

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2015-2017) OF THE ELEVENTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

70TH Sitting

Friday, 4TH August, 2017

The Assembly convened at 2.14 p.m.

Prayers

[Mr. Speaker in the Chair]

ANNOUNCEMENTS BY THE SPEAKER

Leave to Members

Mr. Speaker: Hon. Members, leave has been granted to the Hon. Member, Mr. Dharamkumar Seeraj for today's sitting.

Ms. Teixeira: There are other Members on this side who have written to the House asking to be excused: Ms. Yvonne Pearson-Fredericks and Mr. Anamayah, as far as I know. They will be out for a while. Those are the ones that I know of in addition to Mr. Seeraj.

Mr. Speaker: I thank the Hon. Member, Ms. Teixeira. Leave has been granted to the Hon. Yvonne Pearson-Fredericks, as well as to the Hon. Mr. Adrian Anamayah. It appears that this information, when it was first announced, contemplated the period of absence for the particular persons. Due to an oversight, their names were not mentioned here.

Annual Youth Parliament

Mr. Speaker: Hon. Members, it is my pleasure to tell you that the 3rd Annual Youth Parliament will be held from the 6th to the 12th August, 2017 under the motto: *Our Generation, Our Voice to*

Inspire, Encourage, Impact. This year's Youth Parliament will receive participation from 40 students, from both private and public schools, from nine administrative regions. One region could not take part this year.

Additionally, there will also be participation from the Guyana Association of the Blind. The participants who will take part in the Youth Parliament will assume the roles of the Speaker, Deputy Speaker, Prime Minister, Ministers of Government, Leader of the Opposition, Members of the Government and the Opposition, the Clerk, Deputy Clerk and Sergeant-at-arms, much to say as occurred on previous occasions.

The Youth Parliamentarians will be debating motions on four topical matters: The Oil and Gas Sector, Suicide Prevention in Guyana, the Guyana/ Venezuela Border Controversy and Guidance on the writing of Caribbean Secondary Education Certificate (CSEC) subjects. Some Hon. Members have found it convenient to make presentations to the Youth Parliamentarians and to mentor them in the preparation of their presentations. The Sitting of the Youth Parliament will be held on Thursday, 10th August, 2017. There will be a prize giving dinner and reception at 7.30 p.m. on Thursday and Hon. Members, I know, would have all received invitations to this event.

Birth Anniversary of the Hon. Minister of Finance

Mr. Speaker: Hon. Members, I have great pleasure in telling you that today happens to be the birthday of our esteemed Minister of Finance, Mr. Winston Jordan, and we would like to wish him well and continued good health.

PRESENTATION OF PAPERS AND REPORTS

The following Report was laid:

- I. Mid-Year Report 2017 [*Minister of Finance*]

Mr. Jordan: Mr. Speaker, while I have the floor, I just want to use the opportunity to thank my staff for being able to get this report to the Parliament before its recess. They had to work very hard, including on Emancipation day. So I would just like to thank them for that.

REPORTS FROM COMMITTEES –

The following Report was laid:

- I. Fifth Special Report of the Parliamentary Sectoral Committee on Social Services on the visit to the Georgetown Public Hospital Corporation (GPHC) on Wednesday, 3rd May, 2017. [*Chairperson of the Parliamentary Sectoral Committee on Social Services*]

Dr. Persaud: I would like to thank the Committee Members, Clerks and the staff for ensuring that we were able to present three reports before we go into recess. Thank you.

ORAL QUESTIONS WITHOUT NOTICE

Mr. Speaker: Hon. Members, at 10. 30 p.m. last evening, a question or perhaps I should say a series of questions were presented to the Clerk of the National Assembly at the table. There is no question about its availability or applicability. There was no question of time being an issue. It was properly presented at the time it was presented. The question directed to a Minister without notice has its title “Government policies on rental of Ministers’ residential accommodation”, a question without notice, the subject to and governed by Standing Order 18 (2) of our Standing Orders. With your assistance, I will just remind us about that Standing Order.

“There shall be a 20 minute period for Oral Questions without Notice at the appropriate stage in the Order of Business at each Sitting of the Assembly which shall be subject to the following rules;-

- (a) the permission of the Speaker to ask the Question must be obtained before the start of the Sitting;
- (b) only Questions that are urgent and important or relate to the business of the day shall be permitted;
- (c) questions and answers shall be brief and precise and stated without agreement or opinion; and
- (d) supplementary questions, not exceeding two (2) per original Question, may be permitted at the discretion of the Speaker.”

It is in that context, as set out in the Standing Orders, that I have treated with this question which was delivered yesterday. The question is one which is important; there is no issue about that. The question of rental of Ministerial accommodation has attracted comments far and wide and certainly is one that I believe continues in greater or lesser measure to attract comments and attention. So that fulfils one issue which is important. It is an obligation that a particular question should be urgent, it states “urgent and important” or “relates to the business of the day”, on both of those last two accounts, the question fails. I have, therefore, disallowed this question.

PUBLIC BUSINESS

GOVERNMENT BUSINESS

BILL – SECOND READING

BROADCASTING (AMENDMENT) BILL 2017 – Bill No. 10/2017

A Bill intituled:

“An Act to amend the Broadcasting Act 2011.” [*First Vice-President and Prime Minister*]

Assembly resumed debate

Minister of Public Telecommunications [Ms. Hughes]: Mr. Speaker, I rise in support of the Broadcasting (Amendment) Bill 2017 – Bill No. 10/2017. This proposed amendment Bill, further defines the powers and functions, many which already exist under the Broadcasting Act of 2011. This amendment Bill seeks to do four very important things. It seeks to provide an unambiguous, fair and equitable licensing regime; it seeks to prohibit hate speech, racial incitement and terror threats; it provides for the protection of international agreements with broadcasting agencies; and it provides for a commitment from broadcasting agencies to provide one hour a day of public service programming.

2.29 p.m.

One of the functions of the Broadcasting Authority is in the substantive Act of 2011, which, at Section 18 (2) (k), reads:

“The Authority shall:

(k) require licensees to carry a certain percentage of public service broadcast or development support broadcast as public information deems appropriate as a public service at no cost.”

Public service broadcast has always been a mandatory thing. What this amendment Bill seeks to define is what a “certain percentage” would be by providing that it be for one hour, every 24 hours, which, in fact, amounts to a mere 4% every day.

In most countries across the world and a quick look on the internet will show you that, nearly all countries provide requirements for public service broadcasting. At this point, I would like to refer to the Telecommunications Act 2001 – Act 4 of the Republic of Trinidad and Tobago,

“Concessions for the operation of a Public Telecommunications network and/or provisions of Public Telecommunications and/or broadcast services”

Under the heading and the category “Use by Government”, it states here at section (D)(30):

“The concessionaire shall, on a free-of-charge basis, up to a limit of fourteen (14) hours per calendar week, and thereafter at an agreed rate not to exceed eighty-seven and one-half per cent (87.5%) of the concessionaire’s regular commercial rate for similar broadcast transmissions...”

They must:

“...transmit any programme, announcement, information or other material which the Government may require to be transmitted as a matter of public interest, during the concessionaire’s ordinary business hours...”

It goes on to state:

“Such material shall, up to a limit of one hour per day, be transmitted without accompanying advertisements.”

What I am trying to show by raising the example from Trinidad and Tobago, is that Trinidad and Tobago, in its own legislation, has put in force even a longer period. We are talking about one

hour per day for the full seven days. This is because I have recognised that a lot of criticisms have been levied against this one hour per day.

The requirement really should be looked at as giving back. The people of Guyana own the airwaves, not the Opposition. He gave these licences away like he owned them, but he did not own them, the people of Guyana own them and they deserve good programming and programming that informs and educates, especially in emergency situations.

If we look back at our flood in 2005, it is interesting to note that the first entity that came offline and was not in a position to provide any public service information on how to treat your water, how to dispose of waste and all the other need to know information that our population needed immediately, at that point in time, to just ensure and guarantee safe health. The agency that came offline was the National Communications Network (NCN). Therefore, it is absolutely mandatory that public service broadcasting be an important aspect and requirement of any private or public sector broadcasting entity.

In the usual ranting and raving that we see, coming from the other side quite often, I want to say that no careful analysis was given to what is actually stated in the Act. It states "...up to 60 minutes", meaning that the requirement could be anywhere from one minute to 60 minutes. Being a broadcaster myself in the past, I would like to remind individuals that producing an hour of public service announcements, as clearly defined in the Act, is far more difficult than we think it is. The concept of airing public service programming is not at all draconian, as the Opposition would like the public to believe. At any time, broadcasters may also voice their objections to the content and would be offered a hearing on the issue of the particular content that it may find objectionable. I want to say that, in response to the Opposition's contention that broadcasters will be forced to air Government propaganda, as I mentioned, in the Act itself, the proposed Bill provides that the broadcaster may file a complaint to the Broadcasting Authority.

The Opposition also objects to the amendment to prohibit hate speech, racial incitement and terror threats. In fact, last night, my learned Colleague on the other side, the last speaker, spoke and raised the fact that this, quite often, was available and part of other legislation. I would like to say to the learned Gentleman that that is precisely... [Ms. Teixeira: It is in the

Constitution...]

Yes, I know it is in the Constitution, but it is precisely because this is

such an important issue that we feel it must be repeated in the context of a broadcasting authority and licence.

We allocate broadcasting licences, and the use of the spectrum, to individuals and companies that must use it in a careful and respectful manner, considering the needs of our entire population. In any civilised state, race hate, racial incitement and terror threats cannot be tolerated. There is no constitutional right to hate speech. In fact, no one should want to broadcast hate speech or incite racial division. We must be aware that, even today, there is a radio station that is bordering on very close to that, so that is even more reason why we need to ensure that it is in the legislation.

Let me remind the members of the Opposition that the mandatory functions of the Authority include in section 18 (1)b that the Authority shall:

“(b) issue licences for such terms not exceeding ten years and subject to such conditions related to the circumstances of the licensee as the Authority deem appropriate for the implementation of broadcasting policy set out in section 19;”

The declared policy in section 19(q) states:

“ensures compliance with the constitution and Laws of Guyana and shall not incite violence, ethnic, religious or cultural hostility.”

Hence, hate speech and racial incitement were all declared policies within the Broadcasting Act of 2011.

The amended Bill seeks to make it absolutely clear to those who wish to engage in these acts, that it will not be tolerated. Guyana has to move forward from the days of ethnic division, hate and violence to a place where all Guyanese can enjoy civilised discourse and debate. These amendments set us in the right direction.

I want to refer to a quote from the Hon. Leader of the Opposition, which again, was referred to in the discussions and presentations on this new amendment Bill and I quote:

“If we allow this Bill to succeed, it would be the beginning of the end of press freedom in Guyana and so I would urge people in this country to read the Bill.”

I want to use this opportunity and this piece of paper to remind the people of this country of the realities of press freedom right here in Guyana, over the last 10 to 20 years.

The Hon. Leader of the Opposition, Mr. Jagdeo, prevented all TV stations from expanding coverage to most of the country. The National Communications Network (NCN) was allowed to do that; the only station allowed to do that. Do you remember last night we spoke about freedom of the press; freedom of expression; and standing aside and not interfering with the private sector? Well we know what happened. In those days, the NCN was the only agency that was allowed to...

Mr. Speaker: Hon. Gail Teixeira, do you rise on a Point of Order?

Ms. Teixeira: Standing Order 40 (a). Could the Hon. Member say what reference she is making to that allegation about the Leader of the Opposition? He is not here to defend himself, so the allegation that she is making is incorrect. I would like to know what her sources are. It is absolutely incorrect Sir, and she knows that; she knows that it is incorrect and she is misleading this House.

Ms. Hughes: I have to admit that, last night, while I was hearing the presentations, I wondered if all Guyanese had lived in the same place that I had lived. Nonetheless, the sources are here. I have them in a series of articles and I would like to present them, after, in the interest of time.

Ms. Teixeira: What are the sources? I hope that they are not from certain opinion-makers and are from facts, Sir.

Mr. Speaker: Hon. Members, when you rise on a Point of Order, the rules are not suspended. There is a particular process to be followed and I remind Members of that.

Ms. Hughes: Mr. Speaker, in the case of Vidya Narayan-Lewis of the Community Broadcasting Network (CBN) vs. the Government of Guyana, and I think that I have a colleague here who can provide even more information, but that was outlined in the case. I do not have the case number but I can get it. That was one of the occasions when Mr. Jagdeo took this community, religious, broadcaster off of the air and thank goodness, on this occasion, the courts ruled in her favour.

The National Frequency Management Unit (NFMU) is now in the process of issuing that licence.

Let us go back to the days when advertisements were withdrawn from the *Kaieteur News* and also the *Stabroek News*. In fact, the *Stabroek News*, in 2006, as we all know, lost a large percentage of its advertising and, interestingly, on its 10th Anniversary, I would like to quote what the *Stabroek News* stated. Here it was referring to the Hon. Leader of the Opposition.

“Given his tight control of the Government, it was believed that the decision to end ads to Stabroek News came directly from Jagdeo. The intention behind the cut off to Stabroek News became clear when plans for the launching of a newspaper by Jagdeo’s friend...”

I will not say his name,

“...were announced. Analysts say the withholding of ads to Stabroek News was aimed at forcing it out of business and to clear the way for the Guyana Times, which was eventually launched on June, 2008. This date was also significant to the end of the 17-month boycott...”

The *Stabroek News* suffered for 17 months.

“...as it cleared the way for the Government to begin advertising with the Guyana Times. Of course, the *Kaieteur News* lost its share of advertising around 2009-2010. Both papers proffered all sorts of reasons for the withdrawal, but none understood what the real reason was until the Guyana Times was launched. “

2.44 p.m.

Most recently, as we all know, but again I will be happy to lay over any proof that Mr. Jagdeo gave radio and television licences to a series of his family and friends. Many others were restricted. Of a particular note is the fact that the *Guyana Times*, the last daily to open and function...

Mr. Speaker: Hon. Ms. Teixeira, you rise on a Point of Order Madam?

Ms. Teixeira: Yes Sir. Under Standing Order (40)(a), the Hon. Member said that they had been given to a list of members of the Leader of the Opposition's family. I, therefore, have the list of the agencies that were given licences by the Guyana National Broadcasting Authority (GNBA) and not one of them is a member of Mr. Jagdeo's family. I am asking for her to withdraw the statement.

Ms. Hughes: Mr. Speaker, I have so much more to say that I am more than happy to withdraw my statement until we get the Deoxyribonucleic Acid (DNA) evidence. The University of Guyana (UG) has had an application for a licence for many years and it is strange. The *Stabroek News* also had a licence there for many years, but yet, only the *Guyana Times* was issued with a licence. How do we explain that? On a personal note, I also want to remind the Members of the Opposition that, amongst the many qualified individuals, who, over the period of two decades, were never granted a licence or was even entitled or invited to discuss the possibility of getting a licence, was the founder of the Caribbean News Agency (CNA) and of the Caribbean Broadcasting Association, a retired broadcast professional, who retired from the United Nations (UN) at one of the highest levels. But, of course, his qualifications and experience, to be granted a licence under the previous Government, was not good enough.

I want to remind everyone, and it is documented again, that when we talk about freedom of the press and freedom of expression, that a sitting President of the Guyana Press Association, Mr. Gordon Moseley (GoMosely), was banned from entering State House and the Office of the President, just because the Leader of the Opposition did not like the coverage he received while speaking with the Guyanese Diaspora, at a Town Hall meeting in Antigua. To the honourable last speaker on this Bill, I say: Where is your freedom of expression there, at the highest level, the level of a former President?

Let us talk about CNS Channel 6. Firstly, the former Government ensured that it unilaterally ordered Mr. Sharma to move from Channel 12 to Channel 6 because it wanted to give that channel to the National Communications Network. As we all know, Mr. Sharma had to bear the cost and the massive disruptions associated with the move, including replacing a transmission and other equipment that functioned at CSN Channel 6.

If we want to talk about ensuring that I have my facts, let us go to the Gleaner Company Limited, 3rd October, 2001. As we are all aware, ‘poor Mr. Sharma’, who, in fact, is one of the best broadcasters and we have to remember that, a couple years ago, when we had flooding in all those interior areas, it was Mr. Sharma who went out in the fields and brought us information on those floods. It was outside of his office that Guyanese got up and lined up to raise funds for a child with hydrocephalus; and to raise funds for individuals suffering in flooded areas. Yet, what do we do? Mr. Sharma’s request to expand his licence was never considered. In fact, we shut him down on many occasions.

So, I want to refer to the headline of the Gleaner Company Limited:

“Guyana’s President has banned an Opposition television station from broadcasting for four months after authorities accused it of airing a slanderous comment about a close presidential associate.”

Do we know who that close presidential associate is? Need I say anymore? We heard from him last night.

And then it goes on to state:

“Official shuts CNS TV down for four months last year after the station broadcasted footage showing Mr. Jagdeo dancing at a party and saying that he was celebrating, while most of the city and the coast were flooded by record rains.”

And again, check the source. It is the Gleaner Company Limited online. **[An Hon.**

Member of the Opposition: Are you bringing propaganda to the National Assembly?]

Trust me I am not in your league of propaganda at all. I wish I was.

I want to now go to a couple of other things. Yesterday, we heard about the importance of the private sector, how it was being affected and how badly this Administration is treating it. There is nothing that could be further from the truth. I want to refer to a Government Information Agency (GINA) report of 19th July, 2007. It is right here and I am willing to get it copied and show it to the House. What does it state? The first line states:

“Regularising Cable providers operations was the centre piece of talks today as Head of State President Bharrat Jagdeo met cable operators at his Office in New Garden Street.”

In the last paragraph, it goes on to state:

“The Office of the President served Notices of Closure two weeks ago on Infinity Telecommunications Inc., the Linden Cable Network, two operators in Linden, Bartica Communications Network and another operator in Bartica.”

Then it goes on to state that the Atlantic Cable Network, which is based in Bagotstown, East Bank Demerara, was told to cease expanding its network and for the company to limit its operation to two villages along the East Bank of Demerara. It is so funny because it states quite rightly that the Atlantic Cable Network was in operation till 2001.

Ladies and Gentlemen, Members of this honourable House and the public out there, just do a little research and see which other cable companies were allowed to operate at that time. Your research will show only two and, certainly, again, and we do not want to say family, but friends of you know who.

I would like to say to the Hon. Member on the other side, the Hon. Member Bishop Edghill, you spoke about a competition and you spoke about hands-off approach, this is just an absolute proof of the contrary.

Mr. Speaker: Hon. Member, you have risen on a Point of Order? Hon. Minister, you would yield.

Ms. Teixeira: Yes Sir. We have cautioned this side on many occasions about saying “you” and not referring to the Hon. Member.

Mr. Speaker: Hon. Member, is this a Point of Order?

Ms. Teixeira: Yes Comrade. We are asking for the Hon. Member to approach the Hon. Members in this House with some appropriate behaviour. She says “you, you and you” all of the time, and especially when referring to the Leader of the Opposition. On this side of the House, Sir, you have cautioned us and I hope that you would also do likewise on the other side of the House.

Ms. Hughes: Mr. Speaker, the Hon. Member is absolutely correct, I had no right to refer to the most Hon. Member as 'you', I apologise. At this point in time, the Hon. Member, as you would remember, made reference last night to a very important piece, which is a newspaper article. Again, I would repeat, "the Broadcasting (Amendment) Bill 2017 an assault on press freedom". There is an important quote, this is one area that the Hon. Member on the other side and I see eye to eye. The former Attorney General, Mr. Anil Nandlall, is quoted here and he says, I am paraphrasing part of it, but he goes on to say:

"The freedom to receive information and ideas without interference; freedom to communicate ideas without interference; freedom to hold opinions without interference, protection of private property from compulsory accusation by the State without payment of adequate compensation; and the freedom to hold and publish political views of one's choice."

It is, as he said, not included in here. Therefore, this is an assault.

Well my Friends, freedom of expression. I want to remind you of that young man, below the age of 18, who showed a finger to a motorcade and was arrested and I understand sent to jail for a short space of time. So much for freedom of expression!

I also want to mention that in 2001, the Hoyte/Blackman Television (HBTv) station, Channel 9 was also briefly suspended. I want to remind the public too that the lottery broadcast was 'yanked' from the Vieira Communications Limited, Channel 28 in those days, and, of course, it was given to NCN. That, of course, started to spell the end of that station and its former owner. The Government at that time took Trinity Broadcasting Network (TBN), the church broadcast, and also 'yanked' that from the then Channel 28; and then, as you know, in 2002, Mr. Sharma was banned from the airways; and then, of course, as we all know, because I was a part of the protest too, I stood there when Mr. Sharma's transmitter was forcibly removed from his property. We all remember those. Even Mr. Mark Benschop had some challenges; we know that no frequencies were allocated to the University of Guyana (UG) and we know exactly what happened in the very end of the tenure of the last Government. Given all the complaints and all the hysteria that the Hon. Leader of the Opposition likes to create and the Members on the other side, I know that I have, in my presentation, reminded the people of Guyana of our history.

It is interesting to note and I have a document that is a report on the legal proceedings and I want to quote the former Chief Justice. I want to say that I do not necessarily agree with what he is saying, but, certainly, this was an indication of the thinking of the time. So, the Chief Justice (ag), Mr. Ian Chang, says:

“While no applicant has an absolute right to a licence to operate a radio or TV station nor do residents have an absolute right to receive information.”

Need I say anything else?

There are a few things I want to mention in closing, I want to quote the Hon. Member Bishop Edghill, who spoke about what is going on in our country. I want to say that is what took place in our country. We got a little confused, but we understand.

When we speak about the importance and again I quote him:

“The importance of being able to seek, receive and impart information.”

Direct quote, I say: Remember Linden and that scenario.

When we talk about fundamental freedoms of expression, I want you to remember that young man who put his finger up and we know where he ended up. We would know that the Hon. Member on the other side, the last speaker last night, spoke about the right of a legitimate expectation and that is a very important point because that is what we hear them saying repeatedly in the press.

2.59 p.m.

I want to ask you a question: if you come into my house and you steal my television, do you have a legitimate expectation to keep my television after the police finds you? [*Interruption*] I thought that you would understand the related act. Therefore, if licences were given out without fair and acceptable levels, we have to ensure that we have a system in place that makes sure that it cannot happen again.

