

# Official Report

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2012-2014) OF THE TENTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN*

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88<sup>TH</sup> Sitting

Thursday, 10<sup>TH</sup> July, 2014

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*The Assembly convened at 2.08 p.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

## **ANNOUNCEMENTS BY THE SPEAKER**

### **Leave Granted to Members**

**Mr. Speaker:** Leave has been granted from today's sitting to the Hon. Member, Ms. Jennifer Webster, up until the 19<sup>th</sup> July, 2014, and to the Hon. Member, Dr. Ashni K. Singh.

### **School Outreach Programme (Region 9)**

**Mr. Speaker:** The Parliament Office did successfully organise a school outreach trip to Rupununi, Region 9, which was led by the regional representative, the Hon. Member, Mr. Allcock. That lasted from 25<sup>th</sup> June to 28<sup>th</sup> June, at the end of which the team travelled to visit Boa Vista in Brazil to observe a game of football. We thank those who participated and we thank the staff for organising that visit.

### **Annual Staff Appreciation Day**

**Mr. Speaker:** On Sunday last, the Parliament Office organised its annual Staff Appreciation Day and so we wish to thank Members of Government, in particular the Prime Minister, Mr. Jaffarally, and the Minister of Health, Dr. Ramsammy, for attending. We thank Members of the Opposition, as well, who attended and made the staff feel as though they are quite important as they are.

#### **Placement of Mat on Second Floor Corridor of Public Buildings**

**Mr. Speaker:** Members would have noticed that we have kept our promise to improve conditions. A mat has been placed on the corridor, particularly because it is the wet season. So the fear of falling...and for those who have fallen, to whom we had to apologise, we now have that mat in place. It took some time and, again, I thank the Clerk and his staff for pursuing that request that had been put in when I asked that it be done. We are happy that that has been completed.

#### **Presence of Newly Accredited Resident Representative of the Organization of American States**

**Mr. Speaker:** I wish to announce that in our presence this afternoon is the newly accredited resident representative of the Organization of American States, who is our guest. Welcome, sir.

#### **Motion to Honour the late Deputy Speaker, Mrs. Deborah Jan Backer**

**Mr. Speaker:** We will be considering a motion to honour our fallen Sister, Mrs. Deborah Jan Backer, later in the proceeding. Members of her family and the legal fraternity are also in attendance and so we welcome them as well.

#### **Removal of Excessive use of Paper**

**Mr. Speaker:** I should add that permission has been granted, in keeping with our new drive to do away with the excessive use of paper, to the Ministry of Natural Resources and the Environment to lay the National Parks Commission's Annual Reports from 2008 to 2012 in electronic format, and so all Members should have a Compact Disc/Read Only Memory (CD-ROM). We commend the Ministry for that. Thank you.

#### **Speakers' Rulings**

**Mr. Speaker:** I am reminded to remind Members that you would have seen before your desk fulfilment of another promise – *Speakers' Rulings* (1967-2011). The book could be of guide to Members in terms of how to address certain matters that may come up from time to time. We are pleased that we were able to provide that.

### **Misdirected Questions**

**Mr. Speaker:** I wish to say that Notice Papers Nos. 328 and 329, from the Hon. Member, Dr. Karen Cummings, which are on today's Order Paper for written replies, were mistakenly misdirected to the Hon. Minister of Health. The questions have since been redirected to the Hon. Minister in the Ministry of Local Government and Regional Development, who has the remit for the questions that were asked.

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

The following Reports were laid:

1. Annual Reports of the National Parks Commission for the years 2008 – 2012. [*Prime Minister and Minister of Parliamentary Affairs*]
2. Agriculture Strategy for 2013 – 2020. [*Minister of Agriculture*]

**Mr. Speaker:** Hon. Members, I have noticed, as well, even though it was not placed on the agenda as a substantive item, that we have the Agriculture Strategy for 2013 - 2020 laid by the Hon. Minister of Agriculture, the Hon. Dr. Ramsammy, and we really appreciate this document. It is, as well, in electronic format and we thank the Hon. Minister for providing that document.

### **REPORTS FROM COMMITTEES**

The following Reports were laid:

1. Fifth Report of the Committee on Appointments in relation to the Appointment of Members of the Ethnic Relations Commission.
2. Sixth Report of the Committee on Appointments in relation to the Appointment of Members of the Rights of the Child Commission. [*Chairman of the Committee on Appointments - Dr. Norton*]

## QUESTIONS ON NOTICE

### For Written Replies

**Mr. Speaker:** Hon. Members, there are six questions on the Order Paper. Questions 1, 2, 3, 4 and 5 are for written replies and question 6 is for an oral answer. Question 1 is in the name of the Hon. Member, Mr. Desmond Trotman, and is for the Hon. Minister of Finance, who is absent. Questions 2, 3, 4 and 5 are in the name of the Hon. Member, Dr. Karen Cummings. Of those, question 2 is for the Hon. Minister of Public Works. Questions 3 and 4 are for the Hon. Minister in the Ministry of Local Government and Regional Development. Question 5 is for the Hon. Minister of Health. All the answers to these questions have been received and have been circulated in accordance with our Standing Orders.

Hon. Prime Minister, I believe that you wish to make an announcement.

**Prime Minister and Minister of Parliamentary Affairs [Mr. Hinds]:** No, Sir. I wanted to say that for clarity, when you announced just now, the answer that was to be laid by the Minister of Finance has so been laid.

**Mr. Speaker:** Grateful. We stand corrected and we will ensure that it is circulated. Are these the questions, Hon. Prime Minister, that were outstanding for some time?

**Mr. Hinds:** Yes, Sir.

**Mr. Speaker:** Grateful. Members, we did get the report that the Ministry of Finance was in the process of preparing these - running them off on the printer this afternoon. So I am happy that they have actually arrived and have been circulated. Thank you very much.

### 1. BENEFITS FOR THE FORMER PRESIDENT, DR. BHARRAT JAGDEO

**Mr. Trotman:** Would the Minister of Finance tell this House:

- (i) What is the electricity charge paid under the Act for former President, Dr. Bharrat Jagdeo, for each month since he demitted office in 2011 up to the end of February, 2014?

- (ii) What is the total health expenses/claims met under the Act for former President, Bharrat Jagdeo and/or his dependents for each month since he demitted office in 2011 to 28<sup>th</sup> February, 2014?
- (iii) What is the cost of providing transportation (local and overseas) inclusive of cars and drivers, including air cost and road under the Act for former President, Bharrat Jagdeo and/or his dependents for each month since he demitted office in 2011 to 28<sup>th</sup> February, 2014?
- (iv) What is the monthly cost of providing security for personal and property(s) under the Act for former President, Bharrat Jagdeo since he demitted office in 2011 until 28<sup>th</sup> February, 2014?

**Minister of Finance [Dr. Singh]:**

**BENEFITS FOR THE FORMER PRESIDENT, DR. BHARRAT JAGDEO**

Months	Electricity	Health	Transportation 1/	Security 2/
Dec-11	47,408	-	57,325	549,720
Jan-12	61,868	-	73,693	725,700
Feb-12	-	-	107,376	725,700
Mar-12	-	-	94,560	725,700
Apr-12	-	-	33,542	725,700
May-12	-	-	102,810	725,700
Jun-12	1,478,337	-	118,393	725,700
Jul-12	389,395	-	124,237	725,700
Aug-12	440,544	-	42,682	725,700
Sep-12	417,286	-	148,163	725,700
Oct-12	452,297	-	145,502	725,700
Nov-12	457,800	-	136,311	775,700
Dec-12	313	-	141,433	725,700
Jan-13	407	-	129,253	785,600
Feb-13	1,206,601	-	97,082	785,600
Mar-13	480,986	-	181,503	785,600
Apr-13	440,236	-	237,297	785,600
May-13	430,145	-	436,581	785,600
Jun-13	348,964	-	140,592	785,600
Jul-13	417,610	-	292,664	785,600
Aug-13	447,611	-	469,235	785,600
Sep-13	458,926	-	110,502	785,600
Oct-13	396,269	-	148,282	785,600
Nov-13	351,012	-	140,460	785,600
Dec-13	351,784	-	3,810,739	785,600
Jan-14	465,014	-	107,620	818,100

Feb-14	334,867	-	7,592,911	818,100
Total	<b>9,875,680</b>	-	<b>15,220,748</b>	<b>20,321,520</b>

**Notes:**

1/ Under the Transportation Schedule, please note that all the vehicular assets are the property of the State.

2/ Under the Security Schedule, please note that all Security Services are done by serving members of the Presidential Guard Service.

Figures: G\$

**2. MAINTENANCE OF THE KURUPUNG AIRSTRIP IN REGION NO. 7**

**Dr. Cummings:**

- (i) In 2013, \$67.2 million dollars was disbursed for the maintenance of hinterland airstrips. Could the Hon. Minister say, if the Kurupung Airstrip was upgraded and what was the cost for this upgrade?
- (ii) Is there a maintenance team that examines these periodically and who are the members of the team?
- (iii) What mechanisms will be put in place to prevent another event of “hard landing” of a commercial plane at the Region 7 airstrip?

**Minister of Public Works [Mr. Benn]:**

- (i) In 2013 \$67.320M was disbursed in relation to the maintenance of hinterland airstrips. The Kurupung Airstrip is 1,365 feet long and 43 feet wide. It is bordered on the eastern end by a deep valley and a swamp with a Creek on the western end, hence there is very little scope to facilitate its lengthening.

However, all year satisfactory maintenance was carried out to the Kurupung Airstrip in 2013 for the total sum of \$640,000.

There is a resident Contractor who has responsibility for maintenance of this Airstrip all year round and this is the case with all other Government Airstrips.

- (ii) These Airstrips are examined periodically jointly by the Aviation Inspectors in the Ministry of Public Works and the Guyana Civil Aviation Authority.
- (iii) In this particular instance it was not a “hard landing” but a “short landing” by the Pilot of the Aircraft. The contributory factors were:
  - Wind shear
  - Down draught

#### Details of this incident

It involved a Trans Guyana Airways BN2A-27 Islander with registration 8R-GHM Serial No. 216. It took place on 16 May, 2014 at 13:57 hrs. There were 1 Crew and 4 passengers and no one suffered any injury.

The Aircraft which was seriously damaged, landed before the threshold, the left landing gear moved rearward 39 inches tearing the nacelle. There were wrinkles to both surfaces of the wing and flaps.

In order to minimize the event of any “hard landing” of a commercial plane, training and experience must be the main focus by the relevant Companies. This training consists of:

- Airman proficiency checks every six months by the relevant Companies;
- Route and Aerodrome checks once in every twelve months in accordance with the Guyana Civil Aviation Authority Requirements.

### **3. VICTORIA HEALTH CENTRE**

**Dr. Cummings:**

Could the Hon. Minister say:

- (i) In light of addition of 278 new Cuban trained Doctors to the Health Care System, when will the Victoria Health Centre open its doors to the public for a five-day a week service? Presently, clinics are held once weekly.
- (ii) When will the sanitary facilities be improved at this health facility? At present the health care providers and the patients are using the same sanitary facility.

**Minister of Health [Dr. Ramsaran]:**

- (i) The Victoria Health Post will not be able to open its doors to the public for a five-day a week service anytime soon due to the inadequate supply of staff and the fact that the facility has limited space.
- (ii) Works are ongoing to remedy the situation at the Health Post, and is scheduled to be completed by July 11, 2014.

**4. DR. CC NICHOLSON HOSPITAL**

**Dr. Cummings:** Could the Hon. Minister say:

- (i) If plans are afoot to make this hospital a 24hr delivery service, in light of the fact that it is alleged that a mother had delivered a baby in the vicinity of a barber shop and that a barber had assisted to deliver the baby?
- (ii) Since a probe of this allegation was launched against the Dr. CC Nicholson Hospital according to the Kaieteur Newspaper of June 25, 2015, could the Hon. Minister furnish this Noble Assembly with the results of that probe?
- (iii) When will there be a functioning Incubator(s) to place neonates or newborns at the Dr. CC Nicholson Hospital?
- (iv) How soon will there be a cylinder with oxygen, a working autoclave to ensure sterile dressings to patients; and emergency supplies at the said health facility?

**Dr. Ramsaran:**

- (i) Yes, plans are afoot to make the CC Nicholson Hospital a 24hr delivery service subject to the availability of medical personnel.
- (ii) The probe of the investigation against the Dr. CC Nicholson Hospital revealed that there was no need for disciplinary actions. (Please find copy of the report on the delivery of baby at the Barber Shop.)
- (iii) An incubator will be requested in the 2015 Budget.
- (iv) There is a cylinder with oxygen at the Health Facility, however the gauge has malfunctioned and would be replaced by July 11, 2014; there will be a working autoclave to ensure sterile dressings to patients by July 17, 2014. The emergency supplies at the said health facility are provided by the Ministry of Health; however, the Regional Administration will procure emergency supplies once difficulties are reported to the Administration.

#### **5. THE ALARM INTERNATIONAL PROGRAMME TO REDUCE MATERNAL, NEONATAL MORTALITY AND MORBIDITY**

**Dr. Cummings:** Could the Hon. Minister say:

- (i) How many health care workers have been trained in the ALARM Programme to reduce maternal, neonatal mortality and morbidity to date?
- (ii) What category of health care workers have been trained to date?
- (iii) Where the health care workers are deployed or are located?

**Dr. Ramsaran:**

- (i) A total of 963 persons.
- (ii) Categories of health workers are medex, midwives, doctors, midwifery tutors, health visitors from all ten regions.
- (iii) All regions (see attached document on the detail breakdown of each training and the location of the personnel.)

## **For Oral Reply**

### **6. PROFESSIONAL TUNER WORKSHOP**

**Mr. Chairman:** Hon. Members, there is a question to be asked by the Member, Mr. Christopher Jones, the athletic Christopher Jones, who ran and brought second in a race. So Members would know that they were properly represented on Sunday last. Mr. Adams may want to remind you that only two people ran the race, but Mr. Jones brought second.

He has a question to pose to the Hon. Minister of Culture, Youth and Sport.

**Mr. Jones:** Thank you, Comrade Speaker. Comrade Speaker, these questions are essentially follow-up to questions posed to the Hon. Minister a few months ago as it relates to hiring of steel band tuners. Of course, the Minister had provided the answers to the House, which we appreciate, but the follow-up question that comes now... The Minister, at the time, stated that the professional pan tuner from Trinidad, who was hired, also conducted professional workshops here in Guyana. So the question here today is:

- (i) Could the Hon. Minister inform this House of the date, venue and cost that was used for Trinidadian Tuner Mario Joseph to conduct his workshop?

**Minister of Culture, Youth and Sport [Dr. Anthony]:** In relation to the question, the date of the workshop was the 11<sup>th</sup> February, 2014. It was conducted at the National School of Music in the band room and that is on Brickdam on College Road and the cost was free.

**Mr. Jones:** Second question: Noting in Guyana that we have our very own pan tuners, I would like to ask:

- (ii) Could the Hon. Minister inform this House which of the following Guyana Steel Pan Tuners benefited from the 'Professional Tuner Workshop for all local tuners':-

- (a) Mr. Roy Geddes, M.S., A.A.

- (b) Mr. Frank Lynch

- (c) Mr. Calvin Whyte, M.S.

(d) Mr. Aubrey Bryan

(e) Mr. Ivan Chapman

(f) Mr. Mathews Lewis

(g) Mr. Oliver Pross?

**Dr. Anthony:** The question assumes that the listed persons are all pan tuners and I think that assumption might not be correct. I can say of the set of persons listed here that some of them are not pan tuners. So if we go through the list that Mr. Jones has provided, Mr. Roy Geddes, for example, is a retired tuner. Mr. Calvin Whyte, for some time now, has not been tuning pans.

**Mr. Speaker:** Hon. Minister, with the greatest of respect, I think if you are in a position to discern, from the list, who are not pan tuners, well then you can apprise the House of those who are and whether they benefited from that training.

**Dr. Anthony:** Well, I am going through it because there is a long list here and the assumption was that they are all pan tuners, and that assumption is erroneous. So that is why I am going through the list. Mr. Mathew Lewis has not been tuning pan for some time. Mr. Aubrey Bryan lives overseas. Mr. Frank Lynch was invited, but he was unavailable for the workshop. Mr. Ivan Chapman was informed and he benefited from the workshop. Mr. Oliver Pross was also informed, but he did not participate in the workshop.

**Mr. Jones:** We note that tuning pan is not an everyday job so, obviously, these people will be doing other things other than tuning pan. However, I have known these persons to be pan tuners. Follow-up to that:

- (iii) Could the Hon. Minister inform this House how was the 'Professional Tuner Workshop for local tuners' advertised?

**Dr. Anthony:** Mr. Speaker, again, we know that there about four active pan tuners in Guyana and we contacted them by telephone.

**Mr. Jones:** Follow-up question: Is the Hon. Minister saying that for this professional workshop training that was conducted by this overseas pan tuner, the Trinidadian pan tuner, the persons

were invited via telephone? So is it that the Ministry is aware of all the pan tuners in the country that they call all of them via telephone?

**Dr. Anthony:** Again, Mr. Speaker, for clarity, we are aware of four active pan tuners in Guyana and they were all informed of this workshop.

