

# Official Report

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2006-2011) OF THE NINTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN*

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160<sup>TH</sup> Sitting

Thursday, 28<sup>TH</sup> July, 2011

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*The Assembly convened at 2.11 p.m.*

*Prayers*

*[Presiding Member in the Chair]*

## **ELECTION OF A PRESIDING MEMBER**

**The Deputy Clerk:** Hon. Members, I wish to inform you that the Speaker and Deputy Speaker are both absent from today's sitting. Therefore, in accordance with Standing Order No. 4 (1), the Assembly is required to elect a Member who is not a Minister of the Government or a Parliamentary Secretary to preside at today's sitting. I, accordingly, invite nominations.

**Prime Minister and Minister of Public Works and Communications [Mr. Hinds]:** Mdm. Deputy Clerk, I move to recommend the Hon. Member Mr. Anil Nandlall to be our Presiding Member for this sitting.

**The Deputy Clerk:** There being no further nominations, I declare the Hon. Member Mr. Mohabir Anil Nandlall as the duly elected Member to preside at this sitting. I now invite Mr. Mohabir Anil Nandlall to take the Chair.

*Mr. Nandlall assumed the Chair.*

## **ANNOUNCEMENTS BY THE SPEAKER**

### **Thank-you**

**Presiding Member [Mr. Nandlall]:** Hon. Members, I wish to thank you for the obvious confidence you have reposed in me in electing me as Presiding Member of the sitting for today's business. I trust that I will receive your full cooperation so that we can proceed with today's business and successfully conclude the same expediently.

### **Mr. Ninvalle as elected Member**

**Presiding Member:** There is an important announcement which I wish to make as well. The Speaker's office has received a letter from the Chief Elections Officer, advising the National Assembly that pursuant to a letter sent to the Guyana Elections Commission from the People's Progressive Party to extract from the party's list, at the 2006 elections, a member to replace the Hon. Member Mr. Kellawan Lall who has been posted elsewhere to perform other important functions and Mr. Steve Ninvalle has been extracted from that list to fill that vacant. I declare Mr. Steve Ninvalle as, from today's date, a full Member of the National Assembly with full voting rights.

Congratulations Mr. Ninvalle.

## **INTRODUCTION OF BILLS AND FIRST READING**

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

### **1. GUYANA ENERGY AGENCY (AMENDMENT) BILL 2011 – BILL No. 15/2011**

A Bill intituled:

*“AN ACT to amend the Guyana Energy Agency Act.” [The Prime Minister and Minister of Public Works and Communications]*

### **2. MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) BILL 2011 – Bill No. 16/2011**

A Bill intituled:

“AN ACT to amend the Motor Vehicles and Road Traffic Act.” [*The Minister of Home Affairs*]

## **PUBLIC BUSINESS**

### **GOVERNMENT BUSINESS**

**Leader of the Opposition**      **[Mr. Corbin]:** Presiding Member, may I take this opportunity to congratulate you on your appointment to act in the Chair...      **[Mr. Hinds:** It is the election.] ...on your election - I am subject to corrections; I am not arrogant, as some – to the office of Presiding Member for this afternoon’s proceedings, and to express my regret that you have to preside over such a troubled matter this afternoon which has not had any consultation in keeping with a signed agreement by His Excellency the President and the Leader of the Opposition. The Bill which is to be brought up shortly contravenes every tenet of consultation, violates the spirit of a joint committee that was set up by both His Excellency the President and my predecessor, former Leader of the Opposition, Mr. Desmond Hoyte, as well as an agreement signed by your humble servant and the President. In that context, Sir, apart from the fact that the Bill varies so drastically and is a travesty of justice and of violation of all the rights of our citizens, we attempted to seek the Government’s approval to have this matter either be sent to a Select Committee or it be deferred. We have got no response. I, personally, have attempted to find the President today but I was told that he is under the weather. I do not know what it is, but the PNCR-1G, at least, will not participate in this farce that is taking place this afternoon and I assure you and the public that the A Partnership for National Unity (APNU) government will revoke this legislation if it is attempted to be passed in this National Assembly today.

**Presiding Member:** Thank you Hon. Member. That is quite unfortunate, but today’s business will be proceeded with.

**Ms. Teixeira:** Presiding Member, as you gave the floor to the Hon. Member Mr. Corbin, I just want to state for the record that there has been no official request, or private request, by the Opposition PNCR-1G to ask that this Bill go to a Select Committee.

**Presiding Member:** Let me say that the file which was handed to me, which consists of the documents concerning today's proceedings, does not contain any notification to the National Assembly that any attempt was made for consultation or that the Parliament was informed, in writing, of this action proposed to be taken by the Opposition.

**Mr. Corbin:** I do not care to enter into any debate with you, Sir, on the rules of the court.

**Presiding Member:** Thank you very much.

**Mr. Corbin:** But I would believe that it is the responsibility of the Government which had a signed undertaking, publicly known, to honour that undertaking without any prompting from the Opposition.

**Presiding Member:** Very well Sir.

## **BILLS – SECOND READING**

### **BROADCASTING BILL 2011 – Bill No. 13/2011**

A Bill intituled:

“AN ACT to make provision for the establishment of the Guyana National Broadcasting Authority responsible for the regulation, supervision and development of the National Broadcasting System, to provide for its functions, and to provide for the licensing of broadcasting agencies and the encouragement of production and broadcasting of television and radio programmes having relevance generally to life and culture of the people and for consequential and related matters.” [*Prime Minister and Minister of Public Works and Communications*]

*PNCR-1G withdrew from Chamber.*

**Mr. Hinds:** Presiding Member and Hon. Members, it is to be regretted that the Leader of the Opposition and Members of the PNCR-1G chose to take themselves away from this debate. I think, as I shall be saying in my speech here, it just reinforces how vexed a matter this Broadcasting Bill has been. It is with a sense of arriving at the end of a very long and winding road, with many turns to the left and to the right and turning back at times, that I rise to move the

second reading of the Broadcasting Bill 2011 – Bill No. 13/2011 which seeks to set the regime, the rules and the procedures by which persons would apply to participate in an open, competitive, but decent broadcasting sector, a sector with steadily higher standards and a sector which contributes towards the aspirations of our national motto of becoming *One People* - out of many - *One Nation, One Destiny*.

A Broadcasting Bill, in some form, has been called for decades ago; I think even from the 1980s before we, the PPP/C, came into office in 1992. And since then, according to my recall, we have had three Broadcasting Bills drafted for laying in the National Assembly before this one. My recall is that our first attempt was laid in the Sixth Parliament, our first Parliament in office, by our Minister of Information then, the Hon. Member Moses Nagamootoo. It was left to fade away as we sought accord, but reached no accord by the end of that Parliament. It is nearly nineteen years since we, the PPP/C, have been in office – nineteen years of one day hoping to reach some accord on this matter of a Broadcasting Bill and having hopes dashed sometime after. Some nineteen years, when I am ready to accept, all sides tried to reach accord, in their own way, but we did not. There has been much frustration, and even some tendency to bitterness and acrimony, not over the need for a law, but over some of its provisions. And we see here this afternoon, the PNCR-1G taking itself away from this House and this debate. This is one aspect of the background to this Broadcasting Bill before us today.

Laws are not formulated in a vacuum. This Bill comes out of the experiences I just referred to. One can see, also, reflected in this Bill, our people's earliest ideas and ideals for a broadcasting sector as well as the reality of how radio and television broadcasting arose and evolved in Guyana. So it is useful to step back and recall how the broadcasting sector in Guyana has evolved. A recounting within which would be implicit the issues which would be crying out to be addressed in this Broadcasting Bill and some hints of possible solutions.

Radio, which has been set up in Guyana by private enterprise, was nationalised and made into a State monopoly in the 1970s by the PNC administered Government of the day. One could read the papers of the times to learn of the arguments put then for nationalising radio and creating a State monopoly, and that administration guarded closely its Government monopoly and control of radio until it left office in 1992.

I would admit that in the years leading to independence, and the early years thereafter, many would not have found Government monopoly ownership of broadcasting repugnant, for all of us grew up knowing about the British Broadcasting Corporation (BBC), the government- owned broadcast monopoly in the United Kingdom (UK), our erstwhile mother country. There was then, and even today, great admiration and respect for the BBC and many, no doubt, with the best of intent, longed for the development of a mini BBC here in Guyana, longing for similar high standards of language and diction, and taste, and programming evident in the BBC of the UK.

We can recall, however, how television came to Guyana. Some referred to it as a wild west, but I saw, and still see, much to be admired in the way television came to Guyana and in many aspects of television in Guyana today.

This Broadcasting Bill does not seek to undo, but to advance the television sector, in particular, to a higher level. I have no hesitation in acknowledging and in commending Mr. Anthony Vieira and then Mr. Rex McKay, who took for himself not one, but two channels, for launching television in Guyana. We can recall the national excitement and feelings of achievement which accompanied the launching of television. They are worthy of our applause.

I want to acknowledge, too, the launching soon after of Mr. Sharma's television station. I learnt that Mr. Sharma was pushed, or found himself pushed, to launch his CNS 12, at the time, because the already existing stations would not accept the programmes he wanted to provide to the audience he had in mind – a very early instance of the challenge to ensure that the full range of tastes in programmes are available to our public. So, with much improvising, Mr. Sharma launched his own channel and he early introduced also death announcements broadcasting which was initially laughed by the owners and managers of all the other television stations. But death announcements broadcasting made money and one by one all the other stations followed the patterns set by CNS 12 and, I think, by then CNS 6, after we reorganised the traditional over the air television broadcast bands.

We can recall that in the broadcasting sector in the 1990s in Guyana, in radio, there was the inherited monopoly but many, who could, were free to venture to launch a television station as it was said, the wild west of television barons squatting at various points in the spectrum.