In closing, again, I quote the Hon. Member, my Friend on the other side, who spoke about this Bill stifling and frustrating civil liberties. He also spoke about intimidation.

Mr. Speaker, I went to the National Communications Network (NCN) in 2011, NCN being the national broadcasting company, with a cheque in hand saying that I want to pay for advertisements for the Alliance For Change (AFC). I gave them my placement order and my money and I was refused. The AFC was refused on several occasions.

When you talk about intimidation and pushing a political agenda, what could I say other than that nothing could be further from the truth. I want to say to the broadcasters in the public that I know you are concerned about the one hour. I would step out of line and say that I want you to understand the way that this could be looked at. There are insufficient public service announcements in Guyana on the television and on radio. This, in fact, is an opportunity for private broadcasters to produce such materials themselves.

Therefore, in my understanding of the legislation when it says “up to one hour”, imagine if a television station or a broadcasting company, as is required in other parts of the world to produce programming, were to produce its own public service announcements on a range of different issues. I am sure that that could be counted as part of the one hour of programming.

I want to say that we want to work with the broadcasters. I remember, in 1995, reading a horror story in the newspapers where a minibus was going around the corner very close to the Ocean View International Hotel and it ended up in the water. On the television that night, I saw the driver of the minibus coming out. He was clearly and understandably visually upset, in tears, and was lamenting that he had lost his wife and a baby.

One of the things that struck in my mind was that he said that when the baby came out, the baby was breathing but we could not do anything.

I want to fast forward to about two months ago when a young man was pulled out of the waters at the seawalls. I watched a clip on television where they were saying, “Beat he belly.” Someone else said, “Turn him over.” Mr. Speaker, I used those two examples to show that there is insufficient public service announcements on our airwaves.

The reason all the individuals at the time of accident on the seawalls could do nothing was because Guyanese do not know how to do cardiopulmonary resuscitation (CPR). Most people are not confident enough to do it.

If you look at the broadcast networks in any other country, they produce their own programming. Therefore, I say to the private broadcasters that we are here to work with you. I am currently working with them on several issues, including the transition from analogue to digital. We, together, want to build a better Guyana. We want to build citizens who are informed and are educated and have the requisite skills to deal with all kinds of challenges and situations that come our way.

Mr. Speaker, I have no hesitation in supporting the passage of this Bill. [*Applause*]

Mr. Rohee: Thank you, Mr. Speaker. Last evening, when the Hon. Prime Minister moved the second reading of this Bill, he used some words which, I believe, need to be addressed politically because I believe that this Bill has certain strategic political objectives.

The Prime Minister said that the Bill is presented to provide clarity and certainty. I agree with clarity and certainty, but in what direction is it?

The Bill provides clarity by exposing the intentions of the Government, the direction in which it intends to proceed and clarity in respect to the nature and character of the direction in which the Government is proceeding.

The Hon. Prime Minister also used two words which, I believe, are contradictory, having regard to the nature of the Bill that is before the House. He said that the Bill is revolutionary and progressive. This Bill is counter-revolutionary and anti-progressive. It is going backwards. The Herculean effort that was made by the Prime Minister to cast the Bill in a positive light was demolished by the very nature of the description that the Government gave to the Bill. It was clear for everyone to see that this is a very retrogressive Bill. The Bill moves the entire sector backwards and is reactionary in nature. [*Interruption*]

[*Mr. Speaker hit the gavel.*]

The Hon. Prime Minister, instead of discussing the Bill in a manner which is befitting of a Prime Minister, sought to cast the Bill in a personalised context, in the same way as his Colleague who just spoke. The Hon. Prime Minister described the Act as the “Jagdeo Act”.

I would deal with that subsequently. If that Act is the “Jagdeo Act”, then this is the “Nagamootoo Act”. We would deal with that equaliser. It is clear that what we witnessed last night and what we are witnessing here now, today and for the rest of the day, I believe, is the fulfilment of an election promise made by the A Partnership for National Unity/Alliance For Change (APNU/AFC). This is what is playing off here.

The first salvo in this direction was fired by His Excellency the President. As reported in the *Kaieteur News* newspaper of 24th April, 2016, he said:

“You cannot correct the wrongs by multiplying the cases.”

That statement was made at a time when the Hon. Prime Minister and the Guyana National Broadcasting Authority (GNBA) were at a loss to know what to do with this conundrum that was facing the Government in respect of licences that were already issued under certain legal conditions.

Subsequent to that, the Minister of Information, in the *Kaieteur News* newspaper of Tuesday, 1st August, 2017, stated that the Broadcasting (Amendment) Bill 2017 addressing illegally granted radio licences is finally here. In this statement, it stated that the promise to reclaim the valuable resources belonging to the people of Guyana was given away. This is a total fabrication. Under the laws that existed at that time and under the duly constituted GNBA, these licences were granted.

This drama, in respect to freedom of information and freedom of expression, was signalled much earlier than then. There was an occasion when a journalist wrote a particular story and gave it a particular headline. We were told that the Minister of Information intervened and called for a retraction of the headline of that story that was written at that time.

The *Guyana Chronicle* newspaper of 26th August, 2015 stated that the Prime Minister was disappointed with the *Guyana Chronicle* headline.

3.14 p.m.

The *Guyana Times* newspaper of 27th August, 2015 stated:

“The Prime Minister to allegedly vet the *Guyana Chronicle*’s headline.”

This was the first indication that freedom of speech and expression was under threat under this Administration.

We are traversing a road that is flawed with a whole host of dangers. And it is not to say that we have not been warned about this. The Hon. Prime Minister, many years ago, put out a publication called *Paramountcy over the Guyana Media: A Case for Reform*, published by Moses Nagamootoo. And, in this publication, the champion of a free press, the champion of freedom of expression, the Hon. Prime Minister, had this to say on 16th April, 1992:

“Freedom of the media in Guyana has been systematically assaulted since the assumption to office of the People’s National Congress in 1964. Since then, a minority authoritarian state had been established. This trampled fundamental human rights, including free and fair elections. Several political activists have been assassinated, critics silenced and the media muzzled.”

What a metamorphosis as the Hon. Mr. Nagamootoo... [*inaudible*]...

[*Mr. Speaker hit the gavel.*]

This publication has a tremendous amount of – for want of a better word – ammunition, which could be used this afternoon. But I choose only that particular quote for us to connect to make that historical connection between what was and what is today.

The Hon. Prime Minister has a long history associated with the whole question of freedom of the press, freedom of expression, *et cetera*. And I have done some research and I have gone through the Hansard – February, 1995 - when Hon. Mr. Nagamootoo was a Member of Parliament; he still is. This is what he had to say on this subject. He said, speaking about the then People’s Progressive Party (PPP) Government of which he was a part, that freedom of the press and freedom of speech had been honoured by the PPP Government. And he went on to say that the then Government had gone beyond the pale of freedom of expression and freedom of the press; we have achieved the maximum. This is the historical antecedent of the Hon. Member.

In the Budget Debate of 1996, the Hon. Prime Minister, then Minister of Information, spoke again about freedom of the press and, in that report, he praised the PPP Government about the extent to which freedom of the media existed under his stewardship. But, in 1997, again, the

Hon. Member spoke in glowing terms about the achievements of freedom of the press in Guyana. This is what he had to say. Interestingly, he is avoiding, today, what he did at the time when this Budget was presented in 1997.

“We have tried in an area of difficulty in the area of regulating television operations. Unfortunately, we have not been able to perfect the draft law on broadcasting. We are deepening the consultation process, not only by receiving submissions from existing broadcasters but we are receiving consultations from organisations such as the World Intellectual Property Organisation (WIPO).”

He further went on to say that they are consulting even beyond Guyana with the National Democratic Institute of International Affairs in the United States (US) and that he had had discussions with a number of existing broadcasters who had concerns that Government was here to close them down. They had published a national plan and he was constantly talking to operators who were on frequencies about this plan.

The operators have been making constant appeals for an audience with the Prime Minister and he is refusing to meet with them; he is avoiding them. But in a previous life, he had been meeting with them. The Hon. Prime Minister must explain to the nation what is responsible for this transformation. What is responsible for this metamorphosis? Is it a question of the food that was provided by the hand? What is it?

In 1998, this is what the Hon. Prime Minister said in the Budget Speech, according to the Hansard:

“I am proud to say I can stand here as a practitioner of the profession of journalism to say that freedom of the press, democratic and open, had been achieved in Guyana, the right of the people to know existing side by side.”

I am making these references so that the nation could understand where the present Hon. Prime Minister came from, the principles on which he stood at a particular time, and the extent to which he has metamorphosed over the years. It was during this period that the Hon. Prime Minister, who was then the Minister of Information, pressed the then Government to sign on to what is called the Declaration of Chapultepec. Do you remember, Sir? The Declaration of

Chapultepec has 10 principles which Governments are expected to adhere to. Of the 10 principles of the Declaration of Chapultepec, number seven states:

“Tariff and exchange policies, licenses for the importation of paper or news gathering equipment, the assigning of radio and television frequencies and the granting or withdrawal of government advertising may not be used to reward or punish the media or individual journalists.”

This is precisely what is happening now. **[Mr. Ramjattan: That is nonsense.]** Is this nonsense?

[Mr. Speaker hit the gavel.]

These outbursts from persons who are expected to maintain law and order... I think we ought to expect better. But I am saying that the Declaration of Chapultepec, which the Hon. Prime Minister encouraged the then Government to sign on to, is now being honoured in the breach. And each one of these principles is now being placed in jeopardy.

As I continue, I refer to the Manifesto of the APNU/AFC for the 2015 Elections. And in this Manifesto, this is what the Government has committed itself to. In its Manifesto, on the question of the media, this is what it states:

“Guaranteeing the independence of the media, freedom of access of information, the liberalisation of broadcasting and the removal of barriers to access to the State media and appointing an independent broadcast authority.”

All of this has gone through the window. It has gone completely out of the window and it will be a difficult struggle for those who are committed to this Manifesto to recognise what they are doing now with what they committed themselves to at the time of the 2015 Elections.

3.29 p.m.

There has been a loud outcry by the stakeholders for consultation. I do not think there is anything wrong with stakeholders in the wider society asking for consultation with the subject Minister on an issue which has attracted so much national and maybe even international attention. I refer to the Constitution which imposes on the Government the following in Article 13:

“The principal objective of the political system of the State is to establish an inclusionary democracy by providing increasing opportunities for the participation of citizens, and their organisations in the management and decision-making processes of the State, with particular emphasis on those areas of decision-making that directly affect their well-being.”

Note “increasing opportunities”.

How much loftier could a constitution reflect the aims and aspirations of stakeholders *vis-à-vis* a matter that has a direct bearing on their wellbeing. On the whole question of inclusionary democracy, the Constitution imposes upon those who *hold the reins* of Government to consult, to include others who are of the view that their economic wellbeing is going to be affected. It is either we adhere to the constitutional requirement which calls for an inclusionary democracy or we throw the Constitution out of the window. I do not think it would be that honourable for anyone to even contemplate such an action. Therefore, quite the opposite is what is required. The opposite of what the Government is doing is to consult with the State to uphold the Constitution and what the Constitution provides for. To do otherwise is to act unconstitutionally. And this is what I understand to run contrary to all that has been said time and time again at press conferences, public interest programmes, *et cetera*.

The private broadcasters are asking for certain basic demands. First of all, they are saying that this Bill will have a negative impact on their sustainability. In fact, some years ago, the Hon. Mr. Joseph Harmon was quoted in the *Kaieteur News* newspaper of 13th October, 2013. This is what the article stated:

“He said that the operators will not be able to sustain payments...operators may very well have to increase the fees they charge for services rendered.”

He even went on to say:

“...some of the operators have even had to approach banks for loans in order to make the first payment...”

Then he went on further to say:

“...fee imposed on radio and television broadcasters was deliberately calculated by the administration to run some operators out of business...”

Where are we now?

We are told that the usual hogging horse, Mr. Jagdeo, is alleged to have handed out licences to friends and families. Is Eddie Grant a friend and family of Bharrat Jagdeo? Is Mr. Alphonso a relative or friend of Mr. Bharrat Jagdeo? *[Interruption]* Take it easy. You will get a chance. You are a Minister of Foreign affairs and you need to uphold a certain degree of aplomb. Is Mr. Haslin Graham from Linden a friend and family of Mr. Jagdeo? Is the owner of Wireless Connections a friend and family of Mr. Jagdeo? Is Christy a friend and family of Mr. Jagdeo? Is Hits and Jams Entertainment’s owner a friend and family of Mr. Jagdeo? **[Hon.**

Members: Yes.] Did you say yes? You better say it louder so they could hear. This is what we are engaging in, cherry-picking a few of a particular ethnicity in order to make political point. That is poor politics. The Hon. Member, Ms. Catherine Hughes, just...

Mr. Speaker: Hon. Member, you have been speaking for 31 minutes.

Ms. Teixeira: Mr. Speaker, I would like to ask for an extension of 15 minutes for the Hon. Member to conclude his speech.

Mr. Rohee: The Hon. Member, Ms. Catherine Hughes...

Mr. Speaker: There seemed to have been a pantomime just now but I am not quite clear what it is.

Mr. Rohee: I was told to await your permission to grant me the extension to speak.

Mr. Speaker: No application has been made for an extension.

Ms. Teixeira: Yes. I did, Sir, but, because of the noise on the other side, maybe you did not hear me.

Mr. Speaker: Perhaps your microphone was not on.

Ms. Teixeira: Maybe. I apologise if it were not.

Mr. Speaker: Do you wish to do it now?

Ms. Teixeira: Yes, Sir. I would like to ask for an extension of 15 minutes for the Hon. Member to be able to conclude his speech.

Mr. Speaker: I thank the Hon. Member. Hon. Member Mr. Rohee, you have five minutes more.

Mr. Rohee: Thank you, Mr. Speaker. The Hon. Member, Ms. Catherine Hughes, sought to make a particular spin in her presentation by referencing certain elements' ethnicity. This is precisely where the problem rests. The Members on the Government benches choose to pick a few who have been granted licences legally. [Mr. Greenidge: And relatives.] Well, you bring the birth certificates and prove that they are family. Like a bowl of spaghetti, they pick and choose who they would wish to make reference to in order to score political points.

The objectives are very clear. The Hon. Members have or had an Elections promise. They are now moving to fulfil that Elections promise and the now Minister of Foreign Affairs is on record stating that... Mr. Greenidge was quoted in... Sir, I cannot find that publication right now.

Mr. Speaker: Hon. Member, you have three minutes remaining.

Mr. Rohee: Thank you. The question of the geographic spread of the licences that were granted is also a factor that needs to be taken into consideration. Apart from the absence of friends and family factor, which we have discarded completely, we certainly need to take into consideration the geographic spread of how those licences were granted.

I would wish, in concluding, to say that the pathway is to fulfil an Elections Manifesto promise or not so much the Manifesto promise but the Elections campaign promise, and all the kerfuffle and ranting and raving about friends and family, geographic spread, the ethnic factor and all of that are just a smoke screen. [Inaudible] about the hogging horse about Jagdeo this and Jagdeo that is mainly to achieve an Elections promise, which is basically to take away, because that was what they said, the licences that were granted "illegally" by the Bharrat Jagdeo Administration. You must say that loud and clear for the nation to hear. You proceed to take it away and, at the end of the day, you would be subverting the constitutional rights of those persons who have those rights now. Thank you. [Applause]

Minister of State [Lt. Col. (Ret'd) Harmon]: I rise to give my support to this Broadcasting (Amendment) Bill 2017 that seeks to amend the Broadcasting Act of 2011. Before I actually get into what I would like to say, I would, first of all, commend my dear Colleague, Ms. Catherine Hughes, for actually taking the debate.

3.44 p.m.

In fact, if I were the Prime Minister, I would have asked that the question be put after the Hon. Catherine Hughes was finished, because I do not think that there is anything more to be said. Ms. Hughes has captured it so magnificently in her presentation.

I have to say a few words because when we were in the Opposition, in 2013, I, in fact, brought a motion to this House seeking to have some amendments to the same Act of 2011. On that occasion I argued then, as I will argue today, that there are several aspects of the Act 2011 which require to be revisited. This amendment Bill that comes before the National Assembly, that some people say that we could have used the simple process of regulation... Yes, we could have done that, but it is the recognition that the Guyanese people need to understand what has happened to a very scarce national resource and how it was dealt with by the previous administration. They need to know. It is that mischief which has to be corrected by this piece of legislation.

In addition to setting up the regulations under which the Guyana National Broadcasting Authority will act in some respects, I believe that this Bill serves a wider interest. It serves a more important cause, that is, to bring to the awareness of the Guyanese people what has been happening under their nose without them knowing it, what has been happening on that side of the House when they were in Government, what has been happening in the Guyana National Broadcasting Authority at that time.

While we were making noise about it, while we were filing motions about it, the Government did not care. It did not matter to them that so many thousands of Guyanese were speaking out against what they were doing. It did not matter to them. When the Hon. Member Mr. Jagdeo went to the SleepIn Hotel, some months ago, to speak at a People's Progressive Party (PPP) organised occasion there and he was asked the question about these radio licences that were granted by him, under his watch, he said to them, "I am a politician, so what is it that you are asking about these licence. I made a political decision." It is on the PPP's website, now. You can go and find

it there, the statements he made. I want to address those statements because it besets a mindset of the PPP at that time which said that the resources of this country belonged to them and it was to be handed out in a manner in which they chose to hand it out.

The last speaker, Hon. Member Mr. Rohee, spent his 35 or 45 minutes attacking the Prime Minister and not addressing the Bill which he was expected to speak on. It was a fixation on the Prime Minister. It is not the Prime Minister who made him not become the leader and the presidential candidate. It was not him, nor will it ever happen. We have a champion over here who is our Prime Minister and we respect him and we respect the positions he takes.

Additionally, the Hon. Member Mr. Rohee spoke about geographic spread and the licence granted. I will address the geographic spread and I will address the President's family issue that actually came up by presenting to this House the factual situation as it occurs today. I intended to speak a bit about public broadcasting, but my colleague, Hon. Member Ms. Hughes spoke extensively about it, so there is nothing more I can add to that, so I will move on to speak to some other issues.

This Bill seeks to do certain things, in addition to what the Hon. Member Mr. Rohee said. This Bill is a demonstration of the audacity of the administration to make decisions and to take decisive action where it is necessary in the interest in the people of this country. Let me address some of the issues that arose and some of the point that came up as a result of the speech made by the Hon. Member Mr. Jagdeo when he spoke about it was a political decision he made, and so what, at SleepIn Hotel. It is online on the PPP's website.

The current record at the National Frequency Management Unit (NFMU) on the assignment of licences for broadcasting in Guyana, I have made copies for everyone in the House as well as the media, because we need to know what are the facts and these are the facts. For the audio radio broadcasting licence in Guyana, Essequibo Coast and Islands, Region 2, these are the names of the licensees - Freedom Radio Inc., iRadio Inc., Pinnacle Communications Inc., Radio Guyana Inc. **[Mr. Rohee:** How many of them are friends and family?] “How many of them are friends and family?” You will have to answer that question. **[Mr. Williams:** Do not let him distract you.] Do not distract me. It is Georgetown, Regions 3 and 4 - A & G Inc., Freedom Radio Inc. again, Hits and Jams Entertainment Inc., iRadio Inc., National

Communications Network (NCN) Inc., Radio Guyana Inc. and Wireless Communications Inc. There, again, are Freedom Radio Inc., Radio Guyana Inc. and iRadio Inc. We will come now to New Amsterdam, Regions 5 and 6 - Freedom Radio Inc., iRadio Inc., Little Rock Television Station Inc., Radio Guyana Inc. Corentyne, Region 6 - Freedom Radio Inc., iRadio Inc. and Radio Guyana Inc. What is this? Bartica, Region 7 - Freedom Radio Inc., iRadio Inc. and Radio Guyana Inc. Region 9 - National Communications Network Inc. Linden, Region 10 - Freedom Radio Inc., iRadio Inc., Linden Wireless Communications Network Inc. and Radio Guyana Inc. What we are seeing here is that all across Guyana there are Radio Guyana Inc., iRadio Inc. and Freedom Radio Inc. What is the problem with that? This is the monopoly we are talking about. *[Interruption]*

Mr. Speaker: Hon. Members, let us try to keep the exuberance in control.

Lt. Col. (Ret'd) Harmon: A summary of over the air television broadcast in Guyana: Essequibo, Region 1 - Guyana Learning Channel and North West TV Inc., formerly A. Charles and Sons. Region 2 - Guyana Learning Channel, National Communications Network Inc., North West TV Inc. and Pinnacle Communications Inc. Regions 3 and 4, Georgetown - Blackman and Sons Inc., Channel 9, CNS Inc., Channel 6, E-Networks Inc., Channels 36, 37, 43, 44, 45, 47, 48 and 49... **[Mr. Williams:** Who owned all of those things?] It is one, E-Network Inc. the Guyana Learning Channel Trust, Channel 29, Channel 2 Television Station, Channel 2, HGPTV, Omar Farouk Inc., Channel 16, 21st Century Communications Inc., MBC Channel 42, Multi-Television Technology Vision Inc., Channel 14 and NCN, Channel 27. This is how it goes on. New Amsterdam - All Broadcasting Corporation, ABC Inc., Dave Television, Channel 8 Inc., E-Networks Inc., Channels 43, 44, 45, 48 and 49... **[Mr. Williams:** Is that E-Networks?] It is all of this. ...Guyana Learning Channel, Little Rock Television Station, Channel 10, NCN, Channel 15, National Television Network Inc., Channel 26, Television Guyana Inc., Channel 12.

Georgetown broadcast area television - Georgetown, Channel 39 Digital, Channel 40, Guyana Learning Channel Trust, Channel 41 Digital, Channel 42, 21st Century Communications Limited, Channel 43, E-Networks Inc., Channel 44, E-Networks Inc., Channel 45, E-Networks Inc., Channel 47 E-Networks Inc., Channel 48, E-Networks Inc. and Channel 49, E-Networks Inc.

The point is that the channels, which were allocated to these radio stations, did not pay a cent for it at the time of the application. It was afterwards they were required to pay a fee at the end of a broadcast year. That is what they started to do. At the time of the application, when they were given a scarce national resource, they did not pay anything for it.