**Mr. Speaker:** Mr. Jones, let this be the last supplementary question that you ask.

**Mr. Jones:** Yes, Sir. If you could recall, Comrade Speaker, during the Budget debate, we had a similar issue as it relates to how these programmes are advertised. And at that time, the question was raised as it relates to the \$150 million for the Sports Art and Development Fund. Similarly, like the Minister's answer just now that they called persons via telephone, it appears that with \$150 million of taxpayers' moneys, that is how these moneys are administered - just call a friend.

Finally:

- (iv) Could the Hon. Minister inform this House whether any of the above named Guyanese Steel Pan Tuners were unavailable to chord and blend the 'state owned' Steel Pan Instruments before or during the 2014 Mashramani competition?

**Dr. Anthony:** Again, Mr. Speaker, of the four active pan tuners, Mr. Ivan Chapman assisted us during this period of Mashramani to tune the North Ruimveldt Secondary School pans, and he also was involved in playing the pans for the Guyana Defence Force's band. Mr. Oliver Pross tuned the bands for Dolphin Secondary School, Queens College, and the Guyana Police Force. Mr. Frank Lynch tuned the GBTI Buxton Pride Steel Band that is based in Buxton, and Mr. Cary Gillis tuned the Park Side Steel Orchestra Band. And each of these persons - for the school bands - the Ministry provided a stipend for them to do this job and they each received \$50,000 per band.

**Mr. Speaker:** Thank you, Hon. Minister. We will proceed. If I may, I deduce that the Hon. Member is really trying to ascertain what, if any, were the reasons why an overseas person, albeit of Trinidad and Tobago Fame, would have been used in preference to the local pan tuners. And I think that was the gist or the gravamen of what the Hon. Member was trying to get.

**Dr. Anthony:** Mr. Speaker, perhaps, the genesis of this question is that one of the pan tuners apparently is aggrieved. But that particular person did benefit during the period, last year, from tuning pans; that is where this question is coming from. In fact, during the period, he also was contracted by the Ministry to provide steel pan instruments which he was late in providing.

**Mr. Chairman:** Hon. Member, thank you for your questions, and, Minister, thank you for your answers. We will proceed.

### **PERSONAL EXPLANATIONS**

**Ms. Selman:** Mr. Speaker, I am personally aggrieved by a statement made by acting Minister of Foreign Affairs, Ms. Priya Manickchand, on 4<sup>th</sup> July, 2014. And that is why I find it necessary to make this statement. I wish to condemn Minister Priya Manickchand's inappropriate behaviour displayed at the United States (US) Ambassador's residence...

**Mr. Speaker:** One second, please, Ms. Selman.

**Mr. Teixeira:** Could you say what item we are under?

**Mr. Speaker:** I was just trying to ascertain that. This is under Personal Explanations.

**Ms. Selman:** Sir, we were at that point; we were at Personal Explanations.

**Mr. Speaker:** And you are saying that you are personally...

**Ms. Selman:** ...aggrieved, yes, Sir.

**Mr. Speaker:** How long is your statement?

**Ms. Selman:** It is not more than five minutes.

**Mr. Speaker:** Proceed, please, Hon. Member.

**Ms. Selman:** Thank you, Mr. Speaker. I wish to condemn Minister Priya Manickchand's inappropriate behaviour displayed at the US Ambassador's residence on the observance of America's independence on Wednesday, 4<sup>th</sup> July, 2014.

Celebrations are memorable events and certainly not a time for reprimanding anyone. The Minister's verbal attack on the US Ambassador at his residence on such an occasion was most inappropriate. A Partnership for National Unity (APNU) holds the view that if a country has a problem with a diplomatic representative, the competent authority should call him or her behind closed doors or ask his principals to recall him or her. We also believe that if a country feels...

**Mr. Speaker:** Your remarks are to be based on you being personally affected.

**Ms. Selman:** Thank you, Sir.

It is inappropriate and in bad taste and cannot be wished away. If the People's Progressive Party/Civic (PPP/C) does not want its female representatives to be attacked, then it should not put them in vulnerable positions by asking them to do unacceptable things. Reprimanding an Ambassador has no place in the house of...

**Ms. Shadick:** On a Point of Order, the Hon. Member is standing to make a personal explanation. Her speech says "on behalf of the APNU".

**Mr. Speaker:** Well, I just sought to clarify that.

**Ms. Shadick:** Well, please, Sir, and I do not know how it could be personal unless she is a member of the US Embassy or staff of the US Embassy and was present.

**Mr. Speaker:** I did enquire, Ms. Selman, because you said that you were personally aggrieved and then I heard you say that on behalf of APNU and then you spoke about the PPP/C. You have started and so I am going to allow you to complete but, please, you have to be able to show that, in some way, you were personally affected or aggrieved.

**Ms. Selman:** Thank you, Mr. Speaker.

**Ms. Teixeira:** Mr. Speaker, Point of Order: Under Standing Order No. 23 (2), Personal Explanations, it states:

"...a Member may make a personal explanation at the time appointed...although there be no question before the Assembly; but no controversial matter may be brought forward nor any debates arise upon the explanation."

The Hon. Member is raising what is a very controversial issue. It is not a personal explanation. She was not there. The Member, in no way, confronted her personally. It has no relevance in this House.

**Mr. Speaker:** Noted. As I said, the Hon. Member has started and so she will just complete it we will move on.

**Ms. Selman:** Mr. Speaker, every school child knows that there are many variants of Isaac Goldberg's script. It states that subtlety of language is a hallmark of diplomacy or a more widely known joke, telling someone nicely to go to hell and they will actually look forward to the trip. And that is why there are so many jokes and so many debates as to which widely spoken language is most appropriate and effective for diplomacy. 'Different horses for different courses' is a watchword in diplomacy as in most of life.

Mr. Speaker, in closing, I would like to call on the Minister to offer an apology to this nation which the Hon. Minister has, obviously, embarrassed. I thank you. [*Applause*]

**Mr. Nadir:** Mr. Speaker, could I make a personal explanation because I was personally aggrieved by the last statement.

**Mr. Speaker:** Proceed.

**Mr. Nadir:** Mr. Speaker...

**Mr. Speaker:** One second.

**Deputy Speaker [Mr. B. Williams]:** The relevant Standing Order No. 23 states that there will be no debate.

**Mr. Speaker:** The Hon. Member rose to say that he wishes to make a personal statement.

**Mr. B. Williams:** If it is related to what Ms. Selman said...

**Mr. Speaker:** Mr. B. Williams raised a valid point. If it is connected to what was just said, well then we will be ensuing into a debate. If it is that you are personally aggrieved by a reaction outside of something that just happened, but yet related, well then you may make your personal statement. It cannot be in rebuttal to a response. You may wish to say, for example, that you

were personally aggrieved by the reaction that came when the Hon. Minister made her statement, but you cannot act in response or rebuttal to what Ms. Selman said immediately. But you may have been aggrieved by the responses that came against the Hon. Member and Minister and make a personal statement on that.

**Mr. Nadir:** Mr. Speaker, this is not a rebuttal of. I am now personally aggrieved by a previous statement. And it cannot be either inside or outside of the House; it has to be anywhere. It was allowed and this is the ridiculousness of allowing the last speaker to go on.

**Mr. Speaker:** But, with respect, we go by what the Standing Orders state. The Standing Order states that there shall be no debate.

**Mr. Nadir:** I am not debating.

**Mr. Speaker:** I will allow you to register your disapproval and your personal grievance, which you have done. I cannot allow a debate on this matter. Ministers have the right to give personal explanations or statements by ministers. I note that the microphone has been indicated on behalf of the Minister of Education. She may wish to make the statement as a Minister. That cannot be disallowed. There are two Ministers indicating a desire to speak here.

**Minister of Education [Ms. Manickchand]:** I will defer to the substantive Minister of Foreign Affairs, but I will be happy to reserve the right, when the Hon. Minister is finished, to possibly respond.

**Mr. Speaker:** Well then, if we do so, there would be a debate.

**Ms. Manickchand:** I do believe, Your Honour, with the greatest of respect, that you allowed a call from a Member for me to do a particular thing, so I defer to the Minister first.

**Mr. Speaker:** Who is deferring to whom?

**Minister of Foreign Affairs [Mrs. Rodrigues-Birkett]:** I will defer to Ms. Manickchand; it was directed to her.

**Mr. Speaker:** The substantive Minister of Foreign Affairs defers to the Minister who acted as Minister of Foreign Affairs. Go ahead, please.

**Ms. Manickchand:** Sir, I am saying that the substantive Minister of Foreign Affairs is here and wishes to speak on an issue that is substantively about foreign affairs. However, the Member who was permitted to speak, by Your Honour, raised specific things to do with me as a person when I was in my acting capacity, and I would like to reserve the right, if I so desire after the substantive Minister speaks, to respond to that. And I am sure Your Honour will not have a problem with that.

**Mr. Speaker:** What I will not have a problem with is that I will invite you to speak now. If you have something you wish to say, I would invite you to do so now.

**Ms. Manickchand:** Yes, Sir.

**Mr. Speaker:** Thank you.

**Ms. Manickchand:** Does this mean, though, Sir, that the substantive Minister will not be allowed to speak?

**Mr. Speaker:** Do you represent the substantive Minister? That is a matter between the substantive Minister and me. I am inviting you to speak, if you wish to speak.

**Ms. Manickchand:** Sir, Mahatma Gandhi said - I was reminded by a writing that Minister Rohee published this morning - that a 'no' uttered from the deepest conviction is better than a 'yes' uttered merely to please or, worse, to avoid trouble.

*2.38 p.m.*

With the greatest of respect to my young Friend, Sir, Guyana and Guyanese citizens, particularly Guyanese leaders or people who hold themselves to be Guyanese leaders, leading the people of Guyana, do not have the luxury of saying yes merely to avoid trouble or to please the United States of America or any other country, particularly because we are a sovereign country.

We are proud that we have been able to do as we were mandated to do by the people of this country and that we represented the Guyana position against interference that is undiplomatic and against the Vienna Convention, to which both countries are signatories and by which both countries are bound, as was pointed out by Mr. Justice Duke Pollard. [*Interruption*] I do note

Mr. Nagamootoo telling me to shut up, Sir, and that is very interesting. It is not surprising, coming from him.

Mr. Speaker, I do wish to place into perspective our position that we presented, on 2<sup>nd</sup> July, 2014, a correction that should be made to the Hon. Member's misinformed presentation. On 2<sup>nd</sup> July, 2014, the Government of Guyana, as per protocol, responded to a speech made by the United States Ambassador. In that speech, the Government was firmly of the view that the speech called for an insurrection in this country and that two days prior to that speech, on Monday, 31<sup>st</sup> June, 2014, the United States Ambassador undiplomatically and against all diplomatic protocols and good relations between governments denigrated and libelled the Executive President of this country, laughed at and mocked the General Secretary of the People's Progressive Party/Civic (PPP/C), and tried to represent one political party or two political parties that form the Opposition against the Government.

Particularly, Sir, I wish to respond to the Hon. Member, where she said that diplomacy would have called for a discussion of this issue behind closed doors. I would advise the Hon. Member that when she is going to speak on an issue, the Hon. Member should inform herself fully of facts of the issue. [*Interruption*] Mr. Greenidge is trying to be the bully that we know him to be, Sir. He is trying to shout me down. For a short man, you have a very loud voice. [*Interruption*]

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

**Ms. Manickchand:** Mr. Speaker, the Government has said repeatedly that it has addressed this matter with the Ambassador - the matter about which I speak is the Ambassador's frequent and repeated breach of diplomatic protocol with the Ambassador - behind closed doors to no avail. In fact, Sir, neither the Ambassador nor anyone on his behalf has come forward since then to say that this matter was not addressed with him behind closed doors. So now that the Hon. Member knows that the matter was addressed behind closed doors, I would expect the Hon. Member to now call on the US Ambassador, who has left, to apologise to this nation for repeatedly breaching protocol.

I thank you, Sir. Again, we stand proud that we represented the people of Guyana and we are disappointed in the joint Opposition for letting the people of Guyana down and saying 'yes'

simply because they wanted to please the United States or someone else, or simply because they did not want to get themselves into trouble. I thank you. [*Applause*]

**Mr. Speaker:** Thank you. Hon. Members, that is the end of the matter in the House. We will move on. There will be no other statements on the matter. We will proceed.

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

**Mr. Speaker:** Hon. Members, I received, this morning, and shared with the Clerk, a request for leave to move the adjournment of the Assembly on a matter of definite, urgent, public importance from Mr. Ramjattan. Mr. Ramjattan, what I will do is allow you to make a statement so that we will not have a suspension of the House, as you requested, to discuss it. However, you may make a statement on the matter.

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

**Ms. Teixeira:** Mr. Speaker, may I ask for clarification, please?

**Mr. Speaker:** Yes, please.

**Ms. Teixeira:** Are you then not allowing an adjournment or are you?

**Mr. Speaker:** I am not allowing the adjournment.

**Ms. Teixeira:** So, will there be no response to the comments?

**Mr. Speaker:** No. I am doing as Mr. Ralph Ramkarran, my predecessor, did. Whenever these were not allowed, he granted leave for the Member to make a brief statement and we moved on. So I am following precedent here.

Go ahead, Mr. Ramjattan.

**Mr. Ramjattan:** Thank you very much, Mr. Speaker. It is in connection with a matter that occurred recently in Essequibo against rice farmers; it is the matter of police brutality against rice farmers after they protested for their paddy payments from millers.

On Friday, 4<sup>th</sup> July, 2014, hundreds of farmers, paddy producers and very sober, right thinking members of Essequibo indicated that they would do a protest demonstration, which they did. They then proceeded to get permission from the police and the police duly granted them that permit. After going through the paces of their peaceful demonstration, they made certain demands to get the Minister and/or some senior Government officials there. Having not gotten that, they proceeded to continue their demonstration and it ended up in a situation where some members were stripped, others were tear-gassed, and a number of members of that protesting party were also locked up. I had to go there on the following day to ensure that bail was granted. Bail was not granted until in the evening. However, it is a matter of urgent importance to the public of Guyana largely because this Government and the Opposition have tried as best to ensure that farmers get their payments. We have amended the Rice Factories Act and we have also come up with provisions that after a certain time period, they must be paid at least half of their moneys.

**Mr. Speaker:** Make the statement briefly, Mr. Ramjattan.

**Mr. Ramjattan:** Yes. I am trying to state that that is not occurring in Essequibo because for two weeks, they were supposed to get their 50% payment and there are farmers who have sold 4,000 and more bags of paddy to millers who are very close to some senior Government officials and rice producing (RP) officials and they are not getting their payment in two weeks' time; neither are they getting the other half of the payment which is amounting to millions of dollars. What the Alliance For Change would like to see happen...

**Mr. Speaker:** I see Mr. Seeraj on his feet, but this is not a debate. Mr. Ramjattan, this is a brief statement and if the Government or anyone wishes to introduce a motion to debate it, they may do so, but I am allowing Mr. Ramjattan a short statement. Let us bring it to an end and move on.

**Mr. Ramjattan:** I just need a minute and a half more, Sir. I am calling on the Government, and it will be supported by all the farmers in Essequibo, to have a revolving fund so that the millers can at least pay the farmers so that they could go and do the next crop.

Secondly, we would want all the vehicles that were impounded to be released forthwith. We are also asking that the charges be dropped. We are also asking that the politically insensitive nature

of the response of the Government be halted so that the people in Essequibo can have the benefits of their hard work and labour. Thank you very much, Mr. Speaker. [*Applause*]

**Mr. Speaker:** Thank you. Hon. Members, if there is a desire to have a full debate on this matter, a motion may be introduced. Mr. Ramjattan, you may have your request converted into a motion and we can have a full debate. I advise you to do so.

**MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE NATIONAL ASSEMBLY AND MOVED BY A MINISTER**

**SUSPENSION OF STANDING ORDERS NOS. 69 AND 26 (e)**

“WHEREAS the Customs (Amendment) Bill 2013 – Bill No. 2/2013 was negatived at the Sitting of the National Assembly on 22<sup>nd</sup> May, 2013;

AND WHEREAS, due to the importance of the Bill with regards to the recent ruling by the Caribbean Court of Justice, the Government is desirous of proceeding with the second and third readings of the Customs (Amendment) Bill 2014 – Bill No. 11/2014;

AND WHEREAS Standing Order No. 112 makes provision for the suspension of one or more Standing Orders to facilitate the work of the National Assembly;

AND WHEREAS Standing Order No. 69 states, “once the second reading of any Bill has been agreed to or negatived, no question shall be proposed during the same Session for the second reading of any other Bill containing substantially the same provision”;

AND WHEREAS Standing Order No. 26(e) states that a motion shall not revive discussion of a matter which has been discussed in the same Session,

**BE IT RESOLVED:**

That Standing Orders Nos. 69 and 26(e) be suspended to allow the National Assembly to proceed with the second and third readings of the Customs (Amendment) Bill 2014 – Bill No. 11/2014.”  
*[Prime Minister and Minister of Parliamentary Affairs]*

**Mr. Speaker:** Hon. Members, there is a motion on the floor in the name of the Hon. Prime Minister. I was mindful, Hon. Prime Minister, to invite you to, but the discretion is yours, put it later on.

