential point, they decided that they were going to regard it as constitutional still. The reason was given by Chancellor Haynes, and that reasoning was also redone by the president of the CCJ, Mr. Saunders. I think it is at paragraph 49 of the judgment. This excited a lot of constitutional laws at the CCJ. "Haynes C's response to that submission was unequivocal." I am quoting from it.

"What the Chancellor expressed is more nuanced. The Chancellor had 'no doubt whatever' that s 72 was inconsistent with the right to a fair hearing guaranteed by the right to protection of the law. In his view, however..."

And this is the point I wish to make.

"...the law was validated only because it was an 'existing law' and as such, its constitutionality was saved by the savings provision for existing laws then found in s 18...of the Constitution."

In our new Constitution, it is now Article 152. When DPPs used that power, and when the Court of Appeal was recently held—prior to this matter going to the CCJ—that it was indeed still constitutional, it was resting its case on very good authority *via* the Williams matter, and especially the erudite judgments, we might say, of Chancellor Haynes and Justice of Appeal Crane. Our constitution makes provision for an existing law which saves all the existing laws prior to the constitution coming into being, and this was one such law. I think it argued, or it was argued before it, and it then said that there was a certain element of it that might strike as unconstitutionality, but because it was there prior to the constitution—and laws prior to the constitution coming into being must be saved, otherwise we would not have a legal regime or a legal architecture—it was so saved. That is putting it very simplistically. This section was saved.

We had it written up to when the matter came in the Bislam case. In the Bislam case, as was mentioned just now by the learned Attorney General, it is important that this argument was taken to even a higher level. I must congratulate the lawyers that made appearances in the CCJ that took this argument to that very high-quality level: Mr. Darshan Ramdhanie, Queen's Counsel, Mr. Sanjeev Datadin, and Mr. Dexter Todd, and Arudranauth Gossai. It is not that Ms. Shalimar Ali-Hack and the rest of her team did anything badly; they maintained the precedent of the William's case but the court then started this process of questioning the constitutionality of it the very first time right up to that point where it then concluded that it was indeed unconstitutional. As mentioned, they themselves in the CCJ decided that this must be modified, and they suggested a modification. I am happy to see, substantially, that modification has been implemented in this Bill. I am also going to state that I am impressed in the sense that the two other sections that deal with the issue of the DPP having a right to overrule a magistrate on the other two matters, the amendments to sections 78 and 79, which have been correctly called

consequential amendments...This has been done at today's date so that we could at least get a complete overhaul to the extent of making that which was unconstitutional now being constitutional.

The judiciary, in the sense of judges, being given the power now to ensure that they deal with this matter of a *prima facie* case rather than the DPP, I think, is putting it and residing it in the proper place. I totally agree, too, that it should not be *ex parte*. There is a natural justice principle that should remain for the accused, in any serious matter where imprisonment and even hanging are the penalties which should be given that right to be heard. Although there might be a little variation from that which was suggested by the CCJ, I believe that variation is commendable in the form that it has taken here by virtue of this Bill. To that extent, I want to also commend the Bill for passage in this House. I remember many occasions, and not only while being a prosecutor in the DPP's Chambers in those years but also on the other side as a defence counsel. One could remember the treason case with the Mahaicony treason accused and a lot of things being said, there were no case submissions by the defence counsel at that point in time, Bernard De Santos, and it being overruled. After long times in jail, it came for trial, and the no-case submissions were upheld. This was simply because if one had certain evidence rather than that which was taken as a deposition level, you could have avoided those lengthy incarcerations. There is an element of justice that I see forthcoming from the CCJ's rationalisation and expounding.

5.27 p.m.

I also see the need to start thinking about those unconstitutional existing laws that might soon be challenged and impugned in our courts, not only this section 77. To that extent then it is a good precedent for the purposes of ensuring greater entrenchment and enshrinement of fundamental rights – fundamental human rights – whether they be substantive rights or whether they be procedural rights. In the context then of the Bill coming here, in accordance with that which the Caribbean Court of Justice (CCJ) ruled, and, also, the consequential amendments, I could only concur with the Attorney General (AG) at this point and support this Bill completely. Thank you very much. [Applause]

**Presiding Member:** Thank you very much, Hon. Member. I think the case you were referring to was Deokarran, Wordsworth and Pertab Singh, if I am correct. Hon.

Member, Minister of Tourism, Industry and Commerce, Ms. Oneidge Walrond, you have the floor.

**Ms. Walrond:** Thank you, Mr. Speaker. I am pleased and indeed privileged to add my voice in support of this Bill – Criminal Law (Procedure) (Amendment) Bill, No. 21 of 2022. As ably explained by my Colleague, the Attorney General, and the Hon. Member and senior lawyer, Mr. Ramjattan, section 72 of the Criminal Law (Procedure) Act was found by the CCJ to have been repugnant to the Constitution of Guyana. This Bill is intended to remedy that mischief. Despite the fact that we have before us here a brief and simple Bill, the case which has brought us here and the jurisprudence underlying it, are monumental and far reaching. The case of Marcus Bislam versus the Director of Public Prosecutions (DPP), which has led us here, touches upon profound issues relating to the fundamental values we hold as a democratic society. The Bislam case revolved around section 72 of the Criminal Law (Procedure) Act which was enacted here in Guyana in the year 1893, that is to say almost 130 years ago. Under certain circumstances and subject to the Director of Public Prosecutions having followed stipulated procedures, section 72 conferred on that office holder the right to direct a magistrate to commit an accused to stand trial in the High Court for an indictable offence at the conclusion of a preliminary inquiry.

This remarkable power was excisable by the DPP even after the magistrate, having duly heard the evidence, would have made a determination that evidence, in its totality, was insufficient to justify committing the accused. I, myself, having sat on the Bench as a magistrate for almost a decade have had similar experiences, Mr. Speaker. The DPP was entitled to exercise this power only after having obtained and reviewed the depositions in the case and where such review led the DPP to form its opinion that the *prima facie* case had been made out and that the accused should stand trial. In contemporary society, this is indeed an extraordinary provision in many respects. The power conferred on the DPP raised a number of issues which were examined by the courts. Despite the comprehensive treatment of the matter by the Attorney General, I shall traverse some of these issues in no particular order because they are fundamental to our claim to a place amongst civilised states based on a democratic order.

The first issue to note is the independence of the Judiciary. Independence of the Judiciary is one of the fundamental features of any society that claims to respect the rule of law. The court found, unsurprisingly, that the power of the DPP to instruct a judicial officer, that is to say the magistrate, as



to what outcome to reach in a case that infringed on this independence of the Judiciary. In coming to this conclusion, Mr. Speaker, the court expressly disagreed with the contention that the Magistrates' Court was not included in the section of the judiciary whose independence was protected under article 122 (A) of the Constitution. The court also considered the issue of separation of powers and made a subtle but significant distinction between the issue of independence of the Judiciary and that of separation of powers. When we speak of independence of the Judiciary, we many times think instinctively that this is an issue to do with separation of powers. This is because the question is independence from whom, and we usually tend to frame our thinking in terms of independence from the Executive. Threats to the independence of the Judiciary may come from many quarters, including, for example, non-state actors such as defendants in criminal cases. It is not unknown for criminal defendants to attempt to intimidate judicial officers where threats are made to the physical safety of judicial officers – these can compromise independence. That is why we afford State-funded security to judges.

On the issue of separation of powers, the court treated at some length in its judgement, the issue of independence of the DPP from the Executive. It should be a source of pride for us here in Guyana that the court cited with approval our Constitutional arrangements for independence of the Office of the Director of Public Prosecutions. The court noted that the powers of appointment, removal and discipline of the DPP are vested not in the President but in the Judicial Service Commission (JSC). It noted that the remuneration of the DPP is a direct charge on the Consolidated Fund. The court further held that the relevant constitutional and legislative framework permit the DPP to exercise her functions in an independent and autonomous manner. In summarising our arrangements, the court expressed the opinion that, in Guyana, the DPP therefore has a commendable measure of independence from the Executive.

The takeaways here are two. The first is, notwithstanding some flaws, the Caribbean Court of Justice, not for the first time, expressed admiration for our constitutional arrangements. We should be proud of the advances that we have made as a nation, especially in the 2001 Constitutional Reform process which has produced many of the provisions that the CCJ has seen fit to commend us for. We should be wary of calls for us to interfere with those advances simply because, in some quarters, there is a feeling that those arrangements have not delivered the political advantage that might have been contemplated when agreed to.

The second take away though, Mr. Speaker, is closer to the matter at hand, which is that the court could not and did not find a breach of the separation of powers, given what it described as the commendable measure of independence of the Office of the DPP from the Executive. From this side of the House, I wish to make it clear that the infringement on the independence of the Judiciary came not from the Executive, holding no brief for the DPP, I would say that that infringement did not even emanate from the DPP herself. The infringement in my humble view, the source of the mischief, as it were, came from section 72, the offending statute. It is our responsibility, we the Members of the House who make laws, to cure it.

As magistrates, our determinations would have come in many cases after months of taking evidence, hearing witness testimonies, cross examinations and a whole gamut of the courtroom experience. All this time, the accused might have been on remand or might have had the prospect of imprisonment hanging over them. At the end of it all, having presided over the proceedings, having taken and weighed the evidence and having made the determination that no *prima facie* case has been made out, it was always disturbing to one's sense of justice for a DPP to step in and to direct one to commit an accused against whom we felt a sufficient case had not been made. If we look back at history, Mr. Speaker, we may very well find that when section 72 was enacted well over a century ago, magistrates of the time, unlike today, were not necessarily qualified attorneys. It may therefore be understandable that, in such a context, such a power was conferred on the colonial attorney general. Even today, in the United Kingdom (UK) there are thousands of magistrates of a particular class who are not required to be legally trained. One can be appointed as a magistrate from as young as age 18.

What we find though is, those lay magistrates are supported and guided in their duties by qualified legal personnel. That perhaps is a type of safeguard that might have been envisioned by vesting something like in section 72 powers of the colonial era attorney general. In the modern age, however, there is no need for such a device, given that magistrates are exclusively drawn from the ranks of qualified attorneys. Moreover, the device in the modern age is also repugnant to the rule of law as that concept is currently understood. There is an even more egregious aspect to these arrangements embodied in section 72. Separate and apart from the issue of judicial independence is the issue of infringement on the constitutional right to the protection of law, which includes the right to a fair trial. The issue is this, in the Bisram case, it was the Office of the DPP

which was prosecuting the accused. That Office failed to persuade the magistrate that the accused should be committed. As things stand however, the very same DPP Office was nevertheless, by virtue of section 72, conferred with the power to compel the magistrate by *fiat*, to arrive at a conclusion that it was unable to persuade the magistrate to arrive at, by advocacy.