I believe that the Guyanese people ought to know and they need to know to what has happened to this scarce national resource. They need to know that a head of state, at that time, sat there and made decisions that affected the national resources of this country, but this Bill is going to correct it. The people of this country asked us to act.

3.59 p.m.

The people of this country require us to act as a Government, and we will act. This is not a matter of taking away anything. This is a licence which will be granted and properly granted too.

I do not want to talk too long because my friend Minister Hughes has spoken, but what I want to say specifically about this Bill is that it is doing a couple of things. One, what we are doing in this Bill is that we are breaking shackles placed on freedom of information by the PPP. We are opening it back. We are giving people the choice which is inherent in that freedom of expression, which my friend so greatly spoke about. We are giving them that choice. We are giving them a choice, not to just to have to listen to some radio stations all the time, listening to all the bile that is produced over there.

There is even a more sinister matter which I want to address, and that has to do with the channels which were assigned to the National Television Network (NTN) Radio Station and to the Guyana Radio. It is Mr. Ramroop's outfit. There is something that happens here. Mr. Speaker, when you import a vehicle from Japan, the vehicle comes set in a certain way and, therefore, if you want to catch certain stations you have to put in an expander, but if a certain frequency is assigned when these vehicles arrived here, you do not have to change anything, it is an immediate access to that station that you are having. What has actually happened here, by assigning these particular stations, these channels to particular persons, is that it gives them an immediate access to that market. This is the viciousness about it. It is a captured audience.

Over the last six years, or so, over forty-something thousand vehicles have been imported in this country, so you just do the mathematic and the calculations and you will see. It is what the persons, who were issued these licences, were doing. They were actually capturing the market. It is almost like a kidnap. He almost kidnaps this market. [Mr. Bulkan: Hijack.] “Hijack”, that is the word. It is to hijack this market without anybody else having access to it. Nobody else has access to it. Could this be freedom of expression? Could this be freedom of the press that you are talking about? How could that be? This is business. It is fraud and this is why I believed that people of this country expect us to act, and we will act.

We are going to break and we are breaking a nefarious web which has be spun around the people of Guyana by a regime that seems to stop at nothing to gratify it friends - I will leave out family - at the expense of the Guyanese people. As legislators, we must act with audacity and as legislators this piece of legislation is an audacious piece of legislation, and I support it. It is overdue and support its passage in this House. [Applause]

Mr. Speaker: Hon. Members, before I give the floor to the next speaker, I would propose that we now take a suspension and we will return at 5 o'clock.

Sitting suspended at 4.04 p.m.

Sitting resumed at 5.12 p.m.

Ms. Burton-Persaud: I am happy to know that I am coming to speak on this amendment to this Bill just after the break, because by now all the hyped up feelings would have subsided after a good meal. We are in a better frame of mind to digest a different set of information because I would base my presentation from a different perspective, after all the political grandstanding, and all of that.

However, I am here to speak to the amendment of the Broadcasting (Amendment) Bill of 2017 which amends the Broadcasting Act of 2011. Here I want to say that I am speaking on the amendment to the Broadcasting Act 2011 and not to the ‘Jagdeo amendment’ or the ‘Jagdeo Act.’ I say that because I have noted it being mentioned here in today’s newspaper, the *Stabroek News*. As legislators and political leaders, we have to be a bit careful sometimes when we say

things because they go in history and sometimes future generations might want to come and ask for a 'Jagdeo Bill.'

However, I base my presentation from a different angle. The angle which it really hurts, the angle from which we should really be speaking from, the angle from which the people who this Bill will come to either affect or to assist, this is where we need to focus our attention on. Firstly, I am speaking to these amendments based on my working experience as a broadcaster, as a public relations personnel and as an advertising agent. It means that when we look at these amendments we are seemingly forgetting what is going through the minds of those persons, that this Bill is all about the broadcasters and the broadcasting operators. In their mind, right now it is all about how it will affect their businesses.

First, when I looked at this Bill I figured that somewhere along the line persons did not, in a very concise manner, in an in-depth manner, consult with these broadcasting operators. These operators operate their businesses from a dollar and cents perspective and when they hear about an amendment to a Bill and some of the aspects of the Bills, they are having troubling thoughts. One of things that I note is that they would have to reapply for their licence, and by doing that, right away, troubling in their minds are the words "Will I be approved?" "If I am not approved, what will happen to my business?" Then, having to reapply, they have to pay an application fee. In paying that application fee, they will keep wondering, "after I would have paid this fee, what is next?" I heard the Hon. Member Ms. Hughes stated in her presentation that they need not to be too worried. I am of the thinking that it would be an across the board approval based on what they apply for. If that is not so, then we have another aspect to deal with. Before I even go to that aspect, when they are approved, after reapplying, then, they have to pay another set of licence fees. Something is wrong there, because they would have already paid a licence fee, whether before or after, based on the arguments I was listening to. They are being asked to pay a second time for a service they already have, so they are paying twice for one thing.

The next thing is that if they are not approved, what will happen to that time frame that is still left? If I am within the ninth month of a one-year licence to operate, then there happens to be three months that will be left, would I be compensated for the three months? I am asking that question, because if they are not going to be recompensed or compensated for that three-month period, that is in the balance, they would have to get into their pockets and pay back persons

who would have already paid up front for advertisements and sponsorship of programmes. They are now on a back foot to deal with that cost.

It means that not only would the broadcasters be affected, but also the people who work around the broadcasting sector, because, as broadcasters, they depend on businesses based on the services that they offer, whether it is television service or whether it is a radio service. They gain those clients via advertising agencies who in turn employ marketing agents to work for them, who go to these companies, who go to individual business, and offer that service for them. They go to the public relations departments, they go to the marketing departments, because these departments, within big entities, are having the persons who sit down and decide what product and or services they will be advertising for the company at what time and at what cost. They built it into their budget. When they are off by whatever time, which would be left in the balance, they have to recoup that money because their product and services would not be advertised via those agencies. There is a cost to that.

Failure for these agencies to provide this service means that they are breaching the contractual agreements that they have with these companies, the broadcasting company with the advertising agency, the advertising agency via the marketing agent with the companies. They could find themselves in a position where they could have legal action taken against them. Based on that, will these persons, if not approved, be compensated? If that is not the case, because of them not being approved, there is the other aspect where persons would be losing their jobs. It is that if I am not operating and I have to close my business, then I have to let go of my employees. Once again we are sending persons on the breadline.

The Hon. Minister Hughes stated in her presentation that all the Government, by the way of this amendment, is asking for is up to one hour for 24 hours, to broadcast daily.

5.22 p.m.

PART 2, clause 8(1) by the stipulation in this clause of the Broadcasting (Amendment) Bill 2017

“Every broadcasting agency shall broadcast public service programmes in the following manner -

- (a) For a total of up to sixty minutes per day;

- (b) Between 6.00hrs and 22.00 hrs; and
- (c) Free of cost.”

The hours happen to be the prime peak periods of any broadcasting entity. We are asking these entities to give up their time when they are targeted to make more money. We are asking them to say to persons, who would have already paid for that prime time, those peak periods, to step aside and allow the Government to put on its programme. This is asking very much of these agencies. If we look at giving up one hour *per se*, one hour per day, it is seven hours per week and it happens to be 365 hours per year. If we go to one hour, it could be less. When we look at the amount of agencies - I have the list here - that came from the Guyana National Broadcasting Authority, there are 19 television stations and 11 radio stations. Off the record, I think there are approximately five cable networks. If we add that total, it is 35 broadcasting entities. We are asking each of them to give in a total of 35 hours per day broadcast, 245 hours per week, 1,085 hours per month and 12,775 hours per year. That right away will spark off any amount of suspicion in anybody's mind, because we are asking ourselves, all these hours, even if it goes down to 6,000 hours,... You are talking about a lot of hours to do public broadcast and public service announcements.

When I calculated this, I am asking myself based on the definition of what public service announcements are and public broadcast happens to be - I heard the Hon. Minister speak to that - will we have emergencies every day? Will we have all the things that encompass these definitions every day? Definitely, I am hearing about cardiopulmonary resuscitation (CPR). I do not think that we can teach that via television and radio. I know that is a practical programme and teaching it via television can have people doing it in the wrong way and killing other persons. These air times carry a cost. As I said, these businesses are not there to play, but to make money. Ever second, the Hon. Minister said that she worked in broadcasting and she has a very good knowledge of it, then she will know that every second counts for a television and a radio. Every second carries a cost. These air times will cost within the vicinity of television for 60 minutes or one hour \$45,000, radio \$17,000 and cable, the same as television, \$45,000.

We are asking these entities for television to give up or to donate \$45,000 a day, \$315,000 per week, \$1,260,000 per month and \$15,125,000 per year and we are asking the radio to donate

\$17,000 per day \$119,000 per week, \$476,000 per month and \$5,712,000 per year. If we look at the cable, \$45,000 per day, the same as would be for the television stations. The total donations coming from this sector would be \$1,267,000 daily, \$8,869,000 weekly, \$35, 476,000 monthly and \$425, 712, 000 yearly. As I am hearing, the Hon. Members on that side of the House saying “up to”, well that is a huge “up to” we are asking this industry to give up. Looking at the current economic situation in this country when businesses are failing because of not having that revenue earning power to take advertisements and to advertise, these agencies, we are asking them to delve into their pockets. I think the Government, bringing this Broadcasting (Amendment) Bill 2017 really misses, the mark on this.

In, Part 2, clause 8(6), it states:

“A broadcasting agency shall broadcast the words, “This is a Public Service Announcement or Programme issued by...” at the end of all public service broadcast programme.”

This is a conflicting instruction. There is a difference between a public service broadcast and a public service announcement. A public service broadcast is a television or radio programme that is broadcast to provide information, advice or entertainment to the public. A public service announcement is a message that is broadcast to the general public by mass media. It is free because of its nature or urgency to the general public. Such programmes have specific durations, content, types of events and the amount of times it will be accommodated. It, therefore, means that the persons, who will have the responsibility of giving these public broadcast and these public service announcements, have to very careful. They cannot put any and everything in it. We need to be able to differentiate what we will put as a public broadcast and what we will put as a public service announcement, and not put whatever we think it will be and rob the broadcasters of their much needed revenue.

Clause (5) 39B (1):

“A broadcasting agency shall not broadcast advertisements or programmes which contain hate speech, racial incitement or terror threats.”

I am speaking here as a volunteer broadcaster. I heard Hon. Minister said that these things have one particular broadcasting entity that is bordering on that. I would really like to know if it is the broadcasting entity that I volunteered on, because when you are having broadcasting programmes or you are hosting programmes, you might encourage people to call in. You do not have any jurisdiction over what will come out of the mouth of the caller. You do not. It is because in a split second the caller can say something that is totally averse.

I am saying that as a responsible broadcaster, I will not sit and encourage persons to say things that are averse, because I often do it on my programmes, but then when they come and say something different, you have to caution them. Will the broadcasting agency be held responsible for that, that slip of the mouth or tongue? I sat on my programme and persons call in and threaten to shoot me. I have sat doing a programme and have persons call in to threaten me and tell me they would shoot me in *meh mouth because yuh talking*.

I have my colleagues and I am wondering if this is one way of muzzling persons who want to represent the people of this country. I am hearing “oh”, but I have to wonder that. I am wondering if it happens to be the muzzle-me-manoevre or the fear-frenzy-factor that is coming out. I am wondering if it is targeting persons such as my colleague the Hon. Member Mr. Ganga Persaud. I am wondering if it is targeting my colleague Hon. Member Ms. Gail Teixeira. She does her programme for the Opposition, “Matters of Public Interest”, matters of public importance. That is a programme that was made available to the Hon. Members on that side of the House when they were in Opposition. You will know that you do not have any control over what some people will come on the television and say. I am wondering if they are targeting Dr. Roger Luncheon on his programme “Luncheon on Government.” You have to wonder, you have to think. There is always some sinister move at times coming out.

When the Hon. Minister Ms. Hughes said that they do not have to be worried, the thought came to mind that is comfort, and we know what they say comfort is. I heard the Hon. Minister and also other speakers before talked about all this freedom of the press and it did not have that under the PPP administration. I would just like to remind the Hon. Members on that side of the House, suppression of freedom of the press, as you want to say, did not commence with the PPP’s administration. It commenced with the People’s National Congress (PNC) administration, under Mr. Forbes Burnham. I will tell you why. I can give you examples. I happened to be in a group in

the 1980s called the Media Cadets. It was a set of persons who were handpicked to enter into the media corps in Guyana. You could not have entered into that corps unless you went on a programme that thought socialism in Guyana. You had to accept the socialist ideologies. I dare any Member on that side of the House to tell me no. Happening to be an employee of the broadcasting corporation in Guyana and a member of the Young Socialist Movement (YSM) of the PNC, I was sent on that programme. You had to get the training. You had to understand party ideology before you became any type of media personnel. *[Interruption]*

5.37 p.m.

Mr. Speaker: Hon. Members, we are talking about freedom, but it really is a misunderstanding that freedom means that everyone could talk at the same time. Please allow the Hon. Member to make her statement and then someone else would speak.

Please proceed.

Ms. Burton-Persaud: Thank you, Mr. Speaker. As I continue on suppression of the freedom of the press, working at the Guyana Broadcasting Corporation, every day and every night, one had to submit the programme structure and a recording of the news for the next day to the then Minister of Information for vetting. Tell me, was that not suppression of the press that programmes had to be monitored? When we come and want to talk about freedom of the press and the PPP suppressing it, it did not start with the PPP; it started with the People's National Congress (PNC).

This particular clause is an infringement on one's right of freedom of speech and expression. It goes after freedom of the press; heavy monitoring systems to dissuade persons from expressing their views due to fear; policies that could be counterproductive; and a dictatorship style. These are things that come back to suppression of freedom of the press. I need the Hon. Members on that side of the House to put out a definition on what they mean by "racial incitement, hate messages and terrorist acts". We need to know so that we could keep within the boundary. Then you will not be able to say that one has violated, one has committed a criminal offence, so we will shut down the station and take away one's equipment. I am wondering if 10 out of the 35 entities are shut down and their equipment confiscated, what are you going to do with all that equipment? It seems to me that the Government on that side of the House, the Hon. Members,

are going after persons' possessions. Is it one way of having a sale to recoup revenues? I am wondering because I do not know what you are going to do with all the equipment. That is why we need a specific term that would state this and that are racial incitement, this and that are hate messages and this and that are terror attacks. This Bill, in essence, is a terror attack on the broadcasters.

This Bill is the wrecking ball of the broadcast sector. Instead of adding, it is taking away from them financially when they are in business to make money. The amounts of \$45,000 and \$17,000 per day, continually, are huge amounts for any business to be asked to give up at this current time. This action, by way of this Bill, is asking far too much. This Bill in itself is a threat to the survival of the sector.

The amount of airtime to be utilised by the Government sends a signal that, maybe, it is one way of having a donation for an elections campaign. The cost that the broadcasting operators will have to bear is a clandestine way of demanding a political donation. These policies to criminalise broadcasting agencies for what will be assumed hate, racial and terror messages are a calculated move to disallow strong-willed individuals from speaking out against the Government and policies that are not in their best interest or do not represent the will of the people.

I cannot support the amendments to this Bill. As someone who worked in these entities, who knows what happens, and who continues to operate in these entities, this Bill reeks of political bullyism, trickery, fraud and victimisation. This Bill is likened to the movie, *Dooms Day*, and, in this aspect, I am wondering who the prophet of doom is who drafted this Bill. *[Applause]*

Minister of Foreign Affairs [Mr. Greenidge]: Mr. Speaker, I rise to share some thoughts with Hon. Members on Clause 5 of the Amendment to the principal Act. More specifically, I would like to say something about the question of terrorism and the media.

Before I go there, let me react to some of the more general observations which have been made. I listened, in some amazement, to the presentation from our distinguished Colleague, Ms. Gillian Burton-Persaud. As it happens, I have by my side a note by the United Nations Educational, Scientific and Cultural Organization (UNESCO), an agency charged with looking at the workings of the press and the broadcasting media. I see that there is extensive discussion, in the document, of a variety of issues, including issues such as guidelines for the protection of miners;

watershed - which is a timing issue; image information and ratings; human dignity; and taste and decency. If our Comrade is not fully apprised of the meaning of these terms and how they are used across the globe, she might do well to have a look at the output and publications of UNESCO.

Let me take the opportunity to say that, in many jurisdictions, provision is made for a certain amount of broadcast time to be specifically apportioned. In fact, I think most of us would know that, in most countries, including India, for example, broadcasting time has to be set aside by the broadcasting agencies. In that case even, the time has to be apportioned among the political parties. To suggest that this is something designed with an ulterior motive by this Government is simply silly. This is not a unique phenomenon.

Let me also say that many of the observations, in relation to the amendments, overlook the fact that some of the concerns being raised were, in fact, concerns that pertain to the principal Act that was passed in 2011 and not specifically to the Amendment.

I also want to react to the observation about the impact of a one-hour free broadcast to an agency. For one to say that \$35 million is the imputed cost that such a broadcast is going to impose on the broadcasting entity is a meaningless exercise. One has to say something about turnover, profits and income before the figure means anything whatsoever. One million dollars is \$1 million; it does not say that it will break the entity. We need to know what the turnover is. The attempt at impressing us by virtue of the damage that this exercise will have on the entities is really not successful. I will return to this issue just to draw attention to the fact that, at a maximum of one hour per day, this is a mild and conservative requirement because, as Minister Catherine Hughes pointed out, elsewhere, the requirement is far more onerous.

The segment I will like to refer to addresses not only the 60 minutes of public service programmes, but also a rough schedule set out in Schedule I of how the minutes might be used. It seeks also - and this is important - to prohibit the inclusion of certain material - hate, racial incitement and so forth - and the submission of annual audited statement of accounts. I do not see that such requirements can be treated as unreasonable or outrageous.

Let me say a word about the press and press freedom because it loomed very largely. One needs to state from the very beginning that freedom of expression constitutes an important part of an

effective and participative democracy, especially in countries which embrace the rule of law. We can say that and seek to follow that principle. In following that principle, we must not behave as though we are living in a bubble.

Let me take the opportunity to remind Colleagues that, in the aftermath of a series of exposures in the British press, the British print media, in particular, which ranged from phone hacking to cronyism, this right has become the subject of scrutiny across the globe. In the United Kingdom (UK), the Leveson Inquiry, which was led by a public judge, established by Prime Minister Mr. David Cameron, looked at the culture, practices and ethics of the press. It cast a negative light, perhaps unreasonably, on an entire press system and opened up a wider debate on whether or not tougher limits should be imposed and regulations instituted to constrain the way that the press operates. I am saying, therefore, that we should not start by assuming that there is a perfect operation in relation to broadcasters on the one hand and, suddenly, in Guyana, a Government has awoken and decided to constrain the rights of the press. This is far from the case.

We know, from the Report of the Inquiry, some of the misdemeanours and points at which private interests in relation to broadcasting, in particular, can conflict with the national interest. Unless particular stories or events generate profits for owners, they can find themselves unwilling to broadcast material which is in the national interest. In such circumstances, what the economist would otherwise call 'public goods', certain types of information in situations of emergency, whether it be Ebola, flooding, national disasters, natural disasters and so forth, may require that obligations be imposed with some degree of coercion for the broadcasting agencies to carry a responsibility by carrying some of the material. Again, this is well established in a variety of studies and in a variety of fora across many states. We should not come here pretending that this is something that suddenly sprang up from nowhere without warning.

The point is that the information is intended to be of a particular type. It is intended to be for the benefit of the nation and, in particular, of those who constitute the audience.

As regards the requirements, it is possible for any government to abuse or to ask broadcasting agencies to carry material that is not regarded as strictly neutral or in the national interest.

5.52 p.m.

In those circumstances, the Bill makes provision for the broadcasting entity to appeal and to draw it to the attention of the Authority. The Authority can, in fact, investigate it and, as one can see on page 12, the Authority, in the end, can investigate the matter.

More specifically, if the agency believes that the material that it is being asked to carry is inappropriate or too political, it can appeal to the Authority and, ultimately, it can have recourse to the court. So, it is not any arbitrary, unmonitored or unfettered exercise. The intention is to provide a device to deal with emergencies and critical situations and I really hope it would not be necessary for us to spend too much time on what is really a diversion. This is something found in all countries.

Last evening, the Hon. Member, Bishop Juan Edghill, ventured the opinion that the 60 minutes would cost some broadcasters as much as \$11 million. Today, again, we had an estimate, which seemed very different and which was given by our friend on the other side. Obviously they are speaking of different entities. As you would know, at least the amendment does not provide, as the Prime Minister was pointing out, for what are relatively unlimited requirements, which the original Act imposes. So before you criticise the amendment, you ought to have looked to see what the original statute required and it is far more onerous. Therefore, it is unreasonable.

I wondered whether our Colleagues on the other side recall the coercion that many of the of the existing broadcasting operators faced, when they undertook to provide, what they regarded as national interest material or political material at times, when the People's Progressive Party (PPP) was in Office. Also, how they found themselves being audited where the Guyana Revenue Authority (GRA) visited them and they were prevailed upon to provide free pre-political broadcasting material on behalf of the PPP. Of course, that did not cost anybody anything and apparently it did not put businesses out of business.

I do not want to go back to the story of Mr. Sharma, but I would say that the story of the burdensome nature of 60 minutes per day, is amazing when one considers that... If we look, for example, at the cases elsewhere, we would find that there was a big outcry made in the case of Trinidad and Tobago, the 14 hours that it was required to provide weekly and that was since 2005. Today, one hardly hears mention of this issue. It is one of those matters that the political Opposition, as well as some of the broadcasters, find convenient to tickle the public's emotional

heart strings with, but, in reality, it is completely unwarranted and justified. The complaints in Trinidad and Tobago, for example, have died a natural death.

May I also go on to look at section 3(d)(i) of the amendment and say that, with regards to this addition, it provides for the breach of copyrights or piracy. We know, of course, the damage of breaching copyrights, whether it is in the broadcasting media or in the print media, the impact that can have on innovation, the generation of research, publication of research material, and that is something that is undesirable, it is set out here as an offence, but there are steps for that practice to be tempered. In other words, if an agency takes material from outside of its own archives, imports it from abroad and then publishes it locally, there are measures. The Broadcasting Authority could warn, caution or advise them - a set of steps and that, I think, is in keeping with good 'rule of law' practice, that they are given a chance to put their house in order.