**Mr. Greenidge:** Mr. Speaker, may I interrupt for just a second? I am sorry. I had risen before the Statements by Ministers and when you had introduced an item, I sat down. As you know, I have a motion that I am interested in laying. Could you please guide me as to how that might be treated?

**Mr. Speaker:** The Clerk advises that it will arise under Public Business.

**Mr. Greenidge:** Many thanks, Mr. Speaker.

**Mr. Speaker:** Please proceed, Hon. Prime Minister.

**Mr. Hinds:** Thank you, Mr. Speaker. Mr. Speaker and Hon. Members, I rise to move the motion standing in my name.

It would be recalled that the Government introduced a Customs (Amendment) Bill in May, 2013, and that Bill sought to address an issue that was quite commonly known with respect to an apparent difference in treatment of containers used by persons exporting into Guyana and containers used by producers in Guyana.

It would be known that, recently, this matter was heard at the Caribbean Court of Justice (CCJ), where certain rulings were given. The Government is seeking to put itself right with respect to the ruling of the CCJ and so the Government is seeking to reintroduce that Bill that it introduced in May, 2013, but, as we know, there are some Standing Orders, Nos. 69 and 26 (e), which stand in the way of reintroducing, essentially, the Bill of 2013. Mr. Speaker, I move that Standing Orders Nos. 69 and 26 (e) be suspended to allow the National Assembly to proceed with the second and third readings of the Customs (Amendment) Bill 2014, Bill No. 11 of 2014.

**Mr. Greenidge:** Thank you very much, Mr. Speaker. Mr. Speaker, I wish to save the time of the House by saying to Colleagues that this Bill before us is one that ought not to engage our attention at this point in time for the simple reason that when the Minister had signalled, in 2013, that he was interested in laying this Bill, there had been some discussions between ourselves and

the Government, that is, between ourselves on the Opposition benches and the Government, and we had indeed secured an undertaking from the Government that it, having spoken to the private sector, would await the submission of a report by Dr. Patrick Antoine, which sought to deal with some of the difficulties that the private sector had anticipated in relation to this Bill. Although that exercise was not completed, the Minister of Finance was not here, as is the case today, and he asked a Colleague to put the Bill through. And when we explained, in this House, that the Bill, as it stands, since it is neither an environmental Bill nor, contrary to what the Government says, a tax that the Caribbean Community (CARICOM) requires us to impose, we could not go ahead with it. We cautioned that they should not try to have it read because if we voted it down, they would not be able to bring it back. Now, to me, it is quite unacceptable, knowing in advance that this would happen, that the Minister would have the audacity to absent himself again today and then submit the Bill for reconsideration, hiding under an amendment of the Standing Orders. Mr. Speaker, We oppose the amendment of the Standing Order to do something that we knew was wrong in the first instance.

What the Minister has to do, in any case, is to do what CARICOM requires. CARICOM has never called upon this Government to impose this tax. What CARICOM is saying is that the taxes that they have imposed are discriminatory and illegal. What they have to do, according to the Treaty of Chaguaramas, is to impose a tax that does not discriminate. As far as we are concerned, Value Added Tax (VAT) yielded more income than it should have. They have, therefore, no excuse for imposing more taxes on the people of Guyana. We oppose the request.  
[Applause]

**Mr. Ramjattan:** We had a lengthy debate on this matter and even going towards the merits of that Bill on the last occasion when it was - and I hope that you do not misinterpret the word - hustled through. The important point about this is that it will be a tax on our manufacturers of \$5 per bottle or whatever the canned or disposal item is that you are going to use for the soft drinks and so on. We had indicated to the Government that none of the manufactures want further taxation. Notwithstanding the fact that the Government is now trying not to discriminate by saying that when the overseas people bring in their soft drinks, they will have to pay the \$5 just like our local manufacturers, our local manufacturers are saying that they would have none of that. Additionally, that \$5 tax which this Bill is proposing on the Guyanese people who consume

will have to be passed on to the consumers. School children will now have to pay more for the soft drinks, both imported and that manufactured inside of Guyana. Do we want this, knowing very well that this is a further taxation? **[Minister of Housing and Water [Mr. Ali]:** *[Inaudible]* flouting the court order.] It is not flouting the court order. Our argument is...

**Mr. Speaker:** One second, Mr. Ramjattan. I recognise the Hon. Prime Minister on a Point of Order. I would never stop the Hon. Prime Minister from rising in this House on a Point of Order.

**Mr. Hinds:** Mr. Speaker, I know it might be difficult to differentiate between the two, but here we have a motion to suspend the Standing Orders so that we could have a substantial debate on the merits of the Bill itself. It might be difficult to distinguish between the two, but I think that what we have been having here is a move to the motion on the Bill itself.

**Mr. Speaker:** Noted.

**Mr. Ramjattan:** Because of the unmeritorious nature of it, we feel that it should be disqualified. That is my point. Thank you very much, Mr. Speaker. *[Applause]*

**Mr. Speaker:** Very well, Mr. Ramjattan.

**Attorney General and Minister of Legal Affairs [Mr. Nandlall]:** Thank you very much, Sir. Sir, the Hon. Members who spoke recited the history of the Bill that was defeated, but, in their presentation, they omitted to mention a significant factor. Since the defeat of the Bill, there was a judgment handed down by the Caribbean Court of Justice in the matter of Rudisa Beverages & Juices N.V and Caribbean International Distributors Inc. versus Guyana. In this judgment, two companies, one manufacturing out of Suriname and the other distributing that manufactured product throughout Guyana, took the State of Guyana to court, alleging that Guyana was in violation of its treaty obligations under the Revised Treaty of Chaguaramas (RTC).

Your Honour, I will read, briefly, from the judgment, citing the relevant paragraphs to lay the basis for this Bill being brought back into the House. Mr. Greenidge continues to attempt to distract me like a pocket radio, Sir, and I ask for your protection. At paragraph 10 of the judgment, at page six, the quorum of the Court composed of President Byron, Mr. Justice Nelson, Mr. Justice Saunders, Mr. Justice Wit and Mr. Justice Hayton. The Caribbean Court of Justice, in its treaty jurisdiction, is saying this to Guyana. In 2013, the Government of Guyana

attempted to resolve the issue, having outlined what the issue is and having recognised that there is a breach of the Treaty. The Judges' ruling:

“The Government of Guyana attempted to resolve the issue by proposing legislation in the form of the Customs (Amendment) Bill, No. 2 of 2013. This enactment was, however, rejected by the National Assembly. As it stands, CIDI has paid over US\$6 million in environmental tax on non-returnable containers which it has imported into Guyana from Rudisa Beverages since 2009.

In light of the foregoing, the claimant seeks the following reliefs before the court:

(a) a declaration that the environmental levy breaches Article 87 of the RTC; (b) in the alternative, a declaration that the environmental levy tax violates Article 90 of the RTC; (c) an order mandating the revocation and removal of the offending legislation; (d) damages for loss caused by the payment of the environmental tax up to the date of judgment; and (e) an order restraining the imposition of the Environmental Levy.”

Then the Judges went through the law and, at page 8, paragraph 16, they dealt with the liability and they ruled this way, under the heading, Liability for Breach of the RTC:

“It is not disputed that section 7(a) of the Customs Act is inconsistent with the principle of trade liberalization and free movement of goods as envisioned by Chapter five of the RTC. The Council for Trade and Economic Development (COTED) meetings illustrate recognition on the part of Guyana of that reality. The Attorney General of Guyana put forward, however, that Guyana's breach of the RTC is somehow excusable on the basis that the Government has made good faith effort to comply with its treaty obligations, but has been thwarted by the National Assembly, which refused to pass the necessary amendments to address the breach of the RTC caused by the application of this to CARICOM imports.”

The Government is trying to correct that now.

“The Court cannot accede to this contention. The failure or inability of the Government to obtain legislative support for Bill No. 2 of 2013, which sought to amend Section A, has

no effect on the accountability of the state of Guyana for its breach of the RTC. While democratic power is housed in different arms of the State, the State itself is indivisible.”

And then, Mr. Speaker, they outlined our treaty obligations under Article 26 of the Vienna Convention on the Law of Treaties, which mandates a state to perform its treaty obligations in good faith. Guyana, as a result of our failure to pass this Bill, has violated our obligations under the Vienna Convention on the Law of Treaties. And this is the ruling. My Friends can have an ongoing commentary. I am reading verbatim from the Caribbean Court of Justice. I will record this speech and I will take it back to them, and I will play it for them because I have to report back to them. [*Interruption*] I am not finished, so you can continue. You will sit and you will wait until I am finished. [**Mr. Greenidge:** You are finished.] No, I am not finished.

The conclusion:

“The Court finds that Guyana has breached Article 87.1 of the Treaty of Chaguaramas. Member States and others to whom a judgment of the court applies may have an obligation under Article 215 of the RTC to comply promptly with the judgment and orders made by this Court. In order to ensure the protection of the Community rights of CARICOM Nationals, compliance with and implementation of the Court’s orders are essential. Such compliance and implementation are also required by fundamental principles of Community law, in particular, the principles of access to justice, effectiveness of Community law, and the rule of law itself. Community rights under the RTC would be illusory if the orders of the Court are not executed. The Court, therefore, has a responsibility to monitor compliance with its orders. This responsibility is reflected in Rules 29.3 and 29.4 of the Rules of the Court.”

As it relates, the Court then grants a declaration. It is not as though the Government has to pay; the people of Guyana will have to pay.

Mr. Speaker, the last order which has been granted is found at the last paragraph of the judgment. It reads:

“The Court further orders that if CIDI does not notify the Court that Guyana has complied with the orders of the Court by the 30<sup>th</sup> October, 2014, the State of Guyana

shall file with the Court, on or before 15<sup>th</sup> November, 2014, a report on its compliance with those orders.”

So by the 30<sup>th</sup> October, we have to report whether we have passed this Bill which offends the Treaty of Chaguaramas. [*Interruption*]

**Mr. Speaker:** Hon. Members, one second. Mr. Greenidge, what is it? What is your Point of Order?

**Mr. Greenidge:** The Point of Order is that he is misrepresenting the decision. Mr. Speaker, the judgment, at no point, required the Government of Guyana to impose more taxes. The Minister read three options. One of those options is to revoke the tax. Thank you.

**Mr. Speaker:** Hon. Members, this is a debate. The Hon. Attorney General is stating his perception and views on the matter and, therefore, I will not be able to allow a Point of Order on that matter. There is a right of rebuttal by another speaker, but that is not a Point of Order. Go ahead, please, Mr. Nandlall.

*3.08 p.m.*

**Mr. Nandlall:** Upon the filing of the said report, the parties shall have liberty to apply in respect of any matter contained in the said report so when the non-compliance report is filed, then we would go back before the Court for the Court to make any further order which can continue to be exposing us to even more punitive order. [**Mr. Greenidge:** Exposing you!] Exposing me? Why exposing me? I am simply a conveyer of the verdict of this National Assembly so I will go back to the Court and I will report what has happened.

In those circumstances, I support the Prime Minister’s motion. I believe, Sir, that we have a court order that we ought to comply with. I heard Mr. Greenidge speak about some consultant, Dr. Antoine. I spoke to the gentleman myself only last week in Antigua and, to date, he and the private sector cannot arrive at a position in relation to whatever they are trying to work out. I spoke to him as well as to Mr. Ramesh Dooku, who was representing the Caribbean Agency of Private Sector at the CARICOM Heads of Government Meeting. So this story that is being peddled, that the private sector is in consultation with this goodly gentleman, Dr. Antoine, is not... They are in consultation and the consultation has taken an inordinately long period of time.

You would recall, Sir, that the Government, through the instrumentality of the Minister of Finance, deferred this Bill on several occasions last year. It was during that time that this case was pending before the Caribbean Court of Justice. The Court was adjourned; the Court adjourned itself to facilitate the passage of the Bill. A copy of this Bill was laid before the Court; it is not that the Court was unaware of the content. A draft of the Bill was annexed to an affidavit and sent to the Court. The Court reviewed it and the lawyer on the other side accepted that the Bill would have brought Guyana into compliance. As a result, the Court adjourned the matter. I do not know that Mr. Greenidge knows more law than five law lords who sit at the Caribbean Court of Justice. Those Judges reviewed the Bill and they accepted that if the Bill is enacted, it will bring Guyana into compliance and, on that basis... [*Interruption*]

**Mr. Speaker:** Hon. Members, could we have some order please? Could we have some order?

**Mr. Nandlall:** On that basis, Mr. Speaker, the Court adjourned its proceedings for several months to facilitate this Bill being passed in the Parliament. So I will go back to Justice Byron, who is the President, Justice Nelson, Justice Saunders, Justice Wit and Justice Hayton and tell them that Carl Greenidge knows more law than them. Thank you very much, Sir.

**Mr. Ramjattan:** I just want to quote - because he was not calling the paragraphs he quoted from - the judgment of the Caribbean Court of Justice. This is paragraph 20...

**Mr. Speaker:** Both the Hon. Attorney General and you, now, are doing the House a great disservice by not circulating copies of this document that you are quoting from.

**Mr. Ramjattan:** It is on the website.

**Mr. Speaker:** Go ahead, quickly, please.

**Mr. Ramjattan:** The paragraph states:

“No state can be allowed to carve out an exception to the observance of its treaty obligations by seeking refuge in an ability to garner sufficient legislative support to repeal or amend existing national law.”

This is what this Court was saying. Article 9 clearly requires member states to take appropriate measures, one such appropriate measure is to repeal section 7 so that nobody is taxed; outside

people and people inside of Guyana would not be taxed. But he does not want to bring that. He wants to bring the \$5 - \$5 from outside and \$5 from inside.

**Mr. Speaker:** Thank you, Mr. Ramjattan. Hon. Prime Minister, you may respond, having taken the mood of the House, to your motion.

**Mr. Hinds (replying):** Yes. Mr. Speaker and Hon. Members, having listened to the debate, I would like to go back to the position that I urged earlier and that is that we do separate, in our minds...

**Mr. Speaker:** One second, Prime Minister; sorry, sir.

Members, in our presence this afternoon are some students who are doing in-service training with us and I think we are giving them a fine example of what it is to be in the honourable House of the land. This is not good enough and so I am asking Members to please refrain from insulting each other. Remember that we are representing the people of Guyana in the highest forum and they deserve better than what they are hearing from both sides. It is coming from both sides of the House. The people deserve better than what they are hearing this afternoon.

Go ahead, please, Hon. Prime Minister.

**Mr. Hinds:** Yes, Sir. I am saying that having heard the debate, I would like to return to my earlier position in which I urged Members of this House to separate the two things that we have on our Order Paper here this afternoon.

We are now speaking to the motion to suspend the Standing Orders so that the Bill could be introduced later. I think, from what we heard, all of us in this House are agreed that the State of Guyana is in breach. We have all agreed that it is in breach and I hope that we all recognise that it is the State that is in breach, not just the Government, not just the Opposition and, certainly, not us as individuals. And we would have heard in the ruling that there was a certain fine imposed on the State of Guyana. I think that with that, there is the threat that if the breach continues, there would be ongoing fines placed on us as a nation, as a whole, and as a state. So we are in agreement that we are in breach. I would like to assume that we are in agreement that we should take steps to come out of the breach and that is what the Government has been seeking

to do; that is why the Government has introduced the Bill that is on our Order Paper, subsequently. And to accommodate that, we have introduced this motion here.

I would like us to focus on this motion here as we go to take a vote now. It does appear that the Members of the Opposition have a different approach from the Government on how to resolve this breach. But I would like to say: let us address that question when we go to the substantial motion.

If I heard Members of the Opposition well and looking at the Bill myself, they are free to raise amendments to fashion the Bill in the way that they would like to have it fashioned. What we have here is a difference in the way as to how we should resolve this breach. I think that since we are all together, that we should bring an end to this breach. So let us proceed and pass this motion here that is the subject of our debate at this time and then, by the time we get to the substantial Bill, I would presume that the Opposition Members are capable enough to come up with some small amendments, if they so wish, to fashion the Bill to their hearts' desire.

I thank you, Sir, and I now move that the motion to suspend the standing orders so that we can debate the substantial Bill later be approved.

**Mr. Speaker:** Hon. Prime Minister, two other Members of the House have indicated their desire to speak on the Bill. The first is Hon. Minister of Foreign Affairs and the second is Mr. Basil Williams, who will have the last word.

**Mrs. Rodrigues-Birkett:** Thank you very much, Mr. Speaker. Mr. Speaker, we know the history of the Bill and we know what is before us. We know that we are in contravention of the Revised Treaty of Chaguaramas. We also know that we are in contravention of the World Trade Organization (WTO) and the Economic Partnership Agreement (EPA).

I would humbly suggest that we come to an agreement to take this Bill to a select committee, that is, of course, if this motion is approved. And there, I think, we would be able to have some discussions and come to some agreement so that our country would not continue to be in this situation and face even more court cases. We are coming up for our WTO trade policy review next year. We have already started that process. I am beseeching my Colleagues on the other side for us to, if it is possible, pass this motion, go to select committee, and let us have the motions

rather than kill the Bill at this point in time. I think that we have enough good minds in this House so that we would be able to do that. I have heard some suggestions from the other side and I think we will be able to sit and discuss that in a select committee.