One would have thought that a fully open, unregulated, competitive television sector would have been without criticism, but criticism there was. There were a number of persons who, otherwise, were all for unbridled capitalism and venturing, but who argued that the advertisement market in Guyana was small, and for there to be enough money to operate a good quality television station the number of stations should be limited. What they were calling for, in practice, was something that one experiences often in the case of a monopoly. Those on the outside say, “Open it. Let me in. I have a good reason to be in.” But then they often say to close the door after that. So in practice this was a call for closing the door to new TV stations – a monopoly of sorts for those already entrenched.

Many would recall, too, that quite early, issues of intellectual property rights, pirating, surfaced, whether in pulling down signals from the satellites and relaying sections of various stations’ programmes, or playing and relaying pirated tapes of recently launched films. So we have there, too, an issue of property rights and pirating coming up.

I have recalled these events in the hope that we will recognise that from those early innocent years of the spontaneous founding of television, full of improvisation, questions were appearing, exposing early areas for differences and contentions about standards, about sufficient funding for good quality television stations, about how many channels any one person should have, about there being television stations serving all of the different cultural groups in our country, and so on. All of these being questions which the framers of a broadcasting law would need to address and which we have addressed in this Bill before us.

I need to recall, too, that as we came into office in 1992 we continued the free open regime for television whilst maintaining a closed door to any new radio stations. I would say openly that I did so, for I was the Minister responsible then. A number of persons, who appear to be more sympathetic to our PPP/C party, were claiming that before people were fearful to venture forth into setting up a television station, but felt more comfortable with the PPP/C in Government about doing so. In time, as to be expected, questions about authorising these new stations and, maybe, bias in the television sector in our favour began being heard from the Opposition.

Whilst for a number of years we kept the door open for new television stations to attain some sort of balance at the evident political sentiments of the television stations then on the air, we

equally kept the door firmly closed on new radio applications so as not to create an imbalance. For if we had opened radio then, we would have had to treat with a huge number of applications for radio licences from people who – it may be argued – would have been our supporters. For with our coming into office, after decades of suppression of persons and villages supporting the PPP/C, nearly every village which was evidently supportive of us, from Crabwood Creek to Charity, had someone approaching us for permission to open a community radio station. And we kept the door closed against them, as I said, so as not to create an imbalance in the area of radio. We believe that the media in State hands is balanced, or seeks to achieve a balance.

As a responsible Government committed to balanced even-handed actions, we turned aside those nearly a hundred approaches. But Members may recall that one person persisted, on the Essequibo Coast, and we happened to have gone to secondary school together. Anyhow, we used all our pressure that we could bring and we shut down that radio station, on the Essequibo Coast, which had begun broadcasting. I am saying this because I want to establish that we have been balanced and even-handed in what we have been doing.

I want to recall two other related important events before addressing the clauses in this Bill. The first is the Jagdeo/Hoyte Accord of 2001 which established the Advisory Committee on Broadcasting (ACB). The ACB was, on that agreement, to advise me, as Minister, on all matters related to the content of broadcasting because, as we know, maybe, we are such a young nation we tend, very quickly, to extreme partisanship in much that we do, and there could be no denying that amongst television channels in Guyana there were many examples of extreme partisanship. So the ACB was to advise me, as Minister, on all matters related to the content of broadcasting; that I would do that and only that recommended by the ACB and additionally, that no new stations, neither television nor radio, would be permitted until after a broadcasting law was enacted which set clear procedures for applying and for considering the merits and demerits of applications.

Presiding Member and Hon. Members, you may recall that a number of persons, not known to be our supporters, questioned soon afterwards whether this Jagdeo/Hoyte Accord making the Minister the creature of the ACB was not unlawful. I recall the arguments in the newspapers at that time. You may recall, further, that whilst every effort was made - I would allow earnestly by both parties - to reach agreement on a broadcasting law, as anticipated in the Jagdeo/Hoyte



Accord, agreement was not reached. However, respecting the Jagdeo/Hoyte agreement, we, the PPP/C administration, continued putting applications for radio and television stations on hold. You may recall that somewhere along the way the Leader of the Opposition himself - I am sorry that he has removed himself from this Chamber - said early in the life of this Parliament, after the last elections, that the Government should stop hiding behind the Jagdeo/Hoyte agreement and proceed. And I understood from the Hon. Member's statements that governments must act; governments must govern.

As if on cue from that position put by the Leader of the Opposition, there were two approaches to the court against the Government's refusal to consider their applications for licences to operate broadcasting stations. Hon. Members may recall the constitutional motion filed by a former Member of this House, Mr. Anthony Vieira and, sometime later, a constitutional motion filed by persons in Linden over Government's non consideration of their application to operate a radio and television network in Region 10. We may recall how those cases went through the court. I think in the instance of Mr. Vieira's, his approach was initially struck down but then he appealed. In the meantime, the motion filed by the persons in Linden was heard by Justice Chang and he ruled that, firstly, no one has an absolute right to be granted a licence, and I am advised by the people who know these things that it was consistent with rulings in the western world on similar matters.

*2.41 p.m.*

But Chief Justice Chang went on further, "Non action by the Government on an application for a licence infringes the constitutional guarantee of freedom of expression." So Government was required to give consideration to the application that was submitted by the applicants, even in the absence of new comprehensive broadcasting legislation. With respect to the Vieira's matter, I am advised that on that appeal the Chancellor made somewhat similar rulings as Chief Justice Chang had done.

This is the background against which we bring this Bill. More particularly, a commitment we, the PPP/C, made at the last election was that we are always hoping that we could table some Bill that was largely agreed to by all sides of this House beforehand. But we had made the commitment that we would bring into this National Assembly a Broadcasting Bill and we regret

that we had to eventually bring our Bill and not a Bill that was agreed to, largely by all sides. We finally had to accept that such was not to be.

Secondly, we bring this Bill against the background of the demand to move on with things from the Hon. Member, the Leader of the Opposition. At the time, I was not sure whether his statement was an encouragement, a challenge or whether he was daring us to do it, but whatever it was, we have brought the Bill here today.

Thirdly, the third main item in the background is the court ruling of Chief Justice Chang and the similar ruling by Chancellor that we should move on, that we could not just put applications on hold. As I said earlier, laws are not formulated in a vacuum. They are formulated to meet evident problems and to create the desired ends to be attained - to reach the desired ends - and accepting that we cannot keep on waiting for agreement, we have presented this Bill. This is a PPP/C Bill. This Bill seeks to enact a broadcasting law which the PPP/C believes is good for Guyana, whoever is in Government. This Bill seeks to avoid deadlock in decision and unending contention in the setting of the proposed Guyana National Broadcasting Authority, its Board and its administration, in the Bill's various provisions.

We have sought to and we clearly identified, in the provisions in the Bill, who is accountable. We identified the political accountability of the President and Minister responsible, for various actions, in the appointment of the Board and in certain matters of the Broadcasting Authority. But largely, very largely, the Board runs the sector. The Board makes the decisions. The Board is required to give persons likely to be affected, a hearing before the decision is made, and the decisions of the Board can be taken to court. I dwelt a bit on the matters of Mr. Vieira and people in Linden going to the court and having eventually rulings that we may say were in their favour. I say this that members and the public at large, are not induced to belittle the approach to the court.

Rules of procedure for appraisal and assessment of the many issues identified are to be developed and published providing a basis for even-handed applications for the provisions of this Bill.

The purpose and intent of this Bill, if I am to go to the Bill, the provisions in the Bill, is well captured in the long title which I think will attract little contention. Literally, I see little contention in part I – “PRELIMINARY.”

In part II, the Guyana National Broadcasting Authority is established and the “Governing Board of the Authority.” We can look at clause 4, “Constitution and appointment of members of Board of Authority.”

I am getting it wrong. Sorry Presiding Member, let me step back a bit here. In part II, there is clause 3 which establishes the Guyana National Broadcasting Authority. In clause 4, there are the provisions for the “Constitution and appointment of members of Board of Authority.”

In clause 5, there are the provisions for the “Tenure of members”. I did say that these three clauses are the main areas or the major areas of contention that I have sensed in the articles and comments in the media on this Bill.

*8313 Bills – Second Reading*                      *28<sup>th</sup> July, 2011*                      *Broadcasting Bill 8314*      be, appoints the members of the Board,” not less than four nor more than seven members”, one of whom “shall be nominated by the Leader of the Opposition for appointment after he has had meaningful consultation with the parliamentary opposition parties.”

In clause 5, the gist of clause 5, is that “The President, on the advice of the Minister, may terminate the appointment of any member” of the Board on anyone or more of eight conditions, seven of which, I maintain, are subject to very clear objective test. Only one, maybe paragraph (g) which is a very important issue, can be questioned as being opened to be subjective. Clause 5(2) (g), one of the conditions, maybe, which the President may terminate membership of a member of the Board is for “consistently showing partiality and failed to be objective...”

Hearing this argument that this approach could make the Board, basically, too beholding to the President of the day... Even if that argument is heard, the decision of Board, its actions, its inactions, can be appealed to the court. We find that this is quite acceptable and, moreover, we think that it avoids deadlock, it avoids many years, maybe, of meeting and dithering and trying to reach accord. We think it avoids deadlocks and we think that in the provisions, here, there is remedy for abuse.



It states, at subsection (c), that the broadcasting industry in Guyana is to be “plural and opened to fair competition while recognising the special role of state-owned media.” In the rest of the provisions in clause 19, there is focus on strengthening of a shared Guyanese consciousness and identity, fostering national unity and building a harmonious society, a wide geographic availability and accessibility of broadcasting, and so on.

We also recognise that broadcasting sector must have a great entertainment portion, but also in clause 19 (c) it is stated that there must be “significant amount of educational programming, both curriculum-based and informal”, and so on. We take a position that violence should not be incited. Nothing put out in the broadcasting sector in Guyana should incite violence, ethnic, religious or cultural hostility. I do not know that anyone in Guyana can be against such things, those provisions in clauses 18 and 19.

