



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

OFFICIAL REPORT

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION
(2020-2024) OF THE TWELFTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION
OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE DOME OF THE ARTHUR
CHUNG CONFERENCE CENTRE, LILIENDAAL, GREATER GEORGETOWN*

83RD Sitting

Monday 8TH July, 2024

**PARLIAMENT OFFICE
HANSARD DIVISION**

The Assembly convened at 2.25 p.m.

Prayers

[Mr. Speaker in the Chair]

MEMBERS OF THE NATIONAL ASSEMBLY (71)

Speaker (1)

*Hon. Manzoor Nadir, M.P., Speaker of the National Assembly

MEMBERS OF THE GOVERNMENT (38)

Peoples Progressive Party Civic (38)

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Hon. Brigadier (Ret'd) Mark A. Phillips, M.S.S., M.P., Prime Minister

Vice-President (1)

Hon. Bharrat Jagdeo, M.P., Vice-President [Virtual Participation]

Attorney General and Minister of Legal Affairs (1)

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Senior Ministers (16)

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Hon. Hugh H. Todd, M.P. (Region No. 4 – Demerara/Mahaica), Minister of Foreign Affairs and International Co-operation

*Hon. Dr. Ashni K. Singh, M.P., Senior Minister in the Office of the President with Responsibility for Finance

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Hon. Priya D. Manickchand, M.P. (Region No. 3 – Essequibo Islands/West Demerara)
Minister of Education

*Hon. Brindley H.R. Benn, M.P., Minister of Home Affairs

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Hon. Deodat Indar, M.P., Minister within the Ministry of Public Works
[Virtual Participation]

Hon. Anand Persaud, M.P., Minister within the Ministry of Local Government and Regional
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Hon. Warren K.E. McCoy, M.P., Minister within the Office of the Prime Minister

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Hon. Dr. Tandika S. Smith, M.P. (Region No. 3 - Essequibo Islands/West Demerara) [Virtual Participation]

Hon. Lee G.H. Williams, M.P.

*Hon. Sarah Browne, M.P., Parliamentary Secretary in the Ministry of Amerindian Affairs [Absent- on leave]

*Hon. Vikash Ramkissoon, M.P., Parliamentary Secretary in the Ministry of Agriculture [Absent- on leave]

Hon. Bhagmattie Veerasammy, M.P.

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Hon. Khemraj Ramjattan, M.P.

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Hon. Devin L. Sears, M.P. (Region No. 10 – Upper-Demerara/Upper-Berbice)

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

Hon. Dr. Asha Kissoon, M.P., Deputy Speaker of the National Assembly [Virtual Participation]

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Ms. Hermina Gilgeours, Deputy Clerk of the National Assembly

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ANNOUNCEMENTS BY THE SPEAKER

Congratulations to Members of Parliament elected to Parties' Executives

Mr. Speaker: Hon. Members, firstly, let me congratulate those Members of political parties in the National Assembly who have been elected to their parties' executives. Congratulations.

Acknowledgement of presence of Former Member of Parliament and Chairman and Members of the Natural Resource Fund's Board

I am honoured to acknowledge the presence former Member of Parliament (MP), Mr. Dunstan Barrow, and the Chairman and members of the Natural Resource Fund (NRF) Board. Mr. Barrow is accompanied, today, in the National Assembly by his 17-year-old granddaughter – Destiny Ebony Barrow – who aspires to be a representative of the people. Thank you very much. Welcome all.

PRESENTATION OF PAPERS AND REPORTS

The following Papers and Reports were laid:

- (1) Minutes of Proceedings of the 14th Meeting of the Committee of Selection held on 17th May, 2024.
- (2) Annual Report of the Public Accountability and Oversight Committee for the year 2023.
- (3) Annual Report of the Public Procurement Commission for the period 8th July, 2022 to 7th July, 2023.

[Speaker of the National Assembly]

This is the first report of the Public Procurement Commission that has been tabled in the National Assembly.

- (4) Annual Report of the Public Utilities Commission for the year 2023.

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

(5) The Civil Aviation (Registration of Civil Aircraft) Regulations 2024 – No. 13 of 2024.

[Minister of Public Works]

2.30 p.m.

(6) Annual Reports of the National Insurance Scheme for the years 2021 and 2022.

(7) Annual Reports of the Dependent's Pension Fund for the years 2022 and 2023.

(8) Annual Report of the Natural Resource Fund for the year 2023.

(9) Government Notice No. 3/2024, regarding Notification Receipts of all petroleum revenues paid into the Natural Resource Fund during the period 29th March, 2024 to 30th June, 2024.

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

Senior Minister in the Office of the President with Responsibility for Finance [Dr. Singh]: In that regard, Sir, allow me to join you in acknowledging the presence of and in welcoming the distinguished Chairman of the Board of Directors of the Natural Resource Fund and other Directors, and the respective Chairs of the Public Accountability and Oversight and the Investment Committees.

Minister of Education [Ms. Manickchand]: May it please, Your Honour. I take great pleasure in laying before the House the motion to amend an order and I ask that it be considered later on.

Mr. Speaker: Thank you very much, Minister. Hon. Members, let me apologise to the Hon. Minister of Parliamentary Affairs and Governance. Inadvertently, the Report of the Public Procurement Commission was placed under her name.

Minister of Parliamentary Affairs and Governance and Government Chief Whip [Ms. Teixeira]: I do not think it is a problem, Mr. Speaker.

Mr. Speaker: Hon. Minister of Education, by laying it, you formally have to present the Order and then we will move the motion later on.

(10) The University of Guyana (Amendment) Order 2024 – No. 43 of 2024.

[Minister of Education]

INTRODUCTION OF BILLS AND FIRST READING

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

Matrimonial Causes (Amendment) Bill 2024 – Bill No. 10/2024

A Bill intituled:

“AN ACT to amend the Matrimonial Causes Act.”

[Attorney General and Minister of Legal Affairs]

Family Violence Bill 2024 – Bill No. 11/2024

A Bill intituled:

“AN ACT to provide increased protection for victims of family violence, to make provision for the granting of family violence orders and for matters connected thereto.”

[Minister of Human Services and Social Security]

PUBLIC BUSINESS

GOVERNMENT’S BUSINESS.

BILLS – SECOND READING

Fugitive Offenders (Amendment) Bill 2024 – Bill No. 6/2024

A Bill intituled:

“AN ACT to amend the Fugitive Offenders Act.”

[Attorney General and Minister of Legal Affairs]

Attorney General and Minister of Legal Affairs [Mr. Nandlall]: Thank you very much, Mr. Speaker. As it can be discerned from the Order Paper, we continue to honour our commitment to

transform the legal landscape of our country. The Bill that is before the House is one of five, I think, that are on the Order Paper and each one has that transformative element in it. The Fugitive Offenders (Amendment) Bill 2024 is one that is timely and very, very necessary as we continue, as a country and as a jurisdiction in a region, to combat organised crimes and to combat transnational crimes. Every country is required, at periodic intervals, to update its relevant legislation. Some 15 years ago, we made certain amendments to our Fugitive Offenders Act, as those amendments were deemed necessary then. Fifteen years hence, many things have changed, and amendments have become necessary and requisite.

Before I get into the actual amendments, because this is a very special and specialised area of the law, I want, for the purpose of the Members of the House, to explain what extradition is. This is because the Fugitive Offenders Act is a piece of legislation in Guyana that governs extradition. I can do no better than to borrow the succinct but erudite *dictum* of the late Chancellor Cecil Kennard, Chancellor of the Judiciary, of course, and of the Cacique Crown of Honour (CCH) and Order of Roraima (OR), in the case of Sobers against the Director of Prisons, reported at 1999/60 *West Indian Report* at page 304, where his Lordship adumbrated as follows: I quote, Mr. Speaker, with your leave:

“1 Extradition... may briefly be described as the surrender, by one Government, of an accused person, upon the request of another Government, to its justice system. It is part of an interactive process that has developed principles, practices, understandings and arrangements that are shared and, in large measure, institutionalised within the comity of nations and quite often embodied in bilateral treaties. Yet, there is no duty to extradite.”

So, the first fundamental point that I wish to emphasise is that, while extradition may be a legal process, it is a government-to-government engagement. It is based on *comity* and, as will be explained in due course, predicated upon the doctrines of reciprocity and mutuality with the requesting state yet maintaining the freedom not to extradite. As Chancellor Kennard noted, there is no duty to extradite. For example, under the principal Act, as it is in almost all similar legislation across the world, the process begins with an inquiry made to the minister assigned the responsibility for foreign affairs, confirming the existence of the appropriate extradition arrangements between Guyana and the requesting territory. I know my distinguished brother, the Hon. Hugh Todd, will be speaking later.

So, the process of extradition begins with an inquiry made to my distinguished friend to put into writing to the requesting state whether or not Guyana has extradition arrangements with that particular country. Once that question is answered in the affirmative, a request is made to the prescribed authority. In our case, the Minister of Home Affairs, my distinguished colleague, is that prescribed authority who, upon receipt of a request for extradition, determines whether or not he will issue what is called the authority to proceed. That is, an instruction directed to the magistrate of the particular magisterial district whether to trigger the extradition hearing or what is called a preliminary hearing. Of course, the Minister of Home Affairs will first have to satisfy himself that the request is in compliance with our Fugitive Offenders Act and in compliance with whatever bilateral treaty we may have. Of course, the Minister of Home Affairs will do so after receiving legal advice.

Similarly, upon the conclusion of that inquiry by the magistrate, and if the magistrate determines that the legal requirements have been satisfied for the person to be extradited, the magistrate makes a committal order for extradition. The committal order is transmitted to the Minister of Home Affairs, who ultimately decides whether the extradition should proceed. Needless to say, the Minister obviously is acting on behalf of the Government. So, I pause here to emphasise that, though extradition is a legal process, you will note, Sir, that it begins with one minister, and it ends with another minister. It begins by an initiative from one government, and it ends at the initiative of another government. Professor Brownlie, in his thesis, *Principles of Public International Law*, Fourth Edition, 1985, explained the extradition process as follows. I quote, again, Sir, with your leave:

2.45 p.m.

“Apart from trial in absentia, an unsatisfactory procedure, States have to depend on the cooperation of other States, in order to obtain the surrender of suspected criminals or convicted criminals who are or have fled abroad. Where this cooperation rests on a procedure of request and consent regulated by certain general principles, the form of international judicial assistance is called extradition.

Much of the material on extradition depends on the questions of internal and particularly, of Constitutional law and the effect of treaties and municipal law. However, some courts

in granting extradition in the absence of a treaty, have abstracted from existing treaties and municipal provisions, certain general principles of internal law.

The two leading principles are that of double criminalities, that the act charged must be criminal under the laws of both, the state of refuge and the requesting state and that of specialty, according to which the person surrendered shall be tried and punished exclusively for the offence for which extradition had been requested and granted”.

I wish to add a third, which is normally implied in the second. It states:

“The person extradited cannot be sent by the requesting state to a third state to be tried for any offence without being surrendered back to the state from which that person was extradited.”

The Fugitive Offenders Act, Chapter 10:04, establishes the legislative framework for extradition of fugitive offenders from and to Guyana and for other related matters. All of the principles to which I have referred above are contained in the Act. Both Chancellor Kennard and Professor Brownley adhered to the importance of international treaties. In Guyana, the position is no different. Our Fugitive Offenders Act owes its foundation to a treaty between the United Kingdom (UK) and the United States of America (USA) executed in 1925. Of course, at that time, Guyana was a colony of Great Britain. Upon our Independence and our Republican status in 1970, Guyana maintained its obligations under that treaty. In many rulings from our court, the validity of that treaty has been questioned and its validity has been pronounced upon an affirmed and reaffirmed repeatedly. A fugitive offender is defined under section 2 of the Act. It states:

“A person who is accused or alleged to be unlawfully at large after conviction of an extraditable offence committed within the jurisdiction of Guyana or any Commonwealth country or foreign territory and is or is suspected to be in any country or territory other than the country in which the offence was committed or the person was convicted.”

Simply put, if a person in the United States of America commits an extraditable offence in the United States of America but flees to Guyana and is in Guyana, the law enforcement agencies in the United States of America can initiate a process to extradite that person to the United States of America, either to stand trial if he has not been convicted and, in the case of conviction, to serve

the sentence imposed by the court in the United States of America. As I said earlier, it is based upon reciprocity. The same applies to a person who has committed an offence in Guyana, is convicted of an offence in Guyana and flees to the United States of America. The authorities in Guyana will trigger the extradition process with their counterparts in the Department of Justice and initiate a process that will bring that person back to Guyana, either to stand trial or to serve the sentence imposed by the Guyanese courts.

An extraditable offence, as you would observe, is very crucial in the equation. It is also defined in the Act. The Principal Act defines an extraditable offence as an offence, as an act or omission constituting the offence. It amounts an offence punishable with death, imprisonment for life or a term of not less than two years under the Laws of Guyana, as well as the laws of the requesting state. That is what I mean by mutuality. An extraditable offence is one that is an offence, both in the requesting state as well as the requested state. It must be an offence that carries a minimum of two years imprisonment. Extradition serves the essential purpose of facilitating international cooperation in the administration of justice by allowing the transfer of individuals, accused persons or convicted or convicts of crimes from one country to another for trial or punishment. As posited by Justice Kirby in a case from Australia:

“In a world of increased mobility, interactive technology and new forms of criminality, extradition represents an essential response to the characteristics of contemporary crimes.”

I do not think that I need to underline the importance more than I have done, of extradition and ensuring that our extradition laws are intact. The amendments that I am bringing here have already been enacted in a few countries in the Caribbean. I know for a fact that they have been enacted in Jamaica and they have been enacted in the Republic of Trinidad and Tobago. I will go through the provisions of the Bill. I have heard, in certain quarters, the view or rather the apprehension expressed that these amendments will affect or rather will weaken due process in Guyana as it relates to extradition. I want to reject such a notion out of hand. When I take the Assembly through the Bill, the Assembly will see that such a concern and that apprehension is an unfounded one.

First of all, I have outlined already how the process begins. It begins with a confirmation from the Ministry of Foreign Affairs and International Cooperation that the extradition relationship exists to facilitate a successful extradition between the requesting state and Guyana. Once that is

confirmed, then the extradition request is sent to the prescribed authority – the Minister of Home Affairs. The Minister of Home Affairs practically will seek legal advice. The extradition request, obviously, will have the name of the person, the offence for which the person either has been convicted or is charged and the evidence that is in the file in the country duly authenticated. Of course, it will have to be established first, whether it is an extraditable offence. Once that is established and the request is examined against provisions of our Act to ensure that the person will not be extradited to a third country, *et cetera*, and those safeguards have been established, the Minister will then issue the authority to proceed. The authority is issued to a Magistrate who is handed all of the documents that have been transmitted to the Minister of Home Affairs. The documents are examined by the Magistrate in a preliminary inquiry. The Magistrate enquires into the document by embarking on a process that is similar to a preliminary inquiry. Sir, may I read section 15 (2) of the Fugitive Offenders Act and I will skip section 15 (1)? It states:

“For the purpose of proceeding under this section, a court of committal, that is, the magistrate, shall have the like jurisdiction and powers as nearly as maybe, including power to remand or admit to bail as a magistrate conducting a preliminary inquiry has.”

We will debate a Bill later this afternoon on preliminary inquiry. The Magistrate, when reviewing the materials for the purpose of extradition is not determining guilt of the accused or innocence but the Magistrate is simply looking at the evidence to determine whether, in accordance with Guyana – It is an offence as the offence existing in Guyana – law whether a *prima facie* case would have been made out for the person to stand trial. Once the Magistrate forms that view, then the Magistrate commits. If the Magistrate is of the view that the evidence before him/her is incapable of yielding a finding of the establishment of a *prima facie* case, the Magistrate discharges. If the Magistrate discharges, the prosecution has a right of challenge all the way to the Court of Appeal. It will now be to the Caribbean Court of Justice (CCJ). If the defendant feels aggrieved by the Magistrates’ Court finding of a *prima facie* case, they have a right to challenge the magistrate’s finding by a way of *habeas corpus* and judicial review in the High Court, so both sides have a right of challenge.

I am going through all of this to address the anxieties that I have heard in relation to this Bill. There is nothing in this Bill which alters anything that I have said – nothing in this Bill alters that. For all of the safeguards, the same process exists. I will now go to the Bill to show what the Bill does

or seeks to do; what is different from the Bill; and what the current law is. The Bill seeks to allow to be admitted into evidence in Guyana the record of the evidence that was adduced in the United States of America. In my view, that is a far more superior position than what existed before. Here, there is a complete record of the proceedings. The Bill defines record of the evidence of case as:

“(i) documents, statements or other evidence, including photographs, fingerprints or other description of the person which describes the identity and probable location of the persons sought;

(ii) a statement of the facts of the case, including if possible the time and location of the offence...;

(iii) a statement of provisions of the law describing the essential elements and the designation of the offence for which extradition is requested;

(iv) a statement of the provisions of the law prescribing the punishment for the offence; and

(v) any other relevant document.”

3.00 p.m.

There is a comprehensive record of the proceedings, including the evidence adduced in a court or compiled by a prosecutor, in the requesting state, along with a synopsis of the relevant law and the penalties should the person be found guilty. When one examines that volume, magnitude of information and evidence against what the existing law states – it is too long for me to go through – one would see that there are a wider expanse of information, documentation, dispositions, statements and other evidence now coming to the Guyanese court. There is a provision that may cause some disquiet, so let me read it expressly and put it to rest. It states:

“a record of evidence of the case against the person, including evidence that would not otherwise be admissible under the laws of Guyana, shall be admissible in evidence.”

This part, I believe, may have caused some concerns and, perhaps, my friends will speak about it. That is why I emphasised the nature of the hearing and the nature of the process that the Magistrate embarks upon. The Magistrate embarks upon a process that is akin to a preliminary inquiry. The

Hon. Member, Mr. Ramjattan, will agree with me that in a preliminary inquiry, one does not deal with admissibility of evidence. Admissibility of evidence is a matter for the trial. The fact that it states here that evidence that would not ordinarily have been admissible will now be admissible is simply of no moment, because if the Magistrate – even before this is put into force – is to consider an extradition request, the Magistrate has no jurisdiction or legal power to exclude inadmissible evidence. Once the evidence is relevant, he will have to admit it. The question of admissibility is a question for the Trial Judge.

The other important point that I want to make which would be understood even better when we deal with a Criminal Law Procedure (Paper Committal) Bill 2024 is that it is a coincidence that we are passing these two Bills together. The record of evidence is almost identical to paper committal which is the accumulation of statements that would constitute evidence, put them before a Magistrate and the Magistrate commits on those documents after hearing the lawyers from both sides. That is identically the process here – the record of evidence will constitute the statements that I am referring to and that will become the deposition that the Magistrate will review for the purpose of committal in the same way that we will have in Guyana when we pass the Criminal Law Procedure (Paper Committal) Bill 2024 later. There is nothing in this amendment that can possibly compromise due process as it currently exists. I want to reinforce that point. Now, there is a series of safety mechanisms to ensure the authenticity and to authenticate what is the record of evidence that the Magistrate is going to preside over and assess. The Bill states:

“(4) A record of evidence of the case against a person referred to in subsection (1)(d) is admissible in evidence if it is accompanied by-”

These are the safety mechanisms. It continues to read:

“(a) an affidavit from an officer of the investigating authority, or of the prosecutor, as the case may be, stating that the record of evidence of the case was prepared by, or under the direction of, that officer or that prosecutor and that the evidence has been preserved for use in the person’s trial;”

There is a prosecutor or an officer duly authorised who is authenticating that this is the evidence and that this evidence is being preserved for the person’s trial.

“; and”

That is the first requirement, but it follows another one. It is not the word ‘or’ but the word ‘and’. I continue to read. It states:

“(b) a certificate bearing an official seal or stamp of a person described in subsection (5) ...”

I will get to subsection (5) just now.

“...stating that, in the opinion of that person, the record of evidence of the case discloses the existence of evidence that is sufficient under the law of the Commonwealth country or treaty territory to justify a prosecution in that country or that territory.”

There is an opinion now that is being expressed, authenticated, stamped and sealed with the official seal telling the Magistrate in Guyana that, in my professional opinion having assessed the evidence, there is every likelihood that this evidence will yield a conviction in that country. The person referred to there is, if one looks at clause (5) of the Bill, no other than:

“(a) the Attorney General or principal law officer of the Commonwealth country or treaty territory,”

It is the Attorney General of the United States of America or a principal law officer in whichever country or treaty territory

“...or the deputy or delegate of the Attorney General or principal law officer of the Commonwealth country or treaty territory; or

(b) any other person who has,”

...the authority of the Commonwealth country or treaty territory, to control...

“...the decision to prosecute.”

The person who controls the decision to prosecute in a Commonwealth country is the Director of Public Prosecutions (DPP). One would get an opinion from the Director of Public Prosecutions or

the Attorney General that the evidence there obviously is certified, certifiable, valid and an opinion of likelihood of success. Then, it continues to clause (6), which states:

“Nothing in this section limits the evidence that may be admitted at any hearing to determine whether a person is liable to be extradited.”

Even after all of this, a Magistrate in Guyana says that evidence is not sufficient, the Magistrate has the power here to call for more evidence. It states:

“(6) Nothing in this section limits the evidence that may be admitted at any hearing to determine whether the person is liable to be extradited.”

If the Magistrate needs more evidence to determine whether the person is to be extradited, the Magistrate has that power to call for more evidence. Then, it continues at clause (7):

“A certificate on the subsection (4)(b) ...”

That is the certificate I referred to.

“...purported to have been signed by a person described in subsection (5) ...”

That is the Attorney General or the DPP.

“...shall be admitted by a court without proof of the signature or official character of the person appearing to have signed it.”

Obviously, the seal of the Attorney General or the seal of the Director of Public Prosecutions would be accepted. As I said, each of these provisions would be reciprocal. The same facilities that we extend under this Act are what will be extended to Guyana when we make extradition requests. The Bill continues:

“(8) Without limiting subsections (4), (6) and (7), ...”

Those are the subsections that I have referred to.

“...in any proceedings under this Act where direct oral evidence of a fact or opinion would be admissible, a statement made in any deposition or witness statement, official certificate

or judicial document taken, given or made outside Guyana and tending to establish that fact or opinion is, if duly authenticated, admissible as evidence of that fact or opinion.”

A standard provision now in all Evidence Acts across the globe, especially since with the advent of technology and so on, computer-generated documents, official seals and electronic signatures are all now admissible. All this is saying that if the man signs his name and he has his official stamp, one does not need him to come. In the olden days, one needed the maker of every document to present himself physically in court to tender that document. We have moved away from that position 20 years now. Since 2001, we have amended our Evidence Act to dispense with those outmoded processes.

Clause (9) deals with whether documents are in English. It allows for the document to be translated into a language that the judicial officer will understand, *et cetera*. This Bill will augment and it will bring great efficiency to our extradition proceedings. In the past, there were all sorts of technical objections that were –raised. Those objections, the law by itself outside of the area of extradition, have overtaken those technical objections. For example, the paper committal, two years ago that would have been... Well, it was objected to, as we will explain, when we first introduced it in the Sexual Offences Act. It was challenged not only in Guyana, it was challenged all over the Caribbean. It went to the privy council. Why? It was because lawyers could not grapple with the idea that one can commit a man to stand trial for murder on paper without hearing a witness and without the man being given a right to cross-examine that witness. That was unfathomable. Today, it is the norm. It has been forensically examined by the highest courts across the globe, such as in the Caribbean, the Privy Council; in Guyana, the Guyana Court of Appeal; and in Commonwealth territories across the British Commonwealth, where appellate courts have had to pronounce because change carries with it suspicion and lawyers are suspicious. The Hon. Member, Mr. Ramjattan, might come here and see all sorts of things wrong with this amendment – I hope the Hon. Member does not – but I know the proclivities and I know the sensibilities.

This is a positive regime of amendments. It will modernise our extradition law and it will enable Guyana, as well as other territories, to concentrate and collaborate their efforts more efficiently in tackling transnational crime and criminals. Mr. Speaker, without any hesitation, whatsoever, I commend this Bill to the House. Thank you. [*Applause*]

Mr. Speaker: Thank you very much, Attorney General and Minister of Legal Affairs. Before I call on the next speaker, Hon. Member Ms. Geeta Chandan-Edmond, there is a switch. Before you start Hon. Member Mr. Ramjattan, there are just two things. Congratulations to Hon. Member Mr. Jones on his 17th wedding anniversary today and our condolences to Hon. Member Mr. Roysdale Forde, Senior Council (SC), on the passing of his brother. The Hon. Member is excused today from the National Assembly. Hon. Member Mr. Khemraj Ramjattan, proceed.

3.15 p.m.

Mr. Ramjattan: Thank you, very much, Mr. Speaker. I want to say that the Attorney General suspects that I might not give my full support for the Bill, given my proclivities. However, I want to indicate that I will do a juxtaposition of both, which is to support it, but also state the warnings because of my proclivity.

I can recall that we had passed a sexual offense Bill here. Unhappily, it had to come back for amendments because of the ingenuity of good lawyers and also very commendable accused or defendants who might see inside of the law, whether they be on bail or in prison, where they get lots of advice from other lawyers in that prison, certain lacuna and loopholes in the Bill. In trying as best as possible to bring a world into order so that there will not be an escape from criminality or the escape from the sentences passed onto those who would like to then jump the jurisdiction from where they were convicted, it is necessary for us to strengthen further the Fugitive Offenders Act or extradition act all across the world. As we see today, criminalities of a variety of nature, a variety of descriptions and of the digitised world we live in, the victims can suffer lots of dangers because of the activities of certain people. They must pay for it or when they have not been convicted and get away to another country, they must be caught and brought to justice.

The Fugitive Offenders Act is but an extension of that principle which states that the long arm of the criminal law will catch one ultimately. This is about the institutionalising of a system that still has its imperfections and that, indeed, as we go along, will perfect it even more to the extent whereby we will have to catch those people, whether they are from other countries doing the wickedness, or whether they are from Guyana and got away and we want them back in Guyana. It is fundamental then, that, yes, indeed, that we seek to enhance all those institutions and also the laws that govern those arrangements. To that extent, then, I must say that yes, to a large extent,

this follows that pattern of further enhancing and fortifying that institution and regulation. I am not going to allow the Attorney General to get away from his call that, indeed, this amendment does nothing really. It is an amendment that seeks to make an alteration to what we already have. That is why the Hon. Member brought this. What is that alteration? The alteration largely comes as against what we have now. We now have a Bill which states:

“...a record of evidence of the case against the person, including evidence that would not otherwise be admissible under the laws of Guyana ...”

In the extant regime of laws that we have in Guyana, it must be evidence that is admissible under our laws. Whereas, this amendment seeks to give a record that can have what is called, in my opinion and based on my interpretation of it, inadmissible evidence. There is obviously a derogation from what used to be that it must accord to the principles of admissibility namely: relevance, cogency, compelling nature of the evidence and all of that. We are now seeking here, whenever we do a record of evidence, we can have that, which as evidence would not otherwise be admissible under the laws of Guyana. Take, for example, the Americans want a certain person who may be a communist or a Muslim terrorist or an Islamic State of Iraq and Syria (ISIS) that they want from Guyana, they can say a lot of inadmissible things that are prior to be admissible in a court of law in Guyana. Then, they are going to say, well, look, we feel this way and that he had done that. There will be a lot of inadmissible evidence in the record of evidence now that can say, this is the record. By the way, it will be buttered up with all this fancy certificate bearing the official and so on, but it is inherently inadmissible evidence, which now they use to say, we want that *fella*, Sheikh Abdullah or some other person. Then, we can have that. There is an alteration here to degrade the quality of the evidence, lower to the extent of it being under our laws. It could be inadmissible but once, *dey sa suh*, we *gaffa* extradite the person. That is what is the alteration.

Now, I pondered on this and said, we ought to get rid of the bad people in Guyana, come what may, because there must be some other evidence that the person was a bad person, especially in political spheres of activity, such as Mr. Assange and whoever else... [Mr. Nandlall:

(*Inaudible*)] I know there is because I have done that before in relation to a citizen of Canada, whereby one brings *habeas corpus* to the High Court judge. It was then Chief Justice Bernard. The Magistrate had committed the person but she said, no; she is not going to allow that to happen. The person is in Guyana now. The trouble here is that there is an alteration that seems

to be glossed over by the Attorney General. It is not going to happen. Well, let me tell you something. There are going to be cases whereby you are going to have, especially from the powerful countries where they would want their sovereignty to be superior to ours... They are not going to say, if we now go and ask the United States of America, the United Kingdom, or another big country that look, we would like that *fella* to come back to Guyana because he committed a crime. They will want to find out if indeed our country is going to allow inadmissible evidence. They are also going to ask about the mutuality and reciprocity principle. We are now watering down our standards of evidence to accommodate, in my opinion – and this is where in rebuttal, he could probably indicate that I am wrong, but it will still be tested, this will certainly be tested in court – that indeed it is not an alteration that is downward. It is and it is going to affect political animals and also religious animals that are wanted. Look, I wish to make that point to clear the air because, generally in the other provisions, one can say that they are satisfactory to the extent of strengthening the imperfections that we had before.

I want to say, Mr. Attorney General, this concern that some people have concerning what constitutes the record of evidence is an extremely valid one. Notwithstanding that, we would like to support it in principle for the purposes of ensuring that in the larger perspective of a bigger world order that, yes, we all have the capacities in which to send back, at the request of other states, the criminals and culprits that might have committed crimes there and also for us in Guyana, when we make the request that we do have them coming to ensure that justice be done unto them. Thank you, very much. [*Applause*]

Mr. Speaker: Thank you, very much, Hon. Member Mr. Ramjattan. Now for the Hon. Minister of Foreign Affairs and International Cooperation, the Hon. Member, Mr. Hugh Todd.

Minister of Foreign Affairs and International Cooperation [Mr. Todd]: Thank you, very much, Mr. Speaker. First of all, let me thank my dear Colleague, the Minister of Legal Affairs and Attorney General for taking the time to explain in detail the modification of this Bill and how it relates to our involvement in the international community, in terms of fighting crime and criminal organisations. I think that is important for us as a country to ensure that we are able to meet the standards that are required of us within a very globalised environment, where there are threats not only to nation states, but the entire global environment or community. I rise to speak in support of the presentation in this honourable House on the Fugitive Offenders (Amendment) Act of 2024.

The Fugitive Offenders Act of 1988, while a comprehensive piece of legislation, has had to be amended, in keeping with actions, to modernise legal instruments and the need for Guyana to respond to the changing global environment that requires us to strengthen our practice and implementation of provisions that would ensure that procedures for extradition are seamless and in accordance with international law.

The Ministry of Foreign Affairs and International Cooperation is the first contact for extradition requests. Any such request is then transmitted to the Ministry of Home Affairs for processing. States are confronted with new and sophisticated operations by those who seek to engage in nefarious activities. It is for this reason that both the national and international levels initiatives are constantly being reviewed. This amendment is part and parcel of a number of initiatives in which we are currently engaged in fighting and combating transnational organised crime and cross-border criminal activities. We cannot operate in isolation in fighting these threats. In helping to ensure that justice prevails, it is important to be engaged in international cooperation efforts to counter transnational organised crimes such as human trafficking, smuggling and trafficking illicit drugs and goods, money laundering, sex slavery and terrorist activities. Guyana is a party to a number of international crime and corruption conventions, namely the United Nations Convention against Transnational Organized Crime, which was acceded to in 2004. The three protocols in support of that convention are: (a) protocol to prevent, suppress and punish trafficking in persons, especially women and children, which was acceded to in 2004, (b) protocol against smuggling of migrants by land, sea and air which was acceded to in 2008 and (c) protocol against illicit manufacturing of and trafficking in firearms; acceded to in 2008.

3.30 p.m.

Mr. Speaker, we are also a state party to the 2008 United Nations (UN) Convention Against Corruption – the only legally binding, universal, anti-corruption instrument. We have also signed bilateral extradition treaties as well as bilateral engagements that will provide for mutual legal assistance in criminal matters. Apart from these treaties and agreements which govern our obligations to fight transnational crimes, we are affiliated with a number of key organisations which are working to fight financial crimes and prevent money laundering, among them, is the United Nations Office on Drugs and Crime (UNODC) and the Financial Action Task Force (FATF). Under the Financial Action Task Force, Guyana is a member of the Caribbean Financial

Action Task Force (CFATF) through which the states and territories of the Caribbean basin have come together to implement common countermeasures against money laundering and terrorism. We are also a part of INTERPOL, the International Criminal Police Organisation, which allows us to benefit from a wide range of technical and operational support. Therefore, we have to be vigilant and keep pace with the evolution of crimes and how to combat them, and to counter masterminds and criminal enterprises. Today's crimes have become increasingly international, and Guyana cannot afford to be insular. We have to increase our interactions and programmes with our bilateral partners, as well as to be part of the efforts of the international community. Guyana is part of the negotiations taking place at the United Nations to draft a modern, legally binding convention on cybercrime and cybersecurity. This is to combat a crime that has taken on a most dangerous, complex, and intrusive character. Cybercrime incidences have increased in both frequency and severity and have extended beyond boundaries, affecting all nation-states. Guyana will remain engaged in this process because we believe it is important to ensure that there is adequate and secure protection for online operations for work, research, commercial activities, and social interactions.

Mr. Speaker, I have sought to provide an overview from the international perspective of the initiatives being undertaken to fight transnational organised crime and corruption. This has a direct link to the Bill before this honourable House today. The amendment to the Fugitive Offenders (Amendment) Bill, is a manifestation of the role being played by Guyana as a responsible member of the international community. The Bill seeks to amend section 24 of the Fugitive Offenders Act which provides for the types of documents that may be admissible as evidence in extradition proceedings or other applications under the Principal Act. According to the Explanatory Memorandum prepared by the Hon. Attorney General and Minister of Legal Affairs, the Bill also:

“...seeks to expand the types of documents that shall be admissible in evidence by providing for the admissibility of a record of evidence of a case and the procedural requirements for the admissibility of such evidence.”

This includes:

“(i) documents, statements or other evidence... which describes the identity and probable location of the person sought;

- (ii) a statement of the facts of the case, including, if possible, the time and location of the offence;
- (iii) a statement of the provisions of the law describing the essential elements and the designation of the offence for which this extradition is requested;
- (iv) a statement of the provisions of the law describing the punishment of the offence; and
- (v) any other relevant documents.”

In essence, this strengthened amendment would put in place easier and more practical steps to support extradition requests and facilitate more satisfactory legal processes through the court. I am, therefore, in full support of the Fugitive Offenders (Amendment) Bill 2024. I, therefore, commend, my colleague, the Hon. Attorney General and Minister of Legal Affairs and his staff for the meticulous work done that is manifested in the document before us. Thank you, Mr. Speaker. [*Applause*]

Ms. Chandan-Edmond: Mr. Speaker, I rise to make my contribution to the Fugitive Offenders (Amendment) Bill No. 6/2024:

“A BILL intituled AN ACT to amend the Fugitive Offenders Act.”

Chapter 10:02. Sir, this Bill seeks to achieve a simple, yet important task. It seeks to amend section 24 of the Fugitive Offenders Act, which provides for the types of documents that may be admissible as evidence in extradition proceedings. It sets out, in clause two, to amend subsection (1) (b) and (c). It also amends section 24 by inserting subsections (4), (5), (6), (7), (8), (9) and (10). The key issues being considered in this legislative action are the admissibility of evidence and records of evidence, among others. The Government is on record stating that there is a need for this tweak and that it is born out of the necessity to broaden the admissibility of evidence in extradition proceedings. From the outset, it is important to note that the Fugitive Offenders Act was originally passed on 15th February, 1988. At the heart of any fugitive offenders law, there are larger issues that go beyond the Ministry or the Minister of Legal Affairs. It is important to note that the original passage of the Act, in 1988, articulated a clear and structured use of the Act, rather than it being dealt with in any arbitrary approach to its implementation.

Effective extradition procedures are an essential tool of international law enforcement, and this is something that we cannot argue with, both in relation to domestic crime and, increasingly, transnational crime. New international legal frameworks are emerging with the objective of enhancing international responses to organised crime, which includes terrorist crimes and drug trafficking among others. We must all be aware of these increasing levels of transnational organised crimes which are inimical to our national security and the safety of our Guyanese people. However, at the same time as the reinforcement of international extradition obligations in instruments such as the United Nations Convention against Transnational Organized Crime (UNTOC) has been established, less desirable developments can be observed in the erosion in form and in practise of the principles of extradition laws which are intended to safeguard individual rights. The recognition and application of some longstanding legal principles such as political offence exceptions, have been diluted over time while the efficacy of others such as the principle of speciality has been compromised in practise.

With Guyana becoming a major player in the global community, the question of extradition takes centre stage. As the movement about the world becomes easier and crime takes on a larger international dimension, it is increasingly in the interest of all nations that suspected offenders who flee abroad should be brought to justice. However, my contention is that this cannot be used selectively since it brings into question the political objectives rather than the infraction of the law. In recognition of freedom of speech and fundamental rights, this should not be used at the whims and fancies of any government to satisfy their narrow political gains. People here or abroad in the diaspora are entitled to freedom of speech. I will qualify that by saying, once that is within the confines of our laws and freedoms of expression of speech, people are entitled to their views, even if those views are against what we agree with. So, what I am saying, is that the establishment of safe havens for fugitives would not only result in danger for the state but would also tend to undermine the foundation of extradition. We all know that extradition has become recognised as a major element of international cooperation in combatting crime, particularly, as I said before, transnational crimes such as drug trafficking and terrorism. With the way things are progressing now, we know that this list is very exhaustive. Since these crimes continue to increase in our region, we rely on sustained international cooperation which is critical to states like Guyana. Sir, this amendment cannot only be taken lightly. Crime has significant social and economic costs that undermine our safety, our security, and our prosperity. This is particularly true as Guyana finds

herself with the name tag of being the fastest-growing economy in the world. This comes with transnational consequences and the need to have laws that are aligned for any eventualities.

Our increasingly changing global environment is presenting new opportunities for criminal groups to expand their illicit enterprises beyond the traditional state borders. This expansion and new techniques by these criminal groups, increasingly add to the efforts to escape justice. This means that a high level of international cooperation is crucial to effectively combat crime. I view this amendment through the lens of the aforementioned. It appears to me that the Government has two objectives in mind: to modernise our extradition laws – we have no problems with that – and ensure that Guyana can offer a broad range of assistance to our international partners. We on this side of the House, cannot argue with that. We fully support this. It behoves Members of Parliament (MP) to scrutinise every legislation that passes through the House. For this reason, I have carefully examined the amendment. I have noted the principles of extradition. I reiterate the need for the Government to use this legislation, not for political reasons, but to safeguard the state, the people of this country and our citizens. Less we forget, the process for extraditing a person can be cumbersome. It takes several months to finalise even if a person has consented to their extradition. Although all stages of the extradition process will need to be completed, the safeguards built into the extradition regime will still apply.

3.45 p.m.

So, there must be the interest of the state considered and, equally as well, the rights of the individual. The amendment at its core concerns the admissibility of evidence, and my colleagues and the Attorney General have spoken on that, so I will not go much into that. For evidence to be admitted, we all know that in a criminal trial it has to be relevant, material, competent, *et cetera*. So, this means that the evidence must help to prove or disprove some facts in the case. We are reminded that it does not need to make the facts certain, but at least it must tend to increase or decrease the likelihood of some disputed facts. Evidence is competent if it complies with certain traditional statutory notions of reliability. In an extradition arrangement, our Government must consider the extradition laws.

What I need from this Government is a guarantee from them, as a matter of principle here, that they will ensure that what we are asking for, other states will reciprocate the same thing. A key

aspect of an extradition arrangement is the concept that what we are doing at our end is being done at the other end of cooperating states. I would also like to state that we must accept that we are in an integrated world, and given Guyana's new status in the grand scheme of things this type of legislation is very necessary. So, *kudos* again to you, Mr. Attorney General. I think, maybe this is the fifth or sixth time I am commending you in succession. But, like all things, when it comes to the People's Progressive Party/Civic (PPP/C), one wonders whether such legal mechanisms will be misused, as in the case with everything that the Government touches for political purposes. We fear, justifiable so, that these powers here will not be used in the manner it is supposed to be used and we want to have the assurance that these powers here will not be misused. This here is a very fair concern that we are asking for. We want to be assured that subjects and friends of the Government... You know what I want to say, Mr. Attorney General. I want you to give us the assurance Mr. Attorney General. I have commended you successfully. I think you are one of the most progressive Attorney Generals we have, but I want you to give us the assurance that the powers under this legislation here will not be misused. I want the assurance that you are not going to misuse this for political purposes, and that is all I am asking from you. I do not think that is an unreasonable request. With that being said, I thank you. [*Applause*]

Minister of Home Affairs [Mr. Benn]: Mr. Speaker and Hon. Members, I rise in support of the amendments to the Fugitive Offenders (Amendment) Bill 2024. I know that at least three lawyers have spoken before me. The Hon. Attorney General has spoken in detail on the requirements, on the amendments, the necessity for those amendments, and why we continue, through the PPP/C Government, to make the necessary steps, sometimes delayed, over the years. Given the fact there was a certain interregnum, we are continuing in our efforts to upgrade, to make modern, to make our laws in consonance with our international law obligations, and also, in making more efficacious the use of our laws in respect of our own Guyanese people.

The responses that we have to make in respect of transnational organised crime also relate to upgrading our laws. Guyana is a victim of transnational organised crime. Many of the crimes you see and what the police call disorderly crime and our usual, perhaps, bad behaviour, relates, as was suggested before, issues of drug trafficking. We are victims of that. The fallout in relation to money laundering, gun crimes, smuggling of persons, trafficking in persons and all of those issues and these new forms of crime, require modern approaches, adequate modern legal approaches. They

require upgrading of our relationships in relation to the treaty obligations we have with other countries in respect of our laws. So, the overall question of our Fugitive Offenders (Amendment) Bill 2024 and the overall question of our tackling the issues relating to transnational organised crimes are inherent in this approach in terms of the Fugitive Offenders (Amendment) Bill 2024. We had issues in relation to extradition as was mentioned by the Attorney General that related to when we were a colony, and then we had the 1988 law. Since then, we have been looking where we can, beyond the issues of finding fugitive offenders, where they perhaps may have committed a crime in Guyana, where we had to resort, after they served a sentence in Guyana, to deport them to their jurisdiction where they may have come from, and where their issue would be dealt with by the courts of their country of origin. As was said, we have our relationship with INTERPOL. In the Ministry of Home Affairs, we have the treaty office and persons there who would look at the matters which would come to our attention through, the Ministry of Foreign Affairs. We have been fairly busy with respect to these issues over the period.

I believe by reading the various clauses of the Bill it brings in greater transparency and it relates to giving greater certainty in respect of the approaches and the record of evidence which will be put towards proceeding with cases of extradition of fugitive offenders. I am a bit worried about the former Minister of Public Security raising questions of inadmissibility of evidence in relation to what is presented to him in this Bill. In fact, I am surprised that he would be speaking, but a lawyer can talk on all six sides of an issue. He or she just has to be to be paid in many instances. He or she would not do it for free. At clause 2(4), it speaks to:

“(4) A record of evidence of the case against a person referred to in subsection (1)(d) is admissible in evidence if it is accompanied by-

- (a) an affidavit from an officer of the investigating authority, or of the prosecutor, as the case may be, stating... the record of evidence of the case was prepared by, or under the direction of, that officer or that prosecutor and that the evidence has been preserved for use in the person’s trial;”

It follows at subsection (4)(b) with the question of a certificate. It follows with, “A person referred to.” Of course, as:

“(5) (a) the Attorney General or the principal law officer of the Commonwealth county or treaty territory...”

At clause 2(6), it states:

“(6) Nothing in this section limits the evidence that may be admitted at any hearing to determine whether person is liable to be extradited.”

These amendments speak to those issues directly. With regard to the concerns, I do not want to say that they may be of a personal nature. The concerns that the Hon. Member, Mr. Khemraj Ramjattan brought up here with respect to the admissibility of evidence in these cases, I believe, are adequately accounted for in the amendments of this Bill. It speaks to questions of:

“(8)...direct oral evidence of a fact or opinion would be admissible, a statement made in any deposition or witness statement, official certificate or judicial document taken, given or made outside Guyana and tending to establish that fact or opinion is, if duly authenticated, admissible as evidence of that fact or opinion.”

Then it speaks of translation and not artificial intelligence translation, but translation by which is:

“(9)...certified by a judicial, prosecuting or penal authority, or other officer administering a government department, of a Commonwealth country or treaty territory and purports to be an accurate translation of the original document.”

It goes on to talk about:

““judicial document”...”

“record of evidence of the case” includes:

“10 (i) documents, statements or other evidence including photographs, fingerprints or other descriptions of the person which describes the identity and probable location of the person;

(ii) a statement of the facts of the case, including, if possible, the time and location of the offence;

(iii) a statement of the provisions of the law describing the essential elements and the designation of the offence for which extradition is requested;”

This is quite detailed and necessary. Given the fact as was said previously, the challenges we have in relation to transnational organised crimes are the issues of digitalisation and digitisation of information, the question of how soon information could be got and brought into evidence for review here in Guyana or in the country requesting the extradition. I want to clearly support the facts as stated out here, the resort we have in the amendments proposed in respect of the admissibility of the evidence. Of course, there has been a history. More recently we had, and it was mentioned, the now celebrated case of Mr. Julian Assange who spent a lot of time, I think, in the Ecuadorian Embassy and then did a deal and is back home now. We had cases, and we do not want to be in that position where we do not have enough safeguards in our laws that would allow for situations which occurred in other jurisdictions or between states where people might be rendered. We might remember the issues of the rendering of persons from particular states when we had the terrorist acts in the Middle East. I heard there was a question from the Hon. Member who spoke before, Ms. Geeta Chandan-Edmond, about selective, whimsical, or other means for political purposes by using these amendments for the law.

4.00 p.m.

I could only suggest for both Members, if they have particular amendments to propose here on the floor now, in respect of these issues, to propose the amendments. There would have been sufficient time given the critique. [Mr. Ramjattan: You *wudda* support them?] I do not know what they are. I heard Ms. Chandan-Edmond appealing to the Attorney General and Minister of Legal Affairs not to use things for political purposes. First of all, it is a slur to suggest that the PPP/C will do that. Secondly, there are the courts. The strengthening of the research in this document itself, along with the amendments proposed to the Principal Act, suggests that it could not be so, and it could be responded to. It is unfortunate that the type and quality and level of critique that has been made, is disappointing. Let us bring amendments. Let us do the work. The Attorney General and Minister of Legal Affairs and his staff, the Ministry of Foreign Affairs and International Cooperation and ourselves have all, somehow, weighed in on this issue. If there are any serious concerns, if they want us to have a debate, a discussion on the issue, bring the amendments.

I believe on the overall question of provenance in respect of the types of documents which are proposed to be brought into view and in relation to the review of the question, in the question of the completeness of the records that are required now as a result of the proposed amendments of the Principal Act, in relation to improving transparency in relation to the persons who would be reviewed or whose cases may fall under review with respect of this Act, I think it could not have been a better submission by the Attorney General and Minister of Legal Affairs for us to look at amendments to the Fugitive Offenders (Amendment) Bill, the amendments to the Principal Act. We, of course, have had a number of actions undertaken. I would say, in 2021, we had five or a number of requests sent from our side for mutual legal assistance. We have had 12 done over the last four years, in terms of requests sent. We have had a number of persons who were extradited to the United States of America. There is one which is still pending appeal. At the moment, we have two requests for mutual legal assistance which are under review. I do not know as yet that any person here should be worried about the question.