Thank you, Mr. Speaker.

**Mr. B. Williams:** Thank you, Mr. Speaker. Mr. Speaker, I believe it is important that we bring the gravamen of this issue that was before the CCJ to this honourable House and, indeed, to the people of Guyana. Might I respectfully refer you, Sir, to page 4 of the judgment, paragraph 7? This clarifies the entire situation here now. It states this:

“Guyana has enacted the Revised Treaty of Chaguaramas into its domestic law in the form of the Caribbean Community ACT 206, no. 8. As previously indicated, Guyana imposes an environmental tax on all imported, non-returnable beverage containers first shown to section 7(a) of the Customs Act as amended by the Guyana Fiscal (Amendment) Act no. 3 of 1995. The effect of this tax is that the cost of each imported beverage package in non-returnable containers is increased by Guyana ten dollars.”

And this is what is important:

“The manufactures of locally made non-returnable beverage containers do not pay this tax. The tax applies only to imported containers; the taxing legislation does not contain any exemptions in relation to non-returnable beverage containers which qualify for community treatment.”

So this is the gravamen. This was discriminatory under the rules of the Revised Treaty of Chaguaramas. What the Government is proposing to do to resolve this issue is to impose a tax on the local... [**Members:** No.] That is what they want to do. Since it is discriminatory that they are only imposing the tax on the foreigners, what they are proposing to do in this Bill is to impose the tax on the local manufacturers of these non-returnable beverage containers and, in that way, they would no longer be discriminating under the Revised Treaty of Chaguaramas. And we are saying that we are overtaxed, in this nation, by this Government, and we will not support this. It does not make sense it going to any committee anywhere. We are not going to support it.

**Mr. Hinds:** Mr. Speaker, I beg the charge to close again and, again, I would like to urge that we separate in our minds the two issues.

Hon. Member Williams, who has just spoken, we can respond to what he has said, but I do not think it is appropriate, at this time, on this motion that we... Again, I would like to urge that we support this motion and we go on to the Bill.

We have had a proposal that the Bill be sent to a special select committee. My belief is that we could even have amendments put by the Opposition so that we could proceed and remove Guyana from being in breach and running grave risks of offending not only the region but, maybe, at the level of the WTO also.

I move, once again, that this motion be put and that we all support it and get back on to the full debate on the substantial Bill.

**Mr. Speaker:** Hon. Members, I put the question that the motion standing in the name of the Hon. Prime Minister be adopted by the House.

*Question put.*

**Mr. Hinds:** Division.

**Mr. Speaker:** The division has been called. We will sound the division bell and then we will proceed to take the vote.

*Division bell rang.*

*Assembly divided: Noes 33, Ayes 28, as follows:*

*Noes*

Mr. T. Williams

Ms. Marcello

Dr. Ramayya

Mrs. Garrido-Lowe

Mrs. Hughes

Mr. Nagamootoo

Mr. Ramjattan

Ms. Ferguson

Ms. Williams

Mr. Morian

Mr. Jones

Mr. Adams

Ms. Baveghems

Ms. Kissoon

Mr. Elliot

Mr. Bond

Mr. Trotman

Ms. Selman

Mr. Allicock

Ms. Wade

Dr. Cummings

Mr. Felix

Ms. Hastings

Mr. Scott

Mr. Bulkan

Lt. Col (Ret'd) Harmon

Mr. Greenidge

Dr. Norton

Mrs. Lawrence

Mr. B. Williams

Ms. Ally

Dr. Roopnarine

Brigadier (Ret'd) Granger

*Ayes*

Mr. Jaffarally

Mr. Damon

Dr. Persaud

Rev. Dr. Gilbert

Dr. Mahadeo

Mr. Seeraj

Mr. Neendkumar

Mr. Lumumba

Mr. G. Persaud

Ms. Shadick

Mr. Nadir

Ms. Teixeira

Bishop Edghill

Mr. Whittaker

Mr. Baksh

Mrs. Campbell-Sukhai

Ms. Manickchand

Mr. Benn

Dr. Anthony

Mr. Ali

Dr. Ramsaran

Dr. Westford

Mr. R. Persaud

Mrs. Rodrigues-Birkett

Mr. Nandlall

Dr. Ramsammy

Mr. Rohee

Mr. Hinds

*Motion negatived.*

**Mr. Hinds:** Mr. Speaker, we seem to be in a position which I would like your opinion on how we proceed. We have had the first reading of this Bill and this motion, which the Opposition has not seen its way to support, sought to clear the way for a second reading. I assume, therefore, that we are now still at the position of this Bill having been read for a first time. We had, during that

debate just now, a proposal that we can put it to a special select committee. I think that there are rules that allow a Bill to go to a special select committee after a first reading and I wonder whether we should propose that we should go that way now, whether we should signal that now or, when we come to the substantial Bill, I would then put a proposal to send the Bill to a special select committee.

**Mr. Speaker:** The motion before the House asks the House to give its approval for the Bill to be read a second and a third times. That motion was not carried. It therefore meant that the Bill remains on the Order Paper, in a sense, at its first reading stage. The Bill is not - to use a local term - dead; it just was not allowed to proceed to the second and the third stages.

At the first stage, the Government or a Member introducing a Bill may have that Bill referred to a committee. At the end of a second reading, the House may refer a Bill to a committee. The Bill is still at its first stage because what was not granted was the permission to proceed. So the Bill remains, in a sense, on the Order Paper and in the hands of the person who introduced it, and it is for that person representing Government or otherwise to advise.

I gave you my preliminary observations, but I would wish to confer with the Clerk. But the Bill in itself is not dead or killed. It just has not been given permission to proceed at this point in time. I think that that is what I can say. I will need to be advised, but I do believe, based on my research which I did on a similar matter prior to this, that at the first reading stage, the mover of the Bill may ask, and, if it is a Government Minister, may have it sent to a special select committee. But I would, at this stage, hold my opinion and refrain from giving a ruling until I confer with the Clerk. But it is my belief that the Bill is very much alive, albeit suspended or held in abeyance. Thank you.

Mr. Clerk, please proceed.

## **PUBLIC BUSINESS**

### **PRIVATE MEMBERS' BUSINESS**

#### **MOTIONS**

**Motion of Privilege against Hon. Dr. Ashni Singh, Minister of Finance.**

**Mr. Greenidge:** Mr. Speaker, I crave your indulgence. Notwithstanding the absence of the Minister of Finance, a key partner in the motion or the Bill that was before us just now and equally on this matter, since it has been raised before, I take the liberty of drawing it to the House's attention. I am referring to the continued refusal of the Hon. Minister of Finance, Dr. Ashni Singh, to comply with the decisions of this National Assembly. In fact, it is not only the failure to comply, but, actually, the defiance of the decisions of this House.

I think it is to be deplored that this Assembly specifically voiced its concerns about actions on the part of the Minister which breach both the Constitution and the Fiscal Management and Accountability Act. Notwithstanding this, the Minister has continued to pursue those lines of action. In the course of the debate on the 2014 Budget and in relation to the format of the Estimates, for example, which also infringe both the Constitution and the Fiscal Management and Accountability Act, we had, by dint of blocking consideration of the Estimates, found ourselves in a situation where...

**Mr. Hinds:** Mr. Speaker, the Government is not sure under which item on our Order Paper the Hon. Member, Carl Greenidge, is speaking.

**Mr. Speaker:** Hon. Members, if I may, Members may remember that or recall that earlier in the proceedings, Mr. Greenidge did rise and I conferred with the Clerk who indicated that Mr. Greenidge would be allowed to make a statement.

*[Mr. Speaker in aside with Clerk.]*

Hon. Members, the Clerk advises me. Earlier today, Mr. Greenidge submitted to the Clerk a motion on a matter of privilege. That motion, a copy of which was served on me about 12.00 p.m... The Clerk has received a copy signed by Mr. Greenidge and seconded by Mr. Ramjattan. Standing Order No. 30 states that a motion relating to privilege shall be exempt from notice. The Clerk has brought that to my attention. Standing Order No. 32 (1) states:

“A motion directly concerning the privilege of the Assembly shall take precedence over all other business.”

The Clerk advised me that he has received a motion, but the Clerk advises me now that he has been unable to look at it. So it is for us to determine... The Clerk and I will speak about whether it should proceed now, be deferred or otherwise.

Under a privilege motion, there is no debate and it is either for the Speaker to find that a *prima facie* case has been made out and refer it immediately or not. But, like I said, I am satisfied that the Clerk has received a signed copy, which I am seeing, and I will speak to the Clerk and I will determine as we go forward.

Hon. Minister Ali, do you wish to speak on a Point of Order?

**Minister of Housing and Water [Mr. Ali]:** Yes. Mr. Speaker, I was just clarifying on hearing because I am not acquainted with the contents of what the Hon. Member, Mr. Carl Greenidge, would present to us. Upon hearing or receiving the contents of what he would be elaborating on, if in any section of that which he is going to elaborate on, the Government or any Member on this side wishes to respond as it relates to the factual nature in which he is basing his argument, would you then allow us to respond in that manner?

3.38 p.m.

**Mr. Speaker:** My short answer is what the Standing Order states, and the Standing Order, Minister, states:

“No debate shall ensue on a motion under this Standing Order but if the Speaker decides that a *prima facie* case has been made out he or she shall so state and refer the matter to the Committee of Privileges.”

**Mr. Ali:** Mr. Speaker, I am aware of that, but when the Hon. Member rose on his feet a few moments ago, he sought to impugn certain motives based on a factual position that he is presenting that is not necessarily the correct factual position in relation to the Constitution, the Financial Management and Accountability Act and the ruling of the Court.

**Mr. Speaker:** Hon. Minister, do you know why there is no debate on a matter of this nature? It is because when privilege of a Member of the House is brought up, it is so serious that it is not to be discussed in the public's domain and it is to be sent immediately for consideration by a

committee and dealt with there without an open debate. That is the reason why no debate is encouraged or allowed. Where the House or any one of its Members is brought under the microscope, the precedent is that we go immediately to a committee and the committee deals with it there without it becoming magnified and dealt with to the embarrassment of either the Member or the House.

Go ahead please, Hon. Minister of Public Works.

**Minister of Public Works [Mr. Benn]:** Mr. Speaker, thank you. I wonder about the appropriateness of this privilege and the indulgence being granted to the Hon. Member, Mr. Greenidge, in respect of this matter. I would have thought that Mr. Greenidge, in the absence of the Hon. Member, the Minister of Finance, he should have, at least, the decency and/or the courage to raise the matter in the presence of the Minister of Finance.

**Mr. Speaker:** Mr. Greenidge, do you wish to respond, if at all? Hon. Members, in fairness to Mr. Greenidge, the motion came today. I believe that information regarding the Minister's availability to this sitting was only communicated after that motion would have come in, so I would not even ask Mr. Greenidge to respond to that; it is really out of place, actually.

**Ms. Shadick:** Mr. Speaker, I would just like to clarify, whether the motion came at 12.00 p.m. or not, should the Members of the House not have some kind of notice? Here I am looking at an Order Paper and Mr. Greenidge gets up and begins to speak and I am busy looking to find out what item he is speaking on. Is there a rule that states we cannot see this 'whatever it is' Mr. Greenidge is going to say? I would just like clarification on this, Sir, if it has to be secret until he says it. Or could it be copied and given to the Members of the House, which, I think, is what should be done? I am just asking for clarification.

**Mr. Speaker:** We believe that your clarifications are well founded. The Clerk advises that the procedure is, of course, that he receives motions and questions and he and his staff will vet them and then they are sent to the Speaker with their comments and advice accordingly. The Clerk is in receipt of the motion, but tells me that he has not been able, thus far, to advise or to take advice... [*Interruption*]

No. The motion is not premature. The motion is raised. The question is raised. As to how we proceed thereafter is another matter. Mr. Greenidge is within his right, as any Member would be, to raise any matter because no notice is required. And when a matter of privilege is raised, it takes precedence on the Order Paper. So that is where we are. Mr. Greenidge has started to raise a matter which, in his opinion, is of grave concern. The Clerk admits and says that yes, we do have it, but we have not been able, as yet, to go through it. The Clerk also says that once he gives his approval to this motion, all Members are, of course, entitled to have a copy of it.

**Ms. Shadick:** Could any Member just get up and begin to speak without your giving leave? I do not remember hearing you give leave.

**Mr. Speaker:** I am aware of the motion. As I said, it did come and the Clerk did speak to me and I enquired of the Clerk earlier, during this very sitting, and the Clerk indicated that Mr. Greenidge should be allowed to make a statement. But I did...

**Ms. Teixeira:** Mr. Speaker, may I ask a question under Standing Order No. 32 (2)?

**Mr. Speaker:** Yes.

**Ms. Teixeira:** It relates to privilege motions. It states:

“Any Member desiring to raise a matter under this Standing Order shall first obtain leave of the Speaker who will determine whether the Member is entitled to raise the matter as a question of privilege.”

My understanding is that even to come to the House and say that you are going to get up and stand, even while you are waiting for the motion to be determined of whether it is appropriate or not, has to be with your approval. Is that so, Sir?

**Mr. Speaker:** I agree with you, and I think that is what Mr. Greenidge is attempting to do. He is bringing to my attention that he has brought a motion to the Clerk’s Office and he wishes to bring it to my attention. And it is now for me to, thereafter, say whether or not Mr. Greenidge may proceed. But I think it is exactly what Standing Order No. 32 (2) requires.

**Mr. Nandlall:** Very briefly, Sir... Your Honour began by recognising the sanctity and seriousness of the privilege motion and I want to underscore that and to say that the procedure is

that it is laid, taken to you and you rule. There is never an open statement anywhere, unless until it is remitted to the Committee of Privileges or until you rule. There is never a preamble like what is going on.

**Mr. Speaker:** Standing Order No. 32 (6) states:

“No Member moving a matter under this Standing Order may speak for more than fifteen minutes.”

That, in itself, states that there is the right of a Member raising the issue to speak to the issue, then the Speaker can give leave or not. So I am yet to hear Mr. Greenidge and then we will proceed... [*Interruption*] Hon. Members, I will hear Mr. Greenidge now. We have had a full discussion.

**Mr. Greenidge:** Thank you very much, Mr. Speaker. Mr. Speaker, might I just remind our Colleagues that on the 13<sup>th</sup> December last, a similar motion was put to this House. It was preceded by an oral presentation by me. So we have a situation in which men’s memories are very short, so... [**Ms. Shadick:** You were wrong then and you are wrong now.] Then do not say that it did not happen before. Mr. Speaker, the presence or absence is...

The Budget of 2014: During the course of the debates and Estimates, a number of factors were raised concerning breaches of the Constitution and the Fiscal Management and Accountability Act. In fact, arising from that presentation, you, Mr. Speaker, convened a meeting at which there was an attempt to resolve the matter. And in the course of that meeting, we did recognise that the Constitution was being breached. The Minister and his Colleagues acknowledged this and agreed to incorporate, at least, a minimum number of adjustments to bring it in line with constitutional requirements. Mr. Speaker, today, arising from the Financial Paper No. 1 of 2014, which was laid in this House, we have again arrived at a situation in which the Minister is breaching both the Constitution and the Fiscal Management and Accountability Act.

Mr. Speaker, I have prepared, in support of this presentation, a written motion and I just want to explain that that which purports to be a statement of excess totalling over \$4.6 billion, presented in the name of the Minister, includes moneys already presented to this House for consideration, which moneys were refused by the House. Within weeks of a request being refused by the

House, the Minister informs us that he spent the moneys, seeking, under a rubric of statement of excess, the permission of the House to clear this matter.

The Minister, in public, has admitted to spending sums...

**Mr. Speaker:** Mr. Greenidge, what I suggest is that we do not go into the reasons.

**Mr. Greenidge:** Okay.

**Mr. Speaker:** The motion has been laid and you are asking the House to...

**Mr. Greenidge:** Mr. Speaker, I stand advised by you. I am quite happy, at this stage, in the light of what I have said, to invite your comment on the motion and to have the House do the necessary because it is a very important issue before us. There is a constitutional crisis triggered by the behaviour of the Minister.

**Mr. Speaker:** Thank you, Mr. Greenidge. Hon. Members, I will defer my ruling on this matter. I will confer with the Clerk during the adjournment at 4.00 p.m. and I will inform the House of my decision. We will move on.

Hon. Members, before us this afternoon is a motion to express sympathy on the death of our Sister and Comrade, Mrs. Deborah Jan Backer, former Deputy Speaker of the National Assembly and that motion is in the name of the Hon. Chief Whip for the Opposition, Ms Amna Ally. I now invite Ms. Ally to introduce the motion.

## **MOTIONS**

### **SYMPATHY ON THE DEATH OF MRS. DEBORAH BACKER, FORMER DEPUTY SPEAKER OF THE NATIONAL ASSEMBLY**

“BE IT RESOLVED:

That this National Assembly records its deep regret on the death of Mrs. Deborah Backer, former Deputy Speaker of the National Assembly, on 21<sup>st</sup> March, 2014 and pays tribute to her dedicated service to the Parliament of Guyana from July, 1998 – February 7, 2014, and to the people of Guyana; and

BE IT FURTHER RESOLVED:

That the National Assembly directs that an expression of its sympathy be conveyed to her sorrowing widower, children and relatives.” *[Ms. Ally]*

**Ms. Ally:** Mr. Speaker, Hon. Members of this House, Mr. Steve Backer, husband of the deceased, Nigel and Natasha, the children of Debbie, friends, families and colleagues of hers, today, I stand here on behalf of APNU and the mover of this motion to pay tribute to one of Guyana’s icons, Mrs. Deborah Jan Backer nee Osmond, who has left a missing link in the Parliament of Guyana.

