



# OFFICIAL REPORT

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
(2020-2022) OF THE TWELFTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF  
THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE DOME OF THE ARTHUR CHUNG  
CONFERENCE CENTRE, LILIENDAAL, GREATER GEORGETOWN*

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47<sup>TH</sup> Sitting

Tuesday, 17<sup>TH</sup> May, 2022

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**PARLIAMENT OFFICE  
HANSARD DIVISION**

*The Assembly convened at 10.29 a.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

## **PRESENTATION OF PAPERS AND REPORTS**

**Mr. Speaker:** The Hon. Minister of Parliamentary Affairs and Governance will be online today. I am checking to see if we can confirm that she is online and call on her to present the report standing in her name.

**Minister of Parliamentary Affairs and Governance and Government Chief Whip [Ms. Teixeira]:** Good morning, Mr. Speaker. I am online and I am right here at your call.

The following Papers and Reports were laid:

- (1) Annual Report of the Supreme Court of Judicature for the years 2019 and 2020.

*[Minister of Parliamentary Affairs and Governance]*

- (2) Government Notice No. 1/2022, regarding Notification Receipts of all petroleum revenues paid into the Natural Resource Fund during the period 1<sup>st</sup> January, 2022 to 31<sup>st</sup> March, 2022.

- (3) Value-Added Tax (Amendment of Schedule 1) Order 2022 – No. 9/2022.

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

- (4) Audited Financial Statements of the Transport and Harbours Department for the year ended 31<sup>st</sup> December, 2010.
- (5) Audited Financial Statements of the Guyana National Shipping Corporation Limited for the year ended 31<sup>st</sup> December, 2020.

*[Minister of Public Works]*

- (6) Minutes of Proceedings of the 7<sup>th</sup> Meeting of the Committee of Selection held on Wednesday, 13<sup>th</sup> April, 2022.

*[Speaker of the National Assembly]*

**QUESTIONS ON NOTICE [For Written Replies]**

**Mr. Speaker:** Hon. Members, there is only one question on today's Order Paper, and it is for a written reply. The question is in the name of the Hon. Member, Ms. Geeta Chandan-Edmond, and it is for the Hon. Minister of Home Affairs. The answer to this question has been received and has therefore, in accordance with our Standing Orders, been circulated.

**Detailed Breakdown of Items Destroyed by the Fire at Brickdam Police Station**

**Ms. Chandan-Edmond:** It was widely reported at a Press Conference on the 3<sup>rd</sup> October, 2021, hosted by the Hon. Minister of Home Affairs along with members of the Disciplined Forces that at least 80% of the Brickdam Police Station was destroyed by fire.

Can the Minister provide to the House a detailed breakdown of all equipment, vehicles, documents and exhibits completely and partially destroyed? Further, what steps have since been taken to reconstruct documents and the replacing of destroyed and/or damaged equipment and vehicles?

**Minister of Home Affairs [Mr. Benn]:** The detailed listings are itemised below.

# APPENDIX (I)



## GUYANA POLICE FORCE ITEMS DAMAGED AT BRICKDAM STATION

No.	Items	Unit Cost	Quantity	Total Cost
1	Desks	\$ 25,000	130	\$ 3,250,000
2	Typing Chairs	\$ 50,000	9	\$ 450,000
3	Office Chairs	\$ 30,000	228	\$ 6,840,000
4	Benches	\$ 35,000	26	\$ 910,000
5	Executive Chairs	\$ 85,000	22	\$ 1,870,000
6	Executive Desks	\$ 70,000	15	\$ 1,050,000
7	Sofas	\$ 120,000	4	\$ 480,000
8	Filing Cabinets	\$ 30,000	50	\$ 1,500,000
9	Single Bed Frames	\$ 31,920	50	\$ 1,596,000
10	Double Bed Frames	\$ 63,840	10	\$ 638,400
11	Mattresses	\$ 35,000	60	\$ 2,100,000
12	Plastic Chairs	\$ 2,500	30	\$ 75,000
13	TV Brackets	\$ 10,000	26	\$ 260,000
14	TV Monitors	\$ 60,000	26	\$ 1,560,000
15	White Board	\$ 22,000	10	\$ 220,000
16	Safe	\$ 300,000	2	\$ 600,000
17	Laptops	\$ 250,000	20	\$ 5,000,000
18	Complete Computer Set	\$ 250,000	43	\$ 10,750,000
19	Refrigerator	\$ 200,000	3	\$ 600,000
20	8 Cubic Refrigerator	\$ 60,000	10	\$ 600,000
21	Freezers	\$ 300,000	6	\$ 1,800,000
22	Microwaves	\$ 30,000	21	\$ 630,000
23	Stand Fan	\$ 5,000	48	\$ 240,000
24	Printer	\$ 60,000	35	\$ 2,100,000
25	Photocopy Machine	\$ 1,200,000	6	\$ 7,200,000
26	Scanner	\$ 20,000	12	\$ 240,000
27	Projectors	\$ 130,000	3	\$ 390,000
28	Speakers	\$ 60,000	1	\$ 60,000
29	Water Dispenser	\$ 30,000	23	\$ 690,000
30	Water Tanks	\$ 25,000	12	\$ 300,000
31	Water Pumps	\$ 120,000	4	\$ 480,000
32	Body Camera	\$ 70,000	36	\$ 2,520,000



33	Digital Recorder	\$ 1,200,000	2	\$ 2,400,000
34	Crime Scene Kit	\$ 390,000	1	\$ 390,000
35	Finger Print Kit	\$ 390,000	1	\$ 390,000
36	Handcuff	\$ 30,000	52	\$ 1,560,000
37	Foot cuff	\$ 44,000	34	\$ 1,496,000
38	UPS	\$ 35,000	27	\$ 945,000
39	APC Batteries	\$ 35,000	10	\$ 350,000
40	Stabilizer	\$ 14,000	20	\$ 280,000
41	AC Unit	\$ 320,000	30	\$ 9,600,000
42	Automatic Transfer Switch	\$ 800,000	1	\$ 800,000
43	Electrical Panels	\$ 8,000	40	\$ 320,000
44	400 AMP Breaker	\$ 450,000	1	\$ 450,000
45	200 AMP Breaker	\$ 225,000	5	\$ 1,125,000
46	Telephone	\$ 5,000	16	\$ 80,000
47	Webcam	\$ 14,000	6	\$ 84,000
48	100 Port PBX System	\$ 1,100,000	1	\$ 1,100,000
49	LED Security Lights	\$ 40,000	28	\$ 1,120,000
50	.38 Holster	\$ 15,000	5	\$ 75,000
51	IVS Video Surveillance System	\$ 2,100,000	1	\$ 2,100,000
52	CCTV System	\$ 2,400,000	1	\$ 2,400,000
53	LTE Radio Handheld Sets Complete	\$ 120,000	40	\$ 4,800,000
54	LTE Radio Base Sets Complete	\$ 170,000	1	\$ 170,000
55	Amplifier	\$ 90,000	3	\$ 270,000
56	Percolator	\$ 10,000	3	\$ 30,000
57	Audio Systems	\$ 200,000	1	\$ 200,000
58	Cones	\$ 5,880	100	\$ 588,000
59	Lighting Wand	\$ 14,500	56	\$ 812,000
60	Reflective Vest	\$ 3,900	43	\$ 167,700
61	Network Switches	\$ 500,000	8	\$ 4,000,000
62	Routers	\$ 750,000	3	\$ 2,250,000
63	Network Cabinets (12U)	\$ 60,000	1	\$ 60,000
64	Heavy Duty Puncher	\$ 100,000	2	\$ 200,000
65	Heavy Duty Staple Machine	\$ 100,000	2	\$ 200,000
66	Wall Mirror	\$ 60,000	2	\$ 120,000
67	Pots	\$ 50,000	14	\$ 700,000
68	Pot Spoon	\$ 500	16	\$ 8,000
69	Blender	\$ 15,000	8	\$ 120,000
70	Cannery	\$ 35,000	6	\$ 210,000
71	Metal Basin	\$ 15,000	8	\$ 120,000
72	Strainer	\$ 3,000	5	\$ 15,000
73	Calendar	\$ 2,000	4	\$ 8,000
74	Kettle	\$ 6,000	3	\$ 18,000
75	Water Cooler	\$ 60,000	5	\$ 300,000
76	Gas Stoves	\$ 150,000	2	\$ 300,000
77	Gas Range	\$ 80,000	1	\$ 80,000
78	Pressure Pots	\$ 40,000	2	\$ 80,000
79	Mini Bus	\$ 4,500,000	1	\$ 4,500,000
Total		\$ 20,536,040	\$ 1,603	\$ 104,391,100

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

The following Bill was introduced and read the first time:

### **Industrial Hemp Bill 2022 – Bill No. 10/2022**

A Bill intituled:

“An Act to provide for the cultivating and manufacturing of industrial hemp and hemp related products; to provide for the conducting of research on industrial hemp or any other activity concerning or related to industrial hemp; to establish the Guyana Industrial Hemp Regulatory Authority; and other related matters.”

*[Minister of Agriculture]*

## **PUBLIC BUSINESS**

### **GOVERNMENT BUSINESS**

#### **Bills – Second and Third Readings**

### **Condominium Bill 2022 – Bill No. 4/2022**

A Bill intituled:

“An Act to make provision for the horizontal and vertical subdivision of land and buildings into units for individual ownership and to make provision for the use and management of condominiums and matters connected thereto.”

*[Minister of Housing and Water]*

*10.37 a.m.*

**Minister of Housing and Water [Mr. Croal]:** Mr. Speaker, I rise to move that the Condominium Bill 2022, Bill No. 4/2022, published on 6<sup>th</sup> April, 2022, be now read a second time.

It is a privilege to introduce this most critical piece of legislation, the Condominium Bill 2022, Bill No. 4/2022. Let me begin by restating to this honourable House our Government’s commitment to bettering the lives of citizens and to advancing the economic development of Guyana. Only

yesterday, His Excellency, Dr. Mohamed Irfaan Ali, announced a one-off cash grant of \$25,000 for households in the hinterland and riverine communities that are facing hardships because of the rising cost of living, the removal of value-added tax (VAT) from sheet rock and concrete boards, and the establishment of a home construction assistance facility that will benefit persons who own a house lot but are unable to build a house because of their circumstance. Two weeks ago, the removal of VAT from cement was announced. These interventions underscore the importance of the citizens' wellbeing to our Government.

Since our return to Government in August, 2020, we have not been shy about our goal of 50,000 house lots in five years in particular, and in general, about providing affordable housing in well-developed communities. We have been relentless in working to build this land of ours, invest in human capital and reduce poverty levels in all regions, and, at the same time, seek to close the gaps within sectors that do not adequately serve our people and country. House lot allocation targets for 2020 and 2021 have already been surpassed, and we will do the same for 2022. In fact, we have allocated over 11,000 house lots to date. Further, as we speak, more than 1,100 houses are being built in eight housing areas across the country, 300 of which have already been handed over to the homeowners.

The acquisition of new lands and the execution of critical infrastructure development works will clear the way for the allocation of more – more lots will be allocated. Being cognisant of the challenges that allottees encounter when financing the construction of their homes, we have sought to make access to credit easier. As a result, the low-income mortgage loan ceiling has increased from \$8 million to \$15 million over the period August, 2020, to February of this year. This, of course, has made homeownership more attainable as banks can now approve a higher number of mortgages annually, coupled with the reinstatement of the \$30 million ceiling for mortgage relief. This will provide a direct injection of disposable income in the hands of citizens, and augurs well for the direction in which the housing sector is moving. In July, the building exposition (expo) will return, which will provide a platform for investors and local stakeholders to showcase innovative solutions to housing because now, more than ever, the need for housing is at an all-time high.

Our Government recognises that housing is not just about providing a roof or a room for someone. We know that adequate housing can be a deterrent to crime and an incentive for education. When we improve the conditions under which our people live, whether through direct poverty reduction,

interventions, or subsidised housing, we will raise the wellbeing of the entire country. The pursuit of housing by this Government is critical and crucial to the realisation of the bold targets we have set ourselves for these first five years.

Development of the kind that we have promised the people of Guyana cannot be done in an *ad hoc* manner. No, Sir. The Ministry of Housing and Water's programme is situated under the macroeconomic principles set out by His Excellency, Dr. Mohamed Irfaan Ali, for all of Guyana. Those principles of good governance, national unity, and economic advancement for all is a clear mandate for this Ministry. Therefore, we are careful to critically examine the work programme we set ourselves, to ensure that it benefits the citizens of this country, and it does not place them under any unnecessary burden. In this regard, our Government has been consistent in its efforts to bring relief to homebuilders, whether by causing the reduction of prices for building materials through tax concessions or dialoguing with the banking sector to make borrowing easier. The rapid expansion of Guyana's economy has brought new demands for higher standards and more modern approaches to housing development that addresses the issue of climate change, rising sea levels, changing lifestyles, and growing demands for less expensive units than what the former market offers. These are critical issues that had to be considered as we deliberated on a raft of legislative changes which must be made to the existing legislation to bring it in conformity with a modern legal framework that informs the ownership of condominiums (condos) and town houses.

In most Caribbean countries, condominium development was pursued as a response to the demand of tourism. It is not the same for Guyana. In 1989, the Condominium (Regulation and Miscellaneous Provisions) Act was enacted to facilitate the sale of properties owned by the Government to sitting tenants. Under this system, the Government, as the main actor in the sector, provided low-cost housing to citizens. But the Government was saddled with a heavy maintenance bill for those condos, and since the rent was already subsidised, it became difficult for the Government to maintain and upkeep them. This led to the sale of these properties in the mid-1990s for only \$25,000. The buyers were issued with a Certificate of Sale to be treated as a Transport, effecting a conveyance of the unit, and I refer to 50, sub (7) of the current Act. But over time, the owners found it difficult to use the Certificate of Sale as a collateral to obtain loans from commercial banks or other financial institutions. They were also unable to obtain insurance to protect their property. This deficiency maintained and remained unaddressed for years, despite the



discomfort it brought on poor citizens. I rather suspect that, since that type of housing was not in demand anymore, the need for new and updated legislation was not urgent.

In 2017, facing a backlog in application for house lots and new demands for housing, as well as the inability to find available lands, the previous Government launched a programme of constructing 46 duplexes, that is, two buildings divided by a common wall, for resale to citizens. Forty-two flat and two elevated two-storeyed duplexes were constructed in Perseverance, and two flat social duplexes at Prospect. These duplexes were constructed in land registration areas, governed by the Guyana Land Registry, for which certificates of title to land were issued. This immediately created a titling issue, since the Condominium (Regulation and Miscellaneous Provisions) Act applied only to the deed registration areas governed by the Deeds Registry for which transports were issued, and therefore a Certificate of Sale could not be issued under the current land registration system. It is clear that the Coalition did not treat this matter with any urgency beyond, perhaps, talking about bringing new legislation to address the deficiencies in the existing one.

Our Government quickly recognised that the demand for housing was concentrated in mostly urban areas, and so a new challenge for space to develop new housing areas reared its head. Added to this, expatriates (expats) participating in the oil and gas sector and activities are seeking more first world options for housing, such as town houses, apartments, and condos. In fact, investors expressed interest in constructing condos here as a housing option and an investment. While we welcome the interest, it was clear to us that we needed to amend or repeal and replace the current laws to provide a clear legislative landscape for the establishment and the regulation of condominium schemes. By so doing, we will not only remedy what was done by the previous administration, but we will also provide a clear path for new investors.

It is with this in mind that the Central Housing and Planning Authority (CH&PA) engaged Mr. Darshan Ramdhani as its Consultant to review the current legislation and to provide a legal analysis and draft policy framework. The review recommended that the existing legislation be replaced with new legislation, and he prepared a draft condominium bill that drew on the experiences of many countries including North America – the United States of America (USA), Canada – and the Caribbean, including Barbados where condominium schemes thrive. The Bill defines condominium as:

“... any building divided into units, each unit being attached to, or dependent to a substantial degree on, the other units forming the building for support, shelter or easements relating to services under this Act, irrespective of whether the units of the condominium to different persons or one person...”

The Bill has six parts and 65 clauses, makes provision for the horizontal and vertical subdivision of land and buildings into units for individual ownership, and for the use and management of condominiums.

Part I deals with the interpretation and definition clauses and speaks to the application of condominiums to be constructed on a declaration and description, including condominiums constructed or to be constructed by the Government.

Part II deals with the approval and registration of the condominium. Any person desirous of constructing condominiums or converting existing buildings into units must first submit to the Minister of Housing and Water, in this case, a proposed declaration and description for approval. This Part describes the responsibilities of the Minister under approval and registration and stipulates stringent timelines within which he or she must act. For example, within one month of receiving the submission of the documents the Minister must, in writing, acknowledge the receipt of submission and is required to give notice of his or her decision no later than three months after the receipt of documents.

*10.52 p.m.*

If he or she fails to do so, the Bill states:

“...and where the Minister does not, within that period, communicate his decision to the promoter of the condominium in writing, the proposed declaration and proposed description shall be deemed to have been approved by the Minister.”

The Minister is empowered to approve, reject or direct amendment of a proposed declaration and description.

Parts III and IV give detailed explanations and guidance on title of ownership, easements, rights, creation, and duties of a corporation, by laws and rules governing the use of common property,

rights and obligations of owners, insurance, repairs and maintenance, termination, and sale of units.

Parts V and VI discuss condominiums in public sector, termination of management agreements, penalties, regulations, and appointment of administrator. Some of the changes of the Act proposes to make the process of registration of a condominium easier, cater to the existing condominiums complying with the new requirements for registration, and for owners of the existing condominiums to be issued with a new document, that is the Transport or Certificate of Title. It also caters for the existing Certificate of Sale to remain valid until it is replaced with a Transport or Certificate of Title, which of course brings comfort to owners of such dwellings as they will not have to worry about being inconvenienced by the new legislation. Additionally, this Bill will allow commercial banks to accept titles for the properties as collateral, and insurance companies will be able to issue policies to owners of condominiums.

Clause 19 of the Bill states that units in a condominium constitute immovable property, while clause 20 provides for the title of ownership of a condominium unit.

We were keen to have the input of a crosssection of stakeholders, and therefore, stakeholders' consultations were held between the CH&PA and the Consultant's team on 16<sup>th</sup> July, 2021, and with the financial institutions and commercial banks through the Guyana Association of Bankers Incorporated and insurance companies, and later with the Insurance Association of Guyana on 4<sup>th</sup> August, 2021, and on 15<sup>th</sup> November, 2021, respectively. Banks and financial institutions that participated and were represented included the Bank of Nova Scotia (Scotiabank), Republic Bank (Guyana), Citizens Bank Guyana Incorporated, Bank of Baroda Guyana Incorporated, Hand-in-Hand Trust Corporation and the Institute of Private Enterprise Development (IPED). Insurance companies that participated included Diamond Fire & General Insurance Incorporated, Demerara Mutual Life Assurance Society Limited, Hand-in-Hand Trust Corporation, Assuria Life – Pensisons – Fire & General Insurance, Caricom General Insurance Company Incorporated, North American Life Insurance Limited (NAFICO), Massy United Insurance, P&P Insurance Brokers and Consultants Limited, The New India Assurance Trinidad & Tobago Limited, Guyana Branch, and Guyana & Trinidad Mutual Group of Companies (GTM). Written submissions were received from persons and agencies, including the Ministry of Tourism, Industry and Commerce and The Bar Association of Guyana.

This legislation maintains the need for oversight of the sector, with the Executive giving approval of the declaration and description through the office of the Minister, in this case the Minister of Housing and Water. Reasons for rejecting an application must now be provided by the Minister in writing. This will ensure that persons are given a fair hearing, and the aggrieved party is made aware of the reasons for refusal of the application. It also empowers the Minister to approve, reject or direct the amendment of a proposed declaration and description. A technical team will be empanelled to review the project, that is, the declaration and description to ensure that the proposal complies with the relevant laws. On recommendation from the technical team, the Minister's approval will be issued – refer to clause 5(3). The timeline for the approval by the Minister has been reduced from six months to three months – refer to clause 6.

The condominium scheme is no longer referenced as an instrument but a declaration executed by the owner of the land, and details statements relating to the purchase or lease of each unit, whether it is free or subject to existing mortgages; the consent of persons who have charges, or liens; the proportion of the common interests; the percentages allocated to the units; and unit entitlement of each unit, with an address for service – refer to clauses 12–14. The description accompanies the declaration and contains the technical specifications of the building – refer to clause 15. On registration of a condominium, constitutes immovable property and can be conveyed, leased, mortgaged, or disposed of as immovable property under both the Deeds Registry Act as well as the Land Registry Act – refer to clause 19.

Owners of units will be issued with separate titles for each unit. A transport shall be registered in the Deeds Registry and a certificate of title shall be registered in the Guyana Land Registry; I refer here to clause 20. There is a duty of disclosure to incoming purchasers who can apply for and receive a certificate setting out his liability for common expenses; I refer here to clause 32. Therefore, owners will have exclusive ownership of their unit and shall be tenants in common of the common property. For assessment of property taxes and taxation, each unit and the common interest shall constitute a parcel – refer to clause 21.

On the registration of the declaration and description, a corporation shall be created, and the members shall be the owners of the unit from time to time. However, where a company or corporate body, Government, local government authority or one individual, owns the condominium, a corporation shall not be created – refer to clause 28. The corporation shall insure

its liability to repair damaged property to the replacement value, while the owners of each unit shall be responsible to insure, in respect of damage to his unit, risks not covered by the corporation, or any improvement made to his or her unit; I refer here to clause 44. The declaration can be terminated in several ways but not limited to the following: by notice where the condominium is damaged substantially, clause 48; by Order of the High Court, clause 49; or when the property or any part is sold and transferred.

The money received from a purchaser of a unit before the registration of a declaration and description, shall be held on trust and shall be held in a separate bank account. A breach of this provision is an offence liable on summary conviction to a fine, or one million dollars if the person convicted is a corporation, or \$500,000, if the person convicted is not a corporation – refer to clause 53. Condominiums in the public sector, owned or promoted by the Government, any local Government authority, the Central Housing & Planning Authority or any corporate body with controlling interest vested in the State or agency, is still applicable in this new Act – refer to clause 54. The sale of the units shall be on payment in full of the purchase price and a separate title, either a Transport or a Certificate of Title will be issued – refer to clause 55.

Within six months after this Act comes into operation, the owners of units of every existing condominium are required to prepare a declaration and description and submit same to the Registrar for registration. Upon registration, depending under which Act the condominium falls, the owner will be issued with either a Transport or Certificate of Title; for clarity, refer to clause nine. Once issued with a Transport or Certificate of Title, the existing Certificate of Sale shall cease to be of legal effect. However, Certificates of Sale shall continue to be valid until it is replaced with a Transport or Certificate of Title. Regulations that have been created – and to follow this Bill eventually when it becomes an Act – will be regulations created pursuant to clause 62 of the Condominium Bill; and the associated fees will be consistent with administrative fees for similar services in the legal environment in which our country operates.

In conclusion, because there are a number of speakers just after me [**An. Hon. Member:** *(Inaudible)*] Do you want to hear more? I could give you more. This new Act will provide clearer understanding of this viable alternative to single home ownership and will likely lead to more buy-in. It is a modern piece of legislation that is on par with other territories. It is timely and relevant to the emerging trends in home building in Guyana. As with any Bill, there are some limitations



which we will continue to examine and put forward solutions. Notwithstanding, since you want to hear, let me give you this: the owners of those forty-six duplexes built by the last Administration can sleep better tonight knowing that their legal position regarding ownership is more defined and protected by law. Secure property rights help people to participate more fully in the community and strengthens their commitment to the development of the community.

Condominiums and town houses are Guyana's newest type of real estate investment, and it shows tremendous potential for the future. With Guyana's tourism thrust, it is not difficult to imagine an increased demand for condominiums as vacation homes and income properties. This legislation will make the taking advantage of these investment opportunities easier. The Bill before us was a collaborative effort between Government, the legislature, and the people of Guyana. It is my honour to ask this honourable House to accept the passage of this Bill. *[Applause]*

*11.07 a.m.*

**Mr. Speaker:** Thank you very much, Hon. Minister of Housing and Water. We will now get the contribution from the Hon. Member, Mr. Deonarine Ramsaroop.

**Mr. Ramsaroop:** Thank you very much, Mr. Speaker. Good morning to all. The Hon. Minister mentioned the cash grant that was recently announced. I want to state that, again, we are seeing an unregulated distribution of our resources, and this time it is only for the riverain areas. My question is, what has happened to the persons living inland? The Hon. Minister mentioned the removal of value added tax (VAT) from cement and building materials. I was quite surprised to hear the Hon. Minister mention and boast about the removal of VAT. Cement was \$1,650 and after the removal of that VAT, it went to \$1,760. Is anyone paying attention to this, Mr. Speaker? What system or mechanism is in place to measure to or check these increases in prices? The Hon. Minister boasted about the removal of VAT on building materials, but yet, the cost is going up.

I thought we could have gotten a Bill that mentions the building codes that are really outdated and should be important at this time. The Hon. Minister mentioned the *ad hoc* design of our housing sector. The *ad hoc* system...For decades, it has happened like that. Yet, nothing was done.

Indeed, it is a pleasure to speak on this Bill, No. 4 of 2022, a Bill that speaks to the unique designs of buildings, structures and lifestyle of living. For decades, we have really seen an absence of a

proper housing and development plan. This is in relation, further, to zoning of our housing sector. We know that during that period of time, 23 years plus 2 years...we are finally seeing some designs. The intent of the Bill is good as it seeks to address development and transformation of Guyana's lands. Given our recent oil and gas boom, Guyana will tend to attract people of different lifestyles. The Hon. Minister of Tourism, Industry and Commerce will agree with me on that one.

In addition, this Bill seeks to protect the owners of condominiums with additional laws to ensure that the correct procedure of doing so is followed, but there are several issues and areas that need improvement. That is the reason I will recommend that this Bill be sent to a Special Select Committee for further clarification of some of the clauses and, probably, for its structure and inclusion of some additional clauses. To support this position, when one looks at the Bill, it clearly puts all the powers in the Minister's hands. The Hon. Minister did a good job by reading the entire Bill for us to have an understanding. **[Hon. Members: (Inaudible.)]** Are you done?

Again, we come to what everyone knows about the Government – control, control and control. That is why the context in which this Bill is designed puts too much powers in the Minister's hands, hence my reasons for it to be sent to the Special Select Committee. It is so that we could set up the framework, context and structure of how the Bill should be properly in place. On a second point, the Minister talked about land ownership. The Bill speaks about the declarant, that is the person who will be the owner of that land. Declarant:

“means the absolute owner or owners ...”

In this very definition, it states:

“... owners but does not include a bona fide purchaser of a unit ...”.

My concern here is...and let me use an example. The Windsor Estates had started to build these kinds of structures before the Bill has actually been implemented. Within the law, the current Bill caters for persons to make the adjustments. I think six months has been allocated for those persons to make the adjustments. The Bill speaks about horizontal and vertical construct and structures. If one were to buy a condominium, a unit or a top flat, what protection would one have if the person or the declarant, stated in this Bill, wants to change the structure of that building? That is what is

absent here. There is a section that is quoted where the board is responsible for all the decisions of this entire structure. If the board is dissolved, what protection does one have as a unit owner?

On a third point, there should be an inclusion of a section which should be ‘auditor and financial statements’. We are talking about private persons owning a piece of land or condominiums. We are talking about business. With this auditor, whatever financial [*inaudible*]... Remember, there would be several owners of units within a specified structure. Therefore, the financials and all that is needed there should be audited. In this section, also, there could be a clause that specifies several units that need such auditors. For example, we could set a clause that states that above 25 units per structure would require someone to have audited financial statements. Below that, one would not need to do that. That is what is absent, and I recommend that those clauses be inserted into this Bill.

On a final point, there is another section within this Bill that we could call ‘enforcement’. The section could be inserted within this Bill to execute the duties of the court. In the case of a unit holder, one could mortgage that piece of unit which was [*inaudible*], it should have an enforcement where there is an inspector, who would be directed by the court, to ensure that all the record keeping of that board is intact and in order by the declarant. [**An. Hon. Member:** (*Inaudible*)]. You have to understand. You all jumped to bring a Bill and you do not understand the Bill.

With these suggestions, I strongly recommend that this Bill be sent to a Special Select Committee for further deliberations so that we could add improvements to the format, construct and context of this Bill. I thank you very much. [*Applause*]

**Mr. Speaker:** Now, for her contribution, the Hon. Minister of Tourism, Industry and Commerce.

**Minister of Tourism, Industry and Commerce [Ms. Walrond]:** Thank you, Mr. Speaker. I am pleased to support the Condominium Bill, Bill No. 4 of 2022, which seeks, in large measure, to modernise the framework under which condominiums are established and managed. The Bill will also cure a critical defect of the existing Act by providing for owners of condominium units to be issued with titles to their units. This Bill does not stand alone. Rather, it is yet another element of a comprehensive housing policy, which itself is a component of an overall development policy that we are pursuing. When enacted, this Bill would provide another home ownership option for Guyanese. When we say home ownership, foremost in our minds is affordable home ownership.

This initiative for the promotion and establishment of condominiums stands beside a raft of other measures which, together, implements a visionary policy that is aimed at ensuring that every Guyanese has the opportunity to own their own home. It stands beside the scheme for the young professionals, which sets our young citizens on a path to prosperity at an early age in their lives by securing for them early property ownership. It also stands beside the turnkey homes' initiative, which is aimed at relieving persons of the burden of land preparation and building construction where necessary. You may recall that we continually monitored the price of key construction materials, and where necessary, we intervened by removing taxes on those key inputs, in order to minimise price shocks to home builders. This is another feature of our holistic housing policy.

Just yesterday, we saw the announcement of two key initiatives aimed at assisting Guyanese with home ownership. The first was the removal of VAT on sheet rock and concrete board. This follows the removal of VAT on cement on 29<sup>th</sup> April of this year. To our Hon. Member, Mr. Ramsaroop's comment on the cement prices and the note on VAT, prices are rising due to factors beyond our control. We make interventions that are within our control, that is, the removal of VAT. Were it not for the removal of VAT, the price would have been even higher. These initiatives also follow the prior removal of VAT on a range of construction materials which had been imposed by the Coalition Government after 2015 and which caused much hardship to persons were seeking to build or renovate their homes.

The second announcement which came yesterday was, of course, the commencement of a programme of construction assistance for persons who are in possession of house lots but have been unable to build their homes. Under this programme, the Government will assist these persons in applying for loans from commercial banks and will also construct the homes which will then be handed over to them. Just last weekend, the Central Housing and Planning Authority (CHPA) handed over 18 complete houses in the township of Linden. This is but the beginning of an initiative which will see an eventual 1,000 homes built and conveyed to new owners in Linden. You see, Mr. Speaker, what we have is not a piecemeal, *ad hoc* approach to housing development. Instead, what we see is the implementation of this holistic, comprehensive and visionary policy, which is aimed at ensuring that every Guyanese has the opportunity to own a quality home. This Condominium Bill, which we seek to pass today, is therefore best understood as a component of our overall policy aimed at universal home ownership.

*11.22 a.m.*

Some may question the desirability of condominium developments in Guyana. They may argue that with an abundance of land relative to our population, we should focus exclusively on developing house and lot subdivisions. We, as a Government, however, see a place for condominium-style developments in our country to cater to certain markets which may not best be served by our traditional approach to housing. Consider, for example, the older citizen whose children and other family members reside abroad. Some such citizens may no longer wish to be burdened by the cost and effort associated with maintaining a single-family dwelling. This effort would include yard maintenance, maintenance of fencing, painting of exterior surfaces, maintenance of bridges and surfacing of roofs to name a few.

One of the attractive features of a condominium-style property to such a person would be that responsibility for maintenance of the exterior and common areas would be left to the governing corporation, with the unit owner responsible for maintenance of the interior areas only. The homeowner gets the advantage of a well-built home with quality amenities but without the obligations associated with additional maintenance of external areas. Another attraction is that properly designed condominiums, by their very nature, are able to offer high levels of security, which we know to be a significant concern to many citizens and residents. Last but not least, condominiums can leverage significant economies of scale to deliver an affordable alternative to single-family dwellings.

It is well known that, especially on the coastlands, new areas opened for housing require tremendous capital outlays associated with landfilling, roads, utilities and other infrastructural costs. Indeed, it is precisely these kinds of additional costs, over and above the cost of the actual dwelling structure, that have a potential to put home ownership outside the reach of many. It is this type of problem that has made it necessary for Government to embark on initiatives, such as the turnkey homes and the construction assistance programmes. Building multi-family developments has the potential to reduce the unit cost per dwelling even further, thus delivering quality accommodation at a lower cost.

These advantages of condominium-style developments would make them attractive not only to senior citizens, as I alluded to above, but also to first-time home buyers and to overseas based



Guyanese, who may wish to own property while here, while minimising the costs and the burdens of land ownership. I also know that the option of condominium ownership may make it feasible for many of our citizens to not only reside in their own homes but to hold additional real estate as an investment. Those were some of the policy considerations behind the Bill which, as I pointed out, is but one component of a visionary and multifaceted housing and development policy.

Apart from embodying part of a sound housing sector policy, I wish to make the point to this honourable House that this Bill also reflects the commitment of our People's Progressive Party/Civic (PPP/C) Administration to the highest standards of efficiency, transparency and accountability. These are, as you know, some of the fundamental tenets of good governance. For example, while the Bill retains much of the discretion of the Minister embodied in the old Act, this Bill clarifies, in keeping with settled law, that such discretion is not unfettered. As an example of this point with respect to making a determination whether to approve or deny a prospective declaration, the Bill provides that the Minister shall have regard to the experience and financial resources of the promoters, the proposed location of the condominium, the recommendations of a technical review panel and other conditions as may be prescribed. Mr. Speaker, this is directly quoted from the Bill.

For good measure, I note that, in this context, prescribed conditions mean conditions that have been prior set forth in the regulations. This provision should provide some degree of comfort, on the part of an investor, that decisions will not and cannot be arbitrary. The provision for the Minister to empanel a technical review team to review proposed declarations and descriptions, and to make recommendations with respect to their approval is a new one. It was not present in the old Act. This feature provides a welcome opportunity for expert input into decisions of the Minister, which was not explicitly provided for in the previous regime. We think that potential applicants would feel some degree of comfort and assurance if the review of their applications were to benefit from expert and informed consideration.

Also, noteworthy is a change in the timeframe within which the Minister must indicate to a proposed declarant that amendments are required to the declarant's submissions in respect of a proposed condominium development. The previous regime set this period at six months, but under this Bill the relevant period is now three months. This reduction reflects our commitment to increasing the efficiency of service delivery, not only in this sector but, generally, in all areas of

Government. With respect to the underlying governance philosophy, one of the most important provisions in our regime of transparency is the introduction, in this Bill, of a statutory duty to give reasons. This duty is imposed on the Minister where the Minister rejects a proposed declaration and description for a condominium scheme. The Bill expressly provides that those reasons must be furnished to a promoter in writing.

I now move on to the substance of the Bill in terms of its provisions for perspective owners of condominiums. As I alluded to earlier, one of the key substantive features of this Bill is that it cures the critical defect of its predecessor in providing for title or transport for units to be issued to their owners. Importantly, the Bill will grandfather existing unit owners who possess the certificate of title under the old regime. Following a simple administrative procedure, these owners will be able to be issued with transports or certificates of title for their units.

The Bill provides a range of protections for purchases of units in condominiums. It provides that the first conveyance must be free of any encumbrance or, alternatively, that mortgagees or chargees be joined. This will prevent buyers from inheriting liabilities of which they may be unaware. Clauses 12 and 13, respectively, provide for mandatory and optional disclosure of certain matters associated with the schemes. These disclosures will serve to protect potential buyers by ensuring that they have sufficient information to make informed decisions. Changes to the declaration will require the consent of all owners. It should be evident that this is in fact the highest degree of protection that owners can have against arbitrary changes in the terms and conditions of their agreements.