I am sorry that Ms. Geeta Chandan-Edmond said that persons are entitled to their opinions, whether we agree with it or not. [Ms. Chandan-Edmond: (Inaudible) need to be informed.] It depends on what is expressed and said. When persons... [Mr. Mahipaul: Mr. Benn, you are not a lawyer.] I am glad that I am not a lawyer. I am so glad that I am not a lawyer. I do not think my mien would allow me to be a lawyer. Anyway, the point I want to make is that... I would not talk about our own example because we will be quarrelling again. I want to talk about the insurrection which was attempted by a former President of the United States of America and his people who stormed their... [An Hon. Member: Their Capital.] Their Capital. Many of those persons who did that and said things are going into the prison now. [An Hon. Member: (Inaudible) the guy immediately.] I want to remind ourselves of that. If you think you can write libelous things or say slanderous things, or propose or want to traduce the State, if you want to propose insurrection... We talked about someone or some persons who are perhaps in the safe areas of the United States of America at the moment who said that 'Georgetown *mus bunn* down if the PPP/C *aint* come out'. [An Hon. Member: (Inaudible)] I am saying, for some of those statements, which we have on record, we are considering mutual legal assistance in relation to those matters. We have to.

I am glad that the Hon. Member, Mr. Ramjattan, here on this floor, and the Speaker somehow allowed us to take an independent course of action, when he agreed with me, that if persons said those things and are suggesting and promoting those things, he would not support it. I think that it should go for the whole of the Alliance For Guyana (AFC). [Ms. Manickchand: He *kant* speak for them. He is no longer in a position (*inaudible*).] I do not know. [Mr. Ramson: He is no longer the Leader.] I do not know where he is right now. I am surprised that he is here today. In any event, there is a lot of toiling and trouble on the other side. I think that there is still a “count” on the way. I want to encourage our opponents on the other side particularly, in spite of them evincing some support for these measures, that when they say certain things it should be thoroughly considered and said. If they really want to debate, they must bring amendments. With that, I support these amendments and the revision for this Bill brought to the House by the Hon. Member, Mr. Anil Nandlall, our Attorney General and Minister of Legal Affairs, ably supported by the speakers on this side of the House. Thank you very much. [*Applause*]

Mr. Nandlall [replying]: Mr. Speaker, I want to begin by thanking my two colleague Ministers for their sterling contributions on this Bill. I am, of course, magnanimous so I will thank the Hon. Member, Mr. Khemraj Ramjattan and the Hon. Member, Ms. Geeta Chandan-Edmond for their support. However, they have diluted that support by making some very uninformed statements.

I will begin with the Hon. Member, Ms. Geeta Chandan-Edmond. Several times during the course of her presentation she felt the need to solicit and enlist from me some type of assurance that this Bill will not be used for a political purpose. That by itself demonstrates, unfortunately, that the Hon. Member does not understand how extradition works. So, I will rehash. Mdm. Geeta Chandan-Edmond... [An Hon. Member: Honourable.] First of all, Hon. Member, our political Party, and Mr. Ramjattan will support me... You were young. Under the People’s National Congress (PNC), every other year, every other term, they used to... [An Hon. Member: (*Inaudible*)] Rigging elections of course. That is a given. We are not debating that. They used to charge one set of people after another for treason, without any evidence whatsoever.

The Mahaicony four, the Mahaica River four... [An Hon. Member: (*Inaudible*)] I am not even reaching ‘Arnold’. I am talking about treason charge. ‘Arnold’ was a fabricated murder charge. Then the Leonora four, ‘Senassie’ and the other policeman. Mr. Ramjattan used to go at all the Police Stations looking for treason accused, and without any evidence whatsoever, nothing.

In Mahaica Creek... You *come* from Berbice; you know that at Christmas time they used to put a thing called carbon in an Ovaltine tin, shake it, and then light it and it used to go pow. A man had that in the Mahaica Creek. His name is 'Hardatt', and they charged him with treason just because he was in possession of that. That is the culture you are part of Madam, Hon. Member. The other day I was doing some research and I found – I have it in my phone, and I will enlarge it and bring it to you – the PNC flag on the face of the Court of Appeal building, next to the Coat of Arms. That is the culture that you are part of.

Dr. Walter Rodney, an outstanding Guyanese scholar and Leader of the Working People's Alliance (WPA), was blown to pieces because he was opposed to the Government of the day of which you are a part – the Party. I can continue. [An Hon. Member: That is not true. You do not *wan*

to *guh deh* (*inaudible*).] I can continue. [An Hon. Member: You *ent wan guh deh yuh noo*.]

No, when you put these things on the record, it is necessary for me to repudiate them. You must never, ever... [An Hon. Member: Tell us about 'Crum-Ewing'.] Let

us deal with 'Crum-Ewing'. You had five years in Government to investigate 'Crum-Ewing'. You never did it. You held Commissions of Inquiries for a dog that barked at President Granger. Why did you not hold a Commission of Inquiry into 'Crum-Ewing'. You all like to blame people. The police evidence shows that at the time 'Crum-Ewing', before he left his home, received a phone call that triangulated to the Congress Place inviting him to go to Diamond and protest. [Hon.

Members: (*Inaudible*)] Ask Mr. Seelall Persaud, the Commissioner of Police. You want to talk about 'Crum-Ewing'. Why did you not hold an investigation into 'Crum-Ewing'. You must never be allowed to say these things, to be left on the public record, creating some impression as though we on this side are guilty. If we were ever disposed the way that you are – the PNC – half of you would have been in jail already.

Mr. Speaker: Attorney General and Minister of Legal Affairs, please. You are speaking to me. I do not know which half of me would be in jail.

Mr. Nandlall: Half of them would have been in jail.

Mr. Speaker: Again, you are imputing there.

Mr. Nandlall: Let me get back to the Bill, Sir. Let me say to the Hon. Member, Ms. Geeta Chandan-Edmond, if anyone violates the law of this country, our Government will ensure that the

law enforcement agencies investigate the allegation. If charges are to be levelled, then charges will be instituted. That has been our position for all the years that we had been in Government.

4.15 p.m.

Mr. Speaker, let us deal with what the Hon. Member said. The Hon. Member somehow thinks that this Bill will be used to prosecute somebody living somewhere who is offering views that we do not like. First of all, those people do that every day, every night, and they are allowed to do it all the time. Some of them have been charged and the legal process will deal with them. Let us get back to the Bill. Hon. Geeta Chandan-Edmond, former Magistrate and Attorney at Law, please understand. Let us assume a person makes some statement that is considered to be an extraditable offence in the United States of America (USA), then the request has to be made to the Foreign Affairs Minister, the Foreign Secretary of the United States of America, to verify whether we have an extraditable relationship. Then the request goes to the Department of Justice, where the prescribed authority lies. Then we in Guyana will have to send all the evidence that we have, and then a court in America will have to preside over an inquiry to determine whether there is a case made out for that person to be extradited to Guyana. Do you understand what you are alleging? You are alleging that we can compromise the judiciary of the United States of America, and you are a former Magistrate? Oh, Lord.

That is why I said... [Ms. Chandan-Edmond: *(Inaudible)*] The Hon. Member is quarrelling that I am being unfair to her. The Hon. Member stood there and articulated her position. All I am saying is that, in that articulation she made some uneducated statements, highly uneducated, and I am trying to educate the Hon. Member. It is not Mr. Robeson Benn sending a love note to somebody in America and somehow, through some arrangement, somebody is going to be plucked out of their home and brought on a plane to Guyana. That is not how the world operates. That is how the People's National Congress (PNC) operates. That is how you operate. You take five days to count 1,300 votes. That is how you operate. Then when the results came, half of you got thrown out. I will get back to the Bill, Sir.

I want to assure the Hon. Members that, once the People's Progressive Party/Civic (PPP/C) is in Government, the rule of law shall always prevail. [An Hon. Member (Opposition): *(Inaudible)*] Hon. Member, why did you withdraw? It is because the voters' list was stolen. The voters' list was

stolen one month before. I would have withdrawn too. Look, you do not even know where you are. Are you in A Partnership for National Unity (APNU) or are you in the PNC? Relax yourself. Let me get back to the Bill. The Hon. Member, I want to assure her that this Bill is an... That is why it is a government-to-government arrangement. Unless the United States Government or governments around the world conspire with the Government of Guyana to extradite people, that is only how it is possible. I do not think governments around the world operate like that, Mr. Speaker. The Guyana Government certainly does not. Hon. Member, Ms. Chandan-Edmond, there is a list of offences that a person cannot be extradited for, and they are listed here – offences of a political type, political nature, *et cetera*. That is why I said your presentation was highly superficial, you did not read the substantive Bill. You did not read it. Had you read it, the Hon. Member, then you would have seen section 8.

“A person shall not be extradited under this Act...”

It continues. If,

“(a) the offence of which the person is accused or has been convicted is an offence of a political character;”

This is in Guyana's provision, and it is in the provision in the United States.

“(b) the request... purporting to be... an extraditable offence, is...

on the account of a person's

... race, tribe, sex, religion, nationality, or political opinions;”

Second, and then another... [Ms. Chandan-Edmond: *(Inaudible)*] Mdm. this make-believe world that you and the PNC live in, it does not exist. It only exists at Congress Place where you take five days to count 1,300 votes. It is a make-believe place. Twenty-nine million votes were counted in England in 24 hours; in five days 1,300 cannot be counted. Twenty-nine million votes were counted in the United Kingdom in 24 hours. The explanation that came forward was that there was Caribbean Community (CARICOM) Day. [Dr. Singh: They can only count nighttime.] You only count nighttime. The counters were working. Mr. Speaker, I asked my driver to count one to one hundred 13 times and he did it in less than one hour. One to one hundred

13 times and he did it in one hour. I drove from Georgetown to Mahaica, and the man counted 1,300, and they took five days. They had a Guyana Elections Commission (GECOM) Commissioner counting. A GECOM commissioner too. A man who always speaks about the voters' list. All day he speaks about the voters' list, and he had a voters' list of 1,300 and took five days. Let us get back to the Bill, Mr. Speaker.

The Hon. Member, Mr. Ramjattan, has raised a point, and I did flag the point as an important one, and I thought that I was proficient in my attempt to offer an explanation. Unfortunately, my learned friend was not persuaded, so let me try again. Hon. Member Mr. Ramjattan, let us start from the proposition, which I do not think you can dispute. When the Magistrate is considering an extradition matter, the Magistrate is doing a committal hearing. You accept that as a general proposition. That Magistrate is not conducting a trial, he is conducting what is called a Sufficiency Evidence Inquisition, for want of a better word. You would agree with me that, once he is conducting that process, he is not empowered to deal with the question of admissibility of evidence. Do you accept that? [Mr. Ramjattan: I do not.] You do not. So, let us go to the authorities which I have. Let us start with Blackstone. Do you know Blackstone has been one of the most preeminent English authorities in the world for over 500 years. Is that right? I respect that you want to hold your own view, but you must be minded of views such as Blackstone. Let us hear what Blackstone says. [Mr. McCoy: The rum or a (*inaudible*)?] Blackstone is not a brand of liquor. No. It is a law book. Blackstone, Sir, Hon. Mr. Ramjattan, 1996 *Blackstone Criminal Practice*, one of the foremost on criminal law and procedure in England, at page 1908, cites, with approval, the dictum of Lord Justice May in Oxford City Justices *ex parte Berry* at page 51, as an accurate declaration of the law, his Lordship stated thus,

“...the question of voluntariness or otherwise of...

An alleged confession statement

...by an accused has hitherto seldom, if ever, been investigated in committal proceedings...”

The admissibility of a confession statement – do not be questioned at a committal proceeding. Why? It is because the magistrate does not deal with admissibility. That is a question for the trial.

“...save perhaps to have some matters...”

Let us move on. That is a matter, ultimately, for the trial of the indictment. That is the English position. Let us come to the Caribbean. Do you know Dana Seetahal, Senior Counsel of late, proficient writer and lecturer at the Hugh Wooding Law School? In the Commonwealth Caribbean, the preeminent authority in this area of the law is the *Commonwealth Caribbean Criminal Practice and Procedure*, second edition by Dana Seetahal, Senior Counsel. On page 171 of the text, the learned author deals with the issue of admissibility of evidence at a preliminary inquiry, the very issue – admissibility of evidence at a preliminary inquiry. After reciting the English practice to which I have alluded above, the learned author adumbrates the position in the Caribbean to be similar and as follows. I am quoting from the book. This is an article that I wrote several years ago.

“In the Commonwealth Caribbean, examining magistrates act in accordance with this practice...

The English practice.

“...on the basis that disputed admissibility questions are for the trial court. At committal proceedings, therefore, a confession of the defendant will be tendered into evidence since its actual admissibility on the basis of voluntariness can only be determined on a *voir dire* hearing at trial. Until then it constitutes legal evidence.”

I quote those authorities to say to you, Hon. Member, that, once you accept that the magistrate is conducting a preliminary inquiry, and you do not have any basis not to accept that because that is what the Act says, that is why I quoted section 15, and let me quote it again for the record.

“(2) For the purposes of proceedings...”

I am quoting from the substantive Act.

“(2) For the purposes of proceedings under this section, a court of committal shall have the like jurisdiction and powers, as nearly as may be, including power to remand or admit to bail, as a magistrate conducting a preliminary inquiry has.”

Shall have the same power that a magistrate has when conducting preliminary inquiry. A magistrate conducting preliminary inquiry does not deal with admissibility of evidence, that is a matter for the trial. Let us for one moment digress a little. Do you know that the rules of exclusion in America... Well, that is a serious assumption that he knows. Permit me to inform you that the rules of exclusion in the United States of America are far more stringent than in England and in the English Commonwealth. For example, you have illegally obtained evidence inadmissible in the United States. Is that not so? In England, however, and in Guyana, you can have illegally obtained evidence still admissible. You know that. Is that right? You know the poison tree argument in America. You would hardly find a pragmatic and practical factual situation where something would be admissible in the United States and not admissible in Guyana. Do you understand? Then the other point I want to make to you is this provision six, which I emphasised, I thought, but, perhaps, I did not drive home the importance in the manner that I should have. Six says,

“(6) Nothing...”

...contained...

“...in this section...”

That is the section that I just outlined, all the sections that deals with the record of evidence and the inadmissible evidence now admissible. Six says,

“(6) Nothing...”

...in those sections ...

“...limits the evidence that may be admitted at any hearing to determine whether a person is liable to be extradited or not.”

4.30 p.m.

Do you know what this section allows? Let us say you have a magistrate who may feel, ‘Look, I am uncomfortable with this evidence that you have in this record of evidence. I am uncomfortable because, in my view, you have inadmissible evidence there – you have inadmissible evidence. When we deal with the Paper Committals just now, I will show you how inadmissible evidence will be admitted. The courts have pronounced upon it already in the Sexual Offences Case – the

Paper Committal, but I will deal with it. Hon. Member, Mr. Mahipaul, please do not distract the Hon. Member, I am speaking to him.

Yes, Hon. Member. If for whatever reason, a magistrate forms the view that he/she is dissatisfied with the quality, nature and purport of the evidence on that record, there is section 6 which invests in that magistrate a residuary power to call for more evidence. It is within the bosom of the judiciary to satisfy itself. It is a magistrate at the end of the day who must satisfy himself or herself either through what you are calling ‘inadmissible evidence’ or calling for more evidence before that Committal Order can be made. No one else is making the Committal Order – no one. Not the Hon. Minister, Mr. Robeson Benn, not the Attorney General. At the end of the day, if a committal for extradition is to be made, it is a judicial officer sitting as a magistrate who will make that ultimate determination. Who else do you want us to reside the power with? How can you be worried about political interference? Do you want me to speak about the inability to get Mr. Lowenfield and Mr. Mingo on trial? That is another story. The magistrates of this country will determine whether a case is made or not made out for the purpose of extradition and. As I outlined to you, both the prosecutor or the requesting state and, the defendant, the accused person, have rights of appeal upwards, all the way to the Caribbean Court of Justice (CCJ). My Friend, you have many more channels to go upwards to challenge the type and quality of evidence.

Hon. Member, Ms. Chandan-Edmond, this fairytale that you have in your head that, somehow, this Bill can be used to expedite people for political reasons, is quite uninformed, and I ask you to disabuse your mind from that type of notion. Hon. Member, Mr. Khemraj Ramjattan, I hope that I have put your objections and fears to rest by outlying the powers of the magistrate and the juridical and jurisprudential nature of the inquiry that the magistrate will be engaged in when this Bill comes into force to you. With those few remarks, I commend the Bill to be read a third time. Thank you very much, Mr. Speaker.

Mr. Speaker: Thank you very much, Hon. Attorney General. Hon. Members, I now put the question that the Fugitive Offenders (Amendment) Bill 2024 – Bill No. 6/2024 be read a second time.

Question put and carried.

Bill read a second time.

Assembly in Committee.

Bill considered and approved.

Assembly resumed.

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

Mr. Speaker: Thank you, Hon. Members. I think this is a good time to take the suspension and we endeavour to be back within one hour.

Sitting suspended at 4.47 p.m.

Sitting resumed at 6.08 p.m.

Thank you, please be seated. Hon. Members, we will now proceed with the Second Reading of the Criminal Law Procedure (Paper Committals) Bill 2024 – Bill No. 7/2024 published on 9th May, 2024. Hon. Member, Mohammed... Mohammed? Mohabir Anil Nandlall, Minister of Legal Affairs and Attorney General.

Mr. Nandlall: I travelled that religious road already, Mr. Speaker.

Mr. Speaker: You never lost the conversion?

Mr. Nandlall: No, Sir.

Mr. Speaker: Okay, Mohammed.

Mr. Nandlall: I embrace all of our major religions.

CRIMINAL LAW PROCEDURE (PAPER COMMITTALS) BILL 2024 – Bill No. 7/2024

A Bill intituled:

“AN ACT to provide for the abolition of preliminary inquiries; to provide for the procedure in respect of paper committal proceedings in criminal matters; and for matters connected thereto.”

[Attorney General and Minister of Legal Affairs]

Mr. Nandlall: Sir, I rise to move that the Criminal Law Procedure (Paper Committals) Bill 2024 be read for a second time. Mr. Speaker, this is yet another Bill coming from our Government, once enacted, will have a transformative effect on the legal system of our country, in particular, our criminal justice system. This Bill seeks to abolish traditional oral preliminary inquiries in Guyana, completely. The Bill provides for the abolition of preliminary inquiries as provided for in the Criminal Law (Procedure) Act, Chapter 10:01 and the substitution thereof with Paper Committals which involves reviewing the evidence and arguments presented by both the prosecution and defence in written form rather than conducting an oral in-person hearing.

Currently, Paper Committals are utilised by almost every country in the Caribbean. Antigua and Barbuda, Barbados, Belize, Dominica, Jamaica, St Lucia, and Trinidad and Tobago have all incorporated Paper Committal as part of their Criminal Justice System. The United Kingdom (UK), from where we inherited our legal system, introduced Paper Committal in its legal system since 1967 by virtue of the Criminal Justice Act of that year. That was one year after Independence was granted to Guyana. We have laboured with what is clearly now an outmoded process for nearly six decades, thereafter. I do not think anyone can dispute that the time for Paper Committal is long overdue. Paper Committal, for the record, was first introduced into the criminal justice system of Guyana in the year 2008, by virtue of the Criminal Law (Procedure) Amendment Act 2008. That Amendment vested in the magistrate holding a preliminary inquiry into an indictable offence, a discretionary power to admit evidence from either the prosecution or the accused person in the form of statements, documents, writings and other articles in the absence of witnesses and after hearing and considering submissions from attorneys-at-law representing the accused person, he/she can either commit the accused person to stand trial or discharge him as the case may be. Those amendments also vest in the magistrate a discretionary power to require a witness to attend, give oral evidence and be cross examined.

What we had then was an option for paper committal or the option of conducting the traditional preliminary inquiry. Unfortunately, these amendments are hardly ever invoked in practice, resulting in the paper committal mechanism never really being activated or used in those provisions. It would appear as though lawyers continue to insist on an oral preliminary inquiry and the magistrates exercise their discretion in favour of such requests. Once the discretion existed, the lawyers, the accused and the magistrates, apparently, exercised their choice in favour of an oral

preliminary inquiry. Again, as a matter of history, in the year 2010, the National Assembly passed the Sexual Offences Act, Chapter 8:03, which was piloted by my distinguished sister, the Hon. Priya Manickchand. That Act also provides for paper committal. Section 43 of the Act mandates that,

“Where a person is charged with an offence under [committals] this Act, there shall be no oral preliminary inquiry and instead a paper committal shall be held in accordance with the procedure set out in the First Schedule.”

Mr. Speaker, in the Sexual Offences Act, that option was not given. The Paper Committal Act is very clear and in mandatory language, abolishes oral inquiry in relation to sexual offences and mandated that all sexual offences be done by way of paper committal. Why paper committal? Oral preliminary inquiries, however short they may have intended to be, today, take an average of about three-four years, minimum, to be completed. If a person is not on bail, that person is remanded to prison for this period. This is one of the main reasons for overcrowding in the prison system of our country. Of course, the State bears the expenditure for the upkeep of these people and their conveyance to and from prison centres to Magistrate’s Courts across the country. The financial burden on the State is extraordinary. I cannot omit to mention that the protracted period on remand can also result in the deprivation of the accused of his right to a fair trial within reasonable time.

6.16 p.m.

A fundamental freedom guaranteed to him by article 144 of the Constitution of Guyana. This is so much so, that a few years ago, Chief Justice Chang granted bail to an accused person, Hemchand Persaud, who was remanded for eight years while his preliminary inquiry (PI) was being conducted. It is public knowledge that this was and still remains an unprecedented decision – the decision to grant bail, that is. It was not the decision to grant bail but the decision to grant bail where there is a charge for murder. It is not normally granted. In this case, this gentleman, Hemchand Persaud, was on remand for murder for eight years without his preliminary inquiry being completed. In a very elaborate and well-researched judgment, granted on the 9th May, the learned Chief Justice found, as a matter of law, that this undue delay violated the accused fundamental right to a fair trial and granted bail as a redress thereof. In the course of his judgment,

the Chief Justice made these seminal observations, which, Sir, with your leave, I am taking the liberty of placing on the record.

“It is the responsibility of the State to ensure that there is in place an efficient and properly staffed legal system to discharge the constitutional duty of the State to provide a “hearing within a reasonable time” to every accused person.”

In the instant case, whatever delay which may have been caused by legal challenges made by the applicant to the committal proceedings, cannot be laid at the doorstep of the applicant since there were successful applications, not frivolous or vexatious applications.

“It was the relevant prosecutorial authorities which had the responsibility for instituting charges against the applicant and the relevant magisterial authorities which had the responsibility for conducting the committal proceedings. It is those authorities which must bear responsibility for the lengthy and very regrettable delay which has attended the progress of committal proceedings which lead to trial. The applicant was charged with...”

...the offense of murder since April 2000.

“He still faces those charges to this day and is yet to have a valid preliminary inquiry commenced, let alone concluded, into any of those charges.

This Court has no difficulty in making the ineluctable finding that the constitutional right of the applicant to a hearing within a reasonable time provided for in Article 144(1) of the Constitution has been and is likely to be further infringed. He was charged since April 2000 and a preliminary inquiry necessary for committal and indictment has not yet commenced.”

This judgment was in 2008 and this gentleman was charged in 2000. I gave the Assembly this live example of how long it takes for a preliminary inquiry to be conducted under our current system. I will give another example. Currently, there is a citizen, Jones Raymond from Micobie village, Region 8, who has launched legal proceedings against the State. He is suing the Attorney General for a breach of his fundamental right to a fair trial within a reasonable time. The facts are that he was on remand for almost 10 years awaiting his preliminary inquiry to be concluded. He is seeking compensation to the tune of tens of millions of dollars from the State. After nearly 10 years, his PI was still yet to be completed. He was discharged by a judge in the High Court during a jail delivery

process. For 10 years, this brother was languishing in prison on remand for murder without his PI being completed. A judge conducting a process called ‘Jail Delivery’, found him there and released him. He is now suing the State for his incarceration for 10 years while he awaited a PI to be completed.

I have given just two examples, Your Honour, to illustrate the unfortunate reality of our current situation. Currently, there are 621 persons on remand in our prison system. I have no doubt that more than 60% of those persons are awaiting the conclusion of preliminary inquiries. There is no doubt that these and similar factors would be the main reason for the move to paper committals across the Commonwealth and, of course, the Caribbean. Last year, when the Caribbean Court of Justice (CCJ) visited Guyana, in a meeting with me, they requested the Government to consider resorting to a full paper committal system. In a public engagement with the legal fraternity and other stakeholders, held in this very room, the CCJ also made a public call for Guyana to move in this direction.

I now move to provide a summary of the current oral preliminary inquiry so that Members would understand. Under the current law, the traditional or oral preliminary inquiry was necessary before any indictment could be made. The prosecution’s witnesses are required to personally appear in court and provide oral testimony, which can be challenged through cross examination by the accused or his attorney-at-law. All this oral evidence is reduced into a deposition by the magistrate and read over in the presence of the accused. The witness is required to sign and bind himself over to give evidence at the trial in the High Court. When a *prima facie* case is made out against the accused person, based upon that oral testimony reduced in writing which forms part of that deposition, the magistrate is required to call upon the accused to answer the case and allow him to make a statement or lead evidence and call witnesses, if he so chooses. Where the accused elects to give evidence or call witnesses, the evidence of the accused or his witnesses is taken down on deposition in the same manner as it was done for the prosecution’s witnesses. Where witnesses for either side are unable to attend the court because of illness, the magistrate has the power to go to that witness and take his or her evidence and deposition at that place.

If the witness is outside the particular Magisterial District, the magistrate of that district is empowered to take the witness’s deposition and transmit it to the magistrate presiding over the committal proceedings. At the end of the evidential aspect of the PI, after hearing submissions

from the accused and the prosecution, it is open to the magistrate to find that a *prima facie* case is made out, in which case, the accused will be committed to stand trial. Even after an accused person has been committed to stand trial, either the prosecution or the accused may provide proof on oath that there are other witnesses who can give evidence to prove, respectively, the guilt or innocence of the accused, in which case, the evidence will be taken in the same way as the other evidence in the PI. The opposite side is always given an opportunity to cross examine. Further, the Director of Public Prosecutions (DPP), within six months of receiving the papers after committal, may resend the paper to the magistrate with directions to reopen the PI, to take further evidence and to follow such other directions as the DPP considers appropriate. Where this happens, there is a deeming that no committal has yet taken place and the matter proceeds accordingly. These instructions are required to be done in writing and the magistrate is obligated to comply. Where the magistrate finds that there is no *prima facie* case, the magistrate shall discharge the accused.

Up until recently, by virtue of section 72 of the Act, the Director of Public Prosecution had the power to direct the magistrate, who had discharged an accused on the basis that there was no *prima facie* case disclosed on the evidence, to reopen the PI and commit the accused to stand trial. This particular provision had withstood constitutional challenges grounded in the Separation of Powers Doctrine since in the 1970s. However, in the case of *Marcus Bisram against the Director of Public Prosecutions* (2022), the Law Reports of the Commonwealth (LRC) on page one states that the Caribbean Court of Justice struck down section 72 as being unconstitutional. The court held that the Director of Public Prosecution could no longer act under section 72, but if the DPP, for good reason, is disappointed with the decision of the magistrate to discharge an accused person, an application could be placed before a judge of the Supreme Court with the deposition and other materials with a request for that judge to commit the accused person to stand trial.

The principle that the CCJ identified was the Doctrine of Separation of Powers, which prohibited any authority from giving directions to a judicial officer, including the DPP. In the same way that the Constitution states that no one can direct the DPP on how to conduct her business, in the same way, no one can direct a magistrate or a judge in the manner on how to conduct their business. In fact, neither the Chief Justice nor the Chancellor can direct a judge on how to determine a particular matter. You have intrinsic independence and extrinsic independence in the judiciary. Those were the principles, Your Honour, which guided the CCJ in striking down section 72. In short, Mr.

Speaker, the oral preliminary inquiry is an extremely protracted exercise. It also has, at least in Guyana, some unique provisions whereby the prosecution is required to lead all the evidence available. If six months pass, after the committal, the prosecution is prohibited from leading any further evidence. I will show how those provisions have changed now for the better in the paper committal scheme that this Bill seeks to promulgate.

Not unexpectedly, when paper committal was first introduced in the region, it was challenged as an abrogation of the right to a fair trial. Obviously, as I said, you are now moving from a position where witnesses were testifying in a witness box with a right of cross examination by the accused person, to a position where on cold, hard paper, in terms of statements, a magistrate is now making a finding. As I was going to explain to my learned Friend, the Hon. Mr. Ramjattan, one hardly has the opportunity to question the admissibility of evidence. That is the point I was making so forcefully in the previous Bill. It is not the role of the magistrate to determine admissibility of evidence. That is a question for the trial judge. All the statements, once they are relevant, are going to be admitted and adjudicated upon by the magistrate. So, this is a strange process that is being introduced after more 100 years of oral preliminary inquiry. Anxieties were excited, persons became suspicious, and they challenged it, naturally – both in the Caribbean and in Guyana. There were several challenges across the Region. One emanated out of Antigua and Barbuda and spiralled all the way to the Privy Council. The relevant constitutional provisions of Antigua and Barbuda were thoroughly examined. They are almost identical to the corresponding provisions in the Constitution of Guyana and that is the provision that deals with the right to a fair trial because that was the basis of the challenge. The provisions of Antigua and Barbuda are almost identical to the Guyana provision in that regard.

6.31 p.m.

In the end, the Privy Council ruled that the paper committal process did not infringe on the constitutional right to a fair trial. The case is *Humphreys against the Attorney General of Antigua and Barbuda 2008*, United Kingdom, Privy Council, page 61. In Guyana, as I said earlier, the paper committal process is contained in the Sexual Offences Act 2010 and, naturally, it was challenged and challenged on many occasions. Unlike what the Hon. Member, Mr. Khemraj Ramjattan, said in the previous debate, we never brought that Bill back to the Parliament to rectify any deficiency because of any technical challenge. What we did was we waited for the challenges to be concluded

in the Judiciary. So, there was a period of time when the Director of Public Prosecutions (DPP) did not charge for sexual offences until the challenges were exhausted.

At first instance, a case was filed by a gentleman named Mr. Ray Bacchus. Chief Justice Chang heard the challenge, at first instance, and struck down provisions of the Sexual Offences Act which dealt with paper committal. The learned Chief Justice found, as a matter of law, that those provisions collided violently with the right to a fair trial, as guaranteed by article 144 of our Constitution. The matter went to the Court of Appeal. Our Court of Appeal followed the decision of the Privy Council. Our Court of Appeal rendered a written ruling, which was reported in the name of the Director of Public Prosecutions against Mr. Bacchus 2018/96 *West Indian Report* at page 404. I quote from our Court of Appeal:

“(2) A careful reading of the provisions of the Act and the Constitution informed that at first blush, the paper committal proceedings allowed for the committal of an accused in the absence of cross-examination and in contravention of the constitutionally guaranteed facilities.”

So, the judges are saying, yes, at first brush, it does appear that there is a violation.

“However, that restriction on an accused’s person’s right to cross-examine at the preliminary proceedings did not relate to the trial and did not affect the fairness of the trial.”

As I said repeatedly, the preliminary inquiry (PI) is not the trial. So, the fact that one is not being able to cross-examine at a preliminary inquiry does not affect one’s right to a fair trial. That is the constitutional right that one has – a right to a fair trial. What is going on in the Magistrate Court is not a trial and so it does not reach the threshold for the constitutional right to be invoked, and that is what they are saying here.

“Determination of guilt and cross-examination were reserved for the trial at High Court. The process undertaken by the magistrate at the committal proceedings was to filter the relevant statement without making a determination of guilt or innocence.”

“To filter the relevant statement”. Do you hear what I am speaking about? There is no question of admissibility. It is a relevant statement; filter it.

“The preliminary inquiry, being only but one stage of the trial, the denial of cross-examination might have appeared to operate unfairly against the defendant. However, the proceedings were fast tracked for both virtual complainant and the defendant. In addition, the trial provided adequate safeguards for the rights of the defence and at that trial the accused had liberty to cross-examine all the witnesses. The provisions in the Sexual Offences Act in so far as it removed the right for cross-examination at the stage of committal proceedings, had to be balanced against that of victims and the backdrop against which the legislation was passed. While the rights of the respondent had to be safeguarded, the interests of the public and the victims of sexual offences had to also be respected if not protected.”

I will substitute “victim of sexual offences” with the term ‘victim of any crime’. Their rights have to be protected and respected.

“It was in the public’s interest that victims of sexual offences were not subjected to cross-examination twice at the preliminary inquiry and trial.”

Again, I will substitute “victim of sexual offences” with ‘victims of crime’. They should not be subject to two sets of cross-examination when one is not a trial.

“Applying the tests of rationality and proportionality, the deliberate action on the part of the drafters in excluding cross-examination at the preliminary stage seemed proportionate to the objective. Further, the respondent had failed to show that the deferral of cross-examination was not reasonably justified and that it excessively or arbitrarily invaded the engagement of his constitutional rights. Accordingly, the procedure of paper committal was not unconstitutional neither was it unfair to the accused person and the section complained of did not breach art 144 of the Constitution.”

So, Mr. Speaker, you have here a comprehensive examination by our Court of Appeal, and that is as far as it went. Mr. Ray Bacchus, for good sense, did not appeal to the Caribbean Court of Justice (CCJ) and so the matter was left there. This is the final pronouncement on the concept of paper committal in Guyana as exists in the Sexual Offences Act 2010, and it is replicated here in almost identical form. The point I want to make is that the concept of paper committal in Guyana has been thoroughly examined and it has received judicial affirmation, approbation and assent. So, the

question of whether there is any legality surrounding it ought not to arise. Mr. Speaker, having laid down those foundational principles, I now go quickly to the Bill. As I said, the Bill abolishes oral preliminary inquiry. So, there is no longer the 2008 position where one has an option. There are no oral preliminary inquiries anymore. In all cases where preliminary inquiries are to be held, those cases will now be substituted with a paper committal process, as is adumbrated in this Bill.

Part II includes clauses 5 to 20. This part sets out the procedure to be followed in paper committals and it also empowers the magistrate to adjourn the proceedings beginning a paper committal, or at any time during the proceedings. Once the matter is adjourned, the magistrate has a power to remand the accused – all of the necessary powers that a court will have. It is significant to note that under clause 6(3), where the magistrate adjourns the proceedings, the proceedings are to be resumed no later than 21 days. This mechanism is intended to guard against protracted and prolonged adjournments. One of the main policy considerations and one of the main triggers for this Bill is because of the time that is wasted in oral preliminary inquiries. The main purpose of this Bill is to bring efficiency, expediency, and dispatch to the criminal justice system. That is why throughout this Bill, there are timeous requirements and here is one. If the magistrate decides to adjourn, then the magistrate is prohibited from adjourning a matter beyond 21 days.

Clause 7 is a very important provision. It provides for the admission of evidence and sets out, again, the timeline for which all relevant evidence should be filed by both the prosecutor or the person acting on behalf of the prosecutor or the accused person. So, again, the relevant evidence and there are timeframes for when they are to be presented. It will be noted that the Bill, in its current formulation, refers to credible evidence and not relevant evidence. A change will be affected shortly by me, before the conclusion of this process, to change the word “credible” to ‘relevant’. There is a mistake there. The word “credible” should not have been there. It has to be ‘relevant evidence’. Credibility is a matter for the trial and not the paper committal.

The Bill proposes that the prosecution must submit all the evidence to the Court’s Registry no later than 45 days following the initial appearance of the accused. The accused is given a corresponding timeframe to submit evidence if they wish to do so. So, there is 45 days on both sides to submit evidence. Again, there is a minor error because the Bill speaks to all evidence. I will move an amendment to remove the word “all”, and that is what I want to point out and what I was referring to earlier. We are removing the requirement for all evidence to be led at the preliminary inquiry.

This has caused untold problems. You can lead sufficient evidence. You do not have to lead all the evidence. The current requirements require you to lead all the evidence and if you do not do it within the prescribed time, then you are shut out from leading the evidence. You have to, at the trial, persuade a judge that you had really, really compelling reasons for not leading the evidence which you had in your possession. That has led to valuable, probative evidence being excluded from being admitted because of the mistake of some prosecutor or some oversight on the part of the prosecution for not leading that particular evidence. After a while, the law shuts you out, and you cannot lead it at all.

Here, we are removing that prohibition. You are only required to lead sufficient evidence that would establish a *prima facie* case, or if you are the defence, evidence that you feel is sufficient to establish a defence for you at that point in time. That is all you need. You can keep the evidence, and you can lead it in the High Court. The Sexual Offences Act 2010 has that problem. You have to lead all the evidence. We will have to bring that Act to amend it because it is causing the problems to which I have alluded. Transparency is an essential element of a just trial procedure and the Bill addresses this by stipulating that the accused must be provided with a copy of all the evidence submitted by the prosecution. Of course, the prosecution is to be supplied with all the evidence upon which the accused intends to rely. Again, the Bill imposes timeframes to ensure that there is no undue delay. I spoke about the 45 minutes. Needless to say, the court has a power to extend these timeframes for good reason. Hopefully, these timeframes will not be abused. Significantly, while the Bill currently states that both the prosecution and the defence are required to submit all the evidence... Well, I spoke about that amendment that will come. So, that position of all the evidence will not prevail.

The remainder of the Bill seeks to provide for the evidential requirements that must be satisfied with respect to written statements sought to be admitted as evidence in paper committal proceedings. For a written statement, for example, to be admitted, the Bill states that it must be signed or marked by the person who made it. And critically, it must contain a declaration by the person who made it to the effect that it is true to the best of the person's knowledge and belief and that the person made the statement knowing that if it were tendered in evidence, the person would be liable to prosecution for wilfully stating in it anything which the person knew to be false or did

not believe to be true. It is the ordinary, standard admonition in relation to evidence. When you take the oath, the evidence is going to be the truth, nothing but the truth, *et cetera*.

6.46 p.m.

If you lie, obviously, you are liable to be charged with perjury. That is the rationale being captured or those are the principles that are being captured in those provisions of the Bill. The Bill contains further requirements for persons who cannot read and those who are suffering from physical disability or physical disorder that render those persons unable to sign or otherwise make a mark. If a person cannot read, *et cetera* and he or she goes to sign a deposition, having given the oral testimony, there is a procedure that allows the person to do that. That procedure is replicated here. This Part also sets out the requirement which must be met for depositions to be admissible as evidence for the purpose of paper committal. It also provides for the evidential requirements that must be met with respect to other statements sought to be admitted as evidence in paper committal proceedings.

Clause 11 of the Bill provides the evidential requirement that must be met with respect to other documents sought to be admitted as evidence in paper committals. These are documents other than the statements that would have been the oral testimony. These are exhibits, medical certificates, death certificates, *et cetera*. It further empowers a magistrate to issue a summons or a warrant, directing that a person's evidence be taken as a deposition or requiring that person to produce documents or other exhibits. A normal power that a magistrate has to summon witnesses and to subpoena witnesses, obviously, that power is retained by the magistrate in relation to paper committals. This Part also provides for a magistrate to commit an accused person for trial for an offence if the magistrate is satisfied with the evidence. The magistrate has the power to commit the accused, without consideration of the content of any statement, deposition or other documents, except where the accused is unrepresented and where the accused is represented, and an attorney has asked the court to consider a submission and there is sufficient evidence to commit the accused to stand trial.

If it is that all the evidence goes in, and the accused does not say anything, the magistrate could commit. It means that the accused is not contesting the PI. So, the magistrate does not have to go through and make a finding. It is not pleading guilty but admitting to the court that a *prima facie*

case has been made out against me, and I am prepared to stand my trial. That is what it means. However, if the accused is unrepresented, to protect the interest of the accused, then the magistrate has to go through statement by statement and form the view of whether the evidence meets the threshold for committal. If, of course, there is a lawyer appearing for the accused person, that lawyer would be allowed, once requested to do so, to make submissions of insufficiency of evidence, *et cetera*.

Clauses 16 and 17 set out the procedure whereby a magistrate may commit an accused for trial without consideration of the evidence and the procedure of a committal or discharge of the accused on consideration of the evidence. I just spoke about that. Clause 18 requires a magistrate to record the reasons for committal or discharge of an accused person in writing. Obviously, the magistrate must give reasons for the decision, one way or the other. Clause 19 empowers the Director of Public Prosecutions to make an application to a judge of the High Court for a warrant for arrest and committal for trial of a person discharged by the magistrate if the DPP is of the opinion that a *prima facie* case against the discharged person was established and the discharged person should have been committed to stand trial. This here, again, is addressing the Caribbean Court of Justice's (CCJ) ruling in *Bisram*.

Section 72, had it been there, would have empowered the DPP to direct the magistrate to reopen the PI and commit. That section 72 is no longer there, and it has been replaced by another provision. Here, we are enacting the provision again. If the DPP feels that a person who the magistrate discharged should not have been discharged, then the DPP has a right to go to the High Court to ask for, firstly, a warrant for the arrest of the person, if the person should not be on bail, if it is a murder charge, for example, and then make an application for the committal of the accused person. Of course, once that process is triggered, that High Court Judge will then hold a hearing. He will have all the depositions before him. He will have to invite the accused to be heard and there will be a mini hearing, once again, where the DPP will attempt, obviously, to persuade the judge that there is sufficiency of evidence for a committal order to be made.

Finally, this Part makes provision for the person whose statements, deposition, documents or exhibits were not tendered in evidence during the paper committal to give evidence at the trial. There is a provision, as I said. Not all the evidence is required to be led at the paper committal stage. If you are a witness, but the DPP decided that she had sufficient evidence and did not require

your evidence to lead it at the paper committal stage, but needs your evidence for the trial, there is a provision in the Bill that will allow for your evidence to be given at the trial, for your statement to be tendered and served on the defence, and, of course, for you to go into the witness box to testify at the trial.

Mr. Speaker, Part III of the Bill consists of clauses 21 to 26 and they provide consequential amendments to the Criminal Law (Procedure) Act and to repeal the relevant sections. Obviously, we have to repeal those sections that are still there which deal with oral preliminary inquiry. We have to repeal them because they are no longer in use and make consequential amendments to facilitate paper committal.

Sections of the Evidence Act speak to how oral evidence in a PI is to be admitted. Those sections of the Evidence Act will have to now be amended. They are hereby amended because there would not be oral evidence at a Preliminary Inquiry anymore. Finally, again, the Evidence Act and the Criminal Law (Procedure) Act, the Bill provides for them to apply to the Act, where necessary, with such modifications that may be needed for the due administration of the Act. There is a general omnibus provision that informs that whatever provision may be left unattended or unamended, they must be read now with such modifications as to bring them into conformity with this new Bill.

Mr. Speaker: Hon. Attorney General, are you concluding now? Your time is up.

Mr. Nandlall: Yes, Mr. Speaker. I am sorry to be so long in the presentation, but it is a Bill of some substance, and I thought that I would outline the provisions as simply as possible and as elaborately as possible, in particular for the benefit of Members of the House who are not lawyers but who are expected to follow this complex, legal process. Mr. Speaker, I thank you very much, and I ask that the Bill be read a second time. Thank you very much, Mr. Speaker. [*Applause*]

Mr. Speaker: Thank you very much, Attorney General. We have a switch. The Hon. Member, Mr. Ramjattan, will go now and the Hon. Member, Ms. Chandan-Edmon, will come after the Hon. Member, Mr. Datadin.

Mr. Ramjattan: Excellent job, AG. I fully support this Bill. I just want to make some comments about it. This Bill ought to have been here for a very long time, as he mentioned. In England, it

was passed since the 1960s, I understand. Of course, we probably were very hesitant since those days. Probably because the criminal bar associations of the various territories wanted it the way it was always, the lawyers in countries, such as ours, usually are very hesitant to move with the pace of things being ingratiated with the procedures of oral hearings. There is the fact, too, that oral hearings at the preliminary inquiry stages have a benefit for defence lawyers especially. Probably, all of those were reasons, apart from others, that delayed it until 2024 here in Guyana.

I want to support it also for the reason that it is going to do away with a lot of delays at that preliminary stage. Those delays, I hope, are not now going to be scuttled onto the trial stage. This is because we are going to have a tremendous number of PIs being sent up, committals happening and then the trials at the High Court before juries taking a long time and creating something of a bottleneck. If we were doing 1,000 PIs in a year or 100 PIs in a year, we are going to do lots more now. They will then be referred to the High Court. That could create a bottleneck. Are we going to have that kind of extended Assizes and the judges to ensure that there be trials happening expeditiously? That is one comment I make, and I think it is a fair comment. You can now have that bottleneck at the High Court instead of the Magistrate's Court level.

The other important point I want to make is the very important statement made by the Hon. Attorney General that credible evidence is going to be amended to relevant evidence. Do you know what that means? It literally took back all that he was talking about the Fugitive Offenders Act. Relevant evidence means admissible evidence. It is what makes admissibility relevant. It is relevant and that is what makes it admissible. That is what my contention was. Credible evidence...you can take everything that a person says...He could say all kinds of things about where the sun rises and because he is saying it, it is credible. What is relevant is a totally different component altogether. That is why I am glad because, obviously, he was mistaken in his earlier debate about credible evidence. He is now changing it to relevant evidence.

I also want to make the point that I noticed that he mentioned, and very surprisingly to me, that he is going to change all the evidence to just a sufficiency of evidence. Now, I want to say this: a preliminary inquiry is an inquiry, whether it is paper committals or not, to reveal to the accused person the case that he has to meet. If you are going to give only that sufficient evidence...Let us say that you have 10 other witnesses that ought to be completing the evidence, and you hold them back and you do not provide all the evidence, then the poor accused might not know what and who

are the witnesses that will have to come up trial. [Mr. Nandlall: That is his (*inaudible*).] No, it is not his trial because a paper committal requires fair prosecutions to have fair trials, the concept of them knowing what they have to meet. If they, right now, come and say, I will only do a sufficiency of evidence so that the magistrate will commit and I will hold back 10 witnesses whose statements I do not give but I am going to give them at the High Court trial, that is being unfair.

7.01 p.m.

I am encouraging the Hon. Attorney General to please not get into that arena whereby you are going to change. If you have all the evidence that you are going to bring against that person, then it should be shown to him at the committal stage, that is the PI stage. [Mr. Nandlall: No. He will get it at the trial. What is wrong with you?] At the trial, what can happen is that he would need time. Are you just going to give him seven days before or whatever the time? [Mr. Nandlall: Well, how much time does he need?] Well, you see that is the trouble with this Attorney General. He has not practised at the criminal bar.

You have to go and investigate as to the background of that witness that you will be now put upon only in seven days and you might not get all of that going in your favour. You have to understand. It is the concept of fresh evidence. Fresh evidence you must not be surprised by it. If you got to get it down there and if you want to be fair to the accused, bring all the evidence that you as a prosecutor has, so that, indeed, he will know how to prepare for his defence which is a constitutional right. Do not tell me that we are going to change it from all to a sufficiency of evidence just to get it down. [Mr. Nandlall: (*Inaudible*)] Alright. But I am making the point that since in a preliminary inquiry or the committal stage an accused gets to know the case he has to meet, let him get to know the complete picture. That is all. If you do not want it that way, well fine. [Mr. Nandlall: *Prima facie* case (*inaudible*)] Well, it is a *prima facie* case but at least ensure that the evidence that he has to meet is known to him and that is what a preliminary inquiry is all about.