Deborah’s life spanned the period of 14<sup>th</sup> April, 1959 to March, 2014. This young woman, who only enjoyed 55 years of life, was no ordinary woman, for she adequately filled the void of a good wife, a caring mother, a soldier for justice, a champion for women’s rights and a true patriot.

Debbie was one who was loved not only by her family and friends, but also by her colleague Parliamentarians and the populace at large. Looking at the life she lived in and out of Parliament, one can only conclude that she was no ordinary woman. She was smart, fearless, charismatic, affable, deliberate, tactful, strategic, opinionated, logical and humorous. Debbie was a lawyer by profession, but served in several other organisations, such as the Lions Club, the Women’s Millennium Caucus, Councillor in the City of Georgetown, and the People’s National Congress Reform, where she served in one of the high positions as the Vice Chairperson of the party and then entered the National Assembly in 1997.

I must admit and I am sure that you will all agree that Debbie took her parliamentary work very seriously. As a matter of fact, not only Parliament, but in her party’s responsibility, she never wavered. She dutifully carried out her responsibilities without fear and favour. Deborah Backer was always prepared in Parliament. I do not recall her ever found wanting; she always did her research. She was quick on her feet for responses and she never missed an opportunity to represent the people of Guyana. Debbie was a positive link in APNU, as she guided us in a number of ways.

During her Parliamentary life, Debbie served on 10 important Parliamentary Committees, some of which were:

- The Committee of Privileges;
- The Committee on Appointments;
- The Parliamentary Sectoral Committee on Foreign Relations;
- The Parliamentary Management Committee; and
- The Special Select Committee on the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill, just to mention a few.

Her representation for the people of Guyana, in all these Committees, illustrated her commitment to her country and her wanting the best for her people. As a frontbencher of APNU, she was never silent, for she was always vocal and ready. She tabled seven motions and Bills in Parliament. I said earlier that she was always quick on her feet and I must remind this Assembly that nothing could have gone down easily without a challenge from Debbie. She was always quick to refer the Speaker and/or the Assembly to the Standing Orders but sometimes you win and sometimes you lose. Her interventions were always timely, relevant and sometimes humorous, but she never lost focus.

As a contributor to parliamentary debates, Debbie participated in almost 87 important subjects for debate, some of which were: budget debates, Constitutional (Amendment) Bills, Child Care and Protection Agency Bill, Prevention of Crimes Bill, among others.

Mr. Speaker, you will agree with me that Debbie's contribution was in no mean way, for she was deliberate and pointed.

Deborah Backer, in her life at Parliament, was the shadow Minister of Home Affairs and, more recently, in the Tenth Parliament, the shadow Minister of Foreign Affairs. No doubt, Hon. Minister Clement Rohee would not miss the fact that she always kept him on his toes.

In the Tenth Parliament of Guyana, Deborah Backer was elected to the position of Deputy Speaker. Here she served with distinction until she fell ill and later succumbed. I recall whenever

the Speaker had to be absent and Debbie had to take the Chair to preside, many in the Government's side would say, "We down here will be quiet; there will be no heckling, a good way to keep her silent."

This Assembly would no doubt recall the challenges she posed for many of the Government MPs, particularly Hon. Clement Rohee. You will recall her many illustrations in the Assembly, such as making and displaying a 'dunce cap', like resting her miniature dolphin in front of her, like offering a box of corn flakes to her opponents and not forgetting using appropriate language to settle Hon. Member Neendkumar. Those illustrations may have seemed to be humorous, but those actions had a purpose and were meant to send a message, which she transferred fearlessly.

In conclusion, Deborah Jan Backer has left us physically, but she has left a lot of lessons for us. She has also made her name and put her stamp as a Parliamentarian. She has touched the lives of many. APNU is saddened by her departure, but we take comfort in the contributions she has made during her lifetime.

Mr. Speaker, on behalf of the Leader of the Opposition and Leader of the PNCR and, indeed, the Parliament of Guyana, permit me to convey our deepest condolences to Steve, her husband, Nigel and Natasha, her children, Kim and Brian, her step-children, her sisters, her friends and, indeed, to everyone whose lives she touched. Deborah has gone, but she is not forgotten. May her soul rest in peace and rise in glory. I thank you. [*Applause*]

**Mr. Nandlall:** Thank you very much, Sir. Mr. Speaker, Hon. Members, Mr. Backer and the children of Mrs. Backer, the relatives and friends of Deborah, who are gathered here - I see my colleague, Mr. Burch-Smith, President of the Bar Association, and other members of the profession who are here - I rise on behalf of the Government of Guyana to pay tribute to Mrs. Deborah Backer.

Deborah, as we all know, was a lawyer and, I often said, was possessed of a personality that had many sides. My relationship with her preceded my entry and her entry into the National Assembly. As a lawyer, she was a person who was radically different from the personality I met in the National Assembly. The cases which she did in court were mostly family related matters and a majority of them ended by way of amicable resolution. She was also one of the first mediators to be appointed under a pilot mediation and conciliation project launched in Guyana.

And one saw a conciliatory side of her demonstrated and activated in that arena, so much so, as I pointed out at another occasion, that I always asked the Coordinator of the Mediation Programme to appoint Mrs. Deborah Backer as my mediator of choice.

Lawyers under the Programme are required to submit the names of the persons they would like to act as a mediator in any matter chosen for mediation, and my standard operator in that regard was Mrs. Deborah Backer. I recall the last case which we did was a case from Corentyne. Mr. Michael Somersall was the lawyer representing the other side and, as usual, the mediator knew who my choice would have been and nominated, on my behalf, Mrs. Deborah Backer. And Mr. Michael Somersall, attorney-at-law, obviously, had no objections with that. So when my client met me, as we were going to the mediation centre, when we entered, Mrs. Backer was sitting there and Mr. Somersall was there. So my client asked me who the mediator is and I said that I chose Mrs. Deborah Backer. My client quietly pulled me outside and said to me, in her characteristic language, "Ah dah PNC lady you choose?" And I assured her that she should not worry; Mrs. Backer, as a mediator, has proven to me to have a track record that other mediators can emulate. And, indeed, that matter which was a complicated matter, involving several pieces of property, both movable and immovable, was finally brought to an end. That was one side of the personality of Deborah Backer.

The other side of the personality is what the Hon. Member, Ms. Amna Ally, spoke about in the National Assembly, a very animated, a very aggressive, and a very passionate presenter of whatever cause she is advocating.

*4.08 p.m.*

Heckling was obviously one of her fortes and many Members on this side were the subjects of her commentary - I do not think they enjoyed it quite frankly - and then in a split moment, if asked to ascend the Chair, we would see, once again, a different side of Mrs. Backer. That is the type of personality that she had.

I, myself, and she would have had several clashes. She was seated right across from me so we were in earshot of each other, so there were many personal exchanges which we used to have. I remember one budget presentation His Honour had to intervene because Mrs. Backer took great objection to something that I said. When we adjourned, or recessed, in the halls of the

Parliament, especially later in the evenings, Mrs. Backer and I would have shared a quite cigarette together of which not very many people would have known that. That was the type of character and personality that Deborah Backer was possessed of.

Certainly, in terms of her presentation it was well founded in substance. She was, as I said, a very passionate, animated, articulate debater in relation to what she would have spoken about. I have no doubt that she has made a contribution to the National Assembly and she would have inspired many young parliamentarians, especially on the Opposition's benches, in terms of the way they present themselves now even in the conduct of their debates, and those who are aspiring to be in this House.

Speaking on behalf of the Government, we want to recognise her contribution as a Hon. Member of this House for over a decade and we want to recognise her contribution to politics. I want to assure her husband and children, one of whom is a lawyer, and her sisters and other relatives that Mrs. Backer would be missed in this National Assembly. Her life, indeed, was a short one. She had a lot more energy and life in her. Unfortunately the creator had other plans for her but I can tell you that we, in the National Assembly, will miss her.

I know many Members of the Government have done this, but I want to take this opportunity, once again, on behalf of his Excellency the President and the Government of Guyana, to convey to you our deepest sympathy and condolences at this point in time.

Thank you very much. [*Applause*]

**Mrs. Hughes:** It is right for this honourable House to take time to express its profound sympathy to the family of the former Deputy Speaker Deborah Backer. I rise also to extend a message of condolence to her family on behalf of the Alliance For Change (AFC).

There has not been a session in this House since our dear friend Mrs. Backer's passing and we have missed her feisty yet well researched presentations, her superior wit and humour that brought relief and laughter at the right time in many difficult and controversial discussions and her great strength of character.

As a parliamentarian, Mrs. Backer was an avid reader and researcher and was an exceptional debater who made an invaluable contribution to the discussion of national issues in our

Parliament and to the country. Much of this was probably as a result of her successful legal career that had, as its foundation, the dispensation of justice based on fairness and equality, especially for the most vulnerable in our society. In this vein Mrs. Backer brought several important motions to this House. What was even more special was her commitment to attempt to seek consensus on difficult issues, to negotiate in the hope that we could arrive at some common position that would benefit all of the people of Guyana. This I saw when she had brought to this House her motion on interpersonal violence.

Most of all, Mrs. Backer has an enviable ability to be respectful to all in moments of great hostility and argument and could often be seen a few minutes later laughing with others on the other side of this House which ended the divide, which, unfortunately, we see often in here.

As a new Member of Parliament, I miss Mrs. Backer not sitting in front of me and the time she would have taken to explain the decisions, the discussions and the strategies and the events unfolding in this House. That is not all, Mrs. Backer was a strong intelligent woman, a true role model who, at one time, could be fiercely opposing any perceived injustice and at another time quietly consoling a friend battling severe challenges of life. She was fearful; she was vociferous at time but, yet, always a lady.

I had the pleasure to know Mrs. Backer in a personal way for many years. She was my mother's cricket partner, both had been committed to the game and were proud West Indians, and both had been proud former students of the Bishops' High School, and both had enjoyed long hours in the ladies pavilion at Bourda. All too soon Mrs. Backer was gone and here we are.

May we all remember to put Guyana first as she did, to laugh and be respectful of each other in times of hostility as she would have wanted us to do. We will always hold her in our hearts, our sympathy to her family and close friends on this immense loss.

Thank you. [*Applause*]

**Leader of the Opposition [Brigadier (Ret'd) Granger]:** I rise to support the notion moved by my colleague Ms. Ally, calling, on this honourable House to express deep regret on the death of Mrs. Deborah Jan Osman Backer, former Deputy Speaker and Member of the National Assembly, who died on the 21st March, 2014.

Mrs. Deborah Backer was the Guyanese woman who came closest to being appointed the first woman Senior Counsel in the legal profession and the first woman Speaker of this National Assembly. The first accolade eluded her because, in this strange jurisdiction, which after 48 years of national independence, and having earned enviable international esteem for producing eminent chief justices, jurists and legal luminaries serving in several other states, bestows silk infrequently and inconsistently. The second is the promise of what was perceived to be possible under the new dispensation afforded, in this Tenth Parliament. This, however, could not be accomplished for reasons we well know.

Mrs. Deborah Backer's professional life started after her graduation from the University of the West Indies and the Hugh Wooding Law School in 1983. She did so along with the current Chancellor of the Judiciary Justice Carl Singh and the current Deputy Speaker of the National Assembly Mr. Basil Williams, among others. She accumulated enormous experience as an attorney-at-law for over 30 years, not as a money-grubber or a pettifogger, but by doing much *pro bono* work for the vulnerable women and children and for victims of injustice.

Mrs. Backer along with Justice Desiree Bernard, who was then a Puisne Judge, and along with other female attorneys-at-law, such as Mrs. Sheila Chapman, Elvy Edwards, Carol James Boston, Pearlene Roach, Bernie Stephenson and Josephine Whitehead, founded the Guyana Association of Women's Lawyers in April 1987. Mrs. Backer had helped to formulate and propagate its mission to provide legal advice and assistance to women in society and to promote women's rights and issues, especially as they pertain to property rights and violence against women.

Mrs. Backer's public life was an extension of professional life. She was a founding member of the board of directors of the Linden Legal Aid Centre which was established five years ago in April, 2009, to support abused and exploited children in that town. The centre aims at providing legal representation and assistance to women and children who are victims of domestic and sexual violence. It provides legal advice and representation on civil and criminal matters in which adequate legal representation would make a material difference, to the prospects of an accused person receiving a fair trial. Her leadership in the Guyana Society for the Blind and the International Association of Lions Club also was the expression of the value she placed on the human condition.

Mrs. Backer's attendance on conflict resolution and mediator skills courses introduced her to the practice of alternative dispute resolution. Those courses had the effect of modifying the adversarial approach to advocacy and successfully shifting numerous cases, as the Attorney General mentioned, from the fierce litigation of the courtroom to measured mediation in which she excelled. She came to be recognised as one of the most successful mediators in the country.

Mrs. Backer's political service ended within this hallowed hall, the hall of the National Assembly, but it had started 20 years ago along the Avenue of the Republic in another hallowed hall, that of the Georgetown City Council whereto she won a seat in the last known democratic Municipal and Local Government Elections in 1994. She entered national politics and became a Member of the National Assembly after winning a seat in the 1997 General and Regional Elections and she remained a Member through the Seventh, Eighth, Ninth and Tenth Parliaments until her resignation in February, 2014 forced by ill health.

An articulate debater, she served on several parliamentary committees, as my colleague Ms. Ally mentioned, and was elected Deputy Speaker of the National Assembly in January, 2012. Her sponsorship of the Married Persons Property (Amendment) Bill and motions on interpersonal violence and law reform in the National Assembly are much more evidential in her humane outlook on life. Politics is not an exact science and her views were not coloured by any conventional or rigid dogma or ideological doctrine. Her political beliefs were based on principles and not expediency. She served as a member of the central executive committee as Assistant General Secretary and Chairperson of the Constitutional Review Committee of the People's National Congress Reform (PNCR).

Mrs. Backer's personal life was the wellspring of her values and her world view. Her life was steeped in the values of her mother's family, which was well established over a century and a quarter ago. She was the great grandchild of Williams Owen, a schoolmaster; she was the grandchild of John Edward Owen, originally from Stewartville village on the West Coast of Demerara, who, himself, was a head teacher of St. Stephen's Scots School, a county inspector of schools and an ordained elder of what was then known as the Church of Scotland.

She, herself, was the third daughter of Shiek Mohammed Osman from Albouystown and his wife Barbara nee Owen from Kingston. She had sensed the signification of miscegenation and

socialisation in colonial Georgetown's geography. The two wards, Albouystown and Kingston, were located at opposite ends of the city and, at that time, regarded as domiciles of different social classes. She saw the circumstances of her birth and upbringing as assets which had given her the best of both worlds. She saw fusion where others might have seen confusion. She was a comfortable woman in the skin she inherited from both her father and her mother.

Her values rested on the secure foundation of the home, the school and the church. Her closest relatives worked mainly in the public service which, at that time, was regarded as a respectable but not rich vocation. The Bishops' High School was considered the best girls' school of the day. Her septennium there, which her mother and her sisters attended before and which her children, Nigel and Natasha attended after, and her worship at St. Andrews Kirk Presbyterian Church, next door, came naturally to her. They were all a family tradition, facets of one world view.

These conditions and circumstances - Mrs. Backer's family lineage, her residence, her attendance at Bishops' High School, her worship at the Presbyterian Church - influenced her deeply. These were the tenets, the verities, the values which she took into her personal life and in her relations with others. Mrs. Backer's life in all of its professional, personal, political and public aspects was an inspiration to those who knew her.

We shall miss her deeply in our party; we shall miss her in the Shadow Cabinet and we shall miss her in this National Assembly. I, therefore, call on this honourable House to support this motion, to express deep regret on the death of Mrs. Deborah Jan Osman Backer, former Deputy Speaker and Member of this National Assembly, to pay tribute to her dedicated service to the Parliament of Guyana and to convey sympathy to her sorrowing widower Stephen, her children Nigel and Natasha, her siblings Dawn and Denise and to all of her relatives.

I thank you. [*Applause*]

**Ms. Ally (replying):** In wrapping up I just would like to express thanks to all of the contributors who spoke on this motion - Mr. Nandlall, Mrs. Hughes and Brigadier (Ret'd) Granger - and to move, Sir, that we all agree and pass this motion recording our sympathy on the death of our former Deputy Speaker Mrs. Deborah Backer and to express our condolences to her sorrowing widower, children and relatives.

I thank you.

**Mr. Speaker:** Thank you Hon. Members. I would now put the motion but before I do so, I would just wish to join in the sentiments expressed and to say that on behalf of the House... I did speak to the untimely and tragic death of our comrade and I would ask that my words also of sympathy be conveyed to the family. We know that the pain endures. This House is not the same and I dare say will never be the same from the absence of Mrs. Deborah Backer. She really was the life of this House.