Part III speaks to the “GENERAL PROVISIONS ABOUT LICENCES”. Here, in this, in clause 20, we recognise or we deal with the existing situation, so that all persons who are currently carrying on authorised broadcasting services are given thirty days from the coming into effect of this law to apply for a licence, and in clause 21(2), “A person who desires to commence broadcasting service shall apply to the Authority for a licence...” So the existing stations, no matter how they came on, historically, have an opportunity to apply and to be considered, but, in soon time, all persons who are providing broadcasting services must have licences under this broadcasting law.

There was a question about the relationship between the National Frequency Management Unit (NFMU), and its possible successor, and the Broadcasting Authority, and there may be a number of ways to handle this relationship. When we speak about broadcasting we often think, firstly, about the over the air broadcasting which requires a frequency allocation in designated broadcast bands and, in our Guyana, the National Frequency Management Unit has been the manager of the spectrum. We are having an arrangement here, we have come down with the arrangement where the NFMU, or its successor, continues to manage the broadcast bands, while it might indicate available broadcast channels, the approval of the allocation is dependent on the granting of a broadcasting licence. That matter is addressed and spoken to in the end of clause 21(3) and (4).

Another clause of interest would be clause 23 which states that a licence will be issued only to a company incorporated or a trust, either of which must fulfil a number of conditions. One of them is that the only business to be carried on, or proposed to be carried on, by the company or the trust would be broadcasting or broadcasting related business.

Clause 24, on the issuance of licences, contains some provisions on the eligibility of applicants. Also in subsection (4) where the Authority proposes to reject the application, the applicant should have reasonable opportunity of making representations and once rejected he has the opportunity to or he has recourse to the court.

Clauses 25, 26, 27, 28 and 29 provide terms for “Variation of the licences”, “Transfer of licences”, “Cancellation of licences” and “Suspension of licences”, and in clause 30 there is an explicit provision for person aggrieved by cancellation or suspension to appeal to the Full Court of the High Court. So what we are seeing here all the while is as what the Hon. Leader of the Opposition has said sometime that governments have to act; governments have to govern; governments have to do things. Government cannot have a forever situation of indecision; Government has to act, and the remedy on action is going to the courts. As I have pointed out earlier, we can accept and, we can see, we set examples in broadcasting area that the court can provide redress and a redress that some may be perceived as different from what the Government would have liked.

Clause 31, saying the things that are obvious, but no doubt need to be said and put into the law, sets, “General conditions governing licences”, the requirement to pay various fees set by the Guyana National Broadcasting Authority and the NMFU, or its successor; to comply with directions, to do or not to do such things as may be specified. Maybe we can look at clause 31 (5) of some interest. It states here that “The grant of a licence does not constitute consent on the part of the Authority for the doing of any act that amounts to the breach of any law...” I think that we could see right away that that has been put there to answer to the situations before, or the questions that were arising earlier, about intellectual property rights, in particular, and pirating. That clause states that if there is a broadcast law one is not free to broadcast anything. Now, “anything” could be a very wide range of things within that “anything”, but one aspect is that one cannot broadcast something unless one has owned it or has the right to broadcast it; one cannot infringe intellectual on property rights; one cannot pirate. At least, one cannot hide behind this

law and say that “I have been authorised to broadcast, so I am broadcasting whatever I put my hands on”.

Clause 32, “Guidelines for the issue of licences”, and its sixteen subsections seek to put in place the setting of conditions for licences. It naturally reflects the Broadcasting policy adumbrated earlier in clause 19. These subsections call for the identification of the broadcasting service, so that people will know who they are looking at, the keeping of logs, but also for fairness and balance. We note that phone-in programmes should have a delay device to avoid abuse and any infringement. At this time, this political season, one may want to look at subsection (p) in particular.

**Presiding Member:** Hon. Member, your time is up.

**Dr. Ramsammy:** Presiding Member, I move that the Hon. Prime Minister be given fifteen minutes to continue.

*Question put, and agreed to.*

**Mr. Hinds:** Subsection (p):

“at election time licensees by agreement with political parties and in consultation with the Guyana Elections Commission afford such parties air time on their stations.”

So it speaks to a very current issue on access of different parties, the various political parties to the various stations, and as we said “the various stations” we should have in mind there, all of the various stations.

In part IV, “GENERAL PROVISIONS ABOUT LICENSED SERVICES” are presented. Clause 34 addresses, at the level of the programme, what is addressed at the Broadcasting policy level in clause 19 and at the level of the licences in clause 32.

*3.11 p.m.*

Maybe some people reading it, particularly quickly, may find that there seems to be some repetition. I want to give the explanation that a set of ideas, targets and desires for the broadcasting sector in Guyana is spoken to in three occasions in this Bill - at the level of policy

in clause 19, at the level of the licence in clause 32 and, now, at the level of programmes in clause 34.

Programmes are required to be fair and balanced, respectful of all religions and religious rights. Subliminal or similar advertisements are not allowed. When one speaks about balance, and one does desire balance, one wants a Guyanese people that steadily lose some of the tendency to extreme partisanship, a Guyanese people that bring together all the arguments, the pros and cons, on any topic and make a balanced decision. In the Bill there are sections that speak to balance and there is recognition that as a practical matter, balance may not be attained in one programme. We, on this side of the House, allow that Members of the Opposition will have their programmes and they are going to say a lot of painful, unkind and untrue things about us and, maybe, that is what adversarial politics is all about. However, in some of the sections of the Bill such as clause 32, provisions are made for balance taken over a period of time, over a number of programmes. Balance must be attained in specified and advertised series of, or a combination of programmes.

## **Rules**

In all these areas, we recognise that rules are to be developed and published to achieve these desired ends. Now let me say that the emphasis on publishing, you are seeing quite a lot of emphasis on publishing the rules, herein, and that is so that they the rules are out there and that decisions can be tested.

Clause 35 addresses rules for violent, pornographic, explicit and other sensitive broadcasts, restricting the times when such may be aired.

Clause 36 focuses on rules for advertisements, including methods of advertising or sponsorship which should not be employed.

Clause 37 identifies a role for the minister in licensed services.

“The Minister...where it appears to be necessary or expedient ...by notice to the Authority direct licensees...”

“...to do certain things, no doubt in the public interest.”



We recognise from our history in Guyana that there may be occasions when the Minister needs to intervene and he does this by giving notice through the Authority, and so direct licensees to do or not do certain things.

Clause 39 speaks to the requirement of the Authority to make arrangements for audience research for the purpose of assisting the Authority to perform its functions. The Authority is required to consider and publish the results of such research within 90 days. When the Authority - the Guyana National Broadcast Authority - commissions some research, it is required to take note. The research cannot just be thrown into the dustbin, but the Authority has to take note of it and publish it, and it has to do so within a set time - within 90 days.

Part V which deals with recovery of fees, part VI which deals with offence and penalties and, part VII which deals with miscellaneous, do not contain any provisions which should detain us. I do not see anything in there that is controversial and I do not see any Members of this House having any problems with any of the provisions in those latter three parts.

This Bill speaks almost entirely about traditional over the air broadcast, that is, terrestrial broadcast from within the territory of Guyana. I, myself, am one of the older people around I think and, maybe, I am not very familiar or not very literate with many of the recent technologies, but, I, too know that there has been lots of new technologies. Over the air broadcast goes back to the 1900s or 1910s -sometime way back then - and today, a lot of it, a lot of communication and so on are taking place via different kinds of vehicles and mechanisms. The Government is aware that there are new ways of addressing the public, which should be and which are being encompassed in the term “broadcast”.

For example, there is direct-to- home television which comes from outside of Guyana, which is, not specifically, addressed herein. Nor, as we know, Demerara Waves and various other ones. Only last Saturday I was being told by someone that one of the secretaries at Freedom House listens, on her computer, to some website carrying a thousand radio stations or more. And so, we are aware of those things. However, we have focused here on the main issue - the over the air broadcasts. And in so focusing, we have opened the door at this time, maybe it is at a late time, for applications for radio and televisions over the air broadcasts in Guyana. It is something that we and Members of the Opposition have been calling for, maybe, for decades. We have no doubt

that in time, maybe sooner or later, someone in government, someone with responsibility, would, probably, have to address the issues created by these new emerging technologies such as Twitter, Facebook, web pages and reading newspapers on Kindles or Notebooks and such like. The Government is not unaware of all of these developments but it recognises that much of this is still evolving and the lines of development are still not quite clear.

We have settled to deal, at this time, with issues that have been before us for twenty or more years. In that regard, the Bill before us is not adventurous. It has been cast in a very common mould. In a number of other jurisdictions and countries, one can find similar provisions in their broadcast laws. For this reason, Presiding Member and Hon. Members, I look to support from all sides of this House. I regret that the Members of the People's National Congress Reform 1 Guyana (PNCR-IG) have taken themselves away and are not here to help pass this Bill. I beg that the Bill be read a second time. [Applause]

**Presiding Member:** Thank you, Hon. Prime Minister. I propose the question that the Bill be read a second time.

**Mr. Ramjattan:** Am I not allowed to speak? I was just about to congratulate you on being elevated to the position of Speaker for today's session and to indicate that you will get my support, like you always do, in relation to being very parliamentary and all of that.

**Presiding Member:** Thank you, Hon. Member.

**Mr. Ramjattan:** I want to indicate, immediately, that, notwithstanding the imperfections this Bill has, the Alliance For Change (AFC) is supportive of it and, moreover, will make certain critiques of it, which will bring out the fact. Unlike what the Prime Minister indicated, this is, substantially, 95% of the Bill that I tabled two years ago.