Finally, stewardship of the business of the condominium undertakings is provided for by the creation of the condominium corporations governed by boards comprised primarily of unit owners. The corporate government's regime provided for in the Bill is fully reflective of best practices, as can be found in the modern Companies Act.

I trust that we have adequately demonstrated the value that this Bill brings to the citizens of Guyana, starting from its location and the larger context of our development, vision and housing policy, through its embodiment of essential principles of good governance and, finally, in the substantive benefits that it would confer on promoters, investors and, most importantly, owners of

the condominium units themselves. Therefore, I am pleased to support this Bill and commend it to this honourable House for passage. [*Applause*]

**Mr. Speaker:** Thank you, Hon. Minister. Now for her contribution, it is the Hon. Member, Ms. Annette Ferguson.

**Ms. Ferguson:** Mr. Speaker, thank you very much for your acknowledgement. I rise from this side of the House to proffer my contribution to the debate on the Condominium Bill, Bill No. 4 of 2022, under consideration this morning. Let me state from the onset that we, of the A Partnership for National Unity/Alliance For Change (APNU/AFC), will give our support to this piece of legislation. However, it is necessary for me to highlight a few observations about this Bill before I put forward my arguments on behalf of the Opposition.

I have listened with great interest to Members of the proposing side and the impression one gets is that this is a new legislation and that there was not one before, Hon. Member McCoy. I would be unjust to myself and colleagues on this side if I fail to recognise the legislating of the Condominium (Regulation and Miscellaneous Provisions) Act 1989 – Act No. 4 of 1989 and the amended Act No. 29 of 1991 during the People’s National Congress/Reform (PNC/R) Government, Hon. Kwame McCoy. Therefore, this Bill, before us today, is not the first in our history as a postcolonial nation. For the Hon. Members across the aisle, I would encourage you to do your research to see which administration’s vision it was to establish a condominium Act. Yes, it was the People’s National Congress/Reform.

Clause 64 of Bill No. 4 of 2022 advises us that the Condominium (Regulation and Miscellaneous Provisions) Act 1989 – Act No. 4 of 1989 is being repealed, while Clause 65 of Bill No. 4 of 2022 has provisions for savings and transitional. Mr. Speaker, you will agree with me that the People’s Progressive Party/Civic has a tendency of boasting and claiming the work of others as theirs. It is apt for me to remind them that they were in Government for 23 years prior to 11<sup>th</sup> May, 2015. With all the high praises they have exclaimed unto themselves for allocating more than 100,000 house lots, in those years, they failed to appeal the Condominium (Regulation and Miscellaneous Provisions) Act 1989 – Act No. 4 of 1989. This morning, they shared with us, as they usually do, and boasted about the 11,000 house lots that they have given in less than 2 years.

I need to remind the Hon. Members across the aisle to go to the areas in Diamond, La Parfaite Harmonie and Providence – schemes that were developed under that Administration post -11<sup>th</sup> May, 2015 – and see the state of those areas now. You boasted about giving 11,000 house lots over the past year and a half but let us do the analysis. For those 11,000 persons who received house lots, as they claim, how many of those allottees were able to garner loans? How many of those allottees, as of today, have been able to build their dream homes? With the evolution of time, there is need for improved legislation which will cater for what currently exists.

*11.37.a.m.*

However, Sir, when the Coalition took Office in 2015, we commenced working to address the woes we met in the housing sector and to find solutions towards making housing affordable for our people, and not for friends and cronies, something that existed and continues to exist, Hon. Collin Croal. During the Housing Solutions 2017 & Beyond initiative, launched in May, 2017, several housing units were constructed, such as duplexes, elevated flats, single flats, and bungalows, by the Coalition Government.

It was evident that beneficiaries who opted for duplexes and were qualified for loans encountered difficulties with the financial institutions in accessing loans because of the laws not being in place for duplexes. The team at Central Housing and Planning Authority... [**An. Hon. Member:** *(Inaudible)*] Just listen and learn. In the year 2017, under the leadership of my former colleague, Ms. Valerie Patterson-Yearwood, and Chief Executive Officer (CEO), Mr. Lelon Saul, discussions commenced to review the Condominium (Regulation and Miscellaneous Provisions) Act 1989, Mr. Collin Croal. So, do not come here to say to us or to teach us that we did not attempt to address the Condominium Act with any urgency. Let me tell you why. With an aim to amend the provisions of duplexes and other models of units, the then Administration intended to construct going forward. This was not made possible, Mr. Speaker, due to post events, such as the deceptive No-Confidence Motion in 2018 and then the unresolved 2020 General and Regional Elections, which led to the installation of the People's Progressive Party/Civic into Office.

Earlier, the Hon. Member, Collin Croal, shared with the National Assembly all the glorious things, such as reduction in cement prices, reduction in sheetrock prices, and all the other things such as the ceiling for mortgages. Over the year and a half since their installation into Government, they

have not said to this nation and to us, here in the National Assembly, what the ceiling mortgages for the various banking institutions are. I will provide the facts, Mr. Speaker. The Guyana Public Service Credit Union (GPSU): for \$0-4 million, it is 3.5 per annum; \$4-8 million – 4.5% per annum; \$8-12 million – 6% per annum, Mr. Nandlall; and \$12-15 million – 7% per annum. Republic Bank's current figures are: \$0-6 million – 4% per annum; \$6-12 million – 5.95% per annum; and for \$12 million and over, Sir, it is 10.5% per annum. Citizens Bank's figures are: \$0-10 million - 7.5% per annum; \$10-15 million - 8.5% per annum; \$15-20 million - 9.5% per annum; and \$20 million and over – 10% per annum. If we are to do an analysis, based on the facts that I have just presented here, one will see that of all of the banking institutions or lending institutions, the Guyana Public Service Credit Union has the best rates to offer to poor people and working-class people in this country. If you really wanted to address the whole...

**Mr. Speaker:** Hon. Member, you did not say anything wrong, and I was very interested in the survey you gave. The only thing I want to find out, since I would refinance, is whether it is reducing balance or simple interest.

**Ms. Ferguson:** Sir, I have done my homework to find out what is out there to suit the pockets of ordinary citizens, and this is the information that I was provided. I did my homework. I now turn my attention to the Condominium Bill, Bill No. 4 of 2022. When one compares the Condominium (Regulation and Miscellaneous Provisions) Act No.4 of 1989 with this Bill, many of the sections have been retained, while new clauses and interchanging of words are included. The concept, Sir, of the term condominium might be relatively new to many Guyanese, since it was not commonly used to describe several areas in the city. In South Georgetown, when one takes a drive, and on Laing Avenue, there are units connected. In Shirley Field Ridley Square, there are units connected. There are East and West Ruimveldt, Wismar in Linden, Angoy's Avenue in Region 6, just to name a few.

However, with changes and the use of modern description, condominium is becoming familiar to Guyanese, especially those who reside in developed countries and have an interest in either renting or purchasing condominium units after retirement. Research has proven that in the Caribbean, for example, The Bahamas, they have the oldest legislation, which is the Law of Property and Conveyance Act Chapter 124 Bahamas (1965) which they patterned from the American Federal



Housing Administration. Case laws were cited relating to the absence of provisions for the construction of horizontal division of the fee simple estate inland.

Additionally, research has further proven that, in the Caribbean, financial demand of owning a condominium is burdensome and there is no degree of urgency or interest in constructing such structures since, on average, many of those countries have poor economies, which, in most cases, reflect the inability of citizens to purchase such units. Many persons prefer to own their own homes when they compare it with the cost associated with condominiums. While clause 55 (1) and (2) of the Condominium Bill, Bill No. 4 of 2022, addresses the idea of government and other entities promoting condominium in the public sector, I will recommend and encourage the current Regime to conduct an assessment or survey with applicants who have applied for house lots or housing units to determine their preference for housing before constructing condominiums or townhouses, since it is my view that the average Guyanese, the working class, would prefer to either build or purchase housing units that are affordable to them.

Mr. Speaker, you would agree that it is a state's interest to research best practices from other states when it comes to creating new legislation or improving existing legislation. Let me briefly share Jamaica's and Barbados' policies on condominiums and what was done in the adoption of an incentive to boost their tourism economy which allowed them to amend their strata laws. Jamaica enjoyed a tourism boom. The Government went ahead and reintroduced the concept of vocation ownership, which led them to strengthen their registration strata law or titles Act, primarily to enforce property covenants and assessments. The legislation is significant since there is a provision for consumers protection, that is, once a unit is sold at the best price considered to be reasonably attainable and to inform unit owners of any lapse or cancellation of insurance that results from a failure to pay premiums.

In Barbados, their legislation on the condominium Act exclusively deals with real estate. That is how developments are to be done and not by addressing issues relating to purchasing from a construction perspective, for example, security from investment and defects liability. Closer to home, Trinidad and Tobago has a Condominiums Act in their laws. However, the Attorney General of Trinidad and Tobago is on record and has stated emphatically, Hon. Member Mc Coy, that the Condominiums Act No.23 of 1981 has been hung out to dry for the past 29 years. The difficulty

and uncertainty posed for the implementation of the Act is because of its main provision for registration, management and control of condominium and townhouse developments.

In reviewing and analysing this Bill, which contains six parts with 65 clauses principally, like my colleague on this side of the House, we welcome the improvement of any legislation which comes to this honourable Assembly. This Bill, the Condominium Bill No. 4 of 2022 is no exception. With Guyana's economy on the rise due to resources from the oil and gas, our nation is heading for greatness, Hon. Mc Coy. It is evident that with the influx of expatriates coming to Guyana, the demand for housing accommodation will escalate and there are persons whose preference would be for housing accommodation in gated communities with all essentials in place.

We already have the model set here, Windsor Estate, for example. Just a few yards from here, there is the Beharry area, accessed by using the University of Guyana (UG) road where there are the condominiums. In these gated communities, it is not just buildings but there are other essentials, such as pools, pool houses and all manner of things that go along with this whole new idea of a condominium. Earlier in my presentation, I made the point that the concept of the condominium is new to many Guyanese. With improved legislation to protect purchasers, mortgagees, chargees and all other categories to be protected on the Act.

*11.52 a.m.*

I believe, Sir, that widespread consultations were not done properly to allow ordinary homeowners – whether they reside in South Georgetown and want to purchase land from the Government to develop a condominium housing scheme – to come and gave their input to ensure that we have proper legislation from which they will benefit. Other parts of the country and persons with an interest in either purchasing or renting condominiums would have had an opportunity, Hon. Mr. McCoy, to make suggestions and recommendations. I wish to caution us as legislators that we should not see the passage of a Bill because of a political campaign promise which we made. The legislating of laws has long-lasting effects and impacts not only on our citizens, but on our country also. Despite consultations on several pieces of enacted legislation, to be specific the Cyber Crime Act of 2018, today, we have witnessed the abuse by a few politicians on that side of the House by using the Act for their own self-interest, and the arm of the State to politically prosecute the lives of innocent Guyanese.

It is prudent for us as legislators to host countrywide consultations with time limits to both educate and inform our people about their rights under the laws of our beloved nation. Mr. Speaker, not only this should be done. Hon. Member Mr. McCoy, we should not only host consultations for electoral purposes to gain votes. In a headlined article carried by *Kaieteur News*, dated 16<sup>th</sup> May, 2021, this is what the Ministry of Housing and Water stated through the Hon. Member Mr. Croal:

“Housing Ministry moves closer to amending Condominium Act”

The article further quoted the Hon. Member by stating:

“Stakeholder consultations to streamline the amendment of the Condominium (Regulation and Miscellaneous Provisions) Act...”

Sir, in the Hon. Member’s presentation earlier, we heard with whom they consulted. They did not consult with the people of Guyana; they did not. They only consulted with a few – themselves, friends and families. Those are the persons with whom they consulted with. The Hon. Member further posited in the article that:

“The first draft we’re expecting by the new week and then it goes through the consultative process with our key stakeholders...”

Who were your key stakeholders? It just cannot be bankers and, perhaps, the gentleman who aided in reviewing the old Condominium (Regulation and Miscellaneous Provisions) Act of 1989 to give you this new legislation that we are currently discussing. We need a wider consultation process because, at the end of the day, it is Guyanese who have to benefit from this new legislation. Further, the Hon. Member stated:

“Feedback garnered from the stakeholder forum will play an integral role in development of the legislation.”

The Member went on, in 2021, to state that the Bill will be tabled by September:

“The amendment of the Act will pave the way for owners of condominiums and duplexes to access titles for their land.”

This we support. The article also quoted the Hon. Member as saying:

“...commercial banks would also be able to accept the properties as collateral and offer loans to the homeowners for expansion and insurance companies will also be allowed to issue policies for protection.”

Sir, from the list of companies and organisations... earlier we heard the Hon. Member identifying all the possible insurance companies which are likely to benefit after this legislation is passed. [Mr. Croal: We consulted with them.] Consulted. Missing from the list of groups consulted was the main parliamentary Opposition party. The Hon. Member, as I said before, should inform the House and the people of Guyana why the Opposition was not consulted with regard to an important legislation of this nature. Is this the ‘One Guyana’ initiative, Hon. Member Mr. Croal? Mr. Speaker, the former Coalition Government has been accused by the People’s Progressive Party/Civic’s (PPP/C) Regime of not passing the Condominium Bill. Earlier, I stated that the process commenced in 2017 under the Coalition Government and because of the no-confidence motion, which was passed in 2018, we could not pursue this Bill.

Mr. Speaker, when one examines Act No. 4/1989 one will see that it gives a clear insight of its intentions *et cetera*. That is that it caters for the regulation and division of properties into parts that are to be owned individually, parts that are to be owned in common to make provision for the use and management of such properties, and to make provision for the assignment of certain properties owned by the Government. I trust that the Hon. Member is conscious that, with the advent of the passage of Act No. 4 of 1989, Bill No.4 of 2022 contains similar features. What the drafters did, Hon. Mr. Nandlall, was to use words interchangeably and included parts to set aside the following.

I have researched the differences between condominiums and duplexes. These are my findings. There are differences between the two. To explain in the simplest manner, a duplex is a single building that has two separate units as parts of it. These two units share a wall between them. The Hon. Member made mention of that earlier in his presentation. Just as in the case of a duplex, a condominium is also connected to, at least, one or more condos. It can have more than one condominium adjacent to it as well. Therefore, to understand it better, a condo’s appeal is more like an apartment rather than a single and independent property. If we really want to get an idea and an appreciation of what a condo currently looks like, go to the Windsor Estates and you will see it just there.

However, this Bill is silent on the term ‘duplexes’. They boasted after the passage of this Bill that the 46 households in Perseverance will be able to get their titles so that they can access their loans if the need be. Mr. Speaker, this morning, I just want to send a strong warning to Hon. Members across there. I trust that come 2023, in your budget debate, you will let us know from the 46 persons or families out of Perseverance, how many were able to get their titles after the passage of this Bill. We know that you play games with the lives of our people, especially when it comes to housing, Hon. Mr. Croal. *Yuh cyan fool me.*

**Mr. Speaker:** Hon. Member, for you to continue, you will need an extension.

**Mr. Mahipaul:** Cde. Speaker, I move for the Hon. Member to be given five minutes to conclude her presentation.

*Motion put and agreed to.*

**Mr. Speaker:** Hon. Member, you may continue to conclude.

**Ms. Ferguson:** Thank you very much, Mr. Speaker. In further examination of the Bill, like my colleague who spoke before me, my major concern is Part II which addresses approval and registration. This explains, in detail, the powers that will be vested in the hands of the Minister. Let us take, for example, me as an ordinary citizen who wants to acquire one acre of land. Perhaps, I might acquire an acre of land from the Government, and I decide that I want to set up a condominium scheme. Then there are friends of the Government who might come with two acres and their plans to build more condos than I had intend. This is where the disparity will exist. I am going to send the warning again, Mr. Speaker. After the passage of this Bill, we will see many investors, ordinary Guyanese, who would want to construct condos in this nation, and because of the hands of the Minister they could be denied the opportunity. It is about friends, families, and cronies.

In conclusion, I join with my fellow colleagues on this side of the House in supporting the Bill, and I have said from the onset. We will give support to the Bill in principle and with its intent, but we would like to propose that the Bill be sent to a parliamentary special select committee for further input, not only by the main parliamentary Opposition party but by ordinary Guyanese who have an interest in constructing condos. They too must be able to add their voices to ensure that

we have a legislation from which they will benefit, unfettered by the Minister of Housing and Water. As I said before, we are prepared. We will support the Bill, but we are proposing that the Bill be sent to a special select committee for further widespread consultations. This is in keeping with what Standing Order 58. I trust the Hon. Members, if you really mean business, to ensure that we have a legislation where all are informed and will be consumed. Let us get your support for our proposal to have this piece of legislation sent to a special select committee. With that being said, thank you very much. May God richly bless us all. Thank you. [Applause]

**Mr. Speaker:** Thank you very much, Hon. Member Ms. Ferguson. I now call on the Hon. Minister within the Ministry of Housing and Water, Hon. Member Ms. Rodrigues, to make her contribution.

**Minister within the Ministry of Housing and Water [Ms. Rodrigues]:** Thank you very much, Mr. Speaker. I rise to make my contribution in support of the Condominium Bill of 2022, Bill No.4 of 2022. As I sat there listening to the Hon. Member, Ms. Ferguson, I was reminded of a very popular song by James Brown: *Talkin' Loud and Sayin' Nothing*.

*12.07 p.m.*

Mr. Speaker, I am particularly pleased that this Bill is finally in this honourable House since it is in keeping with our Government's commitment to update and modernise our legal framework. Condominium is not a new concept even though it may be new in our local conversations here in Guyana. There is some uncertainty as to when or where the first condominium was built with some dating it back to the 19<sup>th</sup> Century. The difference between a complex of residences, such as an apartment building for example, and a condominium is purely legal. There is no way to differentiate a condominium from any other residential building simply by looking at it. However, what defines a condominium is the form of ownership. When and where did the modern concept of a condominium emerge? First, let us examine what constitutes a condominium.

“The present understanding of a condominium is that it is a housing concept where the owner has title to the condominium unit... and they share in the ownership and responsibility for maintaining the common structural elements and amenities if any.”

By that definition, the condominium could be traced back to New York City in the 1800’s. According to Matthew Gordon Lasner, the author of ‘High Life’, which a book published by Yale University Press:

“Condo *Living in the Suburban Century*, the first condominium was built in New York City in 1881. It had eight units and was developed to address housing needs of city dwellers who did not or could not afford a single-family home but did not want to be renters.

In the early 20th century, Puerto Rico passed the first modern condominium statute, called a Horizontal Property Act. This provided a legal framework for developers and purchasers to deal with the ownership and maintenance issues that arise from the co-ownership of common elements. The law was updated in 1958 and American developers soon picked up on the concept.”

In 1960:

“...Utah adopted a state Condominium Act.”

Shortly after, the first modern condominium was built in the United States of America. Consequently:

“...the Federal Housing Administration began allowing federally backed funding for condominiums...”

From there on, condominiums became a very popular housing concept. The Condominium Bill 2022 applies to all condominium constructed or to be constructed under a declaration and description, including condominiums constructed or to be constructed by the Government. The Bill requires that proposed declarations and descriptions be approved by the Minister of Housing before a condominium is constructed or before an existing building is converted into a condominium. The Minister is empowered to approve, reject, or direct the amendment of a proposed declaration and proposed description. This Bill does something far more important than

updating our legislation to facilitate investments in condominiums. Today, there are dozens of families eagerly awaiting the passage of this Bill to allow them to finally acquire their certificate of titles after more than four years of frustration and uncertainty about whether they would be able to acquire ownership of their home.

In 2017, the A Partnership for National Unity and Alliance For Change (APNU/AFC) Minister, Ms. Valerie Patterson, introduced the duplex housing concept. For those who are not familiar with what took place then, I would just explain what it looks like. In reality, two plots of land were allocated to two beneficiaries. Along the centre line of the two plots of land, the unit is constructed, and the middle wall runs along where the two boundaries meet. It is one building divided into two units with the common wall. There is no legislation to support this type of housing concept and, therefore, the beneficiaries could not acquire a certificate of title or transport. They drafted and made the beneficiary sign an agreement of sale creating a legitimate expectation that this transaction will be completed but did not simultaneously update the legislation. So, the beneficiaries could not receive ownership.

The Hon. Member, Annette Ferguson stood during her presentation and boasted that it was the People's National Congress (PNC) Government that passed the Condominium Act of 1989. We never refuted that. The Minister of Housing and Water took several minutes elaborating about the provisions of the 1989 Act and pointing out its deficiencies, hence the need for a new legislation, and the recommendation from the consultant who said that, rather than amend the provisions of the 1989 Act, we should pass an entirely new Act. Her defence of the Act and trying to claim ownership of the 1989 Act, knowing fully well that there are families who are listening and watching us today and who are still without their ownership documents... To listen to her take credit for that is an insult to those families.

The APNU/AFC lacked finesse in handling the duplexes. As usual, they *put the horse before the cart*. They were out of their league as they are with most things. They could not create any new housing schemes. They only allocated about 7000 lots within schemes that the People's Progressive Party Civic (PPP/C) built. They did not have allocated money in the budget for infrastructure until after the passage of the No Confidence Motion, but they decided to build duplexes. She claimed that the legislation could not be updated because of the passage of the No Confidence Motion; the Hon. Member said that in her presentation. They went ahead and allocated



moneys in a budget after the No Confidence Motion, but they could not bring a Bill to this House to ensure that these families that are suffering receive their certificates of title.

Let us examine the cost. The duplexes are supposed to be a housing solution for low-income families, but the cost for the unit was exorbitant: There were 46 duplexes – 92 units. It cost \$6.8 million per unit plus \$300,000 for the land. That brought it to a total of \$7.1 million. That is what these families had to pay. How could this be considered low income? Compare that to the low-income homes we are building for a total of \$5.5 million, inclusive of the land. Mr. Speaker, this is more than four years later, and even with escalating prices and the challenges faced, globally, with supply chain issues and rising fuel cost, we are still able to keep building cost affordable and making interventions for low-income earners by utilising economies of scale.

Ownership could not be attained, no financing through banking institutions was possible, and no mortgages could be issued on these properties. Therefore, the project had to be funded through the housing fund of the Central Housing and Planning Authority (CHPA), resulting in the much-needed financial resources of the agency being tied up for years. This deprived others who could have benefitted from the construction of additional homes. All unit owners are now paying rent to Central Housing and Planning Authority. This is an agency which was established since 1948, the APNU/AFC Administration now has collecting rent, instead of transferring freehold property. They lacked vision and competence because of the inadequacy of the legislation to protect homeowners. As if APNU/AFC record in the housing sector was not already a dismal failure, they compounded the incompetence by holding those 92 families at ransom for the past four years. This is a wrong that we must correct. Even today, they stand here in this House and, while saying that they support the passage of this legislation, they are recommending that it be sent to a special select committee which will further delay the process of the passage of this Bill; which will further delay the families the relief that they so badly need; and which will further inflict pain and suffering on families, many of whom I have met are worried about whether or not they would ever be able to acquire their home and have documents to show their ownership. But, the relief is coming, Sir.

The Condominium Bill promotes the principles of accountability, efficiency, and good governance. Clause 6 of the Bill imposes two-time limits upon the Minister of Housing and Water. Firstly, the Minister has one month to acknowledge, in writing, the receipt of a submission for a proposed declaration and a proposed description. Secondly, the Minister has three months, from

the date of acknowledgment, to approve, reject or direct the amendment of a proposed declaration and proposed description. It requires the Minister to communicate, once again, in writing, his decision to the promoter of the condominium. If the Minister fails to communicate his decision to the promoter within the stipulated period, the proposed declaration and proposed description shall be deemed to have been approved by the Minister. One cannot get more accountable than this. The Minister's powers are limited and, therefore, cannot frustrate and investor by refusing to issue a decision. The Bill promotes transparency. Clause 5 (7) states that:

“No proposed Declaration and proposed Description shall be rejected by the Minister unless the promoter has been given a reasonable opportunity of being heard.”

Clause 5 (8) further states that:

“Where the Minister rejects a proposed Declaration and proposed Description... he shall furnish the promoter with a written statement of reasons for the refusal.”

With Guyana on the cusp of major transformational development, updating our legislation to facilitate sophisticated investments associated with a modern economy is crucial. Our markets and our economy must be opened for business. This initiative of an alternative housing concept will be welcomed by both the private sector and Government. There are private individuals who have already constructed condominiums in Guyana and people who have purchased those condos. The developers have been unable to transfer ownership of the units and the unit owners have been unable to access financing because the condo cannot be used as collateral at any banking institution until and unless this law is passed to allow ownership. This Bill attracts investors to this type of investment. It allows people who prefer not to own and maintain an individual lot with a single-family home... but rather a flat that they can easily maintain or can have as a second vacation home, for example. There are additional benefits of communities with condominiums. Condominiums promote high-density housing. On the Government side, the cost is lower to maintain infrastructure such as roads and utilities.

*12.22 p.m.*

They are much more expensive to maintain when homes and businesses are spread apart. It is geographically easier and less costly to provide public services such as schools, hospitals, day

cares, *et cetera*. Police and fire services are more effective when service areas are smaller. Low-density developments also often do not provide a large enough tax base to cover the cost of public services. Mixed-use developments with retail and apartments tend to pay a higher commercial tax rate and provide more services privately than communities made up of single-family homes.

At the Ministry of Housing and Water, we recognise the value of zoning and mixed-use development. We are ensuring that, even in the housing schemes, areas are being zoned for commercial and industrial activities, for schools, for health centres, recreational facilities, and public open spaces; all for the benefit of our people. Higher density development helps attract new employers, thereby creating and providing more jobs. Employers want to be where the labour force is rather than to try to attract workers to come to them. Communities that are convenient to work and create a certain lifestyle are more attractive for both employers and employees. Higher-density development also increases property values. Although location and accessibility to utilities, schools, hospitals, *et cetera*, are more obvious determining factors of value, the lifestyle benefits of high-density communities can drive up property value when properly executed. When there is strong sense of community or lots of amenities within a neighbourhood, including employment and entertainment, density and diversity can add values of their own.

From the time we took Office, we have been very clear that our focus has been beyond mere house lot allocation. Our main focus is on home ownership. Our main focus is on ensuring that we deliver affordable housing to the people of our country. That is why we are building sustainable communities and offering comprehensive housing solutions. This is why we are offering the turnkey homes. This is why, only yesterday, His Excellency, Dr. Mohammed Irfaan Ali, announced to the nation that we will be going beyond the construction of homes for allocation. Even to those people who have already received their allocations, we will help them through the process of building their own homes, thus demonstrating the importance of home ownership, and demonstrating our commitment to ensuring that Guyanese are housed. We will ensure that we hold their hands through that process, from the prequalification at the bank to ensuring that they are put in touch with a developer. We will monitor the entire construction process so that they get value for money; so that they get quality services; and so that, even more quickly, they could get a roof over their heads which they could call their own. They can be homeowners in the true sense of home ownership.

I believe that we have made a compelling case for this Bill to become law, if not for anyone else, for the families that have been waiting for over four long years for their certificates of title. Many people have worked extremely hard on this Bill. Many drafts were gone through, and many spirited debates were had. I wish to thank, especially the consultant; all of the experts; the stakeholders, such as the banks, the insurance companies, the Minister and the Ministry of Tourism, Industry and Commerce, the Bar Association of Guyana, the Hon. Attorney General and all of the attorneys and drafters, who worked to ensure that we not only have a solid piece of legislation, but that it adequately addressed and corrected the situation that currently exists with the duplexes. I believe the time is right, and I fully recommend this Bill for passage in this honourable House. Thank you. [Applause.]

**Mr. Speaker:** Thank you, Hon. Minister. Hon. Members, I think this is a good time to take the suspension for one hour.

*Sitting suspended at 12.30 p.m.*

*Sitting resumed at 2.01 p.m.*

**Mr. Speaker:** I have been informed that the Leader of the Opposition, Mr. Aubrey Norton, will not be speaking. I now call on the Hon. Attorney General and Minister of Legal Affairs, Mr. Mohabir Anil Nandlall.

**Attorney General and Minister of Legal Affairs [Mr. Nandlall]:** Thank you very much, Mr. Speaker, for the opportunity to speak on this very important Bill that is before the House. My colleague Hon. Ministers have done a remarkable job in articulating, very elaborately, the important characteristics and elements of this Bill. I want to thank them for their presentations. The Opposition has also expressed its robust support for the Bill, and I also want to thank them for their support.

Unfortunately, however, in their presentations, they have put before this House a lot of misinformation and misunderstanding about the provisions of the Bill. Therefore, I wish to take the opportunity to address some of those misinformation in my presentation. Perhaps, a convenient point to begin with is to recognise that, in 1989, this Parliament enacted the Condominium (Regulations and Miscellaneous Provisions) Act, which is now Cap. 36:22 of the laws of Guyana.

That was over 33 years ago. With the mere passage of time, that law requires review. The question has been asked: Why this Bill? Perhaps, I should interrogate that law a little to paint the picture of why this Bill is necessary.

If I could invite us to reflect back to 33 years ago. In 1989, we were living in a radically different world and, certainly, a radically different country. In 1989, Guyana was under dictatorial rule. In 1989, Guyana was a bankrupt economy. In 1989, Guyana was largely funded by an International Monetary Fund (IMF) financial programme titled Economic Recovery Program. We were widely regarded as a basket case. We heard today that condominium is still a relatively new concept in the year 2022.

Just back pedal a little to imagine what condominium would have been and would have meant to the ordinary Guyanese in an impoverished economy in the year 1989. The question, therefore, must be asked: Why that 1989 law? I can only find one sensible reason. We had no investments of any magnitude to speak about. We did not even have a housing ministry at that time. There was no housing drive. The economy was completely stagnated and there was social decay. Yet, in the face of that, there was a condominium law being enacted by the Parliament of the country. The only rational reason I can proffer for the enactment of the law in 1989 is that it was to bring regularity to a set of structures that were constructed decades before 1989, and to bring regularity to the ownership of those structures so as to give persons who are occupying those structures some form of titular ownership in relation to those structures.

The Hon. Member, Annette Ferguson, made reference to some of them. Some of them were located, and are still located, in the Campbellville Housing Scheme, in West Ruimveldt, in East Ruimveldt, in Laing Avenue, and even some at Wismar. What the Hon. Member does not know, and I say that positively, is that those structures of which she apparently took political ownership under the umbrella of the People's National Congress (PNC), and wrongfully so, were constructed prior to independence by the 1957, 1961, 1964 People's Progressive Party (PPP) Government. That is the first important point I want to make. The Hon. Mrs. Janet Jagan was the Minister of Housing at the time. I do not wish to dispute that. A quick check of the record will confirm what I am saying.

Forty years after, the PNC, to its credit, sought to bring this law into the Parliament and into force in order to bring regularity to the occupants of those buildings and to give them titles, because they were tenants. The PNC brought the law into force in 1989. From 1989 to 1990, to 1991, and to the end of 1992, when it lost government, not a single transport was issued for any of those structures. It means that they brought a law into force that was never used by the Government which brought it into force. That must be put on the record. The process of bringing regularity and titular ownership to the occupants of those premises commenced between 1995 to 1997 under the PPP/C Administration. Those occupants, who were tenants, were granted what was permissible at the time – a document called a Certificate of Sale – which made them the titular owner of those premises.

*2.10 p.m.*

The law existing at the time, and still existing now, had some major deficiencies. I will now highlight those deficiencies but, before I get there, I want to move us from 1989 to 2022. As I said, in 1989, we were a bankrupt country; in 2022, we are the most buoyant economy, growing at the fastest and largest growing rate on planet earth. That is also an indisputable fact. There is a commercial building accommodation and infrastructural explosion taking place right across the length and breadth of our country.

Investors are flocking our doors; branded hotels are here in double-digit numbers. Just a few yards away from this centre to the west of this edifice, there is a huge construction ongoing that would accommodate a 350-room hotel establishment, with conference room facilities, multiple restaurant, and other recreational facilities. Not very far from here, there is a Best Western Hotel that will be constructed. We have branded hotels such as the Marriott, the Hilton, the Holiday Inn and many others that have already begun construction in Guyana. As part of this real estate explosion, we now have international real estate corporations participating in our economic sectors. I speak about the Canadian giant RE/MAX, and the United States of America (USA) real estate giant, Century 21 realty. They are here in Guyana because they see the opportunity of doing great business in our country.

It is a public secret that we have inadequate accommodation facilities in our country currently, and from all indications, the situation is likely to get dire. What we want to do, as a Government and

as a responsible regulator of the economy, is to ensure that not only do we have the facilities relevant and requisite, and the foundation necessary for hotel accommodation, but we also do so in terms of having available a structure to accommodate the different styles of ownership available in the accommodating and hospitality industry. Apartment complexes, town houses, and condominiums form part of that important matrix. This Bill is to put in our law the most modern legal expression available, in this hemisphere, of an infrastructure where condominium schemes and the construction of condominiums can flourish. That is the first reason this Bill is before us.

The second most important reason this Bill is before us is because the current law contains some patent and latent deficiencies, some of which were touched upon by my Colleagues, but I will take the opportunity to elaborate upon them. Guyana has two systems of land ownership prevailing side by side – a roman Dutch system that produces a title called a Transport, and we inherited that system from our colonial experience, starting with the Dutch, and when the English came, the English retained that element of the Dutch legal system, and today, we have a roman Dutch land ownership system that produces a titled document called a Transport. That system has its own peculiar rules and regulations governing it. Side by side with that system is also, in Guyana, a system known as land registration. The land registration system is a modern system which we imported from Australia/New Zealand, and it is a quick and efficient system, quite modern, very strong, and that system produces a titled document called a Certificate of Title.

Unfortunately, the current condominium law of our country only speaks to the roman Dutch system of land ownership, and it merges that system into the Condominium (Regulation and Miscellaneous Provisions) Act, so the certificate of sale that a condominium owner has as a title under the condominium law is regarded as a Transport under the Deeds Registry Act, which is the Act that governs the Transport system. For all intents and purposes, the Deeds Registry Act states that Certificate of Sale is as good as a Transport. What the condominium law omitted to do, however, was to make a set of corresponding provisions in relation to our land registration system. One has to now apply the Condominium (Regulation and Miscellaneous Provisions) Act to a system of land ownership to which it cannot be applied by the very language of the Act, because the Act itself states that it only applies to Deeds Registry areas, meaning, Transport areas.

The Hon. Member, Ms. Annette Ferguson, when she was Minister of Housing, and they took the land at Perseverance, and they built the duplex houses with the intention of issuing titles to those

homeowners under the Condominium (Regulation and Miscellaneous Provisions) Act, because Perseverance was a land registration area, no title could have been issued, and that is the dilemma that they found themselves in. I do not think that up to now she understands that dilemma. That is why titles could not have been and cannot be issued for any structure that purports to be a condominium, if that structure is constructed on an area of land for which a Transport cannot be issued. That is major flaw of the Act, and this Bill seeks to remedy that by making this Bill apply to both transport and land registration areas. That is set out clearly, I believe, in clause 19 of the Bill.

Another important issue that this Bill addresses, and which can be regarded as a deficiency in the current law, is that, in Guyana we recognise two instruments as conclusive titles to immovable property – a Certificate of Title and a Transport. Those are the two instruments in law that we in Guyana accept as conclusive evidence of title. Under the law, when one buys a condominium, even if it is under a Transport system, one does not get a Transport as the title, one gets an instrument created by the Act called a Certificate of Sale. The Act produces an instrument that is alien and unfamiliar with our understanding of what is a titular owner in relation to immovable property.