With those words said, I now put the motion that we adopt the resolution “That the National Assembly directs as an expression of its sympathy be conveyed to her sorrowing widower, children and relatives.”

*Question put, and agreed to.*

*Motion carried.*

**Mr. Speaker:** I will ask that the Clerk ensures that a copy of the motion, the presentations made and the resolution adopted by this House be properly communicated to the family.

Hon. Members, we will stand in suspension for one hour.

*Sitting suspended at 4.29 p.m.*

*Sitting resumed at 5.47 p.m.*

### **Speaker’s Pronouncements**

**Mr. Speaker:** Hon. Members, before we proceed to the next item on the Order Paper, I just wish to make two pronouncements on matters which had come up during our first session of the sitting.

The first pertains to the motion introduced by Mr. Greenidge. After conferring with both the Clerk and Mr. Greenidge, I have decided that I would allow Mr. Isaacs to go through the motion, because he has got it somewhat late this morning, and I will issue a ruling as soon as I am advised by Mr. Isaacs, the Clerk, that it is in order to proceed with, then I will be in a position to proceed. I must await the proper officer to go through the motion as the Standing Orders

prescribe and then I would be in a position to say that I am properly seized of the matter before I can proceed. The motion is properly presented but it is for the Clerk to advise whether it is ready to be sent for approval and for it to be considered a motion that the House or the Speaker may consider.

The second matter I wish to pronounce on is an enquiry was raised by the Hon. Prime Minister regarding the Bill that we dealt with previously, that would be the Customs (Amendment) Bill 2014. As indicated, it was my opinion that after a first reading and before a Bill is read a second time the mover or introducer or custodian of that Bill may ask for it to be sent to a Special Select Committee or to a Parliamentary Sectoral Committee.

The motion, this afternoon, asked the House's permission for it to go for second and third readings and the House did not give its approval. As I said, the Bill remains before the House on the Order Paper and it is at the first reading stage. It is, therefore, my opinion that the Hon. Prime Minister or the mover or introducer of the Bill may, if he so desires, refer the Bill to a Special Select Committee or to a Parliamentary Sectoral Committee if it is so desire. It is at that stage.

Those are the two matters I wish to raise.

**Mr. Benn:** Mr. Speaker, should we not, perhaps, hold in abeyance or purge from the record the Hon. Member's remarks with respect to the motion he wants to put with respect to the Hon. Minister of Finance until the Clerk would have properly considered the motion?

**Mr. Speaker:** No. I have considered that as well. The Standing Order states that any Member may rise at any time and introduce a matter of privilege. I think that any Member, at any time, in fact, during any debate, may rise and introduce... In fact, a Member needs not even submit a privilege motion in written form because a matter may arise on the floor that demands the House's immediate attention and it can be done orally. I have considered that point and I see no reason to remove from the record or even hold in abeyance what has been said. Mr. Greenidge really just spoke to what he had introduced and I think that he was in order to do so. Whether he says it orally now it will be in the newspapers tomorrow. The point is that a motion has been introduced and, I think, the House now has notice of it. I am sure if the Clerk clears it, because I cannot speak for him, every Member will also be given a copy of it.

**Ms. Teixeira:** Mr. Speaker, I have a problem with language, in that you said that the motion has been introduced. The motion has not been introduced because none of us have it. The motion, as you said correctly, has been submitted to the Clerk and so it is properly submitted but it is not introduced. The introduction is done in this House but there is no motion that has been introduced.

The second point is that you are right when you talked about any Member raising an issue under Standing Order 32 (5), that is, if during a sitting of the House a matter suddenly arises which appears to involve privilege then someone can get up, but sub paragraphs (1) to (4) deal with prior to a sitting and the way in which a privilege matter is dealt with. It has to be with your leave and certainly only when you have ruled that there is *prima facie* case then the matter is brought to the House. It appears to me that we are being a bit loose in our language and there is no motion in the House, at this point. We are aware that a motion has been submitted, which is correctly before the Clerk, and it will be considered by you and the Clerk as is required.

**Mr. Speaker:** I think you have captured it precisely. Thank you. Let us proceed please.

**Mr. Greenidge:** Mr. Speaker, may I ask a question? It is not on this matter that you have just finished but on the one concerning the environmental Bill.

**Mr. Speaker:** It is The Customs (Amendment) Bill 2014.

**Mr. Greenidge:** The proposal that you have drawn to the House's attention, which, in my view, is accurate, that the Member can choose to have it considered by Special Select Committee, but is it simply at the request of the Member? Does the House have to agree? I am not sure on that.

**Mr. Speaker:** Yes. It is at the first reading a Minister may refer a matter or a Bill to a committee. After the second reading the House, on a majority, may send it. At this first reading stage it is a matter solely at the discretion of the mover or introducer of the Bill. When it passes the second reading then it becomes a matter for the House and the majority of the House.

## **THE BROADCASTING (AMENDMENT) BILL 2014 – BILL NO. 13/2014**

**BE IT RESOLVED:**

“That this National Assembly, in accordance with Standing Order No. 52(1), grant leave for the introduction and first reading of the Broadcasting (Amendment) Bill 2014 – Bill No. 13 of 2014:

A Bill intituled AN ACT to amend the Broadcasting Act.” *[Lt. Col. (Ret’d) Harmon]*

**Mr. Speaker:** Members would recall that at the previous sitting the Hon. Member Lt. Col. (Ret’d) Harmon withdrew his Bill because he felt that it would have been a tidier process to have a Bill come without a number of corrections and amendments which were coming to an amendment in itself. We did compliment him for that action and we now invite him to move the motion and this where, being a Private Members’ Bill, leave have to be first obtained from the House for the Bill to be read a first time.

**Lt. Col. (Ret’d) Harmon:** Thank you Mr. Speaker. I see that you have emphasised the word “retired” with relish.

**Mr. Speaker:** Some people may be a bit concern if you are still active. If you are active it could cause some consternation so I have got to be careful.

*5.55 p.m.*

**Lt. Col. (Ret’d) Harmon:** I rise to move the following motion standing in my name.

“That this National Assembly, in accordance with the Standing Order No. 52 (1), granted leave for the introduction and first reading of the Broadcasting (Amendment) Bill 2014 - Bill No. 13/2014:

A Bill intituled AN ACT to amend the Broadcast Act.”

Mr. Speaker, it could be recalled, as you quite frankly reminded the House earlier, that this was a Bill which was read for the first time. In fact, this Bill replaces one, which was read for the first time on the 28<sup>th</sup> February, 2014 and when it came for the second reading I did discover that there were some typographical errors and other errors which required substantial amendments. In that regard, I requested leave of the House to withdraw that Bill, and to ensure that those corrections were properly made and that the House would be in a position to debate the Bill with the proper corrections and amendments. In that regard I, therefore, ask that the House grants the leave for this Bill - the Broadcast (Amendment) Bill 2014 – Bill No. 13/2014 to be read for the first time.

**Mr. Speaker:** The motion is proposed and the Standing Order states that if there is an opposition to the request then another Member may rise. I recognise the Hon. Member Ms. Teixeira.

**Ms. Teixeira:** As the Hon. Member correctly traced the history of the amendments he brought, these amendments are even more problematical than the original ones, and even worse. I do not know if it was enthusiasm on the part of my friend, across the aisle, that he not only, in his enthusiasm, removed the President's appointees but he removed the appointees of the Leader of the Opposition as well! He removed entirely the way in which the board was constructed; he has removed the entire section based on confidentiality; wherever the words Minister and President exist he has removed them from the Bill, which seems to be a pattern of the Opposition. Furthermore, in clause 16 the Bill talks about the appointment of the board by the National Assembly and this is an issue that has contorted the Parliamentary Special Select Committee on the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill as well, in that the Parliament has no appointive powers and who then appoints? Who then will do these things in the Parliament?

The issue, Sir, of a number of the other amendments, which were brought, are again issues to do...One of the important ones, despite the Hon. Member's statement earlier, in the earlier debate, that there were issues in the bipartisan report that the Broadcasting Act 2011 did not uphold... At the same time, there were sections in that bipartisan report in this Bill that has been completely removed, the areas to do with the policy issues of the broadcasting policy of Guyana, of the requirements for public broadcast on times when there are disasters - you do remember that, you were a part of those discussions, Sir - hurricanes, and so on. These have all been removed by the language based on this section, and so forth. In the penalty clause... This was, again, something in the consultations in the bipartisan committee that some of these issues were thought to be so serious, that it should not only have a fine but it should have also be concomitant with imprisonment. This issue of imprisonment has been removed completely. The Government side has examined the first amendment and we had said, at that time, for the first Bill, that we were willing to sit with the Hon. Member and go through these things. Regrettably, even when I tried to entice the Hon. Member with a cup of coffee and it did not work. Maybe, I expected him, as the word "lady" is being used in this House so much, as a the gentleman, to

pay for a lady's cup of coffee but if that was an area of contention, I assure you, Lt. Col. (Ret'd) Harmon, that I would have paid.

This Bill is more problematic, Sir, and, therefore, on behalf of the Government side, we will not support this Bill at all. We are quite aware that in this House this motion will be passed by majority but we are indicating from this point and now that the Government side will not support the amendments in this Bill, whether it is the first, second or third readings.

**Mr. Speaker:** Hon. Member Lt. Col. (Ret'd) Harmon, you may if you wish, if not I will proceed to put the question.

**Lt. Col. (Ret'd) Harmon:** Mr. Speaker, I would just want to clarify one thing and that is that the broadcast arrangements, just as much as the telecommunications arrangements, is something that is evolving, something when one is looking at the laws one has to cater for five, 10, 15, 20 years down the road. Right now, in the Special Select Committee on the telecoms reform we are going through these issues. I am sure that if the Committee, which dealt with the Broadcasting Act, had that capacity, that arrangement, that a number of the mistakes which occurred in the Act in itself, which this Bill tries to correct, we might not have had it. I believe that it is important that we correct these things because we are talking about important assets; we are talking here about broadcast licences; we are talking about the manner in which a breach of the law is dealt with, whether this becomes a criminal issue that entitles a man to be sent to jail. These are issues that we are dealing with. I believe that some citizens have taken the matter even much further. They have actually filed an action in court to have the entire Bill remove. I have had those within my preliminary conversations with the stakeholders...

**Mr. Speaker:** Let us not get into the merits or demerits of the Bill now. We can resolve those.

**Lt. Col. (Ret'd) Harmon:** These amendments, I believe, are minimum at the best. They really ought to go a bit further but they are minimum at the best and I respectfully urge the House to support this application before...

**Mr. Speaker:** Hon. Members, the motion I will now put before you, is that leave be granted for the introduction of the Broadcasting (Amendment) Bill 2014 - Bill No. 13/ 2014.

*Motion carried.*

*Leave granted. Bill read for the first time.*

## **GOVERNMENT'S BUSINESS**

### **BILLS - Second and Third Readings**

#### **SUMMARY JURISDICTION (APPEALS) (AMENDMENT) BILL 2014 – Bill No. 9/2014**

A BILL intituled:

“AN ACT to amend Summary Jurisdiction (Appeals) Act.” *[Attorney General and Minister of Legal Affairs]*

**Mr. Nandlall:** I rise to speak on the Bill that is before the House. I had indicated, some time ago, that at periodic intervals I will be bringing amendments to extant laws that may appear on the face to be quite insubstantial, at least informed, but the implications, the ramifications and the improvements, which they seek to bring to legal practitioner, more importantly to the ordinary Guyanese public, are going to be tremendous. In the form of the Summary Jurisdiction (Appeals) (Amendment) Bill of 2014 there is another manifestation of one of the attempts to which I have made reference. The substantive Act, which is being amended here, is an Act that we received as part of our colonial history since the year 1919 and that law has been amended several times since, but substantially it is a Principal Act that is nearly 100 years old. The Bill essentially seeks to remove a provision in the extant law that allows for an appeal filed in certain cases in the magistrates' court to operate as a stay of execution against the decision that is appealed. That is an anomaly in our legal system in relation to what transpires in the High Court.

As Your Honour would be aware that if a judge rules in the High Court and a litigant is aggrieved by that ruling, of course, an appeal can be filed, but the mere filing of that appeal, *ipso facto*, does not operate as a stay of execution of the decision against which the appeal has filed. In fact the Court of Appeal Act and the Full Court Act, which is another appellate court within the High Court's structure, both have expressed provisions which state that an appeal does not operate as a stay. Therefore, though, an appeal may be filed the appellant, if he desires a stay of that decision, must approach the court to which the appeal is filed and make out a case for a stay of that judgement. First of all, the legislation governing the particular application would tell an appellant that he or she has to have good grounds. Over the years judges have come up with

jurisprudential reasons that an applicant must be satisfied before he or she gets a stay of execution of the judgement which is appealed against.

Unfortunately, in the magistrates' court such a position does not obtain and the mere filing of an appeal in the magistrates' court against a decision of a magistrate, that filing of the appeal itself, suspends the magistrates' court's decision. Now the situation with which we have been confronted with - I am sure every lawyer in private practice would have been faced with the situation - is that there is a client, who a lawyer may advise, who has no likelihood of success at an appeal against a particular ruling of a magistrate but because the lawyer would have explained to the client that the filing of an appeal puts the magistrate's decision on hold for a number of years, one would have to await for the appeal to come up and be ventilated, heard and determined that sometimes is a long process, lengthy process, the client will instruct the lawyer to then just file the appeal and at the appropriate time it will be withdrawn. There is a proliferation of appeals being filed unmeritorious with the ultimate objective of simply denying the magistrates' court's decision from taking effect.

Let me translate that now into practical terms as to what it really means for an ordinary Guyanese litigant. An unmarried woman has a child, the biological father refuses to maintain that child and the mother has no other recourse but to take the matter to the magistrates' court and file a complaint for maintenance. The father obviously is delinquent and that is why he is not paying in the first place. [Mrs. Lawrence: Why it is not the family court?] The family court does not deal with that. That is why the matter reached the court. Obviously he goes to the court and denies paternity, denies that he is the biological father to that child or attempts to show that he has no means to maintain that child. Eventually when that case is heard and determined, and under our law the magistrate has a discretion to impose a maintenance order ranging from \$500 a month to \$25,000 a month for maintenance of a child, the magistrate would have to spend several months adducing evidence in relation to the expenditure of the child, the cost of maintenance of the child, such as milk, children food and clothing, if the child is going to school, the cost of school attire, books, cost of transportation to go to school then the magistrate has to hear the father's evidence to determine his ability to pay, because the discretionary range which the magistrate has statutory is very wide \$500 to \$25,000, and at the end of that process the

magistrate makes a decision, let us say, \$2,500 a week or \$3,000 per week as the case may be for the maintenance of a child.

The father now in pursuit of his continual and continuous refusal to maintain that child pays more money to an attorney-at-law to file an appeal against that magistrates' court's decision. The effect of the mere filing of that appeal puts that magistrates' court's maintenance order on hold until that appeal is heard and determined. The Deputy Speaker, who will speak after me, I have no doubt, will tell the National Assembly the length of time that an appeal will take to come up. Your Honour, as an experienced lawyer, you know the time an appeal takes to come up in the magistrates' court. Therefore the time runs into years, during which time the delinquent father succeeds in manipulating the judicial system.

**Mr. Speaker:** Do you want to blame the father alone or is it that he has the instrument of a lawyer who fights for him? It is the lawyer who files the document.

**Mr. Nandlall:** I know. The lawyer, too, who accepts a brief that has no merit, driven obviously by lucre, an oath that we took not to be influenced by, and thereby its denies the child...

**Mr. Speaker:** That would be a *filthy lucre*. It is not lucre.

**Mr. Nandlall:** I thought that the word "filth" is implicit, Sir, but the bottom line is that the child is denied sustenance and maintenance while the judicial system takes its normal course and the father continues to live his life. We can change that factual equation which I have just outlined. We can interpose father and put mother instead and there would be the same consequence, but, as I heard echoing, it is not the practical experience of mothers having the same incidences of neglect being reported in the judicial system.

Another case that one would find ready abuse of is in the case of landlord and tenant. It would take a very long time to get a tenant out of the house. When I say a long time, Sir, it is because our law is so structured that it favours the tenant more than the landlord. The landlord in establishing possession, in any possession proceedings, for a demised premise has an unusually high and inequitable burden to discharge, having compared to what the tenant has to discharge. When that process is completed - it takes a very long time with skilful lawyers such as my friend Mr. Basil Williams - then the tenant simply files an appeal that has absolutely no merit.

Sometimes the magistrates are so lenient that they gave the tenant six months, a year, two years, depending on the nature, type and quality of tendency, to remove from the premises and then when that time expires the tenant goes and files an appeal, and the appeal operates as a stay of the magistrate's ruling and there is a long wait all over again. A case, such as, that can go all the way to the Caribbean Court of Justice (CCJ).

There is a man who has a title to a property and a tenant may refuse to pay the rent, may be destroying the man's property, and he has to wait by the simply filing of a paper and not the demonstration of a case on merit. He just puts a hold on the man's ability to enjoy a property that he has title for. Those are only a few instances where there is rampant abuse because of the automatic effect that this filing of an appeal has on a decision of the magistrate.