Since 1969, it would appear that there was the need for the introduction of, at least, the fragments, of a Broadcasting Bill. Since then, in 1990, a draft was done by Mr. Kit Nascimento. Since then, in 2000, a Committee was established. I think at that stage it was headed, on the People's Progressive Party/Civic's (PPP/C) side, by Ms. Gail Teixeira and on the PNCR-IG's side, I think it was Dr. Deryck Bernard. There was a team of people who comprised it to give

content to draft legislation on broadcasting. I was part and parcel of that team for a couple of initial meetings when I was a Member of the People's Progressive Party.

In that set of meetings there were certain experts namely Mr. Hugh Cholmondeley, Mr. Woolford and a couple of others who indicated a certain input that realised a certain draft. That draft, however, was shelved for a number of years until, after realising the decision of our very brilliant Chief Justice, sometime in 2008, I then, picked up that draft and tabled it here in the Hon. Assembly only to be told that that it was extraordinarily outdated.

Since the tabling of this PPP Bill, I have done a comparison. The comparison realises that what I have as against, what this Bill has as its contents, about 95% of it exactly as taken from my 2009 Bill is in this Bill. What the Government did was to rearrange the numbering, reconfigure where the Schedule should be, put in a couple of additional subsections and it is saying that this Bill is very modern. Well let me just say that what was tabled in 2009 by me is almost identical to this PPP one.

And so the question has to be why the Government has brought this Bill at the eleventh hour? Obviously, the PPP/C Government did not want the regulatory body to operate and become operationalised earlier so that there could have been the establishment of all these rules and the Advisory Committee on Broadcasting (ACB) could have been making its decisions, rather than having a president doing what he is presently doing. It was deliberately done to avoid power being shifted from the President's monopoly unto the Board and the Authority.

For example, section 1 of the PPP's Bill is the section 1 of the Alliance For Change's Bill. Section 11 is the same section 11. Moreover, section 111 is the same thing.

Instead of the Schedule being where it is in the AFC's Bill, the Government rearranged it and put in a paragraph 4 (1) that was the Schedule ... **[An Hon. Member:** Are you saying that it is your Bill?]  
No, I am not saying it is my Bill. I want to acknowledge that. The Bill that was tabled in 2009 was being criticised. I am saying that the Bill came as a result of an evolution and revisions and then it was shelved until, of course, I picked it up and tabled it and then Government suddenly criticised it. The House did not want to pass it and Government wanted nothing to do with it. Now, at the eleventh hour they come with, literally, the exact thing.

Paragraph 1 of my Schedule is section IV in the Broadcasting Bill that we have here; and almost every single provision in here is what was tabled in 2009, and condemned! Government just did not want it to be passed! We have gotten a vacuum and dilly...and that is what the problem with this country is: that which ought to be done tenuously is not being done. Government waited and waited and waited – almost a decade – and then bring the Bill to the House and is calling it theirs and it says it is a magnificent Bill.

I want to say that the stakeholders in Guyana, especially the “Sharmas” and all the rest of them and even those potential applicants for radio licences, have been denied an opportunity that ought to have come their way ten years ago. That is what this autocratic administration has done.

[An Hon. Member: *Inaudible*] ...because we were there. We wanted to know why it was not being passed, why it was not being tabled, and this is what we have now. I want to say that as against what was tabled and revised and tabled in 2009, there is even more control into the hands of the Government as against that which was agreed to by the Bernard/Teixeira Committee, if I may use that as the model. For example, section 34 had certain requirements about it, and that is section 34 (3) in this Bill.

In the tabled Bill of 2009, the Authority, after consultation with the Minister, establish and, from time to time, review rules and all of that. The Authority must now only consult with the Minister. In the Alliance For Change Bill, let us just use that nomenclature, it had those licensees or the organisation representing those licensees in consultation with the Minister and the Authority shall make the rules. The licensees as the stakeholder and or the representative association have been from this Bill. And that is what they seek to do here, again, as part of their “control freakism” as I normally call it. They have also indicated another very strange thing that generally comes with regulations or a code of conduct and, probably, that is the biggest addition to this Bill and it is something that we will have to see how the Authority utilises it in section 32.

Section 32 - Guidelines for issue of licences. It states:

“In the granting of licences and in the setting of conditions, the Authority shall ensure that...”

Some broad guidelines are then listed. Guidelines of this nature ought not to be statutised. They are generally to be in some code of conduct that, normally, will then be utilised by the Authority

and those decision makers, thereof, as to what will be in their minds when they are going to make their deliberations and their decisions. But it is here and, probably, that is the biggest distinction, apart from what I have just mentioned.

I want to also indicate that in relation to section 25... just to prove how it is that Government loves control, every bit of legislation... although it was worked out by a Committee comprising both Opposition and Government Members, the original Bill that was revised right up to 2000, said that the National Frequency Management Unit (NFMU) will play a role in the granting of the licence because the Authority will have to make the determinations after it sees the application. The National Frequency Management Unit exists and the application would have to pass through there to ensure that it has its say before a licence is granted nor not granted. What was in that original Bill and the one that I brought was that which had this proviso:

“Such allocation by the National Frequency Management Unit (NFMU) is not to be unreasonably withheld so as to frustrate the grant of the applicant of his licence.”

Those words, when we do a comparison, are now deleted from this Bill. Do you see what the tendency here is? They take out the provisions in which there is, at least, a measure of more consultation with the stakeholders before the rules can be done and they put that only the Minister and the Authority have a say. Now, they have taken out the part that says the NFMU must “not unreasonably withhold.”

If there is going to be this kind of a supplementary institution – the NFMU - that will make the decision as to whether one is granted or not, the NFMU can very well be now so controlled by the Government. And that although the Authority grants the licence and everything is alright, when it is sent to the NFMU, the NFMU - I do not know if Mr. Valmicky Singh is still there - can always say that some technical equipment is not there and utilise it for all fanciful, arbitrary and capacious reasons to say, “no, it is not granted” and so frustrate the whole exercise. It was for that reason that we had that proviso in section 10 of the Bill laid here in 2009. It is now deleted. The rest of it is almost word for word and the Government comes now and say how good it is.

Well because it is so close in resemblance to what the Alliance for Change laid in 2009, we must support it. Because there is this necessity to have the Broadcasting Authority established as

quickly as possible, notwithstanding the monopolising of the control by those two provisions that I had mentioned and a couple of others that are there, the Alliance For Change wants to support this and will be supporting this Bill. It had a consultative process that was prior - years prior. It wants, however, to say that it was this sinister motive of wanting to keep control for almost a ten-year period so that control will remain with the Minister of Information, who we know to be the President of Guyana. By having this elongated period, he had the powers rather than the Broadcasting Authority.

I want to also indicate that there is another little concern. The 2009 Bill did not have the very first section of this Bill:

“This Act may be cited as a Broadcasting Act and shall come into operation on such a date as the Minister may by order appoint.”

If Government wants to fast-track this Bill to ensure that there is the establishment of a Broadcasting Authority, with all of its imperfections...we see again that although Mr. Deryck Bernard had indicated, at that one point in time, that there should be appointees on the Board from the trade union, the commercial sector and all of that, that there was not agreed to by the PPP/C. Well fine! The President has the power. Of course, in the original Bill it was the Minister but this portfolio has been taken away by the President so it comes back to one and the same. In any event, our President now will not be there the next time around.

This is what it says: “The Minister may by order appoint.” That is not there in the previous revision and I get the impression that now that it has to be passed, gazetted and assented to, a Minister has the discretion, by order, as to when this will come into being. This Government seems not to want to let this piece of legislation come into operation in this term of Parliament. It still wants to cling on to that control that now gives it the authority that its Minister will by order appoint the date on which this Bill will come into being.

Almost the entire Interpretations Section is exactly the same as in the Bill of 2009. It is almost exactly the same for all of the other sections that I have mentioned. What is very strange is the fact that if a sentence in the 2009 Bill was started with the words “without prejudice”, in this Bill there are some sentences that begin then the phrase “without prejudice” is added just to give the impression that it is changed up and it is different. It is not and I want to indicate that.

The other little difference I noticed is in section 38 (2), it says:

“A licence shall include conditions requiring the licensee to retain for a period not exceeding five years, a recording of every programme.”

One has to have a big shelf now where one is going to keep all programmes for a period not exceeding five years. The original Bill had extended this to 90 days. [Ms. Teixeira: There is technology] I am just trying to show you what the minor changes are.

The Government then comes to the House and wants to play that it is so large-hearted! Look stakeholders, we are giving you all the Broadcasting Bill. It was not doing that in 2009; it was not doing that in 2006 or even before that. It comes now playing it is real good.

It had to wait on a Constitutional motion in which Mr. Chang indicated that, indeed, it is a breach of the Constitution not to extend signals and network to Region 10. This was in relation to the Norman Chapman/Mortimer Yearwood Constitutional motion. The fact that it has delayed it for such a long time is something that is very outrageous on the part of the Government. It denied the rights of stakeholders for a nine-year period and now it is coming and giving the impression of how large-hearted it is.

With those few words I want to say that indeed it has been an exasperating wait. But, in a sense, the wait has finally realised something.

*3.41 p.m.*

And though I want to say it may not be a gourmet meal... because I have seen certain critiques which indicated as compared to certain other modern pieces of legislations. It is good enough for the Alliance For Change (AFC), at this stage, to support. Because without a Broadcasting Bill we cannot move forward! And, in a sense, half a loaf or three quarter of it is better than none. The AFC supports this Bill. Thank you. [Applause]

**Mr. Nadir:** Thank you, very much Presiding Member. First, let me congratulate you on your election as Speaker of the House for this session, noting that you are so wise but yet so young.

I listened very carefully to the last speaker, the Hon. Member Mr. Khemraj Ramjattan and we welcome his support for the Bill with his qualifications but I saw the swiftness of the change of

action in his speech. I want to allude to his reservations with respect to this Bill. When he spoke about the clause that requires persons who hold Broadcasting licences to hold a recording for five years, he said they are going to require large storage, indicating- and I thought that he would end up there- that it would incur additional expenses and so add more burden. But the Hon. Member, Gail Teixeira, spoke to the issue of the tininess of storage devices, today, with huge potential for storage of all kinds of digital information.