All the broadcasting agencies are required also to put in place and submit annual accounts. I assume and hope that those would not attract, so far they have not, any opprobrium or criticism because that is, I think, normal.

The fourth aspect has to do with the issue of the content and it deals with the matters raised a little while ago, advertisements or programmes which could be insightful. I want to deal with that in the context of terrorism, but before I turn there, let me say a few words by way of, perhaps, some comments on press freedom.

I was intrigued when our Colleague, the most Hon. Bishop Juan Edghill, made reference or had the temerity to cite, and he is not here, the distinguished representative, Mr. Anil Nandlall's words as a point of reference, the *Bible*, as it were, in relation to press freedom. I find that amusing because I think that he has failed to cite all the pertinent words that our good brother has been known to employ. Were I in his place, the first set of words that would have come to mind would have been those that were associated, not with what he quoted, but with the case of the *Kaieteur Newspapers* and Mr. Gildharie and company. I am not taking you there, but I am just saying to you that when we speak about selectivity and discrimination, that is a good case in point. I just am amused that, of all the things, you should have omitted, perhaps, the most well-known set of statements that the distinguished Attorney General would have made.

[An Hon. Member of the Government: The *Chatree*.] Yes, the *Chatree* and others.

I have heard and I have seen the local press association make reference to the question of what they call, programming by the Government of the media and complaints about content regulation, and I think that it is true that it is a matter about which or in relation to which we have to be weary. In all of these things, it is a question of balance. I can, again, refer Members to some of the materials generated by the international agencies. I see here that there was an Organization of American States (OAS) special rapporteur on Freedom of Expression. In that publication, they spoke of media owners and professionals being encouraged to conclude agreements to guarantee editorial independence. Commercial considerations should not unduly influence media content. It is in that context that one can ask that material be mediated or moderated by the inclusion of matters of interest to the public view.

Before I go further, bearing in mind the exchanges involving the distinguished Member Mr. Clement Rohee saying that this report, also coming out of the OAS Joint Declaration on Countering Terror Broadcasting and Broadcasting on the Internet, makes reference to it and states:

“We are of the view that elected political officials and Members of a Government who are media owners must separate their political activities from their media interest.”

It was in that sense that some of the relatives, family and so forth and the PPP officials, who were given licences, infringed, if one likes, what is best practice elsewhere. That is the sense in which the matter was raised.

On the Government side, undoubtedly, there has been serious and even serial offenders on the part of Government. Amongst those offenders, is no less a person than the former President. Of the 21 frequencies doled out, since we are on this matter and the other side is disputing it, in secrecy, during the period post-September 2011, 15 licences were given to just three persons in the bowels of the PPP. I do not suppose you would want me to mention: Dr. Bobby Ramsaroop, Mr. Seeraj, Mr. Lochan and so forth. There are other parts, but it is perhaps more polite for us to stick to what is innocent.

The radio licences and their allocation is just an indication of how a Government in office abused the privileged position it had to benefit friends. Now I am told these are not families, they are relatives. We are going to split a word. So I say they are relatives, which Mr. Clement Rohee,

the Hon. Member, in reading from his list, forgot to mention. You and him are not relatives, but when I look at a list that is before me, which sets out those who received permits, with regards to radio licences ... I heard all the places that were mentioned, but let me just say that I was surprised to find how wide a range it was here. I saw mention of Ram. CG Ramroop, Ferguson, Rockcliff, Grant and so forth, but I also see Freedom Radio New Guyana Com. Limited. My good Friend, the Hon. Clement Rohee and I had such a warm exchange at lunch time and he never exposed to me that I would find his name alongside any of these entities stated here. I really cannot believe that behaviour. This is a betrayal of trust. It states here, "October, approved broadcasters under the Broadcasting Act, 11th October, 2012" and the name stated is Clement Rohee. We are of the view that elected political officials and Members of Government...anyways do not let me go on further, but that is the story. So you see, I am being mild, I am just skirmishing. [Mr. Williams: What is the name of the station?]

Mr. Speaker, I am being incited and I cannot resist. Freedom Radio Guyana Com. Limited, one Clement Rohee; Linden Wireless Com. Network, Haslyn Graham, which he mentioned; Pinnacle Com Inc. Radio, Alfro Alphonso; Wireless Connections Inc., Maxwell Thom, well that was a special case and I would not say any more about that now. [Ms. Teixeira: Tell us.]

I will tell you just now, since you are insisting. Radio Guyana Inc., Ram CG Ramroop; Hits and Jams; Little Rock Radio, we may have heard of that; A&G Inc., which is Grant; NTN Radi Brama Prasad. [Ms. Teixeira: Why are you skipping some of the names?] I am

skipping because I want to indulge you. [Ms. Teixeira: Are you trying to make a point?]

I am. [Ms. Teixeira: And you just happen to leave out certain names?] Well, I do not...

Mr. Speaker hit the gavel.

6.07 p.m.

Mr. Speaker, may I continue? Unlike Bishop Juan Edghill, outside observers have not missed the sort of events that we are talking about here. Let me just draw to your attention the following: On 7th May, 2009, the Caribbean Press organised a debate on press freedom, since we are big on press freedom. In turning to Guyana, the report of that event stated as follows, and this is called "On Press Freedom", posted on 4th May.

“To a lesser degree of injury, but certainly just as important in the matter of restrictions on press freedom, is what is taking place in Guyana.”

What I see in Guyana is a less evident condition of press freedom restriction. Now, one can easily point to former President, Mr. Jagdeo, as a major offender. His ranting against the press, who dared to criticise the Government of Guyana, are well documented. Even more, ‘freedom restricting’ than Mr. Jagdeo’s actions, are the actions of some top media personnel in Guyana. What I am saying, and I am trying to be balanced here, it is not only a question of the Governments misbehaving, but also of the press, which also behave outside of the parameters that one would regard as reasonable. The owners and the editors, for example, cannot escape criticism. The issue is that the manner of award of licences and their consequences are not neutral. The first report of the elections watchdog dog body, the Media Monitoring Unit of the Guyana Elections Commission (GECOM), for the period 1st March to 31st March, 2015, illustrated this graphically. I am saying that it is not only that these licences were awarded in this manner that we regard as undesirable and not consistent with international best practices, but that they had consequences and of those consequences, in Guyana, we can see a bias in coverage.

This body that I just mentioned looked at four radio stations and the bias was palpable, I do not really want to call them, but in terms of the radio stations, let me just quickly say to you that they concluded that the general programmes of one of these were 100% positive for the Government. In other words, once **[Ms. Teixeira: *Inaudible*]** Mr. Speaker, can you hear a noise? We are speaking about the report of a body. With regards to the other radio stations, 97% of their coverage was favourable to the Government. Just to give you an idea of the consequences of giving radio licences, for example, to your relatives and friends, and nieces of your Ministers and cousins of the President, for example.

This question of the approval of the radio licences was really, of course, a very sore point in Guyana, politically. Let me leave that behind since it is getting some people upset.

I would like to say a few words on the question of terrorism and the media. It cannot miss anybody’s attention that terrorism is a major issue that we are facing, globally. Regarding terrorism and the media, there is a handbook on this, published by the United Nations Educational, Scientific and Cultural Organization (UNESCO), which points out that across the

world, violence against civilians is intended to foster fear and suspicion of others that is within communities and across states. We see populations in many countries convinced that terrorism represent the most significant threat to their daily lives. What I want to say here, and I can quote a very long passage here, is that what is being suggested here is that one has to be careful about the broadcasters and terrorism. This is because it is also the case that when the broadcasters are finished with the public, the public is left in a situation in which they are worried and nervous. When one looks at the reviews done in many countries, the listeners, the audiences given to terrorism as an everyday occurrence in their lives, is far beyond the reality. In other words, in order to sell newspapers and to sell television programmes and so forth, the media space is filled with events which are disproportionate, relative to the actual occurrences. What is being said here is that one has to be careful about manipulating public emotions for profit, which is really what I am drawing attention to and I am citing UNESCO's, not the Government of Guyana's, view in this regard.

There arises, in relation to the media, a need to ensure that verifiable information and informed opinions form the menu and a significant proportion of the diet that comes out of the broadcasting environment. During crises, where the situation may be tense and where tempers may flare, it becomes all the more important. That is why one can embrace a call to amend the legislation to allow, at time such as these, which are critical, for balanced information which pertains to the crisis or emergency, to be made available and not simply left to broadcasters who may not necessarily use that information in a manner that does not enhance their financial standing and that is global story.

In a domestic context, and let us say in the Caribbean, we have also seen the emergence of terrorism as an issue that concerns commentators. Only on 28th July 2017, in Barbados and in the Suriname newspapers, the arrest of Suriname's first terrorist suspects was announced. Again, sometime ago, and at the last Caribbean Community and Common Market (CARICOM) Heads Meeting, the Prime Minister of Trinidad and Tobago drew to the attention of his colleagues the problems posed by the Islamic State in Iraq and Syria (ISIS) and the frequency with which citizens of the region were visiting Iraq and Syria, and the consequences. There is attention being drawn to the region because of the involvement of young people and of aspiring terrorists in a process where the young are radicalised and some are returning with terroristic skills and skills

in asymmetric warfare. Minister Kamla Persad-Bissessar, in early 2015, drew this to our attention on 10th April.

A UNESCO Report cited British diplomat, Mr. Arthur Snell, as acknowledging that the ISIS recruitment drive in the Caribbean could be successful because much of the population in this region face living conditions that made them prone to extremism.

The former Prime Minister of Trinidad and Tobago says quite a lot of things that occur in the Jihadist groups elsewhere, outside of the region, which also applied in Trinidad and Tobago. People are exposed to gang violence, broken homes, poor educational opportunities and a lack of a sense of self belonging. I am saying to you, Mr. Speaker, that the context in which we are passing this legislation, is a context in which the threat of terrorism is a real one. I remember looking yesterday at the index on terrorism in Guyana, the average, at this point in time, is very low, something like 0.4, I think, on a scale of 0 to 10, where 10 is the highest. At times, this has risen as high as 2.4. The point that I want to make here is that you do not have to wait until that index rises to a level that is frightening, before you put in place mechanisms that can ensure, or at least seek to ensure, that you keep the mood at a level that is manageable and acceptable.

The lesson that I want to draw to your attention is that what is going on elsewhere in the world is something that we should take account of. I want to say that the experience that has led to a number of guidelines being fashioned for broadcasters and which have led to Guyana seeking to adopt some of these practices, should be commended, rather than being the subject of ridicule, criticism and suspicion, as sometimes emanating from the other side.

As regards the guidelines and the impositions on broadcasters, as far as they are concerned, I have a paper in front of me, again from the UNESCO, which has at least 14 different categories of safeguards that many other countries have used. We have not sought to impose or implement all of these and I am glad that we do not feel it necessary to do that at this point in time. What I want to say is that, whilst a number of the complaints about the adverse impacts of these measures have been heard, many of them have no merit. Many of the dangers that people see in the current Administration seem to ignore that fact that, in previous times, we, ourselves, sitting on this side of the House, have been the victims of some of those very practices perpetrated by the Administration on the other side of the House.

In the light of those points, I would like to encourage members of this House to look seriously and carefully at the Broadcasting (Amendment) Bill, 2017, to recognise its virtues and to support it without any constraint at all.

Thank you very much. God bless the nation. [*Applause*]

Ms. Teixeira: This Bill, No. 10 of 2017, is an amendment to the Principal Act, and in listening to a number of speakers on the other side, I wonder if they have read the Principal Act. In my opinion, and in the opinion of those on this side of the House, this Bill is one that is an example of recklessness; it is undemocratic in content and it is an infringement on the freedom of expression. It is a fundamental issue that is being undermined here and goes against all of the issues that we have struggled with over for many years, with the Peoples National Congress/Reform (PNC/R). I am isolating one party in the A Party for National Unity/ Alliance for Change (APNU/AFC), and the People's Progressive Party/Civic (PPP/C), in terms of dealing with broadcasts and broadcast architecture that started many years ago, and I will come back to that.

Furthermore, some of the changes in this Bill tinker with what are technical issues and bring them into the broadcast component. Some of the issues that are being amended here are actually interfering with frequency management and, therefore, will cause a lot of conflicts within and among the broadcasters. In addition to that, you will be eating up more of your spectrum than you have already. As someone said, spectrum is not unlimited, it is a national asset and it is assigned to us based on international requirements. The frequency assignments have to do with availability and how wisely you use it. The changes in this Bill are very unwise in relation to what will happen to frequency assignments in this country.

The Hon. Lt. Col. (Ret'd) Harmon referred to a number of licences, he called out frequencies. One licence holder could have beyond several frequencies and, therefore, in what is being proposed here, you are going to make it even worse. One of the things that have guided the whole attempt to get to the point where we are again, to 2011, was the issue of trying to comply with the Commonwealth Principles and Charter, the International Covenant on Civil and Political Rights and also UNESCO requirements and the Commonwealth Latimer House Principles, with regard to the role of an independent and vibrant media, protected by law and its

freedom to report and comment on public affairs, are all old constitutional amendments and which, ironically, took place just before some of the bipartisan efforts or while the bipartisan efforts were going on in broadcasting. Also, in the Constitution of Guyana, in Article 146, these issues are enshrined.

6.22 p.m.

Article 146(2) states:

“Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this article to the extent that the law in question makes provision -”

It then goes on to (b) and it states:

“...preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless broadcasting or television, or ensuring fairness and balance in the dissemination of information to the public;”

Our own Constitution, the supreme law of this country, protects these issues. At the last Sitting, not the Sitting which was held yesterday, but the Sitting which was held last week on 27th July, we were confronted with a Bill that was presented and tabled for the first time, called the Broadcasting (Amendment) Bill. Having had time to read it during last weekend, we realised how serious it was. In a meeting, the media and broadcast operators were invited to a meeting with the Leader of the Opposition and they, themselves, had never seen that amendment Bill. They, themselves, publically said that they have never been consulted, that they have never heard of this and that it was the first time they were seeing it. They then left and they wrote their own letter to the Hon. Prime Minister, dated 31st July; a very polite letter, not confrontational at all. It stated:

“We believe that the proposed Bill in its current form has serious implications for the sustainability of our operations and, to some extent, infringes on our freedom to determine broadcast content. Our understanding is that the Bill could be passed in the National Assembly before the end of this week leaving us little time for the

engagement proposed for the consideration of our concerns and inputs. In this respect, we respectfully urge for a deferral of the Bill's passage in the absence of the proposed meeting. We believe that meaningful consultation on this piece of legislation is imperative having not been afforded the opportunity during its preparation.

Having looked at the proposed Bill, we can see a number of issues being raised in terms of constitutional matters. Both the meeting and deferral as requested would give us the opportunity to raise these matters. We trust that you will favourably consider this request in the interest of a Bill reached through consensus.”

It was signed by a number of the operators who were present: CN Sharma Channel 6, STVS Channel 72, NTN TV and Radio 10, TVG Channel 28, MBC Channel 93, LRTV, MTV and also, of course, Freedom Radio. This was sent on 31st July, today is the 5th of August and, as far as I know, no one has received, not even a polite acknowledgment, that the letter was received.

We have before us a Principal Act being amended and I want to remind this House, and I have heard a number of things said, that I will try to correct in the discourse, although I know that time is limited.

In pre 1992, I remember in the 80s that there were two television stations that started around the late 80s: Vieira Telecommunications Limited and also CN Sharma. Those were the first two stations and then came the Guyana Television (GTV). The two private stations were not given broadcasting licences, they were given frequency licences and they were able to broadcast; Radio Demerara and GTV and that was it. It was until in 2015, we ended up having approximately 13 radio stations and 19 broadcasting television stations, and, of the 13 radio stations, there were two community channels. That was in 2015, prior to elections.

I have heard the Hon. Member, Mdm. Catherine Hughes, talk about a number of persons and companies who had applied for television stations, applied for licences and who were denied by the ‘wicked PPP/C’. However, let me ask the Hon. Member, of course, she cannot answer me right now, but what have you done in the last two and a half years? The University of Guyana (UG) was wickedly held back by PPP, well what have you done? It has been two and a half years my dear. What have you done with the other companies whom you said were victims? You have had one board appointed after May 2015 that ended up in such an internal chaos, there was

almost violence, and you have had an investigation and then there was a Commission of Inquiry (CoI) into the Board because two persons were being accused of corruption. Then you set up another Board and I do not know if the Board is well aware of these amendments, the Board did not do what it was supposed to do by law which was to hold consultations on these issues, not the Minister, but the Board.

There is a new Board and I want to remind the Prime Minister that the Principal Act provides that the Broadcasting Authority of this country, the Guyana National Broadcasting Authority (GNBA), must file with him, as of 30th June every year, an annual report which must also be submitted to the National Assembly. The years 2015 and 2016 are outstanding, and by the time we come back from recess, the 2017 Report would be outstanding. We are looking forward to seeing what the reports on the Guyana National Broadcasting Authority are.

However what is so interesting about this Bill and you must forgive me because I have to go back a little bit, after the 1997 Elections with the violence and after the 2001 Elections violence, and while the Constitution Reform Commission was ongoing, and you have to give credit to Leader of the Opposition, Mr. Hoyte, former President and to former President, Mr. Jagdeo, that it was the joint bipartisan Committee on radio monopoly, non-partisan boards and broadcasting legislation that were set up by two gentlemen. The members of that committee: For the Leader of the Opposition, Dr. Derrick Bernard - who was co-chairperson with me, Mr. Roysdale Forde, Mr. Sherwood Lowe, Mr. Ronald Case and Mr. Enrico Woolford. His Excellency President Jagdeo appointed me co-chairperson, Dr. Bheri Ramsaran, Mr. Clement Rohee, Mr. Khemraj Ramjattan and Dr. Prem Misir. **[Mr. Rohee: Was Moses not there?]** No.

We met and had as one of our advisors, a gentleman who I have great respect for and the joint committee was advised and there is a report of that group which guided us. One of the persons, who was extraordinarily helpful to the committee, was Mr. Hugh Cholmondeley, who I have great respect for because I have worked with him myself in another area, at that time, when I was the Minister of Culture, Youth and Sport. I am well aware of the issues. In fact, there was no legislation at that time, except the post and telecommunications one, which was headed by the Prime Minister.

The report of the committee, which also included a number of people as well, I believe Mr. Cholmondeley, and then there was Mr. Enrico Woolford and others who had also participated with us and helped us. “Broadcasting Legislation Committee recommendations: The Way Ahead”: Mr. Hugh Cholmondeley, Dr. Prem Misir, Mr. Kit Nascimento, Mr. Darshan Ramdhani, Mr. Hubert Rodney, Mr. Anthony Vieira and Mr. Godfrey Washington, and this was on 20th October 2000.

A number of the recommendations of this group of people, these gentlemen, were incorporated by the joint bipartisan group, by Dr. Derrick Bernard and myself and the two teams to incorporate a number of the recommendations and their thoughts and proposals into what later on became the Broadcast Act. It was incorporated into the joint bipartisan group’s report.

In fact, I heard statements, recently, about non-cooperation by the Parliamentary Opposition, the PPP. The bipartisan committee, which was set up post-election violence in 2001, came about when the two gentlemen, the Leader of the Opposition and the former President, recognised that the media had been fuelling violence, both in 1997 and 2001, and a now deceased moderator who was inciting people, post 1997, to attack people of a different ethnic group and to attack Indian Guyanese. It happened, I heard it myself and it was being broadcasted. In 2001, another station was broadcasting that ballot boxes were in a house in Albouystown and that a man, who was a polling agent and was just a vendor of a newspapers, was collected and taken into Congress Place. A sack was put over his head and he was beaten. We have the video records of all of this. It is this violence that led to the two gentlemen meeting and deciding that the issue of the media, controlling violence and regulating broadcasting was important and I am very passionate about this Mr. Speaker. It is because of all of the people in this room, I have personally been involved with from 2000 to now on these issues and that is a broadcast. I have no money and I do not own anything.

One of the important issues, while the committee was meeting, while the bipartisan...

[An. Hon. Member: *Inaudible.*]

It is because I have to come to what you have done now in the Bill and to the decisions made in that group. The bipartisan group was asked by the two gentlemen that since draft legislation would take time, “Could we find another form, statute or legislative mechanism that would allow them to regulate the operators then. I am speaking about 2001/2002.

The committee met, stopped the work for a while and recommended, in co-signed letters By Dr. Derrick Bernard and myself to the President and to the Leader of the Opposition, what would then be the creation of the Advisory Broadcasting Committee, under the Post and Telegraphy Act that would review and deal with applications for broadcast licences. They were to be made up by: The President would nominate one person, the Leader of the Opposition would nominate one person and civil society would nominate one. The law was amended, which included administering the approval of broadcast licence, to monitor the adherence to or breach of broadcast standards and to receive and investigate public opinion or complaints in broadcast. That body was set up in 2002, and after the Act was passed in this Parliament, the amendment was made and it continued right through until about 2010/2011, when one of the members was ordered by his party not to attend the committee anymore.

The committee was headed by Mr. Norman McLean as chairman, Mr. Ronald Case as the main person of the Leader of the Opposition, Mr. Hoyte, and Mr. Pat Dial, as a representative of civil society. It was that body that gave the licences for the companies that everyone on that side of the House is saying that Mr. Jagdeo gave to them. It was that body that, under the law of the Post and Telegraphy Act because the Broadcasting Act had not come into place as yet that gave those persons their licences.

In 2003, there was a *communiqué* signed between Mr. Jagdeo, President at that time, and the Leader of the Opposition at that time, Mr. Robert Corbin, in May 2003. They were signed documents by the gentlemen and each page was initialled. My Colleague from the Ministry of Foreign Affairs knows these habits well. Again, it called for the Interim Broadcasting Committee agreement would be disbanded, immediately, upon the National Broadcasting Authority coming into effect. This was trying to get the broadcasting legislation done.

6.37 p.m.

I do not know where Mr. Nagamootoo was. If the House wishes to have a copy of the bi-partisan report, I am willing to share my archival record. I know that there are records that were left in my office, which, I understand, were thrown into boxes and placed in the Prime Minister's office. Maybe when the Prime Minister gets time to go through them, he would find many of

those records, which are my records. There is a signed letter that Mr. Deryck Bernand and I wrote to the President and to the Leader of the Opposition to approve these recommendations.