I also took into account, in crafting this Bill, of the situation where the appeal can very well be genuine and therefore there is a genuine case of a tenant wanting to appeal and perverse the decision of the magistrate, which is quite possible or there is a magistrate who has proposed a maintenance order far beyond the financial reach of a father and the father wishes in a *bona fide* way to challenge that decision. This Bill does not in any way affect the right of any litigant to challenge a decision by way of appeal or it does not deny the litigant the capacity to acquire a stay right in that magistrate court but what I have done here is that this Bill has put a time frame on that the length of that stage. If I may read it perhaps it may catch more accurately what the Bill seeks to do. Essentially, it states, the relevant part that is:

“The appeal shall not operate as a stay of execution of the decision under appeal providing that a magistrate, whose decision is likely to be appealed, may grant a stay of execution of that decision for a period not exceeding four weeks from the date of the decision upon an application made at the time of delivery of the said decision.”

A tenant cannot be ejected out of his or her house in the dark of night immediately or shortly after a decision is made against him or her. The magistrate, who makes that possession order, right there, has a power to grant a one-month stay and that I presume, or I expect, allows the litigant to seek a lawyer, presumably there was a lawyer already, and to go to a higher court to get a continuation of that stay. For the non lawyers in the House, in any event a possession order can only be opposed by an ejectment warrant which requires going back to the magistrates'

court. In any event, that is another time consuming exercise. The possibility of anyone being ejected from their abode under a landlord and tenant arrangement in the dark of the night or in a hurried manner, that eventuality has been contemplated and it has been provided for. That mischief has been remedied by putting in the law the capacity for a magistrate to grant a stay, though temporarily, so that another court can be activated if one is dissatisfied with that magistrates' court ruling and an application for a stay can be applied for in another court until the hearing and determination of the appeal. In that application the ordinary law outside of this law would apply and the litigant would have to demonstrate that he or she has an appeal that has merit and has likelihood of success.

In drafting this Bill I consulted with the three associations representing legal practitioners in our country. I wrote to the Guyana Bar Association, Berbice Bar Association, Guyana Association of Women Lawyers. I informed them of the intention. I have the letter here, I wrote them on the 8<sup>th</sup> of May, 2014. Mr. Ronald Burch-Smith - I am getting to the agreement - Ms. Simone Ramlall representing Guyana Association of Women Lawyers and Ms. Dina Panday representing the Berbice Bar Association, all three replied and, in essence, agreed. The Berbice Bar Association gave an amendment which I incorporated. It asked for an opportunity to be given for a stay to be granted in the magistrates' court. It asked for six weeks. The Guyana Association of Women Lawyers wrote to ask for the very same thing, except it asked for four weeks. The Bill is crafted to capture a stay of four weeks. The Guyana Bar Association did not write back using hard copy but I have an email from Mr. Burch-Smith, the principal, who said that the members of the council thought that the initiatives were good in principle and they hoped that there are appropriate safeguards to expedite the application for a stay. They were worried about when the stay will be heard in the High Court.

I do not think Parliament... Parliament attempted at one point in time, as we all know, to try to get judges to write decisions in a fixed period, and our experience in attempting to do so has not been very successful, in terms of rewards. I do not think that in any event that there is any law that we can draft which can state when an appeal can be heard. We can say when an appeal can be filed and we can say, as we have done, when a decision can be rendered, but I do not think that we can illegitimately say to a court when an application is to be heard and determined. I think it is beyond the remit of the National Assembly.

As I said, this is a Bill that the Bar has welcomed, the practising Bar. It is a Bill that I have no doubt the public out there will welcome because it will bring reprieve to a serious situation of abuse of the legal system.

With those few remarks Mr. Speaker I commend this Bill to this honourable House.

Thank you very much. [*Applause*]

6.25 p.m.

**Mr. B. Williams:** The Bill that we are dealing with today really had its genesis over a century ago. Basically the Americans say: "If it is not broke, why fix it?" We were in the mood where we were considering not to support any Bills at this stage because of the Ministry of Finance's disrespect for our rulers in this honourable House.

Upon the proper reflection, it perhaps warrants further consideration. Sir, the automatic stay as I said, that operated not only on the civil side of the law - this Bill here is dealing really with the civil remedies - also applies to criminal law. In 1977, there was an amendment, Act - No.4/1977, and that amendment pulled out a sentence of imprisonment from the automatic state provision. It meant, previous to 1977, if a person was sentenced to imprisonment summarily, four months, three months, on the final appeal that person had an automatic stay and would have been released thereupon. After 1977, a sentence of imprisonment meant that even if a person appealed the matter, there was no automatic stay. That person would have had to apply for bail.

In this situation here, in this current Bill before us, deals largely with civil matters. It is very wide, it is wider than just the landlord and tenant and maintenance. The Petty Debt Act would embrace many of those claims. In fact, I think the magistrates' court jurisdiction has been increased to a \$100,000. It can be seen that a lot of other cases would come up, which would have attracted the automatic stay on the civil side. I believe, though, that Bill, given one month stay, the magistrate's ability to impose one month stay, does not reflect the practice right now. The practice right now is that the courts generally tend to give at least a minimum of four months in possession cases and most of the time the lawyers try to settle between four and six months, because, of course, the other side recognises that it could merely appeal and it operated as an automatic stay. I would therefore suggest that the one month could be extended. The magistrate

should have discretion. I should say a lower and upper. It should be not less than a month and not more than three months. That would tidy up, because in many situations a lot of people have nowhere to go, and if they are ejected ...An ejection is not a long process; it is a very quick process. If there are ejected, a lot of the times one can pass and see their belongings on the road. I believe that we should allow the magistrate to impose a stay of a minimum of one month and not more than four months. The magistrate could look on the facts of each particular case and decide what the situation is.

**Mr. Speaker:** Mr. Basil Williams, I do not mean to enter into the arena, but if by consent parties agree to a period, based on this, can the magistrate say this order is stayed?

**Mr. B. Williams:** No. The magistrate is out of this. If the parties...

**Mr. Speaker:** Is it after this Act?

**Mr. B. Williams:** It is after this Act the parties could consent.

**Mr. Speaker:** Is it to still go beyond the one month?

**Mr. B. Williams:** It is to still go beyond the one month. If this Act comes, a person will have to go to trial. Once that person has to go to trial, the trial is not going to finish in a day. It could stretch out too. Perhaps, as we are doing, right now, we can offer three months, four months and try and work it out, but to say judgement today, that person must come out within a month, does not reflect the conditions of existence of the ordinary people and people who are renting premises. I am sure the Attorney General would agree with me in that regard.

The question of maintenance, to me, in the practice, people hardly ever appeal those orders. What they tend to do is to allow the maintenance order to pile up and there is a very effective weapon where the men are picked up and imprisoned, as you would well know, Sir. Unless they pay all the arrears they are not released. I am sure the Hon. Attorney General, is also a conversant with that. Even though that may be something where the sympathy is trying to be played of the people, generally, we do not have that in the area of maintenance. The effective remedy is when the man is not paying to get him imprisoned. That is the most effective remedy.

The question of the automatic stay, notwithstanding, I believe, once there is the discretion that the magistrate gives a minimum of one to four months, that could be a situation where justice could be served. I hope that the Hon. Attorney General will see it in that way.

I do not think that we need to detain this honourable House further with this matter. It is a relatively simple appeal to this honourable House. I will support the Bill, as it is, if there is a situation where the Hon. Attorney General will see whether that discretion can be extended between one and four months, from one to three months.

Thank you Mr. Speaker. [*Applause*]

**Mr. Ramjattan:** I concur with the Hon. Attorney General on the issue that there is the requirement today, in the context of certain different social conditions, that there be an amendment to this which had persevered and persisted with us for more than 80 years, I think, probably longer.

In relation to the examples given by the Hon. Attorney General, it is the case that after there were conflicts in the world, there were housing shortages and the British, at that point in time, had come up with certain regulations that were going to help tenants, especially when it came to the magistrates dealing with tenancy matters. They did not want after, let us say, a determination was made that tenants were going to be simply ejected because they have lost the case. It is just as how the Rent Restriction Act has made provisions for certain grounds they then also gave a kind of leniency with tenants that though they would have lost the case they would not have been ejected once they had filed an appeal. It helped out the situation of homelessness in the streets, taking a look at the history of it in England and because of our colonial times it really became the law of Guyana, too, by its reception here by our colonial legislature.

In relation to what we have now I would rather suspect there might have been changes with housing programmes and all of that, but there are still lots of tenants who have problem and that is where it will be detrimental to them. In every litigation there will be a winner and there be a loser. When the time is then extended, so that the tenants could not be removed from possession for that long period whilst the appeal is pending, the injustice is done to the landlord. That is what is the dilemma is sometimes.

I have represented landlords in this kind of scenario and once the appeal is filed they would just have to wait a year and a half, two years sometimes. I have also benefited because when I represented the tenants they feel overjoyed that it would become a stay, the appeal, and they would hold on there for a long. We have to now bring that imbalance to some equilibrium stage and I believe that we need to do something about it. As to whether this is the best resolution of the problem, especially in relation to housing matters, it could never be. The best resolution is if we could give Guyanese the facilities for all of them being in possession of their own property, but that, of course, depends on the economics of it. That can take care of the example given there by the Hon. Attorney General in relation to housing.

Again, it cuts both ways when it comes to the example given about the father who is not meeting his obligations to the child and the mother, in relation to maintenance matters, is two of which are the prime examples that occur in our magistrates' court. Today, although we have extended from, I think, \$15,000 to a \$100,000 being the jurisdiction of magistrates, almost every financial claim is over and above \$100,000 and it ends up in the High Court. That is why it might not apply to the other petty claims that abound in and around the courts prior to the devaluation of the Guyana dollar, and so on. Money matters are now taken to the High Court, rather than the magistrates' court and so largely what is left are landlord and tenant matters and maintenance from derelict fathers, if they can be categorised as that.

I believe that it is going to be a difficult problem to resolve, because we have already resolved the one in relation to criminal matters. Once a person is convicted by the magistrate, an appeal does not apply as a stay of execution. That person will start serving the sentence immediately, until that person goes to court for a bail, pending the determination of the appeal. In this case I rather suspect there is need for motion for forward progress that we take away that what is called automatic stay.

I support the amendment to the extent that there will not, and there ought to, be an automatic stay as the Hon. Attorney General has indicated. To that extent the Alliance For Change (AFC) is going to cooperate. It is just to make the point that Government sometimes says that the Opposition does not cooperate with any piece of legislation. We do. This is one of them.

As to whether it should be more than the six-week period... What is here is four weeks as was supported by two Bar associations, Guyana Bar Association and the Guyana Association of Women's Lawyers. The Berbice Bar Association would like to see six weeks. I would like to say that we should make the track parallel to that of the High Court. It is known, quite frankly, that whenever a person would have lost a case in the High Court the lawyer would have got up and asked for a stay of execution. The time period given for the stay by the judge is six weeks. It is not because the magistrates' court is a lower tier in our hierarchical structure that there is the requirement that it must necessarily be reduced by two weeks. I rather can support a scenario whereby it should be six weeks because the person who will be the appellant might need the legal services, might need funds to go and get the lawyer, if that person did not get a lawyer. Most times, those matters in the magistrates' court hardly deal with any lawyers. We go to the cases there regularly and there are not any lawyers.

Now if an appeal has to be made that person will have to go and get legal advice. That person will need some time. I think four weeks might be just too short, but it is just to keep it consistent with what a judge does and has powers over in relation to the stay of six weeks. I think it should be given that amendment, the additional two weeks, so that that period be extended to six weeks rather than just the four weeks. There might be cases, the Hon. Member Mr. Basil Williams has indicated, that it could vary from one month to four months, but we have to make a decision here. I do not know what the Hon. Member the Attorney General will do, but I rather feel it will be highly appropriate that, yes, the amendment will be approved but as to the time for the stay of execution, whether it be four weeks or six weeks, I would prefer to see six weeks.

We support this amendment with that minor adjustment. [*Applause*]

**Mr. Speaker:** Would you wish to move an amendment, or Mr. Basil Williams, at some stage?

**Mr. Ramjattan:** I do not want to.

**Mr. Speaker:** I think you have tried to persuade the Hon. Attorney General.

**Mr. Nandlall:** I will move the amendment.

**Mr. Speaker:** Very well.

**Mr. Nandlall (replying):** I wish to thank my two learned friends for their support and the suggestions that they have made. If I may be permitted, Sir, to respond to Mr. Williams, in relation to the four-month, which he is asking for, that option is always available in the High Court, but to allow that to take place in the magistrates' court would really be to defeat the purpose of the amendment. I am persuaded by Mr. Ramjattan's argument that there should be some parity and equilibrium between that which exists in the High Court, and that is what we are trying to do, and that which obtains in the magistrates' court. Therefore I will move an amendment to change the four to six at the appropriate time. Therefore, Sir, without further delay, I ask that the Bill be read a second time.

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

#### **Clause 1**

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

#### **Clause 2**

**Mr. Nandlall:** Mr. Chairman, I seek your humbly permission to move an amendment to the following word, clause 2 (b) in the proviso to subsection (1), "from four" to "six".

*Amendment put and agreed to.*

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

*Assembly resumed.*

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

### **EDUCATION BILL 2014 - Bill No. 10/2014**

A BILL intituled:

“AN ACT to repeal the Education Act, to reform the legal framework of education in Guyana and provide an effective system of education related to the needs of the people.  
[*Minister of Education*]

**Ms. Manickchand:** As per request from the shadow Minister of Education, Ms. Amna Ally, speaking on behalf of her party, the A Partnership for National Unity (APNU), we have decided to defer that Bill. The shadow Minister indicated that her party needed a bit more time to look at the contents of the Bill, given the magnitude and importance of this piece of legislation. We had no difficulties with affording that further time. I am asking kindly that this Bill be deferred.

**Mr. Speaker:** Grateful. Thank you.

**Ms. Ally:** I just would like to explain, for the benefit of the Assembly, that it is not a question that the APNU has not been able to study the Bill yet, but it is a question where I have requested, from the Minister, to let us have the regulations, to look at the regulations in conjunction with the Bill because we do not want to look at the Bill in isolation. Since the regulations have not yet come, it makes no sense for us, because we do not want to vote against, so we want to study the Bill in conjunction with the regulations.

*Bill deferred.*

#### **CUSTOMS (AMENDMENT) BILL 2014 – Bill No. 11/2014**

A BILL intituled:

“AN ACT to amend the Customs Act.” [*Minister of Finance*]

**Mr. Speaker:** Hon. Members, the next matter under consideration is the Customs (Amendment) Bill - No. 11/2014. Members would recall just minutes ago, literally, permission was not granted by the House for the Government to proceed to the second and third readings of this Bill. Prime Minister did seek my opinion regarding whether or not it could still be sent to a Special Select Committee. I did indicate that the Bill was not dead *per se*, but it could be referred. The practice has been that the mover or introducer of the Bill would say that he or she wish to refer the Bill and it is referred. The Standing Order does use the word, “move”. The word “move” does connote a motion of some sort, but, as I said, the practice has been for the introducer of the Bill,

the Government Minister, to indicate that the Bill stands referred to a Special Select Committee or a Parliamentary Sectoral Committee. That has been the practice ever since those new rules were introduced in the Eighth Parliament.

**Mr. B. Williams:** Mr. Speaker, you would recall that we had to deal with exactly the same situation several months ago. When you look at the rule, the rule suggests that at the time of the first reading, thereupon the Member must say he or she is referring the Bill to the Special Select Committee or the Parliamentary Sectoral Committee. I had attempted to do that, but I had come *ex post facto*. In fact, this is a similar situation, because the first reading was done, I am informed by my honourable friend Mr. Greenidge, about two sittings ago or the last sitting. It therefore cannot be within the rule, because the Prime Minister had requested that the second and third readings be proceeded with. That would have overtaken that particular Standing Order. The Standing Order presupposes that it comes for the first reading and mover proposes that it goes to Special Select Committee immediately. You cannot come and ask for a second reading and when that is defeated then you want to fall back. That does not seem to be within the provision of the Standing Order.

**Mr. Speaker:** Before Ms. Teixeira speaks, may I just aver Mr. Williams' attention, in particular, and the House's attention in general to the Standing Order? The Standing Order sates, "After a Bill has been introduced and read a first time, the Member in charge may either..." do one of three things. That time is not qualified. Turn, for example, to Standing Order 58, where the House commits a Bill to Committee. It state "...must be made immediately after the Bill has been read a second time". The point is that the framers and crafters of these rules were qualified and deliberately put the word "immediately" where it deals with the second reading, but they left it vague. I agree with you. It could suggest that it must be done immediately after, but for some reason the drafters did not put that word for this one, but they put it for the second reading.

**Ms. Teixeira:** Mr. Speaker, basically I do not want to repeat what you said, because that is what I was going to try and explain to the Hon. Member. I believe that Dr. Ramsammy may be one of the few people left in the House who were a part of the drafting or re-drafting of the 2006 Standing Orders. It is recognised that there is space between the first reading and the second and it is only when a Bill has been read a second time. Even when it is on the list as the second

reading, it is only when it is concluded that the mover would say “I now ask that the Bill be read a second time.” That is actually concluding it.