He had two fundamental issues with the Bill, dealing with clause 34 and clause 35. He spoke to the issue of signalling the Government's want to retain control- and I think he is very famous for coining the phrase... [Mr. Ramjattan: *Control freakism*] ...*control freakism*. I have a little sister. When she was younger, every afternoon no matter which part of the house we took her she was always seeing 'jumbie'. It was said that she was born with "*call*"- that old saying. When the Hon. Member mentioned these two particular clauses, I said to myself, this sounds like Shamla Tewari, my sister, when she was small, seeing 'jumbie' everywhere. If one looks at clause 34, yes it says "the Authority shall consult with the Minister," but there is no part in clause 34 which says: "the authority shall not consult with any stakeholder over any functions or decisions or issues before it". There is nowhere in this clause that prevents the Authority from having consultations outside of the Minister but the final authority, though, is to speak with the Minister.

I now turn to the issue of consultation. I just did a piece on the very proud record of the PPP/C Administration on consultation. We said this Bill is ten years in the making. Before the Constitution Commission Reform was established, there was a Committee set up, in this National Assembly, to address Constitution reform. That Special Select Committee was chaired by the Hon. Member, then Attorney General, Bernard De Santos. Part of the problem we had with consultation was, the moment an issue was put on the table all sides started seeing 'jumbie'- why would the Government want this or that. I remember I did not go to that particular meeting for almost three months. In the office we did not have all of this space like in the National Assembly for the meeting rooms so some of the meetings were held in the boardroom of the Ministry of Legal Affairs. One day, I went into the meeting and I said to the chairman of the committee that the movement of the meeting is so slow it was like the *Young and the Restless*- if you did not look at it for 20 years, you would still be informed after looking at it again. You would see Catherine Chancellor and Victor Newman and know what they are up to. When I went



into the meeting – the meeting did not meet for a long time- on one clause we were debating the People’s National Congress Reform, then, represented by Malcolm Paris- because I think we had some additional experts- had proposed a change of using the word “perhaps”. After a few months we accepted “perhaps’ and Malcolm said, since you accepted "perhaps" I have to go back to the PNC and find out if there are still okay with it. That is true and that was the very last meeting the Committee had. Ten years in the life of this Bill could be a short time and it is more the anomaly. The Minister of Tourism Industry and Commerce recently... We will come to that shortly....passed the Consumer Protection Bill. That consultation started way back in 1992 and in the last Parliament when we finally brought it, there was still some objections made to the President and it was not assented to. It came back. The biggest anomaly was the passing of the Trade Union Recognition Act that saw the PPP Government of 1950 toppled. That had over 45 years in gestation. Forty-five years because of this going and coming.

But let us get back to this Bill and this period. The Hon. Member- I am glad he, actually, confessed that the Bill that was tabled by him was 100% taken from the draft which was presented at that Committee where he sat as a PPP/C representative. He literally lifted that...some persons may say plagiarised it and presented it as an AFC Bill. I do not know how honourable that is. I understand from another Hon. Member who sat on that committee that the moment the Hon. Member Mr. Ramjattan resigned, within a few days, the final report of that Committee was produced. I do not know if it is in spite of him or because of him- maybe both. What I am trying to say; is that this particular Bill, we have here, has had some amount of- and he admitted it-consultation. It is not the most perfect of Bills but there are so many variations of Broadcasting Bills around the world as there are countries, and even as there are States within countries. But I want to say that this is, perhaps, the right time to table it. The right time to table it, Presiding Member! Why? Some of the biggest genocides in the world-Rwanda, Bosnia and Guyana were because of broadcasting untrue facts. The whole issue of the post 1997 election violence was because of the broadcast by the then famous B’s- I do not want to name them but we can do the research- who were spreading that Mr. This had five ballot boxes in his house, and hordes of people descended on innocent people terrorising them. This is perhaps the timeliest period.

The other thing I want to say about consultation, Presiding Member, is that we could consult and consult-and Article 13 of the Constitution speaks about meaningful consultation. I will send you

the article which I wrote at 11 O'clock this morning. It is about this whole issue of meaningful consultation. But consultation and meaningful consultation cannot go on and on without decisions. People elect people to also provide leadership. You establish confidence in your Executive, and ask them, in difficult circumstances, to provide some leadership; to take some decisions out of stalemate. This is what is being exercised here today. We are providing leadership on the issue of broadcast legislation.

Presiding Member, we had the issue of clause 25 raised by the last Speaker. There is a fundamental principal decision in this Bill and the fundamental principal decision is that we are going to have two bodies. Keep the National Frequency Management Unit solely responsible for the technical aspects of the management of our electro-magnetic spectrum and on the issue of stations. The NFMU and technical issues over frequency could even come down to transporting physical bodies from one place to the next. It is similar to what we use to see on star trek but this is not a dream. When cell phones were used on star trek, people thought that it was a dream but it was the electro-magnetic spectrum. All scientists agree that the most valuable resource a country has is not its gold, timber or the diamond, it is the electro-magnetic spectrum. That is the most valuable resource. We took a conscious decision that the NFMU will be the authority on the technical aspects of managing the electro-magnetic spectrum of the country.

Presiding Member, on the issue of the broadcast legislation, if you really check the Bill... All the persons who are criticising the broadcast legislation for being too long in the making, all these do-gooders in the Media... The Hon. Member mentioned a code of conduct. What stopped them from producing their own code of conduct? In every single industry we say that self regulation is better than an imposition of some legal provision. They could have sat, long ago, and produce a code of conduct. Why have they not done this? Even when it comes to election, we will see in a few weeks' time that the Elections Commission will be begging all parties to sign a code of conduct. We did this election after election. What has stopped them? Nothing.

What I like about this Bill is that if you read from pages 33 all the way to 36 you will see that all of those provisions deal with how one ought to operate. We can criticise that as being subjective or whatever, but, at least, we are laying in all of those pages -whether it is 10 or 50 years after-the basis from which we can establish even more baseline standards for the operation of these

broadcasting entities. There is one clause that I really like and another that annoys me. The one I like is, I think, on page 34, it is clause 32 (f) and this one irritates me – that is why when I go to England I love to watch the BBC – it says “there shall be rules to govern the timing duration, frequency and content of advertising and the publication of advertising tariffs.” There are some standards, in the British Broadcasting Corporation (BBC) they put all of the commercials in the space of five minutes. Could you imagine, you are waiting to see Sarwan do something stupid on television and then there is commercial; when it returns he is out. You missed it.

I like that when you go forward in the Bill, it speaks to the Broadcast Authority doing its own research and setting what is going to be the official viewership and listenership of some of these entities. One newspaper says it has 50,000 circulations and it only produces 2000 and they say they confirm that. The Broadcast Authority will have the capacity to do research on viewership, and people can justify their rates based on existing standards. There are so many other issues with respect to the content and the manner of how these broadcast entities will operate. As I said, if you check from page 33 all the way to page 36 you will find most of it contained therein. After page 36 there are the fines. I am not too worried about the fines because, ultimately, if you continue to do *stupidness* with your licence you can have it revoked. I am not too worried about that. There is nothing preventing all of the media practitioners or broadcasters from coming together and imposing their own code of conduct. In India, in September of 2007, when they were debating this Bill, I think, the Indian press did not support the Bill; however, they did acknowledge that they required a Bill in order to establish, they said, norms of decency. They could not do it by themselves and they were glad for the Bill for one thing- establishing norms of decency in their operation. I feel, strongly, that this will help to bring a certain level of decency in broadcasting in our country.

I want to come back to the issue of the jumbie we always see and a station that is very close to my heart - CNS Channel 6. When the station was CNS Channel 12, the Government wanted to shift channel 12 to channel 6. My '*samdhi*' gave me all the licks about how wicked this Government is because he had established channel 12 and everyone knew 12. He said to me, "*samdhi* they cutting me down from a dozen to half dozen." Then, I said to him, "you see how you are so one sided six multiplied by two equals twelve. Now you do not only have a radio station you broadcast on radio 87.5 so you have a television station and radio station." And then

he saw the light that the change actually benefited him. I do not know if there is any legality in what he is broadcasting but channel 6, if you did not know, is also on the radio waves without any new instrument. It is just that part of the spectrum that has an anomaly and the jumbie that he saw ended up being the light at the end of the tunnel - he had a television station and a radio station.

And so Presiding Member, I give my full support to this Bill and hope that it becomes enforced long before the upcoming elections. Thank you very much. [Applause]

*Sitting suspended at 4.00 p.m.*

*Sitting resumed at 4.30 p.m.*

**Ms. Teixeira:** Thank you Presiding Member. Congratulations on being nominated and on being our Speaker for today; we look forward to seeing you continuing in this post from time to time.

Presiding Member, this is a very important occasion for this Ninth Parliament because we are bringing, before this House, the Broadcasting Bill. A number of people have made comments about how long it has taken, but, I think, it is important for us to start off by recognising a number of important issues. A number of the writers who have given their opinion on this Bill in the newspapers have mainly been people who are in the broadcasting industry but the general public has not been giving its comments. The Broadcasting Bill is not about the operators, it is about a service to the people; giving them information. The Bill deals with regulating that service.

If one looks at Article 146 of the Constitution which talks about the protection of freedom of expression that was passed in Act No.4/2001, it talks about the enjoyment of freedom of expression; freedom to hold opinions without interference; freedom to receive ideas and information without interference; freedom to communicate ideas and information without interference and freedom from interference with one's correspondence. It goes on to point out the limitations of this freedom. It is not an absolute one and therefore when one goes on to Article 146 (2) (b) it talks about a number of limitations. It talks about the fact that these provisions are limited when it comes to the purpose of protecting the reputation, rights and freedoms of other persons or the private lives of other persons concerning legal proceedings, preventing the

disclosure of information received in confidence, maintain the authority and independence of the court, and regulating the technical operation of telegraphy, post and wireless broadcasting or television for ensuring fairness and balance in the dissemination of information to the public. Further on sub-paragraph (d) talks about the restrictions placed on any person, institution, body, authority or political party from taking any action or advancing, disseminating or supporting any idea which may result in racial or ethnic divisions among the people of Guyana.

