

NATIONAL ASSEMBLY
MINUTES OF PROCEEDINGS
OF THE 127TH SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION
(2006-2010) OF THE NINTH PARLIAMENT OF GUYANA HELD
AT 2.00 P.M.
ON THURSDAY, 22ND JULY, 2010
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN

MEMBERS OF THE NATIONAL ASSEMBLY (70)

Speaker (1)

The Hon. Hari N. Ramkarran, S.C., M.P., Speaker of the National Assembly

MEMBERS OF THE GOVERNMENT (41)

People's Progressive Party/Civic (40)

The United Force (1)

The Hon. Samuel A.A. Hinds, M.P. (Region No. 10 – Upper Demerara/Upper Berbice),
Prime Minister and Minister of Public Works and Communications

The Hon. Clement J. Rohee, M.P., Minister of Home Affairs

The Hon. Shaik K.Z. Baksh, M.P., Minister of Education

The Hon. Dr. Leslie S. Ramsammy, M.P. (Region No. 6 – East Berbice/Corentyne),
Minister of Health

The Hon. Carolyn Rodrigues-Birkett, M.P. (Region No. 9 – Upper Takutu/Upper Essequibo),
Minister of Foreign Affairs

*The Hon. Dr. Ashni K. Singh, M.P., Minister of Finance

The Hon. Robert M. Persaud, M.P. (Region No. 6 – East Berbice/Corentyne),
Minister of Agriculture

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***Non-elected Minister**

2.

The Hon. Dr. Jennifer R.A. Westford, M.P. (Region No. 7 – Cuyuni/Mazaruni),
Minister of Public Service

The Hon. Kellawan Lall, M.P., Minister of Local Government and Regional Development

*The Hon. Charles R. Ramson, S.C., M.P., Attorney General and Minister of Legal Affairs

The Hon. Dr. Frank C.S. Anthony, M.P., Minister of Culture, Youth and Sport

The Hon. B. H. Robeson Benn, M.P., Minister of Transport and Hydraulics

**The Hon. Manzoor Nadir, M.P., Minister of Labour

The Hon. Priya D. Manickchand, M.P. (Region No. 5 – Mahaica/Berbice),
Minister of Human Services and Social Security (Absent – on leave)

The Hon. Dr. Bheri S. Ramsaran, M.P., Minister in the Ministry of Health

The Hon. Jennifer I. Webster, M.P., Minister in the Ministry of Finance

The Hon. Manniram Prashad, M.P., Minister of Tourism, Industry and Commerce

*The Hon. Pauline Sukhai, M.P., Minister of Amerindian Affairs

The Hon. Mohamed Irfaan Ali, M.P., Minister of Housing and Water

Mr. Donald R. Ramotar, M.P.

Ms Gail Teixeira, M.P.

Mrs. Indranie Chandarpal, M.P., Chief Whip

Mr. Harripersaud Nokta, M.P.

Ms Bibi S. Shadick, M.P. (Region No. 3 – Essequibo Island/West Demerara)

Mr. Albert A. Atkinson, J.P., M.P. (Region No. 8 – Potaro/Siparuni)

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***Non-Elected Minister**

****Elected Member from the United Force**

3.

Mr. Komal Chand, C.C.H., J.P., M.P. (Region No. 3 – Essequibo Island/West Demerara)

Mr. Bernard C. DeSantos, S.C., M.P. (Region No. 4 – Demerara/Mahaica)

Mrs. Shirley V. Edwards, J.P., M.P. (Region No. 4 – Demerara/Mahaica)

Mr. Mohamed F. Khan, J.P., M.P. (Region No. 2 – Pomeroon/Supernaam)

Mr. Moses V. Nagamootoo, J.P., M.P. (Absent)

Mr. Mohabir A. Nandlall, M.P. (Absent – on leave)

Mr. Odinga N. Lumumba, M.P.

Mr. Neendkumar, J.P., M.P. (Region No. 4 – Demerara/Mahaica)

***Mr. Steve P. Ninvalle, M.P., Parliamentary Secretary in the Ministry of Culture, Youth and Sport

Mr. Parmanand P. Persaud, J.P., M.P. (Region No. 2 – Pomeroon/Supernaam)

Mrs. Philomena Sahoye-Shury, C.C.H., J.P., M.P., Parliamentary Secretary in the Ministry of Housing and Water

Mr. Dharamkumar Seeraj, M.P.