Though the Condominium (Regulation and Miscellaneous Provisions) Act, to the credit of the drafter, states that Certificate of Sale is as good as a Transport, the commercial banks of our country, the insurance companies of our country, even lawyers, and the Deeds Registry – the land registry does not come into play – they do not regard that title with the same legal force as they would regard a Transport or a Certificate of Title. Though the condominium owner has what is akin in law to a Transport, he/she cannot use it effectively and effectually, because the commercial institutions of our country, including commercial banks and insurance companies, were not and are not accepting it as evidence of title. You take a Certificate of Sale to a bank for a mortgage, and the bank refuses to use it as collateral to give you a loan, and that, whether rightfully or wrongfully, is the reality of the situation. This Bill says that once you buy a condominium, you get a Transport. If it is in a Deeds Registry area, and if you buy a condominium in a land registration area, you get a Certificate of Title.

The same position applies, for example, under the Public Corporations Act. The Minister of Finance has power under that Act, pursuant to an agreement of sale, in relation to properties owned



by a public corporation and sold, to issue what is called a vesting order. When the Guyana Sugar Corporation (GUYSUCO) transferred all those assets to the National Industrial and Commercial Investments Limiter (NICIL), Minister Jordan, at the time, issued a vesting order. The Public Corporations Act ~~No. 21 of 1988~~ states very clearly that the vesting order has all the force of a Transport, but many persons who bought from public corporations and have been given a vesting order, have had great difficulty, similar to that experience by the condominium owner, in getting that vesting order accepted as valid and effectual title by our commercial institutions and insurance companies. What they had to do was to go and get the Registrar of Deeds to convert that vesting order into an actual and physical Transport. Right now, most of you are aware of a case involving the BK Wharf. There is a vesting order, but the company that was the beneficiary of that vesting order, under that challenged sale, went to the Deeds Registry and got a Transport and did not accept the vesting order.

**Mr. Speaker:** Hon. Attorney General (AG), I think we should not refer to that matter.

**Mr. Nandlall:** Sir, I just gave that as an example; I am not getting into the merit of the case at all Sir. I just want that listeners who are listening to this debate can relate to what we are speaking about. It is important when we speak in this House that we understand the concepts. That is one of the main reasons this Bill is being promulgated, to correct that titular deficiency that is inherent in the current law. The other issue relates to insurance. Under the current regime in the Condominium (Regulation and Miscellaneous Provisions) Act, it allows for under insurance and it allows for double insurance. One insurance policy is issued to the corporation to insure all the units.

*2.25 p.m.*

The Act expressly allows for that insurance not to be equivalent to the value of the entire unit, and it allows the unit holder to go and get additional insurance. Nothing is wrong with that, except the Act states that when that additional insurance is issued, so that there is double insurance, the insurance company is compelled under the law to pay both the corporations, if there is a destruction of the property insured, as well as pay under that other insurance policy which the unit holder executes. The insurance companies were refusing to insure any property under this law because of that patent deficiency. That is cured in this Bill. While the corporation is allowed to insure, unit holders are allowed to insure, but the insurance is separate and apart and there is no double

contribution nor is there double compensation if there is a destruction of the property insured. These are serious deficiencies that afflicted the current law that this Bill seeks to regularise.

We heard a lot about consultation. The Hon. Minister of Housing and Water detailed the number of consultative engagements that were embarked upon and listed the number of agencies consulted. The entire Private Sector Commission was consulted; the banking sector was consulted; the insurance companies were consulted; and hence we know the deficiencies. The Bar Association of Guyana was consulted, and we have written evidence of the engagements because there were exchange of documents.

The people of Guyana want this legislation. We campaigned on this legislation. In our manifesto we made promises that we will incorporate and bring a modern amended condominium law, and we were elected upon that manifesto and upon those promises. In any event, we heard a lot from the Hon. Member, Ms. Ferguson, that they knew about the deficiency of the laws – the Hon. Member herself and Mr. Saul knew about it and they were engaging. What came out of the engagement? As we heard, more than 47 families are still languishing as tenants for properties that they purchased for which they should have been issued titles. That is the reality. You can consult and you can engage, but that has always been your *modus operandi*. You always fall short of delivering goods and services to the people of Guyana, which we are doing here in a Bill – comprehensive modern and forward looking.

The Hon. Member spoke about their not being consulted – the Opposition was not consulted. We will deal with a Bill later that was passed in the House, after the Government was defeated, by the Government alone in the absence of the Opposition and anyone else in this House. When you talk about not being consulted, we will deal with that Bill in a short while.

The third important element of this Bill is that it sets out a process that will hopefully become a permanent feature by legislation that we will be bringing to this House. It is a feature that seeks to remove bureaucratic hurdles in the public system, the public central government system, state agencies and at the level of Ministries, and replace it with an expedient machinery that will process peoples' applications in a timely manner. That is why, when this Bill is carefully and sensibly examined, it will be seen that the process it outlines, for the brining into force a condominium scheme, has a significant timeous element. It details that the application has to be made to the

Minister. However, it imposes upon the Minister a serious duty to act within a timeframe specified, once the Minister gets actual receipt of the application. Three months is the time specified. If that Minister fails or refuses to either process the application, reject the application, or request additional information, that application is deemed to be approved. That is the type of efficiency and expediency that we are injecting into the public decision-making process of our country. There is no other legislation, I think, that has this element. As I said, we hope to make this a permanent feature of legislation of this type that requires the public bureaucracy and machinery to process applications from the public. Public officers, including Ministers, will not be allowed to have documents on their desks for protracted periods without actioning them. If that happens, then there is a default mechanism that processes the application as being granted. That is a positive feature of this Bill.

The Bill, also, Mr. Speaker...

**Mr. Speaker:** Before you get into the “also”, you will need an extension.

**Mr. Mahipaul:** *(Inaudible)*

**Mr. Speaker:** For the Hon. Member, Mr. Mahipaul, if I need your help, I will not shout for it, I will gently, and like a gentleman, send you a note. If you have a message for me, I suggest that you do likewise.

**Prime Minister [Brigadier (Ret'd) Phillips]:** Mr. Speaker, I ask that the Hon. Member on the floor be granted an extension to conclude his presentation. Thank you, Mr. Speaker.

*Motion put and agreed to.*

**Mr. Speaker:** I will grant an extension of five minutes to conclude, Hon. Attorney General.

**Mr. Nandlall:** Thank you, Mr. Speaker. So, there is a timeframe. Where the Minister requests additional information, or requests an amendment be done, or there is a request for an amendment to be done, the clock is adjusted, and it goes on to tick, but the process is being timed so there is no unnecessary delay. The system also has some inherent facilities of fairness that allows the Minister to grant a fair opportunity for the persons cases to be presented. If the Minister decides to reject an application, he is obliged to provide reasons in writing.

Importantly, also, is the mortgage aspect of this Bill. Under the current law, one can buy a unit out of a larger condominium complex that is mortgaged. One could buy subject to a mortgage. This Bill renders that impossible. What this Bill does, assuming that the owner has a mortgage on the whole edifice and he wants to sell one unit, this Bill allows that mortgage to be disaggregated and removed from that one unit if that person is paying cash. That cash money goes into the bank to liquidate that mortgage, so one gets a clean title, free from the lien of that mortgage. If that potential purchaser requires a mortgage, then the mortgage is lifted to permit an unencumbered sale, the bank comes in and puts on back the mortgage on the property but in the name of the new owner. That, Mr. Speaker, was not available in the old law. That is a fundamental feature of this Bill. So it allows for persons to get titles free from a lien, but at the same time, it facilitates borrowing and allowing the property/unit to be used as collateral against which that borrowing can take place. A lot in the Bill is procedural and tells how the scheme is to be run, *et cetera*.

The other important part, which I want to address quickly, is when there is a dissipation of the scheme. There can be a dissipation of the scheme by a voluntary winding up. Obviously, if you understand how the corporation is to work, the corporation is made up of the owners of the unit that constitute the singular edifice called the condominium. It is not a corporation. [**An Hon. Member:** (*inaudible*)] I heard somebody speak about audited financial statement. My friend, it is not a corporation of that type. Of course, the corporation has a statutory duty to keep accounts and that is a part of the Bill. The Companies Act kicks in at occasions identified in the Bill. For example, if one wants to bring the corporation into liquidation. That would either be done voluntarily or involuntarily, as the case may be. If it is voluntarily, it is quite simple. One takes a vote. There is a way the voting is done, and one makes decisions that would affect the ultimate demise of the corporation as a unitary, joint property.

There is also a provision that allows one to go to Court if one wants to dissolve the corporation. There is also the eventuality where the property is destroyed. If a majority of the unit, for whatever reason, is destroyed, then there is a decision that has to be made within a time specified in the Bill, either to continue as a corporation or to let it dissipate. Whichever eventuality unfolds, once the corporation dissipates, then the owners of the individual units become singular owners and they own that part of the unit for which they hold Transport and the land upon which it stands on. They will not have that community ownership; they will not have the common amenities to enjoy, as a

collective, and all the other facilities that go with a condominium. They will simply be owning properties side by side. For example, they own them now, when they were occupying them as duplex houses, they can get individual titles with a common party wall arrangement. Mr. Ramjattan, an experience lawyer, will know about that.

One could have two joint houses or range houses and still not call them a condominium or one could bring that very structure under the Condominium Act. If one wishes to disengage, one continues to own that but now will have joint arrangement with the person whose wall touches your property in that adjacent way. There are many other important components that are in this Bill that are virtuous and should be spoken about, but time is against me. Importantly, this Bill is one of the most modern expressions of its type in this hemisphere. We consulted countries such as St. Lucia, St. Vincent, the Bahamas, the Republic of Trinidad and Tobago, Jamaica; we consulted Canada, in particular, Ontario; New York, Turks and Caicos Islands, *et cetera*.

*2.40 p.m.*

We extrapolated a set of provisions and fashioned a bill that would be unique and satisfy the peculiarities of our country and our society. This is an excellent piece of legislation and I support it fully. I thank you very much. [*Applause*]

**Mr. Speaker:** Thank you very much, Hon. Attorney General. Now for the Hon. Prime Minister, the Hon. Brigadier Ret'd Phillips.

**Brigadier (Ret'd) Phillips:** Thank you, Mr. Speaker. I rise to give my full support to the Condominium Bill, which our Government has seen the need to prioritise and address urgently in order to bring yet another form of relief to our people – in this case the 47 house owners who have been so adversely affected by the inactivity of the previous Government. Due to the significant number of complaints received by persons who opted for the condominium style houses, or as the A Partnership for National Unity/Alliance For Change (APNU/AFC) called them, duplexes, our Government has been forced to bring this Bill to the National Assembly as a form of rescue.

The APNU/AFC Government, sometime between 2015 and 2017, had a bright idea of constructing duplexes as an initiative to provide housing to Guyanese. As is typical of the APNU/AFC, no idea is ever well thought out, and the people are left to face the consequences of their incompetence.

All the excitement of the duplexes provided by the former Administration soon turned into dismay for many Guyanese. Our citizens were given the housing option that created difficulty for them with no actions being taken by the APNU/AFC while they were in Government to remedy it. The former Administration implemented a housing project without first ensuring that it was thorough and covered all bases. Members of the House, imagine giving houses to people who are looking forward to home ownership, only for those persons to find out that there is absolutely no law that provides any protection for their hard-earned money which they invested, and not being able to even be granted a title to show for their accomplishment of home ownership and security for themselves and future generations – something that is a milestone in many persons' lives. All this was what the APNU/AFC offered to our people – a clear lack of vision which resulted in a big failure. Who was left to face the aftermath? The Guyanese people who put their trust and confidence in the last APNU/AFC Government.

The persons who occupied those homes are not the only ones who face difficulties, but banks and private investors were also affected, as you heard before. The lack of legal framework hindered banks from being able to provide support to many, especially young people and poor families who need the loans. Private investors too, who explored this avenue for investment, found it difficult as the laws simply did not exist. Yet we had a Government offering this to the people, hearing of the difficulties, but doing what they do best – nothing about any of it. That is what they do best. Nothing. That is why you will remain over there for a very long time, because the people of Guyana want a Government that can deliver.

Yet again, our Government has to do the work that the APNU/AFC could not properly do. Here we are today, hoping that the Opposition will support this Bill, which really supports providing security and ease for our people so that they can be dignified homeowners, and also providing the legal support for not just homeowners but investors and the financial institutions that play a major role in development, especially now with the rapid development taking place in Guyana, for the future. This Bill will lay the foundation for condominiums to be built and sold with access to services from banks and insurance companies, and for titles to be granted for individual home ownership as set out in the law.

I wish to point out that the power which will be given to the Minister of Housing and Water will help to regulate the construction of future condominiums so that standards are maintained. For

instance, we found that even with the duplexes constructed by the previous Government, the size of the individual lots on which the units were constructed did not meet the standard minimum requirements of 40 feet by 80 feet. This new law will allow the Minister to be able to review relevant documents and, through his technical team, advise investors before giving approval. With this legislation, Guyana can now move forward in the direction our Government envisions for the development of our housing sector and our citizens. These amendments, which are necessary for those who access the duplexes provided under the APNU/AFC, will now *pave the way* for titles to be made available to them. They will now be able to access insurance policies and bank loans. They will also be able to use the titles as collateral to provide loan access to those homeowners.

I am happy to hear that the Opposition Members of this honourable House join us in support of this Bill, which is just another one of the many ways being paved for our country's economic development as well as the development of the lives of our people. This Bill is just part of a basket of relief measures by my Government, by our Government, a caring Government, to the people of Guyana. If one looks at today's paper one will see that one does not have to look far.

We know that the Bill was 65 pages of easy reading for me, but difficult reading for Members of the Opposition. I read the 65 pages while listening to *Al Jazeera* and being amused by *IN THE RING*. They could have read the 65 pages. But failure to read the 65 pages does not mean that one must be ignorant of what is taking place around them. Look at today's *Guyana Times Inc.* newspaper:

“Govt announces more groundbreaking measures to cushion rising cost of living”

“Special one-off grant to every single household in riverine and hinterland communities”

“Removal of VAT on sheetrock and concrete board”

This will impact on housing.

“...1 billion worth of fertiliser for free distribution to farmers”

“...Construction assistance...”

...for household owners. Mr. Speaker, it is repeated here again. I do not want to read it again, but it is repeated here, and it is repeated again in another newspaper here.

Mr. Speaker, you may recall that before, we were apprised of other measures that brought relief to the people, like the removal of VAT on cement, the removal of tax on petroleum, oil and lubricants. All these are just measures of a caring Government. There is no need for us to defer the implementation of this Bill to any select committee. In the realm of justice, we are told that justice delayed is justice denied. In governance, development delayed is development denied. Let us all support this Bill. Thank you, Mr. Speaker. *[Applause]*

**Mr. Speaker:** Thank you, Hon. Prime Minister. To close this debate, the Hon. Minister of Housing and Water, Mr. Collin Croal.

**Mr. Croal (replying):** Thank you, Mr. Speaker. First of all, I want to thank my Colleagues on this side of the House for their support of this modernised legislation, the Condominium Bill. **[An Hon. Member: (Inaudible)]** I will reply to you in a few minutes.

Mr. Speaker, if you have listened for the past few hours, you will realise why we are on this side of the House. That is because there is an expectation by a nation for us to bring betterment and relief to the people of Guyana and that is what we intend to do as a People's Progressive Party/Civic (PPP/C) Government. One means in which we will do that is through legislation. Legislation is intended and oftentimes it is derived from a necessity and to bring a relief. Hence, the Condominium Bill. I am still perplexed because the Opposition said they support the Bill but on the other hand they want it to go immediately to a select committee. They need to make up their minds as to the direction they would like this Bill to go in. It would be remiss of me if I do not remind, repeat, and thank some of the persons who were involved in this Bill. I want to start with Mr. Darshan Ramdhani, supported by Ms. Arya Redeit, Attorney-at-Law and Legislative Drafter.

*2.55 p.m.*

A lot has been said about consultation. I have with me here the written submissions by various stakeholders who were consulted and who provided their views, opinions and feedback and allowed us to craft this Bill.

Mr. Speaker, may I remind and thank...you have to guide me. Am I allowed to name persons who represented the organisations? I thank Adele Farrier, Credit Risk Manager for Scotiabank. I am coming to you, Attorney General. Do not worry. We want to speak about consultations and so I



will give you the real people who were involved: Venus Frith, Credit Manager at Republic Bank; Neville Skeete, Manager of Credit Department, Citizens Bank; Devi Kaladeen from Bank of Baroda; Simone Clifton, Credit Office at Hand-in-Hand Trust Corporation; Juanita Critchlow, Assistant Company Secretary, Institute of Private Enterprise Development (IPED); Khemraj Goberdhan, Deputy General Manager of Diamond Fire & General Insurance Inc.; Melissa De Santos, Chief Executive Officer (CEO) of Demerara Mutual Life Assurance Society Ltd; Mary Nagasar, Fire Manager at Hand-in-Hand Mutual; Patricia Persaud, Assistant General Manager of Assuria Guyana Inc.; Rebecca Abdullah, Caricom General Insurance Company Inc.; Sean Seaton, Nalico/Nafico Insurance Company; Shaun Salim, Fire Manager of Nalico/Nafico; Dianne Persaud, Branch of Massy United Insurance Ltd; Vikash Panday, Director of P&P Insurance Brokers and Consultants Ltd; Asha Arthur, Fire Manager of Demerara Mutual Life Assurance Society Ltd; Sherry Hewitt; and Tara Chandra, Diamond Mutual Insurance. We also had follow-up consultations with the Guyana Association of Bankers; Adele Farrier; Ms. Venus Frith, Credit Risk Manager of Republic Bank; and Ms. Kimberly Samaroo, Executive Director of Guyana Association of Bankers. We also received independent submissions from the Bar Association of Guyana as well as the Registries. The Registrar of Land and the Registrar of Deeds were also consulted.

Mr. Speaker, you will realise the real players who were affected and the people who will have to be involved when we are going to deal with ownership, whether it is a condominium, whether a town hall or whether it is for apartments, the real people who will have to provide that guarantee whether it is for ownership of a loan, whether it is for insurance or whether it is for processing of title...these were the people who gave direct input into this Bill. It is our intention to continue the pattern to bring to this House responsible legislation. What do I mean? I have outlined, in my opening remarks, that we have placed responsibility on the Minister, bounded by timeline and bounded by an explanation for any decision that has to be made. Is that not modern legislation? More importantly, if there is no response by the Minister, then it will be deemed as having been approved.

If you think we have started in this format with this Bill alone, wait until later this year, when we will be addressing the electronic single window processing unit, which will have legislation that will be time-bound for agencies that are involved to provide their feedback or their no- objection

or objection. It is our intention, as part of our modernised legislation, to have all those agencies that would be involved time bound. For example, the Fire Advisory Board; the local authorities, whether it is the municipalities, the Neighbourhood Democratic Councils (NDCs), and in the absence of those local authorities, the regions, or the Environmental Protection Agency (EPA). No longer would we have bureaucrats in the system stymying development. This is how this PPP/Civic Government intends to govern for the people of Guyana.

Mention was made about us passing legislation that has political consideration. I find that to be a very strange comment by the supposedly former Minister with responsibility for housing. This very Minister, when transferred from the former Ministry of Public Infrastructure, took months before the Hon. Member entered the halls of the then Department of Housing on Brickdam. The Hon. Member did not even take up her position for months. Having said that, it is this then Minister who had the responsibility, after her predecessor...If she wanted to correct the implementation of a project of construction of duplexes to ensure that persons received ownership, she had the opportunity from 2017, and I am using your period... [**An. Hon. Member:** (*Inaudible*)]. Pardon me? I do not need to shout. I can turn off the microphone and speak. Do not worry. Even if you are using the No-Confidence Motion, there was the period of 2017 because the No-Confidence Motion was not passed until December, 2018....come to this House and provide a frivolous...and hiding under the purview of a No-Confidence Motion. The No-Confidence Motion did not prevent you from budgeting for resources and did not prevent you from bringing other legislation, when you alone sat here and passed it. Is that not hypocrisy, Mr. Speaker?

Much has been said at the outline of this Bill and I do not wish to repeat them, except to say that it is our intention, very quickly, when this Bill is passed, to put the necessary administrative procedures in place, because with it comes the responsibility of the regulations. As I alluded to earlier, regarding the fees under the regulation, it is our intention for them to be set in parallel to what one could find at the Land Registry as well as the Deeds Registry for similar transactions.

I thank all the persons who spoke on behalf of and supported this Bill. I thank all persons who worked behind the scenes, including some of the hardworking staff of the Central Housing and Planning Authority (CH&PA), led by the Head of the Legal Department, Ms. Hannifah Jordan, and Ms. Germene Stewart, the Head of our Planning Division, who worked as a team with the consultants to ensure that the necessary engagement was done. Of course, I cannot close without

thanking the Hon. Attorney General, Mohabir Anil Nandlall, and his team from the Drafting Division of the Attorney General Chambers for the support that has been provided. I thank you, Mr. Speaker. I, therefore, use this opportunity to ask that this Bill be read a second time.

**Mr. Speaker:** Thank you, Hon. Minister.

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

**Mr. Speaker:** Hon. Members, I see that there is one amendment that the Minister is moving and that is to clause 4 (2) of the Bill.

### **Clauses 1 to 3**

*Clauses 1 to 3 agreed to and ordered to stand part of the Bill.*

### **Clause 4**

**Mr. Croal:** Mr. Speaker, I wish to make an amendment to clause 4 (2), which is delete the last three words, “to the Registrar”. Therefore, that section is to read:

“A proposed Declaration and proposed Description submitted for the approval of the Minister in accordance with subsection (1) shall be accompanied by proof that such fees as may be prescribed have been paid”

**Mr. Speaker:** Thank you, Hon. Minister.

*Amendment put and carried.*

*Clause 4, as amended, agreed to and ordered to stand part of the Bill.*

### **Clauses 5 to 65**

*Clauses 5 to 65 agreed to and ordered to stand part of the Bill.*

*Assembly resumed.*

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

*3.10 p.m.*

**Mr. Speaker:** Hon. Members, we will now move to the Nurses and Midwives Bill 2022 – Bill No. 6/2022, published on 8<sup>th</sup> April, 2022. I understand that the Hon. Member, the Attorney General and Minister of Legal Affairs has had the permission of the Hon. Minister of Health to move the second reading of this Bill on his behalf.

**The Nurses and Midwives Bill 2022 – Bill No.6/2022**

A Bill intituled:

“An Act to make provision for the registration and regulation of nurses, midwives, nursing assistants and specialist nurses, and for related matters.

*[Attorney General and Minister of Legal Affairs on behalf of the Minister of Health]*

**Mr. Nandlall:** Thank you very much, Mr. Speaker. I said many times before – and I am going to put it now on the permanent record of this National Assembly – that, in over 250 years of recorded history, no other Government has refused to resign when a no-confidence motion was passed against it other than the APNU/AFC Government between 2015 to 2020.

It is now a matter of public notoriety that on the 21<sup>st</sup> December, 2018, the PPP/C, as a political Opposition in the then Parliament, moved a No-Confidence Motion against the sitting APNU/AFC Government. On 21<sup>st</sup> December, 2018... [**An. Hon. Member:** *(Inaudible)*] I heard the utterance of greed for power. Let me, again, put on the record that the *Constitution of the Co-Operative Republic of Guyana* allows for a no-confidence motion to be moved against an incompetent and inefficient Government, and one was moved and passed. The Constitution is very clear. Article 106 (6) and 106 (7) of that Constitution sets out in clear language what is to happen when a no-confidence motion is successfully passed. Mr. Ramjattan, please pay attention. Article 106 (6) states:

“The Cabinet including the President shall resign if the Government is defeated by the vote of a majority of all the elected members of the National Assembly on a vote of confidence.”

[**Ms. Ferguson:** (*Inaudible*)] I am going to get to the Bill. Be patient. I have a long time here to speak. It is an entire Bill that I have to speak on. On that very eventful and historic day, this No-Confidence Motion was passed. There are many persons on that side who like to speak about an installed Government and they like to speak about constitutionality. When that No-Confidence Motion was passed against them – streamed live – the Constitution immediately mandated them, beginning with the President and the Cabinet, to resign by using the term ‘shall resign’. What did they do? They remained in Government from 2018 until they were voted out on 2<sup>nd</sup> March, 2020. Then, they squatted for a further five months in Government until August, 2020. And these persons in this House want to lecture us and the Guyanese people about democracy and constitutionality. [**Mr. Ramjattan:** (*inaudible*) in there.] Mr. Ramjattan constructed a list of candidates to go to those elections. He freely and voluntarily placed persons on that list. They were so ineffective and so inefficient that the people who they put on the list voted against them. Whose fault is that? [**Mr. Ramjattan:** (*inaudible*). You *ain’t* shame?] It is a matter for you to *wash your dirty linen in the public domain*. Nobody cares about you and your internal problems. The gentleman gave an interview and said that you were an incompetent leader, you were ineffective, and he had no voice in the Government that he supported. As a result, he voted against you.

**Mr. Speaker:** Hon. Attorney General, I think, at this time, the “you” refers to me.

**Mr. Nandlall:** Yes, Sir.

**Mr. Speaker:** Could you say the Hon. Member or Cde. Ramjattan, so we will know who you are speaking about?

**Mr. Nandlall:** It is the Hon. Member, Cde. Ramjattan. The Constitution also states:

“Notwithstanding its defeat, the Government shall remain in office and shall hold an election within three months, or such longer period as the National Assembly shall by resolution supported by not less than two-thirds of the votes of all the elected members of the National Assembly determine, and shall resign after the President takes the oath of office following the election.”

It is also a fact of public notoriety that they refused to hold the elections while they squatted in Office for those three months. It is not that they were not aware because ignorance of the law, as

you know, is not a defence. It is not that they were not aware that they could not have gone back to Parliament. The Constitution states they could have gone back to Parliament, but for one reason – to get an extension beyond the three-month period.

Mr. Ramjattan spoke about court matters. Rather than resign and do the decent thing, they got the Attorney General of the day to find a farmer somewhere in New Amsterdam, and then retained two Senior Counsels (SCs) on Croal Street for that farmer to sue him – the Attorney General – and used \$28 million of State funds to pay the two Senior Counsels. It was the first Attorney General on planet Earth who paid with public moneys for someone to sue him in Office. That is what happened. So, they challenged the No-Confidence Motion. [**Mr. Ramjattan:** Mr. Speaker, this (*inaudible*) is very irrelevant.] No, this is very relevant, Mr. Speaker. This is the reason the Bill is here. I am going to traverse this journey carefully and slowly. The grand plan was that the Attorney General would be sued by an action inspired and paid for by him against himself, and he would have gone to court quietly, consented to the judgment, and set aside the No-Confidence Motion. It was a brilliant plan, carved out by a brilliant individual. Well, that did not happen.

We knew, we joined the proceedings, we upset the apple cart and the matter went all the way to the Caribbean Court of Justice (CCJ). The Court told them that they were a caretaker Government, that the Constitution is clear, and that they should honour it. Decency dictated that they honour it. Let me quote from what the CCJ in the judgment said. This is what it states at paragraph (8).

**Mr. Holder:** Mr. Speaker, on a Point of Order, I ask that you bring the circus to an end. The Hon. Attorney General is obviously...

**Mr. Speaker:** Hon. Member, you have to quote the Standing Order and then allow me to adjudicate the applicability of it. Hon. Attorney General, you may continue.

**Mr. Nandlall:** Thank you very much, Sir. The CCJ ruled and this is what it states in paragraph (8):

“In mandating that the Government shall remain in office notwithstanding its defeat and resignation of the President and the Cabinet, Article 106 envisages that the tenure in office of the Cabinet, including the President, after the Government’s defeat, is on a different footing from that which existed prior to the vote of no confidence.”

The Court then quoted Chancellor Cummings, who cited Hogg, the Canadian constitutional law expert. Hogg said this:

“...The government continues in office as a caretaker government or an interim government until the next elections ensue and a President is [elected]...”

It is clear; it is clear. [**Mr. Ramjattan:** (*Inaudible*) You are not quoting that]. Let me answer Mr. Ramjattan. Mr. Ramjattan seems to think... [**Mr. Mahipaul:** It is the Hon. Member.] The Hon. Member seems to think....

**Mr. Speaker:** Hon. Attorney General, you have spent 10 minutes of your first 45 minutes in this preamble. Could you get on with it?

**Mr. Nandlall:** Yes. Mr Ramjattan seems to think that after the defeat of the No-Confidence Motion, they maintained the same power.

**Mr. Speaker:** Hon. Attorney General, we have to look at the decorum of the House. For the last 10 minutes, you are referring to the Hon. Khemraj Ramjattan, and once I think you used comrade. Please, we just had a seminar about decorum and all these things.

**Mr. Nandlall:** Cde. Ramjattan continues to labour under that serious delusion, that after a Government is defeated by a no-confidence motion, it retains its full plenitude of power. I cannot believe this degree of ignorance. After all that we went through and after so many rulings from the court, learned counsels are still telling the Guyanese people that the position before and after a no-confidence motion is the same. Let me correct that delusion, hopefully once and for all. The CCJ states:

“By convention, the government is expected to behave during this interim period as a caretaker and so restrain the exercise of its legal authority.”

Did it sink in, Hon. Member and comrade? You had to restrain your legal authority.

3.25 p.m.

Mr. Speaker, it is clear to the Guyanese people that the Hon. Member, Mr. Ramjattan, still does not understand the Constitution and the effects of a no-confidence motion. Of course, that is why

on 4<sup>th</sup> January, 2019, just over a week after the No-Confidence Motion was passed, in the absence of the Opposition being in the House...

**Opposition Chief Whip [Mr. Jones]:** Mr. Speaker...

**Mr. Nandlall:** ... the Nurses and Midwives Act of 2019...

**Mr. Speaker:** Hon. Chief Whip, proceed.

**Mr. Jones:** Thank you. Standing Order 41 (1) – Contents of Speech: I rise on that Standing Order and I would like to quote it.

“Subject to these Standing Orders, debate upon any motion, Bill or amendment shall be relevant to such motion, Bill or amendment, and a Member shall confine his or her observations to the subject under discussion.”

We are currently supposed to be debating the Nurses and Midwives Bill, Mr. Speaker.

**Mr. Speaker:** Thank you for the observation, Hon. Chief Whip. Hon. Attorney General, you may continue.

**Mr. Nandlall:** Yes, Sir. Thank you. Notwithstanding the defeat by the No-Confidence Motion and notwithstanding the clear language of the Constitution that they were a caretaker Government, with limited executive power, that Government, on 4<sup>th</sup> January, 2019, surreptitiously came into the National Assembly and debated and passed the Nurses and Midwives Bill of 2018. Did that register? Is the relevance seen? Are you understanding why the preamble? Notwithstanding the defeat by the No-Confidence Motion, you surreptitiously came into the House, in the absence of the Opposition, and debated and passed the Nurses and Midwives Bill of 2018, which a President, who was mandated to resign by the express language of the Constitution, then proceeded to render a purported assent to it on the 23<sup>rd</sup> January, 2019. It was the height of lawlessness.

We have Hon. Members on that side speaking about them not being consulted for legislation when they passed an entire Bill. They debated it by themselves as a defeated Government and took it to a defeated President for his assent. Mr. Speaker, that law is invalid, it is null, it is void and it is of absolutely no effect. That is why we are here today with this Bill. We have to put a repeal clause in it for the record because the current defective Bill purports to be, on its face, a law of Guyana.



A court has not pronounced upon it, notwithstanding the fact that it is null, void and of no effect. Because of that and to be complete, there is a clause in this Bill that repeals that law. I should also place on the record that the Nurses and Midwives Bill is a Bill, also, that came out of the PPP/C Administration between 2011 and 2015. It is not even their Bill that they put through that bastardised process. It was a Bill that they found on their desks when they assumed Government in 2015. It was a Bill that was already drafted and on their desks. The Bill, however, is very important as it creates a very important infrastructure and governance structure for nurses and midwives. That is why we have decided to bring it back in the National Assembly. We are doing exactly what we did in relation to the Natural Resource Fund Act.

Mr. Speaker, you would recall that was also a Bill brought to the National Assembly after their defeat by the No-Confidence Motion. They foisted that, in their illegal state, as a law of this country. We brought a Bill, and we repealed that last December. We are simply doing the same to remain consistent and remove impure and impugned laws from our statute books. Those are the few remarks that I would like to express, and I commend this Bill to the House to be read a second time. Thank you very much, Mr. Speaker. *[Applause]*

**Mr. Speaker:** Thank you, Hon. Attorney General. Now, it is for the Hon. Member, Ms. Dawn Hastings-Williams, to make her contribution.

**Ms. Hastings-Williams:** Thank you, Mr. Speaker. Before I make my contribution on the Bill that is now being considered, I wish to do a few rebuttals. Mr. Speaker, we just heard the Attorney General talk about us on the APNU/AFC side squatting and all manner of descriptions, but I wish to place on record that the APNU/AFC, when we were about to bring a No-Confidence Motion and the PPP/C learned about same...we were brave enough to allow the motion to be debated, which is unlike the PPP/C that prorogued the Parliament.

Mr. Speaker, I also wish to speak on and rebut the Hon. Mr. Croal, the Minister of Housing and Water. The Minister talked about the latest announcements made, which is the removing of value added tax (VAT) on certain materials that can be used for construction. I wish to put this on record: is there any consideration for the people of the hinterland when making these statements in this honourable House? I lived in the hinterland for many years and still visit there very often – going home. I wish to let the Members of this House and the residents of the Upper Mazaruni and the

other hinterland areas know that removing VAT from cement, concrete board and sheetrock...what does it do to help the people in reality? When a sack of cement costs approximately \$1600 here in Georgetown, to fly in a sack of cement to Kamarang, which is approximately 80 pounds and whereas a pound on an aeroplane is \$175...Multiply 80 pounds by \$175. The landing cost of one cement bag will be \$15,000. Some \$15,000 is the landing cost of one sack of cement to Kamarang.

One can only imagine what happens when one is going to transport the cement bag from Kamarang to Waramadong to Paruima to Jawalla or to Quebanang when the cost of gasoline, at present, is \$2600 a gallon. Mr. Speaker, where is the 'One Guyana' that we are talking about? We are talking about all of these measures but, in reality, the people in the hinterland are experiencing difficulty and are struggling. Are we not entitled to build a modern home too? Many of us want to live in a concrete house with sheetrock and the different galvanised... When we decide to build a modern house, according to somebody, are we going to lose our identity? That is my question, Mr. Speaker.

Let me now come to the Bill that is now being considered. I wish to begin by speaking to clause 52 of the Bill which speaks to the repealing of the current Act. I am not a lawyer by profession but a legislator as a Parliamentarian. To my common knowledge, the purpose of repealing or rescinding a law is to modernise and simplify the statute. However, listening to the Attorney General and Minister of Legal Affairs, I am simply not convinced that this is the reason for repealing the Act of 2019. Hence, I wish to quote from the former Minister of Public Health, one who has proven to be one of the competent Ministers of Health that this country ever had, Hon. Ms. Lawrence. She stated that the Bill sought to improve the welfare and wellbeing of every nurse and midwife countrywide and to strengthen the healthcare delivery systems. The Bill also sought to ensure compliance with the global standards and to simultaneously ensure that it is reflected in our local cultural setting.

*3.40 p.m.*

Mr. Speaker, the Nurses and Midwives Bill of 2018 established a new and improved covering body named the Nurses and Midwives Council to oversee nursing in Guyana in a more inclusive and transparent manner, hence, Part V, which states that the power of the council to train and set the required standards for the curricula of study for nursing.

The composition of the council also included a number of persons, including the Director of Health Sciences Education. What we are now seeing, however, is that these very important sections of the Act are being targeted for changes. Section 35 (5) has been excluded in the new Bill because it is now irrelevant that they have changed the way the persons are selected to be the members of the disciplinary committee. These major changes being made in the new Bill are mainly in Sections 5 and 35, which relates to the power of the council, as I said earlier, to regulate training, curriculum examinations of nurses and the composition of the disciplinary committee. My question then to this august House is: What positive impact does these changes or amendments have on the lives of our hard-working nurses, especially those working in the remote areas of the hinterland and, more so, the people of this nation when it comes to the delivery of healthcare?