In the Principal Act, 80% to 90% of what is here was put into the Act, including issues, which was done in 2001, when technology went further.

Before I go back to the Bill, I want to remind my Friend and Colleague, Lt. Col. (Ret'd) Harmon... When I heard that a Broadcasting (Amendment) Bill would be brought to the House, I thought it would be a Harmon's Bill that would be coming back to the House. I went and looked for Harmon's Bill, which was in tabled July, 2014. Minister Harmon, when he was in Opposition, presented a Bill to amend the Broadcasting Act. It was tabled in the House as a Private Member's Bill – No. 19 of 2013. It was passed by a Motion by the majority - A Partnership for National Unity (APNU) and the Alliance For Change (AFC) and placed on the Order Paper for debate on 10th July, 2014. Why this Bill is so extraordinary and interesting is because my dear Friend, Minister Harmon, brought to the House some interesting amendments. Those amendments are nowhere reflected in this Bill. In fact, the Bill that is before the House is diametrically and philosophically in contravention of what Minister Harmon had brought.

The Bill that my dear Colleague brought is one that removes almost every instant where it stated "approval of the Minister" and "in consultation with the Minister". Those are knocked out - *boong, boong, boong*; deleted one after the other.

Under public service announcements [An Hon. Member: Yes, that is the one.] It is a record of the House so I do not have to...

Clause 9 of the Bill brought by Minister Harmon states:

"Section 18 (1)(e) shall be amended as follows –

Section 18(2)(k) by substituting for the words "as public information deems appropriate as a public service at no cost", the following words –

"as a public service at no cost, but not to the extent that undermines the financial viability of operators of Licences."

This is the Amendment brought by your Colleague. This is the amendment that he tabled, which was passed. It was put to the House.

As a Private Member's Bill - let me repeat for my Friend, Minister Williams – there had to be a motion that allowed the Bill to have a First Reading. The Motion to bring the Bill for First Reading was approved by a majority vote in the House. It was on the Order Paper of 10th July, 2014. Then there was PNC Congress and Parliamentary Recess and it was not dealt with.

The Bill... [An Hon. Member: *Inaudible*] I am not talking about whether the Bill was passed or not; I am talking about the fact that the General Secretary of the APNU, a high-ranking, super Minister of the APNU/AFC Government, brought, in 2014, three years ago, an Amendment to the Broadcasting Act that states:

“as a public service at no cost, but not to the extent that undermines the financial viability of operators of Licences.”

The other interesting thing about Minister Harmon's legislation, which is very interesting, is that he proposed that all Members of the Board be appointed by the National Assembly. The President would merely swear them in.

I leave you to think about what has changed amongst you so radically that something which every one of you voted for you have now changed. [An. Hon. Member: Like what was proposed to the Audit Act.] That is not the issue that we are raising, sir. You *missed the boat*, as usual.

As I said, the Government had two and a half years to fix what you thought that the People's Progressive Party/Civic (PPP/C) did was wrong. [Mr. Scott: The wickedness.] The wickedness, as you call it.

We ended up here today with a number of issues. Let us go to the Bill in a more formal way. Let us go to the definition of broadcasting service. Maybe those who have been involved in the drafting of the Bill may not have realised that, when the Bill was being drafted - and it went through many drafts - at the same time, we were doing the Telecommunications Act and the Access to Information Act. There was an attempt to get synergy in the definitions of “broadcasting” and “telecommunications” so that there were... [Dr. Ramsaran:

Nuances...] ...nuances between the terms. Thank you, Dr. Ramsaran. The issues were very clear. In fact, the team that drafted and amended the Telecommunications Act advised on the definitions of “broadcasting” and “broadcasting services”.

Broadcasting means:

“the transmission of any programme whether or not encrypted and whether or not actually received, by wired or wireless medium or technology for reception by all or part of the general public, but does not include telecommunications”.

Broadcasting is clearly defined and was deliberately defined by us and by the inclusion of experts to allow for the recognition that technology and the form of use would change overtime.

I would give you an example of this. It is a bit dated, but it is not a bad document: *Why public broadcasting matters more than ever*.

This is a lecture by Mark Scott, Australian Broadcasting Corporation, 9th September, 2009, Australia House, London, and it states:

“In television we are but a heartbeat away from an age of limitless plenty. The question once again is: where does a public broadcaster built for a world of media scarcity now fit in an age of plenty?”

It points out:

“Australia’s traditional offering of five free-to-air channels is set to become 15 – possibly more if the spectrum becomes available. Subscription television, which has slowly built to 30% market penetration will offer 200 more.”

It goes on to state:

“Cable offers specialist channels in areas that were traditionally the domain of the ABC.”

It goes on to explain the different forms and media that people could have access to information which not only deal with the traditional ways.

The broadcasting definition in the principal Act was deliberately done to ensure that there was room for: inclusion of new technology as we could not be far seeing and predict.

By talking about broadcasting service, it means:

“a service providing broadcasting and includes –

- (i) a television broadcasting service, and
- (ii) a radio (sound) broadcasting services.”

Some of the areas of new technology have been knocked out. If that is your desire, you are the Government so you could do it. I am just saying to you that the whole idea of broadcasting was to open new technologies, a new digital world that is available to us.

By limiting it, as you have done in your amended definition, you have now put yourselves in a much more constrained arrangement which may not be a bad thing for us on this side.

There are some other interesting things. That is Definitions – Clause 2.

You went on to add a new definition, “public service broadcast”, which is rather interesting.

Clause 2 b) states:

“(qA) “public service broadcast” means the broadcast of a programme produced for the purpose of informing and educating the public, and promoting policies and activities of the Government that benefit the public as a whole;”

The earlier speaker, my Colleague, Ms. Burton-Persaud explained the difference between broadcast advertisements and so on. I do not need to go into that but it is rather unusual that you have added a new definition to specifically point that out, as if people are not aware of the public services, as defined and as expressed in the Act.

Section 18 (2)(i) of the Broadcasting Act 2011 states:

“require licensees to carry information on any programmes issued by the Civil Defence Commission, the Guyana Police Force, Guyana Fire Service and or health services, and

certain other programmes as public information deemed appropriate and necessary in terms of national security, emergency and disaster as a public service at no cost.”

I do not know what more you want to say. However, Minister Harmon’s Amendment actually added on that part that I read to you about making sure that it does not put greater undue stress on the viability of the operations of the broadcaster.

Why have you gone to the effort of troubling the community broadcasters? You brought in the “community broadcasting” under the First Schedule, Clause 3. Issues dealing with community broadcasting are rather strange.

Clause 3 of the Bill states:

“...the programmes which a licensee of a community class of broadcasting service shall provide and how surplus funds from such service may be utilised.”

You are giving the community licences. Why are you asking the community to show how the surplus funds may be used? What kind of thing is this?

Mr. Speaker: Hon. Member Ms. Teixeira, you have three minutes remaining.

Mr. Ali: Mr. Speaker, I beg that the Hon. Member be given 15 minutes to complete her presentation.

Mr. Speaker: The Hon. Member would have the three minutes I mentioned and five minutes more.

Ms. Teixeira: I hope, Mr. Speaker, that you have noticed your generosity with some other people.

My Colleagues have talked about the cost and I want to give an example. I want to deal with these primary, secondary and broadcasting zones that have been dealt with.

The present frequency is that an applicant has to be adjudged from the Board to the Frequency Management Unit for a frequency. By creating these zones, it is hypothetically possible that an agency would get a frequency because it is in this zone, another person in another zone and so

on. Another agency may get the same frequency in a similar zone. This is absurd. It is constrained and it restricts and makes costs more expensive for the operators to run.

I do not know who concedes to these zones but, certainly, if the intention is, as Minister Hughes said, its spectrum is limited and, therefore, one has to use it properly, which Minister Harmon also said, then, obviously, these primary and secondary zones are absolutely going to do the opposite in terms of spectrum use and management.

In terms of cost, the issue of having all these different fees...so an agency operator could theoretically be able to get a licence in primary zone one, two and three.

6.52 p.m.

I will just give an example of probably the cheapest one. If it goes to the lowest scale, if it is television and if you add up that you are going into all these zones, put aside your annual fee and application processing fee, then an operator could pay as little as \$7 million when that operator was paying \$2.5 million or the operator could be paying much more, depending on the categories and stuff like that. So you have increased the cost for obtaining a license.

I go back to the Commonwealth and the Charter. Under the freedom of expression, it states that Government must not put undue restrictions and undue regulatory cost on the freedom of expression and broadcasting, whether by radio or television. Our Constitution and the Principal Act also state that.

Fees and public service announcements are not applicable. Canada does not have anything like this; South Africa and Belize do not have anything like this. It is a service which the Government negotiates with the operators. It is not in law; it is not mandatory; it is not making it one in which you will be committing an offence if you do not do it. When one is asked to be able to carry an advertisement, 24 hours are given to file a complaint. If that is not done within that time, then an offence is committed for not carrying it. And so I do know if people care about what is going on.

Last, I have heard people announce who had the licences and so on. People who were given licences in 2010 and 2011, prior to the Act coming into place - and the commencement of the Act was August, 2012, because we had to wait on the new Leader of the Opposition to give us his name for the member on the Guyana National Broadcasting Authority (GNBA)... President

Ramotar, at that time, already had his people. But for Members of this House to read, selectively, certain names of the 19 broadcasters who were legally licensed and 11 of the radio broadcasters to give and convey an impression and then come to this House and say that you are dealing with racial incitement and dealing with these issues...

The Principal Act is very clear in the broadcasting policies enshrined in the principal Act, helped and advised by people like Mr. Hugh Cholmondeley, Mr. Kit Nascimento and others, that stated that the issue of the constitutional laws in Guyana are supreme and that no broadcaster can go against the constitutional laws of this country, including issues of racial incitement and discrimination based on ethnicity... But by people in this House talking through two sides of their mouth and calling...

Let me call all of the people who have licences. Let us hear them. Radio: National Television Network (NTN) – Mr. Anand Persaud; Radio Guyana – Dr. Ramsaroop; IRadio Guyana – Paul James of Fix It Depot; Wireless Connections – Mr. Maxwell Thom; Freedom Radio – Mr. Clement Rohee; National Communications Network – Mr. Michael Gordon. By the way, you have not amended anything at the Board. Linden Wireless Communication Network – Mr. Haslyn Graham; A and G Inc. – Mr. Rudy Grant; Hits and Jams – Mr. Rawle Ferguson; Little Rock – Mr. Christie; and Pinnacle Communications – Mr. Alfred Alfonso.

Television: Blackman and Sons – Ms. Eve Blackman; Channel Two Television – Mr. Godfrey Washington; CNS Inc. – Ms. Savitree Singh-Sharma; Countryside Broadcasting – Mr. David Sooknaught, Dave's Television in Berbice – Mr. Tony Rambarran; Guyana Learning Channel – Dr. Seeta Shah Roath; HGPTV – Mr. Nigel Fraser in Beterverwagting; Little Rock Television – Mr. Christie; Multi Technology Vision (MTV) – Mr. Martin Goolsarran; National Communications Network (NCN) – Ms. Dolly Hassan; National Television Network – Mr. Prasham; Pinnacle Communications – Mr. Alfred Alfonso; Rambarran Broadcasting – Mr. Jacob Rambarran; SKAR Communications – Mr. Sheik Ahmad Eikbar; STVS Channel – Mr. Richard Sanchara; Television Guyana – Mr. Ramsaroop; 21st Century Communications – Mr. Ramdhani; WRHM – Mr. Maxwell McKay; and Tarzy Transmission Service Essequibo – Mr. Ghani.

I just want to put on record. There are only two community channels that I know of...

Mr. Speaker: Hon. Member, you have three minutes remaining.

Ms. Teixeira: Thank you.

...Paiwomak in Region 9 and Lethem now has a community station.

I wonder how, based on the new Bill that is brought before us which now writes in that community channels now have to be able to have an election of the community to manage the channel... So now we are getting into further *controlism*. The Public Trustee Act or the Friendly Societies Act requires how things happen and anybody can register under those once the person fulfils the requirements. Now I see that Government is moving to create some more radio stations – one in relation to Berbice and so... September, 2015 *Guyana Chronicle*: Government Commits to free press.... He is going to bring one to Berbice and will deliver the improvement of NCN, *et cetera*, but also have a new channel. There is also another one to do with broadcasting rights and so forth and a new Bill to control broadcasting. This is where, again, it talks about another channel that will be opened up – Moruka. So, you want Mabaruma, Moruka and Lethem. Paiwomak is a private body. It is a non-governmental organisation (NGO), as far as I know. Mr. Allicock, I do not know if that has changed under your watch. But the issue is that community channels will now have to show that they are elected by the community and so forth. That is not the idea of the community channel, at least not when the bipartisan Board looked at it. It was about outreach, inclusivity and having community channels which would allow people to raise their own issues.

By the way, the issues that were not resolved in the last two and a half years... What have you done with Region 10's channel? You are still trying with that. Are you not? You are still unable to manage that one. Are you not? Despite the 2012 agreement, *et cetera*, despite the issues, you have not been able to solve that one.

I think that this Bill should be paused. I am proposing that the Bill be paused and that the Prime Minister meets...

Mr. Speaker: Hon Member...

Ms. Teixeira: I am on my last lick, Mr. Speaker. Just let me finish my sentence, if you would allow me. I am asking the Prime Minister to pause the Bill and meet with the operators. If he

wishes to meet next week, we are willing to come back next week and to discuss whatever amendments may come forward from that dialogue.

Thank you very much. [*Applause*]

Mr. Speaker: I thank the Hon. Member for her statement. The Hon. Member might be pleased to know that she has surpassed every other speaker with the length of time she spoke. I thank you.

Ms. Teixeira: Thank you, Sir. Much appreciated. I am sorry, Sir. I did not hear what you said but he... [*inaudible*] so I said thank you.

Mr. Speaker: What I said was that you exceeded every other speaker.

Ms. Teixeira: In what?

Mr. Speaker: ...in the length of time you spoke, possibly quality too but I will not be the judge of that.

Hon. Members, we have three other speakers and it is now 7.00 p.m. We can take the break and return at 7.30 p.m.

Sitting suspended at 7.03 p.m.

Sitting resumed at 7.46 p.m.

Attorney General and Minister of Legal Affairs [Mr. Williams]: May it please you, Mr. Speaker.

I rise and take the opportunity to indicate, upfront, that this Broadcasting (Amendment) Bill 2017 has my total support, and I urge a swift passage of this Bill through this honourable House, tonight.

We heard, earlier, two presentations on this side of the House, which, in my humble opinion, has sealed the issue this evening. But for the fact that there is only one lingering element left, I, too, would have asked for the question to be put. But we have to deal with the allegations of unconstitutionality, so my task would be to show that these amendments are foundational on

substrata that are fully sounded in law. Therefore, perhaps I can preamble a bit because the genesis of this issue was touched on by the Hon. Member, Ms. Teixeira, and the Hon. Member, Ms. Catherine Hughes, also gave us some vivid insights into the discrimination which attended the awarding of radio and television broadcast licences.

The Bill before this honourable House is intended to create a level playing field and to put an end to this discrimination in this sector.

I recall the targeting of certain television stations that were not viewed favourably by the last Government. I recall seeing Mark Benschop, for example, on Channel 9, the late Ronald Waddle on Channel 9, and the prosecution of the owners of Channel 9. I think the Hon. Member, Lt. Col. (Ret'd) Harmon, was a member of the Board, and we had to deal with those issues in terms of going to court, *et cetera*. I am quite versed with the practices of that era. We would want that to be called the past era so that we would usher in, in this new era, the element of fairness in this era of our patrimony.

7.50 p.m.

We were regaled by the Hon. Member, Bishop Juan Edghill, that we were breaching the freedom of expression and the protection of property, both guaranteed in our Constitution. He had never named any provisions but he continued and said that these amendments contravene certain rights and that they also contravene international treaties that we might have signed on to. The Hon. Member, Ms. Teixeira, also was *in the same vein*, but she ventured to indicate that Article 146 was a relevant Article for freedom of expression. The Hon. Member Teixeira also alluded to Article 146 (2); she read a bit of it and said that those provisions also are designed to protect those rights that we are allegedly purported to have breached in this Bill.

I respectfully submit that those contentions are certainly fallacious. To the uninitiated, one would stop at the Article that states that the freedom of expression is guaranteed, *et cetera*. They might want to believe that that is an absolute right. There are no absolute rights because we all live in society. Those said provisions make provisions for exceptions to the guarantee. So when one has recourse to Article 146, the right is established in Article 146 (1) and, of course, it speaks to the freedom of expression, that is to say the freedom without interference; freedom to receive ideas

and information without interference and freedom from interference from his or her correspondence. That is the entitlement of every Guyanese.

However, Article 146, in paragraph (2), contains expressed exceptions to this guarantee. As the Hon. Member, Ms. Teixeira, had read, it states:

“Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this article to the extent that the law in question makes provision –

- (a) That is reasonably required in the interests of defence, public safety, public order, public morality or public health;
- (b) ...regulating the technical operation of telephony, telegraphy, posts, wireless broadcasting or television, or ensure fairness and balance in the dissemination of information to the public...”

In common parlance, it means that this is okay and acceptable and it does not infringe the guarantee of freedom of expression.

This is an amendment to a principal Act. As it was indicated earlier by the Hon. Prime Minister, one could have brought regulations, but we have come by way of an amendment Act. Therefore, what is in the principal Act is still the determinant factor in this matter. The Act in question was made in 2011 by the Hon. Members on that side when they were in Government. That Act established all these things that are being claimed to be unconstitutional by the Members as they sit on the other side of this House. For example, I contend that this Act is not inconsistent with or in contravention of Article 146. It states:

“It created the Guyana National Broadcasting Authority and gave it power to regulate, supervise and develop the national broadcasting system, licencing of broadcasting agencies and encouraging the production and broadcasting of TV and radio programmes into alia.”

It fits right in the exception of regulating the technical administration, *et cetera*. More specifically, if one looks at section 37 of that Act, it states:

“The Minister responsible for broadcasting, where it appears to be necessary or expedient, may at any time by notice to the Authority direct licensees specified in the notice to broadcast such announcements as are so specified, and Authority and licensees shall comply with the notice.”

This is not our Act. This is an Act passed by the Members on the other side of the House when they were in Government. They had empowered the Minister to make provision for the same thing that is the amendment that we are proposing tonight for the carriage of public broadcast for an hour. It is under this provision and that is why I said a regulation could have been made under section 37 (1). But it is under this provision that we have the cue. [Hon. Member: Who was advising [inaudible]] It was in 2011. I do not know if they were the lawyers there at the time. Nevertheless, made under 37 (1) is this provision that you find now in the Broadcasting (Amendment) Bill. It states that public service broadcast means:

“The broadcast of a programme produced for the purpose of informing and educating the public and promoting policies and activities of the Government that benefit the public as a whole.”

This Amendment Bill is here because it is empowered by Section 37 (1) of the principal Act passed by the last Government. Therefore, one has to wonder what the contention really is. One will have to query with the *bona fides* of the Hon. Members as they make their *clarion call*.

Mr. Speaker: Hon. Member, with “query with the *bona fides*”, I think we are on the edge.

Mr. Williams: As it pleases you, Mr. Speaker. One will have to wonder why such a contention would be coming from the Members on the other side of the House. How could one pass legislation, and, when one goes out of power, turn around to say that the legislation is unconstitutional? How do you accept that these are genuine and honest contentions? That is the point that we wish to make. Another instance, for example, is: in the amendment, it was foreshadowed in the principal Act, this Section 20 (1), which provides... The Hon. Member, Mr. Juan Edghill, said that the principal Act speaks about the licensees, the persons who are carrying on businesses immediately before the coming into effect of the Act, were to apply for continuation. I am saying that that is not so and that they had a reasonable expectation that they would be continued. When one reads Section 20 of the principal Act, it states:

“(1) Every person carrying out an authorised broadcasting service immediately before the appointed date shall, within thirty days from that date, make an application to the Authority for a licence for the continuation of the broadcasting service and send a copy of such application to the National Frequency Management Unit for its successors.

(2) Where a person referred to in subsection (1) fails to make an application for a licence under that subsection within the time specified therein, or where that application for a licence made by him is not granted by the Authority he shall forthwith cease to carry on the broadcasting service.”

It means that, in the principal Act, when they had to apply, there was no guarantee that they would have their licence renewed or continued. It states here that, if the application for the licence made by him is not granted... It recognises, in the principal Act, in 2011, when they were made [*inaudible*] carrying on the operations of the television stations, they had to apply within 30 days immediately before the Act came into effect. There are no guarantees of renewal, as was contended by the Hon. Member. The Section clearly states that they could fail not to get a licence.

When you come to clause 9 of our Bill, it states:

“Every person carrying on a broadcasting service immediately before the commencement of this Act for which a licence had been previously issued shall apply within thirty days of the commencement of this Act for licence in accordance with the provisions of the Principal Act as amended by this Act for the continuation of the broadcasting service.”

The difference between clause 9 of our Bill and the Section 20 (1) of the principal Act is that this was made into two subsections which added not only those who were licensed, but those who were carrying on television stations without a licence. That is what this Amendment Bill has added. When the Hon. Member, Bishop Edghill, contended that 30 days to comply is outrageous, how could we take seriously such a contention? “Outrageous” was the language used. In 2011, those who carried on the business with licence had to comply within 30 days. If it were not outrageous then, how is it outrageous now? We have not changed it; it is the same 30 days. What is different between then and now? It is clear that the intention would have been to try to regularise the operation of television or broadcasting in Guyana in 2011. It is no different now. If

persons who are authorised had to apply or reapply, what is wrong when they are being asked to apply, in like manner, for 30 days to the authorities to decide whether their licence would be continued? It is the same thing.

Mr. Speaker, I am respectfully submitting that the contention fails miserably. When you look at the 2011 Act passed by the last Government, it had guidelines and conditions that were imposed on licensees. They were subjected to certain impositions and conditions. For example - the Hon. Member, Mr. Greenidge, alluded to it - they actually had a provision there talking about what owners of television stations must do when elections are afoot in Guyana. For example, it states this in Section 32 of the principal Act:

8.05 p.m.

“This is a guideline to broadcasters, that at election time they were to agree with political parties in consultation with Guyana Elections Commission (GECOM) to afford such parties airtime on their stations.”