Mr. Norman A. Whittaker, M.P. (Region No. 1 – Barima/Waini)

Dr. Vishwa Deva Budhram Mahadeo, M.P.

Rev. Kwame Gilbert, M.P. (Absent – on leave)

Mr. Lloyd J. Pereira, J.P., M.P.

Members of the Opposition (28)

(i) **Members of People's National Congress Reform-One Guyana (22)**

Mr. Robert Corbin, M.P., Leader of the Opposition

Mr. Winston Murray, C.C.H., M.P.

***Non-elected Parliamentary Secretary

4.

Mrs. Clarissa S. Riehl, M.P., Deputy Speaker of the National Assembly

Mr. E. Lance Carberry, M.P., Chief Whip

Mrs. Deborah J. Backer, M.P.

Mr. Basil Williams, M.P. (Absent – on leave)

Dr. George A. Norton, M.P.

Mrs. Volda A. Lawrence, M.P. (Absent – on leave)

Mr. Keith Scott, M.P. (Absent – on leave)

Ms Amna Ally, M.P. (Absent – on leave)

Ms Cheryl Sampson, M.P.

Mr. Dave Danny, M.P. (Region No. 4 – Demerara/Mahaica)

Mr. Aubrey C. Norton, M.P. (Region No. 4 – Demerara/Mahaica)

Mr. Ernest Barnabas Elliot, M.P., (Region No. 4 – Demerara/Mahaica)

Mrs. Judith David-Blair, M.P. (Region No. 7 – Cuyuni/Mazaruni)

Mr. Mervyn Williams, M.P. (Region No. 3 – Essequibo Island/West Demerara)

Ms Africo Selman, M.P.

Dr. John Austin, M.P. (Region No. 6 – East Berbice/Corentyne)

Ms Jennifer Wade, M.P. (Region No. 5 – Mahaica/Berbice)

Ms. Vanessa Kisson, M.P. (Region No. 10 – Upper Demerara/Upper Berbice)

Mr. Desmond Fernandes, M.P. (Region No. 1 – Barima/Waini)

Ms Dawn Hastings, M.P.

5.

(ii) Alliance for Change (5)

Mr. Raphael G.C. Trotman, M.P. (Absent)

Mr. Khemraj Ramjattan, M.P.

Mrs. Sheila Holder, M.P.

Mrs. Latchmin Punalall, M.P. (Region No. 4 – Demerara/Mahaica)

Mr. David Patterson, M.P. (Absent – on leave)

Guyana Action Party/Rise Organize and Rebuild (1)

Mr. Everall N. Franklin, M.P.

OFFICERS (2)

Mr. Sherlock E. Isaacs, Clerk of the National Assembly

Mrs. Lilawtie Coonjah, Deputy Clerk of the National Assembly

COMMENCEMENT OF SITTING

The sitting commenced at 2.25 p.m.

PRAYERS

The Clerk read Prayers.

6.

ANNOUNCEMENTS BY THE SPEAKER

Death of Ms Desiree Grant, Telephonist of the Parliament Office

The Speaker informed Members of the Assembly that Ms Desiree Grant, Telephonist of the Parliament Office who was on leave in the United States of America, suffered a massive heart attack and died on Tuesday, 20th July, 2010 at 10.00 a.m.

Ms Grant was employed by the Parliament Office for over sixteen (16) years, during which she served as Maid, Receptionist and Telephonist.

On behalf of Members of the Assembly and his own behalf, he extended deepest sympathy to the child, reputed husband and the relatives of the late Ms Desiree Grant.

QUESTIONS ON NOTICE-

For Written Replies

1. THE SPORTS AND ARTS DEVELOPMENT AGENCY

Member Asking: Mrs. Sheila Holder, M.P.

Minister Answering: The Minister of Culture, Youth and Sports

- (i) Will the Hon. Minister list for which years audited accounts and reports were submitted by the body described as the 'Sports and Arts Development' fund agency (#6321) he assured the National Assembly were available last Wednesday, February 24, 2010, during consideration of his Ministry's budgetary estimates?
- (ii) Will the Honourable Minister make available these audited accounts and reports as promised which were submitted by the 'sports and Arts Development' fund agency (#6321) named in the 2010 budget to receive \$100,000,000:?