Earlier, we heard from the Attorney General, challenging the then Speaker, Hon. Dr. Scotland, for having the Nurses and Midwives Bill of 2019 placed on the Order Paper and debated. Perhaps, Mr. Nandlall, the Hon. Member, should be the Speaker of the House. I am yet to hear from the remainder of the speakers on that side of the House as to what their justifications are for making the changes and repealing an excellent piece of legislation that was tabled and passed in this honourable House only a few years ago. It was by no means our fault that they were not here to debate the Bill when the Speaker allowed it to be debated. I also wish to place on record the call to retain the Director of Health Sciences Education to sit on the council rather than to just name a representative from Health Sciences Education. With that said, I now request that this Bill be sent to a select committee for further deliberations. I thank you. [*Applause.*]

**Mr. Speaker:** Thank you, Hon. Member Ms. Hastings-Williams. Now, it is time for Hon. Member Dr. Jennifer Westford to make her contribution.

**Dr. Westford:** Thank you very much, Mr. Speaker. I stand to give my support to this Bill which is long overdue. It is so important and timely, and I agree with Hon. Member Ms. Hastings-Williams that this is a very important Bill to the lives of the nurses out there. But, Sir, I think the Hon. Member, when she said that she did not see the need for the Bill of 2019 to be repealed... Let us not forget, and the Hon. Attorney General reminded us, that this Bill was not legitimately passed in this House. I do not know how many times we would have to repeat that, but the reason and the facts are that it had to be repealed so that it could be reflected in our history that it is now being done legitimately.

This new Bill, which we are seeing is a big change from the ordinance of 1953. We can now see that the ordinance of 1953 was so deficient. It was very deficient because, firstly, it was named the nurses of the sick and midwives ordinance. It did cater for a council, and the council that was supposed to be responsible for registration of nurses and also licencing of nurses, looking at their training. That was in the colonial days. Most of the regulations, even though there was a council, were left to the Governor to monitor. Since then, we have had a revolution in the nursing profession. It is for this reason: When the Hon. Attorney General mentioned that what we are seeing here today actually started around that Bill. And I agree with him. It was not done under the APNU/AFC's reign in 2015. This started way before then. The reason for this is because, before then, we started all of the negotiations with the relevant players. We started negotiations with the private sector and with the health sector because they started having nursing schools. For example, the Mercy Hospital had a nursing school. There were a lot of conflicting messages. The Georgetown School of Nursing and the Charles Roza School of Nursing all had different syllabuses which did not correspond. We started by getting a legislation which would cover both the private and the public sectors so that there was one national Guyana Nursing Council responsible for overseeing the quality of nursing and education.

For that reason, Hon. Member Hastings-Williams, you mentioned the changes from the Health Sciences Education, the amendments that are going to be made. In moving to say the 'Director', or moving from 'Director' to say that 'a representative from the Health Sciences Education Department'. I think is going to give us the opportunity for us to have a person... If we say the Director, it may not be the person who is the most qualified to sit on that council and give advice. I am sure that lots of us, especially those persons in the health sector, would understand what I am trying to say. Again, Sir, when we look at this legislation, as the saying goes, it is *chalk and cheese* to what was there before. It was necessary because, by 2011, we had already started training a cadre of psychiatric nurses, we already had a cadre of paediatric nurses, and we had some nurses in the anaesthetic department. There was the confusion as to how these persons would be classified. The very nurses, as well as their representatives at the level of the Guyana Public Service Union (GPSU) were asking how they would be classified. They were saying that they were specialists now and asking where they will be put. The council did not cater for that. That old council we had did not say that it was registering specialist nurses. This new legislation is catering for specialist nurses.

We are also seeing a different category which states ‘Nursing Assistants’. They were not catered for. They were left in the wilderness by the wayside. In that Act of 1953, they did cater for an addendum to be placed for a category they called ‘the nurses who gave assistance to mentally ill persons’. That is how they were placed it in that Act. They did not call them that because they were not specially trained as such, they were just working there. But, we trained them; we saw the necessity. The PPP/C saw the necessity of training those persons, giving them additional training, and making them specialists within their own rights, so that it was advantageous to the patients who were receiving the care from them. Anyone would feel comfortable, if they were in an obstetric ward, instead of having a generally trained nurse, to say that this is an obstetric nurse, or that their child is in the paediatric ward and is being attended to by a paediatric nurse, a specialised nurse. The necessity was there, and that is why the Attorney General could have said that this was not something implemented in 2015. It was there.

We heard the whole episode of why the PPP/C could not have passed that legislation. That is because the PPP/C was not given the opportunity to do so. Sir, I want to say that, as we stand here, the PPP/C Government is proud of those categories of nurses who we call specialists who were trained because we saw the necessity of doing so. We saw the necessity of giving them that recognition, Sir.

There was also another issue where one of our very prominent... She was one of the nurses, our Sister, Sister Tross. She came to Guyana and, in collaboration with the University of Guyana, started the Degree in Nursing. Again, there were a lot of nurses who did that degree, but they were not recognised and catered for. We did not know what to do with them. When one is finished with that degree, what happens? Does one just come back and just sit as a staff nurse or a staff nurse/mid-wife? Are you eligible, with that qualification, to become a Junior Ward Sister? Nothing was there. So, it was necessary for something to put them as a special category and legalise them. That is why I said that this legislation is urgent, it is important, and it is late. It is too late in being here now, all because it was not here legitimately.

I might want to say that I might be a bit late, because International Nurses Day was... I am not too late, it was last week, to say that we appreciate the work that is being done, and we need to acknowledge that work that is being done by nurses. This legislation is going to ensure that they are recognised. Each category will be recognised for the work they are doing as well the people

out there – the patients they look at. I am sure that they will be happy knowing that they have a specialist nurse. When I walk into the ophthalmic department, I will know that this is a specialist nurse who is trained, and I can close my eyes, or open my eyes, and I know that I am going to be properly looked at. Sir, I want to, once again... I know that we are going to be hearing quite a lot of untruths here today; we have heard some already. I want to say: Nurses, you are recognised by this Government, and you will continue to be recognised.

*3.55 p.m.*

Any legislation that we can pass to ensure that the nurses, through you, Sir, will be given that recognition that they deserve, we will, without fear or favour, sit here and ensure that those legislations are correctly passed, and they get their due. Thank you, Sir. *[Applause]*

**Mr. Speaker:** Thank you, Hon. Member, Dr. Westford, and now for the Hon. Member, Mr. Ronald Cox, who will make his presentation.

**Mr. Cox:** Thank you, Mr. Speaker. **[Mr. Seeraj: *(Inaudible)*]** I would have, if I was on that side, Hon. Member, Mr. Seeraj, because that is where it is coming from. I rise to make my contribution to the Nurses and Midwives Bill 2022, Bill No. 6/2022. Permit me, to utilise a few minutes to make a few statements in response to some of the remarks mentioned. I want to first of all start by saluting the nurses across our country who worked diligently, professionally and have made all sacrifices in the wellbeing of the health of this nation. We say, thank you.

It was the honourable, most experienced, and learned Attorney General and other colleagues who, from time to time, mentioned and kept saying that the work of Parliament, in 2019, was illegal and not legitimate. For 12 months of 2019, the very learned Members of the PPP/C collected their parliamentary salaries. These included: the Hon. Member, Bishop Edghill; the Hon. Member, Ms. Gail Teixeira; the Hon. Member, Mr. Dharamlall; and the Attorney General, the Hon. Member, Mr. Anil Nandlall. I specifically called those names because those are the most seasoned politicians in Guyana, and they would not come here and say, ‘we would do otherwise’. They criticise and yet do the same thing.

I am wondering if they are talking about correcting something, I dare the Hon. Members of the PPP/C who collected their parliamentary salaries in 2019, if you may, to return all to the

Consolidated Fund. It is then that the people of Guyana will respect them when they speak about upholding the constitutional mandate of this country. The Hon. Member, Dr. Jennifer Westford, spoke about the necessity to train nurses. It is under this very Administration that the Charles Roza School of Nursing in Linden was shut down, placing the majority of hinterland students in jeopardy. I call on this Administration, if it is serious about necessity for training and nurses' professional development, to reopen the Charles Roza School of Nursing in Linden, and let us get nursing back to business as it was.

The 21<sup>st</sup> Century has presented several challenges to those responsible for training, development and management of human resources for health. There is need to strengthen the quality of training, ensure the acquisition of job skills to facilitate a comprehensive response to the needs of users of health services, and improve the equitable distribution of these clinical resources. I have no doubt that this very Bill before us seeks to do likewise. It was my colleague, the Hon Member, Ms. Volda Lawrence, as the Minister of Public Health, who vowed to draft a policy which would tremendously benefit the nursing sector. Consequently, the Nurses and Midwives Bill was presented by the Hon. Member in 2018 and, subsequently, passed and assented to in 2019. That Bill sought to empower the Nurses and Midwives Council to enrol, register, certify and license nursing personnel among other things. The then Minister said:

“...the Bill... empowers the Council to take disciplinary action against nursing personnel for breach of established standards of professional conduct and provides for the establishment of a disciplinary committee...”

I hope that the present Administration has a similar vision and, if it does, I want to say, thank you for following in the steps of the Hon. Member, Ms. Volda Lawrence. The Minister further added that the amendment comes with great commitment by the Ministry of Public Health to improve the welfare and wellbeing of every nurse and midwife countrywide by strengthening the healthcare delivery system. Furthermore, the then Minister said that, for years, the exercise for nurses to seek specialisation within the nursing sector was cut but, with the passage of the Bill, it would finally come to an end. I sat and waited for the Hon. Attorney General to, at least, go through some of the essential clauses of this Bill, so as to explain to new parliamentarians like myself how it would impact the nurses in Guyana, but the Hon. Attorney General resorted to a preamble of a political campaign speech to which I have so grown accustomed in this Parliament.

While we support this Bill, we also call on the Government to adequately train medical personnel to reduce the pain many mothers go through at some of our hospitals. Quality of training must be improved and professionalised, and systems must be implemented for nurses and midwives to improve their daily tasks. We must seek to upgrade the nurses, and to identify failures largely due to poorly equipped public medical institutions. We must seek to remove any glaring deficiencies in the system and set into motion a programme to strengthen our healthcare delivery. In 2019, Dr. La Fleur remarked that:

“...the ultimate goal of regulations regarding the nursing profession is to protect the public from an unfit person performing the duties of a nurse or midwife...”

She further posited that:

“...Regulations refer to laws that define nursing practice, so it actually defines nursing practice and disciplinary measures. I want you to also note that nursing is regulated because it is one of the health professions that poses a risk of harm to the public if it practised by someone who is unprepared or incompetent...”

While this was a good observation, in 2022, the people of the hinterland regions seem to be returning to being victims of poor healthcare services. Why should only one midwife be nominated to sit on the council when midwifery is a speciality and maternal deaths and misconduct have wreaked havoc in the public healthcare system? There is also a large migration of midwives due to a series of issues, including poor representation and recognition across the board. Over the years, we have witnessed a series of maternal deaths, and most recently at the New Amsterdam Hospital as they have made headlines over the last few months. In the interest of addressing these issues, it would be good to increase the midwives on the council to two in addition to those mentioned in clause 6 (j), Part II of this Bill.

I wish to ask the Hon. Minister of Health about representation for the Community Health Workers. How would you guarantee protection of these many Community Health Workers who, from time to time, have to perform the duties of nurses, midwives, and even doctors, in the most extreme circumstances without a representative body? These persons are the backbone of many health facilities across all hinterland villages in Guyana. I know that many of my colleagues on the Government’s side do know, is aware, and will not try to say that these things are not happening.



The Hon. Member, Mr. Colin Croal, who traverses Region 1 quite a lot would agree with me that Community Health Workers are the ones who carry the healthcare system in those villages. I wish to quote the Pan American Health Organisation/World Health Organisation (PAHO/WHO) Report titled *Human Resources for Health, Nurse Migration in Guyana*:

“The health system has been adversely affected by continuing political conflicts, violence, poverty, inequity and migration of qualified professionals. Lack of investment and human resource (HR) policies (low motivation, absenteeism, difficulties to retain and station staff in remote areas) have resulted in poor distribution and inequalities in health care provision.”

This is what the Government must seek to address coupled with legislative reforms. Part V of this Bill seeks to reduce an all-important scope of responsibilities of the nursing council. In the United Kingdom (UK), the nursing council makes provision that educational institutions meet standards for nursing education, and that the council sets. They seem not to be involved in composing the curriculum and regulating exams. All of these are in the current Act, while the new Bill proposed seeks to reduce those all-important responsibilities.

I wish for the Hon. Minister to give clarity on the reasons for such, how the standards will be set and who will be responsible. I want to say that we must fight for standards in Guyana as it relates to this all-important health issue. To simply bring in a legislation because you felt it was not properly done is not the important thing here. The important thing is for us to work together with our nurses, with our midwives, and with our healthcare professionals to ensure that they are adequately represented, and they receive the best that they deserve. This Bill, similar in nature to the 2019 Bill, I hope will be very significant for the provision of modern legislative framework and effective management of the nursing profession in a developing country like ours. While I want to believe that this is the intention of the present Administration, this Bill is tabled at a time when nurses, especially those at the Linden Hospital Complex, are struggling through actions largely created by an incompetent leadership.

*4.10 p.m.*

If we are competent, willing and effectively seeking to upgrade the professional nursing system, then we must get rid of unprofessional leaders within the system. It is not until we do such that the

people of Guyana will respect the Government and hold you responsible. We cannot speak to strengthening and modernising the healthcare sector through capacity building and legislative reforms, while ignoring the abuse of power by one or two persons who are obviously power drunk. All nurses and midwives believe that a much-needed hike in their salaries must support the new measures. Both categories of health workers have been pursuing higher learning but are not financially rewarded by the public service. Consequently, many have opted for careers in the private sector or have bolted for jobs overseas. For example, at one time, Guyana had only one psychiatric nurse remaining in the local health sector; one Mr. Speaker, one for an entire country.

We cannot stress legislative reforms – and I keep repeating this over and over – and not seek to address the concern by nurses, which is the lack of consideration shown by the authorities for their welfare, that their non-involvement in decision-making affects their professional life is pervasive throughout the health system, and that there is no transparency in such decision-making. This was the vision of the APNU/AFC while in Government. I am sure this Bill will build on that legacy left by the competent Hon. Volda Lawrence; the Hon. Dr. Karen Cummings; and, by extension, the Coalition. Notwithstanding all the measures on which I have elaborated, which are anticipated with the passage of this new Bill, all the healthcare professionals look forward to greater professionalism, representation and, of course, remuneration packages for their sacrifices.

In closing, again, I wish to thank all of our healthcare professionals, especially our nurses, who continue.... Even as we speak, we are not back to normal. The Coronavirus (COVID-19) pandemic is not over. We need to make proper representation, and we need to craft policies that would ensure that our nurses, our midwives and other healthcare professionals remain protected and choose to remain in the profession. All those who have sacrificed their lives and the lives of their families, I want to say, we salute you, and we look forward to working with them in bringing a much-modernised representation through this legislative reform. I thank you. [*Applause*]

**Mr. Speaker:** Thank you very much, Hon. Member, Mr. Cox. Now, to make his contribution is the Hon. Member, Mr. Vincent Henry.

**Mr. Henry:** Thank you very much, Mr. Speaker. We listened to a long speech given by the Hon. Nandlall where he tried to justify that he and his Government are not installed and are legitimate; but the majority of the Guyanese people know the facts. When the International Republican

Institute (IRI), the people voiced that, indeed, they see this current Government as being installed. They are warming the seats there. The time will come very soon when you have to vacate it.

We also heard the Hon. Dr. Westford mentioning that the health workers, the nurses and the medical practitioners are recognised by this Government. I ask: What sort of recognition is there? How could you say you recognise the services and the sacrifices that the health personnel are giving to our people when you do not want to give them the resources to make them happy, look after their families and survive? That is the why, even in Region 9, we have found that our local nurses are terminating their contracts, and they are heading to other pastures, way over the trees and way into other colder countries. How could you say you recognise them? I would say we are punishing our health workers and the workers in general in Guyana. I am pleased to examine the proposed Nurses and Midwives Bill No. 6 of 2022. This Bill, I note, is described as one to make provision for the registration and regulation of nurses, midwives, nursing assistants and specialist nurses, and for related matters.

At a glance, one would get an impression that this matter at hand is perfunctory, but, after examining the details, it becomes clear that this proposed Act is of utmost importance for the nation as a whole. From research, I found that, generally, the primary purpose of such a council is to protect the public health and welfare by ensuring that safe and competent midwifery care is provided by licenced nurses and midwives. The council sets standards for the education of the practitioners and ensures that licences are only granted to nurses and midwives to keep their knowledge and skills current and relevant and uphold the ethics of the profession. The proposed Act states that the council of nursing and midwifery shall be a body corporate, but stops at giving a description of this, which is normal that it may enter into contracts, hold property, maintain bank accounts, and sue and be sued in the name of the council. In terms of the functioning of the council, I do propose that clause 4 (b) which reads:

“established standards of education, training, conduct and performance for nursing personnel and to ensure the maintenance of those standards...”

...are modified to read: established standards of education, training, and I add, remuneration, conduct and performance for nursing personnel, and to ensure the maintenance of those standards.

Unfortunately, in Guyana, the core issue in a problem is normally ignored. In this instance, the Bill is seeking to create top class professional nurses but expects them to continue to labour for starvation salaries. Thus, I humbly request that clause 4(b) be modified for the representatives of the nurses to make proposals to the Government for the kind of remuneration that would keep our nurses in Guyana. To continue *to bury our heads in sand* and hope the problem would go away would only force our nurses to go away from our shores to serve other countries, because of the need to survive and to make a better living for their families.

I note with concern in clause 6 which states that the council shall consist of 15 members appointed by the Minister, and those positions are listed. However, I note that there is no specific reference to any member representing the people of the hinterland. Please allow me to say that Guyana is not only the low costal plain. I wish to propose that clause 6 (c) reads, ‘four members nominated by the chief nursing officer as follows: firstly, two Registered Nurses with one originating from and practicing in the hinterland region; and secondly, two Nursing Assistants with one originating from and practicing in a hinterland region. This is to get the input of the hinterland people. Section 1 reads:

“the members who are not ex-officio shall hold office for a period of two years and shall not be eligible for reappointment or re-election.”

I wonder if this was a typographical mistake. Such an important body definitely needs institutional memory, and if a member performs well, he or she should not *be thrown out with the baby water*. Section 34 (4) states:

“A licence issued under subsection (3) is valid for the current year in which it is issued and expires on the 31<sup>st</sup> December of that year.”

This proposal is not appropriate for Guyana. Those of us who know the difficulties associated with logistics in the hinterland cannot support this. I do propose that this period be extended to two years. Even Jamaica, which does not have our challenges, has a period of two years for the validity of the licence. Under Part V, Offences and Penalties, section 44, states:

“Subject to section 34 (5), any person who practices-

(a) nursing and midwifery in Guyana without being registered and holding a valid licence;  
or

(b) any specialty of nursing without being registered as a specialist nurse, commits an offence, and shall be liable on summary conviction to a fine of five hundred thousand dollars and imprisonment of twelve months.”

This Act should also have the ability to promote a caring, culturally sensitive and ethically sound environment in which health services are provided. The United Nations Declaration on the Rights of Indigenous People (UNDRIP) recognises the dual reality of many indigenous people who live in two worlds. In one world, they hold fast to their cultural traditions, beliefs and values; the other world is that of a colonising nation, and it is where many indigenous people go for their health care. Article 24 (1) of UNDRIP is essential to understanding these health rights, and it states:

“Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.”

Article 24 (2) states:

“Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.”

*4.25 p.m.*

With one stroke of the pen, the culture of the indigenous people is rendered to be unlawful and useless. For centuries, the Indigenous people practiced their methods of midwifery and traditional healing. Today, in most Indigenous communities, there exists traditional Midwives and healers. These Midwives and healers are subject to the wrath of the law, as they find in this Bill. Mr. Speaker, please allow me to propose that these traditional healers be recognised and registered by the village councils and the appropriate authorities in the Indigenous villages, and that policies and programmes be developed to allow these Indigenous practitioners the scope to function. I was told

before I came to speak here that this is already in train. Let us hope that it could be developed further.

Mr. Speaker, I wish to propose, also, that when a registered or a specialist nurse reasonably holds the view that an emergency exists, which gives rise to a serious risk of danger to life or health of a person, and no medical practitioner is available to attend to such an emergency, the registered or specialist nurse shall take necessary action to the best of his/her ability. This is so appropriate for our hinterland regions where there are times when one would not even find the Health Worker in the village because he/she has gone to look after someone, miles away.

In closing, I wish to commend all who have worked to bring the Bill to the level where it currently stands. Clearly, lots of work was done. As to the proposed changes that I have made, especially relating to our hinterland and its representation, that they be allowed at some time in the future. I wish in closing to thank our medical workers for the sacrifices that they have made and the care they have given us and our children, especially during the COVID-19 pandemic. We say a great thank you and God bless you. We know that when the APNU/AFC is back in the government seat, you will get your just rewards. Thank you very much. [*Applause*]

**Mr. Speaker:** Thank you Hon. Member Mr. Henry. Hon. Dr. Vishwa Mahadeo will now make a presentation.

**Dr. Mahadeo:** Thank you, Mr. Speaker. It is a privilege for me to speak on this Bill, and I want to say at the outset that I fully support this Bill and I endorse it. I would like, before I make any comments on the Bill proper, to refer to some of the comments that were made by speakers before me. I want to remind the Hon. Member, Ms. Hastings-Williams, that the Constitution caters for the prorogation of Parliament. It also caters that when a no confidence motion is passed legally that three months after seats should be vacated, that is whoever is voted against, as the Hon. Attorney General had mentioned.

I would also like to advise the Hon. Member to pay attention to the news as to what the President and the Government have been doing for the hinterland communities. Recently, there were statements made that would benefit the hinterland communities. I see no problem with having a representative from the Health Sciences instead, and I think the Hon. Member, Dr. Westford, spoke about it. Instead of naming the director, the director could also be the representative. It is for Health

Sciences to determine. I would also like to join with my Colleagues, Dr. Westford and the others, in extending congratulations to our nurses. Last week was International Nurses Day/Nurses Week. I would like us all to congratulate them on the hard work that they are doing and thank them, in particular, because these last couple of years have not been easy with COVID-19. They still had to do their work; they still had to give the other vaccines. The COVID-19 vaccine came on board, and they continued to do their work. I think they deserve our respect; they deserve our applause; and they deserve accolades.

I move on to the next speaker, the Hon. Member, Mr. Cox. I was shocked when the Hon. Member said that the Linden School of Nursing is closed and, also, the Training Division. They sent me something and I would like to read it, Mr. Speaker. Currently, at the School of Nursing in Linden, they are “71 Professional Nurses, 18 Nursing Assistants, three in Post Basic Midwifery and one Medex,” giving a total of “107” students. “Batch No. 64, 24 students; Batch No. 65, 27 students; Batch No. 66, 20” Nursing Assistants; “Class 17, 18 students”. I do not know where Members from the opposite side are getting their alternate facts from. This was just sent to me. I do not want to use the word ‘mischief’, Mr. Speaker, but nothing better comes to mind. The Hon. Member referred to the Hon. Attorney General making comments that it was a political campaign speech. All I have to say to that is that the truth hurts.

There was mention of poor health services in the hinterland. Over the last couple of years, in Region 1, 54 Community Health Workers (CHW) were trained in the Region. For the first time there are Community Health Workers in Cookerite, in Chinese Landing, in Poikuru, in St. Anselm, in Barsena and in Imbotero. Currently, as we speak, for the first time ever, Nursing Assistant training is going on in Region 1. Twenty-five students are in the current Nursing Assistant programme right in Region 1 – 21 from Region 1 and four from Region 8. From Region 9 – and we had an Hon. Member from Region 9 – 62 Community Health Workers were trained and for the first time they are having Community Health Workers in Kwaiko and Cockshibai. From that batch they are having Community Health Workers. Currently, in Region 9, for the first time again, Nursing Assistant training is taking place where there are 33 students in training – 29 from Region 9 and four from Region 8. Every facility in these Regions now have at least a Community Health Worker.

I will say further, these Health Workers will be upgraded. They will be upgraded to provide more than Community Health Workers' basic services. They will be upgraded to do things like Diabetic Foot Care; those who have reached the standard, will be upgraded to do Visual Inspection with Acetic Acid (VIA) to identify early lesions in the cervix. In addition to that, in these regions, we will be doing Laboratory Technician training. Again, it will be for the first time. We will also be doing Pharmacy Assistant training in these Regions so that we will be able to have adequate coverage in all of the facilities.

Currently, Mr. Speaker, we have with us a team from York University that is looking at the syllabus, at the nursing curriculum, so that we could bring it up to standard with the rest of the world; so that we could provide services and training comparable to the rest of the world. They are currently in Guyana. They will be visiting all of the training institutions and the regions, and they will be making the recommendations. Things are happening and it is happening quickly. I am tired of hearing 'installed government' and 'peoples voice will be heard'. Mr. Speaker, the peoples' voices were heard on 2<sup>nd</sup> March, 2020, and that is why we are sitting on this side of the House and the Hon. Members are sitting over there. Like they are saying, we are warming the seats. I distinctly remember when the No Confidence Motion was debated, the Hon. Attorney General was shaking his head... those famous words, 'bring it on'. We brought it on, and you are over there.

The Nurses and Midwives Act was established in 1953. The Hon. Member, Dr. Westford, spoke about it. Amendments were made up to 1976. It provided guidance and some substance on the way, at that time, things could happen and what was being done. Specifically, those Acts dealt with practice and education for the public servants in Guyana. Like the Hon. Member, Dr. Westford said, now we are having private nursing schools, now we are having training from bedside nursing; we are having nurses in specialised areas – we have Ear, Nose and Throat (ENT) nurses, we have Ophthalmology nurses, and we have emergency trained nurses. We have different categories of nurses, Mr. Speaker. This Bill caters for all of this.

I want to also talk a little about what the Hon. Attorney General mentioned. Again, I verified my facts. From 2012 to 2015 work was being done on this same Bill. I spoke to the Hon. Member, Mr. Hamilton, and to the Council that was a part of this. Consultations were done with the then Nursing Council, the Nurses Association, the Pan American Health Organization/World Health Organization (PAHO/WHO) and others. It was then put together and sent to the Chief



Parliamentary Counsel for drafting of the legislation. Then 2015 came, and I am hearing it was not seen.

This Bill is a comprehensive Bill. It speaks to the council, and I do not see any reason why the council or how the council could have the right to identify the salaries. Anyone could make recommendations as to have salary increases, to have better emoluments or better working conditions. Talking about working conditions, working and not having things to work with, not having proper hospitals and not having proper health facilities, that is a torture. What this Government will have done by the end of this year, every health facility from hospitals to health huts, inclusive of health centres and polyclinics, will have been upgraded, will have been fixed and will have been touched. Mr. Speaker, that is a caring Government for you. That is providing better working space and better working conditions for our health staff.

This Bill clearly states what the Council should do – enrol, register, certify and licence nursing personnel. I asked a senior nurse, someone who passed through the system and who has lived life as a health worker, from a Nurse Aid right up to doing a doctorate in nursing, and these were some of the comments: all nurses and Midwives who have been successfully trained and meet the registration requirements will be enrolled and licenced to practice by the council without delay. Mr. Speaker, it will be published, it will be gazetted, all those who are legally licenced to practice.

*4.40 p.m.*

This Bill also refers to continuing medical education. We are living in a fast-paced world. We are living in a world where today, every day, there are changes, there are developments, there are new things happening in medicine, there are new drugs, there are new methods, there is new equipment. This Bill mandates that there will be continuing medical education for nurses so our nurses will be up to date with what is happening in the world. In that way, we will ensure that our patients will receive up-to-date care from our nurses.

She mentioned that this year, for the first time, there was no examination fee. That is not included in the Bill but she just mentioned that. That is a positive. Representatives of the General Nursing Council of Guyana – all areas will be covered. [**Mr. Mahipaul:** You should go practice again.] I still do. This is why you ask me for help. The Chief Nursing Officer will be *ex officio*. Health Sciences Education will have representation, the Director of Nursing Services of the Georgetown

Public Hospital Corporation (GPHC), representatives from the Nursing Programme at the University of Guyana (UG), representatives from the Guyana Nurses Association (GNA), representatives from the Midwives Association of Guyana, four members nominated by the Chief Nursing Officer, two Registered Nurses and two Nursing Assistants, a representative of the faculty of a private nursing school, a representative of the Georgetown School of Nursing, one Midwife, a technical officer from the Ministry responsible for health, a legal representative and a representative from civil society, covers all aspects of the society to have an input into the nursing council.

The nurse also mentioned that the Bill covers the registration to ensure that people are properly qualified, and that there are strict protocols for registration. The Bill also speaks to persons being competent in our language. We are having persons from other territories where English is not their native language, and the Bill also covers that. It also covers education, disciplinary and registration committees, which will be strengthened by this Bill. Important areas of the nursing body that needs to be mentioned will be covered to maintain professional standards. In this Bill there are also clauses to monitor the compliance of nursing educational institutions to educational standards set by the council. This is coming from a practising nurse who has worked through the system. It is a Bill that is necessary at this time. It is a Bill that can only see nursing in Guyana move forward. I, once again, congratulate the Hon. Minister of Health and would recommend this Bill to this House. Thank you. [*Applause*]

**Mr. Speaker:** Thank you, Hon. Member. The Hon. Member, Dr. Karen Cummings, you may make your contribution.

**Dr. Cummings:** Thank you, Mr. Speaker. Good afternoon, everyone. Before I commence the speech on The Nurses and Midwives Bill 2022, I want to allay the fears of the Attorney General and the last speaker, Dr. Mahadeo, that during the elections of 2020, prior to that, the No Confidence Motion, there were three processes. There was the political situation, there was the electoral process and there was the political process. I sat there, as a former Minister of Foreign Affairs in 2019, I just want to set the record straight by reading into the *Hansard* that the Government of Guyana, since the passage of the No Confidence Motion in the National Assembly on 21<sup>st</sup> December, challenged its validity. The legal processes initiated were neither frivolous nor calculated to delay the consequences of the no confidence vote. They sought to explain more

clearly and to interpret certain provisions of the Constitution. As you know, it went to the different tiers of the court. The court declared that the provision of the Constitution at article 106 (6) and (7), applied to a no confidence motion and that the Government Member of Parliament who voted to support the Opposition's motion was ineligible to be elected to the Assembly by virtue of his citizenship of another state, but that his vote on the motion of no confidence was valid. You know that. That was a political situation in Guyana.

Then we had the electoral process. The Caribbean Court of Justice (CCJ) ruled that the process applied to appoint the Chairman of the Elections Commission (GECOM) was flawed, void and in breach of the Constitution. The Government of the day in accordance with the court's ruling, accepted the resignation of the Chairman. The President embarked on a process to engage the Leader of the Opposition to select a new Chairman, and everyone knows the history. The electoral process, everyone has known. There was a political situation; there was an electoral process. The Government of Guyana was keen to have elections in the shortest possible time. It had to be satisfied, however, that the basis for holding a free, fair, and credible election existed. The Government of Guyana continued to uphold the Constitution and comply with the orders of the court. That was the electoral process. Finally, there was the political process. The Government of Guyana accepted that it was an interim Government and it continued to provide public service. The show had to continue. The *Constitution of the Co-operative Republic of Guyana* at article 106 (7) states:

“Notwithstanding its defeat...”

In the National Assembly...

“...the Government shall remain in office and shall hold an election...”

The Government made it clear that, during the interim period, it will restrain the exercise of its legal authority and prepare for the holding of general and regional elections by the Elections Commission – which we did. We had to wait on GECOM to give us the green light. As soon as we got that green light, we immediately went into motion. I just want to conclude this part by saying that the Government of Guyana was committed to upholding the Constitution, respecting the institution of the State, including the National Assembly and the courts, ensuring the rule of the law, safeguarding human and civil rights, and preserving our democracy, especially through

the conduct of free, fair and credible local, general and regional elections. The Elections Commission had yet to inform the President of the dates, which I alluded to earlier, and which we did. We abided by the Constitution. I just want to say that for the record.

I rise to speak to The Nurses and Midwives Bill 2022 – Bill No. 6/2022 which was published on 8<sup>th</sup> April, 2022, is under consideration and is now being read for the second time. This Bill is coming 12 days after the International Day of the Midwife and five days after the International Nurses Day. We salute our nurses. The Nurses and Midwives Bill was brought to this august Assembly on 23<sup>rd</sup> October, 2018, Bill No. 13/2018, and had become an Act following the assent to the then Bill by the former President of the Cooperative Republic of Guyana, the Brigadier Ret'd David Arthur Granger, on 23<sup>rd</sup> January, 2019, when he assented to the Bill. If there is any veracity in the statement that an act should not be repealed until the current one is passed then how can this Bill be repealed if according to the Members of this People's Progressive Party (PPP) with a small Civic component, it was not duly passed. This Bill which is aimed to improve and to reform the nursing programme in Guyana, and at a time where the world is facing a global shortage of 900,000 Midwives, it was rather pathetic that, in 2018, on that day when we had a debate... Of course, the former Minister, the Hon. Volda Lawrence led the debate and I, myself, supported her as the Minister in the Ministry of Public Health at the time. It was really pathetic that the Members of the Opposition had been absent. It just goes to show how much they care – this compassionate and caring Government that they claim to have.

We know that nurses and Midwives play an integral role in the primary healthcare systems in terms of antenatal care, intrapartum care and postnatal care. They play a vital role in the health and wellbeing of women, children and adolescents. According to the United Nations Population Fund (UNFPA), if Governments invest in midwives, 4.3 million lives could be saved every year by 2035, thus reducing maternal mortality, neonatal mortality and even still births.

I notice the Minister of Health has, maybe, recused himself. What I am saying is that this Bill No. 6/2022 is the APNU/AFC Coalition's Bill and that, to our mind, it maybe would have doctored... Rather, I should use words that are parliamentary, like adjusted; maybe it would have been reworked and modified, so here we have this Bill No. 6/2022, the current Bill. Permit me at the onset to say, quoting after a religious leader, we on this side of the divide believe that the only thing that is constant is change as it allows us to think and act in new and innovative ways. We

firmly believe, also, that change should not be introduced for the sake of change, but because it ensures a better path to the future of our nurses and midwives.

The Nurses and Midwives Registration Act established in 1953 had sought to provide a framework for the regulation of nurses and midwives' education, principles and practices. Of course, we know knowledge is power and knowledge is progressive, and it is evolving; we have new training. From that time, from 1953 to now, there has been an increase in specialised nurses and in auxiliary nursing personnel. Nurses now have extended roles in mental health, in anaesthesia as I was alluding to earlier, in paediatrics, in neonatal resuscitation, in chemotherapy, in dialysis, in ear, nose and throat (ENT), ophthalmology and even in noncommunicable diseases, which continue to take up approximately 70% of our health budget and thus have a public health significance. May I inform you, Mr. Speaker, there are now registered specialist nurses.

What the APNU/AFC sought to do was to have a new and improved governing body to provide oversight to nursing in Guyana in a transparent manner, thus allowing for accountability and proper governance to this profession as the accounts of the Council could now be audited on an annual basis. Such a corporate body would be responsible for the enrolments, registration, licensing and regulation of nursing personnel in Guyana, and to determine the requirements necessary to be satisfied for training as a nursing personnel; the development of a code of ethics; the monitoring of compliance of nursing educational institutions to the educational standards set by the Council; as well as the exercise of disciplinary control *via* the imposition of fines to persons who have enrolled as nursing personnel and who would be tasked to govern members of this noble profession.