Mr. Speaker, those were the two concerns. I would not have made them had it not come from the Attorney General. I would have said that, yes, indeed, it is a transformational piece of legislation, we ought to have gotten it a long time ago, and it takes care of the times and the delays and all of

that. It also brings to bear that we should have speedier trials, especially for indictable offences and matters will have to be dealt with by the jury. I wish to support it with the exception of not allowing the accused person to know all the evidence that he has to meet at that very stage so that when he takes a lawyer, the lawyer gets all the statements from all the witnesses that are going to go to the trial before the jury, and that lawyer can prepare to meet all those witnesses in due time, rather than a seven-day period at the High Court trial, you give him some new evidence that he was not prepared for in this period of time. [Mr. Nandlall: Read the thing.] It is not just read the thing. You have to understand what we lawyers do at the criminal bar. I do not think you did so much work at the criminal bar. Please understand why it is that we have preliminary inquiries. It is to know the case that we have. So, please understand me.

With that, I support this Bill wholly. Please, Mr. Attorney... Not with any amendments that are going to come. When I saw it, apart from credible, which ought to be relevant, it is not fair for cross-examiners not to know what they will meet up at the trial. They must meet that at the committal stage so they can do their preparation long before. Thank you very much, Mr. Speaker. [Applause]

Mr. Speaker: Thank you very much, Hon. Member, Mr. Ramjattan. Hon. Members, let me apologise to the online persons following us because we have been having a lot of problems with the feed today and the ability of our members to sign in, and it continues to happen. So, we are still trying to fix that. Now for the Hon. Member Mr. Datadin.

Mr. Datadin: Good evening, Mr. Speaker. I wholeheartedly support the Criminal Law Procedure (Paper Committals) Bill, Bill No. 7 of 2024. Mr. Speaker, this is a significant milestone in the evolution of our judicial landscape. The Hon. Attorney General should be congratulated for taking our criminal justice system from ancient times into the modern world. The introduction of paper committals, Mr. Speaker, through this Bill, will not only bring a system in place, which the rest of the Commonwealth world has been doing for decades, but will, no doubt, bring a system to the administration of justice to Guyana which is most useful. If we are going to pursue justice, fairness and efficiency within our legal system, legislative reform is necessary. This particular legislative reform, Mr. Speaker, is a giant leap forward. It is a testament to the modernising of the judiciary and the judicial system, but it pays homage to the adage and to the remark that justice must not only be done promptly but it must be done efficiently. [Mr. Duncan: (Inaudible)] Hon.

Member, Mr. Duncan, it simply means if it is too fast, it might not be too good and if it is too good it might not be fast.

For those unfamiliar with paper committals, Mr. Speaker, if I may, in the current system of our judicial system, where we have preliminary inquiries conducted by the taking of oral evidence, the challenges that are faced are not only that of time. The challenges that are faced are that it is a burden on the service, the criminal justice system itself, to keep those records of pages upon pages, handwritten pages, I might add, of evidence. All of the witnesses that are to be called are going to have to come to court, they are going to have to give all of their evidence and then they are going to go through the process of cross-examination. The poor magistrate will sit there and will copiously have to write every word said. Not only does that slow the system down unnecessarily, but it means that those records have to be kept, obtained and typed, and then put into depositions and then you can get to a trial. For those of us at the criminal bar, Mr. Speaker, you would know that, upon the completion of a preliminary inquiry that is conducted orally, it will take not an act of Parliament but practically an act of God for you to have that record completed in time for the next session. It is physically impossible to be done. There are so many preliminary inquiries that are going on simultaneously for which you have to get all the exhibits and all the records, and you have to have all of that done and then put into a deposition for the high court trial.

Mr. Speaker, what paper committals do is take the documents themselves... Since the weight that could be attached to the evidence or the credibility of a witness could not be questioned at that stage, it is pointless to engage in lengthy cross-examination to find whether a witness is credible or not. It does not assist the defendant and it only delays the process. What has to be found is there must be sufficient evidence for you to go before a jury. The judicial system must provide for all of whatever it is the State will use against you to be provided to you for your defence. The Constitution, Mr. Speaker, by article 144(C), provides that every citizen is entitled to a fair trial within a reasonable time but also to the time and facilities in preparation for that trial. Time, meaning you must be given enough time to prepare your case. Facilities means you must know – and it has been adjudicated upon the courts of the Caribbean, this country, the Caribbean Court of Justice, the Courts of the Privy Council – what the evidence against you is. You must know the witnesses; you must know what the exhibits are; and you must have this in advance.

This Bill provides that since the test is one of sufficiency, what you have before the magistrate is sufficient evidence. The Hon. Member, Mr. Ramjattan, is advancing something that, at first blush, would appear to be a great concern. Essentially, what could happen is that only some of the evidence is disclosed to you and the defendant, the citizen, is committed to stand trial based on that, whilst, perhaps, other evidence, not disclosed to you, is then brought to the trial before the jury. Mr. Speaker, there are certain fundamental concerns with what the Hon. Member said. For those of us who actually practised at the criminal bar, the situation would be this: Firstly, the obligation to disclose all evidence in the possession of a prosecutor is absolute. If the evidence favours the defendant, the obligation and the threshold raise. It cannot be left out and brought later because that would be misfeasance or malfeasance, depending on whether you bring it against the State or the officer. But you cannot conceal that if you have it. Now, it would be known, at some stage, that the evidence exists, and the consequences will follow. Now, presumably, the only other situation that exists is if there is even more credible and further evidence that demonstrates that there is sufficiency and points more towards the “guilt” of the accused person that is all not brought to the court at the magistrate’s level and is brought to the court before the jury.

The Hon. Member, Mr. Ramjattan, would know, having been a prosecutor, that by the time the indictment is done, and the indictment is made by the director, the indictment must relate to a deposition. Following that indictment and deposition, that is what you go to trial on.

7.16 p.m.

From the time of the indictment, the defendant and the accused would be well aware of what is the evidence against him/her. He/she cannot be indicted upon evidence that does not form part of that deposition. It is not a *carte blanche* for the Director of Public Prosecutions and other prosecutors to ambush defendants at trial with evidence. It will not work. The indictment for those of us who actually practiced at the criminal bar would know that once the committal order is made, the Director will then have an obligation that the committal must take place and the indictment must be filed. One cannot hold a citizen, notwithstanding whatever order is made for that person’s committal, indefinitely without an indictment. One cannot hold for an unreasonably long time based on just that committal order. Now, the situations that would be envisaged, where the evidence might not be produced at the paper committal, may in many cases relate to reports, where post-mortem reports might not have been done. There might have been cases, I know, in relation

to matters related to poisoning and such, where it takes a much longer time for those reports and tests to be done. There could be other sufficient evidence that one could proceed on.

It is important to emphasise that this Bill seeks to say that one has to put enough and sufficient evidence before a Magistrate to obtain a committal. As said before, if there is conflicting evidence – if there is evidence that points to the innocence – and the prosecution has it, there is no way that could be held onto for any reason. The rules and provisions in relation to that are vastly different. If it is to further strengthen and emphasise that which is already there, it has to be disclosed by the time of the indictment, which will be long in advance of one actually being made to appear in a court before a Jury. Of course, if all else fails, the constitutional imperative applies. The trial could not fairly take place unless or in the face of a complaint of insufficient time – insufficient time within which to examine materials. Respectfully, it is not a *carte blanche* to do it. It only would apply to certain sorts of evidence which reinforces that which is already there. It does not apply if it points to the innocence. It could not apply if an indictment was proffered and that evidence is not yet part of the record.

This is not the first foray in Guyana with paper committals. The Criminal Law (Procedure) Act of 2008 attempted by an amendment to certain provisions of the Criminal Law (Procedure) Act, by section 71(1) a to introduce a regime by which paper committal could be done. The intention was that, in cases where it was requested, the Magistrate had the option of so doing. Regrettably, it did not work. It was well-intentioned but it did not work. It did not work because, in my humble opinion, it was misunderstood. Change, especially for judges and lawyers, is not popular and is not sought. Most lawyers and judges will tell one they like the familiar parts and the familiar roots. They know the rules; they know the cases; they know the procedures; and they would ideally like to continue that. As a result, though it was possible and was a right that a citizen had to have a paper committal, magistrates increasingly exercised their discretions in favour of oral hearings. In fact, unless I am mistaken, the Hon. Member, Ms. Chandan-Edmond, might have presided over the very first one that was done as a paper committal. I was a Prosecutor then.

This matter of 2008 and the conduct of the matters went all the way to the Caribbean Court of Justice (CCJ) in the case of Mr. Sugrim and the Attorney General, which I was involved with. Our complaint was simple. It takes too long for an oral preliminary inquiry to be heard. The Constitution guarantees a person a fair trial within a reasonable time. ‘Reasonable time’ should

mean what time is reasonable for one to conclude the hearings and get to the trial. It would not be done if it was going to be done orally, since, given the statements the defendant was objecting to nothing. Now, it got all the way to the Caribbean Court of Justice. Sadly, because of the intervening process of the pandemic, by the time the hearing occurred in the Caribbean Court of Justice, the oral preliminary inquiry had indeed been completed. The Court, however, did make a ruling that, in the interest of justice, whatever was the most efficient way of getting a preliminary inquiry done should be done. The argument is always the same. It is confusing and the Hon. Member, Mr. Ramjattan, perhaps assisted in that – in the argument about relevant evidence and admissible evidence.

It is *non sequitur* to say that all relevant evidence is admissible. The rules of admissibility are one set of rules. They are statutory mainly and, based on the common law, the rules that relate to relevance are entirely different. There are situations where relevant evidence is not admissible. For example, the evidence of a wife is not admissible against the husband and the wife cannot be compelled. It is relevant. The wife may have seen everything but the courts cannot compel her to say what she has seen. The basic thing about it is the determination that this Bill seeks to secure, which is sufficient evidence. This means a judicial officer – a Magistrate is going to sit and assess the statements of all the witnesses in the exhibits and come to a conclusion that there is sufficient evidence here. The elements of the offense are made out and there are good reasons that this person should stand trial before a Jury of his/her peers.

Efficiency in speed is assisted by paper committal. Paper committal significantly expedite the judicial process by reducing reliance on oral testimony at an early stage. One can move swiftly through. One does not have to find all the witnesses; one does not have to bring them; and one does not have to spend time in court. This also has the effect to reduce the burden on witnesses spending time sitting in courtrooms and court corridors; waiting to be called to give evidence; state their evidence; come back in two years to go through that same process and repeating it, when on the first occasion there was no reason they should have been made to do that. Their statements and what they said are usually identical to the written statements. Even if it was different, it would be an issue of credibility. Except for in exceptional cases, where the statements are withdrawn or recanted, the credibility is not to be considered in that court. There is the reduction of costs; the cost of time; obviously, the cost of the paperwork; the records; the recordkeeping; inconsistencies;

errors with oral testimonies; and written statements for which Lawyers and Magistrates spend days arguing over. It would not arise. There is accuracy because the record that is produced there is the record given to the defendant. The defendant, if it is that he/she goes before a Jury, is ascertained that is the same evidence, so he/she receives it then.

Now, there is a very great possibility that, as what happens in many cases the evidence is – pardon me for using the words – ‘flimsy evidence’ or evidence which really do not indicate much else other than a passing interest in a charge. In many cases, those matters could be weeded out at this stage because a judicial officer would have to consider, if there is evidence of all of the elements of the offense here or if there are proper defences. All of those things have to be considered. The introduction of paper committals through this Bill is forward thinking. It reforms our criminal justice system. It promises numerous benefits. It enhances the efficiency, fairness and effectiveness of our judicial system. The ultimate beneficiary is the public and the public’s trust will be earned, once the system moves as it is expected to move. It will mean that there are cases, as I said before, that would be weeded out. In itself, that reduces the burden. This is a pivotal change. It upholds the principles of justice and the rule of law. With those few words, I do, wholeheartedly, commend Bill No. 7 of 2024, the Criminal Law Procedure (Paper Committals) Bill to this House. [*Applause*]

Mr. Speaker: Thank you, very much, Hon. Member Mr. Datadin. Now for the Hon. Member, Ms. Geeta Chandan-Edmond.

Ms. Chandan-Edmond: Thank you, Mr. Speaker. I rise to make my contribution to Bill No. 7 of 2024, the Criminal Law Procedure (Paper Committals) Bill:

“A BILL Intituled AN ACT to provide for the abolition of preliminary inquiries; to provide for the procedure in respect of paper committal proceedings in criminal matters; and for matters connected thereto.”

As we have heard from the speakers before me, this Bill has 20 sections. Part I includes the preliminary section, Part II includes the procedure in paper committals and Part III deals with the general miscellaneous provisions. There are some aspects of the Bill that I would want to touch on but, my Hon. Colleague, Mr. Ramjattan, has touched on those aspects, so I will not go into that. As someone who has had the experience at the bench and continues at the level of the bar, for me, this Bill is extremely important.

7.31 p.m.

For decades, the backlog of cases has been with us. It has remained a perennial problem; a challenge not only to witnesses but to litigants and the entire judicial system. The preliminary inquiry (PI) has had its place in the jurisprudential process. Before I proceed, it is useful to remind us of all that the original purpose of committal proceedings was an act to filter – The Attorney General has mentioned this – to ensure that unfounded criminal charges were not pursued to trial and that there was reasonable insufficient evidence before the court. The rationale was that an accused person should not have to go through the expense and stress of a criminal trial in relation to charges that were wanton; misconceived for; obviously, other purposes. On this consideration, the preliminary inquiry was the method that gave effect to the aforementioned consideration. Committal proceedings have had a long common law history predating the creation of organised police forces and independent prosecution services. They date from a time when criminal complaints were brought by private citizens. I do not want to go into the history of how preliminary inquiry came about because, I think, the Attorney General did that. Most of us here have an understanding of that. As a practicing Attorney-at-Law, I can tell you that preliminary inquiry has had its legal place.

Over the years, the process has produced outcomes that have caused a bureaucratic mess. It has resulted in the abuse of the human rights of citizens. With that in mind, I hope to disabuse anyone of the notion – sometimes when you start speaking, Members of the House do not know which way you are going – that I am not against this Bill. I am fully in support of this Bill – fully, fully in support of this Bill. We have had citizens who have been declared innocent after spending maybe eight, nine, 10 or 12 years on remand. We know that there have been issues. The process has exacerbated the problem of overcrowding in the prison system and that is where my concern is. Overcrowded prison population appears not only to be common in Guyana but also in the Caribbean. This is not me throwing punches at anyone here or for any Member of the House to take personally. I am going to quote now what was stated by the Inter-American Development Bank's (IDB's) report. The Inter-American Development Bank conducted research between 2016 and 2019. It targeted several Caribbean territories, particularly, the Republic of Trinidad and Tobago, the Republic of Suriname, the Bahamas, Barbados, Jamaica and Guyana. The findings of

the study disclosed that prisons in those countries were overcrowded. For Guyana, in particular, this situation was associated with the lengthy incarceration periods before trial.

To reduce overcrowding, the Report proposed that the judicial system should place emphasis on the rehabilitation of inmates and cut back on pretrial detention. The World Bank's brief database disclosed that Guyana's current prison population, inclusive of pretrial detainees, stands at around 2,156. Taking this figure into context with consideration to the Lusignan's Holding Bay, which was not originally constructed as a full-fledged prison, the overall capacity should have been 1,323 prisoners. In March, 2016, 17 prisoners died at a prison unrest in a fire at the Camp Street Prison while another fire was set at the same facility one year after. The latter destroyed most of the structures in the prison compound. It is important to emphasise that a Commission of Inquiry (CoI) into the prison unrest later disclosed that the incidents could have been averted if overcrowding had been managed accordingly.

There should be no debate. We do have a problem here and we have had this problem. The key question is – will the end of preliminary inquiries result in the problem of overcrowding disappearing? I hope so, but we have to also be very realistic. My Friends on that side of the House must learn to embrace data-driven governance. The Government and the learned Attorney General have not, as far as my knowledge, commissioned any study that produce data which shows the definite correlation between the end of PI and prison overcrowding, which I believe is the primary concern of the Government. I have not been referred to a model that resembles any circumstance that tells us that there is deliberate or targeted policy-making that has been tried and proven. I am speaking here from a position of experience. I will vouch for my colleagues in the judicial system. They do try their best with the available resources, both human, material and otherwise. The crux of the matter remains. The problem – and we have seen it in the system – mainly has to do with the time it takes for cases to go through the system.

Despite legislation which compels the judiciary to produce decisions within a given period of time and sometimes there is undesirable pressure from some political quarters, the problem remains. It remains because of the shortage of Judges. I know Members would say that there have been recent appointments but I am coming to that. For years, the non-appointment of the Judicial Service Commission (JSC) for political reasons has produced a shortage in the system. It is well and good to lecture Magistrates and Judges about completing cases but when a backlog is before them, it is

almost inhumanely possible to read cases; check case logs; apply a judicial methodology; and render a decision that considers fairness, justice, evidence; and every other thing that they must consider in the matter. One cannot decide on committing someone to life in prison, for the sake of expediency or a sentence. No legal authority can decide, should decide or ought to decide whether someone is committed to prison or sentenced for the sake of expediency. There has to be careful consideration. The core question should be, will the abolition of PI – which I have said before that I totally support – solve our problems? While it is a good idea, we have to consider that our problems are part of a whole. The paper committals might address one part. The key part that should be considered is whether the lengthy PIs are the only reason for the backlog that has spanned for so many years. Immediately, I can point you to the United Nations’ (UN) Report. The Caribbean Justice states:

“... a needs assessment of the judicial system in nine countries.

Another important conclusion of the report is that in all jurisdictions the backlog of cases – particularly in the criminal division – is one of the most challenging issues. The reasons for the backlogs are multifaceted and include primarily the slow pace of investigations by police, inordinate delays in production of depositions, and lack of human and technological resources. The main consequence of the backlogs is a failure to “provid(e) accessible, fair and efficient justice for the people and states of the Caribbean Community.””

This Report here is not based on hearsay and it is not based on political consideration. It is based on a needs assessment; fact-base and data driven. The Report laments that change without any attempts to fix the system will not yield any major results. I would not question the Government’s motive on the matter. I believe and I have said this from the inception – they are well-intentioned but the method is flawed. This is consistent with the problem of their approach to governance. They tout change but they do not completely fix the system. We are not the enemies. We are not your enemies here. At the heart of the matter is the early resolution of matter. It is evident that the Government is of the view that the abolition of PI and early resolution of matter at the lower court will immediately kick in but this is not a given, Mr. Attorney General. We must recall that the judiciary needs to be properly staffed. It is not just at the level of the bench but at the supporting level – supporting staff – with the provision of appropriate technology and resources, *et cetera*.

The worth of the Bill has to be viewed in the larger context. We welcome the recent appointment of Judges but there needs to be much more. That is the point that I am making. We must recall that committal proceedings have been viewed as an important element in the right to a fair trial to ensure independent scrutiny of the evidence before an accused person faces trial. The importance, from the perspective of fair trial rights, has also been dependent on the basis that there are key mechanisms through which an accused person obtains disclosure of the prosecution case, *et cetera*. While we welcome this Bill as an attempt to deal with the problems associated with PI, the Government will be well-advised to consider the system as a whole and work to improve the other areas that are connected with the backlog, and the other problems in the system. I thank you. [Applause]

Mr. Speaker: Thank you very much, Hon. Member Ms. Chandan-Edmond. Now, it is time for the Hon. Minister of Education, Ms. Manickchand.

Ms. Manickchand: Thank you very much, Mr. Speaker. There are two truths we know: one, victims find that the system takes too long to address their matters; and two, accused people find that the system takes too long to deal with their matters. We know that. What is preliminary inquiry? We had a lot of legalese that came before us. It is really a preliminary hearing to determine whether there is enough evidence so a Judge can properly convict – having regard to the evidence. In Guyana, the way we did it up to now – except for sexual offences after 2010 – was to have a full hearing. The Magistrate would sit and call witnesses for the prosecution. They would be cross-examined – that is questioned by the defence. The Magistrate would write everything down. In 95% of the cases, the matters would be referred to the High Court for trial. This was a trial within a trial which is a long process. In most cases, it took very long and deterred persons from proceeding with their matters.

I will tell you a story of a girl that is true. The girl had just finished with high school and was living on the West Coast of Demerara. She came and did an interview for a job at a business place in Georgetown on a Saturday. She got through with her job on the Saturday and turned out for work on a Monday. On the Monday, she was promptly raped by the owner of that establishment. The owner was represented by an Attorney-at-Law who kept delaying the matter. If the record will show – the Attorney-at-Law was out of the country; the Attorney was in the High Court and the Attorney could not make the matter. For her, better did not come. That Attorney was recently

successful at his party's leadership quest, but for her better did not come. That is very common for victims of various types of crime. We heard just now from the Hon. Member, Ms. Chandan-Edmond, there was a fire in....

7.46 p.m.

Before I get there, the purpose of having a relook at this is to prevent persons – both the victims and the accused – from waiting an extraordinary long time and the natural consequences that would flow from that, one of which would be the overcrowding of the prisons. The Hon. Member read from a Report that gave her, her government and her party in government statistics. The Hon. Member said there was a dastardly and deadly fire in 2017. Unfortunately, nothing was done by that party in government to change any of the statistics. While there are many things that must happen to change a system, particularly a criminal justice system, it has to start with the law. There is no magic in that. There was a sit around the table to start with a law that will make sense and then try to implement that. The previous Government did not even find it necessary to do that. I cannot think of a single piece of legislation they passed that is being implemented now that has changed the lives of this country. There was the tax measure to remove taxes from drones to shy paddy. I am not sure how far that went, but that was the sort of measure we saw by the A Partnership for National Unity and Alliance For Change (APNU/AFC). It was nothing solid.

After we had case after case after case where victims were withdrawing from the process and accused persons were either incarcerated for lengthy periods or being unfairly treated, by using statistics and using people's experiences, we had a relook at how we could change preliminary inquiries from *viva voce* evidence, that is giving oral evidence in the court, to making it easier and using paper committals. We went to the country with a document called *Stamp it Out* that was actually printed by the Hon. Member, Ms. Catherine Hughes, which evidenced the fact that those claims where we never used to give work to people who were from the Opposition were always untrue. This document was the product of a contract with a Member of the Opposition for printing it and it was well done. A preliminary inquiry is one of the main causes of the low conviction rate of sexual offences. Once the accused has been charged, the preliminary inquiry is supposed to be a short initial hearing before a Magistrate decides whether there is a sufficient case to go to the High Court for trial. The threshold is supposed to be very low. If a reasonable Jury could possibly convict on the evidence, the case must go to trial. The Magistrate cannot make any decisions about

the facts of the case, so the credibility of witnesses cannot be judged. Mr. Ramjattan has left the dome it appears. This means that in other...

Mr. Speaker: The Hon. Member asked to be excused.

Ms. Manickchand: That is fine, Sir. ...countries, the vast majority of cases would get past the preliminary inquiry stage. For example, in the United Kingdom (UK) before oral preliminary inquiries – that is the one we are doing now – were abolished, 90% of the cases would go to court for trial. Despite this, in Guyana, the oral preliminary inquiry stage frequently lasts for several years – such as the girl who I told you about – with all witnesses called and intensively cross examined by the defence. The whole trial is then played out again in the High Court. From 2000 to 2004, more than three quarters of the sexual offence cases did not make it through the preliminary inquiry process to even begin the High Court trial because of the harassment. I had mentioned in that one example. The purpose of the oral PI was thought to let the defendant know the case was against him or her, and to weed out weak cases. However, oral PIs are not necessary to achieve either of these aims, have never existed and have been abolished in many countries. As the English Judge, Lord Devlin, stated that what emerges at the end of the PI ceremony is a bundle of statements which could just as easily have been handed over to the defence at the beginning. In rare cases where it is contended that there is no case fit for trial, the point could be determined by a Judge or a Magistrate on these written materials.

A Chief Justice in Australia described the oral PI as a complete waste of time. The same information can be provided to the defendant in written form, and the police and prosecutors with limited resources would have already weeded out many of the weak cases that do not have much hope for conviction. Cases are not falling away at the PI stage in Guyana because they are weak. Strong prosecution cases disintegrate due to the long delays. As witnesses move away or lose touch, memories fade and the victim is repeatedly called to the court only for the case to be adjourned or intensively cross-examined, knowing that the whole process will be repeated at a High Court and may decide that he or she cannot continue with the case. Where the victim is a child the trauma of the process is even greater. Moving to paper committals instead of oral preliminary inquiries will address these issues and free up much of the Magistrate Court's time, which is badly needed to deal with other matters and reduce the backlog of cases. These cost and efficiency savings have led to reforms in other countries. It is also recognised that in the Justice

Sector Reform Strategy the procedure must be streamlined. The legislation will introduce a system of paper committals for sexual offence cases. I am reading here from that stamped out document.

Paper committals have now replaced oral PIs in England and most of the Commonwealth Caribbean have moved to paper committals including Antigua & Barbuda, Barbados, Dominica, Grenada, Jamaica and The Republic of Trinidad and Tobago. The prosecution will give a bundle of written evidence to the defence seven days before the hearing is to be held before a Magistrate. At the hearing, only the Prosecutor and the defence and/or the defendant's Lawyer need to attend. In this case, the Magistrate will not read or assess the evidence at all because, in the vast majority of cases, the prosecution and defence should be able to agree that there is a sufficient case to go to trial. If the defendant has no lawyer or if the defendant makes a no case submission, then the Magistrate will hold a limited hearing for the purpose of determining whether there is enough evidence. The Magistrate will be required to give reasons for his or her decision that will be entered into the record of proceedings and it is that record that will proceed. That paper resulted in the Sexual Offences Act 2010 amended by Act No. 7 of 2013. Section 43 of that Act prescribes for the abolition of oral preliminary inquiries and lays out in Schedule one, almost verbatim, the Bill that we are passing here today.

Guyana, as you heard from the Attorney General, had, in 2008, introduced paper committals. It never worked. We introduced it again in 2010 through the Sexual Offences Act. That has been the only thing that has been used from 2010 to now and it has worked. The data shows that it has worked. My learned Friend over there said that we do not study what we do. We do not use data to determine how we should make our policies or how we should make our law. The Hon. Member relied on the fact that she is a practising Lawyer. The Hon. Member may be interested in Justice Bulkan's, the Court of Appeal Judge who was reported at 96 West Indian Report (WIR) at page 424 in the Director of Public Prosecutions (DPP) versus Bacchus. This is what he had to say; he said:

“34 Having regard, therefore, to all of this, the Sexual Offences Act can be viewed as an exceptional piece of legislation that represented a genuine and thoughtful effort to respond to weaknesses in the criminal justice system. It was the product of considered consultation and expert advice. It received unanimous support in the National Assembly which, I might add, is a rare thing, and it was an effort at reform of criminal practice that many other

jurisdictions have long enacted. It can also be seen as ensuring compliance with our own international commitments.”

That was one judge who spoke on this issue. The Hon. Member stood in this House as a Member of Parliament (MP) and an Attorney-at-Law who held a very senior position in the last Government and said that nothing was done when we found out our problems is billow in the wind. That Hon. Member had all the information she now has when she was in a place that she could have make changes and absolutely nothing was done – absolutely nothing was done.

We are here today passing a law that has to be implemented. As any other law that has to be implemented, there is going to be a period of trial and error and the Hon. Member, Mr. Khemraj Ramjattan, said it. The Hon. Member said that this is going to be tested. It is going to be tried and it is going to be tested as what happened in the DPP versus Ray Bacchus. What happened here was that Mr. Ray Bacchus was charged for having sex with a child under 16. It went before Magistrate Sherdel Isaacs-Marcus and she did as was mandated by the Court and by the law. Magistrate Sherdel Isaacs-Marcus held a preliminary inquiry and referred him for trial. Through his Attorney, he then went to the High Court. He said that the preliminary inquiry, because it was just paper based and it did not allow his Lawyer to cross examine witnesses, was a breach of his rights under the Constitution to a fair trial. The High Court heard that through Justice Chang and he actually upheld those submissions. He said while there is no constitutional right to a preliminary inquiry, once a hearing was going to be done, the defendant had a right to cross examine. Sorry, Sir. *[Interruption]*

Mr. Speaker: Hon. Member, just give us a minute. We want to ask the Minister Parliamentary Affairs and Governance and Government Chief Whip to move that we continue our business for today until it is completed.

Suspension of Standing Orders No. 10

BE IT RESOLVED:

“That Standing Order No. 10 be suspended so that the Assembly may continue to complete the Order Paper.”

*[Minister Parliamentary Affairs and Governance
and Government Chief Whip.]*

Ms. Teixeira: Thank you very much, Mr. Speaker. Under Standing Orders, I believe it is Standing Order 10. We would like to ask that the House continue to complete the Order Paper until we conclude this evening.

Question put and agreed to.

Standing Order suspended.

Mr. Speaker: You may continue, Minister.

Ms. Manickchand: The High Court ruled that Mr. Bacchus's rights had been breached because he ought to have been allowed to cross examine at the preliminary inquiry as the country had become accustomed to for all the time that we had been practicing in the Criminal Justice System. The DPP appealed that matter and it went to the Court of Appeal. Unanimously, all the Judges there, Justice Yonette Cummings-Edwards, Justice Arif Bulkan and Justice Roxane George, ruled that the High Court was wrong and that the defendant, in this case, Mr. Ray Bacchus, was not being denied any rights because while he could not cross examine at the preliminary inquiry stage, he would be allowed to cross examine to his heart's content at the High Court, so no rights were being breached. They were very clear. In fact, again Justice Bulkan stated:

“...progressive societies are expected to continually explore and implement new and better ways of doing things. We cannot be held hostage to the antiquated procedures from centuries ago. Courts and, more importantly, legislators are constantly looking on improving the delivery of justice. It is against that context that the Sexual Offences Act must also be viewed.”

8.01 p.m.

They looked at the Act as a whole and what it was intended to do. There was a procedural point that they all found the same way. They all came down the same way that the general good that this section of the Act was aimed at, to reduce backlog, to make sure that the trauma that victims go through with the repeated hearings in the lower court and then the higher court, that outweighed

any kind of comfort we had from the preliminary inquiries (PIs) that we had become accustomed to. They were very clear that... In fact, Justice Cummings went on to say:

“Even if the Sexual Offences Act infringed the constitutional right of an accused the objective which it is designed to achieve is of sufficient importance to warrant it overriding the constitutionally protected right.”

of the complainant. Justice George said this:

“The paper committal provisions are to assist in safeguarding the rights of victims, not to have to go through the trauma of telling their stories repeatedly. The paper committal system also allows for both accused and victims to have trials conducted in a more timely manner with less delays. This is now especially the case in the county of Demerara where a dedicated Sexual Offences Court has been established. The paper committal system for the conduct of these cases results in better compliance with art 144 which mandates...”

a fair trial for defendants and accused persons. In other words, this is going to be hard; this is going to be uncomfortable. It probably is going to be tested; I am not sure, given that we have had this since 2010 in the Sexual Offences Act. The greater good here is that we will have less delays, we will have less backlogs, we will have less trauma for victims of different types of crimes, and we will have a speedier move through the system. For those reasons alone, I encourage everyone in here to support this Bill and vote in favour of its passage tonight. Two points were raised by Mr. Ramjattan. I want to put on record that the Act as we see it now has timelines. Those timelines were not accidental. In the whole structure and architecture of what we are trying to do in the criminal justice system and the justice system, and not only the criminal justice system but with the new civil procedure rules, with the new family rules – new being relative terms – with this new process here, it is to streamline and bring speedy resolution, speedy also being relative, to matters before the court.

I am noting specifically clauses 6 and 7 of the Bill where there are timelines given. Forty-five days after a person is charged, they must have these statements. Forty-five days after that, responses must be given. Those are deliberate attempts by all of us in this House, and I hope that is how it is seen by the people who will implement this as an Act – the court, as well as the police and defence lawyers. It is deliberately outlined here, specific numbers of days, so that we could get past the

lengthy ‘Counsel is in the High Court’, ‘Counsel has left the country’, ‘Counsel is in the Court of Appeal’, some of which is not always true. You hear those things and you see them walking on the road sometimes. This is deliberately set out this way so that we could make sure these matters are heard expeditiously, to the benefit of the victims and defendants also. I do note that clause 7 (4) has an exception that states:

“The court may for good reason extend the time for filing and service of evidence on the part of either party pursuant to subsection 3 and 4”.

I want to put on record here, because I know sometimes the *Hansard* is used to interpret what we meant, that this was meant to be observed as an exception and not as a breach. I hope that Prosecutors and defendants are not going to be using this particular section more than any other, coming to the courts to ask for extensions of time, because it is our intention here that it is to be used in rare circumstances where parties really cannot make the 45-day timeline. It is not to be used in the breach, where this is the section that everyone relies on and knows out of their heads because they are asking for that. Additionally, Mr. Ramjattan raised the issue of the amendment that the Hon. Attorney General and Minister of Legal Affairs is going to lay before the House that removes the word “all”. I want to assure him and say that it is not our intention in this House to hide any evidence and we cannot. The prosecution cannot hide any evidence from the defence or *vice versa*. Mr. Datadin went into why. It simply would not be allowed.

What this section is intended to do is cure what is happening now. The Sexual Offences Act says that evidence must be laid by a specific time and all the evidence... What is happening is, if prosecutions ask the High Court to allow evidence that was not laid, that request, that application, is being used to the detriment of victims and complainants. This here will allow us to cure that. It is, again, to be used in the rare circumstances where evidence is discovered afterwards or, as Mr. Datadin said, a test went for something and did not come back in time; but, otherwise, there is a sufficient case and there is no need to wait until those come back. I understand the concern but the idea here and the intent is not to hide any evidence or to say we will just spring it on you when you get to the High Court. It is to say that in the event that something was not picked up, especially in cases with children, where a child says something, a video is made for example, that video was not discovered at the time that all of this was happening and it was discovered later on, you would be able to use that as evidence, if it is admissible of course.

This is more to cure something that from experience, from 2010 to now, we have seen the effusive effort to say, all evidence must be laid. Given our weaknesses in investigation, policing, and all of that, that has caused problems and has interfered with the delivery of justice. What Mr. Nandlall is going to move later on this afternoon, that provision will be to cure that possibly happening again. With those few words, Mr. Speaker, I wish to commend the Criminal Law Procedure (Paper Committals) Bill, Bill No. 7/2024 for passage in this House. [Applause]

Mr. Speaker: Thank you, Hon. Minister, Ms. Manickchand. We will have the Hon. Attorney General and Minister of Legal Affairs closing the contributions to this Bill.

Mr. Nandlall [replying]: Thank you, Mr. Speaker. I said several times in the course of my... First of all, sorry, permit me to thank my colleague Minister, Ms. Manickchand, for an excellent presentation on the Bill, and to thank also the Hon. Member, Mr. Khemraj Ramjattan, the Hon. Member, Mr. Sanjeev Datadin, and the Hon. Member, Ms. Geeta Chandan-Edmond for their outstanding presentations. I did say during the course of my presentation several times that newness and anything that is innovative attracts suspicion, attracts challenge, or challenges, and attracts criticisms. So it was when we enacted the Sexual Offences Bill, quite apart from the paper committal component of the Bill; the Bill was revolutionary in many respects. It abolished many of the archaic rules – evidential and otherwise – in relation to sexual offences.

In sexual offences it is difficult to get a conviction if you do not have the virtual complainant's (VC) testimony being corroborated. It is difficult to get a conviction if the virtual complainant did not make her complaint early. Many evidential issues that were attendant to sexual offences were removed. It was the first time in the history of our legal system that a witness, in this case a virtual complainant, would have been testifying in the absence, not in the absence but not in the physical presence of an accused. This was the first time this ever happened. We had to construct a new court. That did not sit easily with our population. There were challenges, as we heard. Our courts have – not our courts alone but courts across the globe – dealt with those challenges and dismissed them. You heard Justice Bulkan speaking about an evolving society and that we simply cannot be doing the same thing for 100 years and expect a different result. [An Hon. Member:

(Inaudible)] What happen to your elections? How did a man come from nowhere and hijack the whole elections? Let us get back to the Bill. For forty-eight hundred dollars *a man buy de whole Party*.

When the paper committal was introduced, because it abolished the right to cross-examine, it abolished oral testimony under oath, it deprived the magistrate from the benefit of observing the demeanour of the witness and witnesses so that the magistrate can make an opinion on whether the witness is telling the truth or not, all those things were removed. They were viewed at the time as being invasive and offensive to the right of a fair trial. The courts of the region and the courts across the Commonwealth, frontally dealt with those matters and said very emphatically, and in unison, that those changes did not affect a right to a fair trial.

I come to the objection raised by the Hon. Member, Mr. Khemraj Ramjattan because he is in that very mould of being suspicious of change and not being willing to approach the amendments with an open mind. We have heard over and over again that the purpose of the preliminary inquiry is not to determine guilt or innocence of the accused person, but simply to determine whether a *prima facie* case has been established for the person to stand trial. If that is the conceptual and only purpose of the preliminary inquiry, then why must there be a duty to lead evidence that is over and above that which is required to establish a *prima facie* case. If the only test is to determine whether a *prima facie* case exists, why are we required to lead evidence over and above that test? It does not make sense.

8.16 p.m.

That is why all that is required in every other country in the Commonwealth including England, since 1967, is that you lead sufficient evidence, and that is why the test is called the sufficiency of evidence test, sufficient evidence to establish a *prima facie* case. You do not take a sledgehammer to kill an ant or a fly, that is the principle. Unfortunately, our law required or requires, because it is still the law, the prosecution to lead all the evidence. It is onerous, it is unnecessary, and it is not required. That is why we have changed that position now to bring it in keeping with the rest of the Caribbean. I challenge my learned friend – he is not here – to find a jurisdiction in the Caribbean that has a requirement which compels a prosecution to lead all the evidence at the preliminary inquiry. Such a provision does not exist; it does not make sense. That was the common law position. We kept it in Guyana, unfortunately, and now we are changing it to bring the law in conformity with the rest of the world. That is why clause 20 of the Bill states this:

“Any person whose statement, deposition, document or exhibit was not tendered in evidence by the prosecutor or the accused during a paper committal may give that evidence at the trial of the accused person.”

Right here the foundation is laid to lead evidence at a trial that was not led at the paper committal stage. Whether it was available or not is immaterial. A prosecutor exercising their deliberate judgement can make a judgement call – if I have enough evidence to put in the PI for a paper committal, I will put that, I do not have to lead all. Clause 20(2) of the Bill states,

“A party seeking to adduce...”

such

“...evidence...”

Let me pause. It applies also to the defence so if there is any belief that it is lopsided or one-sided, it is not so. It applies both to the defence and to the prosecution. That is why clause 20(2) is phrased the way that it is.

“A party...”

Meaning prosecutor or defence.

“...seeking to adduce...”

such

“...evidence...”

Meaning the evidence that you have not adduced at the PI by paper committal.

“...shall serve the evidence, in the form of a statement, deposition or document which would be admissible under this Part, on the other party to the proceedings seven days before the date on which –

(a) the witness will give evidence at the trial; or

(b) the contents of the statement, deposition or other document will be entered into evidence.”

You have seven days to give notice, serve the document, the statement at the trial of the witness that you intend to bring. There is a judge who controls the process. If the judge believes that the defence requires more time or the prosecution requires more time in respect of the days, then the judge will have the power to extend it; but a minimum of seven days’ notice must be given. What is wrong with that? That is the position all over the world. So, Mr. Speaker, Mr. Ramjattan is causing unnecessary pandemonium with his objections.

Mr. Speaker, I come now to the Hon. Member Ms. Geeta Chandan-Edmond. Ms. Chandan-Edmond chose to take the position of commenting on everything that is wrong with the... While she supports the Bill she then went on a panoramic, critical examination of the entire legal system of the country and said, why are you not fixing all of this? That was the approach. Not very sensible, not very constructive, and critical only for criticism’s sake. That does not lend anything to the debate Madam, Hon. Member. It does not lend anything to the debate. You supported the Bill, and you should have stopped there. The Hon. Member may not have been a minister of the previous Government, but she was very much part of the Government, in the very nucleus at the epicentre of executive power, ensconced in the Office of the President, very closely proximate to the then powerful Minister of State. So, I presume that she had access to the polls of power, but she was unable to cite a single recommendation that she may have made having known of all the ills which afflicted the system, which she recited for us. She was a former magistrate, so she knows of the issues that she is speaking about, but she could not cite one single recommendation or initiative... [Mr. Ramson: Or advice.] ...or advice that she tendered to cure all the deficiencies that she regaled us about. Worst, she was unable to cite, after five years in government, a single measure by that Government, the Attorney General at the time, to fix any of the problems that she referred to – not one.

Mr. Speaker, we inherited a loan programme that was being administered by the previous Government, a support for the criminal justice project. It was about to be shut down, and we took it over for the lack of action; there was paralysis. It was suffering from paralysis and we activated it into action. I have a series of Bills, all dedicated to improving the legal system of this country, most of them coming from that initiative. I have excluded the non-legal Bills. Let me put them on

the record for your information, the Criminal Procedure (Plea Discussion, Plea Agreement, and Assistance Agreement) Bill, the Family Violence Bill, the Bail Bill, the Sexual Offences (Amendment) Bill that is going on now, the Restorative Justice Bill, the Alternative Sentence Bill, an Evidence Bill that is being worked on, a Judge Alone Trial Bill, the Matrimonial Causes (Amendment) Bill, the Reciprocal Judgment Bill, the Arbitration Bill, the Intoxicating Liquor Licensing (Amendment) Bill, the amendment of the Motor Vehicles and Road Traffic Act Bill, the Deeds Registry (Amendment) Bill, the Powers of Attorney (Amendment) Bill, the Civil Law of Guyana (Amendment) Bill, the Summary Jurisdiction (Offences) (Amendment) Bill, a Harassment Bill will soon come, a Firearms Bill will soon come, the Adoption of Children (Amendment) Bill and the Combatting of Trafficking in Persons Bill. Do you want me to continue? All of that from 2020 to now, all dedicated to addressing the legal efficiency or deficiency in the system. We appointed ten judges, the largest number of judges ever appointed in the history of the English Commonwealth. All of that. So when it comes to performance, when it comes to delivery, you cannot compare the two.

There is another point that Hon. Mr. Ramjattan made which I just recalled, and I must correct it for the record. Mr. Ramjattan does not appreciate the difference. He says that all relevant evidence is admissible. Now all relevant evidence generally is admissible unless it is excluded by one of the exclusionary rules of evidence. Relevance is the North Star for admissibility, so relevant evidence will be admissible. However, there is relevant evidence that is rendered inadmissible by exclusionary rules of evidence. For example, you may have something very probative to say, very relevant, but because it constitutes inadmissible hearsay it is not admissible **[Mr. Ramson: Because you can have admissible hearsay.]** You can have, as my friend is saying, admissible hearsay. Confession statement is admissible hearsay and, obviously, it is relevant, but not all relevant evidence is admissible. So Hon. Mr. Ramjattan, with all the years of experience that he spoke about, in particular at the criminal bar, that rudimentary principle eluded him, that elementary principle.

Mr. Speaker, with those few remarks I commend this Bill for passage, and I have some amendments that I will move at the appropriate time. Thank you very much.

Mr. Speaker: Thank you very much, Attorney General. That concludes our contributions to the Bill. Now I put the question that the Criminal Law Procedure (Paper Committals) Bill, Bill No. 7/2024, be read a second time.

Question put and carried.

Bill read a second time.

Assembly in Committee.

Clauses 1 to 6

Clauses 1 to 6 agreed to and ordered to stand part of the Bill.

Clause 7

Mr. Nandlall: Thank you very much, Sir. With your leave, I move that clause 7 be amended as follows:

In subsection 1 by substituting for the word “credible” the word ‘relevant’; and in subsections 2 and 3 by deleting the word “all” wherever the word appears.

Amendment put and carried.

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

Clauses 8 to 26

Clauses 8 to 26 agreed to and ordered to stand part of the Bill.

Assembly resumed.

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

8.31 p.m.

Mr. Speaker: Hon. Members, we will now move to the Motor Vehicles and Road Traffic (Amendment) Bill 2024 – Bill No. 9/2024 published on 15th May, 2024.

Motor Vehicles and Road Traffic (Amendment) Bill 2024 – Bill No. 9/2024

“A Bill intituled:

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

[Minister of Home Affairs]

Mr. Benn: Thank you, Mr. Speaker and Hon. Members. I rise to move that the Motor Vehicles and Road Traffic (Amendment) Bill 2024 – Bill No. 9/2024 published on 15th May, 2024 be now read a second time.

Mr. Speaker, we have noted generally, and I think admitted on all sides, the growth and development of our country. Along with this growth and development of our country, along with the investment in roads, along with the increase in vehicles on the road, we still struggle with road traffic incidents and deaths. To put it in some context, I have to note that the United Nations and the International Road Federation (IRF) have promulgated the decade of Road Traffic Safety, and that from 2021 to 2030 there should be a reduction, by half, of road deaths across the world. That is the intention in terms of promulgating the decade of action in respect of road traffic safety and the resorts to make improvements and to protect not only deaths in itself, but also injuries resulting therefrom. If I could just go to 2020, in terms of our road traffic deaths, we had a spike of 139 road deaths in 2020, of which nine were children. In 2021 and 2022, our deaths reduced dramatically against 2020 to 99 deaths for those two years. Then 2023 was a very difficult year; it was a bad year. In 2023, we had 175 deaths, of which six were children. Year to date, our road deaths are 57, of which two are children; and that is year to date, up to June. While we talk about these reductions – the reduction from this year to last year, on a year-to-date basis, is 26% – we are, understandably too, very worried about the situation, and we have been working fairly hard to bring the situation under better control for this year and going forward into the next years.

Previously, we have had the ‘Arrive Alive’ programme/projects to bring greater public awareness to the question of road accidents and deaths. We now have an initiative called, ‘Respect the Road’ with prominent billboards and awareness sessions, and ‘White Nights’. We are working on a new initiative because we figured that a big part of the problem is that adults, and many of them young adults, are not doing the right thing in respect of road traffic behaviour, use of the roads, greater awareness, and providing better examples in respect of the problem. We note that one of the reasons which has been driving up our road traffic accidents and deaths, in spite of the increase in

road infrastructure, bridges, and efforts at putting in place more road traffic signs, working with the Guyana Road Safety Association, trying to get social media more enthused in the matter, and other forms of media and, also, trying to get the private sector more involved, while there have been some progress along that way, we are still working on trying to get insurance companies, the companies which sell motor vehicles spares and parts to get more involved in the direction of helping to support the effort to reduce road deaths and road traffic accidents.

One thing we have to note, and it is visible... I have to note that the Hon. Attorney General and Minister of Legal Affairs did say a few days ago that the whole country is a construction site. It is evident in the number of trucks on the road fetching construction materials and in the number and type of different construction vehicles dedicated to building things and moving things. We note, too, the increase, totally, in the number of various types/means of transport on the roads. If I talk about lorries, we had 1,422 lorries on the road in 2020. Today, we have 3,606 lorries, an increase by over 120%. That is more than double. In terms of minibuses, in 2020, we had 533 registered operating. In 2023, we have 1,456, a 300% increase. In terms of pickups, we had 434 pickups registered and working. In 2023, we had 1,563 operating on our roads. If we are talking about direct production units, tractors registered and perhaps not all, we had 273 in 2020. We had a double of 588 in 2023. If we talk about vans which carry goods and things for small commerce and other issues, we had 157 in 2020, and we now have 340, a doubling. In spite of more roads, more efforts and so on, we have a dramatic increase in the number of vehicles of all types on the road. I have not gone to specific construction equipment, excavators and so on.