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7.

- (iii) Will the Minister name the persons under whose authority these funds are managed in the disbursement of the contributions detailed in the budgetary estimates as the local organisation receiving these subsidies and contributions from the government's treasury?

(Notice Paper No. 447 (Q326 Opp301) published on 2010-03-05)

Answers:

- (i) "I did state on 24th February, 2010 when asked by Mrs. Holder that, 'Yes, that too. Once we get those reports I will make them available.' These reports are not yet available.
- (ii) The audited statements for the Sports and Arts Development Fund Agency will be made available upon completion of the audit.
- (iii) Currently the Permanent Secretary who is the accounting officer is responsible for the disbursement of the contributions detailed in the budgetary estimates as the local organization receiving these subsidies and contributions from the government's treasury"

2. THE ROLES OF THE PUBLIC SERVICE MINISTRY AND THE PUBLIC SERVICE COMMISSION IN THE EMPLOYMENT OF CONTRACT AND TEMPORARY EMPLOYEES

Member Asking: Mrs. Sheila Holder, M.P.

Minister Answering: The Minister of the Public Service

Will the Public Service Minister please provide the House with an explanation of the roles of the Public Service Ministry and the Public Service Commission in the employment of contract employees and temporary employees?

(Notice Paper No. 448 (Q327 Opp302) published on 2010-03-05)

8.

Answer:

The Public Service Commission is responsible for the appointment of pensionable employees. Employment of all other categories, fall within the ambit of the Public Service Ministry.

For Oral Reply

3. SPECIAL CONSTABULARY OF THE GUYANA POLICE FORCE

Ms Vanessa Kissoon, M.P., asked the Minister of Home Affairs the following questions:

- (i) *Could the Honourable Minister of Home Affairs inform this National Assembly why Members of the Special Constabulary of the Guyana Police Force are not paid the same benefits as regular Members of the Guyana Police Force?
- (ii) * Could the Hon. Minister inform this National Assembly why Members of the Special Constabulary have not been paid the 6% increase in salary given to regular Members of the Guyana Police Force retroactive to January 1, 2009?
- (iii) *Could the Hon. Minister inform this National Assembly when Members of the Special Constabulary will benefit from leave packages?

(Notice Paper No. 474 (Q340 Opp315) published on 2010-06-28)

Thereafter the Minister of Home Affairs replied.

Mr. Robert Corbin asked the Minister of Home Affairs supplementary questions.

Thereafter the Minister of Home Affairs replied.

INTRODUCTION OF BILLS-

Presentation and First Reading

RICE FACTORIES (AMENDMENT) BILL 2010 –Bill No. 8/2010

The Minister of Agriculture, on behalf of the Government, presented the following Bill, which was read the first time:

A BILL intituled AN ACT to amend the Rice Factories Act 1998.

PUBLIC BUSINESS-

(i) GOVERNMENT BUSINESS

BILLS – Second Readings

ITEM 1 - PROCUREMENT (AMENDMENT) BILL 2010 – Bill No. 6 /2010 published on 2010-07-15

The Minister of Finance moved the second reading of the following Bill:

A BILL intituled AN ACT to amend the Procurement Act 2003.

(Read a first time on 2010-07-15)

The following Members spoke to the motion:

Mr. Winston Murray

Ms Gail Teixeira

Mr. Khemraj Ramjattan

The Minister within the Ministry of Finance

Thereafter the Minister of Finance replied.

10.

The Bill was then read a second time.

The Assembly resolved itself into Committee to consider the Bill clause by clause.

In Committee

Clauses 1 to 5 were passed as printed.

Assembly resumed

On a motion by the Minister of Finance, the Procurement (Amendment) Bill 2010 was read a third time and passed as printed.

ITEM 2 - NEW BUILDING SOCIETY (AMENDMENT) BILL 2010 – Bill No. 7/2010
published on 2010-07-15

The Minister of Finance moved the second reading of the following Bill:

A BILL intituled AN ACT to amend the New Building Society Act.

(Read a first time on 2010-07-15)

While Mr. Winston Murray was speaking to the motion the time for the suspension of the sitting was reached.

SUSPENSION OF SITTING

At 4.00 p.m., the sitting was suspended for refreshments.

RESUMPTION OF SITTING

At 4.57 p.m., the sitting was resumed.

11.