*4.55 p.m.*

It has been pointed out in this Bill, like Bill No.13/2018, that provision has been made for penalties to be imposed as deemed necessary, as in the case of professional misconduct or in a case of registration being procured falsely or if there would be any fraudulent misrepresentation. In addition, Mr. Speaker for the effective and efficient execution of duties of the council, several committees including education, standards, disciplinary, registration, and finance committees would be established under the new Bill.

Mr. Speaker, let me just turn my attention to just a few of the points that were raised. I know that my other Colleagues have spoken before, and I do not want it to be redundant. Just look at Part II clause (3) on page 7, speaking about the “Establishment of the Council.” The implications are for the functions of the council as an autonomous body but, currently, there is no council. The Minister said that... probably he is waiting for the Bill before the establishment of a council, that is the implication for the functioning of the council, but what is the implication for the profession of nursing? The main function of the council is to regulate nursing, education, and practice. This includes tasks such as the establishment of standards, which I alluded to earlier, for nursing and education including licensing exams for nurses, the continuing education (CE), the index and prospective students, ensure that nurses practice the established code of ethics and so forth.

There are implications for the profession of nursing, and there are implications for nurses themselves. The absence of a council means that there is no licensing body, student nurses cannot be indexed, nurses who are seeking their transcript cannot access this document, students who wrote their state final exam in early May, 2022, cannot be licensed. There are implications for nurses, there are implications for nursing care. Acts that required disciplinary actions of nurses, may be due to malpractice, as I said before, cannot be meted out since there is no council to address this. There are implications for the customer, patients and relatives, and the lives of consumers are at stake without a regulatory body. The recommendation is to install the council with immediate effect. The Council was in effect since the 1950s, and the nursing profession needs to be guided by its own body and not necessarily by the Ministry of Health, since this leadership can change.

Part II: Nurses continue the function of the council, as I said before, under subclauses (a) and (b) which speaks about enrolling, the registration and the certification, establishing standards of education, and so on. Implications for the function of the council as an autonomous body, as I mentioned before. Currently, the schools are being established, and there is no council in place to index, enroll and register these students, to ensure students have the entry requirements for nursing or to recommend a waiver of this requirement. If this was a decision of the Ministry of Health, through its Health Sciences unit, well...

We see the implications for the profession of nursing. The role of the council, as I reiterate, has been relegated to some other authority now. This is contrary to what the Bill is promoting. The question is, who registered these nurses, and with what power? Since there was a need to open the

school, then the installation of a council should have been given priority. Should any of these students find themselves in an unfortunate situation while performing tasks since they were not indexed by a council, who will answer for them? We have to be very careful.

Functions of the council continue in clause 4. On the functions of the council, we saw that to conduct examination for nursing and, maybe, free registration is not included. In the absence of the functioning council, the Ministry has established an examination committee, through its health sciences division, to administer state licence examinations. We have to realise that this is not a *fly-by-night* thing; this council was there time immemorial. There is the International Council of Nurses, which Guyana is a member of, the International Confederation of Midwives (ICM); Guyana is also a member of the Caribbean's Regional Nursing Body (RNB); it is only a licensing agency.

There are different tiers; it is not that you are moving out a council. They have already assigned themselves to the RNB and, also, to the ICN and the ICM. The council must conduct licensing and examinations for nurses and midwives. This prevents other agencies from conducting a licensing examination. The standard is set for nursing by the International Council of Nurses, so you cannot do your own thing – let me have a few people from health sciences and just set this exam; it is already established; there is a chain of command so to speak.

Implications: we are sure that all will not be well when the establishment of a state examination body is present to conduct the licensing examination, if it is viewed in the eyes of the international body, since nursing is regulated as a profession by the International Council of Nurses. The International Confederation of Midwives and the Caribbean's Regional Nursing Body from which the Guyana Nursing Council takes the direction, is already established. The Minister and others could share their advice, but it is already established and it is working. Why change?

Having a non-license in examination is not good for nurses in Guyana. You cannot have an examination and not go through the nursing body. The council monitors licenced nurses and Midwives according to the nursing code of ethics. We recommend, to conduct state examinations for nursing and midwives, let the council do that since the council is to issue a licensing certificate on successful completion of such an examination; nurses are assured of a licensing examination and a licensing certificate.

This Bill makes provisions for several committees, as I alluded to earlier, including an examination committee that should comprise a senior specialist nursing personnel responsible for the application of examinations. According to ICN this function cannot be transferred to a non-licensing body. Section 5 page 7, “Powers of the Council”, the 2019 Act, stated that established standards of education, training, conduct, and performance for nursing personnel need to be done to ensure maintenance of these standards. This follows the argument that a regulated body, according to the International Confederation of Midwives, is the agency responsible for establishing standards for the training in nursing and midwifery. The recommendation would be that this new Bill should include under Part II, “Functions of the Council”, after subclause (b) “establish standards of education, training, conduct and performance for nursing personnel and to ensure the maintenance of standards”...

On page 9, clause 9, tenure of council, like my colleague Mr. Vincent Henry, I think the tenure of the council should be two years, and that is the voice of the council; they think that two years is sufficient, and it is in keeping with Jamaica’s rule as well. To prevent a repeat of the current situation in Guyana, where there is no functioning nursing council, the Bill should make allowance for some measure to be in place, to ensure the continuation of the functions of a council. This could be done either by the extension of the service by the previous council members or the election of an interim council. As I said before, an act should not be repealed until the current one is passed. Let me go to the last clause that I am going to deal with, “Miscellaneous”, clause 48 under employment. This statement should read and include the word ‘nursing’ which was omitted. This helps to safeguard the position of the registrar.

On page 27, in the absence of the Government’s subvention, the council has mainly relied on moneys incurred from examination fees to pay its staff and to carry out its regulatory and other functions. If there is no money, I really do not know what is the purpose of the finance committee. You really want to make it defunct because it lacks the capacity; you are taking away the powers from it. How will it function? Is that something deliberate? Do you want to include? With the multiple of counsel there is wisdom. Now with a non-licensing committee administering the state licensing exams, students are not required to pay. This grossly impacts, negatively, the income of the council. How else will the council get funds to sustain itself? Is this an attempt to stymie, to disannul the council? Come on, be frank. Although this is the previous Act, to have a subvention



for the functioning of the council, a decision by the National Assembly is needed to enact this aspect of the Bill.

Finally, on the “Regulations” under Part VI sub-section (c), (d), (g), we are recommending that under (c) we delete ‘as a function of the Minister.’ The Minister has a place but as an advisory role. The following task conferred in the Minister, as already stated under the “Functions of the Council”, therefore, should not be given as roles of the Minister of Health. Regulating the conditions of the practice of nursing in Guyana, how is the Minister going to do that? This is clearly the function of the council and should be deleted. In sub-section (d), “determining the professional qualification and experience required”, that should be deleted. At sub-section (g), “establishing enforced standards of practice”, that should be deleted and squarely a function of the council. We do not really want the Minister to be usurping the functions of the council. We do not think it augurs well for the relationship of the two parties. The Council has been doing a good job all the time and we would want it to continue that. Let us have some harmony with the council, with the Minister.

Mr. Speaker, no longer should nurses be seen as only administering vaccines at maternal and child health clinics and attending to the elderly and persons across life cycles. This category of health professionals would now be positioned to demonstrate practise-based competencies. While the traditional bedside nursing can be worth emulating, such a role is critical and essential to quality patient care, we do look forward to a paradigm shift with the nursing approach as nurses are now asked to develop leadership roles and become transitional leaders in research, in education, technology, hospital management, and global health.

Mr. Speaker, because the nurses and midwives are able to have a valid license under the registration and licensing act, there would be opportunities for the Caribbean Single Market and Economy (CSME) for the free movement of our Guyanese personnel desirous of seeking jobs in a CARICOM state. It would be expected that, like a snowball effect, trained nurses would teach patients and develop that nurse-patient relationship which would inform their families about the natural history of disease and its treatment and would commit to best practices and patient safety. The Nurses and Midwives Bill 2022 has provided for continuing nursing education for this category of healthcare workers to understand holistic wellness, to attest to the needs of healthcare recipients, to promote collaboration among the healthcare team, to manage well the resources of

the health facilities and institutions, to work with stakeholders in the community and society to have healthy people and healthy communities – the public health mantra.

The bottom line, Mr. Speaker, is that this Bill No. 6/2022 will help persons in the nursing professions, namely the nurses and midwives, to save more lives, enjoy a better quality of nursing, uphold the standards of professional conduct, and to promote a more effective and efficient management of nursing and the medical profession in a modern and oil-rich Guyana. Today, we would like the nurses and midwives to know that the APNU/AFC Coalition, Members of this side of the House, are very compassionate and we care about them and their wellbeing. We would appreciate that The Nurses and Midwives Bill be sent to a special select committee to fine-tune the anomalies created by the current Peoples Progressive Party/Civic regime. We, the APNU/AFC Coalition, have pioneered this Bill and so we look forward to the PPP/C making the necessary adjustments to same so that persons considering entering this noble profession would be pleased. I thank you. [*Applause*]

*5.10 p.m.*

**Mr. Speaker:** Thank you very much, Hon. Member, Dr. Cummings. I now call on the Hon. Member, Ms. Sarabo-Halley, to make her contribution.

**Ms. Sarabo-Halley:** Thank you, Mr. Speaker. As I rise to add my voice to this debate, I must place the Bill before us into context. I think, as was said before, in 1983, the Nurses and Midwives Act was established, and amendments were made in 1966 and 1976. After 42 years, with all that had changed in the medical field and with technological and other advances in nursing, it was not until 2018, under the APNU/AFC and the then Minister of Public Health, the Hon. Ms. Lawrence, that it was seen as necessary to make further amendments and bring the Nurses and Midwives Act on par with the rest of the world. Hon. Volda Lawrence informed the House in 2019 that:

“With support from our partner, the Pan-American Health Organisation (PAHO), a legal consultant was appointed. Together with a team of key nursing leaders from both private and public sectors and full participation of the Executive of the Guyana Nursing Association, the Bill was reviewed to ensure that it captured the pertinent issues in our nursing sector, to ensure compliance with global standards and simultaneously, ensure that it reflected our local cultural settings.”

This Bill became law in 2019 but since the PPP/C took Office they have decided to pretend as though the law does not exist because they believe that it is illegal. I get it. The PPP/C has chosen to go the political route – all the Bills that became law after December, 2018 are illegal. While I wholeheartedly disagree with this notion, I still believe it is their right to believe whatever they choose. The Hon. Attorney General spent much of his time trying to convince himself and colleagues that the Nurses and Midwives Act of 2019 is illegal. What I believe the Attorney General realises, but is unable to publicly admit, is the legality of a Bill or Act is not determined by the PPP/C, no matter how good he may find this argument. Only the court can determine the legality of a Bill passed in the National Assembly and assented to by then President, Brigadier Granger. As far as I am aware, the court has not been asked or has there been any decision by the court on this matter. I believe that the Hon. Attorney General knows that. He knows that it was competently and properly passed. That is why its legal validity can only be terminated by an act of repeal, which we can find in clause 52 of the Bill before us.

What I have an enormous problem with is that, while this Nurses and Midwives Bill of 2022 is before this House, the question begs – what is happening with all the authority that the 2019 Act gave to the Council? Who has taken up that authority? The life of the Council ended in 2021. Who approved and marked the examinations of the nursing students? In the regulation of the Nursing Council, there are standards for the establishment of nursing schools. In the absence of a council, what agency authorised the establishment of a new school? I have been advised that the Ministry of Health, through the Health Science Department, established its own examination committee, issued forms for students to write the examinations, and keeps telling the nursing students that they will be licensed at some point in the future. Is this what we have gone to?

There are nursing students in each Government nursing school, which were indexed by the Guyana Nursing Council. That is deemed illegal, according to the Hon. Attorney General. Are the Government's nursing schools that are supervised by the Ministry of Health now illegal since you were utilising the 2019 Act? In relegating the Bill to an illegal status, I hope the Hon. Minister can spend some time informing all the nurses, Midwives, specialist nurses, and Nursing Assistants trained in Guyana, wrote the Guyana Nursing Council's examination after 2019 and received licences from that organisation that he deems illegal, whether they are practising with no valid licences. The Minister of Health and the PPP/C have created a myriad of issues for themselves in

trying to actualise a political stance that makes no sense logically or legally. [**Mr. Benn:** Who wrote that for her?] I wrote it for myself; I can think. This is where we are. The education, examination, and licensing of our nurses and Midwives have been in limbo for the past five months because of politics.

Now, I turn to the Nurses and Midwives Bill of 2022. When comparing the Nurses and Midwives Act of 2019 with the version that is before us today for debate, there are some fundamental changes being made to the 2019 Act that would concern anyone who is interested in building and expanding the nursing fraternity and ensuring that proper systems are in place. The decision by the Minister of Health to come to the National Assembly with these amendments that, quite frankly, go against the best practices followed by our Caribbean Community (CARICOM) brothers and sisters and even further afield is quite disheartening.

We celebrated our nurses last week and there were many accolades going around, but if you were to ask any nurse, especially in the public sector, whether they feel valued, appreciated or if their grievances are heard and acted upon, the answer would be a resounding no. The fact is that our nurses are leaving in droves. Over the last two years, Guyana has lost two-thirds of the nurses trained in Guyana to migration, and nurses continue to leave. What has the Minister and the Ministry of Health done to keep nurses in Guyana? Where is the nursing strategy to retain nurses? Where are the brilliant minds that wrote these amendments? If we are to be honest, most of the professionals in our public service are leaving. I can guarantee that if this Bill is implemented in its current form, it would further reduce the confidence of nurses in the system under which they have to function.

What is striking, however, is the passing of 2019 Act that the Hon. Minister chose to omit in the Bill before us. These omissions leave way too many questions that the Minister has, so far, not answered. I know that he is not here, and the Attorney General seems to have not read the Bill. There are way too many questions, and I am hoping that, by the end, after all that my colleagues have said, he would have some answers for us as he closes the debate.

In Part II, section 5, subsections (a), (h) and (i) of the Nurses and Midwives 2019 Act were omitted from the Bill before us. I would like to focus a little on subsection (h) which states that the Council shall have the power to determine the programmes of:

“...training and the curricula of study to be followed in the training of nursing personnel.”

If the Minister of Health has decided that the Nurses and Midwives Council should no longer oversee the programmes of training and the curricula of study to be followed in the training of nursing personnel, who will? Which agency or organisation does the Minister intend to make responsible for this important task? This cannot and must not be taken flippantly and this grave omission must be rectified. A regulated body, according to the International Confederation of Midwives (ICM), is the agency that should be responsible for establishing the standards for the training in nursing and midwifery. The examinations taken by our nurses cannot be seen as another school-based examination, but rather as a licenced examination that must be done by a licenced agency. That is the medical rule. How do we ensure that the standards are maintained? Who will ensure that, whether private or public, the curricula or examinations are at high standards? Section 9 of the Nurses and Midwives Act 2019 states:

“...a member shall hold office for a period of three years and shall be eligible for re-appointment or re-election.”

However, this clause 9 of the 2022 Bill before us states:

“...The members who are not ex-officio shall hold office for a period of three years and shall not be eligible for re-appointment or re-election.”

The only ex-officio member stated in this Bill is the Chief Nursing Officer. This Council is supposed to hold at least 15 persons. Anyone who has held office on any board or council would understand the importance of institutional memory and, also, the need to retain someone who can help the organisation reach its goals and effectively fulfil its mandate. Why then would the State suggest that once one has served on a council, one cannot serve again? Who can gain from this? The PPP/C would be better off giving itself term limits rather than attempt to limit the ability of persons to contribute to the Nurses and Midwives Council in a meaningful way.

Further, to prevent a repeat of the current situation in Guyana where there is no functioning nursing council, the Bill should make allowance for some measure to be in place to ensure the continuation of the functions of a council, either by the extension of the service of the previous council members or the elections of an interim council. Back in 2019, we did the requisite consultations before we

brought a Bill to the House. The question now is, was any consultation done before the Minister brought this Bill to the House to be debated? Who exactly was consulted? Based on what is before me and the conversations I had, many persons are discouraged, concerned, and worried about how these changes would impact the nurses, Midwives and all those who may have to engage. I am advised that the Regional Nursing Body (RNB), in partnership with the Caribbean Nurses Association (CNO), has registered its concern on the matter which was brought to its attention regarding this particular Bill.

“...it is the considered opinion of the RNB, that the nature of the concerns expressed .... violates the professionalism of Nursing in Guyana by removing its autonomy to self-regulate, a vital criterion for the profession. Consequently, this could compromise standards of nursing education and practice within Guyana. Even more egregious, is the potential, negative impact on safety in nursing practice and patient care outcomes, given the globally recognized critical role of nurses in the Health Care Systems.”

Mr. Speaker, the fact is that we needed a new Bill. The old Bill did not work. In 2019, we brought a new Bill that became law. The PPP/C has chosen to pretend that Bill and Act do not exist. That is fine. It is their political right to so do. If you are going to come to this House with a new Act or Bill, you have to ensure that you do the consultations with those who would be affected and ensure that what you bring to this House is helpful and will carry forward whatever is there. The way I see it, this Bill leaves much to be required. The 2019 Act was of a higher quality because we consulted. The Bill falls short of international best practices, which should be looked at, before we pass it in this House. I would like to suggest that the Hon. Attorney General takes what came from me and my other colleagues under consideration before passing this Bill. Thank you. [*Applause*]

**Mr. Speaker:** Thank you, Hon. Member, Ms. Sarabo-Halley, for your contribution. To close the debate, I call on the Hon. Attorney General and Minister of Legal Affairs, Mr. Mohabir Anil Nandlall.

**Mr. Nandlall (replying):** Thank you, Mr. Speaker. I spent great time and energy, in my opening presentation, to situate this Bill in a particular context and to give the rationale for its promulgation here in the National Assembly. I made it clear, also, that the Bill is reflective of the 2019 Act in almost every material respect, save and except some minor changes which were effected.

5.25 p.m.

I explained that the Bill was unlawfully passed by a Government that was defeated by a No-Confidence Motion and by a Parliament that did not have the power under the law or the Constitution, to pass that Bill into law. It was assented to by a President who had lost the authority to assent to a Bill to make it law. All of that is a defeat of the APNU/AFC. In violation of the Constitution and in violation of the rule of law, they imposed a legislation on this nation by an ineffective Parliament and by a Government that had lost the power to do so. We have a court ruling, from the highest court in this land, supporting that position.

Rather than accept that an error was made or, better yet, rather than accept that they acted unlawfully and that they violated the Constitution, every single Member on that side spoke with great gusto, trying to justify and explain the flagrant and blatant illegality. I am happy that they have done so because every time this issue arises and they defy the Constitution once again, they defy authoritative pronouncements from the court and they defy the rule of law for the people of Guyana and the world to see, it helps us on this side politically and in every other way. It shows that after 28 years of rigging elections and after they were given a change from 2015- 2020, nothing has changed. Hon. Members on that side, I am happy that, once again, you have given this nation deep insight into your psyche and have allowed the nation to see how you think, how you regard the Constitution and how you regard democracy.

This whole big sermon and presentation that we heard about a structure being set up under this Act and what will happen now...A country is governed by laws. You cannot pass a law illegally, set up an entire bureaucracy under that illegal law, and expect a lawful government to accept it. It does not happen in the real world. It does not happen in the democratic world. We had to dismantle that illegal, illicit and unconstitutional structure that you had erected upon the bureaucracy of the country, and that is what we are doing today.

The other bizarre thing that I observed is that the Hon. Senior Minister at that time, the distinguished Volda Lawrence, took ownership of the Bill from her seat, in very loud and decipherable grumble and assertions, and that has been adopted and echoed by every Member who spoke on the Bill. In their speeches, the Bill is an APNU/AFC Bill. It is their Bill. Yet, every single one of them held the Bill up and *beat the Bill for a song*. I do not understand. You took

ownership. You said it is your Bill. I have already said that we have made only minor changes. So, yes, it is your Bill. Each one of you proceeded to bore one hole after another in the very Bill for which you have taken ownership. You are confusing not only me and us on this side, but you are also confusing your own supporters and every single Guyanese in this country. That is why the other day, the Hon. Leader of the Opposition made this positive and bizarre assertion that he has the winning Statements of Poll (SoP) and when confronted to produce it, he said that he never said that. Then, he jumped into a wrong vehicle again. The same level of confusion, it permeates every action of yours, but I am happy that it is happening because the people are witnessing, including your rational and very sensible supporters, a lot of which you have, I know. I am glad that you are revealing this in this very graphic way.

The Hon. Member, Ms. Hastings-Williams, a schoolteacher – I have the highest regard for the Hon. Member – took great objection to me describing their detention of the reins of Government for five months as squatting. That is an acceptable term when you are trespassing in a province where you have no authority to be. It is called squatting. In response, the Hon. Member spoke about a No-Confidence Motion that they tabled in 2014. What did we do? The Hon. Member accused us of proroguing the Parliament, but that is what the Constitution permits us to do.

You do not even know wrong from right and that is my problem. We did not stay in office. We did not squat. We did not refuse to hold elections. We prorogued the Parliament, a constitutionally authorised process, we dissolved the Parliament and then we went to elections – all of which are authorised by the Constitution. What you did, in contrast, was that after your defeat, you refused to resign, you refused to hold an election within three months, you went back into Parliament after the Parliament had effectively been dissolved, you passed a law, then you further squatted for another year and a half in the Parliament and then after you lost the elections, you squatted for another five months, in violation of the rule of law and the Constitution. Do you see the graphical difference? [**Ms. McDonald:** (*Inaudible*)]. I hope you know [*inaudible*] but I cannot help you. Ms. McDonald, you are a teacher too. I cannot help you. I now have to pity our school children. I hope that I am illustrating, in very clear and unambiguous language, the differences in approach and what the law states and what the Constitution authorises.

The Hon. Member, Ronald Cox...I am grateful for him identifying myself, my esteemed colleague, the Bishop, and a few others on this side as senior politicians. I bow in acceptance. I am humbled



by the complement that he has conferred upon us. The Hon. Member said to us that, after the No-Confidence Motion, we continued to receive salaries. Under the Constitution, you were to remain in Government for the purpose of carrying on the country for three months with limited executive power, as I have outlined in my opening remarks, and there is no need to reiterate that. Your responsibility over the fiscal affairs and public funds of the nation, however, continues. You were in charge of payment of public moneys. That is a power that the Constitution conferred upon you until you exited Office. So, once you remained there, you were in charge of the treasury, and you chose to pay all the parliamentarians. If there was any wrongdoing there and if there was any fiscal responsibility there, then you must accept that fiscal responsibility. Just juxtapose that for one minute with the case of Mr. Keith Scott and Mr. Winston Felix. These are two distinguished former Members who were elected to the Parliament after the 2015 elections, and they were put to sit in the Parliament. By 2016, the then Chief Justice of the country had declared their election to the Parliament and them holding seats in the Parliament as null, void and unconstitutional. Then, they appealed. They went to the Court of Appeal, and they got a stay of execution against that Chief Justice's pronouncement, and they remained in office for four years. They sat in the Parliament, and they received their moneys. Eventually, the case came up in the fifth year, after they had received salaries for five full years, in the Court of Appeal and the Court of Appeal confirmed that the Chief Justice was correct and, therefore, they had been sitting in the Parliament, illegally and unconstitutionally, for five years. Guess what? They were paid for the five years. Where is Mr. Cox? Could you get them now to bring back the money, Mr. Cox? That is a clear case where a court has pronounced. Mr. Cox, when you give these examples, you have to understand. Now, let us come to you, Hon. Member, Vincent Henry.

**Mr. Speaker:** Hon. Attorney General, I am going to have to punch a lot of holes in your presentation because all the "you" refer to me, and I had the Hon. Deputy Speaker waving his hands because you are including him in the Opposition too, and he was not there.

**Mr. Nandlall:** I am sorry.

**Mr. Speaker:** Let us get back on track.

**Mr. Nandlall:** Yes, please, Your Honour. The Hon. Vincent Henry, I do not know which Bill he spoke on. I am sorry, but I am unable to respond you. I did not understand much of what you said,

and what you said had little relevance to the Bill. What I recall distinctly emanating from the lips of everyone who spoke on that side was this love and affection and glowing embrace for our nurses. Every one of them expressed this great affection, love and natural affection for nurses. Especially during the Coronavirus disease (COVID-19) pandemic, all of them highlighted and saluted the role of our nurses, but not a single extra cent did they pay to our nurses for those heroic roles that they played in the pandemic. In contrast, the PPP/C not only love the nurses but in 2020 and 2021, we paid COVID-19 grants to the health sector workers right across the length and breadth of our country. We do not pay *lip service* to the love; we do not pay *lip service* to the affection; we deliver in dollars as well and that is what we have done. That is the difference between the two sides.

A lot has been said about what will happen with the new structure. Once the Bill is assented to and the Bill is lawfully passed – and there is a President authorised in Office to assent to the Bill – this structure will be established in accordance with the Bill. Huge moment was made of clause 53 of the Bill and all clause 53 does is to speak to a transitional period. The Council that is there will continue to be there until a new council is elected. All kinds of fancy languages, enunciation and pronunciations I heard from Dr. Cummings; very sophisticated. The Hon. Member attempted to justify what transpired during that period after the No-Confidence Motion, explaining to us about Governmental processes, electoral processes and processes in Government. You cannot fault the Hon. Members for form. You cannot fault them for alleged sophistication. That is intact but, my God, substance is missing. Substance is desperately missing.

*5.40 p.m.*

Hon. Members, I thank you very much. This is a very important piece of legislation. It originated from our side. I think all of you would seriously accept that, but you did play a role in perhaps finetuning it. Unfortunately, in the heat of your unconstitutional pursuit, you blundered severely, and got it in the Parliament after your Government had been defeated. That is a terrible tarnish on your reputation. We are trying to rectify that, and I assume that we have your full support. Thank you very much, Mr. Speaker.

**Mr. Speaker:** Thank you very much, Hon. Attorney General. I would just ask the Clerk to make note of the editing we have to do with respect to the Opposition by deleting reference to the Hon. Member, the Deputy Speaker. Where “you” had been profusely used, let us put in brackets the

“APNU/AFC’s Hon. Members”. Hon. Members, I now put the question that the Bill be read a second time.

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

*Bill considered and approved.*

*Assembly resumed.*

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

**Mr. Speaker:** Thank you, Hon. Members. This is a good time to take the suspension.

*Sitting suspended at 5.44 p.m.*

*Sitting resumed at 6.54 p.m.*

**Mr. Speaker:** Hon. Members, we will now proceed with the second reading of the Tax (Amendment) Bill 2022 – Bill No. 9/2022, published on 13<sup>th</sup> April, 2022. Hon. Senior Minister in the Office of the President with responsibility for Finance, proceed.

**Tax (Amendment) Bill 2022 – Bill No. 9/2022**

A Bill intituled:

“An Act to amend the Tax Act.”

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

**Senior Minister in the Office of the President with responsibility for Finance [Dr. Singh]:**

Thank you very much, Mr. Speaker. I rise, today, to move the second reading, as you indicated, of the Tax (Amendment) Bill 2022 – Bill No. 9/2022. In doing so, I will commence by saying that this Bill presents me with a rare and highly cherished opportunity to put on full display the gift of brevity. This Bill is an extremely simple one. It seeks, very simply, to enact a measure introduced in *Budget 2022*, that is to say, removing the requirement to affix revenue stamps on receipts issued

for retail transactions. As we all know, this requirement of affixing paper revenue stamps on paper receipts has been a requirement that has been on our law books since time immemorial. Over the years, the requirement has been observed, often times more in the breach than otherwise. This requirement has also been a longstanding source of... Perhaps, I should not say “irritant”, but it has been an issue that the private sector has raised from time to time. The removal of the requirement that revenue stamps be affixed to receipts issued for retail transactions, in fact, was a specific representation made by the private sector in one of the consultations that we had with them. This Bill simply seeks to remove that requirement. In relation to receipts issued for retail transactions, revenue stamps shall no longer have to be affixed.

I expect, given the simplicity of the provision, and given the obvious appeal of what it seeks to achieve, that it will receive the benefit of unanimous and swift support across the House so that we can move to bring it into law. With those few words, I commend the Bill to this House, and I look forward to support from my colleagues on the other side.

**Mr. Speaker:** Hon. Senior Minister in the Office of the President with responsibility for Finance, you may now wish to formally move the second reading.

**Dr. Singh:** My apologies, Sir. Apparently, there is no speaker coming after me.

**Mr. Speaker:** You are closing the debate.

**Dr. Singh:** Very well, Sir. I would like to thank my colleagues on that side of the House for their evidence of...

**Mr. Speaker:** Hon. Minister, hold on. I saw you take your seat, and I did not see any indication that anyone was supposed to be speaking. I have no speakers’ list. It is not my fault. You know that the rule is who first catches the eye of the Speaker, unless there is a speakers’ list. Hon. Minister, let us see. Hon. Member, Ms. Juretha Fernandes, proceed.

**Ms. Fernandes:** Thank you, Mr. Speaker. I rise to make my contribution to the Tax (Amendment) Bill, as was presented to us. I noted the Minister’s rather short introduction and presentation altogether. However, I believe that the people of Guyana deserve clarity when we are addressing any amendment tabled in this honourable House. Let me start from that point. The amendment that

we are debating here today addresses Section 11 of the Principal Act. It is specifically amending paragraph 38, and it is simply adding to the list of exemptions. Paragraph 38 speaks to:

“Receipt, including any note, memorandum, or writing whatsoever or any duplicate thereof, whereby any money is acknowledged or expressed or received, or deposited, or paid or whereby any debt or demand or any part of a debt or demand is acknowledged to have been settled, satisfied or discharged, or which signifies or imports that acknowledgement and whether signed or not signed with the name of any person where the sum —

amounts to \$500.00 but is less than \$1000.00.....\$1.00 and  
for every additional \$1000.00 or part thereof.....\$1.00”

I noted one profound statement in that very short opening remark from the Hon. Dr. Singh. I think that surmounts why we are here today. A specific request was made by the private sector, and the Government, in its optimal wisdom that it has been seeing, believes that when the private sector says to jump, the Government asks how high. Tax adjustment legislation are nothing new; it is something that every government tackles. It is impactful when it comes in a meaningful manner to meet the demands of the pressures being faced by Guyanese. Today, as we come to this honourable House to debate this Bill, a Bill that has minimal to no impact on the ordinary Guyanese, our country is simultaneously grappling with inflation that is no longer in the short term but is now way into the medium term. While we debate this Bill, the income tax threshold is yet to have any meaningful adjustment so that ordinary Guyanese will be better able to meet the exorbitant costs of basic food items that are being felt in this country right now.

This Bill removes the stamp duty on retail transactions. I want us to note that in 2021, the revenue collected on tax duties was \$532,811,000, accounting for less than 1% of the total revenue for 2021. The removal of stamp duty on retail transaction can be agreed on in principle. The fact is that we make purchases of goods and services and receive receipts without any stamps affixed to them in many instances. This is the reality that we face on the ground; this is what happens in practice. However, this removal could have been extended to all stamp duties and not just restricted to retail transactions.

*7.04 p.m.*

The remaining stamp duties in 2021 accounted for \$25,227,000 which represents an even more minimum amount of the total revenue. This aspect of stamp duties has been removed and I am saying, once again, that it should have been considered removed in totality as against just looking at the retail transactions. Again, it has only been removed from the retail transaction because it was a response to a request by the private sector.

In many cases, stamps are not easily accessible, especially in remote locations, and transactions are not halted simply because of the unavailability of revenue stamps to be affixed to receipts. The failure to adhere to the laws in this regard is not one in which collectors are sent out to track down. It is simply because the cost of actually recovering that amount would outweigh the actual amount that is recovered. Again, we can agree in principle. When affixing stamps on receipts for retail transaction, again, there is sometimes and often shortcomings in that affixing. Sometimes, the person putting on the stamp puts on even more than required, and sometimes less is being affixed. This is due to the lack of the correct value at hand. This is a seemingly minute matter, but one that represents the requirement of stamp duty.

Stamp duties were necessary when the revenue base was thin, and every effort was necessary to broaden the tax base. Today, our country is in a far better position to seek the removal of the stamp duty, especially when it is not being adhered to in practice and when it contributes to the revenue of less than 1%. Given these facts, again, we can agree on the principle in this matter. However, it would have been more prudent for the governing Administration to come to this House and present amendments which are more comprehensive. A more comprehensive tax reform is something that we need right now. The reality on the ground is that only established businesses are found to be adhering to the tax laws as it pertains to stamp duty for retail transactions, and not even all of them are. And, again, the cost of recovering the lost revenue will highly outweigh the benefits. It goes back to show that it is these few persons who this specific tax is affecting. When they cry out to the Government for assistance, their needs are met with a sense of urgency that the poor and working-class Guyanese are never afforded in this country. That is the fact at hand right now. That was the opening statement of the Senior Minister in the Office of the President with Responsibility for Finance, and we should not tolerate it. It is in your face as it can possibly be. I do not understand the pride that comes with such an announcement.

With all that said and done, I have some concerns with what appears to be an *ad hoc* approach to the tax amendment. We are seeing a glaring lack of urgency in a comprehensive tax reform system, especially at a time like now when it is needed the most. Tax is collected by the Government and is transferred into society. It is therefore necessary for us to understand the importance of a comprehensive tax reform as opposed to the amendments that benefit a few without any framework to have that lost revenue, however small it is, which is no longer available to be utilised by the Government and directed into society... To have that benefit now realised by large business transport to the citizens of Guyana...

Again, I will go back to the opening statement by the Minister when he said that the concern that we are addressing is one of the private sector and not geared at benefiting the ordinary Guyanese. The poor and working-class citizens have absolutely no consideration for the tax amendment being presented to us here today. It is unacceptable, and no matter how the Hon. Member, Mr. McCoy, shouts, it will not change the fact that the poor and working class in this country are not being considered in the Tax (Amendment) Bill which is being presented to this House today. It is unacceptable and if you will not speak to it, Sir, I will. It is because they need to be represented even if it is not by the Members of the Government, as is seen here today.

In the Government's accounts, one can say that there is little difference between the tax cut and the cash grant. In both cases, Sir, the people's money is moved from the accounts of the State into the hands of those who the grants or tax cut is geared at benefiting. A tax cut can then be interpreted in the same light as a handout. To determine who the handout is designed to benefit, we must determine into whose hands the people's money will be put. Again, the Minister made it easy for me. This is geared at the private sector. This is the type of policy that the Administration has employed from day one. It has not been working and we cannot continue to accept it as the business of the day. We are speaking about a country where the majority of our citizens are poor working-class people. This is unacceptable. Every Guyanese know very well where the tax revenues will go. It will go into the hands of the large businesses that will see it as nothing more than an increase in their profit margin. It will not go into the hands of the poor, it will not into the hands of the working class, and it will not into the hand of the thousands of Guyanese who are currently unemployed under this People's Progressive Party/Civic (PPP/C) Government, even with such pleasures that have been made throughout the country of parttime jobs. What an insult to actual

policy measures to come to [**Mr. Mahipaul:** Temporary.] ... temporary jobs at that. Thank you for the reminder, Mr. Mahipaul.

While we do not contend with the amendment in principle, we see the need for amendments that will directly benefit the ordinary Guyanese – the mothers and fathers who will see absolutely no benefit from the removal of this stamp duty. Where is a tax amendment that benefits them? Where is the urgency in addressing the tax on labour? Why is there the same sense of urgency not being expressed in this House when poor people are crying out as we see happening when the private sector makes requests? Why is there a balance not being presented so we can have assemblance of civility in this country right now? It is unacceptable. Instead of coming to this House on the people's time and debating an issue that speaks to matters that does not concern the struggling Guyanese, we should be coming to this House and debating amendments that will see fathers and mothers having more disposable income at the end of the month. Again, the interest of the poor and working class in this country seems to evade the interest of the PPP/C Administration. This is absolutely unacceptable.

