

NATIONAL ASSEMBLY
MINUTES OF PROCEEDINGS
OF THE 128TH 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, 29TH 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 (Absent – on leave)

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 (Absent – on leave)

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

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 (Absent – on leave)

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

*The Hon. Pauline Sukhai, M.P., Minister of Amerindian Affairs (Absent – on leave)

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. (Absent – on leave)

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 (Absent – on leave)

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. (Absent – on leave)

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 (Absent)

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 (Absent)

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.

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

Ms Amna Ally, M.P.

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) (Absent)

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

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. (Absent – on leave)

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

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

Ms. Vanessa Kissoon, 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)

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 2.10 p.m.

PRAYERS

The Clerk read Prayers.

6.

ELECTION OF A MEMBER TO PRESIDE

In accordance with Standing Order No. 4(1), Ms Bibi Shadick, nominated by the Prime Minister and Minister of Public Works and Communications and seconded by Ms Gail Teixeira, M.P., was elected to preside in the absence of the Speaker and Deputy Speaker of the National Assembly.

The sitting of the National Assembly was, thereafter, convened with Ms Bibi Shadick in the Chair.

PRESENTATION OF PAPERS AND REPORTS-

(1) By the Minister of Finance:

(i) Financial Paper No. 1/2010 – Supplementary Estimates (Current and Capital) totalling \$155,278,916 for the period 2010-06-01 to 2010-12-31.

(Circulated)

(ii) Financial Paper No. 2/2010 – Supplementary Estimates (Current and Capital) totalling \$2,271,191,161 for the period ended 2010-12-31.

(Circulated)

The Minister of Finance named the next sitting of the National Assembly for the consideration of the Financial Papers.

(2) By the Minister of Agriculture:

The Guyana Rice Development Board Annual Report for the year 2009.

(Circulated)

7.

REPORTS FROM COMMITTEES

(3) By Ms Gail Teixeira, M.P. (Chairperson of the Committee on Appointments):

Tenth Report of the Committee on Appointments in relation to the Appointment of Members of the Police Service Commission.

(Circulated)

(4) By the Minister of Foreign Affairs (Chairperson of the Special Select Committee on the Maritime Zones Bill 2009):

The Report of the Special Select Committee on the Maritime Zones Bill 2009 – Bill No. 36/2009.

(Circulated)

(5) By Mr. E. Lance Carberry, M.P. (Vice Chairperson of the Parliamentary Sectoral Committee on Natural Resources):

The Second Periodic Report of the Parliamentary Sectoral Committee on Natural Resources.

(Circulated)

QUESTIONS ON NOTICE-

For Written Reply

EXPORT OF ACTIVATED CARBON/CHARCOAL

Member Asking: Mr. Overall Franklin, M.P.

Minister Answering: The Prime Minister and Minister of Public Works and Communications

1. Will the Hon. Prime Minister state what quantity of spent activated charcoal (activated carbon) was exported by Omai Gold Mining Ltd., during the last ten years of its operation here in Guyana?

8.

2. Please name companies to which the activated carbon/charcoal was sent for regeneration?
3. Is the Government in possession of any reports of the regeneration process undertaken by these companies?

(Notice Paper No. 473 (Q339 Opp314) published on 2010-06-11)

Answers:

- (i) Bearing in mind that the company's operations ended in 2005, five years ago, and it operated for 12 years, the company is still trying to locate the information on how much activated charcoal was re-exported (for smelting) as against being imported over the last ten (10) years of its operation.
- (ii) The activated charcoal was regenerated at site in a special small rotary calciner which can be seen in the equipment yard at Christianburg.

In the beginning, the undersize activated carbon/charcoal was sent to Asarco and later on to Noranda, not for regeneration but for smelting to strip any gold retained in these "fines" which could no longer be used.

- (iii) As stated above those companies did not regenerate the charcoal but smelted the 'fines' to recover any gold remaining in the charcoal.

INTRODUCTION OF BILLS

Introduction and First Readings

1. PUBLIC UTILITIES COMMISSION (AMENDMENT) BILL 2010 – Bill No. 10/2010

The Prime Minister and Minister of Public Works and Communications, on behalf of the Government, presented the following Bill which was read the first time:

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9.

A BILL intituled AN ACT to amend the Public Utilities Commission Act 1999.

2. ELECTRICITY SECTOR REFORM (AMENDMENT) BILL 2010 – Bill No. 11/2010

The Prime Minister and Minister of Public Works and Communications, on behalf of the Government, presented the following Bill which was read the first time:

A BILL intituled AN ACT to amend the Electricity Sector Reform Act 1999.

PUBLIC BUSINESS-

(i) GOVERNMENT BUSINESS

BILLS – Second Reading

ITEM 1 - RICE FACTORIES (AMENDMENT) BILL 2010 –Bill No. 8/2010 published on 2010-07-21

At the request of the Minister of Agriculture the second reading of the following Bill was deferred:

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

(Read a first time on 2010-07-22)

(ii) PRIVATE MEMBERS' BUSINESS

MOTION

ITEM 2 - CRIMINAL RESPONSIBILITY OF HIV INFECTED INDIVIDUALS

Mr. Everall Franklin, M.P., moved the following motion:

10.

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;

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;

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11.

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)

The following Members spoke to the motion:

Ms Volda Lawrence

The Minister of Health

SUSPENSION OF SITTING

At 4.02 p.m., the sitting was suspended for refreshments.

RESUMPTION OF SITTING

At 4.55 p.m., the sitting was resumed.

The following Members also spoke to the motion:

Mrs. Latchmin Punalall

Ms Gail Teixeira

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12.

Thereafter Mr. Everall Franklin replied.

The Minister of Health moved the following amendments which were put and carried:

That the 4th BE IT RESOLVED Clause be deleted and replace with a new BE IT RESOLVED clause which reads as follows:

“BE IT RESOLVED:

That the manner in which society and law treat with persons who willfully transmit HIV be taken to a Special Select Committee to examine this issue comprehensively, drawing from other countries’ experiences which have criminalized this offence and those which have not, taking into consideration experts’ and the public’s views, as well as examining the present laws of Guyana and return to the National Assembly with considered opinions and recommendations on this issue.”

The motion, as amended, was put and carried.

(iii)COMMITTEES BUSINESS

MOTION

ITEM 3 - 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**

Ms Gail Teixeira, M.P. (Chairperson of the Standing Committee on Appointments) moved the following motion:

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

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13.

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 Tousehaos 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.”*

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,

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14.

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.

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)

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15.

The following Members spoke to the motion:

Dr. George Norton

Mrs. Sheila Holder

Thereafter, Ms Gail Teixeira replied.

Thereafter, the motion was then put and carried.

ADJOURNMENT

At 6.14p.m., on a motion by the Prime Minister and Minister of Public Works and Communications, the Assembly was adjourned to 2.00 p.m., on Thursday, 5th August, 2010.

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MS BIBI SHADICK, M.P.,

**PARLIAMENT OFFICE,
Public Buildings,
Brickdam,
Georgetown.**

29th July, 2010.