Mr. Speaker, my Latin is awful but *nemo judex in causa sua*, forgive my pronunciation - [Mr. Ramjattan (*Inaudible*)] I did good? Thank you, Mr. Ramjattan, - no one should be a judge in his own cause. This is a fundamental principle of justice that no person ought to judge a case in which they have an interest. The court observed that the preliminary inquiry, though not a trial, is required to afford the accused many rights of a trial, including the right to a fair hearing. The court noted that the right to a fair hearing is so central to the rule of law, it is enshrined in the protection of the law clause of the Constitution. One does not need to be an attorney to grasp the grave affront to fairness or the perception of fairness where a party to a dispute has the right to decide that dispute. It is therefore, once again, not surprising that the court found that this power conferred upon the DPP was at odds with article 144 of the Constitution.

Having found on various grounds that these provisions of section 72 were unconstitutional, the court then had to deal with the issue of what to do about it. The principal issue here is that, while section 72 no doubt infringed on the constitutional provisions, the legal orthodoxy here in the Caribbean, until very recently was that pre-independence statutes, such as the Criminal Law (Procedure) Act were immune from being declared unconstitutional. This supposed immunity arose by virtue of the savings clause that were found in constitutions of our newly independent states. Indeed, the CCJ in its judgement, referred to several cases where this issue of the savings clause was considered. One of those cases involved the very section 72 at issue here. That case was heard in our Court of Appeal in the 1970s. In that case re: Williams, the court tells us that the then Chancellor, the late JOF Haynes, had no doubt whatsoever that section 72 was inconsistent with the right to a fair hearing, guaranteed by the right to protection of the law. The court went on to observe that the then Chancellor, however, took the view that despite this inconsistency with the Constitution, the law was validated because it was an existing law immunised as it were, by the savings clause.

In 2018, the CCJ delivered a landmark judgement in the cases of Nervais against the Queen and Severin against the

Queen – a consolidated appeal. In that case, the court broke new ground regarding this anachronism that was a conventional view of the effect of the saving clause. This was common ground and well settled, that wherever there is a conflict between the Constitution and any other law, it is the Constitution that must prevail. The conventional view of the savings clause, however, was that they operated to place those pre-independence statutes on a special footing out of reach of being declared unconstitutional. The CCJ, however in 2018, held that those saving clauses in the various constitutions in the Caribbean, must be read in conjunction with what they referred to for convenience as the modification clauses. These clauses provided that the existing laws had to be construed with such modifications, adaptations, qualifications, and exceptions, as may be necessary to bring them into conformity with the new constitutional order. It was on this basis that the CCJ then struck down the provision of section 72, which empowered the DPP to direct the magistrate.

5.42 p.m.

In its stead, the court read into the law, a modification providing that a DPP aggrieved at the discharge of an accused by a magistrate, after the whole of the proceedings at a preliminary inquiry (PI), may apply *ex parte* to a judge of the Supreme Court for an order that the discharged person be arrested and committed if the judge is of the view that the material placed before the judge satisfies such a course of action. This amendment tabled here today by our Colleague, the Attorney General, is consistent with that modification, except for the *ex parte* part that was instituted by the court pending the intervention of this House. Indeed, the court was mindful of the danger in simply striking down the provision without putting anything in place in its stead, as perhaps may be preferred by purists on the doctrine of the separation of powers. The court, however, cited authority that imposed on it the obligation to make laws in these types of circumstances. On a practical level the court considered that simply striking down the provision would leave a substantial gap in the criminal procedure observing that one does not know whether and when the National Assembly can get around to closing that gap.

Given these sentiments expressed by the court, I think that the Attorney General and his team deserve considerable commendation for the alacrity with which they move to bring this Bill here for consideration by this honourable House. It was a mere matter of months from the Bisram ruling that this Bill was brought to this House. We are here today, at the stage of the Second Reading of the Bill, to

correct this grave affront to our constitutional order. We are not only responsive when it comes to these matters, we are also proactive. We understand that all over the books, there may exist laws that are archaic in origin and inconsistent with the contemporary rules and values in reality for one reason or the other. That is why we have established the Law Reform Commission, for we believe that it is not sufficient for us to only react when a problem arises and have to traverse the judicial system. The Commission will proactively review and identify issues and recommend legislative changes where it thinks such changes would be appropriate. These two regimes will exist in a complimentary manner, each contributing to the constant evolution of the legal landscape. In fact, the recent rulings of the Caribbean Court of Justice in *Nervais* and *McEwan* cases in 2018 and in the *Bisram* case, which has led us to this specific amendment, will, in my considered view, lead to a plethora of cases requiring the attention of the Judiciary, the Executive, the Law Reform Commission and, ultimately, this very House.

The *Bisram* case ought to be required reading for all persons involved in the administrative machinery of the State, and, certainly for Members of this honourable House whose duty it is to make laws. As I would have noted before, the case raised an array of issues that are of considerable moment in respect of our legal landscape. We should not let those very technical matters allow us to lose sight of what brought us to this point. I think we all should take a moment to remind ourselves of the event that triggered the process that has led us to the point of tabling this amendment. That event was an instance of one of the most repugnant acts known to civilised society. That is, the unlawful killing of a human being. We must not forget that young man, Faiyaz Narinedatt, who lost his life in a most brutish manner. It was that which set us on a journey from the Corentyne Coast to the Caribbean Court of Justice, and, ultimately, to the floor of this House. I draw attention to these circumstances because insofar as there continues to be doubt as to whether all responsible for the gruesome murder of Faiyaz have been held accountable, we should not let his name become a mere footnote to these proceedings.

On this side of the House, we hold no brief for the Director of Public Prosecutions. As noted in the judgement of the court, the DPP is in all material respects, independent of the Executive. If we return for a moment to the tragic event that set us on this journey, that is, the brutal murder of Faiyaz Narinedatt, it appears to me – and this is my opinion – that the Director of Public Prosecutions felt deeply aggrieved by the findings of the magistrate in respect of charges laid

against the primary suspect. In the face of that grievance, section 72 gave to the Office of the DPP, an easy and convenient means of redress. That redress was simply to direct the magistrate to come to the conclusion that the DPP perceived to be the correct one. I should point out, as the DPP is not here in the House to speak, so I feel it only fair to point out that, on more than one occasions, the CCJ felt bound to observe that there could be no imputation of bad faith on the part of the DPP. After all, the DPP was the only hope for some justice to be done for that young man's family and indeed, for our society as a whole.

What the CCJ has said, however, is that those powers conferred on the DPP by section 72, have no place in a modern democratic society that claims to respect and embrace the rule of law. The CCJ is saying to us that democracy is not easy. It is saying to us that, in a democratic state that professes to be founded on the rule of law, if the outcome of a case is not to one's liking, one does not simply get to instruct the magistrate to come to a conclusion that one desires. Putting it less starkly, they are saying that even when one's good faith and honestly held opinion is that the result is wrong, one does not have the option of just substituting one's own discretion for that of the decision maker. Instead, they say, one must go back, examine the weaknesses in one's case, do the work, improve the investigative capacity of the police, improve the level of advocacy of prosecutors, remedy one's own shortcomings and come back to try again. The Criminal Law (Procedure) (Amendment) Bill is likely to be followed by many others, as the CCJ noted in its judgement:

“The issue regarding the savings clause has implications that go beyond...”

The *Bisram* case. As I noted before, the CCJ's ruling on the construction of the pre-independent statutes is likely to throw up many cases of such inconsistencies that we in this House will need to remedy. I think we are up to the task. Our democratic landscape will be better for it.

Mr. Speaker, I unreservedly support this Bill and support the motion that this Bill be read a second time. Thank you.  
[Applause]

**Mr. Seeraj:** Thank you very much, Hon. Minister. Hon. Member Ms. Geeta Chandan-Edmond, you have the floor.

**Ms. Chandan-Edmond:** Thank you, Mr. Speaker. I rise to make my presentation on Bill No. 21 of 2022, which seeks to amend the Criminal Law (Procedure) Act by amending section 72 of this Act. As we continue our commitment to

the people of Guyana, towards a legislative agenda, this brings us to specifically consider the amendment to the paragraph in this Act which empowered the Director of Public Prosecutions to direct a magistrate to reopen a preliminary inquiry with a view to commit a discharged accused.

The Explanatory Memorandum states that by this amendment of section 72, the repugnance between the Constitution and section 72, as pronounced upon by the CCJ, is removed. I know much of this has been pronounced upon and has been presented to us by the Hon. Attorney General but, nevertheless, I will repeat some of what has been said before by the previous speakers. Further, according to this memorandum, by amending section 72:

“The Director of Public Prosecutions may now make an application to a Judge of the High Court for a warrant to arrest and commit an accused person who was discharged by a magistrate under...”

The Act. It continues:

“The Judge may only grant that application if he or she is also of the view... that...”

Based on the evidence before the magistrate...

“...that such a course of action is required.”

Today, we are placed with the responsibility to conscientiously and without acrimony, discuss and agree to this amendment. It is our duty to the people of Guyana to objectively present our views for consideration in relation to this amendment and we must, with the greatest of sincerity, proceed with our respective positions on this amendment. Right now, we must eschew all attempts to strain our voices to argue for or against this amendment. There is absolutely no room for that. The time for that has long past insofar as this amendment is concerned. Today marks the culmination of arguments and legal back and forth which began as early as 2020. In 2022, the Caribbean Court of Justice ruled in the matter. For the sake of clarity, I will repeat the facts of this matter which are stated in the judgement. From the judgement, the facts are stated that:

“Marcus Bisram, a murder accused, was discharged by the magistrate...”

The evidence was heard at the preliminary inquiry.

“The Director of Public Prosecutions (“the DPP”), by two separate letters, nevertheless directed the magistrate to reopen the PI and later to commit

Bisram for trial, which the magistrate did. Bisram contended that these directives by the DPP were unlawful and that s 72 of the Criminal Law (Procedure) Act (“the Act”), an “existing law” which empowers the DPP to so direct, is incompatible with the Constitution. He sought Court orders in relation to these claims.

Bisram claimed that the directions were unconstitutional because s 72 was contrary to arts 122A...

And...