The last Government said whoever owns the television station when election came around they were bound to give airtime to political parties contesting those elections. That was an imposition. Why was that not unconstitutional? What is the difference between that directive and the one to have the public service broadcasting within an hour as requested?

Now, what is requested is in the breakdown in the Schedule. If you look at the First Schedule Part 2, clause 8 (5):

“The sixty minutes referred to in subparagraph (1) (a) shall include time allotted for any -

(a) address to the Nation by the President;

(b) emergency notice or disaster warning issued by the Civil Defence Commission, the Guyana Police Force, Guyana Fire Service...”

All of these fall clearly within the exception in the Constitution, in article 146 (2), for public safety, defence and for public health. All of these things fall clearly within those exceptions. As I said, there is no case really for the type of attack and attacks that have been made on the provision of this Bill, that it assaults the freedom of expression, when in fact there were

progenitors of the parent of this baby that we are about to pass and give life in the honourable House. As I said, my task is simply to show that this Bill is predicated on sound law in Guyana.

Before I wrap up, I want to say this: There was a contention that an owner has a right that he could resell the property at any time. In other words, they were arguing if you are a licensee you have a proprietary interest. I saw that argument. Let me first start with section 27 of the Act because... [Mr. Nandall: Do not forget, you talk too much, Mr. Williams. Put aside something.] I know it is hurting you, but listen. Section 27 states:

“A licence granted to a person shall not be transferred to any other person without the prior written consent of the Authority.”

This sounds as if you own property. You have a licence to carry on business for a year and you suddenly decide you have to proprietary interest. Let us examine what a proprietary interest is. If you look at *Black's Law Dictionary*, Mr. Speaker, revised Fourth Edition, at page 1384, it defines proprietary rights as:

“Those rights which an owner of property has by virtue of his ownership.”

How could a licensee be described as an owner? Let us go further. Let us go to *Burroughs and Another versus Rampargat Katwaroo* (1985) 40 WIR 287 at page 301, and it states this about the licence:

“The grant of a licence certificate or permit in circumstances of the kind is the privilege, not a right.”

We all know as first principle, when we were in law school, that any lawyer worth his salt, even the lawyer who comes last in law school, we would call him a lawyer. You would know the distinction between a lease and licence, first up. A lease is a permission that could be terminated at any time. The lease was there because of this mercurial creature they called exclusive possession. I am warming up.

I am saying to you, and I am saying this without any fear of contradiction, that they cannot be any proprietary right in a licence to operate a television station when you are given a year to operate a radio or television station. There is no proprietary interest. If there is no proprietary

interest, meaning that you are not the owner of a property, then you cannot claim protection under article 142 of the Constitution which guarantees the right to the protection of property. All of these claims were just what they were. They were designed to inflame the passion of the Guyanese people into believing the A Partnership for National Unity/Alliance For Change (APNU/AFC) Government is an unruly Government which does not observe the rule of law. I must say this, Mr. Speaker, that this Government has never brought to this honourable House any Bill that was unconstitutional and this is a Government that upholds the rule of law. We campaigned to restore the rule of law which have fallen into desuetude over the last 23 years or before we entered Government, and we are still on that track.

The first act we did was to restore the independence of the judiciary. I am saying, with the respect, that no serious offence should be paid to the aspiration of the Members on the other side, that this is a threat to press freedom. We are going to take seriously any contentions that are solidly made and that are made in a way where you can see that, yes, there is a clear path here that we should engage in. You cannot go on the frolic of your own when you are the ones who created this Act and yet you have turned around, when you have left office, to say that the Act is bad because the Act is now in our hands.

Mr. Speaker, overwhelmingly, I support, without let or hindrance, the Hon. Prime Minister and his intention to the clean up what happened during those 23 years and to effect a level playing field in this sector, in this country of ours.

I rest my case. [*Applause*]

Mr. Nandlall: Sir, we are discussing a very important piece of legislation. Unfortunately, in the course of our discourse here tonight, we got carried away and embroiled ourselves in a whole host of extraneous matters mostly of political nature. Perhaps I should begin by addressing some of them.

The Hon. Prime Minister, I believe, must take responsibility for beginning that process, because he began by describing the Principal Act as ‘Jagdeo Law’, and that was said several times without intervention. Then, we heard him said, four times, that he made a contribution to the same Bill which became the Principal Act. Ownership of this Principal Act seems to be of some contention. As I was doing my research, I stumbled on the presentation of the Hon. Member

Khemraj Ramjattan, when he was leader of the Alliance For Change, when the debate took place in relation to the Principal Act. Coincidentally, I had a distinction of presiding over that debate as the Speaker for the day. I did not realise that, until I did my research.

Then, I read Mr. Ramjattan speech, and this is what he said, four lines into the presentation.

“Unlike what the Prime Minister indicated, this is, substantially, 95% of the Bill that I tabled two years ago.”

This is Mr. Ramjattan speaking of the Principal Act – “I tabled this Act two years ago” and then the bottom of page there is a paragraph that reads:

“The comparison realises that what I have as against, what this Bill has as its contents, about 95% of it exactly as taken from my 2009 Bill is in this Bill.”

Then, the Prime Minister contributed the other 5%, so, the Principal Act may have been an legislation for all you know, because Mr. Nagamootoo said that he made contribution and then Mr. Ramjattan, various parts of his presentation, criticised the ministerial role which the Principal Act, then a Bill, ascribes to the Minister, very limited role. This what Mr. Ramjattan said:

“And that is what they seek to do here, again, as part of their “*control freakism*”, as I normally call it.”

Compare that here, now in which the Government is imposing 60 minutes every day on the programme of a private station. Here the Minister is playing a regulatory role, in the Principal Act, and Mr. Ramjattan labelled that to *control freakism* when he was in the Opposition. Now in the Government he wants to mandate the content of private television station. What should we call that?

Then my good friend Mr. Harmon regaled us with a whole host of names and a lot of things were said about the award of radio licences and television licences. I have not heard a single argument that disqualified any of the recipients of those licence from qualifying for one of those licences. They are Guyanese; they made applications; their applications were processed by a board in

accordance with the law and it was granted. The fact that some of them or one of them may be related to somebody cannot be the ground to disqualify them. It cannot be.

I hope if my family applies today for something under this Government that they would not be denied because they are my family. I should not be a burden to my family. I am an asset. The same thing, Sir, being involved in politics is not a liability; it is not a disability; it is public service and everyone is entitled to equal treatment and merit, irrespective of who the person is related to.

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The other thing I want to say is that many grievances have been expressed about the grant or award of those licences, but not a single person or entity has approached the court to challenge the grant of those licences. We heard about how many people did not get licences. I consulted with the past Chairman of the authority during the course of this debate and many of the names that we are hearing in this Parliament did not make an application under this new Act. They did not make an application under the new Act, so they could not have been granted a licence under the Act, so who would you blame for that?

All the applications, which were made, I was told, were granted. If you do not have an application in, how could you expect to be granted a licence? I know that there were applications in historically, but that was prior to the establishment of a statutory body and prior to the enactment of this law. Those who were desirous of making an application for such a facility were invited to apply under the new dispensation. If they did not apply, how can you fault the agency? How can you do that? I hear all the time that people are quarrelling about getting house lots. I am a politician. I walk the streets of this country and I ask the people, have you ever apply to the Centre Housing and Planning Authority? No. You expect my honourable colleague here to walk house to house and distribute house lots. It does not operate like that. The Government or the state offers the facility and there are rules and requirements that must be complied with to benefit from that facility. It is as simple as that.

My distinguished friend, the Minister of State, spoke repetitively about one particular entity, E-Networks Inc. Contract was made with me when I was outside during the break and E-Networks had contributed in licences fees alone over \$27 million per year for the last five years. It is

nearly a \$150 million in licences fees alone.

[**Mr. Ramjattan:** That is its obligation.]

It is the obligation of the company. My learned friend related a whole number line, 41, 42, 43, 44, what he did not say is that intersperses on that frequency are a number of licence holders. That licence's holder only benefits from about four or five of those numbers that he called. There are technical issues that we are making political propaganda of and in so doing, we are distorting the facts and we are doing a disservice to an important discussion that we should have in relation to how do we move forward. Persons have grievances with what transpired before, so be it - how do we move forward?

My distinguished colleague, Comrade Gail Teixeira, read out a letter where the media operators of this country, over a dozen of them, wrote to the Hon. Prime Minister pleading. Why would a Government ignore more than half of the media operators operating in a country? What are the media operators requesting? All they are requesting is that a Bill be put on pause which you have laid just a week ago in the National Assembly without any consultation whatsoever - none at all. The Prime Minister made reference to a meeting allegedly took place in March, 2016, which he claimed that it was consultation. I enquired with those people, whom he met, and they said to me that it had nothing to do with a new Bill - absolutely nothing. This was not even in creation.

Sir, we know, somebody made the point over there, which I want to support absolutely, I think it is distinguished Minister of Foreign Affairs, freedom of the press, freedom of expression are indispensable to a democracy and to the rule of law. There is more than 75% of the media operators of this country who are asking for an intervention. Then there is the Guyana Press Association, or the PPP is a pack of bad people, but there is the whole media association. Then there is the Guyana Press Association (GPA) issuing a statement, August 2, and this is what it states, statements on amendment to Broadcasting Act,

“Pending full legal advice on the proposed amendments to the Broadcasting Act, the Guyana Press Association stated that the amendments essentially introduce and unwarranted “programme manager” position by the State in the daily schedules of radio and television stations.”

It is the media people. Look, they are here. They are saying that, not us.

“The overall provision for the allocation of 60 minutes for public service programmes will disrupt and violate contractual obligations that stations will have with advertisers and programme sponsors”.

The GPA stated:

“Understandably, that private broadcasters should play roles during emergencies and disasters including matters of public health, but the GPA opposes to the actual allocation of times or the need to inform the authority about this or for the authority to dictate time slots if it does not agree with those allocated by the stations. The GPA strongly objects to the Guyana government seeking to redefine what constitutes “public service programmes” as this is in direct contradiction and a violation of the letter and spirit of the definition of public service broadcasting as laid down by the United Nations Educational Scientific and Cultural Organisation (UNESCO) of which Guyana is a member. One of UNESCO's factors in determining public service broadcasting is independence, which goes to the root of being free from State and political control...”

Quote from UNESCO.

“...Public broadcasting is a forum where ideas should be expressed freely, where information, opinions and criticisms can circulate. This is possible only if the broadcaster is independent, thereby, allowing the freedom of public broadcasting to be maintained against commercial or political influence. If the information provided by the public broadcaster was influenced by the government, people are less likely to believe the content. Likewise, if the public broadcaster’s programming were designed for commercial ends, people would not understand why they are being asked to finance a service providing programming that is not substantially different from those provided by commercial broadcasters.”

Directly from UNESCO. The statement continues, the GPA:

“One would shudder to think that the Prime Minister, Moses Nagamootoo has ill-advised the President and the rest of the Cabinet of what constitutes “public service programmes”.’

“Ill-advised the President,” this is the Minister with responsibility for information and the Press Association of the country is saying that he may have ill-advised his Government.

“The GPA will be seeking legal advice from local and international experts and raising this matter with our affiliates such as the Association of Caribbean Media Workers and the International Press Institute, and other global press freedom bodies.

We stand in solidarity with local broadcasters on this issue and will be seeking further legal advice to convince the government of the need to halt or reverse this process given the severe consequences these amendments pose to freedom of the press in Guyana and the commercial viability of private radio and television stations.”

This is not an ordinary organisation that is speaking. This is the singular association of Guyanese media worker speaking about the Broadcasting (Amendment) Bill. These are their views.

I see that the president of the organisation is a former employee of the Prime Minister. His name is Neil Marks. I am to presume that he authored the paper. People are expressing their legitimate views through their elected representatives and they are being accused of having an axe to grind. That is the type of democracy that we are living in.

This Bill strikes at the heart of two of the most crucial fundamental rights and freedoms guaranteed to the people of this country, and both of which are indispensable to a free and democratic society. Firstly, protection from the privation of property without the payment of prompts compensation as guaranteed by article 142 of the Constitution of Guyana and freedom of expression which includes freedom of the press. Freedom of expression, for the edification of a particular member, does that include freedom to show phallic and vulgar signals? It is not. That is why you have offences like obscene exposure and indecent exposure. One member suggested that freedom of expression covers the showing of obscene signs, but I just want to put my views forward.

Our Constitution, by article 8, mandates, us in this Parliament, to only pass Bills that are consistent with our Constitution. It cautions us, in a mandatory way, that if we fail to comply with that prescription, then the judiciary is reposed with the power to strike those Bills down, or those legislation down, as unconstitutional, null and void to the extent of the inconsistency.

Article 142 is the first one that I want to deal with. Article 142 protects property. My friend the Hon. Attorney General, in a very scintillating exposition of the law, treated us with some novel legal propositions. First of all he attempted to persuade us that because the prior consent of the authority has to be obtained, then that, whatever it is that you were granted, does not have proprietary interest. Now, Sir, you know all state leases have a condition that you cannot part with possession, you cannot alienate, you cannot sell, you cannot transfer, you cannot encumber, unless you get the prior permission of the landlord. That does not defeat the tenant proprietary interest in the lease. Property does not mean ownership by a Certificate of a Title or Transport.

My friend referred to licensee and sought to make a distinction between licensee and tenancy, but omit to say - I do not want to attribute any motive - that a licence can couple with an interest and once it is coupled with an interest, it requires a proprietary nature. Article 142 (1) states this:

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“No property of any description shall be compulsorily taken possession of, and no interest in or right over any property of any description shall be compulsorily acquired...”

The Constitution does not define property, but any person who is vaguely familiar with the law will know that anything that has value fits the description of property. If you have a mining licence, Mr. Attorney General, is publishing to all the miners of the country, who have been issued with mining licences that they cannot sell it, it means nothing. It is valueless. What are we descending to? I am not going to shift the goalpost. We are dealing with proprietary interest in a licence. When Mr. Vieira sold his licences, when one broadcaster sold his right to broadcast to another for millions of dollars, was he robbing that other person? Anything that has economic value is property. That is what the Constitution protects. The Constitution states that if you take away that thing, whatever it is, in this case it is a licence, then you must do so under a law and that law must provide prompt and adequate compensation.

Section 8 of this Broadcasting (Amendment) Bill 2017 permeates all licences. As I said, licence to broadcast is property. These licences were issued since 2011. Those people have developed goodwill, capital, clientele. The mere licence itself has value, more so that which has accrued to

it. Let me put the matter to rest by referring to an article that I bumped into from the *Adelaide Law Review*, from Australia. It states this:

“In the case of *Banks against Transport Regulation Board*, Chief Justice Barwick did not feel constrained in holding that a taxi cab licence is not a mere privilege but property which provide its holder with a means of livelihood.”

Do I have to do this all, Sir? This is a taxi driver’s licence not the taxi. Let me give another case.

In the case of *Travetti against Navison* from the New South Wales Supreme Court in Australia, Justice Rath considered the plaintiff’s trainers’ licence to be a right of property. A licence to train people was considered to be a right of property. My friends know that. That is why the Principal Act Section 20, when it speaks to cancellation of licences, outlines a process. It states where licences are to be terminated a notice first must be served on the licensee by registered posts, then there is a hearing, after that hearing, if the licence is cancelled, there is a right of appeal to the full court of the Supreme Court of Judicature. All of that we put in place for non-property, for just a piece of paper. Why do you think this Parliament, in its wisdom unanimously, in 2011, passed this Bill with these inherent fairness procedures to protect property? This Bill now throws that whole thing out of the window by revoking property.

Mr. Speaker: Hon. Member, you have been speaking for 25 minutes.

Mr. Nandlall: Yes Sir.

Ms. Teixeira: I move that the Hon. Member be given an extension of another ten minutes to conclude.

Mr. Nandlall: Section 9 of the Principal Act, when you read it through, cancels all existing licences and does not guarantee that they are going to be reissued. My friend used the Principal Act, section 20. What he failed to point out to this National Assembly is that there were no licences in 2011. Operators were operating under a permission issued under the Telegraphy Act. There were no licensees. We brought everyone under the new... Most of the names you heard them announced there, my distinguished Members on the other side, were existing operators. They were brought in here and granted licences. That was a sunset transitory clause in the Bill to bring it into force. Now that it is enforced, it can only be terminated in accordance with the

procedure laid down in the Principal Act, service of notice, hearing and then full court appeal. All of that have been taken away by section 9. Do you know who is doing that? The Parliament, we are doing it. [Mr. Williams: Did you not give the licence?] We did not grant any licences. The Parliament is revoking licence by operation of law, but we have not granted licences. That is fundamentally wrong again. It is not the authority that is revoking this. When this Bill comes into force, within 30 days all licences go. We are doing it. [Mr. Williams: That is what we are saying, revocation...] Did we grant any licences to anyone? It is only the grantor that can revoke. *He only giveth can only taketh*, no one else, but we are being given the power now to revoke people's licences. We are not hearing them; we are not giving them a hearing. Today they have a licence that value millions of dollars, tomorrow morning when this Bill comes into force their \$30 million property gone, and the Hon. Attorney General does not see something fundamentally wrong with that. [Mr. Williams:... You can suspend and revoke.] Yes. You can suspend and revoke, but in accordance with the Act, in accordance with fairness.

There also is the new feature that has been put in, in which the place has been divided into zones. There is no guarantee now that you will get the same spectrum reach that you are enjoying. The alteration of that licence, by reduction of the spectrum reach, is a reduction of a diminution of the value of your property. That is unconstitutional again.

Let me quote quickly from the Trinidadian legislation. The Hon. Ms. Hughes quoted something from Trinidad, but it is not from the law, because I have the law here. This is what the law states about altering broadcasting licences, from Trinidad.

“A licence may be amended by the Minister or authority as the case may be, where there is *force majeure*, national security considerations, changes in national legislation or implementation of international....”[*Interruption*] Just listen to me.

Mr. Speaker: Hon. Member Mr. Nandlall, you have three minutes remaining. Hon. Member, Ms. Teixeira, you rise.

Ms. Teixeira: Yes Sir. I am rising to ask for the Hon. Member... I said it before but my mic was not on, so you may not have heard me. I would like to say it now that I have your attention. I

would like to ask that the Hon. Member be given an extension of his time after his two minutes are finished. I am asking that you allow him to conclude, Sir.

Mr. Speaker: I thank you.

Ms. Teixeira: He has not had an extension as yet.

Mr. Speaker: Hon. Member Mr. Nandlall, you will have five minutes.

Mr. Nandlall: Thank you very much. It is where the Minister amends because of *force majeure*, legislation - that is what my friends want me to mention - where the licence is amended in pursuant of those two eventualities on grounds of national security, the rise of the concessionaire to compensation shall not be prejudiced.

“The Minister, as the case may be, shall before exercising the power of suspension, termination or alteration confirmed by this section, serve the licensee a written notice...”

And a whole host of things, then he is paid compensation in the end. **[Mr. Williams:**
This is not this section...] This is in the Trinidadian’s law. I move on quickly. That is the property part of the argument.

Then there is the imposition, in which my learned friend and distinguished colleague, the Hon. Member Ms. Gillian Burton-Persaud, has placed a value. Everyone knows that television and radio business are engaged in the commercial activity of selling airtime. When 60 minutes is taken, that is the state taking 60 minutes, one hour a day from persons, it is taking away one hour of their property. Again, it requires compensation. The Attorney General is right, that there are exceptions, but listen to the exceptions.

“(i) That is reasonably require in the interest of defence, public safety, public order, public morality or public health.”

What Government’s programmes and activities necessarily fall under this? This allows you for these reasons to take away someone’s property by law, but this is radically different from the definition of what public service broadcasting is in this Act. The definition states:

“educating the public and promoting policies and activities of the Government”.

This is propaganda work. If you look at the Principal Act, it states, under section 18 (i):

“The authority shall require...”

It is not mandate.

“...broadcasters to publish announcements in relation to the Civil Defence Board, the Guyana Police Force and the Public Health Authorities...”

These are statutory bodies, and this is not a political entity called a Government. That was done in keeping with the very prescription of the Constitution, national defence, National Defence Commission, Guyana Police Force and public health from the Public Health Authorities, not Government of Guyana, not the President’s speech. It is not someone cutting a ribbon and I have to show that I am a private television station. The right to publish includes the right not to publish. It is an important point that must be emphasised. I do not have the time, but the case law is here. The right to do anything includes the right not to do it. It is since my friend is inciting me, let us pull the case quickly.

In Trinidad, an association, Mr. Collymore and the Attorney General - Your Honour is well aware of the case - Island-Wide Cane Farmers’ Association against Seereeram, in which it forced people to join a union though they had a right to resign and the court ruled that the right to associate includes a right not to associate. The fact that you give a man a way out by way of resignation still takes away his right because from the time you compel the association, you take away his right to associate, because he has a right not to associate. Applying that principle, the right to publish includes a right not to publish. You have a right to speak and you have a right to remain silent. The same thing applies to this.

8.50 p.m.

When you compel broadcasters to publish, especially a political content, you are now dealing with a different set of rights: people’s rights and freedom to express one’s political views. All of those are being trampled upon, when you mandate them to do one hour.

Again, I come to the conditionalities - the fees. It is a fundamental principle. I am wrapping up, Sir. I want to make one point.

Mr. Speaker: Hon. Member, you have two minutes remaining.

Mr. Nandlall: The law will always strike down conditions that are imposed, which are so onerous to frustrate and derogate from the substantive right, so as to make it illusory or to render it nugatory or to make it difficult to enjoy. What are the conditions here? They are: One hour mandatory broadcast for Government service; secondly, licence fees have gone up from \$2.5 million flat base fee to \$2.5 million, plus \$1.2 million for every zone.

We heard a lot of Freedom Radio. Freedom Radio, when this comes into force, once the licence is not revoked or altered is given the same spectrum. Freedom Radio licensing fees will move from \$2.5 million to nearly \$8 million, just by this law. Then there is another requirement that commercial broadcasters must conform to a requirement that 87% of their revenue must come from advertisement. Sir, I have never seen that kind of imposition on freedom of trade. This legislation smacks, in every respect, against freedom of expression.

The Hon. Prime Minister knows about the case of Francis vs. Commissioner of Police of Antigua, *Antigua Times* and the Attorney General, where they passed a law that required \$10,000, in 1976, to be paid as a licence fee to operate a newspaper company and an assurance fund of \$15,000, at that time, to put in a fund to guard against lawsuits for defamation.