Even in the period when the Member gets up to debate a second reading it is not concluded until that motion is moved. Therefore it is that space there as well as the space between a Bill which is read for the first time. It is still in this kind of hiatus. It is in limbo until there is a decision. Therefore I would like to encourage the Opposition that the motion to move this to a Special Select Committee is, I think, a helpful one. I would hope that this House would not go against what I think is a constructive proposal to differences of views.

**Mr. Speaker:** We did hear from both sides for the day. It is a matter that is engaging the highest court of the land, the apex court, the CCJ. I do not know whether or not Government sees the value of having the views. The Members have heard the views and the views are quite articulate, quite defined. I do not see how the Opposition will support it, unless there is some give and take, and unless the Opposition feels satisfied.

At the same time, I am always want to propose discussions on anything and therefore if there could be room for discussions in a Special Select Committee then perhaps Members may wish to consider that as a way forward. One way or the other, it is something that we have to deal with.

**Mr. Greenidge:** For all the reasons that we already elaborated, we do not think that this Bill is right for the sort of discussions that the Prime Minister has elaborated. If it is that they insist on going this way, we will just have to vote against it. Sometimes I think we find that what should have been done in the beginning is done at the end.

**Ms. Teixeira:** Mr. Speaker, indulge me again, I am sorry. I regret that the Minister of Foreign Affairs just had to step out. The Minister proposed that it goes to a Special Select Committee was in the interest... I think the utter belief that Members of the House may not be as appreciative of the position at Caribbean Community (CARICOM), and all of those issues at the CARICOM level, and or with the World Trade Organization (WTO). I think that it was in her view that if people were better informed or more *au fait* it may help the discussion. That is number one.

The second issue is that there have been different views that came out in this sitting as opposed to the last one on this Bill. I think Mr. Greenidge came up with something, and Mr. Ramjattan.

Certainly the way that Parliament works it is either a Member brings an amendment to a Bill, which is on the floor, or sends it to a Special Select Committee and amends it or tries to resolve it there.

I would be very disheartened to think that on this issue..., having heard a number of Members on the other side expounded in the press on what they felt this Bill should be and what it could be. Some have talked about abolition; some have talked on a whole range of things; some have talked about environmental tax, null on the custom. Then let it go to the Special Select Committee and let people work hard and put up their proposals, otherwise it will have the same fate as regrettably what is happening with the Anti-Money Laundering and Countering the Finance of Terrorism (Amendment) Bill. It is extraordinarily disheartening, unless it is the Opposition's point of view that it is to kill the Bill.

6.55 p.m.

If it wants to kill the Bill I will therefore suggest that the Hon. Prime Minister move the motion to go to the Special Select Committee and let it kill it because that is the only alternatives we have. Regrettably, we are putting what we believe is a sensible and reasonable proposal that does not premeditate the outcome in the Special Select Committee. The Opposition knows that it has the majority in the Committee so it can do what it was doing with the Anti-Money Laundering and Countering the Finance of Terrorism (Amendment) Bill, no meeting can be held and Bill can come to the House. We are saying that we are willing to take the risk in the interest of this issue where the CCJ has ruled and therefore appealing to the reason of this House, Sir.

**Mr. Ramjattan:** I would not be long. We had indicated, and I had quoted the CCJ's ruling, "Sovereignty is indivisible", the very first time that a tax is a tax, notwithstanding what the Members are going to come with to give it the impression that it is something that is not a tax. Moreover, we had indicated then that if the Members want to satisfy the requirements of the CCJ's ruling, and its Rhodesian benefits now to be had as a result of that ruling, they can square the situation by a repeal of section 7. You have to understand, Mr. Speaker, that I made it clear the last time that there was *discriminatoriness* about the fact of \$10 per a bottle, let us call it that. That was definitely discriminatory. They then came last year with the Bill saying we are going to divide the \$10 now, five overseas and five local, so that ends the *discriminatoriness* but what

it does to our local manufactures is that.... [Mr. Nandlall: We solved that already. We are solving the problem.] The problem can be solved by a withdrawal of this Bill and it is to come with a repeal for the section 7 for the \$10. [Mr. Nandlall: Is that not being done in the in the Special Select Committee?] No. It can be done by withdrawing this and coming again. [Mr. Nandlall: You have to have a motion...] You do not need a motion. You can come with a Bill to repeal just as what you did to the Summary Jurisdiction (Appeals) (Amendment) Bill just now.

**Mr. Speaker:** The third option, on the floor, is one where the Bill is left to stay as it is until we can find consensus. There is no need that it must be brought, killed or destroyed or put forwarded anywhere. It can be left to stay for a bit to see whether or not there can be some consensus found, if not we just proceed.

**Mr. Hinds:** I must say that I am a bit of a lost as to exactly where we are at this moment but I would like to still proceed to refer this Bill to a Special Select Committee of this House.

**Mr. Speaker:** Anyone wish to say anything on that?

**Mr. Greenidge:** I think if the needs of the country are to be met immediately the Bill has to be evoked. That is the only circumstance under which you can quickly deal with the Caribbean Court of Justice, but as regards the proposal I would like to move a motion that if the Hon. Prime Minister does not insist on this route we would not allow the matter to go to a Special Select Committee. [Ms. Teixeira: It is only the mover can send it pristine, nobody else.] Yes, the mover can send it but we can choose to not to agree with the mover. Let the Mr. Speaker decide.

**Mr. Speaker:** I have never known a Bill referred by the mover to go to a vote but I will ask the Clerk for advice here. The Clerk, as I had indicated earlier, as in my view as well, agreed that the word “move” does connote the requirement of the House’s *imprimatur* being sought in some way. Even though, as I stated before, the practices has always been for the Minister to rise and refer the matter, if it is that the House is not mindful or some Members are not mindful for the matter to be referred then the motion is on the floor. It would need to be seconded.

**Mrs. Ally:** Mr. Speaker, I rise to second it.

**Mr. Hinds:** I must say that I am a bit of a lost as to where we are going, backward and forward, on this matter, but let me say something that we had not said explicitly. The Opposition has made submission about the Government making a split, proposing the split five, five and taking it off all together. The issue is that it gives protection to our own manufacturer and that protection would no longer be there, whichever way we do it.

**Mr. Speaker:** Under WTO's rules that would not be possible.

**Mr. Hinds:** For the Hon. Member over there who said that prices are going to go up by \$5, price can come down by \$10. Maybe it is good for the public too that the price of drinks will come down by \$10 now. It depends where we look at it. I think that the Member of the Opposition have been making this point and seeking to mislead the public all along that prices will go up, but prices can just as well come down by \$10 a bottle.

**Mr. Speaker:** Hon. Prime Minister, it is just to say that under WTO's rules that kind of open protectionism would not be allowed, where it openly seeks to favour local manufacturer. That is not allowed under both regional and international trade laws.

**Mr. Hinds:** Mr. Speaker, that is exactly what I think I am saying. If you look at the history of this particular law it did provide open protection to our local manufacturer and this Government was spending must time to discuss with its own manufacturers as to the ways in which it could come into conformity and maybe still find a way out for them by some other route that will be acceptable. I do not think people want to recognise that this has been the issue all along. The issue along has been the issue of protection to our own manufacturers and this Government has been aware, consistently aware, of this situation and I think that our proposal to go halfway, each way, is maybe the best way to resolve this matter.

**Mr. Speaker:** Hon. Prime Minister, I can afford my own comment, that unfortunately the matter became one of a monetary issue when it should been couched in terms of protecting the environment. I think if we had laid a White Paper that would have said that this \$10 would have been used to clean up the streets and the drains and to support Minister Persaud's campaign for cleaning up the environment, well then the \$10 would have been... To just say it is a matter of protecting one and favouring another and couching it in monetary terms, I think it would be, as Mr. Ramjattan and others had said, a tax. It does not matter how you look at it but I think if it

had been seemed as a surcharge that would have helped to clean up the nation, which is badly in need to be cleaned up, and supporting Minister Whittaker's work you might have found some willing ears.

*Question put.*

**Ms. Teixeira:** Mr. Speaker.

**Mr. Speaker:** Yes please.

**Ms. Teixeira:** I just want it to go on record, Sir. It is with respect to you. This is the first time in the history of this Parliament that the mover of a Bill has moved a Bill to a Special Select Committee and it has been voted against. It had never happened before and this is now again another first for our Parliament.

**Mr. Speaker:** Thank you for that. I did know that as well but the rules are the rules. I think we have a practice where we have never challenged but the rule does say that mover, or the person whose the name the Bill is brought, may move that the Bill be referred. No matter how you cut it, dissect it or look at it, it is, in essence, a motion no different to when the Hon. Prime Minister rises and says I move that we stand adjourned to a particular date. We had precedent where that date has been abridged or expanded. Indeed the practice has been, as you said correctly, so. I, myself, am concerned about what has happened but this is the rule and we have to abide by it.

*Motion carried.*

## **COMMITTEES BUSINESS**

### **MOTION**

#### **ADOPTION OF THE FIFTH REPORT OF THE COMMITTEE ON APPOINTMENTS IN RELATION TO THE APPOINTMENT OF MEMBERS OF THE ETHNIC RELATIONS COMMISSION**

WHEREAS the Standing Committee on Appointments to Commissions in keeping with Resolution No. 68 of 2014, consulted the approved lists of entities for nomination to the Ethnic Relations Commission;

AND WHEREAS the entities met and made submissions of their nominations between April 30, 2014 and June 6, 2014;

“BE IT RESOLVED:

That this National Assembly approves the following persons from the following categories as Members of the Ethnic Relations Commission established under the Constitution, and signify to the President that:

**Christian Religion**

Dr. John O. Smith

**Hindu Religion**

Ms. Rajkumarie Singh

**Muslim Religion**

Shaykh Moeenul Hack

**Labour Movement**

Mr. Norris Emanuel Witter

**Private Sector Organisations**

Mr. Ravindra Dev

**Youth Organisations**

Ms. Gomattie Kalicharran

**Women Organisations**

Ms. Ruth Howard

**Cultural/Ethnic Organisations**

**Afro-Guyanese**

Mr. Barrington Braithwaite

**Indo-Guyanese**

Mr. Neaz Subhan

**Indigenous/Amerindian**

Mr. Peter Persaud

have been nominated in accordance with Resolution No. 68 of 2014, and Article 212 B (1)(a) of the Constitution to be appointed Members of the Ethnic Relations Commission; and

BE IT FURTHER RESOLVED:

That this National Assembly adopts the Fifth Report of the Standing Committee to address matters relating to the nomination and appointment of Members to the Ethnic Relations Commission.” [Dr. Norton – Chairman of the Committee on Appointments]

**Mr. Speaker:** Hon. Members, there is one matter remaining on the Order Paper, and that is, to receive the report of the Committee on Appointments, regarding in particular, on this round, the Ethnic Relations Commission. I invite the Hon. Member and Chairman of that Committee Dr. Norton to speak to the motion.

**Dr. Norton:** I rise to move the following motion is that the Adoption of the Fifth Report of the Committee on Appointments in relation to the appointment of Members of the Ethnic Relations Commission.

“WHEREAS the Standing Committee on Appointments to Commissions in keeping with Resolution No. 68 of 2014, consulted the approved lists of entities for nomination to the Ethnic Relations Commission;

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## **Indigenous/Amerindian**

Mr. Peter Persaud

have been nominated in accordance with Resolution No. 68 of 2014, and Article 212 B (1)(a) of the Constitution to be appointed Members of the Ethnic Relations Commission; and

**BE IT FURTHER RESOLVED:**

that this National Assembly adopts the Fifth Report of the Standing Committee to address matters relating to the nomination and appointment of Members to the Ethnic Relations Commission.”

We had, and I think I can say this openly, regular meetings, very fruitful, and we have come a far way from what it used to be in the years gone by. Mr. Speaker, you will see in the report annexes and you will see in Annex I “Invitation to attend a meeting of all the members of the entities.” It is a whole long list but every one of those entities was given an invitation to attend a meeting where guidelines were given to them and it was done at the Guyana International Conference Centre. There were also press releases. While it is a fact that some of the releases were not accurate in the newspapers what we did send out to them was acceptable and we think it was a good idea.

There were some problems with respect to the ethnic cultural Indian organisation in which we had identified two, the Indian Arrival Committee and the Indian Commemoration Trust. There were some difficulties with the Indian Commemoration Trust of communicating. It was not communicating in spite of the fact that effort were made, to the Clerk of the National Assembly, to the Clerk of the Committee on Appointments, and we had no option but to resolve that nomination which came from the Indian Arrival Committee. There were also some difficulties because it was not written out, the age groups for youths, and we have learnt from that. We have now specified that youths should be between the ages of 18 and 35. That is a consensus that we came to but in the organisation of that group it ran into some difficulties there. Of course, we did get report, and Members will see it at the end of the report, from each one of the different clusters.

Thank you very much Mr. Speaker. [*Applause*]

**Minister within the Ministry of Finance [Bishop Edghill]:** I think the news for the Guyanese people will bring some sort of relief and they would be relieved to know that evidentially we have got around to agreeing to the formation of an Ethnic Relations Commission. This had been long overdue. In the Ninth Parliament there was an inability to agree to the list of entities to be consulted. I am happy that in this Tenth Parliament, at least, we were able to get there, on the list of entities to be consulted, to agree on a process that, tonight, we are able to present to this honourable House, and to ensure that we have in place, every soon, a functioning Ethnic Relations Commission.

It is a fact that quite a lot of work was done at the level of the Committee. I think when there are Members in a Committee who carry with them some amount of institutional memory it helps to resolve some of the issues. Certainly, Ms. Teixeira played that role on many occasions, not only on this particular report but on many of the others that we are considering at this particular time. I think, very importantly, we, in this honourable House, must recognise that what is important is process, what comes out at the end, the product, we should not fight with it if we agree on the process. Once we agree on a process and it works then we must all be able to say that the process works, this is the end product. If the process is flawed then the product will be flawed. I sincerely believe that we were able to adopt a process that allowed the people of Guyana, civil society in particular, to make their choices. I think it was from that standpoint the people made their choices and it was based upon a very fair process.

There are certainly things that we would want to recommend which we could be improved on. I notice the need for urgency and the call among the Committee for urgency, but if we do an analysis of the level of participation of civil society in the various cluster, based upon the reports that were coming, I think just about 60% would of participated because they actually had only a month to get that done. I think it is something that we might want to consider for the future, knowing that how some of these organisations function, how they personnel moves, there are in several disciplines which they are involved in and time factor might be a consideration for the future for us to be able to look at.

I lend support to what Dr. Norton would have said, in terms of the recommendation of the 10 names that would have been presented here tonight. I notice that he did not indicate but there was a concern at the level of the Committee and that was strongly represented that we also have to think about putting mechanism in place at the time of the process, that in selecting people they must be people who have not been known to have been engaging in utterance, whether by way of speech or writing, in the a racial inflammatory language. It must just barely be an opinion that is deduced and decided on based upon some objective criteria. It must not just be left to open season because we can have a situation where there is a commission in which the commissioners are the subject of inquiry as against the commissioner enquiring into other matters in the country. I think every effort should be made to avoid that.

As we lend support to this motion I think it would be useful for us to remember, at the House, that we should ensure that we have processes in place, not just for the Ethnic Relations Commission, but for all the other statutory bodies. We should have processes in place to ensure that these commissions and consultation are done in a timely matter that we do not have these long lapses. It has been 2011 to 2014 that the country had been without an Ethnic Relations Commission. It had been three year and I think we have done a disservice to the people of Guyana. At this particular time, I am hopeful we can have the commissioners in place for the Ethnic Relations Commission.

Thank you very much Sir. [*Applause*]

**Mr. Speaker:** Hon. Member Dr. Norton.

**Dr. Norton:** I would not comment further on that.

**Mr. Speaker:** Hon. Members, I would like, before I put the motion, to congratulate the Chairman and Members of this Committee for the work done because as it was indicated that it had been years. I can remember in 2012 Mr. John Williams wrote a letter which caused me to contact the Chairman. The Chairman had been very diligent, as best as he could, and as reasonably fast as he could have moved, in getting to us, but we need to remember the persons such as Mr. John Williams who never gave up on this commission. We wish to thank the organisations for agreeing to participate. Moreover, we wish to recognise and pledge our support

to those commissioners who had agreed to have their names submitted because it is not going to be easy.

Bishop Edghill did raise an interesting and a worthwhile point, and that is, we have to ensure that those nominated do not bring disrepute, disregard and disrespect. It cuts across for all the commissions - it is not just the Ethnic Relations Commission - because there are persons who may have question marks hanging over their heads in other commissions, but I believe that we are all entitled to the benefit of the doubt.

I thank, again, the Chairman for sticking to this and I know that the Committee had worked well and was able to get passed its differences from time to time. With that said, I would like to put the motion that the names submitted and report, in this report, be adopted.

*Question put, and agreed to.*

*Report adopted.*

## **ADJOURNMENT**

**Mr. Speaker:** Hon. Members, I report that this brings us to end of our matters on the Order Paper for today. I now invite the Hon. Prime Minister to move the motion for our adjournment.

**Mr. Hinds:** Mr. Speaker and Hon. Members, out of the meetings of the Whips I propose that the House be adjourned to a date to be fixed.

**Mr. Speaker:** Hon. Members, we stand adjourned to a date to be fixed. Have a good evening everyone.

*Adjourned accordingly at 7.20 p.m.*