“...144... He also claimed that, in any event, the DPP did not precisely follow the steps required by...”

Law.

The CCJ held – which we heard from the Hon. Attorney General – that:

“...the best solution is for the National Assembly to make appropriate, constitutionally compliant provisions that will cover those circumstances where a magistrate discharges an accused and the DPP is aggrieved.”

The Justices further ruled, that the section violated the appellant’s rights and was contrary to the rule of law. The ruling came after submissions of arguments by some of the best legal minds. Today, I wish to acknowledge my Colleague on the other side of the House, the Hon. Sanjeev Datadin, who represented the applicant, Marcus Bisram. During that process, the section was not only argued and deliberated upon within the confines of the courtroom. Interest groups, interested members of the public, and members of society, discussed and disagreed outside of the courtroom. However, all of that is over today. There are some of us who will agree with that decision of the Caribbean Court of Justice and there are some of us who will not agree with that decision. As I have just said, that is all over now. I am of the firm view that some minds will remain the same on this issue, but those views can no longer take precedence. We are here today to ratify the decision of the apex court. Our duties, for all intents and purposes, are *pro forma*. There are those who will remain in complete disagreement with the court’s decision, but that ruling is final.

The A Partnership for National Unity/Alliance For Change (APNU/AFC) Coalition is of the view that the court system must remain the repository where concerns are ventilated,

but once the apex court makes its ruling, there can be no hesitancy, absolutely no hesitancy, in implementing the decisions made. We have promptly reported for duty to execute our legislative responsibilities. In so doing, it was necessary for all of this to be put into full context, hence, the repetition of the history of the case. For emphasis, excerpts from the judgement were repeated. Today, it is all about fulfilling a legislative and constitutional obligation based on a decision by our apex court. Even though I unreservedly support the Bill, I wish to state that according to subsection 3 of the proposed amendment, it is stated that:

“Every application under subsection (2) shall be made within three calendar months of the discharge of the accused person.”

However, there is no timeline as it relates to the timeline for the magistrate to furnish the DPP, upon application, the deposition that is an authenticated copy of the deposition statements and other documents relating to the PI.

5.57 p.m.

I foresee an application to the High Court being severely hampered if the submission of the deposition request is not made in a timely manner by the magistrate, assuming it is provided to the DPP on the last date of the expiration of the three months period within which an application could be made. I think the point has been made. I humbly ask the Attorney General to consider including, in the amendment, a proposed timeline in this regard.

On that note, I wish to close by expressing my unreserved support for the decision of the Caribbean Court of Justice. I wish to publicly commend, for the records, the Attorney General for his continued dedication and efforts at reforming, modernising, and restructuring a sector that I am very much passionate about. It is my fervent hope that all Bills and motions brought to this honourable House will receive unambiguous, clear representation and discussion that the people of Guyana... That is what matters. That the people of Guyana will benefit from our deliberations. With that, thank you, Sir. [ *Applause* ]

**Mr. Speaker:** Thank you very much, Hon. Member. Members, in the interests of time, we will not break but we will proceed throughout until the completion of our business today. Having said that, I now call on the Hon. Member, Mr. Sanjeev Datadin, to take the floor.

**Mr. Datadin:** Good afternoon, Mr. Speaker. I of course endorse everything said by the Hon. Attorney General and the Speakers before me. I, of course, commend the Criminal

Law Procedure (Amendment) Bill 2022 to this House for its passing.

It is important to note that if we take it just a step further, a step back into what happens in the courts, we have an adversarial system. I think everyone is well aware there are two sides and there is an independent adjudicator. In an adversarial system there is, of course, whether it is the plaintive/defendant, prosecutor/defendant, and then there is either a judge or a magistrate who is the independent arbitrator. It would be repugnant to common sense, justice, fairness, if you and I have a dispute and at the end of the dispute when I win, you go tell the arbitrator what to do. Then, what is the point of having that system in place? That is the fundamental and underlining tenant of what the issue in the Bislam case was. There could be no dispute or no fight that is fair, if when I win, the other side could go and say tell the arbitrator what to do.

The adversarial system expects, it promotes equality of arms. That is why we have rules of court, we have statutes, and everyone knows the rules by which they must play. What was the mischief, if it were? It was the fact that the Director of Public Prosecutions, who by law and under the Constitution is the sole agency that is responsible and entitled to prosecute people in this country for criminal offences, had the power unilaterally to direct the magistrate. I would not go into great detail about the niceties about whether a preliminary inquiry in the Magistrate’s Court is a trial. There is substantial learning on the issue as to whether at that stage a trial has commenced or whether a trial only commences when you get to a jury. If we could take it as to how it works. The first thing that would happen is that a citizen, a person is charged. When one is charged, one goes to a Magistrate’s Court to respond to that charge. If it is a serious offence, and in the Bislam case as we have heard it is the offence of murder. If it is a serious offence and a preliminary inquiry is being conducted, then the magistrate presides over that inquiry. That is how the preliminary inquiry would take place. The preliminary inquiry is not strictly speaking a trial, meaning the end result could not be guilt.

One cannot be found guilty at a preliminary inquiry. What happens... [ **Mr. Mahipaul:** Is that true, Mr. Nandlal? ] You might be the first person to be found guilty at a preliminary inquiry. Keep talking. What happens is, the magistrate decides that there is sufficient evidence for a trial to take place before a jury. One then gets committed to stand trial in the High Court before a judge and a jury. That determination of sufficiency of evidence is what the

magistrate's role is. It is loosely and comparable to what others may know as a grand jury process which exists in the United States of America (USA) or other similar mechanisms. The idea behind it is that you should not go to trial in a serious case until there has been a determination. Meaning a specific finding that there is sufficient evidence to go to trial. The magistrate would assess all the evidence that the prosecution would have produced, whether there was cross examination by the defence or not and assess the evidence. Upon the conclusion of the prosecution's case and whatever responses the defence may wish, the magistrate has to make a finding. 'I found sufficient evidence and you are to stand trial at the next assizes before a judge and jury' or 'I do not find sufficient evidence', in which case the accused is discharged.

Under the old section 72 of the Criminal law (Procedure) Act, when that discharge happens, meaning the magistrate's finding is that there is not sufficient finding, the Director of Public Prosecutions had certain powers. The powers were to direct the magistrate to re-open the preliminary inquiry and, if necessary, take evidence if he or she so desired. After that is done, the DPP could assess that evidence by looking at the depositions, essentially the notes of evidence taken in the preliminary inquiry and come to a finding that the DPP believes that there is sufficient evidence. The old legislation allowed upon that determination being made that the DPP would direct the magistrate that is hearing the preliminary inquiry, 'You Mr. Magistrate reopen the case and commit the person to stand trial'. Mr. Speaker, you see why that defeats the entire tenor of that judicial system; equality of arms, adversarial systems being fair, it offended every constitutional bullwork upon which our Constitution is...

Usually, they say about tough cases making good law or tough cases making bad law. I do not think that anyone could doubt the very detailed analyst of the judgement of the Caribbean Court of Justice as to why such a provision could not stand. It offended the principle of fairness; it offended the principle of a trial – the adversarial system; and it essentially made or could render a preliminary inquiry nugatory, a waste of time. I was Counsel in those proceedings and that was, in fact, one of the comments that: 'why do we not simply do away with the preliminary inquiry system if the magistrate could be directed by the DPP?' Perhaps, what the DPP should be doing is sitting down directing magistrates on what trial. That would have the ridiculous and outer conclusion. If one took it logically, that is what it would mean. What we have and what is proposed to the House today, is to fix that. We must understand the mischief that is being fixed. The mischief that is being fixed

is the Director of Public Prosecutions, as the prosecutor and within the meaning of 122 A of our Constitution, being a member of the Executive, should not interfere with judicial powers. It is what is to be achieved. The process that goes forward is eminently fair as proposed in the amendment. The DPP must make an application before a judge, so it is not the DPP's determination.

It is useful to note that around the Commonwealth Caribbean, there are similar provisions that provide for Directors of Public Prosecutions to take some step in the event that an accused person is discharged at a PI. It is not the end of it. The DPP, in this case, must within a fixed period of time and that is critical, within three months, the DPP must get those authentic depositions. That was an interesting issue and a side part to what occurred in the Bisram matter, which I will come back to just shortly. Authenticated depositions are critical for the determination to be made. Meaning, the DPP cannot act on the say so of others, cannot act on what other officers in the DPP's Chambers are saying, and cannot act on what they believe to form part of the record, or the notes of evidence of other persons, other attorneys in the matter or other reports in press. It must be the authenticated record from the court. Within three months, this must be obtained and that application has to be made to a judge. As was pointed out by the Hon. Attorney General, the Caribbean Court of Justice was mindful that the application could be made *ex parte*. Meaning, in the absence of the accused man or his representative, one could have gone to a judge and got a warrant.

6.12 p.m.

Now, the legislation, as it sits, states that the Director of Public Prosecutions (DPP) can make the application. We rely on the court system as to whether or not the judge wishes to hear the accused. Mr. Speaker, it would be very difficult in these circumstances for the balance to favour this process being *ex parte*, especially if the accused or his representative were to indicate to the DPP that should the DPP find it necessary to make an application, they would like to be heard or inform the Registrar of the Supreme Court. It gives the opportunity for the accused person, who would be the respondent in these proceedings, to react, to participate and to protect his rights, which is the principle. Now, once it goes to the judge, the ball is in the judge's court. He has to be satisfied that the evidence was sufficient to commit. He, in fact, sits and makes a fresh determination. It is not an appellate process. One is not appealing the magistrates' decision. The judge will look at it with fresh

eyes and decide whether it is sufficient to go before a judge and jury, or whether it is insufficient. Obviously, he would have that power.

Where he grants the application, the first thing that should happen should be an arrest and then a committal order. Considerations of bail would arise in the usual circumstances. Presumably, for matters of murder or charges of murder, there may be difficulties or no likelihood of bail. That has not been the practice in our jurisdiction. Importantly, if the judge makes the determination that the warrant and the arrest should take place or if he decides not to do it, the DPP or the accused person has the right to appeal that decision to the Court of Appeal. From the Court of Appeal, that appeal will obviously go back to the Caribbean Court of Justice (CCJ), should there be a disgruntled party. The whole system is now on even footing. Both sides would go to an independent adjudicator. Neither side is able to tell that independent adjudicator what to do. The striking down of the old section 72 was critical. It was alarming that courts, as far back as the 1970s, thought that it was repugnant to fairness and the law. There was, as was alluded to by Minister Walrond, and there still is a school of thought about the saving clause in our Constitution and what it keeps. We must bear in mind that the saving clause was only to allow the independent state to get on its feet and if it wished to so change the laws, to so change the laws. The current philosophy or thinking of the Caribbean Court of Justice is that the Constitution is supreme.