I began reading from Article 146 because, I think, in talking about this Bill we have to talk about its genesis. The Prime Minister talked about an earlier Bill which came in the Sixth Parliament which lapsed due to a number of other factors including the fact that the Constitutional body headed by the then Attorney General, Bernard Dos Santos, had commenced its work. The whole focus on broadcasting and the need to regulate it and to deal with the content of programmes came from the post election violence of 1997 and 2001 elections. This was what catapulted the President and the Leader of the Opposition, Mr. Hugh Desmond Hoyte, and some media houses, themselves, to get involved in the issue of regulating broadcasting. The reason, for those of us who were around in those days, was the fact that we watched in horror, on television, certain channels and certain moderators calling on people to be ethnically violent, to target particular groups of people et cetera. And so, we were, as an earlier speaker pointed out, on the precipice of a Rwanda-where 500,000 people were killed as a result of the media and in particular television and radio stations leading to terrible ethnic and tribal violence. It is in that context that the broadcasting discussions began, first of all, between the President Jagdeo and Leader of the Opposition, Mr. Hoyte to do with what was called a constructive engagement looking at addressing some of the issues.

The bi-partisan committee was set up in May 2001. I was just looking at the list of persons who were a part of it and had to smile to myself. Dr. Deryck Bernard, who was the co-chairperson along with me, has passed on. Roysdale Forde and Sherwood Lowe, I think, have passed -they were members of the PNC delegation then. Ron Case and Enrico Woolford were for experts but, obviously, nominated by the PNC. Dr. Bheri Ramsarran, Clement Rohee, Khemraj Ramjattan and Dr. Prem Misir represented the PPP. Khemraj Ramjattan was a part of the bi-partisan committee. Regretfully, his attendance record was not good- he seems to repeat that even in this House in Parliamentary Committees, so do not be surprised about that.

The bi-partisan committee started in May of 2001, and I am sorry that Mr. Enrico Wolford is here because he was a member of that committee. He knows that a large part of the discussions were on policy. What was the broadcasting policy of Guyana? What were the functions and guidelines that would be given to broadcasters?

Before I get to that, the number one issue that was recognised by the committee members was that the electro-magnetic spectrum was a national asset. It was like gold, diamond, rice and sugar and, therefore, the State had a responsibility to protect it and to manage it because it was not an infinite resource; it is a finite resource. That is one of the major issues that the committee agreed on, that the State would be the body that had to protect and manage the spectrum and the allocation of the spectrum.

The second issue that we dealt with was, as I said, in relation to what the broadcasting policy was. All the issues in the bi-partisan report...I have heard people here saying that we in some way reneged on the bi-partisan report. That is not true. If anyone takes the time to look at the issues that we agreed on...all the issues of policy which are captured in this Bill in detail are almost word for word.

The third issue had to do with all the guidelines and the strictures we place on broadcasters to recognise that they had a responsibility to the public and to be able to give balanced information to the public. The reason why the committee- and I am saying the committee because it was all of us who agreed- decided that the policy had to be enshrined in the Bill to ensure that all persons, who applied for licenses or held licenses, were bound by this law in terms of the requirements that they had to fulfil. Interesting ones that may be for some people...this was done in 2001; it was written and submitted in December, 2001 to President Jagdeo and former leader of the Opposition, Mr. Hoyte. It was co-signed by Mr. Deryck Bernard and myself.

The issue we had unanimity on were issues to prevent the Constitution being violated, the laws of Guyana being violated. We enshrined into this Bill the issue of public safety, public order and defence of national security. I challenge anyone to look at other broadcasting acts, they would see that similar language is embedded in those laws. We recognised in the Committee that whosoever had a broadcasting licence had tremendous power in their hands. They had the capability to be able to say many things to many people and to, actually, influence or cause

people to do wicked and bad things as well. It also can be used as a tool for good purposes: for education, enlightenment et cetera. We built those things into this law.

There are issues which we did not reach agreement on and this is where the crux of the issues relates to some of the problems that the opposition may have. Typical of Mr. Ramjattan, Hon. Member, he has a habit of throwing out his comments and then walking away from them. I do not know what kind of little boy he was in the school yard, but I know what I call little boys who start a fight and then walk away from it leaving other people to finish the fight. It may be the style of Mr. Ramjattan but I hope it is not the style he wishes to convey to the Guyanese people as a potential president.

*4.41 p.m.*

The Bipartisan Report of 2001 and the Draft Bill of 2003 were attempts in good faith to put into effect the Committee's views and to effect the agreements made by the PNC's Mr. Hoyte and President Jagdeo. You will recall that in the midst of all this we were asked to look at the Advisory Committee on Broadcasting (ACB) in which the Leader of the Opposition was given one nominee, civil society was given another and the President would name the Chairperson. Regrettably, the person who was named by the PNC was unable to sit on the Committee, and the leader of the Opposition has been asked several times formally in writing to give another name to sit on the ACB; he has not done so despite many requests. The reason I am giving that example is because of what became the issue of controversy. When we looked at the composition of the Broadcasting Authority in 2001, we were beginning to go through Constitutional Reform, and Acts were being passed to do with Human Rights and various sections of the Constitution. The idea of a Standing Committee that will deal with the appointment of Commissions was there and got enshrined in the Constitution. We in the Committee, both PNC and PPP, felt that the Committee of Appointments was the place to which the appointments could come; that was put into the original draft Bill of 2003. I would like to remind this House that in 2003 the Committee of Appointments was appointed and enshrined both in the Constitution and the Standing Orders.

The Committee tried to appoint the Rights Commission. In 2005 we brought the motion for the Women and Gender Equality Commission and it failed. We brought the ERC (Ethnic Relations Commissions) in 2007 and it failed to get the two-thirds majority. It took us from 2007 to 2010

to complete the process of the Indigenous People Commission, the Women and Gender Equality Commission and the Rights of a Child Commission. We are now in a position to create the Human Rights Commission. The Leader of the Opposition has again been asked to supply names of persons from which the President will choose one in accordance with the Constitution, and he has not responded to that.

My reason for presenting all of this to you is that, when we started with these recommendations is with the belief that in good faith in the Committee we will be able to meet agreement. Once agreement was made in that Committee and brought to the House we would have been able to get the two-thirds majority. That proved to be a fallacy. Following those experiences of 2003 to 2010, and worse yet, that the ERC had been taken to the Court on an ex-parte matter which has been before this House for these five years. The Committee is now stymied because it cannot do anything on the ERC because the matter is in the Court. We thought, and we make no apologies for rethinking the composition of the Broadcasting Authority. We cannot talk through two sides of our mouth. We cannot say that we want this Broadcasting Bill to be enacted now, and have the authority put in place now and then put it before Committee, which has found itself having difficulty over five years to bring certain Rights Commissions in. We cannot do that, and therefore we amended it. We amended it to allow for the President to appoint the members of the authority, no less than four and no more than seven, which includes the chairperson, and that the Leader of the Opposition in his own right or her right will be asked to consult the other Opposition parties and present a name which will be appointed. We thought of it in that way, because if we are serious about putting forward the authority we cannot be caught up in the Committee of Appointment for an endless period of time, otherwise we will be forced to continue under the current regulations governing broadcasting, which we have all found to be deficient for a long time.

The other issue with which we had differences of views, not strong differences, was to do with the fact of where did NFMU fit in- where did the body that dealt with frequency management fits in. There were two options the Committee presented to the two gentlemen. One was that the NFMU, or as we have it in the Bill “its successor” would be a separate body managing the spectrum and the technical requirements. The other was that the NFMU be incorporated into the Broadcasting Authority. The latter option was a controversial issue, because broadcasting NFMU



spectrum licences do not only deal with those who have broadcasting services, but also those who deal with ships and planes and a whole range of other communication systems that have nothing to do with the broadcasting sector. In the long haul what we have looked at is creating a Telecoms Bill which is able to reflect some of these modern changes and a Broadcasting Bill that will allow for anybody applying directly to the Broadcasting Authority; the technical specs and a spectrum request goes to NFMU and NFMU advises the Broadcasting Authority whether spectrum is available and secondly whether they fulfil the technical requirements. On that basis the Broadcasting Authority would make its decision to grant or not grant or to have the person amend their application and so forth.

Those two issues are the main issues where there were divergences of views. Even within the Committee, cross-sides, the positions were not firmly delineated on a political line. Therefore, it is important that when we look at what is presented to us today, that we have gone and gathered greater information and knowledge from other experiences. In the Committee report we spoke about the need to go to Canadian legislation, because we found that sections of it were relevant to ours, most particularly, the issue of them incorporating the broadcasting policy into their Act.

We also learnt that the Organisation of Eastern Caribbean States had draft model legislation in 2004 and when you look at that Bill and look at this Bill today, there are many overlaps, sometimes in exact words, sections and stuff like that. This Bill has benefitted from a range of interventions outside of broadcasting, the Constitutional Reform Process, the Constitutional amendments, and the whole role of society and civil society has changed in terms of being involved in the post violence of 1994 – 2001, the role of the faith based organisations and the role of the media themselves in certain cases. When we look at 2006 elections, the media had a Media Code of Conduct and it played a significant role in terms of peaceful elections in this country. The media has now, of 2010, created a new Revised Code of Conduct for the 2010 local government elections and the 2011 general and regional elections. One of things we wanted to do in the committee was to get the media to also be part of regulating themselves. The fact that that is not in the Bill is of no-consequence, because the media on its own has developed a Media Code of Conduct which we will hold them to as citizens of this country.