I want to make this point. Earlier today, we heard from the Hon. Member, Ms. Walrond during her presentation. She indicated that the PPP/C Administration could only do things that are under their control. With that comment, I can only now assume that the PPP/C is simply not interested in tax amendments that are aimed at removing the tax on labour, because that, Sir, is directly under their control. That is something directly under the PPP/C's control and absolutely no one or nothing is stopping them from coming to this House. The only thing that is stopping them is the fact that it has no interest in putting policy measures and legislative amendments in this House which will benefit poor and working-class citizens of this country. That is unacceptable.

We are here to debate a Bill that seeks to amend tax with absolutely no consideration for the thousands of Guyanese in desperate need of a tax break. Right now, there is nothing stopping the Administration from bringing an amendment for the poor and working class and getting the full support of this House. We have to do better as a National Assembly. We cannot be comfortable to come to this House, time and time again, to bring legislative amendments that only benefit a few in society, while there is absolutely no legislation designed to put money into the hands of the poor and working class so that they will be afforded the simple opportunity to elevate their standard



of living. Instead, we are here spending hours on matters of little to no consequence to these people. That is not acceptable in a country that the majority of our citizens are working class.

We continue to see policies designed and directed to benefit large business owners. From the PPP/C's first day in Office to now, there are tax cuts on cement and sheetrock, and no reduction in the cost of building a house for the ordinary Guyanese. Instead, the wholesale and retail sellers are now realising a large profit margin, which is a further move to add to the widening of the gap between the rich and the poor. Is this a concern of the current Administration? I have seen absolutely no indication or evidence to support otherwise. We are further faced with increasing fuel prices. The Guyana Oil Company Limited's (GUYOIL) diesel price is currently higher than all of its competitors. This *ad hoc* approach to this issue, when the excise tax was put to zero, has proven to be extremely temporary as the overall prices are again on the rise less than two months after this adjustment. We are in desperate need of a comprehensive tax reform system. All of these matters being brought to the House, as is being done right now. The way in which the Administration seems to be jumping to the will of the private sector cannot be our method moving forward. It is not sustainable for long-term development.

There seems to be very little hope for this Government and, as such, there is now little hope for the poor and working class in this country. From day one of the current Administration being in Office, it has been out to give 'piece meals' to its friends. This amendment can only be considered another 'piece meal'. As I was putting together this presentation, I did not realise that the Hon. the Senior Minister in the Office of the President with Responsibility for Finance would have made it so easy for me to hit home my point when his only opening statement was that this was a request from the private sector. This is not the way in which we should be continuing.

We have more tax issues to deal with, and to have come to this House, spending taxpayers' dollars to pass an amendment that does not address issues affecting the poor and working class is simply unacceptable. The people of Guyana are tired of being pushed on the back burner while the request of the most affluent is being catered for with such urgency. This is not what the country needs at this time. We need balance and we need representation. It is the least for us to ask for representation of the poor and working class to come from the Administration in Office, those who are spending the taxpayers' dollars. Yet, we are here today to, again, appease the most affluent in society in the faces of the poor folks who are home right now and who cannot even afford the next meal.

7.19 p.m.

The PPP/C should not continue to present such an in-your-face legislative amendment to the people of this country which reminds them that they are not catered for by this Administration. It is not right, Sir. The next time that we come to this House to debate tax amendment, we should do so with amendments to alleviate the tax burden on labour, an amendment that would actually be aimed at directing meaningful transfer to the poor and working class in this country. We cannot make it the business of the day and the order of the day that we only come to this honourable House when persons, who are in the upper echelons of society, make demands. We have the PPP/C Administration running with the piece meal on a platter and bringing it to this House so that they would remain friends with those individuals in power. It is unacceptable and we need to do better for the poor and working class of this country. I thank you. *[Applause]*

**Mr. Speaker:** Thank you, Hon. Minister. Hon. Members, I just want to draw attention to repetition. As we continue this debate, there is the issue where Members persists in the relevance or tedious repetition, either of their own arguments or the arguments used by other Members. I am just drawing that to the attention of Members because it could save all of you from having to interrupt you. I also want to ask Members to use parliamentary language. I now call on the Minister of Tourism, Industry and Commerce, the Hon. Member, Ms. Oneidge Walrond.

**Ms. Walrond:** Mr. Speaker, I rise to register my support for the passage Bill No. 9/2022, which would remove the requirement for stamp duty for retail transactions. Our Government, as we have repeatedly stated and demonstrated, is committed to the development of the private sector. I made the point before in this honourable House that the contrary a common misconception that the private sector is not just the large companies. Instead, it also comprises small, medium and micro enterprises run by ordinary individuals and citizens of our country like you and me. It is a fallacy to say that ordinary citizens will not benefit from this Bill.

Like value added tax (VAT), stamp duty does not come out of the pockets of the businessman. It is paid directly by the consumer. So, to characterise this as a relief for the private sector is to demonstrate a profound misunderstanding of what stamp duty is and how it works. This initiative to remove stamp duty from retail transactions, like all of the initiatives that we bring to this House, is part of a wider development policy. We are concerned to increase the overall ease of doing

business in Guyana to stimulate trade and commerce and to reduce the burden on firms and consumers. This measure, which is also one of a whole host of measures to improve the lot of the working class... We restored the uniform vouchers, we gave Coronavirus (COVID-19) grants, we restored the discipline services bonuses; all of these the Coalition took away – the ones who tout to care about the working class.

This measure is yet another instance of our Administration's commitment to honoring promises made to the Guyanese people in the 2020 manifesto of the PPP/Civic. That manifesto pledged to, and I quote:

“Simplify the Tax System and to reduce taxes for Guyanese businesses and individuals.”

Thus, we have seen the repeal of a number of onerous and burdensome and regressive tax measures which were implemented during the 2015/2020 tenure of the Coalition Government. For example, you may recall, Mr. Speaker, that among the licensing fees which were extensively increased by the former Administration was the fee for a huckster license which was raised to \$62,500 across the board. Even the food vendors and the ‘walk and sell’ man were subjected to this massive tax grab. We sought to mitigate this unconscionable and regressive tax measure by reducing this licence fee to a mere \$2,000 for those playing trade by foot or bicycle. The tax system is simplified by this measure since it eliminates a time-consuming manual process. That process involves journeying to post offices, oftentimes to stand in lines, then to purchase stamps in various denominations. In eliminating this requirement with respect to retailing, this somewhat archaic process is removed from an extremely wide range of commercial activity. The fact is that we already have a more convenient way of raising revenue from this type of activity in the form of the value-added tax.

The requirement for stamp duties on retail transactions has also been burdensome to the consumer where businesses fail to adhere to the law and affix revenue stamps on receipts. For example, the National Insurance Scheme (NIS) requires that all receipts submitted for the reimbursement of expenses have the appropriate amount in revenue stamps affixed. When a business fails to comply with the stamp duty requirement, consumers often bear the burden of obtaining and affixing revenue stamps to receipts, which requires time, money, resources and delays to expedite the processing of their benefits. There are numerous other instances where consumers are burdened

with this requirement which should not be their responsibility. This Government has a duty to ensure that it takes all necessary and appropriate measures to protect consumers, ordinary Guyanese, and create a healthy, fair and conducive business environment. With this Bill, we seek to do so.

Apart from simplification, in terms of relief, this measure places an estimated \$60 million per year back into the pockets of Guyanese. This adds, once again, and I will reiterate, to a host of other relief measures which we have implemented between August 2020, and now resulting in tens of billions of dollars remaining in the hands of ordinary citizens, thereby increasing their disposable income. These savings are especially welcomed now during a time of worldwide shortages caused by disruptions in the global supply chain coupled with the war in Ukraine, which has driven global inflation rates above 9%.

In closing, I wish to make a final point with respect to cost of compliance. It is well known that the relative cost of compliance with regulatory measures can disproportionately affect smaller businesses. This results in reduced competitiveness or, worse, in non-compliance which exposes these businesses to serious sanctions. Removal of the stamp duty on retail transactions, therefore, also removes one source of distortion in the sector. This we believe will be welcomed by consumers and businesses alike. This measure, though simple, is emblematic of our approach and philosophy regarding taxation. I think it also clearly demonstrates where our philosophy differs from that of our colleagues on the other side. Our approach is to continuously seek to find ways to ease the burdens and remove obstacles to business operations. On the other side, there is a tax and spend philosophy where none, not even the most vulnerable among us, will escape attention of the tax grab.

Like the other amendments we made to the Tax Act, this Bill implements a progressive measure that will bring relief to small businesses and to consumers at large. I, therefore, without hesitation, wish to commend this Bill for passage by this honourable House. [*Applause*]

**Mr. Speaker:** Thank you, Hon. Minister. I now call on the Hon. Member, Ms. Volda Lawrence, to make her presentation.

**Ms. Lawrence:** Thank you, Mr. Speaker. If the Hon. Minister, Dr. Ashni Singh, who is responsible for finance, concludes as he began then he would set a record for himself in this House, so I will

wait to see. I rise on behalf of this side of the House, the APNU/AFC Members. I rise to give support to the Tax (Amendment) Bill No. 9/ 2022. The Bill before us proposes a simple amendment to section 11 of the principal Act. This amendment is not strange to those of us who served as Cabinet Ministers in the previous Government, since it was our intention to do the same, namely, to remove from law, the requirement to affix revenue stamp to receipts originating from retail transactions.

When stamp duties were introduced, approximately 60 years ago, the intent for the most part, at that time, was as a revenue enhancing measure. At that time, the revenue base and the sources of revenue were limited. However, with the massive devaluations of the Guyana dollar, stamp duty was increasingly viewed as an irritant. Except for a few businesses, noncompliance with the affixing of revenue stamps to receipts for retail transactions was rife across all sectors. There is no doubt then that the country's relative tax take has dwindled over the years. This Bill will see persons transacting business, whether at the micro level or at a larger scale, receiving some benefits. We must note here, Sir, that it will be those businesses that are doing large transactions that would benefit the most.

What we on this side of the House, as my colleague before me said, would like to see, since this Government has been in place for almost two years... What we would like to see coming to this House is a roll out of a comprehensive tax reform programme which would reward labour and effort; incentivise businesses; broaden the tax base and improve compliance, especially among self-employed and businesses in sectors, such as gold and diamond mining. It is our hope on this side of the House that the people of Guyana will not have to wait too long. Mr. Speaker, I thank you and I look forward to the passage of this amendment. *[Applause]*

*7.34 p.m.*

**Mr. Speaker:** Thank you very much, Hon. Member. Hon. Senior Minister in the Office of the President with Responsibility for Finance, Dr. Singh.

**Dr. Singh (replying):** Mr. Speaker, when I rose previously, I indicated, clearly, my intention to be characterised by brevity on this occasion. I note Hon. Member Ms. Lawrence's suggestion that were I to be as brief in my closing as I was in my opening, I would perhaps be setting a new record

for myself. Regrettably, the arguments that have ensued since my opening presentation deny me the opportunity to replicate the brevity that I offered at the start.

I wish to draw my inspiration from a statement made by my distinguished colleague, the Hon. Attorney General, when he wrapped up the debate on the Nurses and Midwives Bill 2022. In wrapping up, he said that he welcomes when the APNU/AFC speaks because, when they speak, they lay there for the world at large to see their true nature. I associate myself fully with that comment that the Hon. Attorney General made. I say that, while that characteristic and feature were in abundant display during the presentations made by the APNU/AFC during the debate on the Nurses and Midwives Bill, it was on even fuller display during the course of the debate on what should have been an inconsequential discussion on the Tax (Amendment) Bill 2022. To begin with, when we listened to the two presentations made by the two Members who spoke on the other side of the House, one has to ask oneself whether they are playing on the same team. You heard a remarkable inconsistency to the point of almost dysfunctionality. We heard a clear expression of support for the Bill and, in fact, a statement from one Member of the House that they would have done it too.

In contrast, Sir, you heard a most astonishing – I am tempted to use the word ‘preposterous’, if it is not an unparliamentary expression – and if it would not be unparliamentary to say, a most preposterous presentation from the APNU/AFC speaker who spoke before Ms. Lawrence. Let me say that this manner of dysfunctionality in the APNU/AFC is nothing new. In fact, one could give hundreds or thousands of examples during the 2015 to 2020 period when one wondered whether they ever at all spoke to each other. So often did you see inconsistent positions – one going left and one going right. Perhaps the most glaring example... I should not say the most glaring example, but the one that comes to my mind immediately was the most astonishing circumstance where, for months, two separate people were claiming to be Chairman of GuySuCo. The nation was looking on. We were being told at one time that Professor Clive Thomas was the Chairman of GuySuCo, if I remember correctly. If I am not mistaken, a full-page advertisement appeared in the newspapers with a different Board. Was it Colvin Heath-London who was listed as Chairman? For months the APNU/AFC could not figure out amongst themselves who the real Board of GuySuCo was, and they were in Government. For months there were two Boards of Directors. I could give multiple examples.

I do not know if I should afford him the privilege of citing this example yet again, but the Hon. Member, Mr. Ramjattan, could not make up his mind whether he was conceding defeat or whether he was moving over to the Prime Minister's residence. In full view of the world, we all remember, after the passage of the No Confidence Motion, a hastily summoned press conference... Mind you, this No Confidence Motion had been around for months before it was debated. They must have studied it. They must have considered what their course of action... Any sensible government would have considered how it would have gone depending on whichever outcome.

We all recall, after their defeat in the No Confidence Motion, a hastily summoned press conference by the then Prime Minister who said that, as much as they did not like the vote, they accepted the results, and they will respect it. Am I mistaken in my recollection? [**Hon. Members (Government):** No.] In full view of the world, within a matter of a few hours, if not a few days, they decided that 33 was not bigger than 32. The list goes on. There are thousands of examples during that five-year period when the APNU/AFC displayed dysfunctionality. One was saying yes and the other one was saying no. One was going right and one was going left. As they spoke, I was listening, and I am thinking to myself: Is this one Opposition? That is only one characteristic that their presentations displayed. You, quite rightly and appropriately, Sir, and I thank you for it...

**Mr. Jones:** Mr. Speaker...

**Mr. Speaker:** Hon. Member, Mr. Jones...

**Mr. Jones:** Standing Order 41 – Contents of Speeches. I quoted this earlier when the Hon. Attorney General was speaking and I so wish to do so now again, Sir. Do you wish me to quote it again, Sir? [*Interruption*]

**Mr. Speaker:** Hon. Members, I am trying to listen to the Opposition Chief Whip.

**Mr. Jones:** Sorry?

**Mr. Speaker:** I am trying to listen to you.

**Mr. Jones:** Standing Order 41 speaks about Contents of Speeches:

“Subject to these Standing Orders, debate upon any motion, Bill or amendment shall be relevant to such motion, Bill or amendment, and a Member shall confine his or her observations to the subject under discussion”.

**Mr. Speaker:** As you would agree with me, Hon. Chief Whip, all of us interpret things differently. I find that the Hon. Minister is making a very interesting point which is relevant to this presentation on this Bill. Go ahead, Hon. Minister.

**Dr. Singh:** Mr. Speaker, when we listened to our colleagues on that side of the House, not only were we treated to a reminder of their dysfunctionality, but we were reminded about a number of other distinguishing characteristics of the APNU/AFC which they displayed in Government and, indeed, that they displayed in Opposition. The Hon. Member, Ms. Fernandes, repeated, I lost count after five, that this Bill is coming because a representation was made by the private sector on it. I said so, and I stand firmly by the fact that I said so.

As my colleague, the Hon. Member and Minister, Ms. Walrond, said that this requirement that revenue stamps be placed on receipts affects all businesses, including, and most disproportionately, smaller medium sized businesses. The cost associated with it, including the administrative cost, is borne ultimately by consumers. Let me tell you, Sir, why I am glad that the Hon. Member, Ms. Fernandes, said what she said. By making the presentation that she did, she laid bare for the world to see, once again, the historically hostile stance of the APNU/AFC towards the private sector of Guyana. This is nothing new. Did you notice how she kept repeating triumphantly that this is being done to please the private sector?

*7.49 p.m.*

The APNU/AFC and its constituent entities including the largest party in the APNU/AFC Coalition, the People’s National Congress/Reform (PNC/R), has had a historically hostile posture towards the private sector. If one were to examine the economic history of Guyana, it was during the PNC/R Administration of 1964 to 1992 that the commanding heights of the economy were seized by the State; that almost the entire economy was nationalised; that private entrepreneurship was discouraged and chased away. It was during the PNC/R Government of 1964 to 1992 that the entire private sector of Guyana was wiped out in every sector. One would have expected – the Hon. Attorney General said it – that having spent from 1992 to 2015 in Opposition they may have



learnt a thing or two; that they may have learnt from the lessons of the past. Instead, having returned to Government in 2015, they immediately set about with exactly, the same hostile posture towards the private sector. They went about harassing, terrorising, intimidating, and forcing the private sector out of business.

One of their more senior Members is very famously on record as saying that they do not create jobs; job creation is not their business; go and sell tamarind balls and... What was it? [**Mr. Dharamlall:** Plantain chips.] Plantain chips. That job creation is not their business. [**Mr. Seeraj:** Dog food.] Was it dog food or plantain chips? Of course, we salute everyone who is involved in entrepreneurial activities. Whether it is plantain chips or cook-up rice or dog food, we support every small business in Guyana. For any Government to say that job creation is not its business, it does not create jobs, is the height of irresponsibility by that Government and a gross abdication of its responsibility for people.

This hostile posture towards the private sector, that because the private sector recommended it, it is bad; this hostile posture displayed by the Hon. Member Juretha Fernandes in her presentation this afternoon; is not new at all. It is reflective of the manner in which the APNU/AFC harassed and terrorised the private sector during 2015 to 2020, and it is reflective of the manner in which they also did so throughout the period from 1964 to 1992. It is nothing new at all. What we were treated to today was yet another display of the APNU/AFC's hostility towards, lack of concern for, and ambivalence as it relates to the private sector.

The Hon. Member spoke about tax measures that are of concern to ordinary Guyanese – the man in the street – and professed, in her characteristic high school drama style, a great love and affection for poor people. I listened in amazement because I believe the Hon. Member – notwithstanding that the Hon. Member, Ms. Volda Lawrence, did draw a distinction between those Members with Cabinet experience and those without – Ms. Juretha Fernandes served in Government in some capacity or another between 2015 and 2020. The Hon. Member served and was a Member of Parliament (MP)... [**Hon. Members:** No.] You were not an MP. That is all right. The Hon. Member served as a member and a prominent supporter of the APNU/AFC's Government of 2015 to 2020. This was the Government that applied value-added tax on water and electricity. This was the Government that applied value-added tax on medical and educational supplies. I remember the horror and disbelief expressed by parents who suddenly discovered that the educational supplies –

the lunch kits that they were buying for their children and the books that they were buying for their children – would now be subject to VAT. This is the Government that applied VAT on building materials. This is the Government that increased the fees, as my Colleague, the distinguished Minister of Tourism, Industry and Commerce said, increased the fees on every conceivable permit, including permits... Is it permits for horse carts or donkey carts? [**Mr. Dharamlall:** Donkey carts.] She has the audacity to come into this House and dramatically feign some kind of concern for poor people.

This is the Government that took away from every policeman, every fireman, every prison officer and every serving member of the Guyana Defence Force (GDF) – the APNU/AFC, her Government – took away the one-month bonus from all those people. They have the audacity to come now and profess love for poor people. They are the Government that took away the cash grant from parents of children of school age. They took it away. They are the Government, the APNU/AFC, that took away the subsidy the pensioners enjoyed on electricity and on water, and they have the audacity to come here now and speak about concern for poor people. *Yuh tek yuh* eyes pass the Guyanese people. *Yuh tek yuh* eyes pass the Guyanese people. [**An Hon. Member:** (*Inaudible*)] Not you, Sir, but the Hon. Member and those on that side. [**An Hon. Member:** Except the Deputy.] Except, of course, the Deputy Speaker.

Let me remind the Hon. Member that during their tenure, they imposed taxes that increased the tax burden by more than \$80 billion per annum as a result of taxing water, food, electricity and everything else. It would be recalled that even heavy equipment and machinery, that is so critical to industry and commerce, that is so critical as an input in productive activity, *drop taxes on it*. That was the philosophy of the APNU/AFC. Do you know what? It was not taxing to invest in things that will generate value for the economy in the future. It was taxing to eat. And they have the audacity to come here now and feign, as if in an amateur drama school to feign, great concern for poor people.

It was the People's Progressive Party/Civic Government, on returning to office in August, 2020, that brought to this House an emergency budget that sought, first and foremost, to remove the punitive taxes that had been imposed on the people of Guyana. Where were you when there were all of the VAT on medicine and educational supplies, on electricity and water? Where were you when all those punitive taxes were being removed? As I listened to the presentation by the Hon.

Member, I was happy because, like the Attorney General said, every time they speak, they reveal their true nature – hostile to the private sector; no concern for the private sector. They have absolutely no concern for poor people by coming here and pretending. The presentation by the Hon. Member, Ms. Juretha Fernandes, was most informative because it revealed, once again, to the people of Guyana, the true nature of the APNU/AFC – dysfunctional. [Mr. Ramjattan (*Inaudible*)] You do not want me to say it. You do not want me to say it, but we will keep reminding the people of Guyana. The Hon. Member, Mr. Ramjattan, is getting worked up. He wants me to stop, because he is hoping that the people of Guyana have short memories. But the people of Guyana are not going to forget the APNU/AFC. They *ent* going *fuget* the APNU/AFC. You may believe that they have short memories and so you may believe that you can come here and insult their intelligence by displaying your high propensity to distort and misrepresent. The people of Guyana have spoken and they have said never again. Never again.

It is most unfortunate that what should have been an entirely uncontentious, uncontroversial and brief debate on this Bill was reduced by the Hon. Member, Ms. Juretha Fernandes, by meandering into misrepresentations and distortions of the fact. The fact of the matter is that this measure, first and foremost, is part of a comprehensive set of measures implemented through successive People's Progressive Party/Civic Government budgets – *Budget 2020*, the emergency budget that we enacted; *Budget 2021*, which built on the measures we enacted in the emergency budget; and *Budget 2022*. It is widely documented and well-known that in addition to the removal of the punitive taxes and increases in fees, we have already also restored a number of the very important social safety nets that were so critical to the wellbeing of the Guyanese people. For example, let us speak about what was being done to farmers. It would be recalled that they increased because they are not concerned about agriculture.

8.04 p.m.

They claimed that they so love poor, they did not care about agriculture, they did not care about food production, they did not care about food prices. So, guess what they did? They increased land rents to the extent that the farmers had to bear a bill in excess of \$1.8 billion. When we came back into Office, we reduced those land rents back and returned to the farmers a sum of \$1.8 billion per annum. Do you think that people do not know this? Sir, we restored to the Disciplined Services their one monthly bonus which was unconscionably taken away from them by APNU/AFC. Sir,

we restored the cash grant for children going to school and we extended it to children attending private schools. Sir, we increased the old age pension. They promised in their manifesto that they would double the old age pension as soon as they get into Office. They have spent five years in Office, and one of them is saying, and they did, and the facts are there for everyone to see. Sir, the APNU/AFC promised to double old age pension as soon as they went into office; they have spent five years and they have not done that.

In the space of three years, we have already given a bigger increase to old age pension than they did in five years, and the list goes on. Sir, not to mention the wide range of other measures including those announced by His Excellency the President yesterday. So, I will say, very simply, that the presentation made by the Hon. Member, Ms. Juretha Fernandes, today, put on display, once again for the world, that across the 31 Members of the APNU/AFC, they continue to display the same dysfunctionality that they displayed for the whole five years in Government, one going left, one going right. It displayed also for the world at large to see, Sir, its continued hostility towards the private sector, but the private sector creates jobs, and we, the Peoples Progressive Party/Civic Government, will support the private sector to expand and grow, to create jobs and to generate incomes for all of the Guyanese people. That is our promise and our commitment to the people of Guyana. It appears, Sir, that you have taught them a new word; you spoke of repetition, and I hear them parroting it.

Mr. Speaker, I wish to thank the Hon. Member, Ms. Volda Lawrence, for saying that they would have done it if they had time. Perhaps, they were busy doing other things, but I thank her for placing on record that this is something that they support, this is something that they would have done. With those still relatively few remarks, Sir, it gives me great pleasure to move the second reading of the Tax (Amendment) Bill. I will move the motion at the appropriate time when called upon. Thank you very much, Sir.

**Mr. Speaker:** I just want to note Hon. Senior Minister in the Office of the President, I emphasized tedious repetition, not repetition alone.

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

*Bill considered and approved.*

*Assembly resumed.*

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

**Evidence (Amendment) Bill 2022 – Bill No. 3/2022**

A Bill intituled:

“An Act to amend the Evidence Act.”

*[Attorney General and Minister of Legal Affairs]*

**Mr. Nandlall:** Mr. Speaker, pursuant to the provisions of Standing Order No. 50 (8), I humbly request that this Bill be sent to a special select committee.

**Mr. Speaker:** Thank you, Hon. Minister. The Evidence (Amendment) Bill 2022, Bill No. 3/2022, is now referred to a special select committee.

**Juvenile Justice (Amendment) Bill 2022 – Bill No. 5/2022**

A Bill intituled:

“An Act to amend the Juvenile Justice Act.”

*[Minister of Home Affairs]*

**Minister of Home Affairs [Mr. Benn]:** Mr. Speaker and Hon. Members, I rise to move that the Juvenile Justice (Amendment) Bill 2022, Bill No. 5/2022, published on the 7<sup>th</sup> April, 2022, be now read a second time.

Mr. Speaker and Hon. Members, of course, I hope that I can also make a short introductory presentation as the Hon. Member, Mr. Ashni Singh, did make and endeavoured to make in closing his presentation on the previous Bill that was read and assented to. Mr. Speaker, the Juvenile Justice (Amendment) Bill, intends to amend the Juvenile Justice Act, which may be cited as a Juvenile Justice (Amendment) Act of 2022. Before I go into some details in respect of the

amendments which are fairly short, I would like to place in some context the issues related to our handling of juveniles in the criminal justice system, so that perhaps we better have an understanding of the challenges we face in that area of jurisprudence.

Particularly, of course, we have to talk about the case for the juvenile courts. And I have to say, given the fact of the changes in crime, criminal wrongdoing, and issues relating to the courts and also the police being more expert in dealing with issues related to juveniles in the justice system, under the purview of the justice system, the criminal justice system has to be more adept in terms of dealing with questions of juveniles who do wrong things which will come to the attention of the courts.

For juveniles between the ages of 14 and 18 years, in the courts, there is a question of whether there was premeditation in terms of the wrongdoings that they may have done, criminal wrongdoings, of course the degree of violence with which the acts were perpetrated, and the question of the awareness of wrongdoing. It is true that juveniles are less likely in the system, in the approach to dealing with them in the criminal justice system, to understand what is wrongdoing in itself, and that there may be more emotional responses or explosive responses to threats or perceived threats. They may be less capable of undertaking premeditated actions, and in most instances, it would be better for them when they are removed from a toxic environment or a toxic home, or a toxic situation, which will only create further issues in relation to them committing wrongs in the community environment and in the homes. If, however there is premeditation or if the juvenile is considered to have acted in the full knowledge and thought and acted in committing an offense as an adult, or with the awareness of an adult, he/she is tried as an adult. In the adult courts, with juveniles, there is perhaps more sympathy with respect to the juvenile because a jury is present, and particularly in the case where juveniles are used by adults to commit crimes, there are issues in relation to sympathy or even empathy in relation to the question of juveniles in the court system.

At the current time, we have seventeen juveniles in custody. There are fifteen males and 2 females, which represents about 0.8% of the total number of persons who are incarcerated. The particular consideration that we have, and the challenge that we have – I must say that there has been an increase of about 70% in persons who are incarcerated at the moment, either in remand or sentenced – is a challenge of sloth perhaps in the courts. There are issues of refusal to take cases

and, of course, we know that sometimes we are unhappy with respect to decisions which are made in the court, not to make a criticism but a critique.

*8.19 p.m.*

Sometimes when one considers the issues in relation to persons caught with narcotics or firearms, the evidence is there and direct. The positions taken in the first instance by the court, become curiouser and curiouser when one examines the issue. Particularly, there is the issue of making the work of the court more effective, more efficient, and more efficacious. So, the Juvenile Justice (Amendment) Bill 2022 before us, seeks to provide for cases where a juvenile commits or is alleged to have committed an indictable offence with an adult, and the indictable offence cannot be disposed of summarily, the juvenile be charged jointly with that adult and for the charge to be heard in one hearing.

“Presently, section 3 (b) (i) of the Principal Act provides for the juvenile justice system to be separate from the systems used for adults. Based on this provision, a juvenile will not appear before the court with an adult. Accordingly, section 36 of the Principal Act, which makes provision for a juvenile to appear before a court, was amended to create an exception to section 3 (b) (i).

This amendment seeks to remedy the issue of two separate charges being instituted whereby the juvenile commits an indictable offence which cannot be disposed of summarily with an adult. The current criminal justice system often results in witnesses testifying twice...”

This speaks to the issue of repetition. There is a lot of time being used in dealing with the evidence being presented. Of course:

“...leading to a significant increase in judicial time and expense.

With this amendment, the juvenile and adult may be charged together, and the charge may be heard jointly. The amendment also allows the magistrate or judge to employ such measures as the court considers appropriate to ensure that the best interest of the juvenile remains paramount and that the rights of the juvenile enshrined in the Principal Act are not curtailed.”

Mr. Speaker, of course in other jurisdictions – it is not unique to Guyana – there are issues that are considered for the waiver of transfer procedures. There are issues of consideration which have to do with the defendants’ prior records; the probability of conviction; the need for a jury investigation; if a victim dies because of the crime; the harm inflicted on the victims and the community; the use or possession of a weapon during the crime; and deterring the defendants and other individuals from committing similar future offences. This approach allows also – with respect to dealing with the fact of a juvenile undertaking crime along with a co-defendant who is an adult – for those considerations to be taken into view. Of course, indictable offences could be manslaughter, murder, sexual assault, drug trafficking, arson, abduction of persons, possession of firearms while committing any of the above crimes, conspiracies, and other related efforts which are already identified in the Juvenile Justice Act.

With that Mr. Speaker and Hon. Members, I think these are simple, plausible, and required amendments. I request the support, in respect to these amendments, for quick passage by this honourable House – from both sides of the House, of course. *[Applause]*

**Mr. Speaker:** Thank you, Hon. Minister. Hon. Member Mr. Ramjattan you have the floor.

**Mr. Ramjattan:** Thank you very much, Mr. Speaker. I want to say that this amendment is not going to be supported by me. It seeks to be a fundamental and radical departure from the regime that we only passed in 2018, after some 14 years. That was in 2004 when the talk was that we make sure that a brand-new legal regime govern juveniles – namely 14 to 18 years old – and be based on a whole host of international conventions. We decided, unanimously, in this Parliament, that this Act will be supported in every provision. On the 26<sup>th</sup> April, at the 87<sup>th</sup> Sitting of the National Assembly, in 2018, we all supported the Juvenile Justice Bill. I gave a speech in which I said that it was a comprehensive document to effectively tackle the significant issues related to juvenile justice. Of course, that journey, as I indicated, started in 2004. I think that it was Dr. Anthony who had started it. Then, in 2007, they brought an expert. That expert was Dr. Bruce Abramson who articulated the need for a new Juvenile Justice Act in a policy paper entitled, *A new Juvenile Delinquency Act for Guyana, a Decision for Policy Makers in 2006*. Dr. Abramson indicated in that document the modern philosophy governing juvenile justice – it is not the same as adults. It is wholly different. A first draft was made sometime in 2008 and then it was just laid down like that.



In 2016, we got a number of members from the Guyana Bar Association, Ms. Pierre and then there were some others. I hope I can get their names. They then had consultations with so many people, including the Chambers of the Attorney General, to ensure the conventions that we signed on to. These were the United Nations Commission on Human Rights (UNCHR), United Nations Convention on the Rights of the Child (UNCRC), and also the Guidelines for the Prevention of Juvenile Delinquency, the Riyadh Guidelines that were adopted in Beijing and which even improved or made it reinforce juvenile justice in Beijing. This was attended by the Hon. Ms. Teixeira and a number of others. It stated quite clearly that a brand-new regime for juvenile justice must be implemented in Guyana. The principles are enunciated in section 3 of the Juvenile Justice Act.

“The court or a person performing any function pursuant to the provisions of this Act shall be guided by the following principles-

(a) the juvenile justice systems intended to-

- (i) further the well-being of juveniles, therefore the best interest of the child shall be made the paramount consideration when making decisions; and
- (ii) encourage and facilitate juveniles having a meaningful life in the community by rehabilitation, education, reintegration, and proportionate and appropriate accountability to victims and society;

(b) the juvenile justice system shall-

- (i) be separate from that for adults;”

In the debate of 2018, it did appear that Mr. Clement Rohee, the then shadow Minister for the Ministry of Public Security, had indicated that he did not notice that juvenile justice must include separate trials. It is in the *Hansard* on page 56. He made the argument that they must have separate trials because of the nature of our adoptions of all these international settings. Today, I am very disappointed. I am so disappointed because it would appear that all those foundational principles in the Riyadh Guidelines, the Beijing Rules, what Dr. Abramson said, and the draft that went out in three counties here... There was one held at the Pegasus Hotel, one held Anna Regina and one at New Amsterdam. Everybody agreed with the draft. Especially, that fundamental core principle:

- “(a) the juvenile justice system shall-
- (ii) be separate from that for adults;”

What that meant was, you cannot do a trial with an adult when both the juvenile and the adult are charged for the offence. There are a number of moderate things that apply to juveniles at their trials. That is why today we are creating a court. We have created a juvenile justice court in Georgetown, and we are supposed to do so in other parts of the country. The Berbice one was not completed in our term but that was part and parcel. We were thinking also of having one in Essequibo. We were being supported by the United Nations Children’s Fund (UNICEF). They were big supporters of this. All of them across there had indicated their support for it.

That fundamental principle is today going to be eroded completely. It is going to be eroded completely, when you now say that if a juvenile is charged with an adult, to save cost and judicial time, we must now have the one joint trial as against two separate trials – one for the adult and for the juvenile. The attributes in relation to juvenile justice are stated in section 41, whereby:

“A child or juvenile shall not be sentenced to imprisonment.”

Section 42 states:

“Where a juvenile is found guilty of an offence under any law the finding of guilt shall not be recorded as a conviction.”

That is the special status that we gave our young children. We do not want Guyana to be a jailhouse nation for our young people.

*8.34 p.m.*

Now all of that, when convicted in relation to murder. When we talk about there should be no recording for conviction, is that even for murder? Section 38 (4): Let me read it because I do not know if our Attorney General, based on the purpose behind this Act, had noticed all of these.

“Where a juvenile has been found guilty of the offence of murder the court shall not pronounce or record a sentence of death against the juvenile, but the court shall sentence the juvenile to be held at a secured residential facility...”

All of that we were doing for our juveniles, in the context of having separate trials. Today, they have come to tear down that architecture by stating that they would like juveniles to be tried jointly with adults. This is not right at all for our young people who are charged. When we unanimously agree to something, we must understand what we agree to and not literally come and renege on it. This is not going to make a lot of international institutions feel that this Government understands the juvenile justice system that we were promulgating in 2018.

Also, the Hon. Member before me did not indicate that any rational report came to him which stated there was need for an amendment from this joint trial as against what exists – the separate trial. Nothing. One would have expected that when you are doing such a fundamental damage to the juvenile justice architecture...you should have come with that. He never did, but he indicated that, simply because of cost and judicial time, we should amend it. Even the statistics were not given as to how many juveniles have been charged with adults. I do not understand from over the two years...not two years...From 2018 to now is five years. How many? It is very important that before you make changes and alterations, you do all those statistical works and come back. It is because the child is vulnerable.

In England, there are practiced directives under a famous European case – T. and V. versus United Kingdom (UK) – in which the Human Rights Convention of Europe decided that children and mentally affected persons are vulnerable, and they should have a separate regime. They do not sit in the dock. They can come there with their parents. During the course of the trial, special and comfortable arrangements are made for them. All of that, in the context of this amendment, will basically now fall apart. You will have what happens in an adult trial, all the trappings of an adult trial, literally be there, which can affect all the principles that we have.