Mr. Winston Murray continued and concluded his speech.

The following Members also spoke to the motion:

The Minister of Labour

Mr. Khemraj Ramjattan

The Minister of Housing and Water

Thereafter the Minister of Finance replied.

The Bill was then read a second time.

The Assembly resolved itself into Committee to consider the Bill clause by clause.

In Committee

Clauses 1 to 20 were passed as printed.

Assembly resumed

On a motion by the Minister of Finance, the New Building Society (Amendment) Bill 2010 was read a third time and passed as printed.

MOTIONS

ITEM 3 - CONFIRMATION OF THE PETROLEUM (EXPLORATION AND PRODUCTION) (TAX LAWS) (YPF GUYANA LTD., FORMERLY MAXUS GUYANA LTD.) ORDER 2010 – ORDER NO. 9 OF 2010

The Minister of Finance moved the following motion:

BE IT RESOLVED:

That this National Assembly, in accordance with Section 51 of the Petroleum (Exploration and Production) Act 1986, confirm the Petroleum (Exploration and Production) (Tax Laws) (YPF Guyana Ltd., formerly Maxus Guyana Ltd.) Order 2010 – No. 9 of 2010, made under Section 51 of the Petroleum (Exploration and Production) Act 1986 and published in an Extraordinary Copy of the Official Gazette dated 26th June, 2010.

(Notice Paper No. 478 (M140 Govt 86) published on 2010-07-15)

The following Members spoke to the motion:

Mr. Winston Murray

The Minister of Transport and Hydraulics

Mr. Khemraj Ramjattan

Thereafter the Minister of Finance replied.

The motion was then put and carried.

ITEM 4 - CONFIRMATION OF THE PETROLEUM (EXPLORATION AND PRODUCTION) (TAX LAWS) (CGX RESOURCES INC.) ORDER 2010 – ORDER NO. 10 OF 2010

The Minister of Finance moved the following motion:

BE IT RESOLVED:

That this National Assembly, in accordance with Section 51 of the Petroleum (Exploration and Production) Act 1986, confirm the Petroleum

13.

(Exploration and Production) (Tax Laws) (CGX Resources Inc.) Order 2010 – No. 10 of 2010, made under Section 51 of the Petroleum (Exploration and Production) Act 1986 and published in an Extraordinary Copy of the Official Gazette dated 26th June, 2010.

(Notice Paper No. 479 (M141 Govt 87) published on 2010-07-15)

The motion was put and carried.

ITEM 5 - CONFIRMATION OF THE PETROLEUM (EXPLORATION AND PRODUCTION) (TAX LAWS) (CANACOL ENERGY (GUYANA) INC. FORMERLY GROUNDSTAR RESOURCES INC.) ORDER 2010 – ORDER NO. 11 OF 2010

The Minister of Finance moved the following motion:

BE IT RESOLVED:

That this National Assembly, in accordance with Section 51 of the Petroleum (Exploration and Production) Act 1986, confirm the Petroleum (Exploration and Production) (Tax Laws) (Canacol Energy (Guyana) Inc., formerly Groundstar Resources Inc.) Order 2010 – No. 11 of 2010, made under Section 51 of the Petroleum (Exploration and Production) Act 1986 and published in an Extraordinary Copy of the Official Gazette dated 26th June, 2010.

(Notice Paper No. 480 (M142 Govt 88) published on 2010-07-15)

The motion was put and carried.

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(ii) PRIVATE MEMBERS' BUSINESS

MOTION

ITEM 6 - CRIMINAL RESPONSIBILITY OF HIV INFECTED INDIVIDUALS

At the request of Mr. Everall Franklin, M.P. the following motion was deferred:

WHEREAS the fight against HIV and AIDS has been relentless especially during the past 15 years;

AND WHEREAS some success has been recorded throughout the country in reducing the instances of infection and transmission of HIV and AIDS;

AND WHEREAS educating the population is of utmost importance in the arsenal of weapons and/or measures required to combat this dreaded disease;

AND WHEREAS despite the best efforts of health care officials, religious organizations and NGOs in educating the population with respect to AIDS and HIV, infection rates are still disappointingly high;

AND WHEREAS persons, some knowingly, still infect others with the Human Immune Deficiency Virus, causing immense suffering and pain to the infected persons, their families, community at large along with increased cost to the health care system;

AND WHEREAS persons are not held responsible by law for knowingly transmitting this deadly virus to innocent victims;

15.