Looking back at 2020, and the years beyond, when the numbers were dramatically low in 2015–2019 and 2020, how come we had this dramatic improvement in economic activity in more and more people owning vehicles, cars? How have we basically moved from a minibus transport-type economy for personal movement of persons to where there is a much greater increase of personal cars, people owning cars and for all aspects of business endeavours? Where and why did this dramatic improvement happen from 2020 to now? More than a doubling. I would posit that it is the policy that the PPP/C Government has put in place over these years that has given the impetus and the confidence over these years, which are now reflected in the statistics that we see.

I have to say that even though for some years we have seen improvements – and I am not looking at 2021 and 2022 – we had less than 100. For the first time since 2009, in spite of an increased

number of vehicles on the road, even at that time, in terms of statistics, it is actually lower – in terms of the impacts, in terms of the vehicle miles being travelled, in terms of utilisation and the total effort, it is actually lower. In terms of vehicle miles, in terms of number of vehicles on the roads, it is actually lower. It is nuanced in the statistics. We continue to say that we have a problem. We continue to say that the loss of lives on the roads are grievous; that the persons who are usually impacted are young men between the ages of 14 to 30. Our statistics show that those are the ones which are severely impacted by deaths and injuries. We note the increases in motorcycles of all types on the road. We note the recklessness in terms of some users. In spite of our efforts of giving out free helmets, in spite of the efforts of the police and others giving road safety talks at schools and at social gatherings, we still have a problem, but we are committed to the global effort to halving the number of road deaths in our country by 2030, which is the UN decade in relation to action in respect of road deaths and injuries.

If we look at our risks, if we look at our immediate response that we have been making, we note the difficulties in relation to the human aspects of managing, of policing on the roads. We acknowledge that there is rogue behaviour at various times. We acknowledge that at various times there are charges of ‘*leff*’ or ‘write’. We look and we note the questions of integrity. We have taken the position, overall, that we will bring in – impose, as it may be considered an imposition of bringing in – technology which will remove the bias, perceived or not, in respect of the police and persons working on the roads.

8.46 p.m.

So, there is the removal of bias and the improvement of integrity. There is the question of bringing in body cameras too, in terms of our work on the roads and engagements. We looked at these measures. One of the big issues that we have is speeding on the roads. Speeding, according to the international road traffic experts, is a particular issue beyond the speed limits. Speeding in our statistics, when we talk about accidents, relates to more than 75% of accidents on our roads. There are also issues of impaired driving and driving while distracted, whether it is on the cell phone, texting, titillating or whatever people do with cell phones these days while driving. Particularly, what we do not see properly in the statistics is the question of driving while under the influence – either of alcohol or drugs. So, we know that with the removal of bias and the further encouragement

for the use of seat belts, we would be able to make a dramatic improvement in the question of road traffic accidents and safety on the roads.

While we have put in place new roads and highways, such as the Heroes Highway and the interlinking roads in communities, many more communities have roads which were never there or properly maintained. We still have the problem of speeding. We have the problem of people seeing the open road. We have the problem particularly on weekends where people are drinking and driving. The resort is the amendments to the Motor Vehicles and Road Traffic Act. Having the amendments which we are speaking to now, will allow us to have the technological interface to help bring better control of the situation. We have this document here – this Bill. It is intended to put in place an intelligent electronic road interface system. It will be an electronic system which will allow for the capture of those who are careless, delinquent or really do not care at all, perhaps, in respect of the matter. We believe, again, that the amendments proposed to the principal Motor Vehicles and Road Traffic Act will go a long way towards improving the situation and helping to rebuild the public’s trust and confidence in respect of what we do in this particularly difficult area. If I go to Part VIB, the requirement at clause 45.G (1) states:

“The Minister may in various locations of public roads...”

...that is declared public roads...

“...install an electronic system consisting of –

(a) cameras to capture photographic images and videos of vehicles and persons in vehicles; and

(b) radars to detect the speed of vehicles.

(2) Data captured by the system shall be automatically stored in a specific database established and controlled by the NDMA for that purpose.

(3) Notwithstanding any other law, data stored in the database shall be accessible by a member of the Police Force, assigned under [specific subsection], by a web application established by the NDMA and may be used as evidence to charge persons for the commission of offences to which this Part applies and to prosecute the persons charged.

(4) The Traffic Chief shall assign members of the Police Force who shall access the database.

(5) The NDMA shall give every Magistrates' Court access to the database by web application and provide a facility in the system for payment in lieu of prosecution to be made at a Magistrate's Court in the magisterial district in which the offence was committed.”

The offences relate to speeding, the improper use or non-wearing of seatbelts, offences against section 34, 45D and 45E. 45.H (2) states:

“The Minister may by Order amend this section to add other offences to subsection (1).”

As we go forward, further amendments can be made by the Minister to add other issues in respect of promoting safety on the roads beyond speeding and the use of seatbelts. So, this is the first resort which we are working on. In respect of the procedure, under the Summary Jurisdiction (Procedure) Act, if a member of the police force:

“...finds a camera has captured a photographic image or video recording of a motor vehicle driven by a person which discloses that an offence to which this section applies has been committed by the person, the member of the Police Force shall –

(a) send a Short Message Service (SMS)...to the mobile phone of registered owner of the vehicle, informing that owner of the commission of the offence and of an electronic notice to be served on him by email;”

This resort will be new here but for those of us who had the opportunity to travel in other jurisdictions overseas are aware of the presence of this type of system. It is well-tried; it is true and trusted in those jurisdictions; and it will be no less here in Guyana on our declared public roads. At 45I (b) it states that the police shall:

“serve on the registered owner, by email, the electronic notice –

(i) charging that owner with the commission of the offence; and

- (ii) notifying that owner that a complaint has been made against him in respect of the said offence at the Magistrates' Court;”

I note that at (b) we have three sub-paragraphs. The notification should be (ii) and then the next one is (iii):

“(iii) requiring that owner to appear at the Magistrates Court specified in the notice on the day and at the hour stated in the notice to answer the said complaint.”

Of course, clause 45.I (2) states for the purpose of any proceeding to be taken in court for any offence, they would be deemed liable for the offence. Clause 45I (3) states:

“If the registered owner at the time of entering his [or her] plea at the hearing of the offence alleges that he [or she] was not the driver of the vehicle at the time when the alleged offence was committed the court may cause a summons to be issued to the person who is alleged by the registered owner to have been the driver or the person in charge making him a co-defendant in the proceedings and the court may after hearing the evidence and witnesses, if any, of all parties make such order as to the payment of any fine and costs as to the court may seem just.

(4) A person upon whom a member of the Police Force has served a notice under subsection (1)(b) may, in lieu of being prosecuted for the alleged offence, pay to the clerk of Magistrates' Court specified in the notice, within seven days from the date of service of the notice, such penalty as prescribed for the offence under section 8(2) and (3) of the Summary Jurisdiction (Procedure) Act and by the Minor Offences (Penalties) Order made under section 8(2) and (3).

(5) Where the owner is not the driver of the vehicle, the owner shall be responsible for ensuring the payment of the penalty stipulated in the electronic notice served under this Part.

(6) A printed copy of the electronic notice will be posted by registered mail to the owner after the electronic notice has been served.

(7) The electronic notice shall state the date on which the alleged offender is required to appear at court which date shall be at least fourteen days after the date the notice was served by email.

(8) Where there is more than one owner of the motor vehicle referred to in subsection 45(I), the owners shall be jointly responsible for ensuring the payment of the penalty.

(9) Where an owner pays a penalty under this Part, the owner may recover the sums paid from the person who was driving the motor vehicle at the time the photographic image or video recording referred to in subsection (1) was captured.

(10) The electronic notice shall be in the form set out in the Third Schedule.”

At clause 45J (1) states:

“Service by email of notice shall be deemed effective on the date shown in the email or, if the email shows that the notice was served after 4 p.m., service shall be deemed effective by the following day.

(2) If the email has not been received, service is effective on the fourteenth day after the copy of the electronic notice was mailed by registered mail.

(3) Service shall be done personally as provided under sections 8(4), 12, 13 and 14 of the Summary Jurisdiction (Procedure) Act.

(4) The provisions of section 8(5)(6)(7)(8)(9)(13) and (25) of the Summary Jurisdiction (Procedure) Act shall apply *mutatis mutandis* to proceedings for traffic violation in respect of which a notice was served.”

In respect of the responsibilities of the NDMA, at clause 45K:

“...the system is linked to the Guyana Revenue Authority established under the ...Revenue Authority Act ...to upload ...the system particulars of every vehicle registered and the particulars of every licence...”

45.L Payment shall be made to the clerk of the court...

45.M Every person with a driver's licence is required to update his information with the Licensing Authority....”

[**An. Hon. Member:** *(Inaudible)*] I am reading it because I want us to all be clear about what the provisions are. [Mr. Mahipaul: We can read it.] Well, I am glad to know that you can read but understanding is another matter when we start to talk. I am glad you are emphasising that you can read. We are reading together, and we must not go back to the type of negative skirmishing that we had before when I was on the floor in respect of the first amendment. [*Interruption*]

Clause 45N states:

“...the E-ticket shall include

- (a) the date, time and place of the traffic offence;
- (b) the law which created the offence....;
- (c) the registration number of the motor vehicle involved in the offence;
- (d) the ...penalty that is to be paid;”

9.01 p.m.

Mr. Speaker, I am not debating. I am presenting for the debate. There is the question of evidence and the question of everything being collected by ‘the electronic system’, the fact of the motor vehicle which was used; the fact that the information shown on the image is accepted as a ‘true and accurate record of the registration number of the motor vehicle’, and, of course, “the speed recorded by the system is a true and accurate record of the speed of the motor vehicle”. Of course, the NDMA is required to make sure there is:

“45P (1)...proper maintenance of the system.

(2) The system's accuracy shall be certified quarterly by the Bureau of Standards established under section 3 of the Bureau of Standards Act.”

Mr. Speaker and Hon. Members:

“45Q. In proceedings for... violation... the condition of the road intelligent system or the manner in which it was operated shall not be required unless... that it was not in proper condition or was not properly operated at the time of the traffic violation has been adduced.”

We know we have our problems with this issue. There is a person who was a senior member on the other side, who struck down a national motorcyclist and there were issues in the court as to what was the speeding and what was the situation when that young man was struck down on the road. Frequently, there are issues when the Police would put the speed gun on people and show them the number, they would claim it was the other vehicle behind and not their vehicle. As recent as this weekend, there was a big *cuss out* on the road and a challenging of whether the police had recorded the proper information by means of an electronic device. [Mr. Mahipaul: We need the police to have body cameras.] Yes. We will have that. I am going to make sure that every time they come to you it will be on.

“45R. (2) Notwithstanding any law to the contrary, in proceedings for a traffic violation under this Part, the court shall not require... a complainant, but this shall not deter the person in receipt of the notice from summoning any person in his defence.”

Of course, in relation to the new schedule:

“4. The Principal Act is amended by inserting the following as the Third Schedule-”

It is appended here, which we can review. [Ms. Ferguson: Let us review it.] Thank you. On the page before my signature is the Explanatory Memorandum. So, you have, Hon. Members, the opportunity. I have gone through it in some detail, and I am asking for your support. I want you to pay attention to the fact that issues relating to road traffic deaths goes all across our national spectrum. It impacts all persons. There is great loss and grief. Every life is more than an economic loss to the family and to the community. It is also a psychological loss and a loss to the nation, as a whole. So, I want to crave your indulgence and support in respect of the Amendments to the Motor Vehicles Road Traffic (Amendment) Bill 2024. Thank you, Mr. Speaker. [Applause]

Mr. Speaker: Thank you very much, Hon. Minister of Home Affairs, Hon. Brindley Benn and now for the Hon. Member, Ms. Amanza Walton-Desir.

[Mr. Speaker left the Chair]

[Mdm. Deputy Speaker assumed the Chair.]

Ms. Walton-Desir: Thank you, Mdm. Speaker. I rise to give my support to the Bill before us. I will hasten to say that it is conditional support for reasons I will highlight as I go along. I agree with my Colleague on the other side who went before me that the issue of road safety is a concern to all of us. The carnage that we are seeing on our roads and the grief it occasions to families who have lost their loved ones is something that we take very seriously. I believe, it is important that we work together to transform our roads from deadly hazards, as it were, into a safe passageway. I am happy that we are leveraging technology to aid in the detection and prevention of crime. I want to hasten to add that we have to balance the benefits of technology with the need to protect individuals' rights and to ensure equitable application because this is indeed, as highlighted by the Member before me, a challenge as we go along.

The Hon. Member before me spoke to the issue of making sure that there is impartiality. What the speaker before me did not go into – which I had hoped he would or maybe the speakers after him will go into – is this issue of data privacy. This is because it is one thing to have a problem. We agree that there is a problem. We are leveraging technology to solve the problem but there are some important prerequisites to leveraging technology. He alluded to the fact of other jurisdictions applying this successfully. It begs the question, what is it on the back end that allows those jurisdictions to apply these types of technologies successfully and do we have those on the back end here? Unless we do, we are creating a whole other set of problems.

Let us begin first by looking at the overarching paradigm. It has to be the balancing of privacy concerns. I know that in every jurisdiction this type of technology has been used. The issue of data privacy has been on the forefront. I know earlier this year we passed a Bill, or an Act related to data and the processing of data. The applicability of that to the current context is something that we need to discuss. So, the overarching paradigm has to be balancing concerns of privacy and holding violators to account. The Member before us went through, in great detail, the provisions of the Bill, but we always understand on this side of the house that *the devil really is in the details*.

The first point that I want to emphasise for our consideration is the issue of public education. There has to be a robust public education programme. The Minister who tabled the Bill did not speak to

this issue of a robust public education programme. When you look at the Bill, what it does is that it has a provision that within four months from the commencement of the amendments, every holder of a driver's licence has to submit a phone number to the Guyana Revenue Authority (GRA). The question is, how is that done? What is the actual mechanism? Are we all to crowd at a GRA office, wherever it may be around the country to provide that information? Can you see how that could lead to serious congestion and loss of time and confusion? So, whilst the amendments are, *for all intents and purposes*, good what is missing is how we are actually going to implement this and roll it out. How we operationalise this is the issue. These are serious concerns because we need to have members of the public understand how exactly you are going to do this. Then, for example, we know that phone numbers are recycled. What is the mechanism to make sure that there is an update? My Colleagues on the other side may believe that this is a time for jesting, but we are serious here because we are talking about the safety of our roads and lives. So, they could joke and jest how much they want. We, on this side of the House, are serious about implementing laws that actually are implementable and work. So, that robust education programme is mandatory.

One other issue that we have to consider is the coming into effect of this piece of legislation, because it appears to me that we will need some time to have the compliance in place. So, that is another consideration, whether it will come into effect upon it being passed here and assented to or whether there will be a timeframe given for implementation. These are some of the considerations we have.

Then, we come to the issue of data security. For all the heckling over on the other side, that is the Government who had a Permanent Secretary (PS) with a cell phone attached to all of the cameras around. That is the Government, the People's Progressive Party/Civic (PPP/C) Administration, who had a PS with a Motorola, I believe it was, Mr. Mahipaul, a cell phone that was connected to the camera system. So, when you talk about the issue of data privacy, this is why it is important because the integrity of data is important. We have a situation here, where we will need to store large amounts of data and where we will need to manage large amounts of data. The question necessarily arises, how are we mitigating against breaches and unauthorised access? These are considerations. They could be noisy over on the other side because it may be that they have not

addressed their minds to these issues. How do we deal with mitigating against those breaches and against unauthorised access? These are questions that we have to answer.

We talk about data minimisation. Of course, data minimisation is a very fundamental principle as it relates to the collection and processing of data. How do we make sure that the data we collect through these systems is exactly what is needed and for the purpose that it is needed and that it is securely stored and handled? I believe in supporting these amendments, these are matters that my Colleague on the other side, Minister Benn, has to one, address his mind to and two, these are answers that should be provided to the people of Guyana.

9.16 p.m.

We talked about the issue of, and we are talking about data here because the images, *et cetera* that are captured and processed are data. We are talking here about the anonymisation and encryption of data. When data is transmitted, is it encrypted? Will it be encrypted data? These are all questions that have to be answered. Will it be anonymised data where, as far as possible, it is important to protect the identity of the particular individual along the process? For example, in some jurisdictions what some systems do is, and maybe the learned Attorney General and Minister of Legal Affairs would do well to listen and learn, if for example, a licence plate, let us say PPP 1 is captured as speeding, they capture it, but they immediately encrypt it because everybody knows who drives PPP 1. Do you see the point? Is that how the system will work? These are all questions that have to be answered.

The issue of anonymisation and encryption – when the data is being transmitted for example, the Hon. Member spoke about the National Data Management Authority (NDMA) having to provide access to the Magistrates' Courts to their system. In terms of the data transmission, is that data going to be encrypted throughout the process of transmission or will it not be, and, therefore, susceptible to being interfered with by people with less than honourable intentions? This is a serious issue, and I am assuming that we are a serious House, and I am assuming that we want to pass legislation, one, that we could explain to the people of Guyana and that is actually implementable. I will move on to, for example, data retention policies. Could the Hon. Minister say to us, what is the policy? How long will you keep a record of the infraction? Is there a policy that has been set out to govern this? The way this works in other countries is that there are clear

policies that this data is kept in a certain format, for a certain period of time, in a certain format because they may need it for statistical analysis at a later date. So, my question is, is there a policy? The way my Colleagues on the other side are behaving, I am beginning to suspect that there might not be because they are *rabble roused* when they do not have answers to very important questions.

I will press on. Is there a plan whether by the NDMA, the subject Minister or his Ministry to do what we call privacy impact assessments? Do we have that and how regularly will they take place? The Bill proposes to send tickets, along with violations to cell phones and emails. Yes, this obtains in other jurisdictions. I hasten to make the point that those jurisdictions have on the backend, very robust data protection and transmission regimes. Do we have that here? It is important that the Government be able to satisfy the citizens, that they be able to satisfy this House that these important prerequisites are in place. This is a serious time for serious people because we are talking about important legislation, with far-reaching implications. We are proposing to send tickets with photographs to cell phones and to emails. This of course, introduces additional risks. For example, sensitive information – photographs, personal details could be exposed if the communication channels are not secured or if, for example, the recipient's device or email is compromised.

What about tickets sent to the wrong emails? What about sending it to the wrong phone number? Are there systems in place to make sure that the person who receives it, is really the intended recipient? What are the mechanisms in place to allow them to access it in a manner that they know for sure it is a ticket generated by our system. This is because the minute you talk about SMS and emails, you come into the issue of phishing and scams and email scams. These are all very important considerations. What we have is, in essence, a number of questions, that if this Government is really serious that they would answer and they would assure the people of Guyana that we have all of these systems in place.

The issue and the presumption of regularity could have applied, save and except over the last few weeks, the public trust and confidence in our enforcement systems have been severely shaken. I am raising these questions because it is important that answers be provided. I would be happy, and I would be the first to support, if these questions and concerns are assuaged. For example, I raise again the question of whether we want to use encrypted communication channels. In some countries, in addition to sending it to the registered address of the individual, when it is sent to an email or it is sent through SMS, there is a two-factor authentication mechanism that is put in place

to ensure that the person receiving it, is the person it is intended for. The question arises again, what are the systems being put in place to make sure that this is happening? What we are emphasising on this side of the House is, it is important to hold violators accountable. If the law is broken, violators must be held accountable. We will proceed in error as a House if we decide that we are turning a blind eye to the rights of our citizens.

The question of data privacy is something that has occupied extensive deliberations. The European Union (EU) passed the General Data Protection Regulation (GDPR) law. Earlier this year, the Attorney General and Minister of Legal Affairs, when he passed the Data Protection Act was waxing eloquently about the importance of privacy and protection. He is sitting there, and he is saying to us now, that it must be treated casually. This is why I asked, and I have not heard from the Hon. Minister, and, maybe, if the Hon. Attorney General will speak, he could indicate to our citizens the degree and the extent to which that Act applies to the present circumstances, if at all. That is what they must spend their time doing. For us, we want to support this legislation, but I think it would be remiss of us not to raise these concerns. If the Hon. Minister and the speakers after could adequately answer these questions, then we have no difficulty in supporting this.

Whilst I am on my feet, I will ask the Hon. Minister because I am happy to hear that he said they will be making sure that traffic police, especially, use body cameras. It is something that has to be commended and, hopefully, enforced. I was quite happy to hear him say that. I want to encourage that, whilst we are at it, let us fix this issue of civilian vehicles being fitted with emergency lights. It is a problem Mdm. Speaker, and it is out of hand. You see certain Ministers zipping and zooming and so on and even people who are not Ministers of Government [**Mr. Nandlall:** Name the Ministers.] The Hon. Anil Nandlall. [**Mr. Nandlall:** Did you ever see me zipping by you?] He said name the Ministers and I just. The point is a serious one. It is something that has to be addressed. What it does is, it trivialises the meaning of those lights in the congestion, *et cetera* that we have to deal with here as a country. Do not let me get started about the metric that the Hon. Member used, that the ownership of private vehicles is by itself a metric of economic development. He should consider that what it indicates is an unreliable public transportation system and fix that, but I digress.

I want to add two other points. One, we have to address as well, as we are talking about road safety, the trucks on the roads. I will commend the Ministry of Public Works. They have been making

progress in terms of enforcing the weight limits. I want to ask that they hasten the weight limit regulations that we were told earlier in the year are under development. This is because the behaviour of truck drivers on our roads is a problem. It is a clear and present problem for all road users – fellow drivers and pedestrians alike. I want to encourage the hastening of that legislation, including regulating the way loads are carried. It is the most terrifying thing to be in a vehicle next to a truck that the load it is carrying is protruding so far above the capacity of the truck. These are things we have to address speedily. I hope that my comments are taken in the light in which it is intended, that is, if we are going to pass legislation in this House, that it be robust, it be comprehensive and that we have to have a well thought out piece of legislation. Not only that, I also want to strongly encourage a robust education programme to go with the rolling out of this legislation. Thank you, Mdm. Speaker. [*Applause*]

Minister of Public Works [Bishop Edghill]: Thank you very much, Mdm. Speaker. I rise to support my Colleague, as he presents the Motor Vehicles and Road Traffic (Amendment) Bill 2024, Bill No. 9 of 2024. Let me say from the onset, I do not see any bush, so I cannot see *jumbie* behind the bush. This is a straight-forward piece of legislation that will strengthen the enforcement of our road laws and would ensure that we get better compliance. As the Minister responsible for transportation, I have expressed concerns many times and in many places about the recklessness, the carelessness on our roadways.

9.31 p.m.

So, when legislation like this come to the National Assembly, we must see it as the Government doing what is right and not just merely describing the problem. The difference between those of us who sit on this side of the House and the other Members who sit on that side of the House is that we identify the problem and we come to the House with solutions. They come to the House with a problem and want to make the world believe that the problem is insurmountable and cannot be solved. This is what happens in every part of the world. Members of the Opposition go to various jurisdictions. They do not know about the backroom, they do not know about data protection, they do not know about all the other things that they are asking for, but the cameras are there and they take their time and drive or whoever is driving them to ensure that they obey the rules. This Monday night, we should not use something that is progressive, something that removes subjectivity...because that is what the Minister is talking about. He is removing subjectivity by

putting in place an electronic system, intelligent electronic cameras, that will capture... The human element of putting the speed gun and somebody arguing that it is another vehicle and it is not theirs, all of that is gone. The footage that will be available, if you want to contest your ticket in the court of law, will be visible for the magistrate and every other person who has to adjudicate on the matter. That is all we are saying.

The issue that we are talking about, what is going to happen with the backroom and who is going to interfere with information... Mdm. Deputy Speaker, without the electronic surveillance system that is in place, Members of the Opposition video vehicles and put it on their *Facebook* pages and some of them actually use it in their talk shows. Where is the protection of people's privacy there? We have to be very strict when we are addressing our minds to right and wrong and abuse. I am not saying something that the world is not seeing. Every Guyanese who is listening to me now knows that Members of the Opposition video people's vehicles, whether they are saying it is a wrongdoing or not, and put it on *Facebook* and some of them actually replay those images and have commentary and people commenting on it. What the Guyana Police Force (GPF) will be empowered to do, through this piece of legislation, is to utilise their personnel in a more efficient manner. They would deal with crime fighting, control and manage major activities and intersections, while the cameras, day and night, rain or sun, will be there to be able to curb and prevent the excessiveness and the lawlessness that is taking place on our roadways.

At this particular time, this piece of legislation would be able to address two road offences, speeding and the lack of use of seatbelts. This legislation specifically will be able to address those two traffic offences. The fact that we have cameras, intelligent electronic devices, strategically placed is in itself producing safer communities – safer communities in the sense of better enforcement. People who know that the cameras are there will start behaving in a more responsible way. So, the cameras themselves serve as a deterrent to people who normally, in the absence of a policeman or in an area where there is not enough policing, perform with their recklessness and carelessness. They will be in greater compliance because whatever they do will be captured, recorded, offences will be made known, fines will have to be paid or they would have to appear in a magistrate court to contest, if they disagree, and the matter would be adjudicated based on particular judicial criteria. This could only be in Guyana's best interest. This could only be in the interest of all of us. We should never, ever in this honourable House stand on the side of those who

want to be reckless. I am sure the Hon. Member, who presented this Bill, Minister Benn, of whom I stand in support... While we initially can get images and prosecute offences of speeding and the lack of use of seatbelts, there are other positive things that could happen just with the mounting of these cameras and putting in place the legislation that will accompany their use.

Number one is better traffic management. Right now, in the lead-up to the Demerara Harbour Bridge and on the Demerara Harbour Bridge, cameras are used. Do you know how effective those cameras are? If a vehicle is immobilised on the bridge, there is traffic congestion. In any two minutes of a vehicle being defunct or unable to continue its journey, you could have traffic backed up for more than a kilometre. We see that. In just two minutes. If you have to go searching to find where the vehicle is, that takes a number of minutes too. Then, by the time you move it, the traffic is backed up to five kilometres, and people's frustrations are going up. With the use of the cameras right now at the Demerara Harbour Bridge, we can minimise that because we see almost in realtime. People can see what is happening on the images.

On the East Coast right now, we have cameras that are providing some amount of assistance to motorists, to show what is happening with the traffic flow. It helps people to direct themselves on which route to use. There are some other benefits that I would like to highlight, and we would be able to get (*inaudible*).

The Hon. Member, Ms. Amanza Walton-Desir, spoke about trucks just now. Let us make it very clear. Trucks are needed in Guyana for Guyana's development. The trucks are not the problem. The drivers are the problem. The camera will tell us who is driving the truck, and that person will be charged. We are not about taking trucks off the streets or trucks off the highways because we need the trucks to move the sand, to move the loam, to move the steel and to move the cement. We need the trucks to move the cassava, the pumpkins and the watermelons. We need the trucks to support development that is taking place in various sectors of Guyana. When we see the recklessness of the trucks, the drivers will be identified. The Bill specifically states – Minister Benn read it but some people were upset when he was reading it – that the owners of the trucks can be identified and they can be charged, and they can be able to identify who was the reckless driver so we can get to the errant person. It is true that we have trucks that are moving construction materials and other items and sometimes there is spillage, and the spillage on the road in itself can become a traffic hazard – whether it is liquids, whether it is slush mud, whether it is sand or loam,

or bricks flying while they are driving because it is not properly covered. The system that the Hon. Minister is asking us to adopt tonight will eventually be able to bring us to a place where we will be able to identify these trucks, get them in, talk to them, get their covers in place, get their tailgates properly closed so that that banging sound that jumps people out of their sleep and scares people on the road when they brake will be able to come to an end. These are the things that we have been talking about.

Motorcyclists riding without helmets is also another big issue and concern for me, and I am sure it is also a concern for all of us in this House. Yesterday afternoon, I witnessed the young and daring riding motorcycles in groups. While they were riding, they were lifting their front wheels in the air to entertain, in full view of everybody. They believed it was a good show, but it was putting a lot of people at risk. None of them were wearing helmets. Some of them actually had companions on those motorcycles. We need to get into a culture where we will be able to get those numbers. I have seen Minister Benn, whether late or night or in the rain, as the Minister responsible for the police, working with the traffic department of the Guyana Police Force, handing out helmets and talking to people about road safety. If he was not doing it, it would have been criticised, but he is doing it and he is not being commended. All we are doing through this is: after we have finished all of the public education, the moral suasion and asking for voluntary compliance, when you break the law, we have airtight evidence to prosecute. You cannot say the policeman does not like you or the system working against you. You were there... **[Mr. Ramson: The camera is partial.]** ...or the camera is partial. The data would be there.

The issue of undertaking and improper driving on laned roads is something that we have to improve on in Guyana. There was a long time ago when we had two lanes and even when we had two lanes, people were undertaking. Now, undertaking is becoming a big issue, especially with our buses and the hire cars that seem to figure that they have to get to their destination. The cameras will pick up all of that. Their number plates will be shown, the drivers' images will be there, and these are things that we can start curbing. Right now, we are dealing with two offences, but these are things that we can come down the line and start dealing with.

The cameras can help me and the Ministry of Public Works to deal effectively with those unlit, articulated vehicles that are now parked in areas that could really endanger people's lives. We have a number of articulated vehicles that are now in the country, and I guess we would end up having

more to service those laydown yards and the oil and gas sector. There will be more containerised traffic as we build the road through to Brazil and as we develop the deep water harbour. Articulated vehicles and movement of container trucks will become more pronounced on the various highways that we are developing. The parking of these articulated vehicles and their trailers at night has caused the lives of many people on the Soesdyke-Linden Highway. We have had a lot of near misses on the East Bank and now I am seeing that it is becoming a phenomenon on the East Coast. The cameras will be able to identify. The cameras will help us with something that I am sure every Member of this House would like to support – identifying who is destroying public infrastructure. A lot of times when we have accidents, it is not just the two cars or the three vehicles or the minibus and the canter that are involved.

9.46 p.m.

Bridges are destroyed; traffic lights are smashed down; electric poles are damaged; and even people's private property sometimes are damaged. A settlement takes place between the two people and they are gone, and the State is left with the burden to expend additional millions to repair infrastructure. A lot of the vehicles that are using smaller streets that do not have the width and capacity for turning, when they turn, they destroy the headwall of bridges and culverts. You go around Georgetown and you would see how many headwalls of bridges are destroyed. At Robb Street, there was an iron side fencing to the bridge. All of that iron was destroyed. It was broken out by container trucks. Bad does not have owner and so nobody ever knows. The police will be able to help us with information, slowdown that kind of recklessness, and help us to get the money because, civilly, they will have to be sued to compensate for damage to public property, which is something that we are helping about. When we are talking about damage to public property, it also deals with people who deliberately light fires on roadways. I am wondering if that is the reason some of our colleagues say all of these things about data protection and protecting images. When people do malicious things that damage roadways, we must be able to find and prosecute them. So, that is a different ballgame that I think they are very concerned about.

Mdm. Deputy Speaker, one of the other things that I believe all of us in this House should agree on is that the Government of Guyana is perhaps the largest owner of vehicles in the country, whether they be ambulances, pickups or special vehicles for public servants and agencies who operate them. A lot of times government vehicles create some of the recklessness on the road.

When I say government vehicles, I do not mean the People's Progressive Party/Civic (PPP/C) Government. I mean government vehicles because this happened even under the A Partnership For National Unity/ Alliance For Change (APNU/AFC). State-owned vehicles, I should probably say. There needs to be a higher standard. Drivers who work with ministries and agencies who do reckless things on the road should be pulled in and not just charged and pay a fine. But they should be put to sit and go back through classroom training and get a new orientation about road usage since the State is losing because of such errant behaviour. When they crash them, they have to be repaired. When they destroy people's properties, the State has to pay for those people's properties. We need a new culture on our streets.

I know the Hon. Member, Ms. Walton-Desir, has departed, as usual, after speaking. She spoke about weight restrictions. We could have had legislation and regulations in place to deal with weight restrictions a long time ago, had the APNU/AFC fulfilled its commitment with the purchase of the motion scales, and had it been delivered. So, I would not suggest that we have that conversation tonight because it would be very brutal. However, I can give notice to the House that the Ministry of Public Works has already obtained and is in possession of motion scales which will be rolled out to deal with weight control on the roads. These are not the ones that were bought and paid for upfront –100% – that have not yet been delivered. So, I would like to give notice to the House that this is the direction in which we will be going.

While we were preparing for the Good Success to Timehri expansion, with which everybody knows that we are going ahead...It is being funded by the Inter-American Development Bank (IDB). A contractor for the actual project and the consultant for supervision are already in place. They were doing the studies. I think the number they gave was that in excess of 25,000 vehicles that traverse the East Bank thoroughfare on a daily basis. Twenty per cent, I think, is the figure of those vehicles that are trucks. If you ride or drives on the East Bank, you will notice that on the eastern lane, you get through very quickly, but on the western lane, which is when the laden vehicles are coming into the city to go to other places, there are the bulges and breakage because of the weight. We will be able to move in that direction.

I know that Minister Benn is very strong on this, and I stand here tonight to support him. Part of the problem we have with traffic control is vendors who operate at very important intersections and create congestion. Somebody stops to buy dog food and there are 500 metres of traffic backed

up because one inconsiderate person would like to buy dog food at a particular roundabout or at a particular location on his/her way home. The cameras would be able to identify what is going on so we could come on the ground – what you like to call boots on the ground – and talk to those people. I know they want to do business. The Government is not about putting people out of business, but persons cannot just show up and sell here or there. So, there are a lot of advantages that we are talking about and that we could benefit from this.

So, Mdm. Speaker, at this late night on a Monday night, the only thing that I can say to the Guyanese people is that Guyana is modernising. We saw when we travelled that people swiped their passports and were gone, and we are in line for somebody to take our passports and stamp them. We have been able to bring in machine readable passports. Processing of people at the airport has become swifter. That is a good thing. The Ministry of Home Affairs and the immigration services and the platforms that they have put in place are working well. We congratulate them for that. We have put in place smart city arrangements, which has helped with intelligence gathering, proper policing, and tracking down people who commit crimes. It helps the police to be able to position roadblocks, based upon the images that are coming into them to do with crime solving and crime prevention. Now, what the Hon. Minister is asking the House to do, by way of this amendment, is to strengthen his arm and the enforcement arm of the State, which is the Guyana Police Force, as it deals with traffic violations, by putting in place this amendment which empowers them to get this done and get it done very efficiently. It has proven to work in many parts of the world. We do not have to discuss that. Do not let us see a *jumbie behind every bush*.

Systems are as good as the people who operate them. While many would like to criticise our men in uniform...and yes, things have happened that criticism should go, but we should not paint everybody with a broad brush. Some of these men and women who operate these systems are our sons and daughters, our brothers and sisters, our neighbours, our villages, and, I dare even say, some of our political party supporters. They operate in a highly professional manner to ensure that the State remains safe. Those of us in this House who think we are exempt from the cruelty, carelessness and marauding on our streets, we do not want to see any of us being cut down in an accident because of some careless driver. Let us put systems in place, and let everybody start towing the line. Our children will get home safely from school. Our grandparents will get out to get their pensions, go to the bank, or go to the clinic, and get back home safely. Our young people

must develop a culture that is called follow rules. Law and order is not something that one should hate. It is something that one should appreciate because it exists for the good of all.

So, when I stand here tonight to speak in support of this Bill, it is because of the good that I can see coming out of this, and not just another *jumbie* behind another manufactured bush. It is not about illusions. It is about doing what is right and what is good. So, I call upon all Hon. Members of this House to vote in support of this amendment. Let us give Hon. Minister Benn and the enforcement arm of the State another tool to help make our country safer and more secure. Thank you, very much and God bless you. [*Applause*]

Mdm. Deputy Speaker: Thank you, Hon. Minister. I now call on Hon. Annette Ferguson.

Ms. Ferguson: Thank you very much, Mdm. Deputy Speaker, for the acknowledgment. I am grateful to have been given the opportunity to participate in the debate on the Motor Vehicles and Road Traffic (Amendment) Bill, Bill No. 9 of 2024. My colleague who preceded me has set the stage for myself and those coming after that we on this side will give our support to the amendments being proposed.

I believe that, as a growing nation with increased traffic, it is necessary for new and modernised legislation to be enacted. However, in my view, we still have a far way to go. Mdm. Deputy Speaker, I trust that this is not just another legislation that, when passed, the Government will do its checkbox to say, we have completed a robust parliamentary agenda by passing several pieces of modern legislation. What is equally important to me, Madam, and I guess many of my colleagues in this House will agree, is the enforcement of these laws. With your permission, Mdm. Deputy Speaker, may I remind the House that, over a year ago – to be precise, on the 09th May, 2023 – this National Assembly unanimously passed the amendment of the Motor Vehicles and Road (Amendment) Bill, paving the way for legislation to license electric bikes (E-bikes) and prohibit use by those under 16 years old. I recall, during the debate, that the emphasis was placed on the number of persons who were killed using the bikes. Without much public awareness and sensitisation, this law took effect on 31st December, 2023, allowing persons to get themselves oriented with the amendment and also to ensure that they became compliant. Today, many of our citizens, including those under the age of 16 years old, are still using this mode of transportation without registration.

[*Mr. Speaker assumed the Chair.*]

I have been an advocate in my own right, encouraging persons to visit the licence office at the Guyana Revenue Authority (GRA) to get those bikes registered. This is just *a drop in the ocean* when it comes to the laws of our country. The major bugbear is the enforcement of the laws. Who is there to monitor and ensure our people are compliant? I guess the police are busy doing things other than police work. Over the past few days, many of us in this House read with interest and concern stories of senior officers and ranks deeply engaged in extra policing activities that are likely to bring greater benefits to them as individuals. While I welcome the amendments to the principal Act of the Motor Vehicle and Road Traffic laws, I believe what should be of significance to us, as legislators in this Assembly, is the continuous loss of human lives on our roadways, which occurs practically every 72 hours.

10.01 p.m.

Today, with the many options explored by the Traffic Department of the Guyana Police Force – we just heard about what Minister Benn and the Guyana National Road Safety Council (GNRSC) are also involved in – to curb the recklessness on the roadways, the culture remains unchanged. I believe that the time has come for stringent measures to be explored in order to minimise carnage on our roads. I also believe, once we put our efforts together, we can achieve the end results. Let us cease the rhetoric and exercise political maturity. I recall, in his New Year’s message, His Excellency announced the need for a robust road safety and management plan. This was basically to reduce road deaths. I am referring here to the *Demerara Waves* article which was carried on the 1st January 2024. I am quoting from what His Excellency said:

“I intend to have a national conversation on this issue within the coming days, out of that conversation, new laws, regulations and technology will be implemented to stop the carnage on our roads,”

Mr. Speaker, I thought what the Government should have done first it is actually doing last. His Excellency was clear when he said he needed to have a national conversation on the road deaths in our country. We should have had this national conversation. Coming out from the national conversation, where you would have had stakeholders, religious bodies, Non-Governmental Organisations (NGOs), and everybody meeting to put forward suggestions and recommendations,

I believe that those suggestions and recommendations should have formed part of this legislation. We are in the seventh month of the year 2024 and we are yet to have that national conversation. What we have before this House, as of 8th July, 2024, is an amendment to the Motor Vehicles and Road Traffic Act. I now turn my attention to the Bill before us. However, in the first instance, I wish to express my disappointment with those in authority who continue to fail our people. I am reminded of what is in the *Book of Hosea*, 4:6. This is what the first sentence in chapter six of that book states:

“My people are destroyed from lack of knowledge.”

Just not so long ago, my colleague before me expressed that we should have had consultation and education awareness where this particular Bill is concerned. If we are to currently conduct a survey out there, many of our citizens are unaware of such a Bill or such an amendment to the Motor Vehicles and Road Traffic Act. As I said before, Sir, not much public awareness and education were done. I have done extensive research and only found an article published by the *Guyana Times*, dated 21st May, 2024. This was after the tabling of this piece of legislation. This is what the headline stated:

“Now official for smart camera system to be used to nab, take action against errant drivers”

Now, the big question I have here is whether enough has been done to educate our people on this Bill. Do you know what I find very interesting? Every Thursday, you have my goodly friend, who is not present in the House this evening, sitting for three hours at a press conference. Rather than saying to the general public what his Government will be passing in the National Assembly and explaining it to the people of Guyana, he is busy running and spreading a whole lot of propaganda about us in this National Assembly. Also, my goodly friend, who is also not in this House, Mr. McCoy, has the responsibility for public affairs. This should be his responsibility. Whenever legislation are tabled in this National Assembly, it is for the Hon. Member to go on the National Communications Network (NCN) and the Department of Public Information (DPI) and do pamphlets and flyers, and have educational sessions in the schools and communities so that our people can become aware of what is going to be passed and not be caught by surprise.

In examining the amendments to be made, I believe they are reasonable. However, what is noticeably absent is provisions regarding the deceased. Let me just get the Bill, Mr. Speaker. As I

said before, I read the Bill and I understand everything that is seeking to address. I trust that the Hon. Member and the Government, by extension, can perhaps consider an amendment to the Bill based on my concern. We are talking about the owners of vehicles. Once they are captured by this new technology and are charged, my concern, Hon. Mr. Benn is: let us say, for instance, there is an owner has a vehicle registered in his or her name; he/she is deceased; and a family or relative drives that vehicle.... [Mr. Datadin: *(Inaudible)*] Would you listen to me? A person is driving but the person to whom the vehicle is registered is deceased. So, I am a relative of that deceased, registered driver and I committed the act. It so happens that when the information is transmitted to the Guyana Revenue Authority (GRA), it reveals that the vehicle is registered to Tyrone Ferguson, who is deceased, but Annette Ferguson was driving. How do we treat such instances? You also have cases where persons might be overseas. At the time of them being overseas, relatives used the vehicle and committed the crime. How are we treating those persons if they are not here? I recognise the clear absence of that in the Bill. My other concern, Mr. Speaker, is: when I look at clause 45G (2) of the Bill, this is what it states:

“Data captured by the system shall be automatically stored in a specific database established and controlled by the NDMA for that purpose.”

It further goes down to subsection (3) which speaks about:

“Notwithstanding any other law, data stored in the database shall be accessible by a member of the Police Force, assigned under subsection (4), by a web application established by the NDMA and may be used as evidence to charge persons for the commission of offences to which this Part applies and to prosecute the persons charged.”

What is of interest to me and not clear is what is in subsection (4) of this very clause.

“The Traffic Chief shall assign the members of the Police Force who shall access the database.”

Hon. Member, am I to understand that when the National Data Management Authority (NDMA) sets up the mechanism, the police will be able to access the information on the spot, based on the crime committed by the errant driver and then that police will now be able to have another officer,

a subordinate, access that information? Am I clear on that? This particular subsection is not bringing that out. That is something that you can respond to, Sir.

The other concern that I have to which the Hon. Minister, perhaps, can consider or respond to during his wrap-up has to do with....Let us say, for instance, these cameras are on a main access road. At the same time a vehicle approaches, a police officer comes out with his radar, stops me and says, look, you were driving at 100 kilometres (km). I get a ticket, and I must go to the court and pay. Further on, Mr. Speaker, as I continue my journey, there are cameras that will capture my information. Again, I will receive an E-ticket. When I receive that E-ticket, it may state that I was driving at 80 km. [An. Hon. Member: That may be in a different place.] No, it is in the same area. It just might be yards or miles away, but it is the same area. Therefore, which information will be accurate, Minister? That is the information. Therefore, I am going to be charged twice – by the policeman and the camera. That is all right. As I said, I believe that we have to also look at subsection 45M. It states:

“Every person with a driver’s licence is required to update his information with the Licensing Authority and submit a contact telephone number and electronic mail address within four months of the commencement of this Act.”

Mr. Speaker, I believe that we will have some issues here. So, perhaps, the Government and Minister can consider giving probably a six to eight months or a year extension. You have to cater to many persons who are not in Guyana at the time they are required to go to the GRA and update their information. For me, there is need for some degree of flexibility where this particular clause is concerned. The other clause with which I have a concern – and I guess the Hon. Minister will address that in his wrap-up – has to do with clause 45G (a):

10.16 p.m.

“cameras to capture photographic images videos of vehicles and persons in the vehicles.”

Again, I see problems here because there are many vehicles. Sometimes, I do drive tinted vehicles. [Mr. Ramson: What?] Yes. I am being honest. I do drive tinted vehicles. I am trying to understand how effective the cameras will be able to capture that image in a heavily tinted vehicle. I will tell you this, I tried to put one of those mini cameras in my vehicle. When I went to the guy

to have it installed, we were seeing very blurry. He said, Ms. Ferguson, this thing cannot work because of the darkness. The tint on the vehicle caused blurriness in the camera. That is something that the Minister should take consideration of. As I said before, the Bill for me is a non-contentious one. I stated my concerns in several clauses. I trust that the Hon. Member would be able to see the wisdom and have these considerations or my views considered before we pass this piece of legislation.

I also would like to – before I take my final leave – remind the Minister that the recommendation suggested by my Colleague of which I just shared, I had that as a point... I believe that when this document is passed, we would see a robust education awareness rolled out whether by the Ministry of Home Affairs or there is the Hon. Member, Mr. Kwame McCoy, who seems not to be doing nothing much in his Ministry. I trust that the Hon. Member would be able to help in this regard to bring the necessary awareness. As I started, we do not want the ordinary people in this country to be caught with the element of surprise. As lawmakers, it is our responsibility, whenever we pass laws, to ensure that our citizens are made aware as to the implications, the impacts, the positives and negatives these laws will have on them.

With that being said, I want to commend the Hon. Minister for bringing this piece of legislation. You have my full and unwavering support but, please, I request of you for the sake of my people, the ordinary people, to consider rolling out an education awareness programme. With that being said, Sir, I thank you very much for the time. May God continue to bless us and may God continue to bless our dear land, Guyana. Thank you. [*Applause*]

Mr. Speaker: Amen. Thank you, Hon. Member and now for the Hon. Minister of Culture, Youth and Sport, the Hon. Charles Ramson.

Minister of Culture, Youth and Sport [Mr. Ramson]: Thank you very much, Mr. Speaker. I do not often get the privilege of following Ms. Annette Ferguson after a parliamentary debate. I could not help but notice, after... I have been paying attention over the years to Ms. Ferguson's predilection for death, funerals and campaigning at funerals. [**Ms. Ferguson:** (*Inaudible*)]

I expect you to come to my funeral, but please call me by my right name. While I was up there, I heard the question that the Hon. Member had asked, and I noticed her morbid obsession with death and funerals, one of which was displayed at Brother James' funeral. I took the liberty – and with

your permission – of finding the definition of the word ‘morbid’. I can read it for this House. I would love for the House to be acquainted with the definition of the word ‘morbid’. It means:

“characterised by an unusual interest in disturbing an unpleasant subject especially death...”