Mr. Speaker: Hon. Member, you must end now.

Mr. Nandlall: I am ending now. The imposition of those kinds of fees was held all the way to the Privy Council to be an undue fetter on freedom of expression. Imagine millions of dollars, taking away an hour per day, along with all of the other variables that I have outlined. This law will be challenged, unfortunately.

I close by saying to the Hon. Prime Minister that we have met with all of the media operators and they have signalled a clear intent to challenge the legislation. We are saying, Sir, put it on hold.

Mr. Speaker: Hon. Member, your time is up. You must take your seat now, Sir.

Mr. Nandlall: Put it on hold and consult with the stakeholders.

Mr. Speaker: Hon Member you must take your seat now.

Mr. Nandlall: Thank you very much, Sir. [*Applause*]

Mr. Speaker: When the Speaker signals that you should take your seat, he does mean that. It may be of no interest but the Hon. Member spoke for 38 minutes and two seconds.

First Vice-President and Prime Minister [Mr. Nagamootoo] (replying): Mr. Speaker, thank you very much for allowing me an opportunity to respond. I would, out of two circumstances, deference to the time we have been working back to back for these two days, and also to be able to have an opportunity to socialise as we go, perhaps, into recess... I am not sure that there is another Sitting before the recess commences. That we would participate in our usual convivial interaction before we go off to the recess and that I would not exploit any time that may be available to me, though I know that, listening to Your Honour's conclusion of reading the time of 38 minutes, length is not necessarily quality or substance.

Sir, I want to say that the Hon. Anil Nandlall, the former Attorney General, has resorted to what I consider intimidation. The Hon. Member thinks that if he goes to court, then we would be intimidated and deterred from doing what a Government ought to do, which is to legislate in the public's interest.

This debate has seen a rather unfortunate development where political and vested interest took control of the Opposition's side of this House. All that it was interested in was not the content of the amendments, but whether it would be dislodged by proprietary interests or rights. Of course, it must come as a surprise to all of us. Perhaps, in a sense, I am elated to have discovered that my lifelong friend and political colleague, the Hon. Clement Rohee, is, in fact, a media magnate in Guyana. **[Mr. Greenidge:** A media mogul] Yes, a mogul; a media *czar*. I did not know that and I want to congratulate him, that he had not celebrated this auspicious occasion with me. I have heard it being said that the radio medium, to which he is the proprietor, has locations in almost all of the regions in Guyana. It seems as if the proprietary interest has outweighed the consideration of the Bill on its merit. Coming to the House and presenting all kinds of juristic hypothesis of what could happen in the court, in fact, should not intimidate a forum as high as the National Assembly, which is sometimes referred to as the 'High Court of Parliament'.

I concede that if there are any valid contentions that could entertain the interest of the judiciary, then the judiciary should be allowed to adjudicate on matters on their merits. Therefore, this is not the forum where these threats should be made as to where we will go and what we will do tomorrow, the day after or ever.

What I wish to say is that the premise, on which the arguments have been made, these amendments violate the law, and is totally without merit. It is unmeritorious. Here it is that there is, in the Principal Act, the substantive law that I referred to, the Broadcasting Act No. 17/2011, having been assented to by the then Excellency Bharrat Jagdeo on the 27th September, 2011. His Excellency then was the Minister of Information. It was in his name that we have this Act. Therefore, in the same way that there are many Acts in the world, for example the Brady Act and we can name dozens of Acts which were named after people and personalities, so too I have decided to simplify references between the Act and the Bill to give it a name. I hope that the Hon. Member would not feel that he is unworthy of being attached to this Act. For that reason, I am very disappointed that the author of a piece of legislation, the pursuit of its further development has brought us to this honourable House by way of tabling amendments to the Act, would have been absent for whatever reason, and I am sure very valid reason, is not here to defend certain principles that have been enunciated in this Act.

When I say that the Act has had a history, I want to place it on the record, Sir, because we must not knock this Act down as undesirable. I had said, in my presentation of the Bill, that there are features in the Act that one would recognise as positive and need to be enlarged and to put flesh on those areas that I refer to as the lacuna in the law.

The history, over the last twenty years, would show that the evolution of this Broadcasting Act had placed Guyana in a very enviable position of benefitting from some of the finest minds in the area of broadcasting and communication. I want to start with some of those persons, who, since 1992, had come to Guyana to offer assistance: Mr. Rafiq Khan, who is a celebrated broadcaster that later worked with UNESCO; Mr. Hugh Cholmondeley, also a legendary broadcaster who was once the Chief Executive Officer (CEO) of the Caribbean Broadcasting Union (CBU) and was also attached to UNESCO; there is a gentleman, whom I cannot remember his first name, Mr. Mordecai, he is a Jamaican born and lived in Canada and worked with the Canadian Broadcasting Corporation (CBC), who came here, upon my invitation, to participate in the

drafting or crafting of a broadcast legislation that would be modern for Guyana; Mr. Enrico Woolford who has worked in the communications field for many years and is one of the early founders of what was then the GTV which is now the National Communications Network (NCN). Also, there is a person with whom I have had not so friendly encounters with, from time to time, because of the political divide that, unfortunately, characterises our country, Mr. Kit Nascimento, who had done an earlier draft, that went back to the 70s, of what he had considered to be a Broadcasting Act.

When this Act came into being, it was not from a lack of will of many people in Guyana who wanted to end what I said was the ‘cowboy regime’, of people squatting on the spectrum and operating television licenses without any permission.

9.05 p.m.

It was since then that it was recognised that we need to bring some lawful control over what was then a telecommunication or a broadcasting jungle. There must be good reasons why in this Bill... I will come to that in a while if you permit me.

There were certain sections to the Bill that have been preserved as very valuable to our democracy. When the Bill suffered deficiencies, in order for the deficiencies to be corrected it was necessary for amendments to be made. References had been made before that if this Act, 2011 Act, unlawfulness had been inherent, then it would have been taken to court before. No one, particularly a Government that had presided over broadcasting since 2011, guided by an Act of this Parliament, would have felt comfortable that it was presiding over the broadcasting landscape with an Act that was either deficient or Act that was unlawful or unconstitutional and violated international conventions and international treaties. I would think that that Government would have impugned itself for having allowed itself to be guided by an Act that lacked validity or legality. Those who came here with the argument to say that the Act, which is now being modified or amplified to give certainty – in fact, that they attempt to modify – constitutes a travesty of justice and introduces a dictatorial impulse within the law.

These amendments, just like the Principal Act, did not come willy-nilly. There was a previous broadcast authority that sat for a long period, and a lengthy period - under the chairmanship of Mr. Leonard Craig, including Mr. Anthony Vieira, himself, a broadcasting proprietor, a veteran

journalist and a dear friend of mine, Mr. Vic Insanally, attorney-at-law, Ms. Abiola Wong-Innis, the well-known Ms. Jocelyn Josiah who worked with UNESCO and Ms. Ameena Gafoor, well known in her capacity as a person in the literary field.

I want to say this: that this first board started to deal with guidelines authorised by the Principal Act to regulate broadcasting in Guyana. Broadcasting must not only be about the collecting of fees. Broadcasting could not be that there are regulations that set certain fees, \$2.5 million. It is not a good law if all that was sought was to exploit certain – I would say - kleptocratic impulse or passion to collect money. It was about regulating the content, regulating the way broadcasting should be done.

The second board comprises Mr. Leslie Sobers, Ms. Jocelyn Josiah, Dr. Rovin Deodat, attorney-at-law Mr. Joel Edmond, Ms. Aretha Campbell who once worked in these honoured chambers, in the catering field, from Mabaruma, Ms. Scheherazade Khan and Ms. Bibi Safora Shadick, representing the Opposition People's Progressive Party/Civic. They came as second board during which these recommendations were made for amendments to the law. I want to thank them all. I also want to say this, for the record of the Parliament, that, yes, when the first board met and it was considering regulations for the Broadcasting Act certain problems arose which required a board of inquiry. I want to say that the two persons, who were named as subjects of the inquiry, were exculpated, fully, 100%, that they had committed no act of corruption. I want to place this on record because one Member sought to use the licence and protection of parliamentary privilege to cite the names of two members who are citizens of quality, who had years of experience in broadcasting and whose work towards the improvement of the broadcasting legislation had been done in good faith and to the best of their ability. The commission said there had been no act of malfeasance or corruption on the part of the individuals.

I also want to say, for the record, that the consultations - I want to reiterate that are authorised by the Act - were with the National Frequency Management Unit and with the Guyana National Broadcasting Authority. Those consultations took place. I want to thank Mr. Valmiki Singh, the Coordinator of the National Frequency Management Unit and the members of the board for lengthy discussions and the several drafts of these - in fact it was seven - regulations which were sent to me. They did work very hard, as well as the parliamentary legal committee of the

Attorney General's Chambers. They have also worked very diligently in crafting these regulations which took the form of an amendment to the Act.

The last speaker, the Hon. Member Mr. Anil Nandlall, told us again, trying to create a scenario that the amendment was intended to revoke licences to which he attached a proprietary interest. I am not going to have an excursion into the legal arena, because it is very speculative and it has, as I said, no merit. This is the Principal Act that provides the Guyana National Broadcasting Authority, not the Minister. The Hon. Member said that the Minister is trying to exercise legislative control, but I want to say that:

“The Authority shall –

- (c) amend any condition of a licence on application of the licensee or on the Authority's own motion.”

It could do so on its own. This argument that the amendment is to tinker with and curtail or to abridge the right of any licensee is totally without any merit, that the Minister would do so or the Government would do so. In its own authority and right the authority set up under law, which includes a Member of the Opposition is the authority that will do that.

Under section 18 (1)(e), it has the power to suspend or revoke any licence. Where is the language coming from, that the amendment is introducing this notion of revocation and suspension of licences? It is a fiction. It is purely the work of an infertile imagination. This is the Principal Act, and this is section 18(1). Then there are section 18(1) subsections (c) and (e) that deal with suspension and or revocation and to amend the licence.

In everything the Principal Act, that I referred to as the ‘Jagdeo Act,’ is saying that the authority in its deliberation to grant licences shall be guided – and the word “grant” here also would mean *inter alia* to suspend or revoke or amend – by considerations of national sovereignty, public safety and order. This was set out as the backdrop in which these measures can or may be taken. To impute that there is *a priori*, a political motivation on the part of the Government to present these amendments, is a very wild imagination, an unruly horse that has bolted from the stable of reason.

We come to the point that we were told that we came here arbitrarily and that there was no consultation. I never said that there was consultation on a Bill. In 2016 there had been continuous and ongoing consultations with operators in broadcasting on aspects and concerns, and part of that had to do with giving information and having discussions. [Interruption] Not with me, but the board. That is the competent authority to have consultations with the operators or licensees. I have something to say about that, but, more than that, I read the minutes and Members of the Opposition stoically or stubbornly, if I may say so, or righteously if they want to use that word, hold on that there was no consultation in spite of the fact that I read the minutes of the meeting which was held in March, 2016. The meeting was generated by the national broadcasting authority and not by me. I will lay it over for the record to show who were there. Then we were told by the Hon. Member Mr. Nandlall that he had spoken to all the operators and they are all indignant that they had not been consulted.

I have here, today, a statement issued by Ms. Savitri Singh Sharma, the proprietrix of CNS Channel 6. She said:

“We do not have any problem with the amendments because we, at Channel 6, had been giving Government time from the inception of our station, and not only Government, but the Opposition and the other political parties free airtime since we started this station.”

[Mr. Nandlall: *Bullysim.*] Then they say “*bullyism*”. When one Member was reading a letter from a person who wrote it, the Member said “ooh”, that this was the democratic opinion of someone which Members did not want to hear. I am reading the democratic voice and pronouncement of a quality citizen of this country who operates a television station. We are now being told that we must not listen to it because it is an opinion. We were told that licences were not granted over the last two years.

9.20 p.m.

We were told that no new licences were granted over the last two years or so. [Mr. G. Persaud: How much did you give?] Whether we give licences, it is the Broadcasting Authority that is empowered to do so. Therefore, the discussion that had taken place, that new licences could not be granted or considered, unless the law is clarified in substantive areas as to the classes of licences, the zone for which licences could be granted and also the conditions upon

which those licences could be granted, and the fees also had been important, those were the pre-conditions that had to be settled before new licences could be have been processed. In any case, there were persons known in the media world in Guyana and who were credible too, like the *Stabroek News* and the Guyana Publication Inc. that had applied for licences to operate television and radio; the *Kaieteur News*; the multimedia I believe, had applied for a licence because persons who operated newspapers were granted licences; there is precedence for it. They were never entertained, so it is not true that persons had not been applying and had not waited with legitimate expectations that their applications would be considered, and would be considered favourably.

Why would we be thinking about the *Mirror Newspapers* being granted a licence? The New Guyana Company Limited, a company to which I had been attached and worked with for over 20 years and, in the last, could not pay me gratuity after over 20 years because it was on the throes of bankruptcy. It veered into broadcasting and granted a licence to someone, first Mr. Seeraj, the first Chairman of the Board. When the application was apparently made, it was Mr. Donald Ramotar, who was the General Secretary of the PPP, to become the Executive President of Guyana - political control. Right here, in this National Assembly, there are several persons who had claimed that they were voluntary broadcasters of Freedom Radio. As I congratulated my friend for being the proprietor, the former General Secretary of the People's Progressive Party, a political party qualified to have a licence which was given outside of the broadcast law, it was given before the broadcast law was assented to and came into effect, therefore, the licence was granted arbitrarily, unlawfully and it was void and without effect. That is why the Hon. Leader of the Opposition is not here today, to be able to face the music of the criticisms and the righteous indignation of the Guyanese people; that those licences were improperly or unlawfully granted to friends and cronies.

Sir, it is like you have a gun, I do not mean you, but hypothetically, and it is loaded, cocked and you give 11 licences for 22 frequencies to political supporters of a political party, friends and families. You would have already cocked the gun and is ready to shoot your opponents and then you put in the law that those outside of the friends, who were granted licences, that they should be able to grant...because you know that the station that operates out of an antenna in Brickdam, out of Freedom House and others - people, friends and a Minister of the Government - were

involved in getting one of the licences. Those have been categorised already. Just to be sure that your political control of the propaganda that will come out of the *[inaudible]* entities, that you have affinity with, you have decided to penalise those outside of the group, so you have require all licensees to do this. They shall give a certain percentage of public service broadcast or development support broadcast.

Sir, we know of something that used to be called the McCoy Machine. What does development support broadcast mean, when the State media was converted to a propaganda arm of the ruling party, the PPP? I have been a Minister of that Government and I have fought against the transgressions of politicising the media, if anyone could say something about me, it is that I have changed the name from propaganda to public relations. I resisted this attempt.

The press became a political broadsheet... **[Mr. Greenidge: Rag.]** A rag of the political party. That must be distinguished from Government information/public information. In this law, the deficiency is to be able to describe or to define public broadcast. So what this amendment did was to define public broadcast in such a way that you understand that public broadcast has to do with programmes that would be produced for all the people of this country. In fact, it did not do much because if we look at section 2 of the amendment, it states:

“Broadcasting service means, a service providing broadcasting and includes a television broadcasting service and a radio sound broadcasting service”.

That is what it defines it as. In the original Act, section 2 (g) attempts a definition, it states:

“‘broadcasting service’ means a service providing broadcasting...”

It is the same. So, when one Member of the Opposition came here and said that we had repealed the section and that we gave it a narrower definition. No. We gave it an expanded definition which it lacked in the first place and which is improving and embellishing the existing law, not detracting and taking away from what it is. If the Members do not understand broadcast language, they should not venture into an arena that is alien at this time.

Let me come back to this point. It was alleged by one Member who said that he/she spoke to so many people and that no one had really expected their application to be processed. Mrs. Savitri Singh-Sharma is saying that she had applied and reapplied, all the time. Sir, I am quoting from

my cellphone, from a release that was issued today. [Mr. Rohee: That phone has credit.] I will borrow some from you. You are a rich man now and I could borrow from you. I did not know you were proprietor of a station.

I even suspected that her applications were being thrown in the bin.

“So if this Government asks us to once again reapply to regularise the system, I do not have a problem and I know that Channel 6 would not have a problem with reapplying again”

Now, I would want to commend Mrs. Sharma for her forthright statement in dealing with the issue that they could reapply. Why could one reapply? The fact that there are different zones means that one could choose which zone he/she wants to apply in and to operate in. Therefore, that right is a freedom that is granted under law.

As I said, we did not want to take this meeting to its logical, to strain the time factor, but if you would permit me, Sir, we would have to deal with a few other issues. [Interruption]

Mr. Chairman: Hon. Prime Minister, there is a level of competition that is taking place to your right. It might help considerably if that competition subsides. Please proceed.

Mr. Nagamootoo: Sir, there was mention by the Hon. Member, Ms. Gillian Burton-Persaud, that we really did not have to bring an amendment to deal with hate speech and terrorist threats. My honourable friend, Vice-President, Mr. Carl Greenidge, addressed that issued of how important it is. [Ms. Teixeira: It is in the Act already.] It is in the Act and it is also in the Constitution and, therefore, it is also in the anti-terrorist law, which we passed here and which was assented to. There were statements about terrorist threats. There is no such thing as superfluous in law, in trying to bring within a specific law, dealing with a specific discipline, the intention of the Principal Act, that there should be certain obligations and conditions attached to a licence. One of those conditions is that it does not hurt if it is regurgitated or repeated in an amendment to make it abundantly clear that, once you are licenced to operate in the media, it shall not be abused or else there is a penalty that is attached to that. The main law provides for that.

Therefore, I see this excursion into it saying that we have to define the threat, the hate speech and the hostility against people on the grounds of race, *et cetera*. We are already commanded by the Constitution that we cannot do that. The scare tactic that was raised here was as if it was in fact a terrorist onslaught, perhaps not intentional, to call this Bill a ‘terror attack’; to call this Bill a ‘wrecking ball’; to call this Bill ‘doomsday’. The amendment that is being brought here...

[*Interruption*] **[Hon. Member of the Opposition:** Did you just make up a story now?]

The Hon. Member Ms. Gillian Burton-Persaud said here that is...Then it has a threat that there will be seizure of property. Well, Sir, my Colleagues have explained that the Principal Act already provides for those things. That if there is a new regime of zoning and a new regime that gives the choice of operating a commercial broadcasting entity, a community entity or a non-commercial entity, one would have to now apply. There is an application form where, at the back, one would just tick how many zones one would like to apply for. There is one application fee and one would indicate all the technical capabilities that one has - the strength of the antenna and the transmitter and the reach of the antenna, *et cetera*.

Sir, I am saying that, today, there was a good debate. I would think that, in all, it was one of the better debates I have heard in the House. I would like to commend the Colleagues on this side of the House first and foremost. They were a formidable team - unbeatable. They beat the arguments and the debate was decidedly in favour of this side of the House from a debating standard.

On the Opposition side, I commend them, also, for taking a stand. They would say that they have to do this for their constituency, but a stand should not necessarily be a political grandstand. It could be a stand in which we could work to improve legislation and try to give the people the best this National Assembly can give, in terms of legal guidance.

9.35 *p.m.*

It because this is a law governed society, and we have to make laws to help the society develop and grow, we cannot resort, every time, to the tactic. I have brought a book which I found very interesting. It is named *Divide and Conquer: The Split in the People's Progressive Party of British Guiana and the Cold War*. It was written by someone who many of us know here, Mr.

Barry Sukhram. He referred, in this book, to a letter written by the late President of Guyana, Dr. Cheddi Jagan, in which he said:

“In reflection...”

I think all of you should get this book.

“He had realised that you could not pursue, as a viable political strategy, one that was based on all struggle and no unity. He reflected that there was a time when he struggled against colonialism and imperialism, externally, then internally, he struggled in the party against what he described as right deviationists and left opportunists and he fought internally against the business class and the capitalist class that he defined in those times.”

Therefore, I want to say that in this age, Dr. Jagan, then, had realised that it was not viable. By 1975/1976, he had changed tactic and he had also said:

“All unity and no struggle is harmful”

He had chosen a line that was between that says you have to work. He said:

“For political transformation, based on engagement, based on inclusion”

That is how, in 1975/1976, the issue came up of critical support and, later, the concept of a Government of national unity.

I know that it may be said here, “What is the relevance to this debate?” It is very relevant that whenever we come to this National Assembly, we cannot come only prepared as warriors to fight down everything, but we have to come also as builders to constructively support those measures that are intended to improve our society and our systems. Therefore, I want to commend this Bill to the House for passage and I now ask that it be read a second time. [*Applause*]

Question put.

Ms. Teixeira: Division.

Mr. Speaker: Division is called.

Division bell rang.

The Assembly divided, Noes 23, Ayes 33, Abstained 3 as follows:

Noes

Mr. Bharrat

Ms. Veerasammy

Mr. Gill

Mr. Dharamlall

Mr. Charlie

Mr. Damon

Dr. Mahadeo

Mr. Chand

Mr. Neendkumar

Mr. G. Persaud

Mr. Mustapha

Dr. Ramsarran

Mr. Croal

Mr. Hamilton

Ms. Chandarpal

Bishop Edghill

Mr. Lumumba

Ms. Campbell-Sukhai

Dr. Anthony

Mr. Nandlall

Mr. Ali

Ms. Teixeira

Mr. Rohee

Ayes

Mr. Rutherford

Mr. Rajkumar

Mr. C Persaud

Mr. Figueira

Mr. Carrington

Mr. Allen

Mr. Adams

Ms. Bancroft

Ms. Wade

Ms. Patterson

Ms. Henry

Ms. Charles-Broomes

Dr. Cummings

Mr. Sharma

Ms. Garrido-Lowe

Ms. Ferguson

Ms. Hastings-Williams

Mr. Holder

Mr. Gaskin

Ms. Hughes

Mr. Patterson

Ms. Lawrence

Mr. Trotman

Mr. Jordan

Dr. Norton

Mr. Bulkan

Dr. Roopnaraine

Lt. Col. (Ret'd) Harmon

Ms. Ally

Mr. Williams

Mr. Ramjattan

Mr. Greenidge

Mr. Nagamootoo

Abstained

Ms. Selman

Dr. Westford

Ms. Burton-Persaud

Motion carried.