The Bill before us has played an important role in the political dynamics of this country when we look at the various drafts. In 2003 we took the various drafts that were done and put them in the

newspapers from 23 October, where they were printed on several occasions and where the public was asked to provide comments on it. One of the few commentators on the Bill, there were very few commentators on the Bill in those days, there seem to be more now, Mr. Kitt Nascimento, spoke about the need for this issue of the composition of the board, that we should follow the standard which is used in a number of commonwealth countries. In Australia and Canada the Prime Minister or the Governor in Council, whatever name it is known as in those areas, appoints the authority. This discussion about why the President is naming the members and appointing the members of the authority is a moot point, because in all the broadcasting legislations it has been the Head of State who does that or whatever name he/she is known by.

The second issue is that the authority is overriding and overseeing a sector that is extremely powerful, it is shown by the example of Rwanda and other cases and here in Guyana. Furthermore, it is a sector that is also managing indirectly or tangentially the electromagnetic spectrum in this country, how and for whom it is used. Therefore, why should the President of the country not be the one to appoint them? My question is why not? People are saying that is should be the Minister. What is the difference between the Minister and the President? A Minister is a creature of the President. Ministers carry out the roles, rules and decisions of the Cabinet. This is all a camouflage, and really throwing “red herrings” into the discussion. I think we have handled the frequency issue, and handled it to the best of our ability having gotten expert advice in relation to telecommunication which has been worked on for years. Therefore NFMU, or successor, will be the technical experts who will say whether someone can get a licence in terms of the availability of spectrum and/or technical requirements. We have solved that problem. The issue then has to do with the point that Mr. Corbin made at the beginning of this sitting that we will be required to consult. Someone said and I believe that Minister Nadir talked about consulting and consulting until you are blue in the face.

If we look at the period where this Bill has had a long gestation, it has been one of the most robust, dynamic, frightening, exiting, challenging periods of Guyana’s history; one of the most. From 2002 to 2008 we were dealing with the violent crime wave, 2002 to 2006 we were dealing with Parliamentary reforms. We should all be proud with what we have done in this Ninth Parliament, 141 Bills have been enacted in this House, the highest number in the history of this Parliament, in any one five year sitting.

Every sector has been modernised, citizens security, financial sector, administration of justice, local government and a range of areas. There is much more work to do. Look at all the Bills passed on children and sexual offences and the ones passed under Minister Rohee, Driving under the Influence and Safety Belts and all these things. These are very important to the citizens of our country.

The broadcasting debate seems to be taking place among those who own it and those who have a stake in it, but seems to be losing sight of the fact that the broadcasting programmes - there is no deterrent for the existing broadcasting services, capitalist making plenty of profit may be one, - but the other is informing the public, keeping the Guyanese public well informed, well educated, enlightened and seeing life in a different way. Instead of some of the shows which you look at which causes me to want to pull my hair out, and I do not have much of it left, but I would really go crazy - when I look at some moderators who talk about being in a flood and they are standing in five feet of water and the person would say that is only five feet and that the water only comes up to their hips! This is the level of credibility and integrity in reporting. That may not be a very good example, but nevertheless everyone knows which broadcasting owner is only five feet tall like me.

This Bill also follows on the Media Code of Conduct and the Peace Accord of 2006. We have now reached a certain level of political maturity as a country, and therefore when you look at this Bill, as I said before it has benefitted from many minds and other jurisdictions; our own political experience and our own political issues that we have to confront.

When the opposition says that we did not consult with them, I have a letter that Dr. Luncheon wrote in 2003 to the Stabroek News about a similar comment made by Mr. Oscar Clarke, that having published the Bill in 2003, were we required to consult and get the PNC's approval. Dr. Luncheon gave a fabulous answer in the newspaper, in which one of his comments were that there was never such an agreement, and quoted from the May 2003 agreement between Hoyte and Jagdeo that pointed out that they had agreed to let this draft quickly, let it be publicised, and get it into Parliament by May 2003. These were issues. We started talking to the PNC. Again it was me, and at that time it was Robert Persaud and Sherwood Lowe. I think Derrick Bernard had kind of exhausted and saturated himself with it, because he recognised that certain areas we could have reached agreement on. So, Sherwood Lowe took his place and we met and went

through the draft Bill in 2003 and 2004. It was very adhoc; you would normally go for weeks and months without meetings. I have all the emails in hardcopy, of which I wrote to Mr. Lowe saying when we could meet so that we can send to the two gentlemen our views on the two main sticking areas. We had actually agreed to draft a letter to President Jagdeo and to the Leader of the Opposition Mr. Hoyte to say what our views were in relation to the problems we were encountering. Basically, we were saying to the two gentlemen “you all decide, we cannot do it anymore”. That letter was never sent, because you were chasing shadows. Mr. Lowe is not with the PNC anymore, I think, so maybe he saw the light finally and got out of the shadows.

The issue therefore, Hon. Member Ramjattan raised the issue of, I do not quite know what he was trying to say, but he was trying to basically say or somehow imply that this Bill’s origination was his, or whatever it was. There were so many versions of this Bill written between 2003 to 2009 that when I saw Hon. Member Ramjattan’s Bill appear in Parliament when he tried to get a motion to lay it I thought to myself that this was our Bill, I know this Bill, and I was very intrigued of how it came into the possession of the Hon. Member. I am therefore not surprised today that the AFC will support the Bill, they have said they will support the Bill, but I do not know what they mean by supporting it, because they have left one man present, and that is Mr. Patterson. Therefore, we will not have the pleasure of getting their vote, but this is again, shadow boxing. The Bill that Ramjattan circulated in the House which was not tabled, as he correctly said is eighty per cent of this Bill, but without some of the hindsight and some of the knowledge that came in the interim period. He keeps talking about the Bill of October 2009. There was no Bill tabled in this House in October 2009. Mr. Ramjattan brought the motion to table the Bill dated 2010, November the 9<sup>th</sup>. He keeps talking about October 2009, and I know why he is, because that is the date on that Bill and it comes from another source other than his. I am glad that he has supported the majority of issues on the Bill. The difference between this Bill before us today and that which Member Ramjattan tried to table was that Ramjattan’s composition of the authority is an interesting one; it calls for a chairman and a deputy chairman with no less than two or no more than four, and all of the members being appointed by the designated Minister. He has not even given one nomination to the Leader of the Opposition. Here, we are in this Bill saying, let the Leader of the Opposition consult with the other opposition parties and bring a name forward, at least it is a little more enlightened than the Bill that Ramjattan has been expounding on. We have many areas in the two Bills that are similar, and some exactly the same.

One of the differences are important, because this is where the point - I made about holding in good faith to the bipartisan report is important. The bipartisan report made it very clear that the policy issues must be in the Bill, so all the sections in the committee report about the policy to do with broadcasting is enshrined in this Bill. He made a point about guidelines; the guidelines are in his Bill and are in our Bill, it was put in this Bill because it came directly from the bipartisan committee.

**Presiding Member:** Hon. Member your time is up.

**Mr. Hinds:** Presiding Member I move that the Hon. Member be given another fifteen minutes to continue her presentation.

*Question put, and agreed to.*

**Ms. Teixeira:** Thank you Presiding Member and Prime Minister. All the issues to deal with suspensions and cancellation of licences based on violations of the policy, violation of the constitutional laws, violations all made out in the Bill are also in the Bill that Mr. Ramjattan refers to. Therefore I found it difficult trying to figure out what his problem was, because he certainly could not have a problem with the broadcasting policy, nor the issues of having creating rules, that when times and the way in which on handles violent and pornographic material in the media at times when children are looking at it. Does he have a problem with that? Does he have a problem with the body creating rules for those purposes and defining what is acceptable and not acceptable?

The Bill talks about fairness and balance all the time. Therefore the point about the State media which is what the Opposition was concerned about - as in the report and as in the Bill here - the comment is clear and I do not how much more it can be clearer. It says, under section 19, "It is hereby declared as a broadcasting policy of Guyana that:" and we got to "(c)", "while recognising the special role of State owned media, the broadcast industry is plural and open to fair competition". It therefore means that the broadcasting sector is open, and that includes radio licensing as well. It did not have to then go on to talk about, as the PNC said in a number of their documents, that we must add on to this that there should therefore be no state monopoly. English is English, if we are making it open to competition it is open to competition, that includes the State sector. We did not include a section on the State or Private sector or the community

broadcasting services, because we are all and sundry equal in terms of the policy and made it clear in terms of people in rural and hinterland areas being able to access those services through

The other area where there are some differences between this and a number of other Bills is when we met in the Committee as well as after the Draft Broadcasting Bill was drafted in 2003, the original draft had that we would allow CARICOM Nationals to be able to acquire licences under this Act. The PNC stated that they wanted it only to be Guyanese; they did not want the references to CARICOM Nationals. We were in fact going in that direction. However, we are also a party to a number of agreements with CARICOM, and therefore we have decided to incorporate it in the Bill to the point that the broadcasting sector will be Guyanese owned and/or Guyanese and CARICOM Nationals, but only in relation to CARICOM Nationals whose countries have reciprocal provisions in their broadcast legislation. That is in keeping with the other Treaties in CARICOM where the exact language is used to deal with reciprocity in a number of areas. So, we did not go the full hog as the PNC was advocating of removing CARICOM Nationals, but we balanced it out.

The other issue that came out in the Committee report, but did not reflect itself in the draft of 2003 and other drafts, was that we had actually created a situation to prevent monopolisation of the media. So, section 19(b) “no one person can own and/or control more than twenty five per cent of the broadcasting sector”. This was an attempt to make sure there was no monopoly of the broadcasting sector by anybody, and obviously by anybody we included the State sector. When we go further the issue of how this would be coming about, we had to include in this Bill how this would happen. Therefore we gave the power to the Authority to create the formula to assess the ownership of the sector - a device - because there are many different formulae that can be used, either asset or stakeholder driven or any other type of combination to determine if any one licensee was in such a position in the sector to be able to control more than twenty five per cent this would not be allowed in this Act.