These are things to which we should give more than lip service. We should not say that the Constitution is supreme if we have these lists of exceptions that stand outside the Constitution. That does not make sense. Just as an aside because I cannot resist it, the Hon. Mr. Mahipaul was at pains about subsidiary legislation and its interpretation. He might just observe, at some stage, how the Constitution came into being, the Act that brought it in and then said that was the Constitution, and he will recognise that the interpretation and the meaning, whether it is in the Act or in the subsidiary, remain effective. This is just to highlight a little bit of why the authenticated record is important. It was an issue that arose in the Bisram case. What had happened was this: the trial took place at the Whim Magistrate's Court before a magistrate and, at the end of it, in a very short time, within an hour, then it was... He would not understand, Mr. Forde, and I doubt you would too. Anyway, in less than an hour, the time it would take to drive to Georgetown, for example, the DPP had issued her edict that the trial should be reopened, and that Mr. Bisram should be committed. She relied on the prosecutor's word, and that is part of what the evidence was.

The DPP relied on the prosecutors' word as to what took place and what was the record. That is why it is critical that in the legislation we have, it is the authenticated record the DPP must actually have and not the notes of evidence of any of the participants. That would make no sense. How would one be able to verify the genuineness, for want of a better word, as it were?

In this case, which is why it got to the stage it did and the arguments were able to be advanced, there was a solitary witness who stood against Mr. Bisram. In his evidence before the magistrate, he recanted. He said what he had put in his statement and what he had said before were not so and he explained the whys of it. The CCJ recognised that the witness had recanted his testimony. Maybe, in other cases it would not be such a glaring example of why it was critical that the court notes the authentic notes of the magistrate, were the notes to be relied upon by the Director of Public Prosecutions. These safeguards, which are in the amendment that we are discussing today, are complete. They cover the gambit of what the Caribbean Court of Justice's decision is and goes much further – much further.

It covers the gambit of what the arguments were in these proceedings, and it certainly fulfils that which has to be protected. It provides that it has to be done within a specific time. It provides that if the DPP wishes a challenge, there is a time limit of three months. It provides that it must be on authenticated documents only. It provides the right of the accused to have a hearing and it provides him the right to appeal the judge's decision. This is a clean sweep in that what it does is remove what was a really bad provision in our laws and replace it so that the DPP still has the power, should there be a situation of the discharge in the magistrate's court of the Preliminary Inquiry (PI), and the judicial process is still engaged all the way through so that, hopefully, in the end, justice is served. I would not deal too much with it.

The Hon. Attorney General has done so comprehensively but the amendments are an indication of just how thorough it is. The other powers that the DPP had and the other matters in which the DPP could have exercised an authority have also been fixed by these amendments. Mr. Speaker, with those few words, I do commend the Criminal Law (Procedure) (Amendment) Bill 2022 – No. 21 of 2022 to this House. Thank you. [*Applause*]

**Presiding Member:** Thank you very much, Hon. Member. I now call on the Hon. Attorney General and Minister of Legal Affairs.

**Mr. Nandlall (replying):** Thank you very much, Mr. Speaker. Mr. Speaker, I want to thank all the Members who have given their solid and unreserved support to these amendments, but there are a few matters that I just would like to put on the record briefly for the completeness of the discourse. The Hon. Member, Mr. Ramjattan, made reference to it and my colleague, the Hon. Member, Mr. Sanjeev Datadin, made reference to it as well. It has to do, in particular for the non-lawyers, with why what appears to be such a patent violation of judicial independence being expressed in section 72 was allowed to remain on the record for such a long time. My distinguished sister, the Hon. Oneidge Walrond, indicated that the Criminal Law (Procedure) Act, the substantive Act, was an Act in 1893. Section 72 was one of the original sections in that Act and then it was once amended in 1973, 100 years after, in a minor way. We have it now, in its current form, until we change it.

We became independent in 1966 and our Constitution was then promulgated and declared itself to be the supreme law. It ensconces the separation of power doctrine. How, then, did a provision that appears, on its face, to be so flagrantly in violation of natural justice and of undermining the judiciary escape the eyes of so many great judicial minds and legal forensic minds that our country has produced and undoubtedly so? It has to do with the existence of a provision in our Constitution and which is a provision that exists in all Commonwealth Constitutions. It is the saving of existing laws clause, and it says, essentially, this: all laws that were existing prior to the coming into force of the Constitution are saved, notwithstanding the fact that they may be inconsistent with and in collision with the Constitution. Pre-existing constitutional laws were allowed to be inconsistent with the Constitution by the Constitution itself. Future laws cannot be inconsistent with the Constitution because they would be unconstitutional. That is also in the Constitution.

6.27 p.m.

So, this issue of collision that arose in relation to section 72 has arisen many times before. I have a case here of D'Aguiar and Cox. Peter D'Aguiar was campaigning in the interior. This is a case that was reported in the *West Indian Report, Volume 18* of 1971, page 44. Mr. D'Aguiar was campaigning using a loudspeaker in the interior and he was charged with violating the Amerindian Ordinance at the time which stated that one could not enter Amerindian communities without permission. He was charged because that was an offence. Mr. D'Aguiar invoked, properly so, his

constitutional right and said that he had freedom of movement in any part of this country, that freedom was guaranteed by the supreme law of Guyana, the Constitution, and how could he be told that an Amerindian Ordinance, which is an inferior law when compared to the Constitution, could take away his constitutional rights. A court comprising of Chief Justice Bollers, Justice George and Justice of Appeal Massiah – powerful court at the time – ruled that because the Amerindian Ordinance was a 1957 Ordinance, it predated the Constitution and by virtue of the saving of existing laws provisions in the Constitution, it was allowed to be inconsistent with the Constitution. So, that is how they answered the question.

I think Mr. Ramjattan made reference to the case of Williams and Salsbury. Again, this is in the *West Indian Report, Volume 26* of 1978 on page 133. Again, section 72 came under review. The quorum at the Court of Appeal at that time was Chancellor of the Judiciary Haynes – regarded as possibly the greatest judicial mind that we have produced or one of them – Justice of Appeal Crane and the Justice of Appeal Massiah. This was a powerfully constituted bench when it came to criminal law and constitutional matters. The issue was raised. Tangentially, however, it was not a matter for them to determine. They all recognised – as the Hon. Members Mr. Ramjattan and Mr. Datadin said – that section 72 collided with the doctrine of the separation of powers and undermined judicial independence because a non-judicial organ was directing a Magistrate on how to determine a matter. They found it to be inconsistent with the right to a fair trial before an impartial and independent tribunal. All three of them said that it was a pre-existing law section with which they could not interfere.

Fast forward to the case of the Attorney General against Ramlochan. This one is in the *West Indian Reports, Volume 83* of 2014. In this case, Ramlochan was charged with being in possession of stolen items. Now, the provision in the Criminal Law (Offences) Act in relation to this offence reverses the burden. When one is charged with a criminal offence, one is presumed innocent until the prosecution proves one guilty. Here, once you are found in possession of a stolen item, you are presumed to know that it is stolen, and you now have to rebut that presumption. So, they reversed the burden. That burden is recognised and enshrined in the Constitution. If you look at Article 144, every person charged with a criminal offence is presumed to be innocent. Here it is that a person charged with this offence was presumed, basically, to be guilty. So, they challenged the section. Yours truly was the Attorney General. I appeared in the Court of Appeal and advanced the very argument that it



was a pre-existing law and, therefore, it is saved by the Constitution.

“The learned Attorney General, Mr. Nandlall, forcefully argues that s 94(1) was an existing law at the commencement of the Constitution and to present time continues to be part of the law of Guyana ....”

Nothing contained under the authority of that law can be unconstitutional. The judges stated that was a contention with which they fully agreed. [**Mr. Ramjattan:** It is most repugnant.] Yes. It is repugnant, except, saved by the existing laws. So, this is the point that I want to make. This is what the court states at the end of its judgment:

“The role of the courts is not to make law but to interpret and apply it.”

It is not to make a law but to interpret and apply it.

“However, the people of Guyana are entitled to benefit from the full range of fundamental rights and freedoms guaranteed to them under our Constitution. The saving of pre-existing laws, as the instant matter illustrates, results in a diminution of the benefit and protection of those fundamental rights. The time is therefore well nigh due in this our fully independent and Sovereign Republic for our legislators to take appropriate action with respect to the saving effect of art 152(1) of the Constitution, [in relation to] pre-existing laws which conflict with the constitutional guarantee of fundamental rights.”

Our Court of Appeal stated that it is a matter for this House. The CCJ has parted company. Our courts are bound by the CCJ which is our apex court. They said that they were not going to wait and that they would strike it down using their powers of interpretation because they have a duty to modify the law by interpretation to bring it in conformity with the Constitution. But there are limits to interpretation. One cannot interpret this to be a Mercedes Benz motor car; one can only interpret it as the elasticity of the language allows because one is interpreting it. That is the point that the Court of Appeal made here – legislators must do what they are allowed, permitted, and authorised to do in the Constitution.

The Privy Council in a case called Chandler had to confront an identical issue that arose in Trinidad and Tobago. The Privy Council stated that it was not going to interfere with the matter. As long as the saving of existing laws remains in the Constitution, the Privy Council, as a court, would obey and interpret them. It is a matter for the politicians and the

people of Trinidad and Tobago to change them. So, there is this very opposed position of the two Courts of Appeal in the region on a matter that is of fundamental importance to the people of the Caribbean. For less than half of the territories, their appellate court is the Caribbean Court of Justice and for more than half of them, it is the Privy Council. There is this diametrically opposed jurisprudential position that confronts us. However, whatever justification the CCJ has come up with for its position, we are bound by it. I have my concerns which I raised with the President of the Caribbean Court of Justice when I met with him. I told him when the Bill is being debated that I would raise these concerns. That is our final court, and we respect that. We are complying with its directions.