We, in this country, also have certain rules governing separate trials. The vulnerability of the child and the juvenile is what created that section 3 (b) (i). Now, when there is this reneging of the situation, you are literally going to take away from all those principles that are called diversionary measures. You are going to take away and dilute the impact of that special regime that we created. I do not know how much more expensive it is when weighed against justice for the juvenile under the juvenile justice regime for you to say that it is too costly. If our children are important to us and if our children are so significant and if you simply have to have moneys put for separate trials in those special arrangements put for them...We are really, really going retrograde.

In the common law of Guyana, it is generally a rule that where two adult accused are charged, there can even be separate trials for those two adult persons, especially if there is saving of money and time. That can be done, separate trials, especially if it does not lead to an embarrassment or does not lead to prejudice happening with one co-accused as against the other. We will come to an Evidence Act soon. It has gone to the Special Select Committee, but that too seems to be tearing down the architecture that we have which the common law has provided. In this case, it must necessarily be that when a child is being tried together with an adult, it is embarrassing and prejudicial. That is why we created that section that states that there must be separate trials. When you are weighing justice...the PPP/C has this thing about it that if justice costs too much of money or it costs too much of judicial time, we should not support it. Justice is far superior to quantifying it in the sense of money and judicial time, especially justice for a special category of human beings in Guyana – our juveniles.

By the way, I just found it. The T. and V. versus UK case is in 30 European human rights reports. When a trial is done with an adult, it attracts widespread public media attention. It must be to ensure now that when one is dealing with a child with the adult, that must not happen. The child must be saved from this, and you must also seek to avoid the child being exposed to intimidation, vilification and abuse. The child in a special arrangement, as was ordered by the European Human Rights Court, is that they must be free to sit with family or a social worker. The welfare of the young defendant is paramount. There are some other things, but I did not manage to get all from the clippings of that decision, but it extends, clearly, that it is a special regime. Now, when they supported it, they did not object it. They had indicated a number of things to which they would have wanted some amendments, but not to that one. All of a sudden, they are saying that we must tear this apart.

We have a special arrangement called free legal advice for every juvenile in this country. As I mentioned, in sections 41 and 42, there are those special arrangements. And we, now, are going to, without any justification in any report of any nature...They did not go back to Abrahamson and ask him, could we do this as a fundamental core pillar to this Act? Could we do that? No. I do not know where they got their advice from, but they have now come here and have said they want this fundamental...It is in Section 3, the very important Section 3 which talks about fundamental principles of juvenile justice. Now, you are tearing that apart.

This should not happen. Apparently, when they were supporting the Juvenile Justice Bill in 2018, they did not understand the Beijing principles. Mr. Speaker, it tears my heart that we did so much work – all of us – and we get this happening at this level. This bespeaks how uncaring the PPP/C Government is in relation to juveniles. This is the absolute destruction of a construct that we had for them and for their benefit. They just broke it up. To that extent, this should not be supported. This thing is absolutely disastrous. This thing should not be passed. I now feel that if they understand what the Juvenile Justice Act of 2018 is all about, they should refuse to vote for this kind of amendment to this core pillar foundation of the juvenile justice system. I want to indicate that this amendment of having the joint trial with an adult should not be supported and I would not commend such.

This is a lot of idleness in the part of the PPP/C Government. These are a lot of destruction, as I said. This is a volte-face. This is a somersault of the position that they all supported a couple of years ago, and it came so easily. It brings me to this point: they have a lot to say about a whole heap of things that we passed in our Administration and literally each one of them are tearing down. They are tearing down this one. They tore down the Natural Resource Fund Act. They are going to tear down a doctrine on confession statement that was longstanding. They are tearing down everything. It would appear that they do not understand how important these structures, doctrines and principles of our jurisprudence are, whether it be for confession statements or juvenile. We must not do damage to that architecture. I do not support this, and I hope that the Government side sees my point in also withdrawing this Bill. Thank you very much, Mr. Speaker. *[Applause]*

**Mr. Speaker:** Thank you very much, Hon. Member, Mr. Ramjattan. It has been so interesting that we went past 8 o’ clock. I just want to ask someone from the Government for the relevant Standing Order to be suspended so that we can conclude the business for today.

### **Suspension of Standing Order No. 11**

#### **BE IT RESOLVED:**

“That Standing Order No. 11 be suspended to enable this sitting of the National Assembly to continue with its business beyond 8.00 p.m.”

[Attorney General and Minister of Legal Affairs]

**Mr. Nandlall:** Might I respectfully request that the relevant Standing Order be suspended to allow us to proceed to the end of today's business? Thank you very much.

*Motion put and agreed to.*

*Standing Order suspended.*

**Mr. Speaker:** Thank you very much, Hon. AG. As we have done that, let us formally say happy birthday to the Hon. Minister of Local Government and Regional Development, Mr. Nigel Dharamlall. He was hoping that we would have been able to finish so that he could have spent the evening with his family, but I know you love him so much and so we are keeping him until the very end. I now call on the Hon. Minister of Culture, Youth and Sport, the Hon. Member, Mr. Charles Ramson Jr., to make his contribution.

*8.49 p.m.*

**Minister of Culture, Youth and Sport [Mr. Ramson]:** Thank you very much, Mr. Speaker. I paid very keen attention to Mr. Ramjattan, the Hon. Member, who spoke very clearly about a volte-face, which, in literal terms and in English, means an about face. This is something that the Hon. Member would know very much about, after having been recorded in his office conceding the elections in 2020, and then having to express his volte-face to say that he was hoping to move into higher office. It is very lucky that the people of the country did not have to experience the volte-face of another term of the APNU/AFC.

This Juvenile Justice (Amendment) Bill that we are debating is a short amendment. I noted, very distinctly, that the Hon. Member, Mr. Ramjattan, who is a seasoned practitioner – he may not be a seasoned practitioner in criminal matters but is a seasoned practitioner – did not mention one time, in his presentation, the nature of the offenses that would be covered by the amendment. The amendment that we are including today will be affecting just a few number of offences. You would read the amendment where it refers to indictable matters, indictable matters that cannot be tried summarily.

What are indictable matters? This is for Members on the other side, for members of the public and for everyone to get clarity. Having heard what Hon. Member Ramjattan said, having not provided the clarity to the public, the representation was made as though we are disassembling the architecture of the Act. This Act has 177 pages. We have made one amendment, which has two subsections. Those two subsections state that a juvenile may be charged jointly with an adult for indictable matters that cannot be tried summarily. That is one part of the amendment. Another part of the amendment states that if that is done, the court may take all measures that are necessary or appropriate – the word that is used in the amendment is “appropriate” – to protect the rights of the juvenile contained in the Act. It preserves, by that inclusion, the rights that would be contained for the protection of the juvenile contained in the Act. Specifically, I want to deal with the point in relation to the offences. Indictable matters are only about four offences: murder, treason, rape and manslaughter. Those are the four offences that fall into the category of indictable matters which cannot be tried summarily.

First of all, the nature of the offences, which would be included to fall within the amendment, are very few. You are talking about very small percentages within the grand scheme of the administration of justice. And then, there is the age range of who is considered to be a juvenile, which is 14 to 18. Again, anything below the age of 14 falls into what criminal attorneys understand as the Latin meaning of *doli incapax*, meaning the incapability of committing a crime. The 14 to 18 category is the age within which juvenile falls, otherwise they would be tried as an adult. We are speaking here of a very limited bracket within which juveniles can be affected. However, in relation to when the Act was passed unanimously, as it is reported...I do not know if that is accurate. Assuming what the Hon. Member said is accurate, even if an Act is passed unanimously, which creates a new “architecture” – if I could use the word that the Hon. Member used – or a system for the administration of justice, does that then preclude the possibility of ever making an amendment at any point in time? It could never be so. If it is accepted that you are implementing a new architecture or system of administration of justice, and a government receives representation of how the system ought to change, without affecting the overall and overriding objectives and the principles – in this situation, 99.9% of the entire Act – should the Government then numb its ears to the representation to avoid making any amendments whatsoever? It could never be the case that a government should function in a state of *stasis*.

If the representation is made and it is decided that this is a sensible decision to make, it is important for the very serious crimes that affect society on the whole...that deterrence is an important measure of how we govern countries. Deterrence is affected by three things: one, certainty; two, celerity; and three, severity. Certainty: how certain, having committed a crime, are you going to be caught? Celerity: once caught, how quickly are going to move through the administration of justice sector? Severity: how serious is the crime and the punishment? Is it *apportionate* to the punishment? Those three elements are the elements that affect deterrence. Every government's number one priority, or amongst its top priorities, is to protect the society. That has always been a high priority of every government, to protect the society and balance the interest of the victim versus the defendant or the accused. When Mr. Ramjattan read the principles that are contained in severity, celerity and certainty and when Mr. Ramjattan made reference to the principles contained in the Act, he skirted over one of the points contained in the principles. These are the overriding principles. Yes, the Hon. Member made reference to furthering the wellbeing of the juvenile, but in section 3, subsection (a) (ii), the very last part states:

“...proportionate and appropriate accountability to victims and society;”

The Hon. Member skirted over that part because it did not suit his argument of claiming that we are tearing down the entire architecture of the Act by making a single amendment to a 177-page Act. It is an amendment which deals with a very small bracket of juveniles who would be affected. A government still has to balance the interest of the overall wellbeing and state of the society. All of the protections that are contained in the Act are preserved. That is what is critical. All of the protections that are contained in the Act have been preserved and have not been touched. Importantly, the evaluation requirement that has to be done is contained as well. The sentencing that is prescribed, specifically dealing with non-imprisonment and the use of alternative forms of punishment...all of that which has been prescribed in the Act are preserved. The rights and the protections that were intended to be contained in the Act have not been touched. How can you claim that the architecture has been torn down? In addition, what is important to note as well is that, in other jurisdictions, it is not unknown for juveniles to be charged jointly with adults. We are talking about European jurisdictions as well – what we would call first-world countries.

Hon. Member, Dr. Vindhya Persaud, has also... You asked for an example. Just to alert you, there is New Zealand. New Zealand is one of the most progressive countries.



9.04 p.m.

What I am most concerned about, in addition to the content of this Bill, is the framing of the debate where it is difficult when simple amendments have to be made for the administration of justice and the overall governing of the country that there is difficulty in framing the debate from the point of view of providing the necessary clarity to the public which is so essential in matters, especially concerning how we intend to treat with young people. That part of it I find to be unproductive – how it is that we engage, in a *bona fide* way, knowing that we are placed here with the highest of responsibility in the representative capacity that we hold. Just to manifestly demonstrate my point, not once did the Hon. Member, Mr. Ramjattan, seek to provide clarity to this House and to the Hon. Members on the other side, who would not know because they do not have legal training. So, it is a special area on its own. As a practitioner, he ought to be able to provide that to the public too. Not once did he seek to say, at some point, what the offences are that would be covered by this amendment.

Due to the absence of that inclusion of that critical bit of information, had one heard the presentation by Mr. Ramjattan, the Hon. Member, one would have been inclined to believe that, indeed, it was something that we are attempting to do that would be destructive to the overall framework of the Act and destructive to the juvenile justice sector. Without hearing the clarity that I am providing, the opinions of the Members on the other side, even if not publicly when it comes time to vote, quietly, it would have changed the nature of the debate. That is why it is important for there to be responsibility when we come to this House for particular matters.

I know that it in the nature of politics, politicians are going to do what we do, which is to play games in scoring political points, and that is part of the nature of the game, and I am satisfied with that. When it comes time to scoring points in relation to young people, playing political games with young people and the interest of the overall governance of the society, that is something responsible leaders and Members on this side of the House will never allow to happen without providing the necessary leadership and clarity to the public.

The amendment is necessary for us to have in the proper administration of justice. This is not new to many parts of the world. It is based on the representations that have been received, having introduced a new form of administration of justice relating to juvenile justice. The amendment is

important to the overall advancement and shaping of how the sector develops and the system develops, and in that regard, it must, and it should be supported. Thank you very much, Mr. Speaker. *[Applause]*

*[Mr. Speaker left the Chair.]*

*[Mr. Seeraj assumed the Chair.]*

**Mr. Seeraj:** Thank you very much, Hon. Member. Hon. Member, Mr. Dineshwar Jaiprashad, you have the floor.

**An Hon. Member:** *[Inaudible.]*

**Mr. Seeraj:** Definitely. Hon. Member, Mr. Figueira, you have the floor.

**Mr. Figueira:** Thank you, Mr. Speaker. Mr. Speaker, after listening to the Hon. Member's very interesting presentation, it would be remiss of me not to take this opportunity to say to that Hon. Member that we, the Members on this side of the House, are not engaged in political games and are not about scoring cheap political points. We take our portfolio very seriously when it comes to representing the interest of the people of Guyana.

I want to say, from the outset, and more so, join my previous colleague on this side of the House in expressing my grave dissatisfaction with regard to these proposed amendments. I am equally disappointed that the Hon. Attorney General had some input into this legislation being proposed in this House. I must state, also, that the rarity of coming to this House, the people's Parliament, under this regime, is like an eclipse. It is always a special opportunity and a special moment. There is no consistency in doing the people's business. The long pause by this Administration before any activity to address the multitude of issues to the benefit of the people of this country leaves much to be desired.

The most activity this Parliament has experienced, in the years since the PPP/C Administration was installed, was when it came to getting the people's money during the budget debates, on the manipulated need for more money, *via* a supplemental budget, and, on occasions, to amend or repeal selective laws made under the Coalition Administration. We have an opportunity, as the legislative branch of Government, to enact real and transformative pieces of legislation to better

enhance the governance structure to benefit all the people of this country. As I stand to make my contributions to this piece of legislation, and moreover, the amendments to the Juvenile Justice Act of 2018, I am taken aback by the retrograde steps we, as a legislative arm of Government, continue to make by the tyranny of a one-seat majority. I say we are going backwards, rather than progressively forward on the heels of a new Guyana with massive wealth on the horizon that should be to the benefit of all of us.

A case in point was the recent amendment to the Standing Orders to affect the quorum of the Public Accounts Committee, which has already begun to experience the very negative impact we, on this side, highlighted during the debates. We know this Government cares not. All the PPP/C is apparently concerned with is breaking down and burning down somewhat what someone else built, as this allows it another excuse to raid the Consolidated Fund. This Parliament was promised a robust legislative agenda by the country's Attorney General and Minister of Legal Affairs. I dare say, this proposed amendment is nothing close to the giant steps of Act No. 8 of 2018, in its present construct, when enacted in 2018, and more so, when it was brought to this House by the former Minister of Public Security, the Hon. Member, Mr. Khemraj Ramjattan.

The commendation to this transformative piece of legislation, the Juvenile Justice Bill, attracted many admirable and praiseworthy expressions from a number of Members on the Government's side. This is what the Hon. Member, Dr. Frank Anthony, had to say, and he, I must add, set the tone for all of the other speakers on the Government's side. He said, Sir:

“...This Bill is a very comprehensive one...”

“...This Bill has a more progressive approach...”

I repeat:

“...This Bill has a more progressive approach and seeks to rehabilitate rather than punish juveniles that have a problem with the law...”

Further, Dr. Persaud, the Hon. Member, posited these words:

“...This Juvenile Justice Bill puts it all together in a comprehensive progressive piece of legislation and I feel it is a great step in the right direction...”

The Hon. Dr. Manickchand said:

“...I am very pleased that we are ... addressing what I think is one of the necessary pieces of legislation...”

Those were the words of the Members on that side of the House. It is of utmost importance for me to inform this honourable House and to inform Guyana that the PPP/C is central to the challenges juveniles face, today, in this country. One needs only to remember 2012 to May, 2015, under the present Minister of Education, the abominable and the ominous policy of no child left behind which was implemented. Children who could not read or write and who did not pass end of term examinations were promoted. It was a policy that encouraged the award of success to failures and a policy that promoted failure. Today, those juveniles who were moulded by the PPP/C's policy, a very backward policy, are now being placed in docks with adults under the same PPP/C that failed them earlier at school and that failed them earlier in their lives. How can this be fair to our children? How can this be fair to the future generations of this country? Is this how the speakers on that side of the House plan to save the future children of this country – by agreeing for children and adults to be placed together in the same docks to face criminal charges? Is this how it intends to save the nation's children, the future inhabitants of this country?

Act No. 8 of 2018, in its present construct, and more specifically, section 3(b)(1) provides for juveniles to be separated from adults. This was done after consultation with many stakeholders, which included the views of senior lawyers and well-respected Magistrates, and Judges. Consultations for this Act was something special.

*9.19 p.m.*

Mr. Speaker, you will agree with me that it is wrong to hold children and adolescents, who have not reached legal age, to adult standards. In other areas of law, we recognise the differences between children and adults. Children are not permitted the same rights and responsibilities as adults, for example: voting, smoking, joining the military or even having a house lot, because we recognise their inability to make conscious adult decisions. Here we are debating on the PPP/C finding further ways to punish the youth of this country, criminally, but not equally addressing the rising cost of living of the masses in a holistic manner.

With rising inflation and increased cost of commodity prices for many goods, all the PPP/C can do is legislate a life of horror on the youth of this country. The question, therefore, is: Why this proposed amendment does not recognise the same difference in criminal law? We do not say that this is a very important election so let us allow the child vote. But, given what we saw at the recount where people domiciled in the United States of America (USA) and dead people voted for the PPP/C, anything is indeed possible. Despite those happenings, it still remains against the law. We do not say that this is a very important war so let us create child soldiers and give them weapons and send them to fight. We do not say that this case is different, and the child/children deserve to be treated as an adult and be tried.

Psychological research confirms what every parent knows, what the Members on that side of the House also knows all too well, Sir, that children, including teenagers, act more irrationally and immaturely than adults. Studies further confirm that stressful situations only heighten the risk that emotions, rather than rational thought, will guide the choices children make. The Supreme Court recognised this very position, and I have no doubt that our learned Attorney General is also aware of the case law in *Roper vs. Simmons* where Justice Kennedy, Hon. Anil Nandlall, wrote, and I quote:

“‘any parent knows’ and ‘scientific and sociological studies tend to confirm’ that children possess a ‘lack of maturity an underdeveloped sense of responsibility [and take] impetuous and ill-considered actions and decisions.’”

The court room setting in itself is very intimidating and scary for many people. Some people see going to court in itself as punishment. It is an environment where I have seen adults, grown men, shed tears like a child. Is this an environment to which we want to subject a child? But, then again, the PPP/C is no ordinary grouping. They have scant regards for women, historically, much less children, especially through their sustained actions in this Parliament. We see this proposed amendment as another form of retribution by the PPP/C, which is proposing to have a child charged jointly with an adult. This type of punishment is a failed strategy for deviant behaviours among youth. Rather, teaching new skills or developing new and more positive attitudes and beliefs often derives more success. The only justification for inflicting harsh punishment is to deliver vengeance in accordance with the Old Testament standards of ‘an eye-for-an-eye’. We should be protecting and not taking out vengeance on our young people.

Article 3, paragraph 1 of the Convention on the Rights of the Child gives the child the right to have his or her best interests assessed and taken into account as a primary consideration in all actions and decisions that concern him or her, both in the public and private sphere. This is a convention to which Guyana signed on to on the 30th of September 1990. The explanatory memorandum for this Bill, which seeks to amend Act 8 of 2018, goes against the ingrained fabric of the intention of article 3 of the Rights of the Child Convention to which Guyana is a signatory. The PPP/C's proposed amendment moves against logic and the common-sense approach that would usually preserve the best interest of the child. The child's interest is what should be paramount here, not the interest of the State's purse or judicial time saving mechanisms.

If the State wants to save time and money, let the Minister of Legal Affairs and our country's Attorney General equip all courts in this country with a virtual setting arrangement. This would allow for the courts to function in a more flexible way, thus rubbishing the notion of timing/cost for appearance of witnesses, since he or she can attend virtually from any place. I am told that this Government is on a mission. This Government has ventured into putting in place wireless fidelity (Wi-Fi) and hot spots across this country. I am told that they intend to roll it out soon. I suggest that they put all of these Wi-Fi and hot spots in all public buildings so witnesses could go there and attend court virtually.

I put it to this House that the best interest of the child can never be realised if his/ her criminal matter is tried together with an adult. The extra burden placed on the judiciary to try the child as a child and the adult as an adult should not be jeopardized to save money. Safeguarding the rights of the child in criminal proceeding is worthwhile and paramount over anything else. Let us not forget the psychological trauma the child will experience, maybe even for their lifetime, when tried as an adult. Let us not forget the valid initial reasons a child's judicial proceedings were separated from adults. We cannot as a nation, we cannot as a country, spare any dollar to ensure these protections continue for our children, for the future inhabitants of this land.

May I be bold, despite the history in this House and despite the history on that side of the House, to reject ideas on from this side of the House that would help to bring real benefits to all the people in this country, in our country, in this 'One Guyana'. I respectfully offer a suggestion to the Hon. Minister of Home Affairs and the Hon. Attorney General, if the will is there to accept, that an amendment be put to make special evidentiary rules to allow cross examination of witness

statements that can be used for both adult and juvenile court proceedings to avoid the witnesses testifying twice, as is also done in other jurisdictions.

We on this side of the House believe that the Bill, in its present construct, violates the rights of the child and does not auger well for the welfare of the next generation of children. Thus, we cannot, in good sense and in good conscience, support this piece of legislation. I thank you. *[Applause]*

**Mr. Seeraj:** Thank you very much, Hon. Member. Hon. Minister of Human Services and Social Security, Dr. Vindhya Persaud.

**Minister of Human Services and Social Security [Dr. Persaud]:** Thank you, Mr. Seeraj. I want to say at the outset that I still feel that the Juvenile Justice Act 2018 is and was a progressive one. I would not say that I do not believe that; I still believe that. Any piece of legislation passed in the House has to be implemented, has to be deconstructed, and definitely has to be reviewed to see if, when implemented, it could actually be practically applied. When any piece of legislation, thus applied, is looked at objectively, we need to understand where the deficiencies are and if that piece of legislation, with the right intent, achieved all that it was meant to achieve. That is the spirit in which we should address the amendment that is on the floor today. It is an important distinction. While we concentrate on the amendment, I want to reiterate that it is a single amendment that does not affect many of the aspects as belaboured by the speakers on the other side of the House who are totally missing the point.

The point is that, if the amendment to section 36 of the principal Act is looked at, there are several things. Maybe, it does not say ‘shall’. It speaks directly to indictable offences that have seriousness, gravitas; and indictable offences that could account for murder and rape, to name two of these offences. We are not speaking here about offences that could be summarily disposed of in court. Not only is the amendment mentioned in this manner, but the amendment is also followed by the provision that specifically states that the rights of the juvenile will be considered at all times. That does not detract from the overall intention of the Juvenile Justice Act 2018. Moreso, it does not affect the sentencing that is defined within the Juvenile Justice Act 2018.

If we are to look at what happens in the world today, and in our own country, where there are many juveniles who are caught up in a life of crime and get into trouble with the law, if we are to look at the percentage of those who are addressed within this amendment that is being proposed today

it is but a miniscule number of those who would fall within the ambit of the amendment. We are speaking specifically of children between the ages of 14 and 18 and, of course, every child matters. Do we want to have a situation that exists right now to continue where those who get into trouble with the law are not addressed at all? That is what is happening. They are not addressed at all. Their cases are not dealt with. There is a backlog that exists because of the practicality of doing two trials and having all of those resources for two of the same trials.

*9.34 p.m.*

It is my belief that the intention is for juveniles to have the opportunity to be habilitated and to be dealt with in the nature that the original Act had intended, where they were afforded every opportunity available to ensure that they did not transgress as they may have done before. When we look at the amendment... again I belabour the point, it is a single amendment that states:

“may be charged jointly with the adult”.

This could be reviewed going forward. This could be reviewed later on to determine which court. There is no harm to, later on, look to see in which court both of them would be tried. At this point, we are looking at the fact that nothing is happening at the moment. It is very nice to say that we should do it now. The PPP/C in Government did it immediately when it got into Office. It removed all the unwieldy taxes that you put on the peoples' backs. [**Hon. Member (Opposition:** Do it now.] We did. It is very nice to sit on the other side and to spout lofty ideals when, in practicality, there is little that was done to remove the burdens that you put on the backs of people. As we continue to debate the Bill, I would like the Members on the other side of the House to look at this Bill objectively, to understand what it is that is being proposed today in the House as it pertains to what we are trying to achieve, which is that, in the event that there are crimes of such gravity that they are considered indictable offences, the juvenile should face consequences of the transgressions in light of what they may have done.

I say again that, when those transgressions are brought to light and the juvenile is so placed before the courts, every consideration can be given by the Magistrate/ by the court to ensure that all of the rights of the juvenile, so charged, are protected. At no point in this amendment are we removing the rights of the juvenile. We would not do that. That is why this is a single amendment. Would we rather that nothing be done? Would we rather that persons who have been affected by the



offences not have justice done? Would we rather that juveniles become repeat offenders because they are not looked at? What are we saying, Mr. Speaker? We have to be practical, and this is looking at the practicality or the practical application of this piece of legislation.

Many things have been said and many things are being said about young people. It is factual that, since the People's Progressive Party/Civic has taken Office, there are many things that have been done for young people in this country. Let us look at the Guyana Online Academy of Learning (GOAL) scholarships. How many scholarships did you give? Let us look at the Women's Innovation Network (WIN) Programme – 2,000 plus women. What did you do? Let us look at all of the areas of benefit to young people across this country. We are continuing on that momentum of progress we started. It is okay to come into this House and to say that nothing is being done. I would have, in previous speeches, given the report cards, so I do not need to go down that road. What I will say is that we are considering a very important amendment to a legislation that will impact the lives of young people, and we should consider it objectively and not miss the salient points that are to be looked within this piece of legislation.

I am pretty sure that, as every Member would have considered this legislation, it would not escape them that the juvenile will be bereft of the rights that are enshrined within the entire Act. When this amendment comes into force and becomes law, as I hope it will, I would like to think that the Members on the other side of the House will join us on this side of the House and support it, so that we could have the practical application of the Act. An Act just remains a piece of paper and law just remains a piece of paper if nothing could be done, if nothing is implemented, or if nothing happens. That is what we need to look at.

Therefore, I would like to commend this amendment to all the Members of this House. I would like to offer my support and I hope that objectivity, maturity and reason prevail, and not the usual obtuseness and rabid sort of behaviour that we have come to expect from those of you across the room. We must see a different type of behaviour. Do not go down the trajectory for which you are known. For once, do something unexpected and thread a path of logic and objectivity so that we could have a progressive movement with this piece of legislation. I thank you very much.  
[Applause]

**Mr. Seeraj:** Thank you, Hon. Minister. Mr. Sears, you have the floor.

**Mr. Sears:** Mr. Speaker, as I rise to make my contribution to the Juvenile Justice (Amendment) Bill 2022 in this noble House, I notice the Hon. Minister, Mr. Dharamlall, is not present. I would like to extend greetings. For a minute I thought that this noble House had forgotten that it is his birthday. As he celebrates this period, I hope that he reflects and corrects.

The Juvenile Justice (Amendment) Bill 2018 was piloted by the then Minister of Public Security, Hon. Member Mr. Ramjattan, MP, and was successfully passed in the latter part of April, 2018.

“An Act to amend and consolidate the law in relation to criminal justice for juveniles; to make provisions for proceedings with respect to juvenile offenders, to provide for the establishment of facilities for the custody, education and rehabilitation of juvenile offenders, and to repeal the Juvenile Offenders Act and Training Schools Act”.

My position to prove that this proposed amendment does not work in the interest of young people, especially from Guyana, which is such a great nation. According to Bill No. 2 of 2018, a juvenile means:

“a person who is or, in the absence of evidence to the contrary, appears to be fourteen years or older, but less than eighteen years old”.

This definition is almost similar to the Juvenile Offenders Act, Chapter 10:03 of 1931. Juvenile means:

“A person under the age of seventeen years”.

Mr. Speaker, might I make reference to the Explanatory Memorandum which seeks to amend the Juvenile Justice Act, No. 8/2018 which seeks to charge a juvenile jointly with an adult and for the charge to be heard in one hearing. The amendment seeks to remedy the issue of two separate charges being instituted where the juvenile commits an indictable offence, an offence where the defendant has the right to trial by jury and cannot be disposed similarly with an adult. The Government’s justification of the Explanatory Memorandum of this amendment is as a result of witnesses testifying twice, which leads to a significant decrease in judicial time and expense. This is a weak justification of an amendment of this nature. Should a matter be appealed, testimonies would have to be reviewed. Twice is but a minimum when juveniles’ lives are involved. It must be noted, in a research study conducted by the Cambridge University, that juveniles coming from

poor families, vulnerable home and communities are two- and one-half times more likely to fall into crime when compared to those who come out from well-grounded backgrounds.

An appeal is not an option because they would not be able to afford the legal fees, which is a grappling reality in this economic disparity that Guyana is facing currently. In terms of expenses, we the Opposition are under the impression that the Government has a lot of money to spend – taxpayers’ money – so why should expense be an issue. It is constantly boasting about lofty spending which the ordinary man on the ground is not feeling or experiencing. Youth employment as of 2022 has increased to an average of 30%, and this is according to the International Labour Organization (ILO). It is a fact that sugar has risen from \$70 to \$140. Transportation cost is constantly increasing, many cannot even afford to pay the utility bills, and those who are paying on time cannot enjoy the benefits of efficient lighting and power.

Mr. Speaker, this is not an argument I wish to engage in at this time, but I want to say to this honourable House that, should we proceed to pass this amendment, we would be doing an injustice to juveniles across Guyana, especially for first-time offenders. Guyana has made significant strides in implementing systems committed to child rights and ensuring every child’s best interest is addressed and is always the centre of primary consideration. The Juvenile Justice Department is one system that was introduced and has been flooded with stories of young offenders where they are given the opportunity for rehabilitation rather than being treated as criminals. According to the former Director of the Juvenile Justice Department, William Orrin Boston, he said:

“Children who find themselves in trouble are often thought of **“as offenders rather than as victims”** - however, by virtue of the fact that, **“they are simply children”**, we should hardly think of them as offenders.

It is paramount that we fight for the young people because they are victims of societal dilemmas that requires attention. Under the current law, the legislation takes into consideration that children are fundamentally different from adults in the way they make decisions and may not fully understand the consequences of their actions. The primary goal, therefore, is alternative sentencing which aims to reduce the severity of sentences handed down to juvenile offenders before the court and ensure that they have opportunities of becoming law-abiding citizens.

After the Juvenile Justice Act of 2018 was passed under the APNU/AFC, Guyana opened the doors for the first Children's Court on 31<sup>st</sup> October, 2018 in the Magistrates' Court compound. The establishment of the Children's Court was essential to ensuring that the objectives of the Juvenile Justice Act were achieved, and to ensure that more rehabilitative and restorative systems were implemented for juvenile justice. It should be noted that the law provides children below the age of 18 with free legal advice, as the Hon. Mr. Ramjattan shared earlier. It also provides a humane alternative to the tense formal court setting, remands, and incarceration for young law breakers. The Children's Court was designed to assist in helping youth to prevent them from falling deeper into a life of crime. One of the aims of the court is to divert juveniles from the formal court procedure which is an asset when it comes to dealing with delinquents. The two Magistrates who underwent extensive training to hear matters in the Children's Court were Dylon Bess and Annette Singh.

*9.49 p.m.*

The Children's Court was in the pipeline since 2004 under the People's Progressive Party/Civic after the People's Progressive Party/Civic Government tabled the first report to the Committee on the Rights of the Child. Let me emphasise that it took the APNU/AFC Government to really make this office come into reality, as was mentioned. There are a few questions that we must ask ourselves. Does this have a greater implication, meaning will the role of the Children's Court be usurped? We must also consider whether this means that much greater harsher penalties will be handed down to the alleged juvenile offenders based on sensational arguments presented in the court. The current law is not broken; allow it to work, I plead with this honourable House.

My conclusive position is simple. Issues of abuse and neglect and putting children at the mercy of the law are a reality in which we must remain optimistic that increased awareness and proactive efforts will help to ensure young offenders are given the opportunity to a better life. Alternative sentencing and the juvenile system continue to work towards initiatives to change the ways in which young offenders are viewed and treated across Guyana. This proposed amendment, should it be carried, cannot avert the dangers of unfair prejudice to juvenile defendants, and I cannot support it in its current form. Therefore, I ask and plead with this House to let the law work. Mr. Speaker, I yield the rest of my time to other contributors. *[Applause]*

**Mr. Seeraj:** Thank you, Hon. Member. The Hon. Minister of the Public Service, Ms. Sonia Parag, you have the floor.

**Minister of the Public Service [Ms. Parag]:** Mr. Speaker, I am not sure if there is a deliberate effort to misunderstand what this amendment is about or whether they are incapable of understanding. From the onset, a juvenile is not being tried as an adult. A juvenile is being tried as a juvenile together with an adult. I believe that we can all agree that one of the most important tasks that we will ever have as decision makers of this land will be to protect; safeguard; and, to a large extent, discipline and/or reform the ill behaviours of our children and adolescents. Quite frankly, our future depends on it. This is why certain pieces of legislation are more important than others and should be properly designed and implemented for optimal effect.

As it relates to the Juvenile Justice Act, we know that this was conceptualised by the Bharrat Jagdeo Administration. Because of the sensitive nature of the issue, the then People's Progressive Party/Civic Government spent much time consulting and ensuring that, once taken to the National Assembly, all loopholes and inadequacies were non-existent. It was not enacted. When the Coalition Administration assumed Office, it insisted on rushing ahead with this piece of legislation. The result that we are now facing is that we have yet another ill-thought-out piece of legislation that has been putting a strain on the entire justice system since its passage in 2018.

The Juvenile Justice Act, in its current form, is a piece of legislation that took something intended to be noble and turned it into a mechanism to waste the time and resources of the judiciary. Laws of this nature and of such importance ought to be up-to-date and sensible. It is safe to say that this Act is not at all what it was touted to be. My colleagues and I are here today piloting this crucial amendment to allow for joint charges and trials for juveniles and adults accused of the same crime. This was the *modus operandi* before the passage of the 2018 Act and, in all honesty, it made sense and it worked well. Admittedly, legal cases of any kind involving our children and adolescents, regardless of the crime of which they have been accused, must be handled with utmost sensitivity and care. At the same time, however, we must be mindful of the strain that some of the unnecessary cuddling can put on the entire justice system. As a matter of fact, having separate trials for juveniles and adults accused of the same crime can add to significant delays and can frustrate and possibly hinder the path towards justice altogether, be it for the accused or the victim.

As outlined in the Explanatory Memorandum submitted by my colleague, the Hon. Robeson Benn, Minister of Home Affairs, this Juvenile Justice (Amendment) Bill 2022 is yet another step by this Government to strengthen and modernise our judicial system. When we as law makers intend to institute laws and regulations that affect our people, they must not be crafted in a fairyland, and they must not frustrate our systems or waste our country's time and resources. Laws such as these must be concise; comprehensive; and, again, sensible. The amendments that we are proposing today seek to do just that. Specifically, the amendments would allow for juveniles and adults accused of the same crime to be jointly charged and tried as opposed to having them charged separately, then tried separately at two separate times and, perhaps, even in two separate courts.

It is important that we recognise how burdensome the current prosecution formula has been on the judicial system. I cannot stress this enough. It is a waste of time and resources, not only by the courts but by all other agencies involved in the service and protection of our society as well as the welfare of our children. The move to institute joint charges and have a combined hearing against an accused juvenile/adult duo would be extremely helpful as we work towards alleviating our legal system of its backlog of cases.