I am very pleased to stand here in this House to support the Government’s initiative, which is a series of measures being introduced to this honourable House in this Motor Vehicles and Road Traffic (Amendment) Bill 2024 for the first time called a road intelligent camera system. That is what it is referred to in the Bill. It is not a new system that has been in the way in which countries organise themselves and governments place into the structure of governance. It has been around a while. It is a camera system to aid in the way in which policing, compliance and deterrence are done. This Bill seeks to add to the measures of a problem that exists in this country which is such as a plague that causes the loss of life for hundreds and even thousands of our Guyanese people over the years through road carnage. This problem that exists particularly plagues young people who use our road. If a lot of the data are checked, whether it is in Guyana or around the world, it shows that they are the category that is most at risk. It is a huge loss for the country. It is important because I want to share with Members some of the statistics for fatal accidents over the years. Even though 2023 was a very serious year, a spike in the number, over the years, the numbers have been high. In 2015, there were 126 persons who died from road fatalities. In 2016, it was 128 persons. In 2017, it was 115 persons. In 2018, it was 119 persons. In 2019, it was 122 persons. In 2020, there was 139 persons. For 2021 and 2022, they were particularly low with 99 persons. Then, for 2023, it was our highest recorded year in the last nine years or so, with 175 persons. It is important that the country understands the statistics over the years and why the Government should take action. It is not just that the Government should take action now because I heard the Hon. Member, Ms. Walton-Desir, spoke of them being serious on that side. In the period that I just described with the statistic showing similar numbers and higher numbers, with the exception of 2023, there were no efforts made from a legislative standpoint that could have helped to change the way in which our legal framework is organised but we are doing it now. It is also important to note that we have truncated the process because a lot of the cameras and camera systems have already been installed, have already been tested and are functioning well.

This part of the legislation is not just the segment where we put it into law. This is now moving into rapid operationalisation. Why should the Government take action? First of all, the loss of any Guyanese is a loss to all of us. No matter who you are or which side of the political divide you stand on, the loss of any Guyanese is a loss to all of us. The Government and the entire country make an investment in every single Guyanese born on these shores, whether it is in education; in health; in public infrastructure that all of us use; or public security that we benefit from to keep all of us safe. All of that come into the investment that the Government and the country make. Even at a community standpoint, public spaces and markets, *et cetera*, personally, the Government makes that sort of investment. Since every life is of equal value and also because every single Guyanese has an important contribution to make to this country, it is important that the Government takes measures – when at firm times and sometimes even to the resistance or the *chagrin* of citizens – that have to be put in place so that citizens can be protected. I remember in 2002, in this very same Motor Vehicles and Road Traffic Act 2002, the Minister, Mr. Ronald Gadraj, under the previous People’s Progressive Part/Civic (PPP/C) Government led by President Jagdeo, the amendment was made for the introduction of the requirement to use seat belts. That was met with some initial resistance and change of habit. In fact, many of the cars that were being imported at the time, the provision had to be included for those vehicles to be retrofitted with seatbelt equipment because it did not include seatbelt equipment at the time. There is that on the fatality side and there is also injury.

10.31 p.m.

When vehicular accidents occur, it is not just that people die, during the time if no deaths occur but injuries occur, there is a long time of convalescence. Loved ones have to put their energies towards their care and getting them back, if even at all they could get them back to their original state. The studies have shown the importance of placing emphasis on speeding, reducing speeding and also the wearing of seat belts. This is not only conjecture. There are two studies that I will share with this House, firstly the *Effectiveness of Seat Belts in Reducing Injuries*. This was a study that was done in 2007 by Professor Sunanda Dissanayake. This was out of the University of Arkansas. In that study, there was a method analysis. Specifically, it was found that the wearing of seat belts reduced fatal injuries by 56%. Even though it is understood and widely understood, the purpose of the seat belt and how important it is, it is still not a universally applied practice.

Many of us, even in this House, may also be the ones who are not applying these important life-saving techniques. It also found that for other passenger vehicle groups which include vans and pick-ups, seat belts were found to be 61% effective in preventing fatalities. Then, there is the importance of reducing speed. This is a study from the National Transportation Safety Board out from the United States of America. This was in 2017. The study found that from 2005 to 2014, crashes, a Law enforcement officer indicated:

“a vehicle’s speed was a factor resulting in 112,580 fatalities representing 31% of all traffic fatalities.”

The danger does not only exist for the persons who are in the vehicle; it is also for the persons who are pedestrians. If they are struck by a person who is speeding, it affects multiple factors of their ability to live. It increases as one goes faster. The statistics are significant. The study is speaking about fatalities. It states:

“the likelihood increases to 45% at 30 miles per hour and 85% at 40 miles an hour.”

It is clear and quite commonly understood. One would expect too that given how common this position is or this understanding is of, both, wearing a seat belt as well as reducing speed, Members on the other side would not give qualified support. They would just give support. I have heard Members on the other side speak about support but list a long barrage of reasons they should not support, as though that in any way shapes the direction in which this can go if they do not present solutions. Let us take for instance, I did not feel that it was necessary for me to come with information to seek to mollify the concerns... Do not look too confused Mr. Mahipaul. The word ‘mollify’ comes from the Latin word ‘*molificari*’. It means to soften. I did not come to address those things. There were some points that were raised during the presentation. Let us say for example, what happens when it is sent to the wrong phone number? There is a particular section in the very Bill that addresses this point. It states in section 45J. (3):

“Service shall also be done personally as provided under sections 8(4), 12, 13 and 14 of the Summary Jurisdiction (Procedure) Act.”

Let us go into what the Summary Jurisdiction (Procedure) Act states. It states at section 8 (4):

“a notice under subsection (1), shall be served on the alleged offender personally, and the date stated in the notice as the day on which the alleged offender is required to appear at court shall be at least 14 days after the date of the issue of the notice”.

The very same Bill for which the Hon. Member, Ms. Walton-Desir, raised questions about what happens if it goes to a wrong number is already addressed in the very same Bill. In addition, it does not change the fact about whether the offence was committed in the first place. The information about how a person can get this transmission via phone or via electronic mail (e-mail), *et cetera*, speeding and the use of seat belts are already part of the law. This is not something that is new. It is just the way in which compliance is going to be enforced. It is not going to require a change of behaviour that the law is going to be put into place. This is better compliance and better monitoring. Everybody knows that they should not be speeding in the first place; they know that. They also know that they should be wearing their seat belts. It also means that, with the exception of particular categories, if we are going to implement a new system by which one would be notified, it does not change what the new crime is. There is no new crime here that is being created. There is no new requirement other than to have your phone registered, which is already done anyway. Let us take for example, someone who is not the owner of the vehicle, which is a point my Friend raised in her presentation. If one checks the same Bill, clause 45I (3) states:

“If the registered owner at the time of entering his plea at the hearing of the offence alleges that he was not the driver at the time...”

That is already part of the contemplation of the Bill. One has to go in to get into that level of detail. It allows any person who drove that was notified an opportunity to go to the court to say he/she was not the owner nor the driver. The court will make that adjustment and then get the proper notice to the individual. Those are not the concerns that really should be highlighted here as reasons for not supporting or for conditional support.

Let us take another issue that was highlighted about privacy. Right now, there are cameras by private persons displaying, and taking recordings of the public and the road 24 hours a day. Right now, by the Demerara Harbour Bridge, a traffic camera is set up which we can pull up on our phones right now and see what is travelling there in 24 hours, almost in realtime. This is not something that is a concern anywhere in the world, in relation to whether persons should be

speeding and what efforts the Government should be taking in order to help to reduce speeding, enforce compliance and at the same time save lives. The importance of saving lives in any country is of paramount concern for every government.

The other important factor about... – contrary to the concerns raised by Ms. Walton-Desir – [Mr. Mahipaul: The Hon. Member, Ms. Walton-Desir.] ...The Hon. Walton-Desir. The cameras might be partial. The fact that they run and operate on a mechanical or in a mechanical basis, means that it reduces the opportunity for human error and it also reduces the potential for corruption. When one is stopped for speeding and is given a ticket, all of those things are now reduced because this mechanical function comes into play. I want the public to know that this is a very serious issue the country faces.

10.46 p.m.

In many instances when accidents occur... First of all, accidents do occur. There is no place in this world that exists where accidents do not occur. Governments have to take every single measure that they could possibly take, without slowing down the wheels of the economy and the productivity for the people. They could take all measures so that they can keep people safe. This is one of the measures that we can take. It is important to note the support coming from the Opposition here. In many cases, the Hon. Members who spoke started by saying they supported but when one checks the seats of the Opposition here, their support is the support by absence. That is where their support is; it is by their absence. They consider the subject matter of the legislation to be so important that they would be absent as usual. This Government of Guyana is going to continue to modernise the legislative framework in the country and to take every single measure that we can to help save the lives of the Guyanese people. There are Guyanese and young people especially who are the future of our country and a lot have been put into their welfare. That is the reason this Bill should enjoy – not qualified or conditional or concerned support – universal support from this House and this country. Thank you very much, Mr. Speaker. [*Applause*]

Mr. Speaker: Thank you very much, Hon. Minister. Now for the Hon. Member, Mr. Sears.

Mr. Sears: Thank you very much, Mr. Speaker. Mr. Speaker, Members of the National Assembly, Parliamentary staff, guests – well they have left – members of the media and Guyanese, between 2020 and 2024 speeding has been a significant factor in road accidents in Guyana, contributing to

numerous fatalities and injuries. In 2021, there was a notable increase in traffic deaths, attributed to speeding and reckless driving. Despite various campaigns and increased enforcement efforts, speeding remains a critical issue on Guyanese roads. From 2020 to 2023, Guyana experienced a consistent struggle with speeding-related accidents. In 2023, the Hon. Member, Minister, Mr. Robeson Benn, emphasised the need for intensified measures to combat rising fatal road accidents. The Guyana Police Force (GPF) and the Ministry of Home Affairs launched a '*Respect the Road*' campaign to address these concerns. It is yet to be determined how effective that campaign was since according to *Kaieteur News* of which the Hon. Member, Mr. Ramson, mentioned that, in 2023, we had experienced 175 road fatalities. The Hon. Member, Mr. Ramson, should have mentioned that the increase between 2022 to 2023 rose by 76.8%.

To address these issues, the installation of intelligent camera systems to monitor and prevent speeding could be a valuable measure. Such systems have been implemented in other countries, with varying degrees of success as well as challenges such as high costs, maintenance issues and public resistance due to privacy concerns. However, when effectively deployed, these systems have proven to significantly reduce speeding and enhance the overall security on our roadways. By adapting advanced technology solutions and continuing rigorous enforcement of the traffic law, Guyana can work towards reducing these incidents of speeding-related accidents and saving many lives.

Mr. Speaker, allow me to continue my contribution to this important amendment that has the potential to save countless lives on our roadways. The installation of road intelligent camera systems to monitor and prevent speeding, as we navigate through our daily lives the safety of our roadways is paramount. Speeding remains one of the most significant factors contributing to traffic accidents often resulting in devastating consequences. Here are the benefits, firstly, the intelligent camera systems are highly effective in monitoring and detecting speeding in real-time. Unlike traditional enforcement methods, rightfully, the Hon. Minister mentioned that one is either right or left.

Secondly, the data collected by the cameras is invaluable for traffic management and accident prevention. By analysing patterns and trends, authorities can identify high-risk areas and take proactive measures to improve road design, implement targeted enforcement and launch educational campaigns which the Opposition have emphasised a lot about. Moreover, the

installation of the intelligent camera system promotes a sense of fairness and transparency in law enforcement. Unlike traditional methods that may be perceived as arbitrary, the automated system ensures that all drivers are treated equally, reducing the likelihood of biased enforcement and fostering greater public trust in traffic regulation. Despite these compelling benefits, it is important to acknowledge that the implementation of an intelligent camera system is not without challenges. These are some of the challenges. One significant challenge is the initial installation and maintenance. I know the Government might argue that we have oil money now, so that should not be an issue. High-quality intelligence systems require substantial investment and securing the necessary funds can, in some cases, be a hurdle of which I am sure in the 2025 budget, the \$1.6 or \$2 trillion will suffice.

Another challenge lies in public perception and acceptance. In some countries, there has been resistance from drivers who view the system as being invasive and punitive. To address this, it is essential to engage in a transparent communication and public education campaign that highlight the primary goals of the system to protect lives. The data privacy and security concerns have also posed challenges., The collection and storage of vast amounts of data raise questions. One of the questions is whether the National Data Management Authority (NDMA) is capable, at this point, to handle such data. In this amendment, the National Data Management Authority will be charged to store and grant access through a web application. Let me say this here and put it in the record that we must have extensive training for the staff. We will need an increase in staff, and a provision of the necessary resources and redundant backup.

Finally, on this matter, the integration of intelligent camera systems with existing infrastructure can be complex. Ensuring compatibility with current traffic management systems, addressing technical issues, and training personnel to operate and maintain these new technologies must be executed in a careful and well-coordinated manner. I have some concerns with regard to some of the clauses in this amendment. One of them is in clause 5, which states:

“The NDMA shall give every Magistrates’ Court access to the database by web application,
...”

Traditionally the state prosecutor would present his or her case accompanied by evidence, of course, which was granted by the NDMA and present it to the Magistrate. In this case here, the

Magistrate... I do not see the need for the Magistrate Court to have access to that sensitive data, unless it is presented in court. [Mr. Hamilton: *Inaudible*] Well, I stand corrected. I am not the learned Lawyer here or the Attorney. Going ahead, clause 45I. (1) states:

“Notwithstanding any other law, the procedure set out in section 8(1) of the Summary Jurisdiction (Procedure) Act, where a member of the Police Force, assigned under section 45G(4), finds a camera has captured a photographic image or video recording of a motor vehicle driven by a person which discloses...”

That a traffic... Which discloses that an officer or office... Anyway, the point I am getting at, I got a little tongue-tied here. Whereby it states here:

“the member of the Police Force shall –”

The member of... We have to be careful with the language that we use.

“The member of the Police Force shall –

(a) send a Short Message...”

...with regard to the offence. The challenge with this here is if we are implementing smart technology, why is it that we have to now rely on a person to send that message? This is my contention with this here. Now, with regard to this smart system, in real-time or almost immediately, a text message should be sent to the registered owner that an offence has been committed. Take for instance, I am running late for a meeting and I am travelling from Linden. Maybe, there might be several of these systems in place along the highway and on the East Bank Demara into Georgetown. I am speeding. Do you know that by just receiving a message that states, ‘hey, you have committed an offence at x, y, and z’ could actually save my life? Right away, I would become conscious. I am saying that this system can be improved. I am hoping that the Hon. Minister considers this as part of his plan. I am not saying that the amendment is perfect, but I believe it could be strengthened. Do not ignore our recommendations here today. As I said, the notification can be done automatically, as soon as the offence is committed through various algorithms, which inform the registered owner through e-mail, *WhatsApp*, or *Short Message Service* (SMS). This would then prompt the driver to slow down or even for the owner to be aware of the said offence.

With regard to clause 45I. (3), it speaks to the registered owner entering a plea in the case where he/she is not the driver. The said driver becomes the co-defendant in the proceedings. At the end of the day, the owner is responsible for the payment of the fine if the driver does not pay. This is where we need clarity. Let us say for instance, in cases where an individual owns several vehicles or a rental company, does this put the owner's licence in jeopardy which leads to, maybe, suspension or being revoked based on the Motor Vehicles and Road Traffic Act? I am saying if there is someone who owns several vehicles... We are doing pretty well; I am sure the Hon. Members on the other side have several vehicles that they are proud of and they have persons driving them. ...does that mean that the owner of those vehicles is going to face the wrath of the law? In the case of emergencies, how will the system distinguish between an ambulance and police patrol cars or even State vehicles? I suggest that a digital exception tag be administered for State-owned vehicles, whereby they can drive along freely in the case of emergencies. I am pretty sure that a lot of digital fines will be sent to state-owned vehicles or the various ministries in this regard.

The other point I want to mention is how important this becomes. In the case where a police officer or traffic rank stops a vehicle, normally, the officer would ask for three documents: licence, registration and fitness. Now, to improve this system, given the fact that many, in some cases, might not see the notification of the offence or check their e-mails, I suggest that the Government consider with those same licences by simply scanning the same driver's licence card, so that the information can pop up there and, of course, bring the offenders to justice. The installation of road-intelligent camera systems to monitor and prevent speeding represents a transformative step to enhance road safety. While challenges exist, they are not insurmountable since we cannot put a price to life but learning from the experiences of other countries, engaging in transparent communication and prioritising data privacy and security, we can successfully implement these systems and create safer roads for everyone.

11.01 p.m.

Let us commit to this initiative with the knowledge that every effort we make brings us closer to a future where our roads are safer and lives are protected. Unfortunately, this was not the case for several persons throughout the year so far, like 27-year-old Mr. Shemroy Henry of Mahaicony, or 33-year-old Mr. Deoraj Baldeo who died in a minibus accident on Orangestein Public Road, East Bank Essequibo. We must not forget Ms. Rushell Leacock, Mr. Eddo Leacock, Ms. Uranie Hall,

Mr. Clinton Patterson and Mr. Dwalon Farrel. Five lives which were lost along Long Creek on 13th May of this year, and Keon Harvey, a 38-year-old minibus driver who died on 26th May. Last evening I was in Mabaruma, and a young man lost his life, Zedan Calistro, a 24-year-old. [**Ms. Teixeira:** Calistro.] Pardon me? Calistro, who lost his life as a result of a speeding motorcycle. These are unfortunate incidents that happened, but voting on this law and implementing it will definitely save a lot of lives.

Mr. Speaker, smart city solutions for the nation can significantly improve urban life by improving infrastructure, governance, and the overall quality of life. I can assure Guyana that our movement, through the Party I represent on this side of the House, embraces a modern Guyana and will do more than just support this amendment. When we win the next election, this is our vision for a modern Guyana. We are looking at an intelligent traffic management system, smart traffic signals, and traffic monitoring analysis. We will be looking at smart public transportation, real time public transport information, and integrated payment systems. We will also be focusing on power management, smart grids and smart metering.

Under the new Government, which my Party will lead, we will focus on waste management, smart waste bins, recycling initiatives, public safety, surveillance systems, emergency response systems under the new government, water management, smart water meters, flood monitoring systems, digital governance, e-governance services and open data initiatives under our new government that is led by the Party that I represent. Smart buildings and infrastructure, energy efficient buildings, and infrastructure monitoring will be focusing on smart health services, tele-medicine, health monitoring systems, environmental monitoring such as air quality and green spaces also. This is the vision of the Party that I represent and, of course, better will come. For successful implementation, it is essential to ensure strong collaboration between the Government, the private sector and local communities; communicating with doctors, ensuring good campaign and educational approaches and also take advantage of the educational system for instruction from an early age in road awareness and civic and public roles. Furthermore, investment in digital infrastructure and capacity building initiatives are crucial to supporting smart city solutions.

Mr. Speaker, having said all of this, I submit these recommendations and I trust that the Hon. Minister, Mr. Robeson Benn, will consider them as part of the amendments. I can safely say, while there are some loose ends with this amendment, I believe over time we can improve it so that it

reflects the needs of the folks and the beautiful residents and citizens of Guyana. With that said, Mr. Speaker, I support the amendment to the Motor Vehicles and Road Traffic (Amendment) Bill 2024 – Bill No. 9/2024. [*Applause*]

Ms. Hughes: Mr. Speaker, I am happy to have the opportunity to provide some consideration on the Motor Vehicles and Road Traffic (Amendment) Bill 2024 – Bill No. 9/2024. A Bill described as seeking to provide a road safety technology known as the ‘road intelligence camera enforcement system’, which will provide 24 hours surveillance for drivers who are detected speeding or persons failing to wear seatbelts.

In July, this exact month, 2019, I stood in this very compound as Minister of Public Telecommunications. Along with my colleague, who is unfortunately not here at the moment, the former Minister of Public Security, Mr. Khemraj Ramjattan, together we successfully launched Guyana’s first ‘Safe City’ project. It started under the Granger Administration in July, 2017. This was a key component of our National Broadband project, funded by the Government of the People’s Republic of China (China) to a tune of US\$32 million. I mentioned this for two reasons. In fact, earlier, I heard a suggestion that this did not even take place. However, any simple *Google* search will verify that this event, the launching of the ‘Safe City’ project, took place in the compound just behind us. The other reason I want to mention this is because this proposed legislation is really a natural progression and expansion of this vital infrastructure, implementing new technologies as they became available, all with the goal of ensuring order and safety on our roads. To remind many of you who may have forgotten, at the time under the project, over 119 closed circuit television (CCTV) intelligence surveillance cameras were strategically placed in the city. This was not done ever, at any time before 2017. I also want to say that another 17 cameras were placed at very strategic locations that impacted on our safety and security as a country. Of course, here, I am speaking about them being placed at exit points such as the Cheddi Jagan International Airport (CJIA) and the Eugene F. Corriea Airport at Ogle.

The high technology (tech) system can perform face and car licence registration. Several police vehicles were also equipped at that time with cameras and radios that can be traced and accessed at any time from the security control room equipped with a band of massive television (TV) screens. Again, the command centre is just behind us. At that launch, we demoed the video internet-ready radio sets and body cameras (cams) that were part of this project. I do not know if those are

in use today. The system at the time was managed by the National Data Management Authority (NDMA). Interestingly, at that time, the committee that provided oversight had representation from the NDMA, the Guyana Police Force (GPF), the Guyana Defence Force (GDF) and the Guyana Revenue Authority (GRA). As we know, the command centre is located in this compound, and the highly skilled operators of the centre had access, real-time, to over 100 cameras across the country that they can pull up on a big screen as they keep watch. The only challenge with this system, as we know has taken place on one or two occasions, was when instructions were given for cameras at strategic locations to be switched off, but, at least, in terms of the technology, we know the capacity exists.

I really want to say that what is most important about this system is that the control room was connected to all stations in Georgetown, making the system the most effective instrument in monitoring incidents of crime in the city. Now, the success of the system has been hailed by President Ali in November, 2021, when he highlighted his expansion into a ‘Safe Country’ programme which would operate across the country and, certainly, if that were to take place, we would be in full support of that. The intention of the ‘Safe City’ programme was always that it would start in Georgetown and go to several strategic locations providing safety and security to all Guyanese. Since those early days, the NDMA has had the responsibility for managing the technology and the programme. In fact, the first part of this Bill gives an amendment to the definitions in terms of making it very clear as to who and what NDMA is.

Mr. Speaker, on the onset, I want to state categorically that I support this Bill. I am happy that it has come to this National Assembly and we are debating it today. However, I have what I consider some very positive contributions and, also, things I have noted with the Bill that I have put out for consideration. The first page, in terms of the definitions, one of the things that we noticed in the substantive Principal Act at section 53 (b) is that it refers to violations in relation to traffic and, of course this, for example, is in relation to signs where, quite often, traffic signs are ignored and they are not adhered to. So, one of the amendments I would have liked to see is in terms of adding to the definition at the very, very first part of the Bill, that we include traffic directions in relation to the use of signs and signage and violations of not following a sign. Right now we are looking at seatbelts and speeding but it is easy to incorporate the fact that we should be prosecuting persons when they deliberately do not follow the signs that are required to ensure safety.

In addition to that, at clause 45G, notices of signage for cameras should also be placed where cameras are erected. I think it is important to say to the public, 'you are being monitored'. In fact, I think it would strengthen the legislation because, if and when you are to get into a court, you would be able to say that you knew because you would have passed strategic signs every now and again that informed that you were being recorded.

Clause 45H(1) talks about an offence against section 34. I do want to suggest that I think that is a typographical error. I said that because section 34 actually deals with driving and the requirements of young drivers and not speeding. I think it is a typographical error because section 35 is the one that deals with speeding. When we get to clause 45H(1), and again, under (C), it states, offences against section 53(b).

As stated at number 1, without including this article, in that I am referring to the offences under section 53(b) I think that without including that aspect, the Bill really does not have as much umph, as much strength as it could have. As we are saying, we know that there are so many street corners where traffic light signals, speeding limits and also traffic signs are totally ignored.

11.16 p.m.

Clause 45I (1) refers to sending Short Message Service (SMS) to a mobile phone of the driver. I really want to say that, in many respects, if we consider the time it will take, the public funds and the resources, to police the passage and delivery of SMS, I think it would be borderline to almost a waste of time. The reality is that today several persons have multiple phones but several persons also have prepaid numbers. We all know that after a certain amount of time, those prepaid numbers are recycled and, of course, disposed of at will by the telephone company. Again, ensuring that should you need to bring your case to the court, you want to make sure that the legislation has enough teeth for you to be effective in the prosecution. Communication needs to be kept simple. The reality is also that many people do not have an electronic mail (e-mail) address. Therefore, the question is, are we saying that to be a driver one must have a phone and also an e-mail account and address? We all know the challenges of people claiming not to have received an email. Therefore, at strategic locations within the Bill, I think the option should not just say e-mail but maybe, and/or by mail. I know our mail service, unfortunately, is extremely slow still. Many of us have received bills long after the due date. I had a case recently where a letter from the Providence

Post Office, which is in the same location as the police station, took six days to get into New Providence, which is literally a five-minute drive around the corner. What we are trying to show is that it is important to provide options. When you are depending on persons to go into the GRA to update their information, one of the things we can recommend – we compliment the GRA; it has a very effective online portal – is that adding and updating information can be done through that portal. I think, again, that is where some of the comments my colleagues have made on the importance of a public relations strategy, an information strategy to inform persons about these issues, are so very important.

Clause 45I(3): To help with the administration and operationalism of this, it states that the vehicle owner may submit a declaration of non-responsibility to the court. The fillable Portable Document Format (PDF), of course, could be made available on the Guyana Police Force's website for download also. Under clause 45I, the numeral (4) appears twice, Minister. Again, I think that is just a typographical error. On page five, if you look, you will go from subsection (4) to (4) again, and then (5). There is some amount of reworking that needs to be done there. Another point to note is that the definition of owner is stated:

“‘owner’ means a person in whose name a motor vehicle or trailer is registered,…”

It is interesting because the first set of data that came out of the cameras positioned on the new bypass actually indicated – this was in the press – that a large number of the violations were made by Government vehicles. Therefore, I think it has been mentioned here before – not directly in this context – that the Act does need to address in some way the distinction between the owner of a private vehicle and certainly how Government vehicles that break the law in terms of speeding or the use of seatbelts, may be handled.

For clause 45I(5), a possible clause could be included to read, ‘where the vehicle owner is an employer or company or principal, the responsibility shall not be transferred to the employee or the agents’. Again, that is just a recommendation. This, I think, could assist in dealing with ownership and the liability issues.

Clause 45J refers to the e-mail service of notices. This should not be necessary. All clauses referring to emails and SMS really should be deleted. In fact, I think the administration, as we mentioned, just makes it so cumbersome.

The form in the Third Schedule, which is attached to the Bill that we are considering today, actually lists the violations in terms of speeding and seatbelt. Just as I have raised the importance of section 53 in the Principal Act, we could include very simply there the violations in not honouring signs.

Road signage is important. Speed limit signs, stop signs and lane markings, should all be clearly visible to guide motorists. In the absence of speed limit signs, how would one know if he/she is exceeding the law or exceeding the limit. Again, this is a consideration for when you get into that courtroom and need to make sure you are going to get the conviction. Certainly, we need to look at that in this legislation. If e-mails are not received or there is a change in circumstances – maybe you had an e-mail but there is no e-mail on record – we need to think of a system that is embodied in the legislation that explains what your requirements would be after that. Clause 45M states that a person must supply contact telephone numbers and, again, an email address. I am just saying that this could be an and/or situation in this case. These were some of the comments and recommendations that I wanted to bring to the discussion today.

The actual Motor Vehicles and Road Traffic Act, Cap. 51:02, is really an excellent and comprehensive piece of legislation. I am happy that earlier the Minister talked about us being able to add amendments over time. Mr. Speaker, I know that you are an individual who is very strong on technology and, certainly, we want to be able to ensure that our legislation keeps up with technology.

I support this Bill, but one of the key challenges I see is actually found in the foundation upon which this Bill is based. That is, we have, to date, no digital licence plates in Guyana. Unfortunately, in Guyana, one can go to two or three street corners and say, ‘please make a licence plate for the number PBB 4510, PPP 1 or PPP 5’. There is absolutely no system for that licence plate that guarantees the authenticity of that plate in direct relation to the registered owner and the data held by the GRA. So one of the things that is very, very important, that I see would need to come back, in probably a new piece of legislation, is how we deal with digital licence plates. As we all know, our Radio-Frequency Identification (RFID) tags with registration information and the vehicles’ characteristics are absolutely the basic requirement now in most of the other countries. Really, we need to move into the 21st Century for this area. We have moved from regular phones to smart phones. Similarly, we need to move to a smart or digital licence plate. So the next step in legislation would be to authorise the use of digital licence plates in Guyana. Of course, the

technology is there to ensure that these plates can be controlled by our smart phones. In fact, just about three weeks ago, I was looking at a very interesting story about a person in the USA whose car was stolen. With her digital licence plate, she was able to change her licence plate number to 'stolen' on the back of the car. Those kinds of possibilities could change and improve the impact of our crime-fighting.

I know that the question is going to be asked, why did you not submit some amendments? I have to admit that I toyed with the idea. I seriously looked at it, but I have to say that unfortunately in this National Assembly we do not have a reputation of accepting any, very little of the recommendations that come from one side of the House. That was my lame reason for not submitting them. If I am totally honest, I thought to myself, this probably would be a waste of time. However, I will say that, on reflection – I have sent in recommendations and amendments that, in the screaming and shouting, were never even considered – I should have. I do want to say to the Minister that should any of these recommendations be found worthy by him, I would be more than happy to document and share them. Thank you very much, Mr. Speaker. Thank you, everyone. [*Applause*]

Mr. Nandlall: Mr. Speaker, I listened carefully to the Hon. Member Ms. Hughes who spoke before me. I share the pity she expressed that she did not choose to table amendments before the House. The reasons that she gave are untenable. I distinctly recall that for the Natural Resource Fund Act, I believe we accepted 10 out of 12 amendments from the Opposition. Ten out of 12 amendments were accepted.

11.31 p.m.

So, Ms. Hughes, your lamentations I do not accept. You did not put the effort forward and I do not know what you are recommending to the Hon. Minister. If he thinks that your views are valid, and he will take it on board, but where? Legislation has a process. It has to be taken on board here and if there is nothing put forward in writing, how can the Hon. Minister take anything on board? So that is just fluff on your part. If we had recommendations which were hurriedly made... I was trying to follow you, but I could not. I will deal with some of them that you mentioned. I could not follow; many of the numbered queries that you raised I do not see them in the Bill. You made a

number of queries about the numbering being wrong and I was following, and I do not see the mistakes that you identified.

Mr. Speaker, I am happy that this Bill has attracted the support of all Members of the House. It is indeed a very important piece of legislation. It is one of the legislative interventions that is of a transformative nature that I keep referring to. Vehicular accident is at an unacceptable level in our country. Every year, as we have heard, the Traffic Department of the Guyana Police Force records an unusually high number of road fatality figures. In January of this year, the Hon. Minister, in his end-of-year-review, informed the nation that for the year 2023 there was a 76.8% increase in fatal accidents when compared to previous years, with the total number of fatalities soaring from 99% to 175%. No one can find such a situation acceptable. The horrific truth is that this human carnage in our roadway continues unabated and with impunity. Not only is it a human rights tragedy, but Guyana cannot continue to wantonly lose so many lives annually. In particular, as one Hon. Member referred to on this side, these are mostly young people. The worst part of it is that a large percentage of these accidents can be avoided if proper due care and attention is exercised by road users. I will concede that legislation alone cannot solve this problem. We have to have a cultural change, we have to have a public education campaign, and a lot has to be done, and it cannot be the responsibility of the Government alone. This is a national problem that is consuming large numbers of our young people, in particular, on an annual basis. We have been introducing legislations since 2020 to now. I can refer to the amendments done to the Motor Vehicle and Road Traffic Act that increased the regime of penalties to exorbitant levels. I can refer to the creation of the offence of motor manslaughter. I can refer...

Ms. Ferguson: Mr. Speaker, if I may?

Mr. Speaker: Yes, Hon. Member.

Ms. Ferguson: Thank you very much, Mr. Speaker. I rise on Standing Order 40 (a) and it states:

“by rising on a Point of Order, when the Member speaking shall resume his or her seat and the Member interrupting shall simply direct attention to the point which he or she desires to bring to notice and submit it to the Speaker or Chairperson for decision;”

Mr. Speaker, the reason for me standing on this particular point is as a result of what the Hon. Member alluded to earlier with regard to the amendments to several bills and motions that we brought to this National Assembly. The Hon. Member stated that the Opposition never submitted amendments, and in some cases, amendments that were submitted by us, they actually accepted a few of those amendments. So, I just want to say to the Hon. Member, through you Mr. Speaker, that we, on this side of the House, our colleague, Mr. David Patterson, did submit...

Mr. Speaker: I have to rule on the question of whether you submitted amendments or not. That is the Point of Order.

Ms. Ferguson: All right, Sir.

Mr. Speaker: I will uphold it because I remember some amendments to other pieces coming from the Opposition. So, if he said 'never', then he is [*inaudible*].

Mr. Nandlall: I never said 'never'. In fact, I gave instances where amendments were...

Mr. Speaker: We could always clear that up.

Mr. Nandlall: Is that what you interrupted me for?

Mr. Speaker: Hon. AG...

Mr. Nandlall: Yes, Sir. I said that you...

Mr. Speaker: Hon. Member, we are checking it, so you do not have to repeat. Please.

Mr. Nandlall: Sir, I was referring to the amendments that we have already brought to the Motor Vehicles and Road Traffic Act that increased the penalties and created the offence of motor manslaughter. We also brought amendments to the Liquor Licensing legislation in which we addressed the issue of selling alcohol and intoxicating liquor to drivers and potential drivers. We introduced a regime that allows for the suspension of a driver's licence, for the disqualifications of drivers from holding such licences, and for the revocation, permanently, of a driver's licence where a person drives under the influence of alcohol on more than one occasion and causes fatal accidents. All those interventions have already been made, but the situation continues.

We are trying another set of amendments here targeting, significantly, speeding which accounts, based upon the statistics, for more than 75% of the accidents caused on our roadways, and seat belts, another important factor. They may not prevent accidents, but they certainly can prevent deaths and certainly prevent serious injuries if they are used. These amendments address those two issues primarily. They introduce on our roadways for the first time a camera system that we heard so much about. The Hon. Member, Ms. Catherine Hughes, spoke about some ‘Safe City’ and so on. I do not know where those things are, but this is what we are bringing in now. We have heard a lot about the system. I do not need to speak too much about the system, except to deal with how the system will generate the road traffic tickets. The system has been used, I know, in North America definitely, and in Europe. It is now being introduced in the Caribbean.

In crafting this legislation, we looked closely at the jurisdiction of the Republic of Trinidad and Tobago (Trinidad), where the system is up and running. The United Kingdom (UK) introduced speed cameras and other speed calming measures in 1990. A comparison of fatal crashes over the ensuing decade in the United Kingdom and the United States of America (USA) where speed cameras were introduced in a limited and sporadic fashion, found that the UK road deaths dropped by 34% from 1990 to 1999, when compared to a 6.5% drop in the United States of America. The study obviously suggests that the greater reduction in fatal crash in the UK was due largely to small decreases in the speed of drivers due to the introduction of speed cameras and other speed calming measures. So, I do not think anyone will second guess the utility and value of introducing these cameras to monitor our roadways. I can go to the Bill itself. Apart from the technical part of it, there is a camera that will be set up and this camera will capture the data on our roadways and the camera will be controlled by the NDMA for that purpose:

“(4) The Traffic Chief shall assign the members of the Police Force who shall access the data base.”

One Member on the other side made a great fuss about data protection and storage of data. This Bill cannot deal with those matters. Data protection is dealt with in the Data Protection Act. This Bill will store such data that is necessary for the prosecution of the offences for which the Act is established and intends to prosecute. I do not understand the level of criticism and commentary that comes from some Members on the other side. The Member spoke for about 45 minutes about

data protection and about the need to have this data encrypted, in a horrible attempt to sound sophisticated.

Mr. Speaker: AG, you have to watch your timing because you only get a chance when you are moving a motion to speak for 45 minutes. Everyone else gets 30 minutes and 15 minutes.

Mr. Nandlall: The Hon. Member spoke for 45 minutes on data protection and encryption of data, none of which has any relevance to this. All you understand and all you have to do...This will replace a system that is manually done. The same way that we store the manual paper in the court system is the same way the NDMA will be required to store the data that is requisite and necessary for the purpose of this Bill. It is not rocket science. We heard a long lecture about data encryption and data science.

“The NDMA shall give every Magistrate’s Court access to the database by web application, and provide a facility...”

...where payment for the tickets can be made at the Magistrate’s Court in lieu of prosecution. So, when the ticket is generated, we have already put that system in place, and we have already met with the judiciary. There is a system in place now where the NDMA will send the information and the tickets will be generated at the Magistrate’s Court and paid at the Magistrate’s Court. Of course, two sections of the Motor Vehicles and Road Traffic Act are affected here. The two sections are dealing with speeding and that, Ms. Hughes, is section 34. You said it was section 35. That was one of the queries you made which was not correct. Section 45D under the Principal Act deals with seatbelts and section 45E deals with children with seatbelts, *et cetera*. So, those are the two sections. Of course, the Minister has the power to extend, by Order this Bill to apply to other sections.

11.46 p.m.

There is a call from the other side, for example, to let it extend to traffic signs. Once we have the technological apparatus in place, we will extend it, not only to traffic signs but to various other offences. Once the cameras are in and are installed, then they would cover a wide range of offences. For example, if there is an actual accident between two vehicles, images from that camera can be used for the purpose of establishing culpability or liability. 45I (1) state:

“Notwithstanding any other law, the procedure set out in section 8(1) of the Summary Jurisdiction (Procedure) Act, where a member of the Police Force, assigned under section 45G(4), finds a camera has captured a photographic image or video recording of a motor vehicle driven by a person which discloses that an offence to which this section applies has been committed by the person, the member of the Police Force shall -“

In the same way that the opinion of a policeman is formed, that an offence has been committed, the same way that policeman forms that opinion and then sends a short messaging system. I listened to Ms. Hughes. She seemed to think that these different messages being sent, or different forms of communication being sent to the defendant, are somehow an alternative to each other. They are not. They are cumulating. There are four forms of notifications in this Bill. Whether your SMS is not working... [Ms. Hughes: And/or.] No. They are all cumulatively. In fact, I believe the defendant is being over notified. That was my personal criticism. This is because you are sending a message by SMS, and the SMS is a short message of course, telling him about the offence and then he gets an email, where the whole offence goes there, the charge and everything. Then he gets one by registered mail and a policeman will still go and serve him manually with a summon in the way it is being done now. It is very difficult for a defendant to come forward and say that he or she has not been served. Of course, the commentary has been made, the criticism has been made that it will take time to get people's email address. Of course, it will take time.

When we started the Taxpayer Identification Number (TIN) system, we heard all kinds of criticisms. When we started the Value Added Tax (VAT) system, we heard all kinds of criticism. Whenever there is change, there is going to be resistance. We have to move in the direction where we have to have a database with every person's email in the country. If you do not have an email, the time will come where you will not be able to transact business, not only in Guyana, but in any part of the world. Those who are listening to us now, they must know that is where the world is going. If they are not prepared to be part of that world, so be it. They will not be able to drive motor vehicles. They will not be able to get licences. They will not be able to participate in a modern state. That is the reality. We cannot sugar coat this. Persons who have drivers' licence, over the next few months, will be invited to the Guyana Revenue Authority (GRA) and the requisite data will be taken. If they do not want to participate, they will not be granted a licence. They will not be able to drive on the road. It is as simple as that.

The section sets out how the notification is done. It is impossible for the technology to detect the driver and to find the driver. The technology will detect the vehicle. The Hon. Member, Ms. Ferguson, is normally misguided and, in her misguided presentation, she spoke about the camera not being able to detect the tint and detecting the identity of the driver. This has nothing to do with the identity of the driver. That is why I am saying Members are not reading this Bill or reading Bills that they are speaking on. The technology here is to detect the number of the vehicle. The number of the vehicle is stored at the GRA. There is where the owner will be charged and not the driver. The Bill says that. We do not know and there is no way you can know. That is how it is in the United States of America (USA). If you drive your brother's car in the United States of America, your brother will get the ticket generated by the camera and not you because they do not have you in the database as the driver. They have the vehicle's number and the vehicle is registered to your brother. When the owner turns up and says he or she was not the driver, then he or she has a duty to inform the court, either the clerk of court or the magistrate, if he decides. If he/she pleads guilty, he/she pays the ticket right away to the clerk of court. If he/she contests liability, then he/she goes to the Magistrates' Court. There is where you inform the magistrate that you were not the driver, and that Mary Jane was the driver. You are taken to know who drives your vehicle. You are taken to know that, in law, because it is an offence to unauthorisedly drive a vehicle, you are taken to authorise the person who drove your vehicle. You tell the clerk of court, or you tell the magistrate who drove the vehicle. That person is made a co-defendant, and that person is also brought to court, as well. All of that is set out in the Bill. Clause (5) of the Bill states:

“where the owner is not the driver of the vehicle, the owner shall be responsible for ensuring the payment of the penalty stipulated in the electronic notice served under this Part”.

Of course, if the driver does not pay, then the owner brings him to court, names him as a co-defendant and the magistrate will deal with them. The Hon. Member, Ms. Hughes, raised a number of numbering issues. I do not know what they were. I looked at the Bill and they are all numbered. From clause 45 they used letters and in between they used numbers, so I do not know where the issue was.

Ms. Hughes: Mr. Speaker, ...

Mr. Speaker: Hon. Member, ...

Ms. Hughes: On a Point of Order, 40 (a), and for the record, I just think that it is important that I clarify.

Mr. Speaker: No, you cannot clarify.

Ms. Hughes: Not clarify. I will point out the error on the part of the presenter, the Minister who is speaking now.

Mr. Speaker: It is going to be difficult for me to verify the two hear-says.

Ms. Hughes: I have the evidence right here.

Mr. Speaker: Do you have the evidence?

Ms. Hughes: I have the evidence right here. Earlier on, he referred to my correction – 45H(1) (a), which states:

“offences against section 34;”

I said it was an error because section 34 does not deal with speeding. I have a copy right here of the Principal Act.

Mr. Nandlall: I have a copy too.

Mr. Speaker: I would not be able to uphold your Point of Order because there is going to be a contention.

Ms. Hughes: It is right here in here.

Mr. Nandlall: I have it right here too.

Ms. Hughes: On page 5, there...

Mr. Speaker: Hon. Attorney General (AG), you can continue.

Ms. Hughes: ...are two (4).

Mr. Speaker: Hon. Member, AG, you can continue. I am sure you are getting there. Go ahead.

Mr. Nandlall: Section 34 (1) of the Principal Act at page 40, the marginal note reads “Rate of speed”. Section 34 (1) states:

“It shall not be lawful for any person to drive a motor vehicle of any class or description on a road at a speed greater than the speed specified in the Second Schedule as the maximum speed in relation to a vehicle of that class or description and if any person acts in contravention of this section he shall be guilty of an offence”.

Section 34 (2):

“A first or second conviction for an offence under this section shall not render the offender liable to be disqualified from holding or obtaining a licence”.

Ms. Hughes: Mr. Speaker,

Mr. Speaker: Hon. Member, ...

Ms. Hughes: For the importance of the Parliament, because clearly there is an error...

Mr. Speaker: That is ...

Ms. Hughes: I would like to give it to you, and I am just saying that... would need to clarify.

Mr. Speaker: Yes, but I cannot allow you on this Point of Order. I have ruled, We could clarify it afterwards.

Ms. Hughes: No, ...

Mr. Speaker: Please. Hon. AG, continue.

Mr. Nandlall: It is your error. I know it is an error – your error.

Ms. Hughes: It is printed...

Mr. Nandlall: It is your error. You have the wrong one.

Ms. Hughes: It is printed in the copy.

Mr. Nandlall: You have the wrong one.

Mr. Speaker: Attorney General, I can make an error. Please.

Mr. Nandlall: Yes, Sir. The NDMA system, as I said, is linked to the Guyana Revenue Authority system and that is how the information is generated. The information on the electronic tickets (e-tickets) shall include a date, time, place of the traffic offence, the law which created the offence, such particulars as the traffic violations and the registration of the vehicle. All the e-ticket has is what a ticket currently issued to you manually, will have. It is as simple as that. It is just that what was being done manually, we are now doing it electronically. Of course, the images, data, video recordings, *et cetera*, are generated and produced by the camera, obviously would be admissible in the court to establish the offence. Then we have the important provisions that Minister Benn spoke about, and that is, the duty of the NDMA to ensure that the system is working, and that the system works; that the equipment are calibrated; that they are serviced; that they are functional; and that they are certified by the Guyana National Bureau of Standards to be functional and accurate because peoples' liberty is involved. You do not want people to be convicted wrongly nor do you want guilty people to go free.

The Hon. Minister spoke about a notorious fatal accident case, where our national cyclist Jude Bentley was killed and the driver of the vehicle was charged and acquitted, not because he was not guilty, or he did not commit the accident but because the breathalyser was not functioning and did not register the level of alcohol that was in his system. That error, based on what the newspapers reported of the magistrate's decision, was a crucial factor in the magistrate finding the defendant not guilty. I do not think I will detain the House much longer. I believe I have dealt with the issues that I wanted to address, and I, therefore, commend this Bill for passage. Thank you very much, Mr. Speaker. [*Applause*]

Mr. Benn (replying): I want to particularly thank those Hon. Members on this side of the House who presented on the matter. It appears that, in spite of me deliberately reading almost every clause, every word of the amendment Bill, still persons, for whatever reason, have gone into particular confusion on the other side. But in any event, I want to thank all Members who presented on it. I want to remind ourselves of the serious nature and the particular opportunity we have to have this intelligent response, separate from human intervention, in respect of bringing this particular resort to prevent and reduce road traffic accidents, fatalities and injuries resulting therefrom.

12.01 a.m.

I want to of course deliberately thank, for good reason too somehow, Ms. Walton-Desir, Bishop Juan Edghill, Ms. Ferguson, Mr. Charles Ramson, Hon. Members all, Mr. Devin Sears, Ms. Hughes, and just now our Attorney General, the Hon. Mr. Nandlall, who I think has saved us a lot of time in specifically going through the issues on the clauses and the questioning of aspects of the Bill in relation to bringing our discussion or debate on this matter to a close. In going through the Bill, and I know that we will go through it clause by clause just now, I only want to point to, which I mentioned previously on page four, at 45I(b), we have roman numerals and then there is (i),

“charging that owner with the commission of the offence; and”

Then there is (iii), where I think there is a mistake. It should be (ii) rather than (iii) and then (iii) at the bottom in roman numerals. Maybe we can clarify that by going through it clause by clause. On specific issues, there was talk about the NDMA and its capability. I worry about some of the assertions that were made. While I take the point that training has to go forward and that there be new experiences and new equipment going on, I believe that it is... We do a disservice to our young people, technicians and experts in these fields when we try to characterise every fairly deliberate considered step...

Mr. Speaker: Hon. Minister you said there may have been an error at 45(ii)?

Mr. Benn: Yes.

Mr. Speaker: Is it at 45(b)(ii)?

Mr. Benn: It has (iii) in my print here.

Mr. Speaker: Yes. I do not know if we need to get a minute suspension to clarify because we do not want to have to come back to amend this.

Mr. Benn: Yes.

Mr. Speaker: Okay. It is the numbering, and the Clerk would normally tell us that if there is numbering, we have the authority to put it in the proper sequence, so we do not have to do the numbering. Thank you.

Mr. Benn: Okay. I am just pointing that out. **[Mr. Mahipaul:** That it is the point Hon. Ms. Hughes was making.] No. This is a point I made earlier, and I am just reminding ourselves a bit here again. Well, I think the questions of SMS, data capture, data storage and transmission and so on, were adequately addressed already. The question of whether the ambulances and the police vehicles would be identified particularly in relation to being charged when they are in response missions as first responders, those things are a given. We are not inventing anything new here. I think there was some issue where... Well, perhaps we really should not get into them about equitable rights and data privacy. I accept, and it is natural that, as a result of bringing this thing into being, there will be robust public education. I did say our bringing into being, which will take part or be part of the exercise about doing the right thing, I did speak to a number of different initiatives we took over the years and I said that there was a 'Respect the Road' thing going on now and that we are going into a phase of doing the right thing. I was not sure that people heard me when I said that.