The Hon. Member, Ms. Chandan-Edmond, raised an important point and I want to take it on board. That is although, as I said, we consulted with the DPP and she did not find the three months period objectionable, I believe that sometimes there may be a recalcitrant or delinquent Magistrate or the system may simply be one that delays the process and frustrates the three months period, which the DPP has, from being complied with. So, I will move a short, brief amendment in relation to that. We already have two amendments that I will ask your permission to move at the appropriate time. So, Mr. Speaker, I believe that we have corrected a major deficiency in our law as declared by the Caribbean Court of Justice. I am happy that both sides of the House have recognised the importance of correcting it. Though we may have nuanced differences in our forensic examination of how the CCJ dealt with the matter, the bottom line is we recognise that it is our final court, its rulings are binding upon us, and we are acting in compliance, as a Parliament, with those directions from our apex court. So, I will close here and ask that the Bill be read a second time. Thank you.

**Presiding Member:** Thank you, Hon. Attorney General and Minister of Legal Affairs.

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

**Mr. Seeraj:** We are now in Committee, Hon. Members.

### **Clause 1**

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

### **Clause 2**

6.42 p.m.

**Mr. Seeraj:** I will now put clause 2 which comprises section 72 of the principal Act.

**Mr. Nandlall:** Mr. Chairman, I have an amendment to subsection 72 (3).

**Mr. Seeraj:** Go head, Hon. Attorney General.

**Mr. Nandlall:**

“Every application under subsection (3) shall be made within three calendar months of...”

We are going to delete....

“...the discharge of the accused person.”

And we are inserting in its stead, the words,

“...receipt from the magistrate of the authenticated copy of the depositions taken at the Preliminary Inquiry and every other statement, document or thing relating to those proceedings.”

That is the amendment, Sir.

**Mr. Seeraj:** Could you repeat that for the record?

**Mr. Nandlall:** Yes.

“...three calendar months of the receipt from the magistrate of the authenticated copy of the depositions taken at the Preliminary Inquiry and every other statement, document or thing relating to those proceedings.”

*Amendment put and carried.*

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

**Mr. Seeraj:** Thank you, Hon. Attorney General. I now put subsection three as amended for the House approval. Subsection four, five and six was put before....

**Mr. Nandlall:** Mr. Chairman, I still have some amendments.

**Mr. Seeraj:** That would be in relation to subsection 78.

**Mr. Nandlall:** Yes Sir.

**Mr. Seeraj:** Right, so we have completed subsection 72 and we are now moving to the amendment that was circulated.

**Mr. Nandlall:** Yes, Sir.

**Mr. Seeraj:** Go ahead, Hon. Attorney General.

### Clause 3

**Mr. Nandlall:** By inserting as a new clause 3 the following:

“The Principal Act is amended by deleting section 78”.

*Amendment put and carried.*

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

### Clause 4

Section 79 of the principal Act is amended as follows:

“(a) in subsection (1) by substituting for the words “either of the last two preceding sections” the words “section 77”; and

(b) in subsection (4), by deleting the words “or that a matter shall be dealt with summarily under section 78”.

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

*Assembly resumed.*

**Presiding Member:** Hon. Attorney General and Minister of Legal Affairs, proceed.

**Mr. Nandlall:** Mr. Speaker, I am pleased to report that the Bill was considered by a Committee of the House and was amended and passed. In those circumstances, I respectfully ask that the Bill be read a third time.

**Presiding Member:** Thank you very much, Hon. Attorney General. The question is that the Bill be now read a third time and passed as amended.

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

**Presiding Member:** Hon. Members, I had indicated that we will not break. However, due to circumstances beyond my control, I am now granting a break of 20 minutes and then we will reconvene. Thank you very much.

*Assembly suspended at 6.48 p.m.*

*Assembly resumed at 7.25 p.m.*

*[Mr. Speaker assumed the Chair.]*

**Mr. Speaker:** Thank you, Hon. Members. Please be seated. Hon. Members, we will now proceed with the second reading of the Court of Appeal (Amendment) Bill 2022- Bill

No. 22 of 2022 published on 1<sup>st</sup> November, 2022. Before the Hon. Attorney General takes the microphone, let me thank the Hon. Mr. Seeraj for taking us through the last Bill. Hon. Attorney General and Minister of Legal Affairs, you may proceed.

### **Court of Appeal (Amendment) Bill 2022- Bill No. 22 of 2022**

A Bill intituled:

“An Act to amend the Court of Appeal Act.”

[Attorney General and Minister of Legal Affairs]

**Mr. Nandlall:** Mr. Speaker, I rise to request that the Court of Appeal (Amendment) Bill- Bill No. 22 of 2022 be read a second time. The Guyana Court of Appeal was established by article 83 of the 1966 Constitution of Guyana, consisting of the Chancellor, Chief Justice and such number of Justices of Appeal as may be prescribed by Parliament. Under the transitional provisions, the number of justices prescribed was not less than two and not more than three. The maximum number was increased to five by the Court of Appeal Constitution Act of 1970. This complement of judges in the Court of Appeal has not changed since. Exactly 50 years after, this amendment seeks to change that complement by providing for an increase in number of Justices of Appeal to not less than five and not more than nine. This increase in the complement of judges in the Court of Appeal, coming after half of a century, should by itself and without more be sufficient justification.

It is no secret that Guyana has always been a litigious society. In my view, the propensity to litigate in Guyana has grown progressively over the years. It is quite possible that litigation has increased several hundred folds from 1970 to now. The latest statistics from the Caribbean Court of Justice (CCJ) reveal that nearly 60% of the appeals heard by that court are from Guyana. This means that Guyana as a singular jurisdiction sent more appeals to the CCJ than all the other tertiaries combined. Indeed, appeals from Guyana tripled those of the other individual tertiaries. It is therefore both unreasonable and impossible to expect the same number of judges to cope efficiently in the face of such an increase in workload. This amendment is therefore long overdue and should attract no opposition from any rational thinking person. The backlog of cases that has afflicted our judicial system and the consequential injustice, hardship and, I dare say, financial and sometimes human ruination, are all matters which, as leaders, we are unfortunately familiar. I do not think that there is anyone in this House who has not been

confronted, either personally or through complaints from a citizen of every race, every class and from every geographic corner of this country, about the time it takes for their particular case to heard and determined by the judiciary.

Year after year, the executive has been working with the judiciary by providing finances and different types of support in order to bring efficiency to the judicial process. The judiciary itself has over the years come up with different strategies to bring expediency to its process and to alleviate the backlog of cases. Our Government has been a willing and reliable partner in supporting the judiciary in every initiative designed to improve the justice system and to bring to its processes greater dispatch. For example, during my last tenure as Attorney General, the audio/ video recording system was introduced. This system allowed for the automatic recording of proceedings in court with a written transcript being produced, obviating the need for judges and magistrates to take notes in long hand. This initiative saves hundreds of hours of judicial time. New civil procedure rules were introduced. No one can dispute that these rules have transformed the manner in which civil cases are now being heard and determined. During this period also, and by virtue of an Order by President Donald Ramotar, the complement of High Court Judges was increased from 12 to 20. During the Coronavirus (COVID-19) pandemic, in a unique collaboration between the executive and the judiciary, 30 virtual courts were established at the major prison centres in Georgetown, Lusignan, New Amsterdam, Timehri and Mazaruni.

7.31 p.m.

These courts permit prisoners to have their cases virtually heard by magistrates and judges from the various prison centres *via* internet linkups and television screens. This mechanism obviates these prisoners from travelling from these centres to various courts across the country. Judicial time and financial resources saved by this mechanism are simply immeasurable. Recently, millions of dollars have been expended to effect physical expansion and renovations at the Court of Appeal building, Kingston, Georgetown. These facilities include the construction of an additional courtroom and larger facilities to permit two sittings of the Court of Appeal simultaneously. To complement the aforementioned physical and systemic transformation, we are now increasing the complement of the Justice of Appeal in the manner set out in the Bill. No doubt this apparent small measure will positively affect the overall administration of justice in Guyana. Significantly, the Government did not act unilaterally on this initiative.

Consultations were held with both the judiciary and the legal profession. The consultations drew support for an increase in the complement of Justices of Appeal as set out in the Bill.

While the Executive cannot dictate how the Judiciary conducts its business, it would be reasonable for the public to expect that once more judges are appointed, there will be greater alacrity in the hearing and determination of cases. Concomitantly, it is hoped that not only will there be greater frequency of sittings of the Court of Appeal at its Georgetown abode, where two courtrooms will now be available, but there will be sittings of the Court of Appeal in the other two counties of Essequibo and Berbice. This is where Guyanese from those counties can have their appeals heard and determined in those counties without them having to travel to Georgetown. A larger complement of appellate judges also creates the potential for a greater degree of specialisation and cross specialisation by judges at this important appellate level. Such an innovation will not only improve efficiency and speed but can lend to a higher quality of jurisprudence and learning. In the same manner that Guyana has become one of the attractive investment destinations in this hemisphere, we hope that Guyana would be seen as an attractive destination for judicial appointments.

The expectation is not only to attract judges from the Caribbean but the wider Commonwealth and possibly the United Kingdom. Permit me to assure that this expectation is not grounded in any sinister design but simply to attract quality and competence. No doubt this will augment greater public confidence in our judicial system. As a people, we are deserving of no less. The rule of law and justice are the *sine qua non* of a democratic and civilised society. Despite what some may think, no lasting economic or social advancement can be accomplished without them. The rule of law cannot prevail, and justice cannot be achieved, without a competent, efficient and independent justice system. This Bill takes us one step closer to achieving this objective. It is without hesitation that I commend this Bill to the House. I thank you. [Applause.]

**Mr. Ramjattan:** I want to be very brief because, indeed, this again is a piece of legislation that I feel must be supported, especially in the context of not only Guyanese being litigious and then going to the Court of Appeal, but also because of the tremendous amount of litigation that has come about consequent upon the economy getting better because of that production sharing agreement and so many other administrative judicial review proceedings being brought against the Government for certain violations that we have seen recurring. It goes to the third reason that, since having

created an expansion of the High Court some years ago and the Court of Appeal remaining the same – two to five – a bottleneck has been created. That bottleneck, I am certain, is going to dissipate to a certain extent with us now enlarging that constitution of the Court of Appeal from five to nine, respectively. It is important then, that in the context of the development of the country and its evolution, we see that this happens as early as possible.

I am glad that the Attorney General has seen it fit to bring this Bill. And the other arguments that he made there, again, I want to use a coined term, ‘I concur’. To that extent then, I commend this Bill for passage in this august Assembly. Thank you very much. [Applause]

**Mr. Speaker:** Thank you very much, Hon. Member, Mr. Ramjattan. I now call on the Hon. Member, Ms. Amanza Walton-Desir. Then, Hon. Member, Mr. Sanjeev Datadin, you may proceed.