We also put in areas to do with the issue of non-transferability of licenses; this could only be done with the approval of the Authority. Again this relates back to broadcasting of programmes and spectrum and in relation to that making sure that ownership and that the controlling share of any one license holder would be fifty one percent Guyanese owned. This may not be an

important point for some people. If you look at some of the Caribbean countries, their broadcasting has majority owned by their own shareholders.

*5.25 p.m.*

Broadcasting licence holders must be required to carry public service notices and information, in a case of emergency or disaster, free of cost. This was done before the 2005 floods. In the committee this was a concern. If there is a flood or a fire the police would need to put out notices. The Civil Defence Commission helps in terms of an epidemic. One had to buy ads; one has to pay for ads. Therefore we put this clause in, and it has been preserved in this Bill.

In relation to the 2005 flood, ask Minister Leslie Ramsammy how many ads and what was the cost of ads - to the broadcasting companies in this country, to do with disaster prevention in relation to the flood.

There is a requirement, and this is not something unusual. It is in all broadcasting legislation in different parts of the world. It also states that the Minister can instruct in the matter of a disaster or any other unusual or special circumstances, ask all the media houses to carry certain information for the public welfare and interest.

This Bill is not a perfect Bill at all, but it has benefitted tremendously from experience, both from the political level and from greater knowledge of technology, as well as from looking at other countries and how they are treating it. This Bill does not deal with internet radio; it does not deal with blog sites. But it does lay the foundation for the future, as other countries are now exploring how do to deal with those unregulated areas.

This Bill does lay a premise that one cannot destroy people's lives in the media. One cannot invade people's private lives in the media, only in relation to what is in the public interest. And that has to be narrowly defined.

This Bill calls on all broadcasters to be able to ensure that their programmes are balanced, that they give the different sides of the story. The irony in this country is that this sector is controlled, owned, in the majority by private individuals. The State owns one television station and one radio station.

It was shown during the 2006 Elections by the Observer Mission and the Media Monitoring Unit when they looked at the coverage of the political parties - the party in government and the parties coming up in the opposition – that there was a clear imbalance. Because while the political parties in the Opposition wanted to get government media coverage - and they did - it was not reciprocal on the other side, as it should have been. This Bill, tries to create an equal and fair playing field for all in terms of the political milieu of this country.

This Bill also includes, specifically in one area, matters to do with the elections. In the committee there were other discussions on how political parties access the media during elections. There were different ways it was drafted. The language here in 32(p) is:

“at election time licensees by agreement with political parties, and in consultation with the Guyana Elections Commission, afford such parties air time on their stations.”

This is therefore removing completely any hand at all that may be thought to be in any form of interference. So it is left to the media houses, the licensees of broadcasting, that they must give all parties a fair hearing. This would be done in consultation with GECOM because it has to do with which parties are registered to contest the elections and which ones are not.

I am sorry that the Opposition is not here today. I am sincerely sorry because it makes me sad and disturbed. I really do think that based on the very agreements they held to in 2003, there was also a period of boycott in this House – 2003 and 2004 when the Opposition did not come to this House. The agreement that came up with the diplomatic corps, with the foreign missions, with the donor agencies, with the PPP/C, and with the citizenry of this country, was that this would be the place for debate and deliberation; this would be the place where the fight and battle would go on. This would be the sparring ground; this is where whatever agreements could be reached would be, in these hallowed halls and under the auspices of the Guyana Parliament. It is regretted that today they have walked away. I do say this, whether they are here or not this Bill is as a result of good work that has gone on for a while. We can take the criticism of the time period because much more happened in terms of reform that we can be proud of.

We stated in our Manifesto in 2006, and our commitment on access to information and broadcast legislation, was that they would be brought in the Ninth Parliament. We have done that. We made a commitment and we have fulfilled it.



The broadcasting sector is going through many, many changes due to technology, due to a range of issues. Therefore, I am not surprised that in a few years time or maybe in the next Parliament, we will come back and refine this Bill even more, and amend it, so it will keep alive and relevant to the sector and to the Guyanese population. Therefore, I take pride in supporting this Bill. Thank you. [Applause]

**Mr. Hinds (replying):** Presiding Member, I want to thank the two other members on this side for speaking in support of the Bill. Each Member gave a particular view based on their experience of this Bill. I want to thank particularly our Member Gail Teixeira who has a very intimate knowledge of the history of our attempts over a long time, from maybe the end of the 1980s, to get to where we are today.

I am particularly moved by the acceptance by the Hon. Member Ramjattan. I think his revelation that this Bill overlaps, maybe more than 90%, with a draft which goes back to the 1990s, with the PPP/C and the PNC/R trying to get some agreement. I think that takes the sting out of the walkout this afternoon by the PNCR-1G.

Why did they walk out? Is it just that they oppose for the sake of opposing? Is it that they do not want to be seen at any time to be along with the Government in something that would be good for Guyana? Well, I know we have been making it tough for them because in everything we have been doing; we have been working for the good of Guyana.

Having thanked all those who spoke, and they having spoken to their acceptance and support of this Bill, I want to move that the Bill be read a second time.

*Question put and carried*

*Bill read a second time.*

*Assembly in Committee*

**Mr. Hinds:** Mr. Chairman, I think you would have had, and circulated were, a number of amendments, not of substance but, I think, of language and grammar, and to remove any ambiguity. I hope I can introduce them at the appropriate time.

**Mr. Chairman:** I have a copy of the proposed amendments, and I will put them to the committee at the appropriate stage.

What I propose to do is group the clauses together, but pausing at those which have amendments.

**Clauses 1 to 18**

*Clauses 1 to 18 agreed to and ordered to stand part of the Bill.*

**Clause 19**

**Mr. Hinds:** I have four proposed amendments. In subsection (b), (j), (p), (q). If we are taking the clause as a whole I would like to move those amendments, or we could move them subsection by subsection

**Mr. Chairman:** I will move them one by one. There is an amendment to clause 19(b), the deletion of the word “that”.

*Amendment put and carried*

Clause 19(j) the proposed amendment is that before the words “be varied” insert the word “it”.

*Amendment put and carried.*

Clause 19(p) the proposed amendment is that before the words “be responsive” insert the word “it”.

*Amendment put and carried.*

Clause 19(q) the proposed amendment is that the words “that broadcasting shall ensure” be deleted and substituted therefore with the word “ensures”.

*Amendment put and carried.*

*Clause 19 as amended, agreed to and ordered to stand part of the Bill.*

**Clauses 20 to 22**

*Clauses 20 to 22 agreed to and ordered to stand part of the Bill.*

### **Clause 23**

The proposed amendment is that at clause 23(1)(b)(ii) after the word “nationals” insert the words “except as is provided for in section 19(a)(ii)”.

*Amendment put and carried*

**Mr. Hinds:** Mr. Chairman there is a second amendment at clause 23(1)(b)(iv).

**Mr. Chairman:** The proposal is that clause 23(1)(b)(iv)(b) be amended as follows, that the words “sale, change in directors or transfer of controlling shares” be substituted by the words “same licences”.

*Amendment put and carried.*

*Clause 23 as amended, agreed to and ordered to stand part of the Bill.*

### **Clauses 24 to 32**

*Clauses 24 to 32 agreed to and ordered to stand part of the Bill.*

### **Clause 33**

There is a proposed amendment that clause 33(2)(e) be amended by the deletion of the words “and (d)”.

*Amendment put and carried*

*Clause 33 as amended, agreed to and ordered to stand part of the Bill.*

### **Clauses 34 to 39**

*Clauses 34 to 39 agreed to and ordered to stand part of the Bill.*

### **Clause 40**

The proposed amendment is that the words “in two equal instalments payable on or before 30<sup>th</sup> June, 2012 and on or before 31<sup>st</sup> December, 2012” be deleted.

*Amendment put and carried*

*Clause 40 as amended, agreed to and ordered to stand part of the Bill.*

### **Clauses 41 to 48**

*Clauses 41 to 48 agreed to and ordered to stand part of the Bill.*

*Assembly resumed*

*Question put and carried.*

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

### **Emancipation Greetings**

**Mr. Hinds:** Presiding Member, I do not know if you are like me, wondered when we came in and saw these young ladies with the special headgear. If so we would have then been reminded that before we next meet we would celebrate Emancipation Day 2011. I would like to take this opportunity to extend to all Guyanese, and particularly those of African descent a happy Emancipation Day. As we recall this is the Year for People of African Descent, we make a special wish to them that they would be able to make for themselves, in cooperation with others of our society, a very happy future.

**Presiding Member:** Before we deal with the adjournment Mr. Patterson wants to say something.

**Mr. Patterson:** Thank you very much Presiding Member. First let me say congratulations on your temporary possession of the House.

**Presiding Member:** You are a little late with that. I was here two hours ago.

**Mr. Patterson:** Well, this is my first opportunity to speak.

**Presiding Member:** I would have allowed you if you had asked.

**Mr. Patterson:** On behalf of the Alliance For Change I would also like to echo the sentiments of the Prime Minister and wish our country and our people a happy Emancipation Day. I do not wear dresses. You obviously mistake me for somebody else. I like to pass our congratulations to the people of Guyana in celebrating another Emancipation Day. Thank you for the opportunity to do so.

**Presiding Member:** Let me say on behalf of the legislature that I wish to extend congratulations also to all Guyanese, in particular Afro-Guyanese, on the day they commemorate their struggles – Freedom Day, 1<sup>st</sup> August.

Let me say, Cde. Prime Minister, that I did individually complement each of the young ladies who are so culturally attired.

I think this has brought us to the end of our business for today.

#### **ADJOURNMENT**

**Mr. Hinds:** I move that the House be adjourned to next Thursday, 4<sup>th</sup> August, 2011.

*Adjourned accordingly at 5.46*