Particularly again, I want to emphasise that there are the questions of removing bias, reducing corruption, improving integrity and all of those issues. I again say that we have had – well I say now – that we have had test runs done for this intelligent system and that, in the runs, we have had, exceedance of speed limits on an average of about 354 or 360 on a daily basis where it was tested. It just points out that, in over 100 days or so there were 34,000 or whatever number of delinquent behaviours, risky behaviour on our roads, which speaks to what happens. So, when this is rolled out over the country and the fact that persons will be getting their SMS messages and other information and being called to the court, being aware that it works, we expect that there will be a dramatic improvement in relation to this problem, once everybody gets on board.

Significantly, on the other side, it appears as though people might be paying some lip service or grandstanding for the cameras and for it going out there by saying they support the Bill and so on. The amount of negativity, the amount of doubt – persons seem to be assailed by doubts or assailing themselves or throwing out doubts in relation to every step and improvement that we try to make. The Hon. Attorney General, who did speak, and others did speak to the question as to the fact that when there is an improvement and when there is a step forward, there is resistance. In this matter we cannot have resistance anymore. The resistance and negativity will only result in our having a high level of road deaths, again, particularly amongst young people with the negative impacts

which persons have somehow on both sides of the House decried, pointed out its impact on society, communities and families, and it will not make us arrive at reducing road deaths by half by the end of the decade in 2030. I want to look forward to our full engagement on this matter. We ourselves may not deliberately do something which will cause an accident, but we can still be impacted by an errant motorist. It is of interest to all of us on all sides of the House and I want to commend this Bill for thorough consideration by the House and for full support in going ahead with this really important initiative. Thank you, Mr. Speaker and Hon. Members.

Mr. Speaker: Thank you very much Hon. Minister. Hon. Members, we have had the contributions on the Motor Vehicles and Road Traffic (Amendment) Bill 2024. I now put the question that the Motor Vehicles and Road Traffic (Amendment) Bill 2024, Bill No. 9 of 2024 be read a second time.

Question put and carried.

Bill read a second time.

Assembly in Committee.

Bill considered and approved.

Assembly resumed.

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

Mr. Speaker: Hon. Members, I understand that we will now move to the affirmation of The University of Guyana (Amendment) Order 2024. Hon. Minister of Education, you may now proceed with your motion.

MOTION

AFFIRMATION OF THE UNIVERSITY OF GUYANA (AMENDMENT) ORDER 2024 – NO. 43 OF 2024

“BE IT RESOLVED:

That this National Assembly, in accordance with section 12(7) of the University of Guyana Act, Chapter 39:02, affirms the University of Guyana (Amendment) Order 2024 (No. 43 of 2024) which was made on the 26th day of June, 2024, under section 12(7) of the University of Guyana Act, Chapter 39:02 and published in the Official Gazette dated 27th June, 2024.”

[Minister of Education]

Ms. Manickchand: Good morning, Mr. Speaker.

Mr. Speaker: Good morning.

Ms. Manickchand: We have before us a motion to amend. A motion that allows us to affirm an Order that seeks to amend the Act that deals with the University of Guyana. That motion reads as follows:

“BE IT RESOLVED:

That this National Assembly, in accordance with section 12(7) of the University of Guyana Act, Chapter 39:02, affirms the University of Guyana (Amendment) Order 2024 (No. 43 of 2024) which was made on the 26th day of June, 2024, under section 12(7) of the University of Guyana Act, Chapter 39:02 and published in the Official Gazette dated 27th June, 2024.”

Mr. Speaker the Order that we attempt to affirm here seeks to amend section 12 of the University of Guyana Act which provides for a council to be established and for the members to comprise said council. Your Honour it is no secret that the University of Guyana is precious to the People’s Progressive Party (PPP) and has been treated as such over the years. I think, for the record, given that this is one of the few times we have dealt with this matter holistically, it is good for us to speak into the record the existence or how it came to be – how the University of Guyana came to be.

“Former PPP Minister of Education, Verna Nunes, on 29th September, 1961, established a Working Party and the feasibility of setting up a local university. A university was possible. Nunes then submitted a document for cabinet consideration on December 6, 1961.”

12.16 a.m.

That got approve.

“The University of Guyana Ordinance was approved by the Senate on March 18, 1963 and by the Legislative Assembly on April 5, 1963. Governor Sir Ralph Grey signed the Bill into law on April 18, 1963. The University of Guyana’s inauguration was held on October 1, 1963. Classes started at UG on October 2, 1963.

Once Cabinet approved the proposal for the establishment of a University on December 6, 1961, Jagan...”

...then premier...

“...rolled out intensive communications with academics abroad to assist him in this needed project.”

A few examples of his letters and efforts follows.

“January 4, 1962: Jagan wrote to Harold Drayton in Ghana requesting his assistance.

January 13, 1962: Drayton responded that he would like to return to Guyana immediately, as the University of Ghana was willing to release him quicker by not applying the customary three months. December 17, 1962: Jagan asked Horace Davis whether it would be possible to recruit lecturers in 23 fields.

January 2, 1963: Horace Davis replied by indicating that both Professor Alan MacEwan and he would like to work in British Guiana [now Guyana]. He believed that a two or three-year budget would assist in attracting staff. On the question of the library, Davis advised that Jagan should establish a committee for staff recruitment, equipment and building, and to appeal for entire libraries from deceased scholars or moribund institutions.

January 10, 1963: Jagan wrote to Professor Paul Baran of Stanford University, Professor Joan Robinson, Cambridge University, Professor Lancelot Hogben, Birmingham University, and Professor David Glass, University of London. Jagan’s letter was a request for assistance in staff recruitment. In this letter, Jagan also outlined the university’s role; he suggested that the university should strive to develop the community through producing graduates for the civil service, teachers for high schools, and scientists and technologists

for industrial and agricultural development. Jagan advocated too that the university should administer action-oriented research into Guyana's problems.

January 10, 1963: Jagan wrote to Felix Cummings in New York asking him to mobilise funds for a library and laboratory equipment. Jagan also indicated that they were attempting to have Joan Robinson of Cambridge University as the first Vice-Chancellor."

You all would be free to read what you think Mr. Burnham did. One cannot read facts into history that do not exist. I continue:

"February 2, 1963: Lancelot Hogben replied accepting the position of Vice-Chancellor.

March 1, 1963: Jagan thanked Hogben for accepting the Vice-Chancellorship, and invited him to make a preparatory visit on March 18, 1963.

Professor Harold Drayton, first Deputy Vice Chancellor of UG, in *The University of Guyana Perspectives on the early History*, noted that in the months leading up to the university's inauguration and especially in the first year of UG's life, many local and regional newspapers, and some U.S. respectable journals, frequently published items unfavourable to the proposed national University, referring to it disapprovingly as Jagan's 'night school'; ..."

That might be the role you are looking for.

"...and that it was a training ground for communist activists.

Drayton also noticed in early 1963 that some senior education officers in cahoots with the Permanent Secretary within the Ministry of Education wrote disapprovingly of the proposed national University. And their paper was presented in tandem with the Ministry's White Paper on Higher Education to the Senate and Legislative Assembly."

This history was documented by Dr. Prem Misir in a letter dated 13th July, 2009 in the *Kaieteur News*. These letters are all recorded in the historical documents leading up to the University of Guyana. As you can see, Sir, and as Dr. Bheri Ramsaran, I do not see him here now, is fond of saying, this University of Guyana started with people referring to it as Jagan's night school in the Queen's College compound. It was nurtured, deliberately thought of and conscious effort went

into making it a full university of Guyana. The purpose of the University of Guyana is stated thus in the 1963 Ordinance that established the University of Guyana, Ordinance No. 6 of 1963. It states in section 3:

“There shall be and there is hereby constituted and founded a University by the name and style of “University of Guyana...”

In section 4, the aims were outlined:

“The aims of the University are to provide a place of education, learning and research of a standard required and expected of a university of the highest standard, and to secure the advancement of knowledge and the diffusion and extension of arts, sciences and learning throughout British Guiana.”

Section 12 of that same Ordinance established the board which we now call the Council. It states that the board:

“...shall have power to do or provide for any act or thing in relation to the University which it considers necessary or expedient in its capacity as the governing body of the University and the conferring of particular powers on the Board of Governors by other provisions of this [Ordinance] shall not be taken to limit the generality of this section.”

In other words, the Council is to manage the university.

“(2) The Board of Governors...

At that point in 1963 at the beginning of the university:

“...shall consist of –

- (a) the Chancellor, and the Principal and Vice Chancellor, who shall be members of the Board of Governors by virtue of their office;
- (b) not more than two persons to be nominated by the Academic Board when it shall have been constituted;

(c) not more than two persons to be nominated by the Guild of Graduates when it shall have been constituted; and

(d) not more than two persons appointed by the Council of Ministers.”

That is the Cabinet. It went on to speak about how long the tenure of the members could be. So, when this University first started, what was needed on the Council were people who could get it up and running. They were named. There were two persons from the Cabinet or named by the Cabinet; the Chancellor, the Vice Chancellor, and other persons whose roles at that time were to get the University started to carry out the aims that were listed there. Over the years, that changed. We are now here with section 12 of the University of Guyana Act, Chapter 39:02, which establishes the Council which was called the ‘Board’ in that initial Ordinance. In that Council, there were 26 members. I believe, Your Honour, was once a member and served on that Council and would perhaps be most familiar or more familiar than most persons in here about the University and its runnings – the acting Speaker, Mr. Seeraj.

Mr. Speaker, those 26 council members, at the time that they were appointed, were needed, named, and acted, I believe, in the best interest of the University and worked for that time that they existed. In fact, at that time what was needed, or what we thought was needed as legislators appeared to be more persons from foreign universities to advise. I think our country has moved. There have been several developments that both the world and our country here in Guyana have undergone that indicate a necessity to look again at who is running the country’s main and sole, for this moment, university. So, we are seeking to amend this section that names the members of the councils to make it more inclusive or more expansive, so that we could give effect to article 13 of our Constitution, which advises in actual words,

“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.”

What that means, Sir, is that wherever the State is making decisions, contributing significantly to making decisions, or wherever the State has a duty to ensure that good, wholesome, and sensible decisions are made, we should engage as far as we can, as widely as we can, and from as many

representative bodies as we can. So, what we are seeking to do here is to name more representative bodies to this council so that every single day the University will benefit from a wider variety of representative bodies, and a wider cross-section of the Guyanese public in the making of their everyday decisions, with a view to serving the people of this country. We are seeking to amend the 26 members to 32 members.

[*Mr. Speaker left the Chair.*]

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

This is how that amendment will happen. We have learned that since that Ordinance and the amendments, young people are to be seen and heard. The entire world has agreed that we have moved away from the adage that *children and young people should be seen but not heard*. We now want to, as a world, hear from our young people so that they can influence the decisions that are being made on their behalf and participate actively and wholly in those decisions. So, at paragraph 12, sorry, at section 12(j), instead of four persons to be nominated by a Non-Governmental Organisation (NGO) who, in the opinion of the minister mostly is a representative of the interests of women, farmers, Amerindians and business, we are adding in ‘and youth’.

12.31 a.m.

We are removing the period (.) and adding ‘youth’. That is an addition to the Council. We want youth representatives on the Council so that we could hear from the young people of this country about how they believe the University can work to serve both the young people and the future generations of Guyana. We are also amending this section to include at 12 (k):

“...one person to be nominated by the Guyana Trades Union Congress;”

We are seeking to amend it to state:

“...and one person to be nominated by the Federation of Independent Trade Unions of Guyana;”

Mr. Speaker, in 2016, in the matter of the Trade Union Recognition (Amendment) Act 2009 between the Federation of Independent Trade Unions of Guyana (FITUG), the plaintiff, and the Trade Union Recognition and Certification Board, the defendants – and this is reported by the

2016 High Court Demerara Civil No. 82 – the Hon. Justice Sandil Kissoon.... [Mr. Mahipaul: Yay.] I agree. Yay. He made a good and sound judgement here. It is dated 13th October, 2017 and was entered 8th November, 2017. This is how it is read: it is further ordered and declared that the plaintiff, which would be the Federation of Independent Trade Unions of Guyana, is the most representative organisation of workers in Guyana. With this judgement, we thought it fit to include...not to remove the Guyana Trade Union Congress (GTUC) which executive membership, I know, includes Members of the Opposition of this House. We are not removing them; we are adding to them, the most representative labour union in the country, so that we could carry out and give effect to article 13 of the Constitution every time the University’s Council sits. In section 12, we are amending subparagraph (2) (1). It used to read:

“...three persons to be appointed by the Minister who, in the Minister’s opinion, can contribute significantly to the University in the field of medicine and law;”

We are amending that to state:

“...six persons... who, in the Minister’s opinion, can contribute significantly to the University in the field of medicine, law, information and communications technology...”

That is ICT.

“...environment and climate change, natural resources and national defence and security.”

These speak for themselves. In this era where the Coronavirus Disease 2019 (COVID-19) forced us – and continues, it appears, to force the University of Guyana, given the complaints that we have seen in the media, social and mainstream – to use ICT to deliver education, to have a specialist or someone sitting on that Council to speak directly to the issue of information and communications technology speaks for itself.

Environment and climate change: Guyana is advancing its efforts on the Sustainable Development Goals (SDGs) for which the environment is a key goal. We are also a signatory to key United Nations (UN) Conventions on biodiversity, climate change and land degradation and we are continuing to meet Convention obligations. The Low Carbon Development Strategy (LCDS), which was tabled in the National Assembly twice and approved, continues to be one of the most forward-thinking national strategies in relation to the environment, climate change and low carbon

development. It has been recognised at the UN and sets out Guyana’s priorities on the environment, natural resources and climate change, *et cetera*, to 2030. Our university, over the years, has also been advancing its efforts in the areas of the environment – from setting up an Environmental Studies Unit in the early 1990s in the Faculty of Natural Sciences to, today, having a Faculty of Earth and Environmental Sciences – and is continuing to expand efforts. Also, Guyana continues to be a leader on payment for forest climate services, starting with our partnership with Norway and continuing today, under the LCDS 2030, the voluntary carbon market with the sale of forest carbon to Hess Corporation, and continuing to advance work with new market opportunities. Of course, we have named in Guyana, the *Champion of the Earth*, whom you know as our Vice President and General Secretary of the People’s Progressive Party/Civic (PPP/C), the Hon. Bharrat Jagdeo.

Mr. Speaker, given what I just said, to name to the Council a representative from the ICT community, from the environment and climate change community and from the natural resources’ community, seems obvious. To us, it is obvious. We also know and we are fully aware of our continuing diplomacy with other countries dealing with national security defence and security issues. We know that many of the officers coming out of the University of Guyana (UG) who work in different fields and who will have to advance this, not only in the typical sense of national defence and security, but in our diplomatic circles, need to be represented on that Council. The views of an expert, therefore, should be heard on the Council whenever it meets. That seems fairly obvious to us. That is one of the inclusions we seek to make.

Thirdly, Mr. Speaker, in section 12 (2) (m), the amendment that we seek to make here is to remove:

“...six persons to be nominated by the Chancellor of whom one shall be from each of the following–”

It was six persons.

“(i) the Association of Universities and Colleges of Canada;

(ii) the American Association of State Colleges and Universities;

(iii) the Committee for International Co-operation in Higher Education of the United Kingdom;

(iv) the University of the West Indies.”

Historically, if you look at the various appointees...and we had some remarkable Chancellors who, I think, this entire House would be happy to thank for their services. We have one right know, Mr. Greene. If you look historically at the composition of the Council, you will see that there were many times – more often than not – vacant seats for at least three of these six nominees – these six spaces. We are seeking to amend this to state that four persons be nominated by the Chancellor of whom one shall be from each of the following – the Association of Universities and Colleges of Canada, the American Association of State Colleges and Universities, the Committee for International Co-operation and Higher Education of the United Kingdom and the University of the West Indies (UWI). We also seek to add here a subparagraph (n): three persons be appointed by the Minister from nominations submitted by the Christian, Muslim and Hindu organisations. Let me read that from the Order:

“...three persons to be appointed by the Minister from persons nominated by Christian, Muslim and Hindu organisations.”

Therein, Sir, lies the end of the amendments that we seek to make. Again, I repeat we had 26 persons serving on a Council where the needs and the realities of Guyana were reflected in the membership of that Council. We now have different realities in Guyana. We have discovered oil. We are benefitting from oil. We are in a different natural resource environment. Regarding the environment, we are in an entirely different place in our country. We are seeking to put representatives on our only University to reflect that. The 1963 Ordinance gave us what we needed at the time. We have amended accordingly over the years to make that Council what was needed for those years. This is what we believe is needed now. I want to specifically bring to the attention of the House that these persons, for example, the persons from the Christian, Muslim and Hindu communities, have to come as nominees from a representative organisation. So, the representative organisation will have to name persons to this Council, in much the same way we do when we sit on the committee in Parliament which names persons to various boards and constitutional commissions. Additionally, the persons who are to come and represent the interest of women, farmers, Amerindians, business and youths, must come from Non-Governmental Organisations (NGOs). The NGOs must nominate them. While I believe that I can do a fantastic job of naming decent and sensible people who can contribute to the Council, I think we are sticking with good

governance principles and saying that they must come from large, representative bodies that can recommend persons who will give effect to article 13 every time they sit on the UG Council.

Mr. Speaker, I think I would like to end there, but it would be remiss of me to fail to recognise what has been put out into the public. What has been put out into the public are statements from political parties suggesting all kinds of sinister motives, including that the Government wants control of the University's Council. I explained, very clearly, for anyone who wanted to pay attention why we are doing what we are doing. It is to make this Council inclusive. Whenever the People's Progressive Party/Civic is in Office, Mr. Speaker, you have seen, repeatedly and consistently, growth in education. You have seen, repeatedly and consistently, efforts to improve our country through the education sector, beginning in 1961 when that PPP Minister, Mr. Nunes, put together a team to start the entire University of Guyana. I did not go on – but it is here for when I speak afterwards – about the resistance over the years to that University.

We could go through, Mr. Speaker – and I would be happy to do it now or after – our manifesto for 2020 when we went to the people of this country and invited them to give us their vote and place their confidence in us to develop this education system. In that manifesto, we specifically said that we were going to provide free education at the University of Guyana within five years, and that we were going to provide a pathway for debt write-off for students with outstanding student loans. We have done that. In fact, the Minister of Finance announced, not too long ago, the pathway for the students to benefit from the debt write-off. That pathway is that the student had to have graduated and be living in Guyana for him/her to benefit from the debt write-off. We said that within five years, we would be providing free education at the University of Guyana. The Government, therefore, has an even bigger interest in making sure that the University is run in a way that gives effect to the aims of the University. It has a duty, not a right; it has gone past a right. It now has a duty to make sure that the children who go there exit in a way that can develop this country which gives effect to the aims of the University when we started.

12.46 a.m.

Mr. Speaker, there are problems, and we cannot pretend that there are not. There are issues that have come to the public's attention. This morning, someone whom I do not know from the education faculty wrote to me and said she has been waiting on her grades since 2023 and she is

frightened she would not be able to graduate because they keep carrying it to different persons and it has not been addressed. I sent it to the Vice Chancellor, who to her credit, and as she always does, immediately responded to say that she would look into it. We keep getting those kinds of complaints. You cannot be a Member of this House and in this country and say you do not know about these kinds of complaints. We see repeated complaints in the media about the University being online and not being an in-person university. Those are issues people have and they want their representatives to deal with it when they sit at meetings and to deal with how this University is to be run. We have not a right... Again, I speak of the duty we have if we are to practise good governance in making sure those voices are heard, represented and that people are served in the way they want to be served.

So, very simply, I cannot imagine which of these bodies or which of these representatives the Opposition would object to. I would imagine this is going to be a very short debate and that we would be able to go home soon because I cannot imagine...Is it the youth to which they are going to object? Is it to the religious bodies? Is it to national defence and security? Is it the Federation of Independent Trade Unions of Guyana (FITUG)? Who is it the Opposition is going to object to? We are not removing anyone from this Council. We are adding persons to this Council, so we could have a more inclusive Council that could offer more to the University of Guyana. With that, Sir, I commend the passage of this motion at the right time. *[Applause]*

Presiding Member [Mr. Seeraj]: Thank you very much, Hon. Minister. I now call on Hon. Member, Ms. Coretta McDonald, to take the floor.

Ms. McDonald: Thank you, Mr. Speaker. I rise to make known that the decision to bring this amendment to the House is very unfortunate, if not a gross dereliction of good governance duties. Sir, autocratic regimes are often nervous governments with authoritarian tendencies who are very paranoid. They always believe that if they give up an inch of control, it will be to the end of their domination. Whenever we are faced with a situation where one ruler has absolute control and decision-making power in all matters of the state, we see the type of amendment that is currently before us.

The motion represents the pattern of real *control freakism*, which characterises every government under the control of the PPP/C. The motion seeks to affirm the University of Guyana (Amendment)

Order No. 43 of 2024 which was gazetted on 27th June, 2024. Pursuant to the Orders ascribed to the Minister in section 12(7) of the University of Guyana Act, this amendment represents an affirmation of the move to amend section 12(2) of the Act. The Order represents several impactful actions:

“(a) by substituting for the words “twenty-six members”, the words “thirty-two members”;

(b) in paragraph (i) –

(i) by substituting for the word “four”, the word “five”;

(ii) by substituting for the words “Amerindians and business”, the words “Amerindians, business and youth”;

In paragraph (4)(k), the motion affirms the Order to empower the Federation of Independent Trade Unions of Guyana to nominate one person. At (v), it places the sole power in the hands of the Minister to appoint six persons at her whims and fancies who the Hon. Member determines based on the instructions of the Central Executive of the People’s Progressive Party/Civic. The Order seeks to give effect to the arbitrary power, yet again, for the Minister to appoint three persons nominated by the Christian, Muslim and Hindu organisations. We have learned over the decades and established a *rule of thumb* when it comes to the action of the PPP/C, as exemplified by this motion. *The devil is always in the details*, like my good friend over there. These actions are never born out of an interest in good governance or a national interest. This is another grab for total domination and control and a further attempt to bring the University of Guyana under the political thumb of Freedom House. This is a blatant action to hijack the University’s Council. This has been the lifelong dream of the People’s Progressive Party/Civic and this is exactly what they are attempting to do now but it will never happen.

The University of Guyana has been under an assault from the second the Government was installed in August, 2020. The People’s Progressive Party/Civic sees the University of Guyana as the place that educates the youth and provides employment opportunities for those who have independent views, but they do not want that. They want that to end. We have just seen the latest action to undermine the University with the presentation of *Budget 2024*, where there was a \$4 billion allocation to a parallel tertiary operation, under the direct control of the political directorate, in the

form of the Guyana Online Academy of Learning (GOAL). Mr. Speaker, there is little doubt in my mind and in the mind of dispassionate observers and citizens as a whole that this amendment is another step in the direction of undermining the University of Guyana. This act of domination which has emerged straight from Freedom House and was possibly decided at a PPP/C Central Executive meeting, maybe at Robb Street... Sir, I will provide my assertion by providing context and a background on the matter to understand the intricate plot that is now afoot. Given the effect with the Order, we must examine these attempts by the PPP/C, which began as early as 2015, and executed by the same Minister who now heads this mission, which perhaps has been ordered at the highest levels. Political control of the University of Guyana has always been a main goal of this regime and it did not begin with this Order, and it will not end with this action.

As early as 2012, the PPP/C waged fiscal war on the University of Guyana by allowing this University to run a deficit of \$200 to \$250 million annually. Mr. Speaker, lest we forget, it was this very regime that refused to sign the Government of Guyana initiated World Bank loan of US\$10 million for the University of Guyana's Science and Technology Support Project. The University had to *fight tooth and nail* to get access to that loan. This action and this history call into question. To make clear that the Order is another stage of the evolution of the PPP/C's consistent and contentious relationship with the University of Guyana, we must examine the different reports that have sought to technically assess the University of Guyana over the years. These are: the Five-Year Development Plan, 1986; the Human Resource Training and Development Inter-American Development Bank (IDB) Programme, 1991; the University of Guyana Academic Plan, 1990 to 1995, which was initiated in 1991; the Distance Education Department of the Institute of Adult and Continuing Education's Five-Year Development Plan, 1995; the Presidential Commission of Inquiry into the University of Guyana with 40 recommendations, 1996; Trevor Hamilton and Associates Limited – the Conceptual Program for Improving the University of Guyana's Cost-effectiveness and Enhancement of its Relevance, 1996; and the National Report of Higher Education, the United Nations Educational, Scientific and Cultural Organization (UNESCO), 2002. Sir, all of these reports presented ideas that would transform the University but were discarded and allowed to gain cobweb because it did not seek to gain the only mission of the People's Progressive Party/Civic, which was to ensure that all the key decisions of the University must be made at Robb Street and not at Turkeyen.

Mr. Speaker, please allow me to delve into this credible case by drawing attention to the fact that in a time when the world is moving away from political control of universities and making higher education policies which make wholly independent universities, we have seen this amendment before us that goes in the opposite direction. In the case of Britain, there is no single public university. We, in the Coalition, understand that universities have a singular opportunity and obligation to contribute to the development of society and democracy, and to play an active role in shaping societies and strengthening the social contract. Therefore, the relationship between academic freedom, institutional autonomy and democracy is critical and it is a fundamental value for higher education system across the globe. Here, it is no different for Guyana, and this amendment contradicts the letter and spirit of the aforementioned. We stand against this amendment in its current form and, by extension, the Order because the autonomy of the University is so valued and so real that nearly every suggestion for changing the Act is an attack on the institution's autonomy, which the PPP/C hates with a passion. If the Minister has no interest in political control, then the Order should take the power away from her office and place that decision in an independent commission or leave the current formula in place.

You cannot tell this House that we must rely on the goodwill of the Minister with the track record which begets this Administration. They only want control. Perhaps, we might see a different course of action if the Government educates itself on the concept and importance of the autonomy of institutions of higher learning. The notion of institutional autonomy can be traced back a few hundred years with the evolution of modern states, where there was an increasing need to demarcate the roles of the state, the church and the learning institutions. This demarcation was necessary because of the growing tensions between the state and the universities and their influence over society. This tension also helped to shape the debates and philosophies on institutional autonomy. I cannot believe that we are here to debate an amendment that takes us back to a time when there was concern about the influence of universities over society. Further, at this time in our history, we should be here dealing with legislation that speak to a tertiary education policy in relation to our oil and gas development.

1.01 a.m.

We should be positioning our education system to adjust to the trajectory of our development. Instead, we are here to amend an Act to increase the Government's control and to decrease

academic autonomy. Sir, I hereby point to the *Concept Paper for the Development of a CARICOM Strategic Plan for Tertiary Education Services in the CARICOM Single Market and Economy* by Professor Tewarie Bhoendradatt. On page 11, he stated:

“A review of the legislation concerning education in general and tertiary education in particular in the Caribbean reveals two interesting phenomena. The first is that many of the Education Acts are outdated, going back to the 1970s, 80s, and 90s. Given the significant developments that have taken place in education regionally, as well as internationally over the last twenty years, regional legislation especially related to the tertiary and higher education needs to be reviewed, rewritten, harmonized and integrated to support the evolution of a seamless tertiary sector across the region”.

We should heed this wise counsel and have a revolutionary overhaul of higher education policies and the revision of all legislation connected to education in this new oil and gas economy. Sadly, this is not within the interest of this Government. They have opted now to politicise the University of Guyana. Make no mistake, Mr. Speaker, this is what it is all about. The People’s Progressive Party/Civic wants to be in control of who is in authority at the University of Guyana so that they can direct them at their will. They want to decide who controls the faculties. They want to control who lectures to the students and what political messages are filtered in the classroom. This, again, is all about *control freakism*. This is the reality. If the Government wants to prove me wrong, they should withdraw the Order and scrap the motion. I must caution the folks on that side of the House that politicisation of tertiary education is dangerous business. The literature tells us that politicisation of education comes with serious consequences for the average country. It results in a difficulty to reach consensus on important educational policies and reforms as the focus may shift towards political agendas, rather than the best interest of students and educators.

Frequent changes in educational policies and priorities, because of political influences: when the education is politicised, policies may be revised or overturned depending on the changing political landscape, making it difficult for the education process. The distortion of facts, research and evidence-based practices, policies and curriculum decisions may be influenced by political ideologies, rather than objective analysis and research. This will have a negative impact on the quality and accuracy of educational content and may compromise the learning outcomes of our students. Sir, the politicisation of the tertiary education system kills academic freedom and stifles

innovation. We do not need this at this time in Guyana's history. The politicisation at the level of the University of Guyana can limit the autonomy of academic leaders and infringe upon academic freedom. Heads of Departments and faculties and lecturers may face pressure to align their teachings with specific political beliefs or face consequences for presenting diverse. Diverse prospective and critical thinking skills in the lecture halls and the lecture theatres: whether it is in the stables or the George Walcott Lecture Theatre (GWLT), the University of Guyana (UG) must remain free of everyday husking of Guyanese politics. This amendment teems with the possibility to curtail the creativity and effectiveness of the University teaching and hinders the development of well-rounded individuals. That cannot contribute to the development of the oil and gas economy.

When education becomes highly politicised, it can erode public trust in the educational system. People may question the motives behind the policies and decisions, leading to the loss of confidence in educational institutions and their ability to provide objective and quality education. In this case, the people are observing the Government's approach to UG. The Council of Europe Parliamentary Assembly warned about the threats to academic freedom and autonomy of higher educational institutions, and in doing so, the august body stated:

“...national parliaments and international parliamentary bodies also have a role to play in identifying relative increases or decreases in respect for academic freedom among State partners and providing a framework for regular evaluation, dialogue and reform. The Assembly calls on national MPs and relevant parliamentary committees of its member States to remain vigilant as regards to significant deficiencies or decreases in respect of university values, and to undertake inquiries into the causes and develop appropriate policy remedies when necessary.”

This is the duty that calls us today in this Assembly. What we are contending can be seen in every action which this Order seeks to effectuate. It will substitute for the words “twenty-six members” the words “thirty-two members”. What we note is that when the University of Guyana Act came into force in April, 1963, it embedded in our Constitution the legal arrangement for there to be a reasonable level of autonomy to the University. Once this amendment is passed, that level of academic influence will be gone, and the political domination would come in with the expansion of 32 members. This is how governments begin to exercise their domination.

Importantly, the Order seeks to substitute for the words “Amerindians and business” the words “Amerindians, business and youth”. On the face of it, one may want to rage war against this aspect of the amendment. One might be tempted to applaud the inclusion of youth on the University’s decision-making board. After all, it is the Coalition that has consistently championed the cause of youth empowerment. We have consistently argued for meaningful youth representation. We are fully aware that even when youths are given opportunities to participate in formal government bodies, the positions are often non-voting. So, there is no way to know if they have any influence. Make no mistake, Mr. Speaker, we believe that youth participation cannot fulfil young people’s quest for purpose, self-worth and belonging. When youths contribute towards decision making for the communities or a university, it instils deeper bonds between youth and their communities and institutions, such as the University, and establishes them as valuable leaders. We know that youth participation can influence awareness and can increase awarenesses of the challenges that others in their communities’ face, along with a sense of duty and identity to identify solutions which can improve their surroundings. However, we do not believe the methodology for this amendment will give effect to the aforementioned principles.

The Minister will simply select a youth who is a political lackey to execute the instructions of the Government of the people. This defeats the purpose of youthful representation. For the record, we are not against any legislation that calls for representation of Amerindians and youth. We disagree with the methodology. If you want to empower these groups, take politics out of the equation and let the legitimate youth organisations or groups and authentic organisations select the representatives, and not the Minister whenever she feels. This amendment should include language that compels the Minister to consult with organic youth organisations before the selection is made. What the Government has done here is looked at the Act and sought to see how they could cleverly pack the Council with their own lackeys to gain control. I have no doubt that the Government selected this change to accuse those who oppose the change to be against the inclusion of youth. Let me restate that we have no issues with youth representation being enshrined in this Act. We are concerned about the method of the selecting of representation.

In paragraph (K), the amendment affirms the Order to empower the Federation of Independent Trade Unions of Guyana to nominate one person. If there was any doubt about this Order being a naked attempt to hijack the Council, this aspect of the amendment erases all doubts. I can speak

to this Act with some authority. I have been in the husking of trade unionism in Guyana for the longest while. What the Government has done with its use of FITUG is a scandal of gigantic proportions. This organisation has been a front of the People's Progressive Party, with all of its actions in complete lock ship with the Government. There is no chance that this organisation will nominate someone who is interested in things academic. As a result, the PPP/C Government, through this expanded UG Council of 32, will now have full control over such matters as the appointments of the Vice-Chancellor, the Deputy Vice-Chancellors and academic staff, as well as over the planning of budgets and financial expenditure of the University. As I have explained, this is dangerous business. We have seen, over the years, the *modus operandi* of this Government. They have consistently demonstrated that they are more interested in political domination than the technical aspects of the operations of state apparatus.

The PPP/C is committed to the maxim of "you will have your say and we will have our way". Therefore, they will use their majority to pass this amendment, regardless of how much we, on this side of the House, oppose same, even with the recommendations we proffer. However, this Government is in trouble and the writing is on the wall. Mr. Speaker, I must ask, was any consultation done with the University of Guyana? If there were, did the Hon. Minister heed the advice given? There will be a change and it is imminent. We would like to go on record with our vision for the University. That is, we will review the impact of these amendments and restore academic autonomy. We will restore the University of Guyana to being an independent body.

1.16 a.m.

We will make the University of Guyana one of the best centres of knowledge in this region. We will thus, substantially, increase funding to the University with a focus on promoting applied research, teaching, enhancing the physical aspects, and other critical elements of the faculty and students lives. This *control-freakism* will lead us to exactly what we saw a couple of days ago with the announcement of the National Grade Six Assessment exams, where confusion and panic reigned – wrong scores, right slips and incorrect addition. The confusion that has been brought along with schools that are governed by boards is where we want to take the University. In so doing, this Motion that is before us or this amendment that is before us, we will not accept it in this manner. I, thank you. [*Applause*]

Presiding Member: Thank you, Hon. Member. We will now give the floor to the Hon. Minister of Culture, Youth and Sport, Hon. Member Mr. Ramson.

Mr. Ramson: Thank you very much, Mr. Speaker. Therein lies the reason the Guyana Teachers' Union (GTU) lost its fight with the Government. It is because the Hon. Member, Ms. McDonald, lacks credibility. They come here, as they usually do, and feign as if they care for people in this country. When they had the chance to do something about the University of Guyana, what did they do? Absolutely nothing. In fact, they made it worse.

During the time that the A Partnership for National Unity/Alliance for Change (APNU/AFC) were in Government, what happened to fees at the University of Guyana? It went up by 18%. Despite the fact that during their campaign, Brigadier (Ret'd) David Granger himself, before he became president, said he would guarantee a job for a graduate within 18 months of graduation. Then, when he became President, when he was asked about the jobs, his response was to go and sell cook-up rice, guava jam, pepper sauce and plantain chips. That is the record. That is how they care so much that they cared about education and they feigned with this pretensive attitude about caring for people. There are two words that should never be mentioned in the APNU/AFC. The first word is 'democracy' and the second word is 'youth'. The reason I am dealing with it in this way is because it is hypocritical. All of the young politicians, your political leaders destroyed you – destroyed your political careers – Christopher Jones, James Bond, Trevor Williams, Sherod, Malika Ramsey and Jermaine Figueira. A number of young political leaders were never given an opportunity to be part of the camp...*[Interruption]*

Mr. Mahipaul: Mr. Speaker, I rise on a Point of Order. The Hon. Minister made reference to Members of this House without addressing them properly. I would appreciate it if we could give regards and respect to them by the designation as 'Hon. Member'. There were persons who are not within this dome who were referenced. I think the substantive Speaker ruled on us not imputing especially on members who are not a part of this House.

Presiding Member: Thank you, Hon. Member. Hon. Minister you know the right thing. Go ahead, please.

Mr. Ramson: Yes. I wish that they had regard for you and your young Members in the Opposition now when you were in power. I wish they had regards for you. I wish they gave you an opportunity

to be in the seat of this House in this Honourable House. I wish they gave you an opportunity to sit in the Cabinet. I wish they gave you the opportunity. When you had the first opportunity to go and represent for young people to have a say of what the Government – the APNU/AFC Government – did when they came to...*[Interruption]*

Ms. Ferguson: Mr. Speaker, Mr. Speaker, Mr. Speaker?

Presiding Member: Hon. Member Ms. Ferguson, are you rising on a Point of Order?

Ms. Ferguson: Yes. A pleasant *[interruption]*

Mr. Ramson: None of the Hon. Members will break my stride in coming at you. **[Mr. Duncan:** We coming at you too Mr. Ramson.] I want you to come. I do not care. You could come from now until tomorrow. **[Hon. Members: *[Inaudible]***

Presiding Members: Hon. Members, let us allow Ms. Ferguson. Are you rising on a Point of Order?

Ms. Ferguson: Thank you very much. Yes. Good morning, Mr. Speaker. I am rising on a Point of Order, Standing Order 40(a). May I quote for you, Sir? It states:

“by rising on a Point of Order, when the Member speaking shall resume his or her seat and the Member interrupting shall simply direct attention to the point which he or she desires to bring to notice and submit it to the Speaker or Chairperson for a decision;”

Mr. Speaker, the Hon. Member stated earlier that the former President who is not here to represent himself, Brigadier (Ret'd) Granger, promised jobs to young people. Mr. Speaker...

Presiding Member: And?

Mr. Ramson: That is a public statement.

Ms. Ferguson: Mr. Speaker, I found the quote and what the Hon. Member alluded to earlier, no way have I picked it up in a public document that was carried by *Demerara Waves* on 9th April, 2017. The headlines state:

“I will do everything possible to help you to get jobs” - Granger tells youths’.

If I may quote Brigadier (Ret'd) Granger directly, he said:

“I will do everything possible to help you to get jobs but you must also want to help yourselves.”

He was quoted as saying in a statement issued by the Ministry of the Presidency. Mr. Speaker, ...

Presiding Member: Hon. Member, you have made your point. I think the Hon. Minister was alluding to what the former President said without directly quoting him.

Ms. Ferguson: He has to be factual because I am quoting from a public document, *Demerara Waves*.

Mr. Ramson: I did not quote from where you are quoting from.

Presiding Member: The Hon. Minister...

Ms. Ferguson: You cannot misrepresent the facts here, Sir.

Presiding Member: Hon. Member, the Minister was not quoting what the former President said. Hon. Member, your time will be given back to you. Please, proceed.

Mr. Ramson: Thank you very much, Mr. Speaker. When the APNU/AFC came to Government, besides the fact that they did not appoint any young people as ministers and members of the Cabinet... I am not even sure if any of you who are here were Members of the Cabinet but leave that to one side. Here is what I know. The first action that they did, was to remove the Ministry of Culture, Youth and Sport completely. They removed it completely. They removed the voice of young people at the level of the Cabinet. When you were campaigning you used young people; the APNU/AFC used young people. That is why so many young people in this country are so disappointed because you worked them and you fooled them. When you came into Office, even if you only did an appointment, you failed on that. The average age of the Government of Guyana, the Cabinet of Guyana, was 68 years old. On the street, people used to call the abbreviation of Government of Guyana (GOG), Government of Geriatrics. That is why none of those young people did not get an opportunity to be a minister or a Permanent Secretary (PS) while they were in Government. That is why they are still reeling from that situation. Some of them, now that they

have lost their seat on the central executive is the end of their political career – that is the end of their political career.

I see the Hon. Member, Ms. Ferguson, wants to defend Brigadier (Ret'd) Granger. Brigadier (Ret'd) Granger could not even save you just now to get into the central executive. Let me tell you something else too, it is the Leader of the Opposition who is going to make proposals for a recall. It is the Leader of the Opposition. Just be clear about that. As we are on the subject of this matter, one would think that the expansion of supervision at the University of Guyana and governance would be something that you should support, especially when the Government is about to make significant investments into the University of Guyana. More supervision would be something that everybody, as a taxpayer – all of you are taxpayers – would want to see.

I will ask you one question since you are afraid or totally against this. Are you satisfied with the condition and the performance of the University of Guyana? If your answer is yes, then I will ask you to go and talk to the University's students. All of the University's students will answer in the negative. They will answer in the negative that they are not satisfied with the performance. Let me tell you what transpires there. There are some lecturers or some classes who are not scheduled until very late in the day, until sometimes 7.00 p.m. when during the day there are no classes scheduled. A lot of the students are going up there during the day playing cards, running wrap and rummy. That is what they are doing up there. Now, I have been to quality universities all around the world. I am extremely proud of the quality universities. When the Government of Guyana is going to make important and big investments that are part of a holistic approach for the transformation of the education sector in the country, it is important that the expanded governance arrangements, as well as the oversight, are there. In fact, as taxpayers, all taxpayers in this country would want that and the Government have a responsibility to ensure, be aware and to know about the accountability of Government's funds. It is Government's funds and we have to respond. In addition to that, when those young people come to us about those very same conditions at the University of Guyana which you are not proud about and you could never be proud about, we, as the Government, have to respond. It is not about doling out money, it is about how money is spent. Let us make a comparison quickly, how could you, if you were to compare the University of Guyana's performance versus our regional brothers and sisters... You can examine where those

universities rank in comparison, what are the facilities they have, and the experience that they have and there is a reason.

1.31 a.m.

I can prove to you that the young people in this country are voting with their feet. Look at the Guyana Online Academy of Learning (GOAL) scholarship, almost 30,000 young people have gone on that GOAL scholarship and benefitted from that GOAL Scholarship. Do you know why? It is because they are voting with their feet. They have made a choice and none of your points by shouting and heckling are going to change that fact. I refuse to accept this crocodile type of caring that you are coming in here and feigning caring. You only care when you are in Opposition. You only fake caring when you are in Opposition because, in this very same legislation, if you are to check the Act, what proposals or what amendments were made in the A Partnership for National Unity and Alliance For Change five years in Government? What amendments were made to the legislation? Zero; zero; nothing came to this House to help transform the governance arrangement of the University of Guyana or to do anything that is supportive. Let us deal with the statement that came out from the Congress Place. I want to make reference to one particular point. It states:

“a PNCR government...”

It is not an APNU/AFC government. We are very clear about the intent of that statement. [An Hon. Member: That should not worry you.] Trust me, trust me, it is not worrying me at all. [An Hon. Member: Why are you talking about it?] In fact, we have never been more excited. This is what they said. I noted very carefully that they have now severed their reference to any APNU/AFC potential government. They have now realised that the Alliance For Change is just *dead weights* and, to be honest, they were riding the People’s National Congress (PNC) for a very long time in those last five years so, congratulations. You guys gave them more than they deserved – more than they deserved. When you go alone into the next elections, you will see how many seats you will get. You will be destroyed. Now, this is what it states:

“a PNCR government will reverse the impact of these amendments...”

They will reverse the impact; they will not reverse the amendment. They will not reverse the amendment. They said they will reverse the impact of the amendments. If they were so against

these amendments, they would have simply said that they will reverse the amendment. What did they say? They said that they will reverse the impact of the amendments. Let us examine, very carefully, the amendments that they are against or what impact they can create. What impact can they create? Let us understand the investment that we have made in the last few years. We moved our education sector budget from \$62 billion to \$135 billion. We have commenced the construction of scores of schools all across this country, in areas which hitherto never had schools before; in areas which the APNU/AFC, while in Government, knew that there were deficient and decided not to even construct one. That investment and that transformation are happening all across the country. That transformation must now happen in the education sector of higher learning and the University of Guyana is an important part of that. In fact, education is now a universally accepted concept. It is a government service that should be provided but, higher education, in particular, is one of the main strengths of a modern economy. A modern economy is more sophisticated and it is more complex. It is that complexity which requires the University of Guyana to respond.

Imagine in the sports sector, for example... I just want to use this one example to show you how anachronistic it is. If there is not even a kinesiology programme at the University of Guyana... Some of you may not know what a kinesiology programme is. If you cannot have a modern sports sector, if you do not have a kinesiology programme at the University that does not exist. I am saying that transformation is happening across all of the sectors that are being transformed before our eyes and it must also happen in the education sector of which the University of Guyana has an important role to play; especially because of its ability to deliver higher education in a knowledge-based economy. I want to let everyone know, in this House and across this country, that there has not been the transformation that was necessary to see at the University of Guyana which must happen now. Government intends, we have just put \$11 billion into the Student Loan Relief Programme. We have just put \$11 billion. [Ms. Ferguson: Stop talking about the taxpayers' money.] It not just taxpayers' money; it is not just taxpayers' money; it is Guyana's money. It is not just taxpayers' money; it is Guyana's money. In this situation, it is the Government's money that we are putting towards that because we make the decision about where and how much it would go. Now, because we are making significant investments into the University of Guyana, that oversight as well as increased governance arrangement must also now be equally important. In fact, it is the responsible thing to do, as a government. It is the responsible thing to do as a government.

I want to conclude by saying that this Order, which is here for an affirmative resolution will be supported wholeheartedly but this side of the House. I am also confident that all of the Members on the other side of the House will not vote in favour of this because some of them might be sleeping if a division is intended to be called. Three quarters of the entire Opposition are not even here. You love the University of Guyana so much; you care about higher education; and this Order is so much that three quarters of you are absent. They could not be bothered to be here, just as you could not be bothered to support young people while you were in Government. This Order will receive full support from the Government of Guyana. The University of Guyana will get the investment that is needed. University education will become free before the conclusion of this five-year period and tens of thousands of young Guyanese will benefit from that. It will help to transform this country, our country, the country that we all love so much. All of us will benefit from higher learning and the investment that we are making. Thank you very much, Mr. Speaker.

[Applause]

Presiding Member: Thank you, very much, Hon. Minister. Now, for the Hon. Member, Mr. Duncan.

Mr. Duncan: Thank you very much, Mr. Speaker. All protocols having been observed. I am privileged to stand on behalf of not only my Party, but the parliamentary Opposition to lend my voice to this Order, especially because it concerns the University of Guyana. I know our parliamentary colleague, the Minister of Youth and Sport, Mr. Charles Ramson, is very fond of quotations. There is one that states:

“Until the lions have their own historians, the tales of the hunt shall always glorify the hunter.”

There is another one by Plato. I know he has a fondness for quotations. Plato states: *all of you will then be chosen for a higher privilege and the studies that you pursue without order in the early years will be brought together and you will see the relationship to those studies and to one another and to truth.* I know higher education is not your forte Member of Parliament (MP), Mr. Hamilton, so you might not grasp it. I learnt this while sitting in the classrooms at the University of Guyana. I learnt it there. **[Mr. Hamilton: (Inaudible)]** I do not wish to know anything about you either; I do not wish to know anything about you. I have a particular love for the University

of Guyana. I want to say very early to all the Members who are here, we have to keep politics out of the University of Guyana. We are trampling on very, very dangerous grounds here. I will tell you why; I will tell you why.