**Mr. Datadin:** Good evening, Mr. Speaker. I support unreservedly the Court of Appeal (Amendment) Bill 2022, and I commend it to the House. I endorse what the Hon. Attorney General has said before me in relation to the importance of increasing the complement of judges that we have in the Court of Appeal.

It is important that we understand a little bit of how the Court of Appeal works. There are at present three judges in the Court of Appeal. The Court of Appeal sits in open court, which is the full complement of it, that is, three judges. This means, at present, we have one panel. Then there is the Chamber Court which deals with the interim and interlocutory applications that relate to matters such as a stay of execution or matters pending the hearing of the appeal where one judge would sit. Given the amount of litigation, we have increased the number of judges in the High Court. There are also appeals that come directly from the Magistrate’s Court to the Court of Appeal. We have at present, Your Honour, one panel – three judges. It is such, as we all saw during the election cases, that if one of those Court of Appeal judges chooses not to sit or is disqualified for any reason, we then have to bring an additional judge from the High Court into the Court of Appeal to sit. A position that is entirely untenable.

As the Hon. Attorney General has indicated, we now have two courtrooms. The hope is that we can have two courtrooms functioning together. As it is now, we have one courtroom and three judges. If we have two courtrooms, we will still have only three judges; that would not help. A panel, which means the complement of judges that would

hear an appeal, is usually three. To increase, as is proposed by an amendment of the Act, to a minimum of five judges in the Court of Appeal and a maximum of nine, bodes well for Guyana. All of the persons who have appeals, for which they have been waiting years for those appeals to be heard, have been waiting a substantial amount of time for decisions to be written, and they have been waiting on rulings from the court. The courts position is that they are overburdened. There is so much they have to do that they cannot get the time to write decisions and make rulings.

What we need to do is to make sure that those obstacles are removed. We need to make sure that we put it on a little even footing. When we have appeals and we have a larger complement of judges, hopefully the administration of justice overall will improve – we will get quicker rulings; we will get more written decisions; and the people of Guyana will get their disputes resolved in a more timely manner. With those few words, I commend the Court of Appeal (Amendment) Bill 2022, Bill No. 22/2022 to this House. [Applause.]

**Ms. Chandan-Edmond:** Mr. Speaker, I rise to make my presentation on Bill No. 22/2022 which seeks to amend the Court of Appeal Act by amending section 34(1) of the said Act. We are gathered here today within these legislative walls to specifically amend this section within this Act by substituting the words “five and nine” respectively for the words “two and five”. According to the Explanatory Memorandum:

“This Bill seeks to amend section 34(1)...which presently, provides that the judges of the Court of Appeal shall include not less than two and not more than five Justices of Appeal.

Clause 2 of this Bill amends section 34(1) to provide that the complement of Court of Appeal judges shall now include not less than five and not more than nine Justices of Appeal.”

Sir, our duty today does not allow us any latitude for a heated debate, acrimony or the usual parliamentary wrangling which we have grown accustomed to since 2020. You would agree with me, Hon. Minister Benn – I had to mention your name – today, right now, we must eschew all attempts to strain our voices to argue for or against this amendment. There is absolutely no room for that. Highlighting the shortage of judges, which compounds the case backlog and delays in the judiciary, today marks the culmination, as we have heard from the previous speakers inclusive of the Hon. Attorney General, of consultations,

arguments, pleads and advocacy not limited to lawyers or those affiliated with the legal fraternity or the judiciary, but from a wide cross section of Guyanese, for the expansion of the composition of section 34 of the Principal Act. I served as a Magistrate for ten years. I stand here speaking from a position of knowledge, that the current complement on all tiers of the judiciary is woefully inadequate.

7.46 p.m.

This amendment is timely and welcome, more so having regard to the caseload of the judiciary. As my father would say, we are becoming a debatable society. That is not his exact word, but I tried to use a milder adjective to convey what he wanted to say. Indeed, as so many have said over the years, justice delayed is justice denied. The increase in the numbers and the quality of members of the judiciary must be recognised as important elements to ensure that there is timely justice for all litigants at all levels.

Members of both sides of the House would agree that the rule of law is possibly the most basic requirement of any civilised society, and an accessible, independent judiciary to all citizens is an indispensable component of the rule of law. It is against this backdrop I say that our judges and magistrates and courts strive daily to ensure the fair, impartial and independent administration of justice, so that our people are treated with respect, dignity, and fairness, in the application of our laws. Judges and courts have a significant impact on our daily lives, and we entrust them to make some of the more important decisions that affect us. Think for a moment, only a judge can grant a divorce, confirm an adoption, order the termination of parental rights, sentence a person to death, impose a sentence of imprisonment, or cause a change in property rights, deliberate on an election petition, adjudicate on violations of constitutional rights, *et cetera*. Thus, judges and courts are essential to protect our liberties and our most fundamental constitutional rights.

“Without our courts, there is no justice, there is no freedom...”

And we will simply operate like the *wild, wild west*.

“As John Adams declared over 200 years ago, if we are to have a ‘government of laws and not men,’ we need our courts and judges to forever ensure that our legal rights are protected. And, we know from history, that no person is above the law...”

Senior Policy Advisor for a United States of America (USA) bar association, Mr. W. Weisenberg, has written on this

matter in an American Bar Association (ABA) Journal. I will not go into the details of what he was written. But, essentially, what he said is that litigants come to the courts and see the courts as a safe haven, that the justice system is seen as a cherished system, and litigants should leave the courts knowing that justice has been delivered in a fair and impartial manner. I wanted to quote this article to make the point that judges and the court system are very important, and so is the composition of the judges. I quoted from this article not only to make the point that we need to increase the complement of the Court of Appeal judges, but more judges are needed also in the supreme court.

While I support this amendment fully, I must say, and I hope the Hon. Attorney General is taking notes, and also the other relevant stakeholders, that there is a need for strengthened gender representation. Fair gender representation strengthens the judiciary with its ability to deliver fair, reasoned, objective, and tempered decisions. Women judges bring different perspectives and experiences to the judiciary. At a high-level forum hosted by the United Nations Office on Drugs and Crime (UNODC), in 2022, on a gender responsive justice system, Austria's Minister of Justice is on record stating that a diverse judiciary brings different voices and perspectives into the courtroom and beyond. Numerous studies have proven that diversity strengthens the judiciary; it helps to overcome implicit biases and unconscious stereotypes. Above all, female judges have made groundbreaking decisions when it comes to combatting all forms of discrimination. If we are to hope for fair, effective, and efficient criminal justice systems for all, we must respond to all, including addressing women's unique needs. The number of women and girls coming into contact with the criminal justice system as victims, witnesses, and perpetrators, have increased in the past 20 years.

It is completely unacceptable for the two illustrious female members of the judiciary, who have served with excellence, integrity and dignity, and hold the highest offices within the judiciary, to continue to be acting in their positions. It has been observed that there has been absolutely no opposition to their confirmation, and we believe that this anomaly must be corrected immediately. This, too, will engender greater confidence in the judicial process and ensure trust by the people of Guyana in the workings of the judiciary. Nevertheless, I hereby express my unreserved support for this Bill, and I wish again to commend the Hon. Attorney General for bringing this important amendment, which will undoubtedly lead to more timely and efficient administration of justice in the country. I thank you, Sir. [*Applause*]

**Mr. Nandlall (replying):** Thank you, Mr. Speaker. I want to thank all the Members who spoke, on both sides of the House, in support of this Bill, clearly recognising that the time for this Bill has long come and that its importance is undisputable.

I want to assure my learned friend on the other side, the Hon. Geeta Chandan-Edmond, who calls for greater female representation on the bench, that in every tier of our judiciary, men are in the minority. At the Court of Appeal there are two females and one male. In the High Court there are more female judges than male judges. The two only Land Court Judges in the country are both females. There is the magistracy; the majority of the magistrates are female. Going back up, the acting Chancellor is female, the acting Chief Justice is female, the acting Chief Magistrate who just went on leave is female. I do not think that your call for gender balance, in terms of more women on the bench, is one that is well-founded. In fact, you should make a call for more men to go on the bench to balance the scale. The Bill has received unanimous support, Sir, and I ask that we proceed to the concluding stages of the Bill.

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

*Bill considered and approved.*

*Assembly resumed.*

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

## COMMITTEES BUSINESS

### Motions

#### **Adoption of the Eighth Report of the Parliamentary Standing Committee on Appointments in relation to the Appointment of Members to the Public Service Commission**

“BE IT RESOLVED:

That this National Assembly adopts the Eighth Report of the Parliamentary Standing Committee on Appointments to address matters relating to the appointment of Members of Commissions established under the Constitution, and signifies to the President that the following persons:

- (i) Mr. Mohandatt Goolsarran; and

(ii) Ms. Janice Isabella Bowen

have been nominated in accordance with article 200 (1)(b) of the Constitution, to be appointed members of the Public Service Commission.”

*[Minister of Parliamentary Affairs and Governance, Government Chief Whip – Chairperson]*

**Ms. Teixeira:** Mr. Speaker, the Members of the House have before them copies of the Eighth Report of the Parliamentary Standing Committee on Appointments. The report contains the deliberations of the Committee on Appointments with regard to the nominees to the Public Service Commission (PSC), and is in accordance with the Constitution, Article 200(1)(b) – two names coming forward from the Committee on Appointments to the House with regard to the Public Service Commission.

We would like to therefore ask the Members to look at the report that has been circulated on the motion. We ask them to support the nominees that were unanimously approved in the committee, that is Mr. Mohandatt Goolsarran and Ms. Janice Isabella Bowen, to be the two nominees that this House will support going forward to the President for appointment as two of several members of the Public Service Commission. Thank you, Sir.

*Motion proposed.*

**Mr. Ramjattan:** I would like to support or second the motion, if that is the word, and indicate that the Members of the Opposition would like this to be moved forthwith. Thank you.