AND WHEREAS the confidentiality and non-discriminatory laws in place which protect persons affected with HIV and AIDS prevent disclosure of their identity, these persons are free to have unprotected sex with unsuspecting partners, thus further spreading the disease,

NOW THEREFORE, BE IT RESOLVED:

That the criminal laws of Guyana under all relevant sections be amended, to make it an indictable offence for any person to transmit the virus to any other person, when they would have had prior knowledge of their infected status;

BE IT FURTHER RESOLVED:

That non disclosure laws or guidelines be so amended to allow information to be used by the prosecution if so required;

BE IT FURTHER RESOLVED:

That all agencies, clinics, hospitals which have the results of tests and other vital information be bound by law to release such information to any court engaged in a matter; and

BE IT FURTHER RESOLVED:

That the charge of attempted murder be instituted against any individual found to have endangered the life of another in the manner described above.

(Notice Paper No. 475 (M137 Opp37) published on 2010-07-09)

(iii) **COMMITTEES BUSINESS**

MOTION

ITEM 7 - ADOPTION OF THE EIGHTH REPORT OF THE STANDING

**COMMITTEE ON APPOINTMENTS TO ADDRESS MATTERS
RELATING TO THE NOMINATION AND APPOINTMENT OF
MEMBERS OF THE INDIGENOUS PEOPLES' COMMISSION**

At the request of Ms Gail Teixeira, M.P. (Chairperson of the Standing Committee on Appointments) the following motion was deferred:

WHEREAS, Article 212S of the Constitution provides for the establishment of an Indigenous Peoples' Commission;

AND WHEREAS, in accordance with Article 212S (2)(a)(b)(c) of the Constitution, the Indigenous Peoples' Commission shall consist of –

- (a) *“Not more than ten Members, nominated by entities, by a consensual mechanism determined by the National Assembly, after the entities are determined by the votes of not less than two-thirds of all elected Members of the National Assembly;*
- (b) *Three persons, at least one being a woman nominated by the Toushaos Council and two persons including one woman nominated by Amerindian organizations determined by the votes of not less than two-thirds of all elected Members of the National Assembly; and*
- (c) *A Member who shall be a nominee, without the right to vote, chosen by and from each of the following Commissions: the Human Rights Commission, Ethnic Relations Commission, Women and Gender Equality Commission and the Rights of the Child Commission.”*

17.

AND WHEREAS, the Committee on Appointments, in keeping with Resolution No. 118 of March 18, 2010, consulted with the approved list of entities for nominations to the Indigenous Peoples' Commission;

AND WHEREAS, all the approved entities were invited to submit and responded with their nominees between May and June, 2010;

AND WHEREAS, the National Assembly approved the Members of the Indigenous Peoples' Commission in accordance with Article 212S(2)(b), and Resolution No. 118 of March 18, 2010,

BE IT RESOLVED:

That this National Assembly now approves the following twelve persons as Members of the Indigenous Peoples' Commission established under the Constitution and signify to the President that:

Toushao Yvonne Pearson

Toushao Marco J. De Souza

Toushao Doreen Jacobis

Mr. David James

Ms Matilda Saigo

Ms Patricia Singh

Mr. George Simon

Captain Gerald Gouveia

Mr. Damian Fernandes

Mr. James Singh

Reverend Father Malcolm Rodrigues

Mr. Norman Whittaker, M.P.

18.

have been nominated in accordance with Resolution No. 118 of March 18, 2010 and Article 212S(2)(a)(b) of the Constitution to be appointed Members of the Indigenous Peoples' Commission; and

BE IT FURTHER RESOLVED:

That this National Assembly adopts the Eighth Report of the Standing Committee on Appointments to address matters relating to the nomination and appointment of Members of the Indigenous Peoples' Commission.

(Notice Paper No. 477 (M139 PPP/C 18) published on 2010-07-15)

ADJOURNMENT

At 7.35 p.m., on a motion by the Minister of Education, the Assembly was adjourned to 2.00 p.m., on Thursday, 29th July, 2010.

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HON. HARI N. RAMKARRAN, S.C., M.P.,
Speaker of the National Assembly

PARLIAMENT OFFICE,
Public Buildings,
Brickdam,
Georgetown.

22nd July, 2010.