I have had a great privilege. I know Mr. Ramson, our Colleague, talked about foreign universities and I do not knock them. If you have the privilege of going to a foreign university, take the opportunity; I have nothing against that. There are people who stayed and contributed to our University, because there is value there too. The people who go to UG must be valued there as well. I had the great privilege of doing Industrial Relations and Management through Institute of Distance and Continuing Education (IDCE). In that programme, I met Professor Bishop who was a former Chancellor. I met Mr. Timothy Jonas in that programme lecturing there. I met some good folks who were not going after the money because they were never remunerated appropriately, but just have a passion for serving their nation. I had the privilege as well to study Communication Studies. What we do on a daily basis, bringing valid and credible information is not a fluke. It is theory meeting practice at the University of Guyana. In my first year, as a Communications undergraduate, I had Dr. Forsythe as a first-year student.

1.46 a.m.

I had Dr. Paloma Mohamed as a first-year student. We do not have a lot of persons with Doctor of Philosophy (PhD) teaching our first-year students now because we do not attract that sort of talent because of the cost of attracting it. Do not let us politicise the University of Guyana. After I graduated from Communication Studies, I pursued law. We had some great people in the Department of Law as well. We lost Mr. Sheldon McDonald very early during that tenure who was the Head of Department when I was doing law during my years of doing law. We lost Mr. Calvin Eversley who was trained from the Harvard University. We lost as well, a gentleman who taught in the health sciences. He did Medical Ethics or something such as that with us. We had it rough in those years. We had the former Chancellor – a short petite fellow. [Ms. Walton-Desir: It was Mr. Massiah.] It was Mr. Keith Messiah and Mr. Eversley. We had a former Judge of the Caribbean Court of Justice (CCJ). [Ms. Ferguson: It was Justice Pollard.] It was Justice Pollard. These were people who did not go after the money. We had Ms. Kim Kyte-Thomas as well. They were there providing service. I said that to underscore, while I do not knock

foreign universities as well, there are some values in the University of Guyana. I want to start there.

I want to compliment, again, the Minister of Education, Ms. Manickchand, – one of the better persons, I think, in the People’s Progressive Party/Civic. Minister, Ms. Manickchand, you must take people such as Member of Parliament, Mr. Ramson, under your wing and bring him up. The Hon. Member is wild. The Hon. Member is wild like buck bead. To have longevity – Minister, Ms. Manickchand, knows this – you need range in politics. Member of Parliament, the Hon. Member, Mr. Ramson, has one gear. The Hon. Member has one gear which is the fifth gear. If one drives the car in fifth gear all the time, one will burn it. Give the Hon. Member, Ms. Manickchand, her due; the Hon. Member has a range and could give a feral blast and then comes down. Mr. Ramson could only do that if he submits himself to some tutelage in this thing called ‘politics’.

Mr. Ramson has to humble himself. You do not know it all; you do not know all the Plato and Shakespeare. [Mr. Ramson: I know UG.] You do not know UG. Not only have I had the privilege of UG contributing to my life, I have had the great privilege of running for student government – testing my ideas very early. I did not just run but I won as well. I do not want to draw him into the debate because that is not what we do here. I want to recognise the current President of the University of Guyana Student Society (UGSS) who is in the House here. I have been following his own efforts from afar. I want to recognise the former President as well, Mr. Mahipaul. We did not represent any political parties there. I ran against Mr. Mahipaul who was in the Student Factor Party. I ran against Ms. Fernandes who was in the Department of Economics Student.... What was the name of it? [Mr. Mahipaul: It was the USA.) It was the United Student Alliance (USA). We ran against each other on the campus and we did not know that our faiths were going to be intertwined. I never saw Ms. Manickchand in a political party at UG but she still made it here. I definitely did not see Mr. Ramson in there. I did not see Mr. Hamilton, Mr. McCoy or so on. We tested ourselves. Members know if one had been to UG and made it on that stage in the George Walcott Lecture Theatre (GWLTL), one could make it in the well of the National Assembly, because one had to come with something. People were not taking us by face value and the party we belonged to. We had to bring something to the floor.

We challenged the Administration of our day. There is something called progress. We did not build 50 schools but it is called progress. Maybe, we did not have oil money to build 50 schools. We did

not institutionalise paid tuition education and we did not have oil. We did not have oil. In 1992, when the People's Progressive Party (PPP) came in they met the free education system and introduced tuition. [Ms. Ferguson: It was in 1994.] It was in 1992. [Mr. Mahipaul: They introduced it in 1994.] Yes. I am saying that it is caught up in the whole tenure there. We did not introduce tuition education. If you come now providing and promising free education, you are just correcting your own course. You are not doing the students of this country a favour. You are putting things back as you found them and you are now finding value in free education. We did not have oil. I wanted to say, as I begin, that the growth of the University belongs to Dr. Jagan and it belongs to Mr. Forbes Burnham – depending on who you ask. What is clear is that the life of the University of Guyana is in an extricable bound with the life of this nation. We cannot run away from that – we just cannot. As I said – the Government of the day – post-1992, subsidised completely the education for students. Somebody paid for it, so it was subsidised fully.

We now come to this Affirmation of the University of Guyana (Amendment) Order. When Mr. Ramson spoke so passionately, again, it is from far off. I had the privilege of sitting on the student council of the University of Guyana. Our Hon. Colleague, Ms. McDonald, stopped the history of some of the transformation that took place at UG in the early 2000s. I was there with the former Chancellor, Professor Carrington from the Republic of Trinidad and Tobago. He had a strategic plan that he started working through. I sat through almost every one of those planning sessions with the private sector. Do you know what I found? I found that they were always poorly attended by the Government of the day – if at all. In the Government again, the People's Progressive Party/Civic come again to say that they are interested in the UG more than you. I have been there with Professor Carrington. What is his first name? [Mr. Mahipaul: It is Lawrence.] It was Professor Lawrence Carrington – a tall fellow from the Republic of Trinidad & Tobago. In those sessions, I did not see the PPP pouring through the doors to come and play a part to move the University forward. To stand here this evening and say that you love the University more than anybody else is hypocritical. I want to circle back to when I started talking about with progress.

Presiding Member: Hon. Member, I would like you to find a substitute for that word. It is deemed unparliamentary.

Ms. Walton-Desir: Which word is it?

Presiding Member: The word is ‘hypocritical’.

Mr Duncan: I will use the words two-faced and two-mouthed. I want to circle back to progress. When I was a first year student at UG, there were long lines from the Registry Department, wrapped around the building and going out of the campus. Students had to go and submit a paper form. The PPP/C did not change that to a computerise system. That was done by pressure from the UGSS. [Mr. Mahipaul: The campus was shut down.] The campus was shut down. I am coming to that – shutting down the campus. That was the University becoming progressive in its thinking and it started us on a course of reforming some of the structures there. I was a student at the UG when we had to sit in the GWLT and fan ourselves. We fetched chairs into the GWLT. [Mr. Mahipaul: Tell them what year it was.] This was under the PPP/C. [An Hon. Member: There was no wireless fidelity (Wi-Fi).] There was no Wi-Fi. Today, because of progress that started under the last Administration... [Ms. Ferguson: The stables were hot, hot, hot.] ...hold on; I am coming to the stables; the GWLT is air conditioned now. Mr. Ramson has not been back in a long time, so he would not know. I went to the Open Day and Job Fair this year and I did not see anybody from the PPP/C there. I walked every faculty and I did not see anybody from the PPP/C at the Open Day and Job Fair. There is where it matters but that is what one calls progress.

The stables is a metaphor in of itself. My first day doing Criminal Law with Ms. Amsterdam – a fantastic woman who was short in stature and big in... [An Hon. Member: Big in brains.] ...brains, drilled into us, the *mens rea*. [Ms. Walton-Desir: There was the *actus reus*.] There was the *actus reus* and a whole host of other things. Why are all of you doing law – she asked each of us. I want to be a humanitarian lawyer; I want to be a this; and I want to be that. The hands went up around the class. I was a poor, *lil pagalee* boy from South, who came out of Richard Ishmael Secondary School and did not know all these things. I just had a little beat in my heart to press forward. My mother was a Nurse and she paid for my education at the University of Guyana. Let us talk this story.

When we were having protests on campus, Ms. Amsterdam would always ask – I thought all of you want to be Human Rights Lawyers, how come all of you are not out there? It was always a couple of us – as per normal – at the front in the fight for betterment at the University of Guyana, but we could never engage the PPP/C on that betterment. They did not want to hear about that

betterment and they would wait you out. Let us see how long all of you could go out there and march. Let us see how long all of you could be absent from your classes – one week or two weeks. It was not only students, but the Lecturers have had varying protests on that campus. [An

Hon. Member: There was Mr. Freddie Kissoon.] I am coming to Mr. Freddie Kissoon; hold on. I know some of the union leaders so well – Mr. Haynes – because we lend support with them. There was Dr. Francis. I did not see PPP/C people there in the struggle when those people were asking for betterment. This was under their man, Dr. Opadeyi, who supervised a certain PhD and now has a big work at the GOAL. He received his brown bag. Now, he wants to come back and take over UG under the table. [Ms. Walton-Desir: It is under the table and that is why the amendment is coming.] I have been there; let me talk. [Interruption]

Mr. Ramson: Mr. Speaker?

Presiding Member: Hon. Minister, are you rising on a Point of Order?

Mr. Ramson: The Hon. Member just called Dr. Opadeyi's name and imputed that he collected a brown bag. Those are things that should never remain on the record and the Hon. Member should withdraw that. The Hon. Member knows better too.

Presiding Member: Thank you, Hon. Minister. Hon. Member, you are reminded that you should not be mentioning names of persons who are not in the Assembly. Do the right thing.

Mr. Duncan: Thank you very much, Mr. Speaker. Dr. Opadeyi was always reluctant to meet with the staff and students and we understand why now. This was because the friends, families and favourites started under him. I remember when UG was to get a particular contract for a High Court software, he got it personally. That is the fact; that is out there. [Mr. Mahipaul: We were there.] We were there. I want to come back to the Hon. Minister's Order. I think the next Minister of Education has articulated this. I do not want to go back and thread on her territory. This is about the pitfalls and *control-freakism* that come with increasing these numbers that put the Government squarely in control. We already had foreshadowing of this in the past. When Freddie had insanity and wrote that seminal paper in 2020... [Hon. Members: Who is Freddie?] [An Hon. Member: Freddie McGregor.]

2.01 a.m.

[Bishop Edghill: You all encourage it and when it happens, complain.] ...the honourable gentleman 'Freddie' wrote a seminal paper on racism, the PPP/C and all of that, and 'Freddie', in that University setting was hounded by the PPP/C and its acolytes; and they were responsible for his dismissal from the University of Guyana. 'Freddie' took that matter to an Ombudsman who confirmed that, and imagine if they did not have total control as yet. It comes now to what the Hon. Member, Ms. Coretta McDonald says, they *guh* want to dictate who gets an honorary Doctor of Philosophy (PhD) – and they *guh* want to give them from a *prapa* university; they *gat* one from a no-name, unaccredited one – which friend and family gets into what programme or who does not get into the programme, and which lecturer is saying too much publicly and must be dismissed from the University. This has already happened in the past when people were bowing to pressure, and this is where they are coming to again. The PPP/C wants to exercise *control freakism* over the University of Guyana and there has been tremendous uncertainty and vacillations as they pursue this. The PPP/C loves the UG. The University of Guyana has an online programme that has started a little while now. It is ahead of the Guyana Online Academy of Learning (GOAL). The PPP/C loves UG so much that they created a parallel online programme, rivalling UG in the budget for the programme. They love UG so much. This love looks strange. It is a strange love – the budget for the online programme rivalling the entire university.

I have been talking predominantly about the Turkeyen Campus. I have not touched Tain and [*inaudible*] as yet. Not only did they create GOAL, the Guyana Online Academy of Learning... I heard the Hon. Member Manickchand make allusion to one student who called her this morning and used that as justification to change the composition of the entire Council; GOAL has had its own issues as well – people went to classes, the folks did not register for that course, that university, it started late, and there are some degree programmes for two and a half years. There is all manner of things; a lot of complaints have come. Now, if GOAL and UG has a budget rivalling each other, who makes up the council for GOAL? Who is the council for GOAL? Who is the governing body? What are their statutes? GOAL's budget is rivalling UG. The Hon. Member, Mr. Ramson said that because of these investments, they need more people. I rather assume they will make some more investments in GOAL as well. How come GOAL is so secretive? Like the administration of 'Men on a Mission', you do not know who these people are.

The Government says they love UG more than the rest of us. As I said earlier on, I was a student of the Centre for Communication Studies and graduated. I did not waste time. I will say it 50 more, because we did not just drop here; we come through/went through that programme, and we mentioned the stables earlier on. I want to connect the two. I was sitting in a class... I will not call the lecturer's name because you will figure that this thing is *bias* and so on. But I think it was a lecturer on your side. I will not call the name, but she was a fantastic woman. She used to work in the Judiciary. That is as much as I will say. One day in one of the law classes we were talking about the stables – I cannot remember how the conversation came up – and she said to me something I have never forgotten. She said that the stables are an example of when – the stables were constructed to last about ten years in the building of the University, but it lasted about 40 years – you settle for less temporary becomes permanent. That is emblematic, symptomatic, and idiomatic of the PPP/C because the Guyanese people have settled for less with them, and temporary must not become permanent. They never sought in the 23 years they had the University of Guyana to change the stables. The complexion of the stables I knew when I was a student has changed. [Mr. Mahipaul: The same council was there (*inaudible*)] The same Council. The stables are what happens when you settle for less, she told us, and temporary becomes permanent. I did not forget that.

The UG had a Centre for Communication Studies that was housed in a building that looked like the stables, but it was a Centre for Communication Studies. We had Dr. Paloma Mohamed as the Director, Dr. Forsythe, as I said, in my early years, Ms. Bram and Ms. Nelson, people who were committed to a process. The Government so loves the UG, they went and started their own communication centre called the Guyana Media and Communication Academy. They could not bring journalists through the communication centre of the University of Guyana, bring those resources through the University of Guyana; they went and created a parallel centre. Minister Manickchand will argue with you that UG is the brainchild of Dr. Cheddi Jagan. Dr. Jagan must be turning in his grave when he sees what you all have done to his vision and his dreams.

I want to come to the final thing as I wrap up. When I was a student doing law, one of the struggles we had was that 25 law students were only allowed into the University of the West Indies (UWI), the St. Augustine Campus, [*inaudible*], but we were producing hundreds of students. It was cheaper and still is cheaper for people from the different Caribbean countries to study here and so

they poured in. I do not want to misquote the Attorney General (AG). We engaged the Government of Guyana of the day. I wrote countless letters in the newspapers on why Guyana needed its own law school and every one of my engagements with the AG met a wall that said we have too many lawyers, we do not need more. Then, suddenly, an *about face* with the championing of this law school. They were dead set that we did not need that; we had too many lawyers. All of the letters I wrote in the newspapers are there, like the letters to the Editor, with one issue after the next. As a matter of fact, we went as far, in the law society, by putting together a symposium on a local law school. I will give you the timeframe. Do you know whom we had visiting at that time on a commission of inquiry? We had the then Chairman of the Council of Legal Education (CLE) – What is it called, the leading education body, the leading education council? – who was a woman. I cannot remember her name now, but she was part of that commission of inquiry. We invited her to that symposium on why we needed a local law school. I think one of the former Chancellors came and some other persons came. Nobody from the PPP/C showed up; but they love UG.

I will end with this and I will connect the dots. When we were doing that simple programme, that simple symposium on the need for a local law school, a mother reached out to me, much like the student who reached out to the Hon. Member, Priya Manickchand. The mother said ‘I have a daughter. She is doing law. Should I bring her?’ I said, ‘bring her’. After the mother brought her, the symposium came to an end and she introduced us. We took a photograph. That young lady – and the short of the story – ended up being my lawyer on a matter quite recently. That is how we came full circle. I am saying...

Presiding Member: Hon. Member, you will have to make that story shorter than short. Your time is up unless you get an extension.

Mr. Mahipaul: Mr. Speaker, I move for the Hon. Member to be given 15 minutes to conclude his presentation; by the Standing Order that is permitted once granted by the Speaker.

Motion put and agreed to.

Presiding Member: Hon. Member, you have five minutes to wrap up.

Mr. Duncan: Thank you very much, Mr. Speaker. I am saying that we never know how far the ripple effects of our actions can go. It is very interesting to see the People’s Progressive Party/Civic

take some decisions now, that they were diametrically opposed to just a few short years ago. I know you do not want to believe this or accept it, but there was a time in the not-too-distant past, you were out of government. Be very careful what you are asking for here. Be very careful what you are asking for here. So, I do not believe that we can support this Order. I think it goes against the grain of everything the University should stand for. I am being advised by folks who know that this concept of a transformed university, as I said, started a long time ago, and picked up steam a couple of years in the recent past. This whole idea of the council was already canvassed, the shape and form of a modern council. And advice was received from non-political persons, academics and those persons who study university and compositions, and so on, that the council, in keeping with best practices, should actually be smaller. I know that the PPP/C has a penchant for small bodies. We had a big oversight body for the Natural Resource Fund (NRF). They said it was too big; it was too much oversight. The Hon. Member Mr. Ramson said that because of the investments in UG we have to get a big supervisory body. All of this investment is coming through the NRF but it shrinks the NRF. The *maths ent maths*in.

I end with this: The UG has showed over the years and in the recent past that it has improved its international ranking. They have added a number of new programmes with the same Council. The work was not stymied. They have added a list of new policies. The student numbers have gone up, while other universities, like UWI, have shrunk in registration numbers. The graduands have gone up; there are new PhDs. When you go on campus, you do not recognise it. The infrastructural projects, the staff promotions and a whole number of things are testament that UG is on a path. I warn us. We have seen this movie before, in conclusion. Certain changes were made to the Public Accounts Committee (PAC) for better governance. Now the PAC hardly meets. We warned this was the ulterior motive. They said, no, no, no. The papers locally are replete with the words of the Attorney General and the Hon. Gail Teixeira. All the democracy and the greater this and that, but everything has gone in the opposite direction. How many meetings were missed? How far back is the PAC?

2.16 a.m.

They are coming now and they are arguing the same thing for UG – greater this, greater that – but we have seen this movie before. With that being said, I want to humbly submit that we put this Order into a select committee. The UG was notified of this Order through the press. When I spoke

to the UG even about the cancellation of the student debt, they have not been engaged on that, and the Hon. Senior Minister in the Office of the President with Responsibility for Finance and the Public Service knows this. They have put forward a number of proposals for the cancellation of student debt that they themselves have had to walk back – you need X amount of contributions and then no, no, we will take that off the table; you need to show that you are employed, then no, no, we will take it off the table – because these things are not being thought through in a very comprehensive manner, befitting the highest institution of learning in our nation.

[Mr. Speaker resumed the Chair.]

Mr. Speaker, Members of the Government and Members of the Parliamentary Opposition, I humbly submit, let us put this Order into a select committee, consult with the stakeholders properly, and then come back and see if we feel the same way about it. Thank you very much, ladies and gentlemen. *[Applause]*

Minister of Labour [Mr. Hamilton]: Mr. Speaker, I want to situate my presentation by starting here. This is a study that was done by Mr. David Jenkins in 1988. It was about what is the purpose of a university. The purpose of a university is to survive by giving society enough of what it wants in such a way that it earns, retains and makes space for its proper pursuits, including systematic criticisms of what society wants, the disciplines need constant renewing and constant resurrection for the sake of humanity.

The conversation about staying where you are... The National Assembly we are sitting in this morning, there was a time when it just had 35 Members. Thirty-five Members used to be in here. Today we have 65, plus we can accommodate four technocrats. That is what life is. As society evolves, you have to change structures. Society does not just stand still. Somehow, the people across there are of the view that if you attempt to expand the University Council, somehow you have some ulterior motive. Do you know what they have not said, with all the conversations, and tell us when you all stand up, that we should not appoint a person, a member of the religious community, of the Christian community. Tell them that this morning. Tell the Muslim community that they are unworthy to have a member on the University Council. Tell the Hindu community that they are unworthy to have a member on the University Council. Tell them that. Do not spin around and round. Tell the young people that they are unworthy to be on the University Council.

When you look at the amendment, the expansion is those representative stakeholders. At one time, they accused us of not including stakeholders. Now, when we expand and include stakeholders, they are *cussing* us for that. They normally accuse the PPP/C of not allowing stakeholders that are relevant in the society. I do not know if anyone of you could question the relevance of the religious community in this country that we live in. Tell them that you do not want them; that they are unworthy to be on the Council.

Ms. Coretta McDonald, Hon. Member, and a lot of these people in here are too young to understand what I will be speaking about. They are too young. Hon. Coretta McDonald spoke about the University must be a place where democracy flourishes. Not so long ago Dr. Walter Rodney, a Guyanese scholar, could not get a job there. Let democracy flourish. Not so long ago, one professor, Dr. Joshua Ramsammy, there was an attempted assassination on his life under the Party that she belongs to. The nation needs to be reminded because when a Member of the PNC comes here and stands up and screams about democracy and democracy in the University of Guyana, you have to remind them of a time... [Ms. Sarabo-Halley: You want to go back to that.] Yes, it is relevant, that a national scholar named Walter Rodney could not get a job there at that democratic place, and Dr. Joshua Ramsammy. That is the doings of the People's National Congress and not that of the PPP. So we *ent gat* going back to there. And you will never get back there because you will never get back in government. [Mr. Duncan: You said the same thing in 2015. Better cocks than you crow.] In 2015, the people across there, the APNU/AFC, whatever they call themselves, they promised all the glorious things for the UG – what they would have done. Do you know what, when they got into power, they raised the fees at the University of Guyana. Do you think they will trust you? You always do opposite to what you tell people you will do. You raised the fees at the University of Guyana.

Mr. Duncan regaled us. He spent half of an hour telling us about himself and not on this amendment here. He did not speak to this. He spent half of an hour speaking about I and I. Somehow, you think, my good friend... Last Saturday was the AFC elections. You were not elected, and you have to wait for the next Congress, two years from now. So *pomposetting* here this morning about how... it is useless. Right now, Mr. Duncan is, I would not use the word what he is. [Mr. Duncan: You could go ahead. You are a nasty man. Call it. You would not surprise no body. (Inaudible) useless.] Imagine that. I heard the Hon. Member, Ms. Corretta McDonald, and I

think Mr. Duncan. They have this concern, and they always have this concern about the Minister to act. If not the Minister, then who? I do not understand. If not the Minister appointing, then who?

[**Ms. Sarabo-Halley:** (*Inaudible*)] Do not go there, please. If it is not the Minister, then who? [**An Hon. Member:** (*Inaudible.*)] You did not tell us that. If the Minister is not

authorised to appoint, who will do it? Somehow, and that is the reason why all of you were kicked out of Government, you have no understanding of government's functions. [**Mr. Duncan:**

Why were you kicked out?] You have no understanding of government's function.

[**Hon. Members:** (*Inaudible*)] Mr. Speaker...

Mr. Speaker: Hon. Minister, just give me one second. Hon. Members, I have been listening to the debate. When certain Members were speaking, there was good enough silence in the room. Please, honour the Minister with your ability to listen, or leave. Go ahead, Hon. Minister.

Mr. Hamilton: Mr. Speaker, a lot of things were said about the University of Guyana. For me, the importance thing is – and we have to as a nation ensure that the University of Guyana, that we as the citizens of this country fund – we have to think about whether the University of Guyana is training students for the present and future labour force of Guyana. It is not just to have a university. I will say this, as regards education delivery in our country, we need to, and that is a conversation we have to have, make technical and vocational education as relevant and prominent as academic education. [**Mr. Duncan:** Is it not so?] No. It is not so. You do not even

know. You are so ignorant of the facts.

The reality of the situation is, what we are churning out, and it bears my point out, you will see regularly, dozens of young people on social media saying that they graduated from UG two to three years and cannot get a job. Secondly, just last year in conjunction with the International Labour Organization (ILO), we did a study about jobs in oil and gas future. Many of things that our people studied at the University, those jobs will not be around, those professions have gone. Therefore, it is not just about hollering about university. It is about what you want the university to be.

[**Mr. Duncan:** You *gunn* fashion it.] Yes, the PPP/Civic is capable of fashioning it. The PPP/Civic is capable of fashioning things. When you look at the country presently, the people have said that Guyana is a big construction site. They could not say that under you. You did nothing of substance. What this Order is seeking to do is to add stakeholders. This is what this Order is attempting to do. It is to add stakeholders and the youth. That is what this Order is about.

2.31 a.m.

The next speaker, you must get up and say that the Hindu community is unworthy, the Christian community is unworthy, the Muslim community is unworthy to be on the University Council. I must say this, you know when the attempt was to include a farmer's representative on the UG Council, the same people said, what will they do there? [Mr. Duncan: What is he talking

about?] What am I talking about? You are too young to understand and know. The question was asked, and Mr. Seepaul Narine will know that. The question was asked then, what a farmer representative knows about UG and what will they do on the Council? The question was asked also about our Amerindian brothers and sisters. This is not new with the people over there. They said then, 'What they know about university? They are bush people.' [Mr. Duncan: 'Joe' is

projecting] No. Am I projecting? Mdm. Teixeira, we know the times and the periods.

[Mr. Duncan: Call the names *nah* man; the person.] The persons? The Party then, and the highfalutin black middle class then, questioned why a farmer representative should be on the UG Council. Why an Amerindian representative must be on the UG Council? It is the same thing we have this morning. They question... For many of these people who spoke, I do not think they are objecting. Let me say this. I do not think they are objecting to the expansion of the Council. I think their objection is to the organisations that would expand the Council. I think that is the problem, and all of you must say that. [Mr. Duncan: Is you saying it, nobody (*inaudible*)] I

know how all of you over there think, I know all of you.

Mr. Speaker, the fact is, a government must govern. That is the purpose. [Ms. McDonald: Not to control.]

We have no intention of controlling. A government must govern; a government must bring policy forward to the people of this country that entrusted them to govern; and governing is not control. My good friend, Mr. Speaker, before I take my leave, Corretta I forgot to... Mdm. McDonald, Hon. Member, questioned why the Federation of Independent Trade Unions of Guyana (FITUG) and not the Trades Union Congress (TUC). She questioned. [Ms.

McDonald: That is not what I said.] Go back to the *Hansard*. She questioned why FITUG and not TUC. Do you know why FITUG? It is the largest representative body of unions in this country. Not a paper TUC. They want a paper there.

As I was saying, the question is not about the expansion, the concern over there is about who the Council will be expanded with. But you jump high or low, the Order will be passed. You know

that. At the end of the day, if you jump high or low, the Order will pass because, as a government, we believe that the expansion of this Council will better serve the University and the nation. Mr. Speaker, I am in full support of the amendment that was brought here. [*Applause*]

Mr. Mahipaul: Cde. Speaker, let me start first by seeking your permission to congratulate all the pupils of this country who wrote the National Grade Six Assessment (NGSA) and were awarded their respective schools. I am happy to say that my son also wrote, and he did well. I know that there are other Members of Parliament whose children wrote, and I am sure that they also did exceptionally well. I am sure, as they grow, they will attend the University of Guyana and, hopefully, they will get a very good university to attend, one that does not have political interference.

I want to echo the sentiments of Hon. Member Mr. Sherod Duncan and say that we should not have political interference at the University of Guyana. So, I will not be making what I will consider a political speech, but rather present some facts, and hopefully it can convince the Hon. Minister of Education to withdraw this Order and, rather, submit for us to reach as a committee where we can look at this University of Guyana in a more holistic approach, because there is no doubt that the University of Guyana requires attention. I think adding six or seven members will not fix the University of Guyana, and that is something that we have to accept here and now. No one on the Opposition side – and I must put this to rest – is against the Hindu community, no one in the Opposition is against the Hindu community, no one is against the Christian community, no one is against the Islamic community, no one is against the youth, no one is against the Amerindian, no one is against the other nominees that the Hon. Minister is seeking to add to the University, but we have a University of Guyana Council with 26 members right now and we have to accept that from a holistic standpoint the University of Guyana requires the attention of this National Assembly, and politicians in general, to fix it to serve the purpose of academics.

Cde. Speaker, let me take this opportunity to say also that I have witnessed the Hon. Minister of Education and her presentations in this House on numerous occasions, several times and this is one where I got the feeling as though she, herself, is not embracing this. I do not get the feel as though the Hon. Minister of Education is 100% behind this. I am drawing that conclusion from the many presentations I have witnessed before from her. Clearly, she is used as the conduit here to bring what seeks to be political interference at the level of the University of Guyana. This

piecemeal approach to fixing the University of Guyana will not work. This piecemeal approach to fixing the University of Guyana will not work. If we are genuine in terms of fixing the University of Guyana, then we will want to address it holistically. Sir, let me say to you that... and I admire her boldness, the Hon. Minister of Education, to stand and say that UG is precious to the PPP/C, and that touched me – UG is precious to the PPP/C. The preciousness of the University of Guyana to the PPP/C caused them in 1994 to put tuition fees for children, for students, to go to the University of Guyana. It was free; in 1994 it became \$127,000, which was US\$1,000 at the time. All that they are talking about increasing student fees, there was never an increase, and the Hon. Member Ms. Teixeira knows that because we sat on the Council when the case came to us, that what we are doing, we are bringing the \$1,000 equivalent – the US\$1,000, the equivalent, which was the \$220,000 at the time. We have to be honest in this House, especially when we have members who have served on the University of Guyana Council with us here.

Outside of that introduction of tuition fees at the University of Guyana, let me tell you how much the PPP/C loved the University, how precious the University of Guyana is to the PPP/C. The current composition of the 26-member Council that the People's Progressive Party/ Civic loves, and is precious, must have a representative from the Minister of Education; from 2021 to now, 2024, it has been vacant. No nominee came from the Minister of Education for the University of Guyana from 2021 to now. The representative from the Ministry of Finance... In the 26 there is also a slot for the representative from the Ministry of Finance – vacant. There is a nominee from the political party in office – vacant. There is a nominee from the Minister for medicine and law, in fact, three nominees – vacant. The six seats that the Government has to occupy on this Council, the six seats that currently exist for the Government to occupy on the Council, are all vacant. From 2021 to now, no one is sitting in those seats, and you are coming here to tell us that the University of Guyana is precious to you. You did not occupy the six but you are going to put more. On what basis must we now believe that you will occupy the more? Is it that with the more, the quorum will go up and then they may not be able to meet, the Council of the University may not be able to meet? That is perhaps what they are seeking to do, to shut the Council down in its entirety. Let me say also that Article 13, to which the Minister of Education spoke, mainly speaks to wide consultation, so if you are going to make a change to what exists then you are supposed to have wide consultations to do so. This that is before us here, those at the University of Guyana themselves did not know about it. The UG themselves did not know about this, Cde. Speaker.

Cde. Speaker, Hon. Cde. Joseph Hamilton said that the PNC said that Amerindians are bush people. I take offence to that and I would like for the Hon. Minister to provide the evidence to this House where the People's National Congress/Reform (PNC/R) said that Amerindians are bush people. I want him to provide that evidence and if he cannot provide that evidence, then he owes the PNC/R an apology, and this nation by extension an apology of which that statement ought to be withdrawn. I trust, Cde. Speaker, that you will crave my indulgence in ensuring that evidence is produced. If not, hopefully, it will be withdrawn. I want to also touch on... They claim that when we had the chance, what did we do? Before I go there, let me quote what was said by the Chancellor of the Judiciary at the 45th Convocation Ceremony by Justice Carl Singh, and these were his words, not mine, his words. As I said to you, Sir, I will be quoting, a lot here. He said,

2.46 a.m.

“University autonomy has been defined as the freedom of the university to govern, appoint key officers, determine the conditions of the service of its staff, control student admissions and academic curricula, control its finances, and generally to regulate itself as a legal entity functioning in accordance with its statutes [and its] freedom of expression, freedom of action, freedom to disseminate information, and freedom to conduct research and distribute knowledge without hindrance or restrictions... These twin concept facilitate the flowering of thoughts and ideas and are the bedrock of flourishing and meaningful academia. Dilution of the degree of university autonomy or academic freedom should be stoutly resisted, since history shows that interference in the affairs of universities lead to intellectual regression... The concepts of university autonomy and academic freedom must be shown the respect that is shown to the doctrine of the separation of powers which is constitutionally recognised here in Guyana... these are the twin pillars supporting the structure which ensures that the university's role in the discharge of its responsibilities is meaningful.”

These were the words of Justice Carl Singh at the 45th Convocation Ceremony. Clearly, he is saying to us, stop interfering with the University of Guyana (UG); stop the political interference at the University of Guyana. Cde. Speaker, if that is not enough to convince the People's Progressive Party/Civic and the Minister of Education to withdraw this Order and come with a Bill

that can address the entire Act of the University of Guyana, let me continue to quote what are best practices around the world.

“The method of selecting board members varies but what is evident is that in all countries researched governments have a say in the selection of members to this ultimate body. The involvement of the government in the selection of members to this ultimate body ranged from appointment by government of external members as in many European countries, but the names are suggested by the institutions ...”

So, the appointments that the governments make come from the institution. I continue:

“...as in Sweden and the Netherlands. In France the state has no say in appointments to this ultimate body. In Australia, some universities have one or two members appointed by their state parliament. Attempts by the government to extend this to all external members met with strong opposition and so the idea was dropped. In the U.K the board is free to select its chair and members without government’s permission or intervention.

Sir, this was taken from *Best practices in Universities’ Governance Structure (from highly consultative national process from 2010 to 2012 under the aegis of the GoG)*. The document went on to spell out what the recommended structure of the University of Guyana should be. It says here:

“...The recommended structure. The basic elements of the existing structure remain i.e. the Council with its attendant Committees - the Appointments, and the Academic Board, the Faculty Board and the Committee of Deans. However, the recommendation is for the composition of the Council to be enhanced to reflect its focused responsibility on institutional governance.”

The structure they are suggesting is:

- “- The Chancellor
- The Vice-Chancellor
- The Deputy Vice-Chancellors

- Two representatives from the University Academic Community
- Two representatives from the Academic Board
- Three private sector representatives
- Two non-government agencies representatives
- Two Government representatives
- One from the opposition party
- three representatives from regional institutions
- One representative from the staff union
- One student representation
- One from the Guild of Graduates
- Four lay persons appointed by the Council.”

This goes to show that the argument of us withdrawing ourselves or withdrawing politics from the University of Guyana is what the academic centres seek to do around the world with universities. We should engage in such practice and stop this political manoeuvring and political control of this organisation. They cannot bring an argument to us and say that this political control or these appointments by ministers will cause this university to function effectively. All the members of the Guyana Sugar Corporation (GuySuCo) Board are being appointed by the Government of Guyana. Has GuySuCo satisfied its target in the last couple of years? Has GuySuCo been renewed? Has GuySuCo satisfied what it had to satisfy? That is a living example before us. Look at what is happening with all the other boards that we have. The Guyana Power and Light (GPL) Board – all are being appointed by the Government. We are still plagued by blackouts. There are so many other boards that are being controlled by the Government, appointed by the Government, and they cannot function effectively, but, somehow, we are to believe that the University of Guyana, by adding more members appointed by the Government, will solve the problem of UG. I do not know which world my Friends are living in now.

Let me bring my argument now to this whole aspect of what has happened at the University of Guyana from 2012 to now. In 2012, under the Minister of Education, Ms. Priya Manickchand, there was an operation called Operation Rescue UG. Mr. Sherod Duncan would know about Operation Rescue UG. Former presidents of the University of Guyana Student Society (UGSS) would also know about Operation Rescue UG. This is where the University of Guyana Student Society, the University of Guyana Workers Union (UGWU), and the University of Guyana Senior Staff Association (UGSSA) came together, put a document in place, and pointed out the issues that were affecting the University and the University of Guyana's Council in its current format. They said that the problems the University of Guyana Council had were:

1. "The composition of the Council does not include sufficient academic representation of the university. There are only four out of twenty six guaranteed academic members of the Council and this is insufficient membership to reflect the academic purposes of the University.
2. As per the statutes, it is impossible for the university council to be FULLY constituted because three of the agencies identified as sources of representation – to be nominated by the Chancellor – may have been pertinent in pre-independence times but not currently. For instance, CICHE (Committee for International Cooperation in Higher Education in the UK) no longer exists and newer academic organizations have come into existence.
3. The civic society representation was apparently designed to ensure public representation of important groups in Guyanese society. The principle is fully acceptable. However, the practice over several years has not fulfilled the intention of the provision because the Ministers appointed persons based on partisan political considerations rather than explicitly the fulfilment of public interests.
4. The Council fails to function as a national representative body for the reasons stated above, as well as the lack of participation of most of the appointed members. A quorum of eight suggests either the committee is too large or there is little or no penalty for no shows. The ability of a minority [five members] making the decision for the 26 members has led to undue influence of a small group to control the Council.

5. The person who chairs the Council in the absence of the chancellor is not elected by the body, and this has caused the Council to lead by the dictates of who appoints the chair, i.e. Government.
6. The Council's involvement in the Appointments Committee and the appointments of the Bursar Registrar, and director of the Berbice Campus have led to unqualified intrusion in the hiring and firing of UG employees reporting to the Vice-Chancellor, thereby undermining the authority of the chief executive officer of the institution.
7. The process of appointing the whole Council is disruptive, does not allow for the development of and transferal of institutional memory, and serves to constrain appointees' expressions."

There are some more here, but in the interest of time, Mr. Speaker, let me say to you that after Operations Rescue UG was birthed, there was growth in how they were going to address the issues surrounding the University of Guyana. From that, we had a team that was put together but before that team, one would recall that, in 2012, a petition came to the National Assembly. That petition was presented by Dr. Rupert Roopnarine. In that petition, there was a call for us to relook at the composition of the University of Guyana. A special select committee was set up. This was not done by way of trying to put one, two, three, or four members on the Council. It was done with the intention of ensuring that there was...The title of it was: *University of Guyana has a Governing Body that has the Capacity to Transform the Institution into a Truly National Asset*. That is what they dubbed it as. It was the Minister of Labour at the time who suggested that it be named: 'The Appointment of a New Fully Constituted Council to Ensure that the University of Guyana has a Governing Body that has the Capacity to Transform the Institution into a Truly National Asset'. So, the PPP/C, the A Partnership for National Unity (APNU) and the Alliance For Change (AFC), in 2012, were working towards ensuring that there was an institution called the University of Guyana for it to serve its purpose by relooking at the entire composition of the Council. It was not to just add members, but to look at the entire composition of the Council at the University of Guyana. The Minister of Labour, Dr. Nanda Gopaul said:

"Mr. Chair, would it be proper for this Committee to sit discussing an issue like this without it being brought to the University administration and for the administration to discuss it,

and then after that procedure would have been exhausted, if needs be, it reaches this stage? To my mind, this preempting, whatever the University and/or the Ministry of Education may want to do and then to come to this area. I would have thought, procedurally, that if not the university administration... Let us assume that they have tried and failed at the University level... a new council”

So, because of that suggestion that came, this special select committee invited the University’s administration, and a number of people who had a wealth of experience at the University of Guyana to come and give their feedback, to come and give their presentation, to dialogue with this special select committee. This special select committee had five members from... In fact, it was chaired by the then Hon. Dr. Rupert Roopnarine. From the People’s Progressive Party/ Civic side, there were four members, sorry, five members. The Hon. Mohamed Irfaan Ali was Minister of Housing and Water at the time; the Hon. Dr. Nanda K. Gopaul, Minister of Labour; the Hon. Ms. Indranie Chandarpal; the Hon. Mr. Odinga Lumumba; and the Hon. Dr. Vindya Persaud.

3.01 p.m.

I am sure that Dr. Persaud is well *au fait* with what I am referencing here. On the APNU’s side, we had Dr. George Norton; the Hon. Mr. Christopher Jones; and the Hon. Ms. Annette Ferguson. Even the Hon. Member, Ms. Ferguson, knows what I am talking about. The Alliance for Change had the Hon. Mr. Trevor Williams at the time. All three political parties were working in the best interest of the University of Guyana in 2012. Why can we not do it now? Why can we not work in the best interest of the University of Guyana now? Why can we not continue from where they left off? Let me tell you how far they went with what they had to do, Cde. Speaker. Cde. Speaker, out of all the work done from 2012 to now, we arrived at a draft legislation. It is a draft legislation of the University of Guyana. The very members of the Committee who were a part of it, did not reach to further deal with this draft legislation. This was for the next meeting where they had to present a draft legislation to the special select committee. It was a draft legislation that sought to repeal the existing Act and address beyond the membership of the Council. There were many other aspects of the University of Guyana that needed to be addressed in the Act. That is why a draft Bill is what we arrived at. I have a copy of it in my hands. I cannot understand or fathom the thought – why was it that from 2012 to 2018 there were so many progresses? In fact, this draft Bill was submitted to the then Minister of Education, Dr. Nicolette Henry, in late 2018. It would have been

tabled in this House in 2019, but we know that there were reasons for that not happening. I hope the Hon. Minister will not claim that she does not know about this. In 2012, when it started, she was the Minister of Education.

Sir, with all that I have said, I want to put on record that the APNU/AFC is fully supportive of us addressing the University of Guyana by way of looking at the entire Act that exists, addressing the faults of the Act so that we can modernise and bring it up to date with what we have before us here and now to make the University of Guyana a better place for all of us who have not gone there as yet and even our children and grandchildren who will have to study there some day to come. We should not go down the road of trying to politicise the University of Guyana which can lead to further destruction and harm and bring greater hardship on the people of Guyana. I trust I have made my point solidly. I trust that the Government – the Peoples Progressive Party/Civic Government – and the Minister of Education will see sense in removing this Order and let us address this by way of dealing with the Act. If possible, let us repeal and replace it with a well hammered out and well thought out Act that can enjoy the support of the People’s Progressive Party/Civic and the APNU/AFC.

We can do it because we did it before when we were dealing with the Planning and Development Single Window System Bill. That Bill, when it came, went to the special select committee. In a matter of days, we hammered it out. We came back to this House, and we presented to this nation, a Bill that enjoyed the support of both sides. It was a Bill that was well-thought out and it is now being implemented. We can do the same for the University of Guyana. We have the willpower to do it. We, on this side, are prepared to do it. Tell us – are you prepared to do it? I thank you, Cde. Speaker. [*Applause*]

Mr. Speaker: Thank you very much Hon. Member, Mr. Mahipaul. It is now time for the Hon. Minister of Parliamentary Affairs and Governance and Government Chief Whip, Ms. Teixeira. I am sorry. Yes, Hon. Minister, it is the Hon. Member Ms. Sarabo-Halley. Please, Ms. Sarabo-Halley...

Ms. Sarabo-Halley: Thank you, Mr. Speaker. Mr. Speaker, before I begin to speak to the issue, permit me to take a minute to first congratulate all the children who wrote the National Grade Six Assessment (NGSA). I am one who believes that no matter whether you are in the 1% or not, that

is not the end of your knowledge and what you can accomplish in life. So, keep pushing through and go on to excel and do great things. I would also like to congratulate all who have been elected to new positions and posts in the executives of their respective parties during the People's National Congress/Reform (PNC/R) and Alliance For Change (AFC) Congress and Conference, respectively. Permit me to also congratulate Mr. Vincent Henry who was recently elected Chair of the APNU.

Mr. Speaker, as I read this Affirmation of the University of Guyana (Amendment) Order and the individual amendments being proposed by the Minister of Education, I must say that I was indeed appalled by it. With all that is wrong in our education sector, from the nursery to the secondary levels and the myriads of needs that the University of Guyana has, the Minister of Education, in her deliberate judgement, has come to this National Assembly to change the number of persons on the Council. In her deliberate judgement, moving from 26 to 32 persons, is the apparent answer to the much needed support and resources required to strengthen the capacity of the University of Guyana, so that this institution could meet the needs of our nation today and in the future. I simply cannot understand why a Ministry that seems unable to correctly add the scores of our Grade Six students, at this particular time, seems more preoccupied with increasing the number of persons on the Council. My Colleagues before me expressed quite succinctly why this may be the case. If their assertions are accurate, then the Minister and by extension this Government, must at some point come to the realisation that no amount of Thursday ramblings or pictures pretending that they are like the ordinary Guyanese folk, will blind Guyanese to the fact that over the last four years, the PPP/C has used every opportunity at its disposal to ensure they have complete control over every aspect of our society, from the State media, to the police force, to the health sector, to the constitutional bodies and commissions, some of which cannot be constituted because the PPP/C was unable to get its way during the nomination and voting processes. State boards and other State agencies that any Guyanese would expect to be governed by professionals who can make the best technical decisions in the interest of the citizens of the country, have all become political.

Based on what the Minister stood here and said in her opening remarks, when introducing the Bill, in the minds of those on the other side of the House, Dr. Jagan's work to get the University of Guyana on its feet somehow means that the University belongs to the PPP/C. Thus, any instance

where the PPP/C is not in control of the University is flawed and so they have to correct it. Further, it would be interesting to hear, as my Colleague, Mr. Mahipaul noted, that the real reason why the Government's Party, over the past four years, neglected to nominate the members that they have the authority to nominate to the UG's Council. One could only wonder, why now? Despite the fact that the University would have shared its long-term vision, Blueprint 2040, with the Government in 2021, no attempt was made to engage the University on its proposed plans and on how these plans fit into the Government's development strategies. This Government cannot be serious. Yet, they come here saying they love the University and want what is in the best interest of the University of Guyana. I understand that, as our only tertiary national institution, the Government would want to ensure that the resources the State has invested can be properly accounted for and utilised in the most efficient manner – that is normal. However, with the current strength of representatives on the Council, the Government has the ability to be an integral part of the current discussions engaging the Administration in what is required. Instead, it appears that the signals from the Government are contempt for the premier institution. The institution that has contributed to the certification of so many of its Ministers, so many of our public servants, our Chief Executive Officers (CEOs), other leaders of industries in the private sector, entrepreneurs, teachers, scientists, historians, and those in a variety of fields in the arts and culture.

What then can the Minister say is the rationale for this contempt? What has the University done over the past four years that give the Minister of Education and, further, the PPP/C, the view that it should be completely disregarded? At this moment, they have suddenly awoken from their slumber and decided that 32 is better than 26. During the years that coincided with this period of disregard for the University, it is apposite to note the extent to which the national University has excelled and continues to make a mark globally. I know this because a certain gentleman stood up here and behaved as though nothing is happening at the University of Guyana, that it is just in dire straits and is doing all horrible, they are going to invest some money, so they need to be in control. We may not know or remember but when the Coronavirus disease 2019 (COVID-19) forced us to shut down, all public services and schools, the University of Guyana had to and successfully provided during the pandemic online teaching and learning. It now has blended learning and even responded to the Government's request to accommodate the teachers through online learning in the various certificate, diploma and degree programmes in the Department of Education so they can maintain their services in the classroom.

Mr. Speaker, there is so much more for which the University of Guyana should be celebrated. Its emphasis on invasion and research, as demonstrated in the higher rate of publications on topics that create the empirical basis of policymaking, cannot be overlooked. We, have as our first example, Mr. Speaker, the recent pioneering study on sustainable fish health by Ms. Samantha Forester, Lecturer and Researcher in the Faculty of Agriculture and Forestry at the University of Guyana.

Our second example is the University of Guyana's Institute of Research, Innovation & Entrepreneurship which has a technology transfer facility that provides a platform for innovators to collaborate with the private sector and community to create and share new products, including, more recently, bread made from sweet potato flour, which was initiated in the Indigenous Guyanese Flours Symposium, Exhibition and Demonstration.

Thirdly, there is the example of the Lecturer and the three students at the University of Guyana's Department of Computer Science and Information Technology that won the international Webby Award prize against competitors from Harvard University, Massachusetts Institute of Technology (MIT), Cambridge University, Oxford University *et cetera* for creating an Artificial Intelligence (AI) module to monitor carbon dioxide from our forest. Yes, our national University achieved this feat.