*Question put and agreed to.*

### **Approval of the New Manning Level Chart of the Rules, Procedures Manual of the Organisational Structure of the Audit Office**

“WHEREAS at the 48th Meeting of the Public Accounts Committee, held on 9<sup>th</sup> January, 2023, the Auditor General proposed an increase in the Manning Level of an additional three (3) Engineers in the Works and Structures Division within the Audit Office of Guyana;

AND WHEREAS the proposal for an increase came as a result of the critical role of the Works and Structures Division due to the steady increase of the National Budget. This significant increase in the number and complexity of infrastructural projects

being executed across the country by the Government of Guyana has resulted in the current staffing of this Division being inadequate;

AND WHEREAS the Public Accounts Committee at the said meeting approved the proposals submitted by the Auditor General;

AND WHEREAS the Rules, Policies and Procedures Manual (Amendment) Regulations 2023 – No. 4 of 2023 sets out the new Manning Level Chart of the Audit Office;

BE IT RESOLVED:

That the National Assembly approves the new Manning Level Chart of the Rules Procedures Manual of the Organisational Structure of the Audit Office to allow for an increase of three Engineers in the Works and Structure Division within the Audit Office of Guyana.”

*[Mr. Figueira – Chairman]*

8.01 p.m.

**Mr. Figueira:** Mr. Speaker, this motion will receive the unwavering and unanimous support of all Members on this side of the House because we believe the guard rails of our democracy is dependent on institutions like the Audit Office of Guyana, which should be given every support it needs to efficiently and effectively carry out its functions and be allowed to work independently without any government, now or in the very near future, stretching its tentacles where it does not belong. This is why, we on this side of the House will continue to make the call for the appointment of the present Chancellor and Chief Justice of the Judiciary – two eminently qualified and distinguished Guyanese women. Moreover, we will continue to make the call in demanding for the appointment of the Judicial Service Commission so that justice, for thousands of people in a clogged-up system, can be delivered from the appointment of more magistrates and judges in our courts. Hopefully, with the appointment of more magistrates and judges, we will see an increase in male representation, as the Attorney General just rightly informed the House of the shortage of such representation. May I remind the learned Minister of Legal Affairs and our country’s Auditor General, that justice delayed is justice denied.

As the motion indicates in its second WHEREAS clause, highlighting the steady increase in the national budget, along with increase in the number of complexities of

infrastructural works being done across the country, the Works Division of the Audit Office is in dire need of more staff who are responsible for the examination of pre-tender estimates and Bills of Quantities, the suitability of the type of contracts used for particular projects, the administration of contracts, as well as the physical verification and remeasurement of works. Further, this Division also deals with the examination of payments made, final accounts and quality control and material testing. The workload of this Division, and by extension the entire Audit Office, like the judiciary, is most overwhelming. The Public Accounts Committee of the Parliament of Guyana, which works along with the Audit Office to do important work, is at a fast pace heading into a defunct state, like several other important Committees of the National Assembly that never met and seldomly meet due to the deliberate absenteeism of Government Members who sit on the Public Accounts Committee and is also in need of dire help.

We on this side of the House understand and do support the request of the Audit Office, which has so far discovered irregularities in several Ministries ranging from non-compliance with Government's regulation to overpayments made to contractors, shabby works on several roads and other infrastructural projects across the country. This is reflected in the Auditor General's report. We believe the request of the Audit Office for a paltry increase of three engineers, taking the total to five, should be given the support of the House without delay. Mr. Speaker, I am confident that you will agree with me, that the functions of the Audit Office and the Public Accounts Committee are equally important to ensure that the Government works efficiently to rid itself of, or reduce as far as possible, issues of corruption. Corruption has been a significant issue that continues to plague Guyana, with reports indicating that it is a widespread practice in Government and some quarters in the private sector. Added to this, Mr. Speaker, the recent revelations of corrupt acts of...

**Mr. Speaker:** Hon. Chairman, I have been a little lenient, but it does not matter. I have been a Member of the Public Accounts Committee and I am straining to think and remember the Auditor General's reports saying this is 'corruption'. You may continue without 'corruption'.

**Mr. Figueira:** Thank you, Mr. Speaker. I would caution and advise all of us that we should take a read of the Auditor General's report and we will see that it has captured unscrupulous actions and breach of the trust of the Guyanese people, with regard to what is found in the Auditor General's

report, Mr. Speaker. Sir, the recent revelations of forging peoples' signatures bring a dark cloud...

**Mr. Speaker:** You may need to produce the evidence there. There may be allegations of, revelation is something else.

**Mr. Figueira:** Mr. Speaker, the alleged corrupt acts...

**Mr. Speaker:** Hon. Member, I think you are now straining to find a speech.

**Mr. Figueira:** When one is constantly interrupted, Sir... but I am at my penultimate paragraph.

**Mr. Speaker:** Hon. Member, if you identify the Members who are interrupting you, I will caution them and probably remove them.

**Mr. Figueira:** Thank you, Mr. Speaker. My colleague is very supportive on this side.

**Mr. Speaker:** Are you saying we should remove Mr. Mahipaul?

**Mr. Figueira:** We welcome him indicating to me and reaffirming that the actions that have been made public bring into question the likely dark cloud that will be cast on these upcoming Local Government Elections. It is concerning for the majority of the Guyanese people. This erodes trust in Government and creates...

**Mr. Speaker:** Hon. Member, I will now caution you on staying to the subject before us, and that is, the "Approval of the New Manning Level Chart of the Rules, Procedures Manual of the Organisational Structure of the Audit Office".

**Mr. Figueira:** Mr. Speaker, this is a presentation that supports why I am articulating the need for an increase of staff. Because there is a shortage of staff, it is being in contrast with the realities in different Ministries from the Auditor General's findings, as well as with what is existing in the public domain. So, Mr. Speaker, we believe...

**Mr. Speaker:** What you are saying to the Speaker is,...

**Mr. Figueira:** I am concluding.

**Mr. Speaker:** ... in spite of his caution...

**Mr. Figueira:** No.

**Mr. Speaker:** ...you want to persist.

**Mr. Figueira:** Certainly not, Sir.

**Mr. Speaker:** Thank you very much.



**Mr. Figueira:** Certainly not. Mr. Speaker, I am so guided by your usual guidance. I am saying, we, as a collective in this House, must support the Audit Office with its request to be able to do its work efficiently and effectively for the people of Guyana. I trust that the colleague who will speak after me will stay in line, as you so guided, Sir, with regard to supporting the Audit Office in the request made. I so trust that all of us will give unanimous support to the Audit Office. Thank you. *[Applause]*

**Mr. Speaker:** Thank you, Hon. Chairman of the Public Accounts Committee. You did open the door. Once you open the door, it will require... **[Mr. Mahipaul: (Inaudible)]** Thank you very much.

*Motion proposed.*

The Hon. Member, Bishop Edghill, Minister of Public Works.

**Minister of Public Works [Bishop Edghill]:** Mr. Speaker, I thank you for this opportunity of contributing to this debate on this simple motion. Let me say from the onset that we in the People's Progressive Party/Civic Government are extremely pleased to support this motion. As a matter of fact, strengthening the Audit Office of Guyana is something that benefits our belief in transparency, accountability and good governance. I would not have wanted to go this way, but I will have to. We have to remind this honourable House that there was a time in Guyana when there were no reports from the Auditor General. There were no reports from the Auditor General for 10 years. It was when the PPP/C returned to Office in 1992 that Reports from the Auditor General returned to the National Assembly.

Mr. Speaker, you will recall that it was during that period of the PPP/C Administration legislation was put in place to strengthen the independence of the Auditor General's office. He no longer answers to the Minister of Finance. You would recall that it was under the PPP/C Administration that sufficient funding for staffing of the Audit Office to scrutinise the public accounts of Guyana was facilitated. What is important tonight is, in the support of this motion, it is exactly what the Auditor General asked for that he is getting. Mr. Speaker, you will recall that in provisions for the Audit Office's budget, provision was made for the purchase of capital items to use for testing of roads and other infrastructures using borehole technology, to ensure that even after the fact, testing can be done on those roads.

8.16 p.m.

That was supported with funding from the People's Progressive Party/Civic (PPP/C). **[Mr. Ramson: Central Government.]** Central Government. Tonight, to stand here and to support this motion of giving the Auditor General (AG) what he requires is something that we give full support. I need to answer to some things that Mr. Figueira said while he was making... **[Mr. Figueira: The Hon. Member.]** Yes. The Hon. Member. Some of us are only honourable when we are hearing the word honourable. I need to answer to some statements that the Hon. Member made while he was presenting what normally should have been a non-controversial motion, but there are some of us who cannot separate infantile, petty politics and be magnanimous when it comes to serious issues that are before this House. The distinguished Chairman of the Public Accounts Committee (PAC) seems to want to convey to the minds of Guyanese, by what he said, that something is amiss as it relates to public scrutiny and accountability, and as it relates to the PPP/C Government. I would like to put on the record, again, that at this time we are still examining the years of the A Partnership for National Unity/Alliance For Change (APNU/AFC) in Government. As a matter of fact, at this time, we are examining the year 2019. We have just received, in this House today, the Treasury Memorandum of 2016.

We have completed examination of 2017 and 2018. The motion to bring that report to this House is not yet drafted. It was during that period that we documented – and it is for public consumption – more than 40 scandals that took place under that term. When one comes here and one tries to kerfuffle, *mamaguy*... **[Mr. McCoy: Pampazette.]** And misdirect... Yes. I like the word pampazette. It is a good word... the people of Guyana, we must be careful that what we say can be examined. Let me make this point very clear. *Truth does not need crutches.* It stands by itself. We must be reminded that when we say something, the people of Guyana are scrutinising it. Mr. Figueira went down the line to talk about... **[Mr. Mahipaul: The Hon. Member.]** The Hon. Member. ...about fake signatures. I have before me a letter from an area where Mr. Figueira is a Member of Parliament. **[Mr. Mahipaul: The Hon. Member.]** The Hon. Member.

**Mr. Speaker:** Kindly refer to the Hon. Chairman of the Public Accounts Committee, properly. Let us keep the arguments germane to the... Yes.

**Bishop Edghill:** Keep the argument germane. I was just responding, Sir. Thank you for your guidance. Just to say, in Guyana, we have to stop this habit where people make statements and want people to believe it as fact without

providing the evidence. If someone could stand in this House and say that people have obtained fraudulent statements and do not provide the evidence, that is something that should be struck from the record.