Bill read a second time.

Mr. Speaker: Is there some member of this House that must indulge in an adolescent experience at this time? Is the House being converted into a place of humour, and in the middle of a division that is being called? Are we sinking lower every time we do something incorrectly? Please proceed.

In Committee of Supply.

Clause 1

Mr. Chairman: Hon. Members, in our treatment of Bill No. 10 of 2017, if we look at the first page, it tells us what is intended to be amended. I do not believe that all of the Members have a copy of the Principal Act, but we will be guided by what is presented to us here as the amendments to the Principal Act. There have been no amendments proposed to these amendments, so what we have to deal with, wholly and solely, are the amendments which have been proposed and which have been the subject of our consideration.

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

Clause 2

Mr. Chairman: I will read to you what is intended by the amendment, section 2 of the Principal Act, for example, is amended by, and we will move from there. I can find no other more convenient or easier way to propose this to you. The Act amends the Broadcasting Act 2011 and may be cited as the Broadcasting (Amendment) Act 2017. Section 2 of the Principal Act is amended by the substitution for paragraph (g), of the following:

“(g) “Broadcasting service” means a service providing broadcasting and includes-

- (i) A television broadcasting service; and
- (ii) A radio (sound) broadcasting service;”

The second amendment being proposed, that is point (2), seeks to amend section 2 of the Principal Act, that is (a) of the amendment proposed to section 2 of the Principal Act. I should ask the Hon. Members if everyone is in favour of part (a), which is:

“substitution for paragraph (g) of the following-
‘broadcasting service’”

Which I read just now,

“means a service providing broadcasting and includes-

- (i) A television broadcasting service; and
- (ii) A radio (sound) broadcasting service;”

If we look at 2(b), it states:

“by the insertion immediately after paragraph (q) of the following-

(qA) “public Service broadcast” means the broadcast of a programme produced for ... informing and educating the public, and promoting policies and activities of the Government that benefit the (people) as a whole;”

Clause 2 agreed to and ordered to stand part of the Bill.

Clause 3

Mr. Chairman: The third point of the amendment is that, “The Principal Act is amended by the insertion immediately after section 21” of another Section - 21A and 21A(1), which reads:

“A television broadcasting service or a radio (sound) broadcasting shall be of the following classes:

- (a) Commercial class;
- (b) Non- commercial class; and
- (c) Community class.”

9.50 p.m.

If we look at paragraph two of the third amendment, I just read paragraph one of it, which is 21A, which continues and in paragraph (2) it states:

“A person shall apply for a television broadcasting service licence or a radio (sound) broadcasting service licence of one of the classes mentioned in subsection (1).”

The amendment that you see as paragraph (2) is carried.

Then there is paragraph (3):

“Without prejudice to section 23, the First Schedule Part 1 provides -

- (a) the eligibility of a person for the grant of a licence in respect of the classes of services referred to in subsection (1);
- (b) the programmes which a licensee of a community class or broadcasting service shall provide and how surplus funds from such service may be utilised.

Section 21B, you have recalled that at paragraph (3), I said that the Principal Act is amended by the insertion of section 21, a new section 21. There you have section 21A, which I just dealt with and we would now turn to section 21B “Broadcasting zones and fees for zones”. It says:

“Subject to subsection (2), a broadcasting service licence shall be granted to a person to carry out a broadcasting service in one or more of the following broadcasting zones, the boundaries of which and other related matters are provided in the First Schedule Part 1”

- (a) Primary broadcasting zone;
- (b) Secondary broadcasting zones;
- (c) Tertiary broadcasting zones.

Section 21B(1) stands as read. Section 21B (2) reads:

“There are four secondary zones and three tertiary zones, each of which is a separate zone for the purpose of subsection (1).”

Hon. Members, I must tell you that, we have a long evening in the manner in which I am proceeding with this matter. Unless Hon. Members have a better proposal for treatment of this, we must continue as we are doing. “Form 1, Second Schedule” (3):

“A licensee may apply to the Authority in Form 1 in the Second Schedule to amend or vary his broadcasting service licence to increase his broadcasting zone by adding to it one or more other zones.”

Hon Members, in an effort to improve the Speaker’s presentation, there is a suggestion that we treat, *en bloc*, a number of provisions of the amendment. If Members are in agreement of that, then we can proceed. Members would understand that, in treating *en bloc*, there would be no reading of the text.

Clause 3 agreed to and ordered to stand part of the Bill.

Clause 4

We are now looking at page four of the amendments and proposal, paragraphs three to seven on page four. There is an amendment added to section 21B on the previous page. I propose that those paragraphs form part of the Principal Act.

The Principal Act is amended, if you look at paragraph four on page four.

“The Principal Act is amended by the substitution for section 22” of the Principal Act. Section 22 of the Principal Act is substituted for by what is contained in. Section 22, “An application for a licence under section 21(2) shall be...” and that ends of the words “Second Schedule”.

That is:

- (a) “in Form 1, containing the particulars; and
- (b) accompanied by the fees, provided for in the Second Schedule.”

Clause 4 agreed to and ordered to stand part of the Bill.

Clause 5

If we look at paragraph five of the amendments and that is on page five, the Principal Act is amended by the insertion immediately after section 39 of the following sections. I propose that sections 39(A), 39(B)(1)-(2), 39(C), 39(D)(1)-(4) or those paragraphs, which amend section 39 of the Principal Act, be taken *en bloc* and that they stand as part of the Principal Act.

Clause 5 agreed to and ordered to stand part of the Bill.

Clause 6

Mr. Chairman: If we look at clause 6:

“Section 40 of the principal Act is amended by the substitution for subsections (2) and (3) of the following”

I propose that sub-clauses (2) and (3) as printed, that is on page six to page seven, ending with “...in accordance to that schedule” be taken as printed.

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

Clause 7

Mr. Chairman: We are now looking at clause seven.

“The Principal Act is amended by the insertion immediately after section 48 of the following section.

That is, section 49, which reads:

“The Minister may, after consultation with the Board or the body responsible for frequency management, or both, as appropriate, amend the First and Second Schedules by Regulations subject to negative resolution of the National Assembly.”

Clause 7 agreed to and ordered to stand part of the Bill.

Clause 8

Mr. Chairman: We are now looking at clause eight of the amendments.

“The Principal Act is amended by the insertion immediately after section 49 of the First and Second Schedules, as set out in the Schedule.”

Clause 8 agreed to and ordered to stand part of the Bill.

Clause 9

Mr. Chairman: We are now looking at clause 9:

“Application for licence by person carrying on a broadcasting service immediately before the commencement of this Act.”

Clause 9, on page seven, proposes that paragraphs (1), (2) and (3) of the amendment stand part of the Principal Act.

SUSPENSION OF STANDING ORDER (10)(1)

Mr. Nagamootoo: Mr. Chairman, I move that this House continues the Sitting until the end of this matter that is engaging its attention and the Bill dealing with an amendment to the Anti-money Laundering and Countering the Financing of Terrorism Act.

Question put and agreed to.

Standing Order suspended.

Mr. Chairman: I thank you Hon. Prime Minister. Hon. Members, consideration of clause 9 of the amendments proposed, we are still at clause 9. We did sub-clauses (1), (2) and (3) and they were approved earlier. We are now at sub-clauses (4) and (5).

Clause 9 agreed to and ordered to stand part of the Bill.

Clause 10

Mr. Chairman: Clause 10, which is on page eight states:

“The Broadcasting Regulations 2014 are revoked.”

Clause 10 agreed to and ordered to stand part of the Bill.

10.05 p.m.

Mr. Chairman: In accordance with Section 8, the following First Schedule and Second Schedule are inserted in the Principal Act.

FIRST SCHEDULE – PART 1

Matters related to classes of services, broadcasting zones, and programmes

Paragraphs 1 - 5

Paragraphs 1 - 5 agreed to and ordered to stand part of the Principal Act, as printed.

Paragraph 2 A (a-b)

Paragraph 2 A (a-b) agreed to and ordered to stand part of the Principal Act, as printed.

Broadcasting Zones

Paragraphs 3 - 7

Paragraphs 3 - 7 agreed to and ordered to stand part of the Principal Act.

Part 2 Programmes

Paragraphs 8 (1) - (11)

Paragraphs 8 (1) to (11) - agreed to and ordered to stand part of the Principal Act.

SECOND SCHEDULE

Forms, particulars of applications and fees

Paragraphs 1 - 5

Paragraphs 1 - 5, agreed to and ordered to stand part of the Principal Act, as printed.

Form 1 – Guyana National Broadcasting Authority

“Form 1 – Guyana National Broadcasting Authority “agreed to and ordered to stand part of the Principal Act.

Form 2 – Broadcasting Service Licence

“Form 2 – Broadcasting Service Licence” agreed to and ordered to stand part of the Principal Act.

Table of Fees

“Table of Fees” agreed to and ordered to stand part of the Principal Act, as printed.

Bill considered and approved.

Assembly resumed.

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

ANTI-MONEY LAUNDERING AND COUNTERING THE FINANCING OF TERRORISM (AMENDMENT) BILL 2017 – Bill No. 8/2017

A Bill intituled:

“AN ACT to amend the Anti-Money Laundering and Countering the Financing of Terrorism Act.” [Attorney General and Minister of Legal Affairs]

Mr. Williams: Mr. Speaker, this Bill seeks to amend the Anti-Money Laundering and Countering the Financing of Terrorism Act, Chapter 10:11.

Clause 2 amends Section 3(6) of the Anti-Money Laundering and Countering the Financing of Terrorism Act by substituting for Sub-Section 6 a new Subsection 6 to make the offence of money laundering a hybrid offence. As a result, the prosecutor could elect whether to pursue the offence as a summary one or as an indictable one.

Prior to the amendment, the prosecutor could only institute proceedings in a Magistrates’ Court within six months of the offence being committed. With the amendment, the offence is now a hybrid one and the time limit provided for summary offences does not apply to indictable offences. Therefore, as it related to instituting proceedings, the prosecutor would have a longer time as no limitation for the indictable offence of money laundering is provided for by the statutes. Accordingly, this amendment is important because more time would be given to the

relevant personnel to conduct their investigations and prepare their case, especially if the matter is a complex one.

Mr. Speaker, if I am to have recourse to Clause 2, Section 3 (6) of the principal Act is amended by substituting as said and so that the new Subsection 6 (a) would read:

“A natural person who contravenes this Section commits an offence and shall be liable –

- (i) on summary conviction, to a fine of not less than five million dollars nor more than one hundred million dollars and to imprisonment for seven years; or
- (ii) on conviction on indictment, to a fine of not less than ten million dollars nor more than one hundred and twenty million dollars and to imprisonment for ten years.”

10.20 p.m.

“b) A body corporate who contravenes this section commits an offence and shall be liable-

- (i) on summary conviction, to a fine of not less than two hundred million dollars nor more than five hundred million dollars; or
- (ii) on conviction on indictment to a fine of not less than two hundred twenty million dollars nor more than five hundred twenty million dollars.”

The sentencing and the fines are what, under the regime, are said to be proportionate and they serve also as a deterrent. Without more, I commend this Bill to this honourable House for passage. [*Applause*]

Mr. Nandlall: Thank you very much, Sir.

The task is mine to express a few comments on the Bill and I want to begin by pointing out what, obviously, is an error. The Attorney General read it and just skipped it; I do not understand, and he would have signed it as well.

Clause 2 (6) (b) (ii)

“on conviction on indictment to a fine of not less than two hundred twenty million dollars nor more than five hundred twenty million dollars.”

The ‘and’ is missing. So, an ‘and’ has to be inserted. When I read it the first time, I did not know whether it was \$200 million or \$20 million. I heard the Attorney General say two hundred and twenty million, but there is no ‘and’ there. So, that ‘and’ has to be inserted.

Secondly, I checked the principal Act for Section 3 (6) and, in the Principal Act, Section 3 does not have a subsection (6). I then checked Act No. 15 of the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Act 2015, Act No.1 of 2015, and there is no amendment in this Act that amends the principal Act to increase the subsections to Section 3 to take it to subsection (6). In the principal Act, Section 3, I think, ends at subsection (4). Maybe I have missed something but I cannot find where subsection (6) is. And I have consulted the principal Act as well as the major amendment to that principal Act which was passed by this Government as Act No.1 of 2015. So, I am hoping that the learned Attorney General will assist us with that clarification.

Then my other observation is that we are legislating here for a body corporate to be found guilty... Rather, let me put it this way: we are creating an offence against a body corporate. Again, perhaps, it may have eluded me, but, normally, my recollection is - I have checked the principal Act - whenever a body corporate is charged or an offence is created, there is normally an officer who is identified so that, when sanctions are imposed, as are imposed here, the fight is against the body corporate, yes, but, in the event of non-payment, *et cetera*, the legislation would normally identify either the directors or the company secretary who will eventually be held responsible either for the purpose of imprisonment or the levying of a fine, and, if there is non-payment of the fine, how that will be enforced. Normally, it is a person, a human being, a natural person of the body corporate, who is made mention of. So, that is absent here. I do not know if this is a very unique situation, but that is how it is normally done and it has been done in the rest of the legislation that way.

My third observation is that the anti-money laundering and countering the financing of terrorism (AML/CFT) regime is normally activated or driven by recommendations which we are obliged and enjoined to enact into law, emanating from supervisory bodies under whose jurisdiction we

are subject in an international arrangement, either the Caribbean Financial Action Task Force (CFATF) or the Financial Action Task Force (FATF).

Mr. Speaker: Hon. Member, I believe an Hon. Member is reading a newspaper in the House and I just wanted to interrupt to say that that is not something that should be done here.

Please proceed.

Mr. Nandlall: Yes, Sir.

The Hon. Attorney General did not indicate to us which recommendation, if any, has inspired this particular amendment. And I would like to be guided because I have some familiarity with our obligations in that respect. So, I would be most grateful if the learned Attorney General can inform us which one of the recommendations would have inspired this intervention. And, if it is not as a result of those recommendations, then, what inspired this statutory intervention?

My fourth concern is a little more substantive. I get the impression - and I am persuaded more so because of the fact that we have not been referred to a recommendation from the international organisations - that this Bill is intended to treat with a particular factual situation, and it is this: we are attempting to increase the period of time within which to bring criminal charges. I somehow get the impression that it is intended to apply this law retroactively and that I have some problems with. If the Bill is to make these offences indictable and it is to apply prospectively, meaning from the time it is assented to, all well and good. I have no objections to that. But if it is felt that this Bill can authorise the institution of charges in relation to a period that has expired or a period in the past, then we would be applying this law retrospectively and, because it attracts criminal sanctions, it defeats constitutional freedoms because it has penal sanctions. Then, I believe, we will be falling into error. Perhaps, I can give a quick example. Let us say careless driving is currently a summary offence. An accident occurred in December, 2016, but we did not prosecute it within the six months so, after June, at the end of June, we cannot prosecute that offence anymore. If we are to now bring an amendment to the Road Traffic Act to say that careless driving is indictable, so that extends the time for the prosecution of careless driving, if we attempt to use that intervention, that amendment, to prosecute the person who made the accident in December, 2016, I believe that we would be committing a fundamental error because we would be applying that law retrospectively, and can possibly result in the

deprivation of liberty of the subject because careless driving carries with it a term of imprisonment. That is a concern that I have and, if the Attorney General can clarify that for us, I would be most grateful. Other than those concerns, I have no other objections or anything in relation to the Bill.

Thank you very much. [*Applause*]

Mr. Williams (replying): If it pleases you, Mr. Speaker, I thank the Hon. Member for his queries. On his observation of his inability to locate Section 3 (6), I empathise with him. But the Hon. Member would recognise that, when we came into Office, there was only a principal Act. We were in two holes – the black hole from CFATF and the black hole from FATF. And within the space of eight months, we were able to pass several amendments to the principal Act and also regulations. And, perhaps, I saw the Hon. Member looking at the 2009 Act or some other and he was suggesting that there was only one amendment. But we were actually commended for making four amendments in such a short time. So, my Hon. Friend would have to look to see which one it is located in. But I can assure him that it is located in one of the four amendments to the principal Act. **[Mr. Nandlall: Did you not check it before you came?]** Well, you should have checked it.

Secondly, the body corporate is intended to reach companies. I am not sure if the Hon. Member is saying because this is first principle that a corporation cannot be criminally charged. Is he saying that? If he is saying that, I really would be surprised. But I suppose his experience in that might be limited. This is trite law that a corporation can be charged criminally, and that is where you actually have that concept of *lifting the veil*, the rule in first [*inaudible*]... You are warming me up again. Anyway... **[Mr. Nandlall: Solomon and Solomon.]** Solomon and Solomon is the principle that establishes that a company is separate from its officers – shareholders.

Anyway, at this hour, I do not think that I should detain this honourable House.

What inspired this amendment, whether it is a FATF recommendation... I am not sure what the question is.

10.35 p.m.

What I just explained is that, when investigations in complex matters under the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Act... The Director of Public Prosecutions (DPP) and other investigators have found, on some of these complex matters, that they are unable to complete such investigations within six months - the period for summary offences. It is clear that it would require a longer period and that is why the section has been amended to create a hybrid offence so that indictable offences, which would not be limited in a manner of a summary offence, would give them more time to do their investigations.

I do not know where the question of retrospectivity arises because this is targeting the ability of investigators to have a longer period within which to conduct their investigations. There is no question of retrospectivity; no impulse is being done in relation to something in the past. Investigations could go on for years. The six months would be wholly inadequate in some of these complex financial matters. There is no question of retrospectivity, *et cetera*. This is simply an amendment to enable investigations and people who are conducting criminal offences not to be able to escape when six months elapses. There is actually a \$3 billion investigation going on and six months had expired and the DPP was unable to continue with the investigations.

I trust that these are the responses to the queries raised by my Hon. Friend. [Mr. Nandlall: There is the fine.] Which one are you referring to? [Mr. Nandlall: (b) (ii)[*inaudible*]] If 'and' is missing, it is *de minimis*. This would be cleaned up when it returns to the Chamber. [Mr. Nandlall: Do you know that it is missing?] Why would I not know that it is missing?

Mr. Speaker, with these responses, I would like to urge that there is no fundamental issue raised by the Hon. Member and, therefore, I commend this Bill to this honourable House for passage.

Question put and carried.

Bill read a second time.

Assembly in Committee.

Mr. Chairman: Hon. Members, the amendment goes...[*Interruption*] I would ask the assistance of Hon. Members so that my voice could carry to the farthest end of this Chamber.

Mr. Nagamootoo: Mr. Chairman, I kindly crave your indulgence on clause 2, (b) (ii) of the Amendment: ‘on conviction on indictment to a fine of not less than two hundred and twenty million dollars nor more than five hundred and twenty million dollars.’ The ‘and’ is to be inserted in both lines.

Mr. Chairman: I thank the Hon. Prime Minister for his statement. It was the Speaker’s intention, when this matter was going to be considered, to ascertain whether the “and” should not be there so that we could adopt a complete statement of what it is that is intended. I thank you for clarifying that. [*Interruption*]

Hon. Members, the Speaker is unable to compete. There is a voice that comes from the last row to my left. If that continues, then I must require that person to leave the room. We cannot work in this way. Just go out and run around and come back; that is fine. But what you cannot do is to prevent me exercising my right of speaking. Let us agree that I would exercise my right of speaking as the Speaker and no one will interrupt me. Thank you.

Clause 1

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

Clause 2

Mr. Chairman: It should state at (6) (a) (ii): ‘on conviction on indictment, to a fine of not less than ten million dollars nor more than one hundred and twenty million dollars and to imprisonment for ten years.’ Am I correct in assuming that the word “and” should be there?

Hon. Member: Yes.

Mr. Chairman: Section 3 (6) (b) states:

“A body corporate who contravenes this section commits an offence and shall be liable-

- (i) on summary conviction, to a fine of not less than two hundred million dollars nor more than five hundred million dollars; or”

I am wondering whether we should address (b) (i) first. Also I wonder whether it is a “who” or a ‘which’ - a body corporate “who” contravenes or is it a body corporate ‘which’ contravenes? I would be assisted by the Chief Parliamentary Counsel (CPC).

Hon. Members, it is not a mistake but the CPC has told me that he has a personal preference for ‘which’, so it would state: ‘A body corporate which contravenes this section commits an offence and shall be liable-

- (i) “on summary conviction, to a fine of not less than two hundred million dollars nor more than five hundred million dollars;’

Section 3 (6) paragraph (b) subparagraph (ii) would state: ‘on conviction on indictment to a fine of not less than two hundred and twenty million dollars nor more than five hundred and twenty million dollars.’

Amendments put and agreed to.

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

Assembly resumed.

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

Mr. Speaker: Hon. Members, we have managed to complete item 2 on our Order Paper. I am given to understand that this is the outer limit of our endeavours for this evening. I would now ask the Prime Minister to move the adjournment.

10.50 p.m.

ADJOURNMENT

Mr. Nagamootoo: Mr. Speaker, I would like to first of all, before moving the adjournment, to wish all colleagues in this National Assembly all the best during the recess. I know most of us, on both sides, I suppose, have our own work to do, but those who would be sojourning on holidays and deserve rest I wish you all the best. I would like to thank the Clerk, Deputy Clerk, other officers of the Parliament Office and Your Honour for having work through this session

diligently and sometimes during long hours. To the Members of the press, I also wish them a good and fruitful recess as well.

I would now like to move that the House be adjourned to a date to be fixed. [*Applause*]

Mr. Speaker: I thank the Hon. Prime Minister. I take the opportunity to wish all Hon. Members the very best that they may enjoy the respite from their duties here in the chamber and I expect that when we gather again everyone will feel energised and ready to continue the work. I wish everyone a double dose of tolerance. I trust that Hon. Members might feel, when they come back, that they can afford to disagree with a person without trying to make them not being heard. I hope that we can do that. It is a very good thing if we can.

While I am at it, I would only say to Hon. Members that it is not an option not to acknowledge the presence of the Speaker when you enter and leave the chamber. I was having a conversation with a friend, and the friend said, “What is your problem?” He said that if they do not tell you that they are back, they are not there. I said that well it is true. He said, “Well you may not see them when they try to get your attention.” I did not think it was a good advice that I would like to take, but I just mention it to you for whatever it is worth. I thank you. Happy holiday to everyone.

Adjourned accordingly at 10.53 p.m.