A fourth example is the research in new techniques of rice cultivation at the Berbice Campus and the recent launch of Virtual Augmented and Immersive Education AI platform in collaboration with the Guyana Marine Conservation Society (GMCS) for enhanced research and public education and awareness on environmental issues in Guyana.

Mr. Speaker, we then have our UG Alumni that continue to excel. There is no better example than the highly acclaimed Scientist, Dr. Vidia Roopchand, the lead Coordinator of the Pfizer BioNTech (BNT162b2) vaccine – that literally saved the world from devastation during the pandemic – to whom UG awarded an Honorary Doctorate in 2022 during its graduation ceremony. There is much more, Mr. Speaker. The archives of UG are seeing a repeat of these accomplishments while the Government of Guyana fails to make its nominations to the Council. Most commendable is the fact that the Vice Chancellor, supported by her senior management team, has been aggressive in sourcing external support and partnerships to build the laboratories and increase the number of

faculties achieving Doctor of Philosophies (PhDs). There was a press release in December of 2023, which informed Guyana that approximately 28 PhDs were awarded from graduate programmes at the Arizona State University – my alma mater, thank you – one of the top ranked universities in the United States of America (USA) and that another twelve or more are due to qualify from Canadian Universities.

3.16 p.m.

In addition, those of us who follow the reports from UG are aware of the highly dynamic environment that exists through its seminars, conferences and programmes, all of which contribute to public awareness. These are indeed just glimpses of UG's work even during this period, in which, except for brief flashes, has been completely disregarded. Nowhere is the volume and importance of UG's work more forcefully illustrated than in its recently released *2023 Vice Chancellors Report*. It is a must read and, in so doing, I believe that you, and, in fact, us, will all be proud. We recognise that, on the opposite side of this House, are those who pride themselves on using the least studied and least logical approach when making decisions. Any attempt to bring words and phrases such as reason, logic, feasibility studies and special select committees will be scorned and frowned upon. So, while we do not expect good sense to prevail on this occasion, one can only hope that as she follows through with this amendment, the Minister will show the Guyanese people and the faculty and staff of the University of Guyana that any government of Guyana representative on the UG Council will have the capacity to perform their duties as professionals, staying committed to the principles, such as academic freedom, freedom of thought and academic integrity, the freedom to have differing ideas and worldviews. We are hoping that this will be retained at the level of the Council.

I stand here hoping that the Government's silence on the Blueprint 2040 by Vice Chancellor, Ms. Paloma Mohammed means acceptance of the strategy and that any government representative will buy into the vision so that the university can continue to achieve the aspirations set out in this blueprint. Any attempt at the alternative by being partisan and critically motivated, could be a travesty and an injustice to the premier tertiary institution that is now nearing the end of its 60th Anniversary. Guyana's development requires a tertiary institution committed to research and development, the freedom to explore, the freedom to design and the freedom to research. The founder of UG, according to the Hon. Minister, none other than Dr. Cheddi Jagan and those who

gave to, built and sustained UG's foundations, including members of the present Council and the distinguished trustees and associates of the University's foundation would no doubt expect no less. Thank you, Sir. [Applause]

Ms. Teixeira: Mr. Speaker, we have gone down this road before. I have listened to the different arguments and...

Mr. Speaker: Minister, you may want to move the microphone a bit closer to your mouth.

Ms. Teixeira: I want to say a few things because I think we have created a conundrum in this discussion, and we have to dissect the issue in an analytical way and cut some of the verbiage and the accusations. We seem to be a people that prefer to live in a realm of victimology and looking for the *boogeymen* behind every bush instead of dealing with progress and how we are moving forward and to label things. We like labelling, because labelling is so easy. If you label everything, you do not need to analyse. You have given it a category. It is in a box, and it is neat and tidy, but it does not stand up to scrutiny.

A couple things have been said here tonight that we need to speak about, if we are serious in this Parliament about our university, creating knowledge, science, creativity and imagination for our young and beautiful nation. This is not about control. This is about what is the best way to have a governance structure that allows knowledge to bloom. That is what universities are about from the beginning of time. From medieval times they were controlled by the kings because of knowledge, science, research, art and architecture and they became highly political institutions. These comments that have been made here today about not politically interfering in the university, and not putting politics in the university... [Ms. Ferguson: We are right.] Well, you see, you do not understand, Ms. Ferguson. There is a difference between partisan politics and politics. If you understand that, maybe, we will have an opportunity to talk. Since you do not understand it... Politics and partisan politics are two different things. Life is politics, universities are politics, business is politics and countries are politics. When a child does not get food to eat, that is politics. But partisan politics, that is different. I want to go back to the same comment about politics and how the PPP/C is always interfering with the University. Unfortunately, when the University was created, it was known as the "Jagan Night School". It was degraded and denigrated. Why? Let us talk frankly in this Parliament at 4:00 a.m. in the morning. Here was an Indian boy from Port

Mourant who became a Dental Surgeon, who dared to talk about a university in our country and who dared to fight the British colonial powers to make our country independent. That is why it was called a “night school”. That is why it was called the “Jagan Night School” because it was derogatory, it was meant on a class basis, it was class and race in this country. From the beginning, it was class and race – from the beginning. **[Mr. Mahipaul: Let us fix it.]** You cannot fix it, Mr. Ganesh Mahipaul. Every time we try to fix something, you would all jump in with your political interference, your race, your class and everything else.

Mr. Speaker, partisan politics has been the thing that has hurt the University of Guyana. Let us talk about it. It began with the “Jagan Night School” and, after Independence, it became the bastion of the People’s National Congress (PNC). It became their bastion and it remained there. It was this bastion of the new class that had become independent, it was no longer colonial. It was a place for only some people. That is what Mr. Hamilton said. In 1995, when the Act was debated in Parliament and we were adding on farmers and all these other people for inclusivity, it was, what are farmers going to do there? **[Ms. McDonald: Joe said that.]** You were not in Parliament in 1995. Go check the records. I do not have time for Ms. McDonald, really. You are such an utter disappointment to the women of this country. **[Ms. McDonald: I am like you.]** No. I am not a disappointment. Maybe to you, but I am not a disappointment to me. I know what my life has been for this country.

Let us get down to brass tacks, Mr. Speaker, if you will allow me. We went through 1968 rigging, and the University of Guyana became the bastion of the People’s National Congress with its flags flying and with its ceremonies there and yes, the Guyana National Service was created. For those of you who do not remember, or have forgotten history, our history, it is not important to you because it might bring up some things that are not very nice in the history of the People’s National Congress. The Guyana National Service took the university students of our country from the 1970s to 1990s, they had to do service with the Guyana National Service. It meant that many families did not want their girl children to go into the camps of the Guyana National Service. There were many people who did not. There was a famous Guyana National Service poetess, Mahadai Das who was raped and mentally destroyed. She was a young university student going to the University of Guyana and she was a poetess. She wrote painful and beautiful poetry, but she had to go because she had to get her degree. You could not get your degree, a piece of paper, saying that you had

done your degree unless you went to the Guyana National Service. Eventually, it was softened down to one year. Thousands of students never got their degree and never got their *kaja*, the piece of paper that said they had passed and that they were now owners of degrees or diplomas. Many left the country, and many came back in the 90s to try to get their degrees. Some did and some did not. The Guyana National Service damaged the university irreparably for 20 years. Then Dr. Walter Rodney, our beloved visionary, who was recognised in Tanzania and different parts of the world, our university, said, 'no, we do not want you'. So when you talk about political interference, this is the era of your political affairs from 1968, and, in fact, right through to now.

When there are issues with the university, this Government, through the different times of being in government, has been very careful with the university. We have not gotten very far with it because every time we go to put our *big toe* in a policy direction, there is a scream that arises from the university. It says, 'do not touch, political interference. The PPP/C is at it again'. Then everybody backs off. That is your game you play all the time. Well, now it is over. The game is over.

Mr. Speaker, going back to political interference, I was on the UG Board. Mr. Mahipaul was there for a short time. He knows why he was there for a short time. I was on it and one of the interesting things – I love universities, I love research, I love analysis, and I had not been in that environment for quite a long time, so I was looking forward to that. What I encountered was intellectual resistance to newness and ideas. It was as if you were trying to push, like Sisyphus. Do you know the tale of Sisyphus? Sisyphus tried to push the rock up a mountain, and he pushed the rock up and as it got up the mountain it rolled back down. You felt like you were on that wheel all the time. We had a panel at the University to search for a Vice Chancellor and a Deputy Vice Chancellor. We went internationally and we advertised in the New York newspapers. We got people from Fiji, Ghana, the Republic of Trinidad and Tobago and Jamaica and everything... We had a panel that did the interviews and recommended selections to the UG Council.

3.3.1 a.m.

Professor Opadeyi was the final selection, having gone through. The short-listed candidates were brought to Guyana at the cost of the University. They met with the students, they met with the professors and academic, and they met with the stakeholders. Mr. Mahipaul, you would remember

that. It was in the George Walcott Lecture Theatre (GWLTL). Professor Opadeyi was hired. Two Vice-Chancellors were hired. One was Dr. Barbara Reynolds and the other one I cannot remember. I think it was Dr. Paloma Mohamed. I am not sure. What happened? Dr. Rupert Roopnaraine, who Mr. Mahipaul, Hon. Member, referred to as having brought the petition in November, 2012 to the House to have it go to a Special Select Committee, was the Chairman of this Special Select Committee. He was also a Member of Parliament (MP), obviously. He was part of the panel, of which I was part, that recommended Professor Opadeyi. Professor Opadeyi was selected; Professor Opadeyi was hired. Then, the Government changed. Dr. Roopnaraine became the Minister of Education and Dr. Opadeyi's contract was terminated. Again, was that political interference? Do you forget these things? [Mr. Mahipaul: (Inaudible) fix it.] Do you want to fix it now after you have done the damage all these years? After 30-odd years of hammering this place, are you now coming like *Pontius Pilate* to say let us clean up this mess together? [Mr. Ramson: Crocodile.] Crocodile.

The Special Select Committee, to which my Hon. friend referred, called the petitioners, led by Dr. Melissa Ifill, as well as the Vice-Chancellor at the time in 2012 and the Deputy Vice-Chancellor (a.g.), who was Dr. Marlene Cox. They all came to the Committee. I was not in the Committee. This Committee heard their views. In the very last minutes, which were never adopted, they met 10 times between November, 2012 and December, 2013. The last minutes have not been approved. They set up a Special Select Committee to look at possible amendments. Nothing ever happened. The Committee never reported to the House. There was no Bill. Nothing was presented to the House. If Mr. Mahipaul is saying there is a draft Bill, I know nothing about that.

The issue here is that if we truly want a university that is a model in a developing country, that has one of the fastest growing economies right now, we have a lot of catching up to do. I am very conflicted listening to the debate about why these amendments are so problematical. When you read the report – and Mr. Mahipaul opened the door to the Special Select Committee with this report – there are differences of views among the different persons who came before the Committee. One said that the Council was being governed according to the Act. No one came up with any way in which the Council had violated the statutes. In fact, the University staff said that part of the problem at the University was the staff themselves – how we manage, how we deliver. They go into details with that. The issue we have here is, what is the problem? Is it a problem that

you have with expanding the numbers? In what way would that hurt the University? When we are talking about adding climate change, natural resources, ICT, *et cetera*, in what way does it harm the University of Guyana? Does it harm? Secondly, you have another problem that you have to confront in your argument. The problem is this: you lump universities together. Universities are private and fully funded privately. There are universities that are partially funded by government and there are universities that are fully funded by government. There are also universities funded by different foundations.

Guyana's University is fully funded by the Government, unlike the University of Toronto or the University of Oxford or whatever. They are different. There are different governing structures and different financial structures. You say that you do not want the Government to have control, but you have taxpayers' money, for which we come to this House to get approval to give the University, and this House and the taxpayers of this country have a right to know. They have a right to figure out if the money is being used in their best interest or in the best interest of the country. You have a conundrum. You are pulling examples from different places hodge podge, and you are not looking at the structures that are different. For obvious reasons, a fully funded university by a government has a different structure than one that is privately funded.

The funny thing is that there is a very big hole in your argument. Let us do it this way. According to the *Official Gazette*, the University of Guyana's last published Council was for three years – from February, 2018 to December, 2021; it stated 2020, actually, it is a mathematical mistake they made. You had a Chancellor, Professor Nigel Harris; you had a Vice-Chancellor, Dr. Ivelaw Lloyd Griffith; you had the UG Academic Board – Dr. Jacqueline Murray, Dr. Paulette Bynoe; Norwell Hinds, President of the University of Guyana Students Society (UGSS); Dr. Jewel Thomas, President of the University of Guyana Senior Staff Association (UGSSA); Mr. Vibert Welch, Permanent Secretary, Ministry of Education; Vincent Alexander, APNU/AFC, representing the Opposition, who was not present, *et cetera*. It came up to 25 people who were appointed. That is the last appointed Council. In the meantime, you have had a new Chancellor, that is, Professor Edward Greene, and you have a new Vice-Chancellor, Dr. Paloma Mohamed. Obviously, at some point, a university without numbers, proceeded to govern and hopefully governed within the statutes. The comment made about the Government not appointing people has in no way interfered with the University of Guyana getting its budget annually from 2020 right through to now. It has

not interfered with the fact that the University of Guyana has appointed people, has been going around doing whatever it does, and has not brought in any policy that harms it. In fact, it has brought in policies that have helped the University in terms of helping to pay off the loans owed by the University students over the years, promising in its manifesto that the fees will be removed and bringing other universities, through the Ministry of Health and other places, to work with the University, whether it is research, the medical school, *et cetera*.

This view of political interference... You have had a period of time when there was no Council properly constituted. None. Yet, the University is managing fine. The University has been spending its money and it has been doing whatever it does. So, where does this argument of political interference come from? It is a sham. You have a problem with the truth because your whole argument falls apart *bodoom* on the ground just by the point that the last Board, which was appointed expired, no Board was appointed, and you continued to function, you continued to spend billions of dollars, and no one troubled you. All of a sudden, because the Government said that it really needs to focus on this University and get it to be the model of a developing country – a Latin-American type of university that is dealing with climate change and this whole new approach to things ... Yet, one step in that direction and you get this revulsion coming from some elements of the University as well as the Parliament. Why? Are we not proud as Guyanese that the Low Carbon Development Strategy (LCDS) was created in Guyana, by Guyanese and in consultation with Guyanese? It was not intellectuals who came from London, Moscow, China, Cuba or Washington or anywhere else. This was ours in 2009 and in 2010 and again now, when we came up with *LCDS 2030*. That is your whole development strategy right there.

In what way does the University of our country, funded by the taxpayers of this country, not have a say in what it does and what it does to forward our nation? In what way do we get into these bizarre intellectual gymnastics to try to justify a position of political interference? That is why you all want six people more. What utter *foolishness*. I would like to suggest to all of you that tomorrow when you have had your cup of coffee – hopefully after you would have awoken – go and look back at what you all said in this House, in this period. It is the level of myopia, of a type of thinking that will not move this country forward and certainly will not move you forward and will not help your party, which is fine with me. We do not want you to go anywhere; so you can continue down this crazy road that you are on.

This country with what we have available, the amount of research ... Let us be frank. If it were not for National Agricultural Research and Extension Institute (NAREI)...NAREI has done historically amazing research over the decades. We know about the University, but NAREI has contributed to agriculture – where is Mr. Mustapha? Am I not right? – to the different strains of rice, *et cetera*. I do not know all the things. I am saying that NAREI, as an institution, has contributed billions of dollars of profit to Guyana, through the research done over the decades – new variants of rice, new variants of that and so on. I do not want to put down the University. I want our university to do well. I want our university to be a model. I want it to compete with the University of the West Indies (UWI). I want it to be better than the University of the West Indies, but we have to stop putting the discussions into these partisan, political boxes. So, when the Minister of Education comes forward with a policy to do whatever, it would not be seen as a PPP/C, who wants to control everything. If we live in that world, we will go nowhere because the University and the young people going to it, and those who are there, need to be able to have laboratories and science and research and surveys. Let me give an example of how the partisanship affects us. I have been, for years, trying to get data on what is going on with young men in our country – marginalisation, absenteeism, dropping out of schools, *et cetera*. I have gone to the University several times, including to several lecturers, and said, have we have done any surveys? How do we address young males in our society if we do not have some data available? No research has been done.

3.46 a.m.

We have social issues; we have social problems. In universities of the world, including what ours should be, the intellectuals are able to contribute to solving problems in our societies, whether it is drugs, whether it is violence or whether it is skills. This is what universities are about. So, where there are universities where there have been problems with violence in some cities, the universities have played an important role in analysing, surveying and coming up with progressive ideas to governments and to cities on how to address some of the issues. [Ms. Ferguson: (*Inaudible*)

two billion.] I do not know what that rattling in the background is. No wonder, Ms. Ferguson, you had to go and get a university degree overseas, paid for by the taxpayers of this country. You did not go to the University of Guyana. You went overseas, paid for by the taxpayers, and you are

rattling on at four o'clock in the morning. Stop rattling. [Ms. Ferguson: *(Inaudible)*]

[Mr. Ramson: No. She said rattle.] I said rattle. What is wrong with the word rattle?

Mr. Speaker, on the issue of governance, when we read the statutes and read the Act, the University of Guyana Act, the Council has clear mandates on what its responsibilities are. We cannot be between and betwixt. The mandates of the Council, as far as my recollection, have not been the issue. The issue has been a hypersensitivity to the presence of people who are categorised as being pro-PPP/C or PPP/C. Mr. Mahipaul can come and talk about us looking at this Bill, but I think we went through all of this about the university. We had the Trevor Hamilton & Associates Report which we dissed. The University Council dissed it. It did not fulfil what we wanted. I am saying "we" to mean the Council, not "we" to mean the People's Progressive Party/ Civic (PPP/C). It was criticised. Even Dr. Rupert Roopnaraine, who was part of that Council with me, was very dissatisfied with the Trevor Hamilton & Associates Report, and so we know these things. There has to be some kind of open-mindedness so that the University does not feel that every time there are appointees there, they do not think they should be spoken to.

Somehow in the University, there appears to be a view that these non-academic elements who come to us, whether it is politicians or not, are not smart enough to tell them what to do and so there is a certain elitism, a certain... It is unfortunate. Universities are about openness, about being willing to experiment, about being willing to look at problem-solving, about being able to find the best answers with what is available at the time, and we need to be able to have these discourses. The Act itself is not an impediment to the University making changes. The statutes and the Act, as far as I am concerned, I may be wrong, are not impediments to the University moving in a much more progressive direction. That is not the impediment. It is one in which we have to have open discourse. How do we balance the research and the training of people with our environment? It is not just about laboratories and things like that, but actually being able...just like someone mentioned, I think Ms. Sarabo-Halley, the young man, the Guyanese, who contributed to the vaccine, the Pfizer. Our people do that. That was about being in a setting that was looking for answers. You cannot be productive if you are not trying to find answers. If you are going through the rote – this is what we have done, and this is what we do – then you are not going to find answers.

How do we find answers in our country to one of the big issues of hydrology? For example, one of the biggest problems we have in our country is flooding. We are a low-lying country; we are one of 10 countries in the world that is most vulnerable to disasters with climate change. Go on to the United Nations (UN) sites and see it. We are in the same category as Fiji, the Solomon Islands and Vanuatu and these places. If that is the case with floods, then the whole issue of hydrology, hydroelectric and hydrological design architecture, of how do we, over time deal, with the issue of flooding... We have a new Silica City being built. Does it mean that in the next 30 years we have to move from Georgetown and move up the mountain? These are issues that universities think about. They are paid to think, they are paid to write, and they are paid to research. How do we, as a people, discuss the future of the University in the context of one of the fastest-growing economies, in a country that is low-lying, in a country that has one of the largest collections of carbon dioxide in the world, preserving the world? How do we take all these elements, positive and negative, and use the thinkers of our society – the people who can think, who can write and who can research – to find answers? How do we encourage, at the University, people who are willing to be free-thinking and not be confined by what political party they are thought to be wearing on their sleeve? We put people in boxes. Why should we do certain things if someone is thought to be PPP, or someone is thought to be People's National Congress (PNC)? We keep putting people in boxes and we will get nowhere with that.

This is such a simple amendment to have caused this discussion to go on for four hours when what we have been doing is chasing boogiemens behind the bush. That is all we have been doing for the last four hours. I have not seen the boogiemans as yet but, somehow, you all pull him out all of the *time* and wave him around because that is how you like to do it. This is not going to harm the Council.

Mr. Speaker: Hon. Minister, you are about four minutes over the 30 minutes.

Ms. Teixeira: Yes, thank you.

Mr. Speaker: You will need a few more minutes to find that boogiemans.

Ms. Teixeira: I just need one more minute. Mr. Speaker, I hope that in the discussion tonight, we try to move away from this labelling and look at things with a fresh eye. To summarise, Mr. Speaker, these amendments are not going to affect the governance of the University in terms of its

statutes and its laws. It does not undermine the power of the Council. It will, hopefully, bring in some new blood, some new people who will want to have open discourse and discussions with different stakeholders about how can we move and create an even more progressive university than what was originally envisaged by Jagan when it was called the University of Guyana and “Jagan Night School”. Thank you. [*Applause*]

Ms. Walton-Desir: Mr. Speaker, thank you. I have the privilege of wrapping up the contributions from my colleagues on this side of the House. It is five to four in the morning, and so I do not propose to be before us long, but I have to observe a few things.

When the Hon. Member, Minister Teixeira, started speaking, I realised that we have a problem. We have a problem in this country. Do you know what that problem is, Mr. Speaker? The problem is that the people of Guyana, the future generations of this country and the present generation, are being held hostage to a lot of hurt feelings and the need for revenge somehow. To hear the Hon. Member, Ms. Teixeira, stand and speak with such vitriol about what happened in 1968 means that we in this country have a problem. It means that our children and us who were not even around in 1968 are being held hostage to hurt feelings. Hon. Member, I would strongly suggest therapy because we have a nation to build, and we cannot continue to be subjected to your vengefulness and your hurt. Go and get therapy.

Ms. Teixeira: Mr. Speaker, I ask the young lady to withdraw her comment.

Ms. Walton-Desir: Why? On what basis?

Ms. Teixeira: At four o’clock in the morning, I think there should be some restraint.

Mr. Speaker: Hon. Minister, you had an opportunity and it is not a proper Point of Order. Go ahead, Hon. Member.

Ms. Walton-Desir: She makes my point very well, Mr. Speaker. There is a level of vitriol that we felt all the way across here. This nation is in a crisis. I will say that the conundrum to which the Hon. Member before me admitted is the cognitive dissonance that has been caused by the very erudite and sound arguments of my colleagues on this side of the House. They hear sense on this side, but on that side of the House, they have a difficulty with reconciling it with what we know

are ulterior motives. They have ulterior motives. The boogiemán that the Hon. Member, Ms. Teixeira, is talking about, I want to suspect that it might be a *boogie woman*.

Mr. Ramson: On a Point of Order, Mr. Speaker. The Hon. Member cannot impute improper motives to the Members of the Government and Members of this House.

Mr. Speaker: I do not recognise your Point of Order. Boogiemán is something... Go ahead, Hon. Member.

Ms. Walton-Desir: Thank you, Mr. Speaker. She spoke about the boogiemán, for example. Mr. Speaker, the reality of it is that we have the very recent example of the Public Accounts Committee (PAC) to which my colleague, Hon. Mr. Duncan, referred. The Hon. Member came with the same righteous indignation. Do you all remember that? Right. [Mr. Duncan: Do not frighten the boogiemán.] She spoke of the same boogiemán and that there was no ulterior motive. A year later, what has happened? The PAC has been decimated; it is a shell of its former self. The Hon. Member must forgive us if we are not quick to agree with her because we have the benefit of experience. Mr. Speaker, I will say this because I will address each member in turn.

4.01 a.m.

The Hon. Minister, Minister Manickchand...Do you know what is important, Mr. Speaker? What is important, more often, is what is not said than what is said. In her presentation, there appeared to be some material omissions, and one must wonder why. There is no doubt that this amendment seeks to increase control over the Council of the University. It is obvious. Mr. Speaker, do you know what is important? The Hon. Member Mahipaul made the point. From 2020 to now, certain positions have not been filled. It is important to note that this would have been the case from 2016, because then they were in Opposition, and they did not appoint an Opposition nominee. Here is the dilemma. You have a Government that has failed to demonstrate commitment with the existing numbers but is proposing to increase the numbers. Make that make sense. This is why we know their motives might very well be sinister. You have demonstrated no commitment, but suddenly you want to increase the numbers, as to suggest to the people of Guyana that an increase in numbers will somehow cause you to be committed, and it just might. Guess why? With the current configuration, the people appointed by the Minister alone will form a majority. This is why they have not been participating. It is because they do not participate in anything that they cannot utterly

control and dominate. That is the sinister motive that might very well be there. So, we are not going to participate because we do not have a majority and we cannot control it. The Hon. Member, Mr Ramson, with his garrulous loquacity, betrayed what the thinking is. He said, we are about to make significant investment and so have to control it. That is basically what he said. [Mr. Duncan: Loose lips.] *Loose lips sink ships* and he sank the ship of the Government.

Mr. Ramson: Mr. Speaker, I rise on the Point of Order. That is not what I said. I never said that because we are increasing, we have to control it. That is not what I said. I have never said that and I object to that.

Mr. Speaker: Hon. Minister, I will uphold your objection, Hon. Member, please quote him correctly, if you want to quote.

Mr. Ramson: [Mr. Mahipaul: She is quoting him correctly.] [Mr. Duncan: That is what he said.] If they are saying that I quoted it correctly, I am challenging that.

Mr. Speaker: We could always check the records.

Ms. Walton-Desir: Thank you, Mr. Speaker. We have to be able to examine these things in a sober and temperate manner. Hon. Member, Mdm. Gail Teixeira, we have the Hon. Charles Ramson, who stood here and said he has been privileged to attend first class universities in London, *et cetera*, I am supposing. He was very loud in the praise for the university, but what he failed to recognise is that those universities have those standards primarily because they are not interfered with by governments. That is why. The Hon. Member, Ms. Gail Teixeira, came to this House to say that because the Government is providing the resources, they are somehow entitled to fiddle with the constitution of the Council. If we are going to be transparent, that draft legislation that Mr. Mahipaul spoke about in this House, indicates that an acceptable measure of reporting is to lay a report in this House, much like many other agencies. So, for the Hon. Gail Teixeira to stand there to tell us that because we are giving the university money, we have to be able to fiddle with the composition of it is disrespectful to our intelligence.

Mr. Speaker: I take great objection to your imputing. You are saying that she said the Government can fiddle with the composition. Please, she has been here too long for me to allow you to impute.

Ms. Walton-Desir: I am guided, Mr. Speaker. Mr. Speaker, that is perfectly fine.

Mr. Speaker: To me, 'fiddling' has some other connotations. Please.

Ms. Walton-Desir: I withdraw the word.

Mr. Speaker: Thank you very much.

Ms. Walton-Desir: You are welcome, Mr. Speaker. We cannot assume that because you provide resources, you are at liberty to commit certain acts. The Hon. Member, Minister Manickchand...and in the interest of time, I will hurry it up. When the Hon. Member was speaking about the appointments by the Chancellor, she made note that certain appointments were not made. She said that these appointments were vacant. What she did not say was it was for the reason that the Hon. Mahipaul spoke about. Some of these institutions from which the appointees were to come...

Mr. Speaker: You are imputing. If she did not say, please do not put an interpretation to what she did not say as a particular motive.

Ms. Walton-Desir: Mr. Speaker, I am making a statement of fact. When she spoke about the non-appointment by the Chancellor, she did not indicate that the non-appointment was as a result of what Mr. Mahipaul pointed out.

Mr. Speaker: You are speculating. No, please.

Ms. Walton-Desir: Mr. Speaker, I think I have made the point. I will make the point this way: Mr. Mahipaul stated in his debate that at least two of the organisations from which the Chancellor is required to appoint are no longer in existence. [Mr. Mahipaul: That is why he appointed four instead of six.] This is the reason why four were appointed instead of six but from what was said, we would not have gotten that. Those omissions, wittingly or unwittingly, are problematic.

Mr. Speaker, I want to move on to address the issue that was raised about studies not being carried out. Instead of griping about studies not being carried out, fund the studies, fund the University. That is how it works. We now have resources that we have never had before, and you have come to complain that the University has not done this research and has not done that research as if to suggest that would justify you adding persons who we are not sure will contribute to the academic

management of the university. It is problematic. Once we are talking about appointments, the fact that we, in this House, are expected to believe, given what the Government has said, that appointing all of these people will somehow result in the academic enhancement of the Council, that burden has not been discharged. To add, if political influence and partisan politics were not the motivation, then you could simply require the Chancellor...If it is a certain calibre of people that you want, you prescribe the Chancellor's discretion. Why was that not done? Why is this only in the sole deliberate judgement? It is often what is not said that tells you what motive is afoot. You need these people with sustainability experience, *et cetera*. That is what Mdm. Teixeira said – sustainable development and those backgrounds in the military and the environment. Why not give the power to the Chancellor to appoint? You know for a fact that two of the institutions do not exist. Why not amend and take those out completely and replace them? If it is that your concern is about upskilling the Council, why does the discretion have to lie solely with the Minister? [Mr. Duncan: That is the mischief.] That is the mischief, Mr. Speaker.

I believe that my colleague, Mr. Mahipaul, made an important contribution, that in 2012 all political parties worked together, and they demonstrated an ability to work together. I want to echo his call; this is the University of Guyana. It is something that you would think, given what the Hon. Manickchand said, would be a point of pride for this Government. Instead, we see them setting up GOAL and funding GOAL. There is nothing wrong with funding GOAL. I want to make that clear. But the importance of the University should be reflected in the allocation to the University, if they care so much.

I want to add my voice to the chorus of saying let us *hold our horses on this matter*. Refer it to a committee. Mr. Speaker, do you know what is most concerning about all of this? An Order has been passed, which materially affects the existence of the University as we know it, but the University has not been consulted. How is that acceptable in this time? You are making an Order that affects the University materially, but the University was not consulted. Mr. Speaker, my colleagues on the other side would heckle, my colleagues on the other side may make light of this, but we on this side of the House understand the seriousness of it. Whilst they may say that we will have our say and they may have their way, history will record that we warned. History will recall that at quarter past four in the morning, on Tuesday, 11th July, 2024, we warned. [Mr. Mahipaul: It is the 9th.] Tuesday, the 9th, Mr. Speaker. It seems like we have been here for

two days. In the seriousness of this moment, we will understand, in time, the implications of what the Government did, and we will look back and we will remember that we, on this side of the House, warned, implored, begged, and beseeched that it is not done but it *fell on deaf ears*. The *Bible* has a verse:

“He who is often rebuked, and stiffens his neck, will suddenly be destroyed suddenly and that without remedy.”

He who has ears to hear, let them hear. [Applause]

4.16 a.m.

Mr. Speaker: Thank you very much, Hon. Member. It is now time for the Hon. Minister of Education, Ms. Manickchand, to conclude the debate.

Ms. Manickchand (replying): Your Honour, thank you. If we are going to be kept here until 4.15 a.m., it should be for sober and sensible contributions. Members came repeating everybody else’s points, missing all the points and totally misinterpreting what they read. It is just a disappointment, when we are talking about the foremost institution of learning in this country. The previous Hon. Member stood and repeated what her Colleague said – all of his misinterpretations.

Let us begin with the biggest misinterpretation and untruth that was told repeatedly in this House by the Hon. Members, Mr. Mahipaul and Ms. Walton-Desir, who had nothing else to do in her whole presentation but to repeat what the Hon. Member said. They are all, of course, very honourable as their leader showed when he did what he did to them during the previous elections. There is no Council in existence at this moment. The Hon. Member, Ms. Teixeira, said it. The Hon. Member did not hear or could not understand, so she came and repeated what Mr. Mahipaul said. There is no Council in being at this moment.

Your Honour, if we look at section 12(3) in the University of Guyana (Amendment) Act, Councils are appointed; they have a tenure. They are appointed for a particular period. This Council expired some time in 2020. It expired so there is no vacant seat because there is no Council. This idea that we failed to appoint persons and this proposition are simply untrue. There are two things, Sir. The Hon. Members are standing here to say to you that... I could give the Hon. Member the floor again so what Mr. Mahipaul said could be repeated. The Hon. Member had nothing of substance to say.

It was in her usual state – all form and no substance. She stood; flicked her hair two times; said, ‘understands’ a few times with an accent; and believes that is the presentation in this House. Unfortunately, we should get more substance in this House when people are looking at us, especially, when we are talking about the foremost learning institution in this Country. The Hon. Member shouts in this House from across there in a seat that does not even belongs to her. That should not be allowed in this House, Sir. The Hon. Members must make up their minds.
[Interruption]

[Mr. Speaker hit the gavel.]

The Hon. Members have to make up their minds. One hand, the Hon. Members are saying...
[Interruption]

[Mr. Speaker hit the gavel.]

On one hand, the Hon. Members came here with a script. Their Leader sent them and jetted off to New York. ...that the People’s Progressive Party/Civic want political control. That is the script. Then, they could build some fluff around that. If the PPP/C are so obsessed with political control, how was it that you stood here repeatedly and said – the PPP/C failed to take the control by nominating people over the last four years? How does that reconcile? It is nonsensical. It is nonsensical and illogical. It may be the hour of the night. I have heard better from the Hon. Members, so it may be the lateness or the earliness of the hour that caused that level of illogic. The Hon. Members are then saying to us – we do not want political involvement; this thing must be devoid of politics. They stand here and say – why the three parties cannot get together, do more for the University and pass an Act? We do not want to get together with you or any political party to pass an Act. We want to appoint a competent Council with persons who have this country at heart and have them decide what must go in the Act. That is what we are doing here tonight.

The presentations were very confusing. On one hand, they are saying something and, on the other hand, they are saying something else. They referenced this so they know about it – Dr. Rupert Roopnarine laid in the House a petition. He actually chaired a Special Select Committee. When he became the Minister of Education – substantive Doctor – he was written to by the unions of the University. They asked him to change the political appointees on the University. For five years, the APNU/AFC did nothing to change any of the appointees on the board. You come here now

and *cry crocodile tears* about who you think we want. We are coming here to say that we want to put young people. We are coming here to say that we want to put people who are experts in the environment, natural resources and the religious community. That is who we are coming here to say that we want to put. Which one do you object to, because you need to say that? At some point, they need to say which one they are objecting to. I am still unclear about which one it is that they object to. To address a few more untruths... [Ms. Walton-Desir: Consult UG, Ms. Manickchand.]

I want to be very clear; I do not know who at the University the Hon. Members are speaking to. I cannot impute and assume how the University learnt of this. I can say with sureness – I can wake her up now and have her send me the message – ...

Mr. Speaker: Do not do that.

Ms. Manickchand: ...that the Permanent Secretary of the Ministry of Education, informed the Vice Chancellor of this Motion before it came to the House. I am saying that; it is on the record; and I would be happy to prove it. I do not know what these Hon. Members were told and by whom.

The other thing is that the Hon. Ms. McDonald – who is not familiar with that or any University so we could perhaps excuse her – stood here in this House and said very clearly that we failed to sign... These Members are saying these things and I am not sure who they are listening to. The Hon. Member said that we refused to sign a loan to improve the University of Guyana. Mr. Speaker, I stand her here and I would like to lay this over in this House because I believe it is important. It reads; Financing agreement, University of Guyana, Science and Technology Support Project between the Co-operative Republic of Guyana and the International Development Association, financing agreement. It goes on. This Agreement was signed in Georgetown on 19th September, 2012. This was on 19th September, 2012, and in Washington, District of Columbia, (DC) on 30th September, 2012. We decided here what we were going to do. This was to put down the medical building at the University of Guyana so that we could produce more doctors at a higher quality so the Comprehensive Accreditation Manual for Home Care (CAMHC) who has to give us accreditation would have no problems with giving us. Sir, do you know that, in the five years the APNU/AFC was in Office, not a single stone was laid there? There was not one single drawing done. We left them the drawing; they just had to reconfigure it. It took the PPP/C Government to come back into Office...[*Interruption*]

Mr. Speaker: Hon. Member Mr. Ramson, please. Three times and you are out of your seat.

Ms. Manickchand: ...for the Hon. Members, Dr. Anthony and I, to go with the University and turn the sod. I am happy to say that the building is very advanced. Do not tell me – you like the University and you like people in this country. When you had all the funds at your disposal, you twiddled your thumbs; you did nothing for the people of this country; you did nothing to develop medical sciences in this country; you did nothing to produce doctors in this country; but you are bawling when you see people get scholarships under the GOAL. You are bawling when you see that. However, there are Members in this House who understand the importance of scholarships and the importance of studying and advancing themselves intellectually. They took it for themselves or they were given it for themselves. They just denied the people of this country that.

That brings me to the GOAL. The GOAL is not in competition with the University of Guyana. The University of Guyana was established by Dr. Jagan and the Guyana Online Academy of Learning was established by President Dr. Mohamed Irfaan Ali. They are both PPP/C – Presidents and Members. The PPP/C have repeatedly demonstrated in a tangible way the interest in education and educating our population. The GOAL is different from the University of Guyana; so, they are not rivalling with each other. The University of Guyana is an in-person University. The Guyana Online Academy of Learning is a medium – it is not a university – through which just under 30,000 people – mostly Guyanese young people – are going to more than 20 overseas universities through a special arrangement we have. That is what GOAL is. We have no apology for investing in GOAL. By investing in the GOAL, we have invested in the young people of this country. That is how one shows love and that is how one shows understanding that education builds.

Mr. Speaker, here is the issue. The fact that we have approximately 30,000 persons on GOAL, tells you that our young Guyanese chose the GOAL. They chose the GOAL. It does not mean that they rejected the University. It can very well mean that they are working; they have children; and they want to study online. In fact, when we crafted that promise in our Manifesto, we did so because we went house to house – bottom house to bottom house – to the same farmers and housewives who they scorn, on that side of the House, and the people said that is what they want. That is why you see it in our Manifesto here, Sir. In our Manifesto, we said very clearly that we would provide 20,000 online scholarships and an online university. That is what we are doing here with the GOAL so they are not at rival with each other. There are people who contributed to this

country. It is always very sad and I am always very saddened when I hear us being unable to be grateful and appreciative of that fact. Dr. Opadeyi gave service to this country and continues to give service to this country. We are very grateful on this side of the House. On behalf of a grateful nation, we say, thank you.

The Hon. Member said that Coalition champions youth and then pulled up some Artificial Intelligence (AI) thing and read it out to us. The average age of the Coalition Ministers, as the Hon. Member, Mr. Ramson, said was 68 years old. The average age of the Coalition Ministers was 68 years old. You could not look across from you and see a Colleague – you saw friends, but you could not have seen a Colleague. *[Interruption]* One cannot say that he/she likes young people and every time a chance is given for the person to be shown that he/she likes the person the exact opposite is done and then the person expects people to believe him/her. We have seen repeatedly how young people have been moved out and shifted out of positions for older folks. There is nothing wrong with old people but one cannot have people with an average age of 68 years advising or making policies for this country and expect that the policies are going to match what our young people of today want. Half of them could not turn on a computer and had to get parliamentary help. We saw that repeatedly.

4.31 a.m.

The Hon. Members spoke so warmly of how they love the University of Guyana. In their tenure, fees were raised by 35% and they were not equivalent to \$1,000. It was the facilities fees. In 2015, a student who was paying \$160,000 left in 2020 paying \$228,000. Is this love? Is this love for the University and for the people? When they did this, they accompanied it with several threats. This was the headline; it states:

“List of names who failed to repay Guyana.”

You listed the names of the young people of this country in the newspapers and then threatened them. The other headline stated:

“Students who owed UG could be barred from leaving the country.”

You caused national panic. When we were in place, we left the country where people could work and go on holiday once a year but, in this period, the majority of teachers went away. You had

them frightened and worried. You listed their names in the newspapers and then threatened them that you would bar them from... You wonder why you are sitting on that side of the House.
[Interruption]

Ms. Ferguson: Mr. Speaker, may I?

Mr. Speaker: Yes, Hon. Member Ms. Ferguson.

Ms. Ferguson: A pleasant good morning, again. I rise on Standing Order 40(a). Earlier, the Hon. Member made reference to the PPP/C's Manifesto by saying that they promised online universities and 20,000 scholarships. I have a copy of the Manifesto here and nowhere can I locate in the Manifesto that makes reference to...

Mr. Speaker: Hon. Member, policies are all over the place even on the platform, so I cannot uphold that Point of Order. Hon. Minister, you will get your time back. Please, proceed.

Ms. Manickchand: Sir, do you know why I brought this page? I actually want to go through each to tell you what we have done in the last four years, but I am looking at the time. I would be happy to do it. Let us address that, Sir. We are talking about the oil money. When the PPP/C came into Government in 1992, these were the statistics. We had 30% of our students who were able to access high school, which means, out of every 100 children, only 30 could go to a high school. The 100 students who wrote National Grade Six Assessment, Common Entrance, only 30 could go to a high school. When the PPP/C came into Government, we had one single secondary school in the hinterland. When we came into Government, 30% of our teachers were trained without oil. As a Heavily Indebted Poor Country (HIPC) with *white mouth* still and with all sorts of poverty-stricken diseases, we were able to build 13 more secondary schools in the hinterland. Do you know how many the APNU/AFC built in their five years? There was not a single secondary school started or finished anywhere in this country, let alone in the hinterland. When we came in, 30% of our children were accessing secondary education without oil. When we left the APNU/ AFC, 78% of our secondary children were accessing secondary schools. When we came in, 30% of our teachers were trained without oil. When we left, 82% of our teachers were trained. It is now 100% trained or in training.

Mr. Speaker, once there is political will, with or without oil money, you will get it done. The APNU/AFC lacked political will, care for the people of this country, care for any development in any sector and they watched only themselves. We saw them increasing in stature and in every other way. This myth that oil money alone is what contributes remains a myth. If the young people of that Party will put that into their heads, then you will never be able to lead this country and that would be a tragedy or it might not be a tragedy but it would be sad. If you are saying, you can only run a country with oil money, you are not at all diverse in the way or innovative in the way you can spend. We moved from a Heavily Indebted Poor Country to a developing country and to a developed country without oil. When we came into Office in 1992, the World Bank did a study on us and said that 67% of our people were living in poverty. In 2008, the World Bank did the same sort of study on us and said we had cut poverty in half without a single cent from oil. Good policy, prudent management and sensible governance did that with a loving and caring heart for the people of this country. *[Interruption]*

Mr. Speaker: Hon. Minister, I will have to ask Mr. Duncan to go back to his seat because when the Hon. Member sits in his own seat, he is quieter. Hon. Minister, you may continue.

Ms. Manickchand: We are not here for the political control the Hon. Member spoke of. It is disrespectful to the people who will go on that Council. I heard somebody say, why not appoint people who you think can contribute. I do not want to misquote but it sounded to my ear as though there was a specific type of person who could contribute and that would be a fallacy. We have had farmers, people who cannot read or write, and people who understood so much so that they put you where you are – the issue of a signing bonus and the theft of it. They understood that and they were under a bottom house in a rubber slipper, in a short pants with vest on and they carried a right. Putting people on the Council, might not mean educated lettered people, but it might mean people who can bring to that Council the experiences that would add value to the Council when they are making decisions for the wider population. Whenever the PPP/C have any sort of authority, whether it is political authority in Government or authority on a council or a board, we have always shown how we have consistently used that authority to bring about good. Whether it is more schools, whether it is better quality, whether it is more farmers and varieties, whether it is more solar systems, whether it is more titling of lands, whether it is more roads and infrastructure, whether it is more house lots, whenever we have authority and whenever we are in a place where

we can exercise that authority, it is always used to do good and bring about better. I listened to this great suspicion and all I could think of was, *thief man don't like see another man with a bag in he hand*. That was the issue. *Thief man don't like see another man with bag in he hand*. You assumed that they have the bag the same way you have the bag thieving.

The APNU/AFC cannot tell us about control and *control-freakism*. It was that Party who, when they went into the Tenth Parliament, passed a Motion to amend Standing Order 86(2) by changing the composition of the four sectoral committees to three Members representing the Government and four Members representing the Opposition. That is *control-freakism*. That is a fear of allowing the system to work and that is why they are so frightened. They imagine that we are going to do what they would have done had they been sensible enough to be in this position. They imagined that we are going to be the sort of dictatorial people who they would have been had they had these numbers. That is not what we want to do. We make no apologies.

We believe the University of Guyana produced some great people, has some fantastic alumni and many are in this House but not too many over there. Many are in this House. We believe that more can be done and we believe as any other board, a council or a decision-making body in this country, the more quality you have with the decision-making body is the more you will get out of that body. We believe that the University of Guyana is well poised to help change this country. We believe and we want to see Dr. Jagan's vision be projected onto the land nationally and that is what we are here doing today. We are standing here asking that this honourable House support this Motion, the Affirmation of the University of Guyana (Amendment) Order 2024, No. 43 of 2024. I do so humbly ask.

Mr. Speaker: Thank you very much, Hon. Minister Priya Manickchand. Hon. Members, I now put the motion.

Motion put.

Mr. Mahipaul: Division.

Mr. Speaker: There is a call for division. Let us ring the bell and give persons an opportunity to get in their seats and refresh their Wi-Fi.

Division bell rang.

4.46 a.m.

Those online who might be hearing us, if you need to refresh, we are just about a minute away from starting the Division call. Mr. Clerk, you may commence.

Assembly divided: Ayes 33, Noes 23, as follows:

Noes

Mr. Sears

Mr. Sinclair

Ms. Alert

Ms. Philadelphia

Mr. Jaiprashad

Ms. Flue-Bess

Mr. Rajkumar

Mr. Mahipaul

Mr. Figueira

Mr. Cox

Mr. Patterson

Ms. Ferguson

Ms. Sarabo-Halley

Dr. Cummings

Mr. Henry

Mr. Ramsaroop

Ms. McDonald

Ms. Walton-Desir

Mr. Jordan

Mr. Duncan

Ms. Hughes

Mr. Holder

Mr. Norton

Ayes

Ms. Kisson

Ms. Coonjah

Ms. Veerasammy

Mr. Williams

Dr. Smith

Mr. Jaffarally

Dr. Westford

Dr. Ramsaran

Ms. Pearson-Fredericks

Mr. Narine

Mr. Datadin

Dr. Mahadeo

Mr. Charlie

Mr. Seeraj

Mr. McCoy

Mr. A. Persaud

Mr. Indar

Ms. Rodrigues

Ms. Parag

Mr. Ramson

Dr. V. Persaud

Mr. Croal

Mr. Bharrat

Mr. Hamilton

Ms. Campbell-Sukhai

Mr. Mustapha

Ms. Manickchand

Dr. Anthony

Bishop Edghill

Mr. Todd

Ms. Teixeira

Mr. Nandlall

Mr. Phillips

Mr. Isaacs: Mr. Speaker, 33 Members voted for the Motion and 23 against.

Mr. Speaker: Thank you, Mr. Clerk. Hon. Members, the Motion is carried.

Motion put and carried.

Assembly resumed.

ADJOURNMENT

BE IT RESOLVED:

“That the House be adjourned to a date to be fixed”.

[Prime Minister]

Prime Minister [Brigadier (Ret'd) Phillips]: Mr. Speaker, I move the adjournment of the Assembly to a date to be fixed.

Mr. Speaker: Thank you, Prime Minister. Hon. Members, have a safe trip home. The Assembly stands adjourned to a date to be fixed.

Adjourned accordingly at 4.58 a.m.