**Mr. Speaker:** In being similar to what I did, he corrected himself and said ‘alleged’.

**Bishop Edghill:** Mr. Speaker, I can stand here with confidence and provide documentation to this House and to the people of Guyana where someone wrote to the Returning Officer (RO) in Region 10, indicating to him that his name appeared on a list that he did not sign as a candidate for the APNU/AFC and that he would like his name to be removed. For the sake of decency, I would not name the person in this House, but it is public knowledge because it was read at a press conference and it is in wide circulation. We must be careful when we come to this House and say certain things. I will now go back to the seriousness of this motion that is before us. It is a fact that Government expenditure has increased. That is something that the PPP/C is proud about because we are doing more for the people of Guyana. For example, the street that the Hon. Member complained about at Block 22 that leads to a certain business place has been fixed. We would like the engineers to go test the quality of the road to ensure that Mr. Figueira, the Hon. Member, could tell all the people of Guyana he was not discriminated against. The road is of the same quality as the roads that were done in any part of the country.

We welcome those engineers. We welcome those engineers. We welcome the engineers to answer from the Audit Office of Guyana, to test in Region 6, in Region 3, in Region 10 and in Region 4. We, in the PPP/C, want the Auditor General to have the capacity to put out reports as it relates to quality and everything else so that it will answer this continuing diatribe and narrative about discrimination and who is getting what quality and who is getting what quality. The Auditor General’s capacity to inspect and investigate will certainly lift the bar to be able to determine these things.

The final thing I want to say, on this particular motion, is that one of the serious things that must be addressed at this time is the Auditor General’s capacity to literally audit and examine what is happening in the oil and gas sector. We are happy that capacity is being built. As a matter of fact, through the National Assembly of Guyana, we have just completed the Canadian Audit and Accountability Foundation (CAAF) engagement with the Audit Office of Guyana as well as parliamentarians. This is so that we will be able to be more equipped in dealing with the issues of oil

and gas as it relates to expenditure and following new expenditure, ensuring we get value for money, *et cetera*. In whatever way, we could support transparency, improving the levels of accountability to ensure we have good governance, to ensure we have value for money, we are committed to doing that and we will not play politics with such serious issues. Mr. Speaker, I thank you and I lend support to the motion. [*Applause*]

**Mr. Speaker:** Thank you very much, Hon. Minister. Let me commend both presenters in figuring germane arguments to this motion. Hon. Members, I now put the question...

**Mr. Figueira:** Mr. Speaker, I crave your indulgence...

**Mr. Speaker:** My apologies.

**Mr. Figueira:** ...this being my motion, to finish.

**Mr. Speaker:** Yes. You are entitled to that.

**Mr. Figueira (replying):** Thank you, for allowing me to have my entitlement. It would be remiss of me, if I did not respond to the Hon. Member’s interesting presentation. I am reminded of the saying that says, not every man who is clothed with the title should reflect truth and integrity really reflects that in the individual. The Member said that the information that I presented concerning allegations, that we believe and are in possession of the evidence to substantiate such, is infantile. It is not infantile. We witnessed the Vice-President (VP) saying that he apologises for a signature of a dead person appearing on a list that represents the PPP/C Administration.

**Mr. Speaker:** Hon. Chairman, please, if you could present that evidence to me, I will certainly allow you to go down that road.

**Mr. Figueira:** Mr. Speaker, would you like me to present the evidence? Sir, this is public knowledge. The VP apologised to the young lady. We will provide it. The Hon. Member mentioned roads. A road he claimed is located where I live. That road is a major access road that embodies two large constituencies in the community in which over 10,000 people live. I had to ask this man, when are you going to fix the road for the people? It is not a ‘Figueira road’. The Hon. Member spoke about the quality of roads being built across this country being the same as the one that was built where Mr. Figueira lives. That is most concerning.

I welcome the Hon. Minister with responsibility for public infrastructure to send his engineers tomorrow to look at the road that was just completed two days ago at Wismar Street in Mackenzie. It has already deteriorated – millions of

taxpayers' money. That is why I am happy that you are supportive of the Auditor General because the Audit Office of Guyana is now embarking on performance audits. I trust that a performance audit will be done on all these roads that you are speaking about that are of some quality of standard. It is ridiculous that the Minister with responsibility for public infrastructure in this country would want to boast about a road that has poor quality of which millions of dollars were spent and, two days after its completion, it is already showing signs of decay.

**Mr. Speaker:** Hon. Chairman, that is another allegation and imputing. Please, unless I can see the evidence, I have to take it as an allegation.

**Mr. Figueira:** Mr. Speaker, I accept your caution but I can assure this House that it is no allegation. I challenge the Minister with responsibility for ensuring that we have quality roads with taxpayers' money, to go to Linden tomorrow and check the just concluded Wismar Street. I am happy that this motion is on the floor. I am happy with the commitment on the other side, in regard of ensuring that the Audit Office of Guyana is well clothed with the experience and the work force that are required to ensure that the people of Guyana have better service from its tax dollars well spent. Once again, let me reiterate, I challenge the Minister to go and check the unsatisfactory work that is being completed on the roads all across this country. Thank you, Mr. Speaker.

8.31 p.m.

**Mr. Speaker:** Thank you, Hon. Member Mr. Figueira. Hon. Chair, I only had one year of civil engineering at the University level. I know most concrete has 28 days curing period. If it is finished... [An Hon. Member: It is asphalt.] ...it is asphalt. Alright. Good.

**Bishop Edghill:** Yes, Sir. I stand on Standing Order 39, which gives the Right of Reply for arguments that are made critical of the Government, that I need to put on the record for corrections.

**Mr. Speaker:** Thank you, Hon. Minister. Go ahead.

**Bishop Edghill:** The first thing that I want to make mention and the *Hansard* would bare me out, when I spoke of the roads that lead to where Mr. Figueira the Hon. Member lives, I said I am supporting the Audit Office of Guyana so that he could go and test the quality of that road; he could test the quality of the roads elsewhere; and he could ensure that there is no discrimination. For the Hon. Member to stand here and to twist what I say, I find it to be unacceptable.

Secondly, the Hon. Member is seeking to introduce into his arguments here today something that purportedly became a *Facebook* post that he himself probably have not even pass to see. He is suggesting that the road that was built two days ago has broken up. For the public record, let me just inform the House, this is work that being done under maintenance of roads. It is not a capital project where a new road is being built. As a matter of fact, it was after appeals by Her Worship the Mayor of Linden to facilitate maintenance of roads in preparations for Linden Town Week that we offered contracts to contractors from Linden to do maintenance works. Mr. Speaker, I would not name the contractor here. I would like to follow your guidance. What actually happened – I make no excuse for any contractor any part of this country – the reality of it, is that the moisture content because of the weather patterns caused the asphalt to crack. Before that *Facebook* post was made, the Ministry of Public Works by letter instructed the contractor under Section 25 of the contract, under the defects liability clause, that he must correct these works. That was an instruction given to the contractor even before the *Facebook* post.

I will not deny that there is a failed section of a road at Wismar Street in Linden. I am telling you, Sir, it was not a new road that was being built. It was a road that was maintained and asphalt was being overlaid even in the conditions of bad weather to facilitate Linden Town week, which a caring, appreciating Government did for the people of Linden. I am surprised that a Member of Parliament who represents Region 10 would want to put down, decry, and denigrate the efforts that were being made to put Linden into pristine shape for the Linden Town Week. I just wanted to put that on the record, Sir.

**Mr. Speaker:** Thank you very much, Hon. Members. Again, two very germane presentations.

**Mr. Figueira:** Sir, I stand on Standing Order 40 as well.

**Mr. Speaker:** Tell me again the Standing Order and what it says.

**Mr. Figueira:** Standing Oder 40 (1).

**Mr. Speaker:** What does it say?

**Mr. Figueira:** What is says?

**Mr. Speaker:** Yes.

**Mr. Figueira:** I figured you have known; I do not know why you are asking me.

**Mr. Speaker:** You have to stand and say... You have to say it out so then I could tell you how I rule on your Standing Order 40 (1), just as the Hon. Minister did.

**Mr. Figueira:** Standing Order 40 (a) for clarification.

**Mr. Speaker:** Could you read it for me, please?

**Mr. Figueira:** Sir, man this type of...this does not happen when the other Members stand.

**Mr. Speaker:** There use to be a certain Member in the House and he normally would just pick a Standing Oder and says...

**Mr. Figueira:** Sir, I am not that Member.

**Mr. Speaker:** I said there used to be a certain Member in the House. If you could quote me the Standing Order and the...

**Mr. Figueira:** It is Standing Order 40 (a) clarification.

**Mr. Speaker:** There was nobody on the floor to give way for clarification.

**Mr. Figueira:** It is for reply, Sir.

**Mr. Speaker:** You do not have the right of reply. The right of reply is reserved under Standing Order 39 for Ministers.

**Mr. Figueira:** Mr. Speaker, I crave your indulgence in allowing me to respond to the Hon. Minister's position that he articulated a moment ago.

**Mr. Speaker:** Honourable Chairman, I would not be able to allow that. Clearly, the point you made has been acknowledged by the Hon. Minister.

**Mr. Figueira:** Sir, you do not know the point I am about to make.

**Mr. Speaker:** The point you made about the quality of the work done on the particular road. Now, I have to put the question.

*Motion approved.*

## ADJOURNMENT

BE IT RESOLVED:

“That the Assembly do now adjourn to Wednesday 10<sup>th</sup> May, 2023 at 10.00 a.m.”

*[Minister of Parliamentary Affairs and Governance, and Government Chief Whip]*

**Ms. Teixeira:** Thank you, Mr. Speaker. We hereby adjourn to the next Sitting which is Wednesday 10<sup>th</sup> May, 2023, at 10.00 a.m.

*Motion put and agreed to.*

## Holiday Greetings

In the interim, I would like to acknowledge that 1<sup>st</sup> May, 2023, is Labour Day and 5<sup>th</sup> May, 2023, is Indian Arrival Day. These two holidays and celebrations will pass before we meet back on 10<sup>th</sup> May, 2023. I wish to wish all those and the celebration of our arrival of all our diverse peoples as well as to recognise workers rights. Thank you very much.

**Mr. Speaker:** Thank you very much, Hon. Minister of Parliamentary Affairs and Governance and Government Chief Whip. Honourable Member, Mr. Roysdale Forde, Senior Council, proceed.

**Mr. Forde:** Honourable Speaker, on behalf of the Members on this side of the House, we would like to extend happy Arrival Day greetings and celebrations to the Members of the House and to the citizens at large. Thank you very much.

**Mr. Speaker:** Thank you very much, Hon. Member. Let me join with both sides of the House in also extending Labour Day greetings to the workers of our country and to all of our people happy Arrival Day. Thank you very much. Hon. Members, the Assembly stands adjourn to 10<sup>th</sup> May, 2023.

*Adjourned accordingly at 8.39 p.m.*