There is a belief that justice delayed is justice denied. From where I stand, on this side of the House, we do not want these minor hindrances to delay justice for any man, woman or child who has been wronged. Further, because I am well aware of how meticulous the Opposition is when it comes to comprehension or arithmetic, I wish to state explicitly that, although we are calling for a juvenile and an adult accused of the same crime to be charged and tried jointly, the rights of the juvenile will not be trampled upon or compromised. Furthermore, allow me to read, verbatim, the final paragraph of the Explanatory Memorandum of this Bill. It states:

“The amendment also allows the magistrate or Judge to employ such measures as the court considers appropriate to ensure that the best interest of the juvenile remains paramount and the rights of the juvenile enshrined in the Principal Act are not curtailed.”

What this means is that the juvenile offender will benefit from the same privacy and sensitivity as if he or she were to have a separate in camera trial to answer to the same charge as their adult co-accused.

Be advised also that the proposed amendments are not new and unorthodox. Such provisions are given the greenlight in many other countries and territories, our sister country Barbados included. The United Nations International Children's Emergency Fund (UNICEF), in one of its summary reports on Barbados, made specific reference to the fact that, in cases where a juvenile is charged jointly with an adult, the parties appear before the Magistrates' Court where the case is heard. If the juvenile pleads guilty or is found guilty, he or she is then transferred to the juvenile court for sentencing. Similar to our proposal, in Barbados, restriction is placed on the classes of persons who are allowed to attend juvenile proceedings as a means of preserving the anonymity of the juvenile.

The UNICEF has also noted that, in Barbados, the press is generally mindful of the statutory provisions. Unless the case is one of homicide, it almost never reports matters concerning juvenile offenders. However, where offenses have been committed against juveniles, especially sexual offenses, although the juvenile's name is never mentioned, the proceedings from the criminal courts may be published in the daily newspapers. The latter, as we know, happens here too. I do believe that, should these proposed amendments be passed, the local media as well as all agencies involved will be careful and considerate in the reportage and execution of the relevant procedures. I think that this will strike a healthy balance between maintaining the rights of the juvenile and the right of the public to know what is happening in the community or country.

In a similar case study, UNICEF found that the laws of several United Kingdom territories, such as Scotland, also allow for juveniles to be tried in adult courts, again with privacy mechanisms being determined by the presiding magistrate or judge. The unfortunate reality is that there are dozens, perhaps even hundreds of persons, still waiting for their cases to be called and for justice to be done for them. I believe that we can all agree is how inconsiderate it is for one case to be heard multiple times while so many other persons, so many victims, are still pleading for earlier court dates. Aside from the plight of our people and the perpetual wastage of time and resources, this proposed amendment is another step towards eliminating the archaic, nonsensical components of our judiciary that frustrate and prolong the delivery of justice.

As Members of this honourable House, everything that we say and do has an impact on each Guyanese outside of these walls, whether directly or indirectly. Truthfully, this can either be a good or bad thing, depending on who the rulers of the day are and the intentions that they may

want to come here with. Notwithstanding the political divide, I am genuinely hopeful that, when it pertains to issues directly involving our young people and the security of our country, each of us are well intentioned, or at least we should be. I therefore encourage my colleagues on the other side to read and understand this Bill. It is not that it affects the rights of the child; it serves justice as it should. Thank you, Mr. Speaker. [*Applause*]

**Mr. Seeraj:** Thank you, Hon. Minister. Hon. Member Mr. Vincent Henry, you have the floor.

**Mr. Henry:** Thank you, Mr. Speaker. I rise to make my contribution to the debate on the Juvenile Justice (Amendment) Bill 2022 which states at clause 2:

“Section 36 of the Principal Act is amended by the insertion immediately after subsection (4), of the following new subsections-

“(5) Notwithstanding section 3 (b)(i), where a juvenile commits or is alleged to have committed an indictable offence with an adult and the offence cannot be disposed of summarily, the juvenile may be charged jointly with the adult.”

After researching this topic, I have come to the conclusion that this proposed amendment is not only repressive, but it directly runs contrary to the best practices in the world at large with regard to juvenile justice. Some best practices listed in the world are as follows. According to the *FindLaw* team of legal writers and editors, which was last updated 19<sup>th</sup> March, 2019:

“Children who commit crimes have a complicated status as far as the legal world is concerned. Since they are children with less understanding of the laws, they deserve special protection. However, since they are still minors, they do not have all the constitutional rights that adults have. Many of the juvenile courts’ procedures reflect an effort to balance these two concerns and rehabilitate juvenile delinquents.

Who are juveniles?

Most states consider a juvenile a person between the ages of ten and eighteen, however, some states set the maximum juvenile age as sixteen. Anyone over a state’s given age limit is tried as an adult. Furthermore, sometimes older juveniles who commit serious or violent crimes are tried as adults, even though they would normally be considered juveniles.



The first way that juvenile proceedings differ from adult proceedings are the terms that courts use for juvenile offenders versus adult offenders. First, juveniles commit “delinquent acts” instead of “crimes.” Second, juvenile offenders have adjudication hearings instead of trials.”

*10.04 p.m.*

On juvenile rights and protection in juvenile proceedings, juveniles do not have all of the same constitutional rights in juvenile proceedings as adults do. For example, juveniles’ adjudication hearings are heard by judges because youthful offenders do not have their right to a trial by the jury of their peers, they also do not have the right to bail or to a public trial. However, juveniles do have some extra protections in the juvenile court system that they would likely not otherwise receive in the adult criminal court; their records are sealed so that they are not haunted by their juvenile offenses for their entire life. Once the juvenile turns 18 his/her records are usually expunged or erased if the juvenile has met certain conditions. They also have rights to notice of their delinquent acts before the adjudication hearing, their right to pre-release if their delinquent acts are not violent, and their right to an attorney, including a free public defender if they cannot afford one of their own.

Mr. Speaker, on juvenile court rulings or dispositions, once the case is adjudicated, the judge decides the case disposition. In other words, whether the juvenile is guilty or not and what the sentence would be. Judges must follow certain guidelines when sentencing and must act in the best interest of the child. Unlike one of the goals in a typical adult criminal case, the purpose of a juvenile sentence is not to punish, instead the primary goal is to rehabilitate the juvenile so that he/she can go on to live a productive adult life.

The best practices quoted here certainly do not include that juveniles should be tried together with adults. The United Nations has standard minimum rules for the administration of juvenile justice that promotes the best interest of the child, including education and social services, and proportional treatment for child detainees. These minimum rules do not include that juveniles should be charged jointly with adults. The UNICEF manual for the measurement of juvenile justice indicators speaks directly to the juvenile justice system, maintaining public safety, skill development, rehabilitation, adjusting treatment needs, and the successful reintegration of youth

in society. It also states that there should not be severe impacts on their emotional, physical and behavioural wellbeing.

Mr. Speaker, to try juveniles together with adults will certainly have some negative impacts on their emotional, physical and behavioural wellbeing. Further, according to HAQ Centre for Child Rights document... will subject as juvenile justice in different countries, age of criminal responsibility, and treatment of juvenile offenders. When a child or young person faces a charge for murder or manslaughter, the charge is laid and the preliminary hearing is held in the youth court; this is very important. If the court finds that there is sufficient evidence to proceed to a full trial, the matter is transferred to the High Court.

Mr. Speaker, this proposed amendment, again, runs contrary to well-established and international norms. In Brazil, delinquent youth may be sentenced to six socio-educational measures. These measures are warnings, reparations, community service, probation, semi-liberty, and confinement in a detention centre. This amendment seeks to bypass most of these and have juveniles tried with adults in a court of law. Further, the Convention on the Rights of the Child states that arrest, detention and imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time. According to *Access to Justice for Children: Global Ranking*, Belgium tops the world with a score of 213 out of 261; this is 81.6%. Guyana is placed at the 100<sup>th</sup> position with a score of 132, which amounts to 50.6%. If this offensive amendment is passed, we can rest assured that we may end up in the bottom echelon of countries that have horrible access to justice for children.

Speaking about our position in the world on key rights services, it must be noted that our country is on a downward trajectory. Recently, we fell in the *Corruption Perception Index* by two points in the negative. Also, the Inter-American Commission on Human Rights body requested that preparations be done by our Government for the indigenous village of Isseneru because its rights were allowed to be violated by miners. It must be noted that the Government in its defence said, and I quote from the *Stabroek News* 28<sup>th</sup> April, 2022.

“The State held that the Isseneru villagers have abandoned their traditional ways and customs by engaging in a “cash economy” as opposed to subsistence while denying that mining threatens the livelihood of the community.

the State also argues that the Isseneru community members have lost their traditional culture in aspects such as their building materials, their architecture, and their farming systems. The State particularly emphasizes of most of the members of have converted to Christianity, and therefore do not preserve any ancestral spiritual connection to their territory,” the report added.”

Mr. Speaker, the Peoples Progressive Party/Civic Government seeks to take away from the Indigenous our rights to exist as indigenous peoples. Then, as if to prove this point, the human rights in Guyana is under attack. The United Nations Committee on the Elimination of Racial Discrimination (UN CERD) wrote the Government of Guyana regarding a long-standing dispute in the Region 1, Barima-Waini Indigenous village of Chinese Landing, requesting the need for the rights of Chinese Landing and Wapichan Indigenous peoples to be protected. It urged that no decision related to the interest of the indigenous people be taken without their informed consent. It further requested *inter alia* that the Government refrain from approving projects and granting mining permits or concessions within the lands of indigenous peoples, whether titled or not, without obtaining the free, prior, and informed consent of the affected indigenous peoples. The article stated that the Committee has also received additional information related to mining projects on the Marudi mountains and it impacts on the Wapichan Indigenous peoples.

“The Committee profoundly regrets the State party’s lack of reply to its letters of 17 May and 14 December 2018, regarding this situation.”

Mr. Speaker, Guyana is now dilly-dallying in responding to UN CERD. The Government does not exist in a vacuum; we are part of the world and we are signatories to many agreements to sanctify our human rights. Mr. Speaker, it would be a travesty for us to now break international ranks and trample on the rights of the Indigenous peoples of Guyana and further descend to transgressing the rights of juveniles by allowing them to be tried with adults. It is common in the civilized world that children have the right to respect and their privacy, therefore, publication and circulation of their report, of the proceedings of juvenile courts and of any text or drawing, photograph, *et cetera*, are not allowed to see the light of day in the public domain. The chances of the violation of their right to privacy become more predominant if a juvenile is tried together with an adult. The rights of our children and all other human beings are sacrosanct and should not be trampled upon. All over the world, countries are working towards safeguarding the rights of children and we, in

Guyana, should also do this. Mr. Speaker, the policy with respect to the Juvenile Justice Act for 2018 states in section 3:

“(a) the juvenile system is intended to-

- (i) further the wellbeing of juveniles, therefore, the best interest of the child shall be the paramount consideration when making decisions; and
- (ii) encourage and facilitate juveniles having a meaningful life in the community by rehabilitation, education, re-integration, and proportionate and appropriate accountability to victims and society.

It also states:

(b) the juvenile system shall-

- (i) be separate from that for adults.

Mr. Speaker, the reasons given for the Juvenile Justice Act of 2018 to be amended to allow a juvenile to be charged jointly with an adult, lacks merit. If this issue were not so serious, it would have been laughable. This whole issue could be compared to one step forward and two steps backward. If we allow this amendment to see the light of the day, we must expect the repercussions that follow, imagine that we wish to dump a major right that our youths have because of a lack of resources and time. Guyana boasts of becoming one of the richest countries in the world and we still use the excuse that resources are limited and, as such, we cannot try juveniles, who may or may not be guilty, separately from adults. On the other hand, the PPP/C Government says that they care for our young people, but on the other side they are saying that they do not have the time to allow them the worldwide best practice of having accused juveniles be tried separately from adults.

We were told earlier by one of the speakers on that side that sometimes we read from the same script, but what is happening, when listening to the other side, is that they are all reading from the script like robots, and that is the reason we always say that the person in the engine room is the one who directs them. I am sure that they are on their phones receiving directions from him right now. We call on the youths, we call on all Guyanese, all religious bodies, civil society, UNICEF,

and other non-governmental organizations, and we call on the ABC countries to voice their strong opinions and disagreement against this Bill that is about to be imposed on us.

Mr. Speaker, our children must be given a due process whenever they are accused. We cannot just say that a child is accused and the child is guilty; that child has to pass through, first, the youth court; then go upwards to various other courts, if found to be culpable or deserving to go higher. What we are doing here is automatically saying that our children are guilty and let us push them down the ladder or push them over the cliff. We want to ask that we make sense out of nonsense and safeguard our children in this wonderful nation of Guyana. Thank you much, Mr. Speaker.

**Mr. Seeraj:** Thank you very much, Hon. Member. Hon. Member Catherine Hughes, you have the floor.

**Ms. Hughes:** [An Hon. Member: *(Inaudible)*] Avoid loud and aggressive persons, they are a vexation to the spirit. Thank you, Mr. Speaker, for the opportunity to present my views on the Juvenile Justice (Amendment) Bill, Bill No. 5/2022, which we are discussing today. This is a classic example of us as a people making two steps forward and three backward. Let me explain. In 2018, we passed a revolutionary piece of legislation, the Juvenile Justice Bill No. 8/2018. A Bill committed to ensuring that Guyana would take extra care and consideration in the manner in which we handle our youth and the unfortunate situation of them having to engage our court system.

*10.19 p.m.*

We should be proud that both sides of the House supported this piece of legislation. I want to remind some of us of the declared principles of the Juvenile Justice Bill of 2018.

“(a) the juvenile justice system is intended to-

- (i) further the well-being of juveniles, therefore the best interest of the child shall be .... paramount consideration...”

Of course, we have heard different extracts of this before, but I think that it is important to remind ourselves.

- (ii) encourage and facilitate juveniles having a meaningful life in the community by rehabilitation, education, reintegration...

(b) the juvenile justice system shall-

(i) be separate from that for adults;”

The whole principle of this Juvenile Justice Bill was recognising that juveniles and our young people deserved to be treated in a unique court that understood their particular peculiarities. The fact that we, as a country, were bold enough to set up that court shows that we – as I will tell you later – are making progress in that area, yet now we want to take a backward step.

Mr. Speaker, our judicial system went even further in October, 2018. Guyana made another progressive step, when the Honourable Chancellor of the Judiciary (ag), Justice Yonette Cummings-Edwards and one of our very own MPs, sitting in this House, the former Minister of Public Security, Mr. Ramjattan, declared the first juvenile court open. This Children’s Court in the Georgetown Magisterial District was to give life to the provisions of the Principal Act, which we know outlined how juvenile offenders and the issues related to them, must be handled – with a focus on education, training and rehabilitation so that they could be reintegrated into society as citizens who, in time, could be reformed and then make a meaningful contribution to the development of Guyana. Even better, this court was staffed with its own Magistrates who, at that time, received special training on how to treat with juveniles under the law. This was undoubtedly a game-changer.

Fast forward to four years, Mr. Speaker, with so many progressive gains, I ask, why would we want to make such a backward step with the amendment we are discussing today? The proposed amendment of section 36 of the Principal Act may be small, just two clauses. In fact, we have heard many times that it is a single amendment, just two clauses. I want to say that the impact this will have, will be far-reaching and have negative consequences for juveniles and how we treat them in court. We have moved from a strong commitment to treating with the care our youth and juveniles facing difficult circumstances, to wanting now to charge them with adults, and for the charge to be heard in one hearing for indictable offences committed with an adult which cannot be disposed of summarily.

I want to say that section 3 (b) of the principal law, clearly outlines a system under which a juvenile would not appear with an adult. Today, with the proposed amendments, we are being asked to throw away the protections currently in place for one of the most vulnerable sections of our society,

our juveniles, who, when convenient, we say we value. We also say that they are our future. Why do we want to do this? The harshest cut of all is in the Explanatory Memorandum. I want to quote that line that which states:

“The current criminal justice system often results in witnesses testifying twice leading to a significant increase in judicial time and expense.”

Mr. Speaker, this oil-producing nation with millions of barrels of oil, this country on the rise, cannot afford the cost of ensuring a fair trial that considers the unique characteristics and requirements of our juveniles, presently. We are no longer interested, it appears, in the quality of justice dispensed; protecting the emotional and physical circumstances that our juveniles find themselves in; providing training and rehabilitation and getting them back on the right path to becoming productive citizens. Today, oil-rich Guyana is more concerned with the judicial time spent and the cost of the trial. Today, we are quite happy to try them with adults, increasing the chances of them being found guilty; lock them away and throw away the key. That is what we are going to be doing to our 18-year-olds who have stumbled. There will be no hand extended by the state of Guyana. Mr. Speaker, what a callous and uncaring person the mover of this amendment must be, and the Party that is forcing this on us. Young people of Guyana, listen to what your ‘We Care Government’ is doing to you.

Mr. Speaker, I want to ask a few important questions. One of them has been asked before today. We have not heard a response as yet. Where is the data that underpins the decision to bring this amendment? Show us in this House, and all Guyanese, the large number of juveniles who are allegedly committing offences with adults, who have been charged separately over the last two, three, or maybe five years. The Commissioner of Police talks about crime being reduced; everybody talks about crime being reduced. So, show me the data that justifies this amendment. In fact, we know that the Chancellor of the Judiciary has actually, in one of her previous speeches, mentioned that the incidence of juveniles in conflict with the law has been reducing. We are thankful for that. Let me give you the figures. In 2019, there were 343 cases; by 2020 they dropped to 166; and by 2021 to 126. If the number of juvenile cases in the Children’s Court in the Georgetown Magisterial District is reducing, why do we need this amendment?

Mr. Speaker, the message is clear. The PPP/C wants to remove the protection and treatment intended for juveniles because they want to ensure that that court that considers their specific circumstances with Magistrates who are trained to deal with those issues, no longer see those cases.

What is the reality we face in the adults' courts in Guyana which directly will impact our juveniles going through our court system today? The failure to dispense justice in a reasonable timeframe, which I know a Member on the other side so carefully talked about. There is one important point that she missed, and I will raise that as we go through. Now, the reality is, the failure to dispense justice in a reasonable timeframe, which thousands of Guyanese face every day. The same backlog of cases which often take more than five years to come to trial is the undisputed reality in Guyana. With this long wait, the average person on remand can stay locked up awaiting a trial for in excess of five years. This is the reality our court system provides for Guyanese men, women, and now in the future, if this is passed, for juveniles.

Mr. Speaker, to make matters worse, our main courts cannot get through a substantial amount of adult murder trials in most sessions of the assizes as a few newspaper headlines highlight. This is the *Guyana Times Inc.* 31<sup>st</sup> December, 2021:

“12 of 341 cases completed during October session...”

Then, of course, there is the *Guyana Chronicle* on the 5<sup>th</sup> April, 2022:

“354 cases for trial...”

Mr. Speaker, what I am highlighting is that if the alleged offence is not a bailable one, if it is an offence such as murder, the juvenile would be transferred to an adult prison while awaiting trial, instead of being processed through a juvenile court which would best understand and is best equipped to deal with all his/her peculiarities. Mr. Speaker, if we truly appreciate the value of our young, then we will want to arrest any further criminal acts. It must be better to have them undergo a trial in a court designed for them and without adults. With this amendment, we will guarantee that more of our youth will be languishing in jail as most adults do, awaiting five years to get a trial. In that time, what we do know for sure is that we will have turned an 18-year-old juvenile into a hardened criminal, given the horrors we are all aware exist living behind bars. With this



amendment, our Colleagues on the other side of the fence and the Party in Government, are the ones playing political games with our youths.

This amendment is a backward step. Just a few days ago, we saw another display of progress on the other hand. It is almost as if one hand does not know what the other is doing. We celebrate that a few days ago, Guyana launched the Juvenile Drug Treatment Court with a promise of 12 drug treatment courts to be soon opened. At that launch, Chief Justice (ag) Roxanne George-Wiltshire stated that:

“...it is now a firm belief to have offenders placed into programmes that can ... attend to their rehabilitative process, as opposed to locking them away and forcing them to be ‘institutionalised’”

In fact, in the same launch on 12<sup>th</sup> May:

“... delivering the keynote address, Chancellor (ag,) of the Judiciary, Justice Yonette Cummings-Edwards revealed that the judiciary has seen, over the last two to three years, a significant decline in juvenile offences being committed and the number of cases presented [to] the courts.”

She went on to say that the Juvenile Drug Treatment Court would augur well for the continued decline of offences committed by juveniles across the country. She added that the:

“...incarceration has only ‘compounded’ the issues that juveniles face, and the programme will provide the court with an opportunity to [offer added] ‘compassionate jurisprudence’ in their dealings with young offenders.”

Mr. Speaker, I would want to think that those are the traits that we would want to see meted out to our juveniles as they go through the court system. These are the progressive trends in Guyana. We have made quite a few of them. I want our viewers and members out there to know that, in 2017, New York and North Carolina passed legislation to end the practise of automatically prosecuting all 16- and 17-year-olds as adults in the adult criminal justice system and encouraged a justice system designed for youth.

*10.34 p.m.*

So, New York and North Carolina are now doing what we did in 2017, what we have already done, and we are now undoing it. I know we keep saying that this is small, a single amendment. The word 'may' is there. If that is the case, why do we need it in there? The answers that have suggested, one of cost, cannot be considered as really the best way to treat juveniles.

Mr. Speaker, I make my contribution, noting that as a Member of Parliament, I reached out to several professionals working in the social services sector [**An Hon. Member:** (*Inaudible*)] I will not tell you because you would want to fire them. What is interesting is my friend on the other side, Dr. Vindhya Persaud, talked about us having to look at legislation, deconstruct them and review them. It is absolutely clear that, from the comments that I received from my interactions with several persons working in the sector, there are a series of recommendations for other changes and amendments that should have been done. Therefore, it is sad that we are coming with this singular amendment and not a series of other ones.

Here are some of the points that they raised. The position of Director of the Child Care and Protection Agency currently does not exist; the position is Director of Child Services, so an amendment needs to be made. The responsibilities and roles of the Director of Child Care and Protection Agency, the Director of Youth and the Chief Probation Officer need more clarity. This is good because these are persons who are working in the sector, and if we want to ensure that, once it is operationalised, the legislation meets the needs, these are things that we need to consider. The Director of Youth should be fully responsible for implementation of diversion programmes and programmes to prevent offending, but not for the supervision of juvenile delinquents placed on court orders including community service orders. The Probation of Offenders Act is still in place and the Youth Director cannot legally do the work of the Probation Department. The Probation Department has the responsibility for offenders young and old. The Chief Probation Officer and not the Director of Child Care and Protection Agency to have the responsibility for presentencing reports and probation reports; the Director of Child Care and Protection Agency to have responsibility for juveniles and younger offenders who have been identified to be more in need of care, so that the Child Care and Protection Agency must have a special facility to ensure that it can be responsible and implement that responsibility. I hope that these recommendations coming from members and persons working in the field could be considered. As we promote any

legislation, yes, we have to do amendments, but they must be ones that push the legislation forward and protect the interest of those whom the legislation is geared towards.

With deep regret, in my opinion, there is no good to be gained by passing this amendment. Our juveniles would be no better off as they navigate the justice system at what would be a difficult time of their lives. The amendment does not make it better for them and I have outlined the definite negatives that they will face. Surely, we can care less about the money and the cost of the trial and more on the safety and the protection of our juveniles. For these reasons, I cannot support this amendment. The current Government and Party in charge could continue to force it and shove in on the people of Guyana. Thank you. *[Applause]*

**Mr. Speaker:** Thank you Hon. Member. Now I call on the Hon. Attorney General and the Minister of Legal Affairs, Mr. Mohabir Anil Nandlall, to make his contribution.

**Mr. Nandlall:** Mr. Speaker, they speak, they misinform, they distort, they misunderstand, they misinterpret, and they leave. In all my years in this National Assembly, I have never seen such a display of a lack of education, a lack of comprehension and, I dare say, an exhibition of ignorance. I say so with the greatest of respect to the Hon. Members on the other side. I have listened here with horror to presentations after presentations conveying the clear and distinct impression that this Bill will destroy the children of our country; that our Government is declaring war on the young people of our country; that we will convert our children into children soldiers; that we will condemn them to a life of destitution and imprisonment. It is unbelievable, what I have listened to here. I am told that the Hon. Member, Ms. Volda Lawrence, was on a programme the other day and was asked her opinion on the composition of the Opposition in the National Assembly. I am told that the answer was, 'it is a different breed.' I cannot disagree with you, Ms. Volda Lawrence, I cannot.

**Mr. Speaker:** Hon. Member Ms. Lawrence, you may have the floor.

**Ms. Lawrence:** Thank you, Mr. Speaker. I would want to believe that if the Attorney General of this country is going to quote anyone, especially me, that he quotes me correctly.

**Mr. Nandlall:** What did you say?

**Ms. Lawrence:** For the records, I have not been on any programme where I was asked such a question and gave such an answer. I would like to place that on the record, Sir.

**Mr. Nandlall:** I withdraw.

**Mr. Speaker:** Thank you. Hon. Attorney General, I heard you say that you withdraw.

**Mr. Nandlall:** I withdraw, but I did hear, personally, the grading of the Leader of the Opposition. He got seven out of 10. I saw that myself on a GlobeSpan programme and that statement emanated from the lips of the Hon. Member. I am sure that she is not going to disassociate herself from that statement. Back to the debate, Your Honour.

First of all, let me say that the Juvenile Justice Act of 2018 is an Act that, when it was passed in this Assembly, we supported it unanimously. If, as the impression is being conveyed here tonight, we had such a fundamental difficulty with this Act, then we would have brought another amendment to that which we have here or, rather, a simple amendment to say that we are repealing the Act. If we had the difficulty that has been attributed to us with this Act, then we would have repealed the Act. The truth of the matter is that this Act is something that we worked on. I think the Hon. Member, Mr. Khemraj Ramjattan, said one good thing in his presentation, that this was a product of our Government, commencing in 2004 under the stewardship of Dr. Frank Anthony as Minister of Culture, Youth and Sport. When it was passed in the National Assembly, I heard excerpts of speakers on our side, we all supported it, and we do. An amendment is being proffered here to a single subsection of this Act. Everything else in the Act remains. I am told that young people will be thrown in the lockups, young people will be imprisoned, young people will suffer this and will suffer that. Whatever the Act provides – 133 provisions of protection of this law – remains solidly intact. It governs every aspect of the juvenile, from the moment he interacts with the judicial system until that interaction ends. We are not interfering with anything at all, from the beginning to the end of that journey. One step in that journey we are altering, and I will magnify that a little more. I want to make it clear that, the way the juvenile is going to be arrested, the way the juvenile is going to be detained, the way the juvenile is going to be counselled, the way the juvenile is going to be rehabilitated, the agencies which will have control over the juvenile, the way the juvenile will be detained, the way the juvenile will be subjected to different types of social

and other programmes, are all intact and are unaffected by this Bill. I cannot believe the level of misinterpretation and misunderstanding that we have been inundated here with this evening.

Mr. Speaker, an impression is created by every speaker on that side that, apparently, this Bill has created a physical alternative judicial edifice that tries juveniles separately and in an alien environment. That is a complete misconception of the reality. There is one single edifice within the Georgetown Magistrate Court that is used as a juvenile court. Every other magisterial district in this country from the East Coast of Demerara to Region Six's Magisterial District, Region 10's Magisterial District, Region Nine's Magisterial District and every other magisterial district in this country, when a juvenile is charged under the very Act, he/she goes before the very Magistrate Court, and appears before the very Magistrate who is responsible for trying adults. This Act does not create some mythical, artificial world where the juveniles are entering, as though it is some *angeldom*. That is the impression that is being created here, that we are dismantling that celestial place where juveniles will get this heavenly, godly, and ceremonial treatment; this kind of fantasy coming from people who purport to read the legislation.

When the juvenile is tried in New Amsterdam, or Crabwood Creek, or Wismar, or Kwakwani, or in Lethem, it is the same Magistrate who is trying the adult in the very courtroom.

*10.49 p.m.*

All that will happen is the magistrate will be administering the principles set out in this law. It is not a separate world. All this artificiality and falsity that was being conveyed here is, apparently, for the people out there to listen to, because they cannot be talking to us. Clearly, they did not read the Bill. The Hon. Member, Mr. Ramjattan, a senior lawyer...I daresay that he has left, and I do not like to say things behind the backs of others. I listened to one of the most uneducated presentations from a lawyer in this country, in this National Assembly, from Mr. Ramjattan tonight. I asked him to remain, but he refused.

**Mr. Jones:** Mr. Speaker.

**Mr. Speaker:** Hon. Member, Mr. Jones, proceed.

**Mr. Jones:** It is Contents of speeches, Standing Order 41 (4):

“It shall be out of order to use offensive and insulting language about Members of the Assembly.”

I ask that the Hon. Member withdraw that statement.

**Mr. Speaker:** What is the insult and to whom?

**Mr. Jones:** The Hon. Attorney General said that Hon. Member’s, Mr. Khemraj Ramjattan’s, presentation was one of the most uneducated presentations made.

**Mr. Speaker:** That is his view. He said the presentation was one of the most uneducated ones. He did not say that the Hon. Member was.

**Mr. Nandlall:** Thank you very much. I maintain that the presentation was a very uneducated one. It lacked education. That is what uneducated means. He did not read the law. The Hon. Member, Mr. Ramjattan, stood there and said that juveniles were going to be sentenced to prison like adults when this Act states that it cannot happen. Let me get to the gravamen of the amendment.

“Section 36 of the Principal Act is amended by the insertion immediately after subsection (4), of the following new subsections-

‘(5) Notwithstanding section 3 (b)(i)...’

All section 3 (b)(i) states is that adults and juveniles should be tried separately. It states that notwithstanding:

“...where a juvenile commits or is alleged to have committed an indictable offence with an adult and the offence cannot be disposed of summarily, the juvenile may be charged jointly with the adult.”

Let us go back again. Let us take it step by step. We are not dealing with summary offences. Where the juvenile commits a summary offence, he will be tried in accordance with the Act. All the protective mechanisms of the Act shall apply. That is not touched by this amendment. The Hon. Member, Minister Charles Ramson, in his presentation, identified the indictable offences. They are very few. Whenever a juvenile is charged along with an adult for one of those few offences, we are seeking to try them jointly with the adult.

I heard all sorts of things about a child. This is not a child; this is a juvenile. There is a difference. A juvenile is between the ages of 14 and 18 years. This is not a *water* baby; this is not an infant; and this is not a toddler. This is a quasi-adult, 14 years to 18 years, who is alleged to have committed an offence, and an indictable offence too, with an adult – serious offences, including murder, rape and manslaughter. Those are the types of offences. This is not a Sunday school child. When you are in government and when you are administering a legal system, the legal system normally has a scale as an insignia. Do you know what that scale represents? It represents the aspiration of that legal system to achieve balance and to achieve equilibrium. It is that equilibrium and that balance that is loosely called justice. Where there is an accused, there is a victim. That system must not only cater for the accused and all the glorious things that we have heard about that juvenile who is accused of a wrong and who is charged with a serious wrong, but those same principles must apply to the victim.

Many a times the victim will be a child, not a juvenile. Are you telling me that child, that Sunday school baby, that toddler who was interfered with, who was attempted to be raped... Must we not look after that child? All of the highfalutin, adjectival arguments that I have heard in relation to this one here, who is an alleged miscreant, do they not apply to the child, the victim? Is that the country we want to create? Is that the legal system we want to create, where we glorify the miscreant and denigrate the victim? Is that the system that we want? You come here with prepared speeches, reading one presentation after another – the most jaundiced exposition of what you are supposed to talk about.

All that this Bill does is try them together. Let us take the case at Lethem and let me show you, graphically, what the Bill does. A juvenile is charged with an adult for the offence of rape. It is the same magistrate and the same courthouse. Currently, the magistrate has to conduct two preliminary inquiries. There has to be a disaggregation of the charge and two preliminary inquiries have to be done. All that is happening is that the two persons are not together in the court. The adult will go outside, and his case will be tried. Four witnesses have to testify. When his case is finished, the juvenile's case will start. Those very four witnesses have to come all over again. That magistrate has to re-hear the whole case all over again. It is the same magistrate; not a mythical magistrate; not a special one coming from heaven; not in a celestial place; the same court. All that this Bill seeks to do is try them together and hear it together. All of the other facilities, during the course of

the trial, that this law accords to that juvenile, he will get. If the law states that his name must not be published in the press, if the law states that his evidence must be taken in-camera, if the law states that certain persons must be excluded from the courtroom, all of those will apply. Those provisions of the law are not suspended, they are not repealed, and they are not held in abeyance. In fact, the subsection that follows clarifies that if you are in doubt. It states:

“(6) Where a juvenile is charged jointly with an adult pursuant to subsection (5), the court may conduct one hearing into the charge and may employ such measures, as the court considers appropriate, for securing the rights of the juvenile under this Act.”

In addition to everything else that remains untouched during the course of the trial, which is a part of this law, the court now has a further overriding power to do that which is necessary or expedient in the opinion of the court or to take such measures that the interest of justice will demand in the protection of the rights of that juvenile, so that the rights of the juvenile are not prejudiced under the Act. What is wrong with this? You come here with all kinds of fanciful horror stories, and you expect the people of Guyana to believe you. The truth of the matter is that when the trial is completed – let us go back to the Lethem example again – and guilt is established – let us assume that guilt is established – the magistrate who is administering the case must come back to this Act and sentence and impose penalties that are available under the Juvenile Justice Act because the magistrate is dealing with a juvenile. This Act is not suspended. Let me define what a court is under this Act. Under section 2 of the Act:

“‘court’ means any court...”

I repeat:

“...any court that hears a matter in which the person charged is a child or juvenile;”

It is not a mythical place; it is any court. What transforms the court into a juvenile court is the provisions of this Act, not some divine manifestation. It is the provisions of this Act. The court, after hearing the two persons, if guilt is established, for the purpose of sentencing, the court will revert to a juvenile court to deal with the juvenile and sentence the juvenile in accordance with this Act. All of the *rehabilitatory* and remedial measures that are outlined in this Act are available to that court because they apply to ‘any court’ and not any special court.



The truth of the matter is that Guyana is not the first country that has put this law into place and has had difficulties with it. This law is not a unique creation by us. I know that we are a very proud people, and we believe that we are talented, and in fact we are. This is a model legislation that came from the United Nations International Children's Emergency Fund (UNICEF). There is nothing magical about this. This is in almost every country that is a member state of the United Nations (UN). Over the years, countries have had problems, like we are having, with the same issue of separate trials. Hon. Members on that side have asked why we have brought this amendment. This amendment came out of a request from the Director of Public Prosecutions (DPP) of Guyana. The prosecutorial arm of the State made representation to the Executive Government about a problem with this Act.

*11.04 p.m.*

The problem, as articulated by the DPP, and I have it in writing, is that magistrates are finding it difficult to do separate trials, in the face of an overwhelming burden of cases, and are asking for an amendment to the law so that they can hold these hearings together for these few offences. That is all. In fact, the DPP has complained that because the magistrates are holding hearings separately, persons are not being charged by the police, and complainants have had to go without justice, even though they are the victims of the most violent and serious offences sometimes. Is that a healthy state of affairs? Is that a wholesome state of affairs?

I have personal knowledge of an attempted rape of an infant on the Corentyne Coast. The matter was also reported to my colleague, the Minister of Human Services and Social Security. The matter was reported, I think, in the press in a very subtle way to protect the interests of the parties. An adult was involved, a juvenile was involved, and the victim was a toddler. Up to now, the parents of that victim are *up in arms* because they cannot get justice for the violation that was done to their toddler/infant daughter. What do we tell that person? Do we tell them that we have a law that we cannot amend? We cannot give directions to the Judiciary. We cannot order a magistrate to do a case. We cannot. We are doing the next best thing, which is to tweak the law in such a way that it does not unduly prejudice the interest of the juvenile and, at the same time, creates the opportunity for the case to be ventilated so there can be justice. It is a balance of competing interests. That is all we are doing here.

I have in my hand an excerpt from the Children, Young Persons and their Families Act out of New Zealand, where they have done similar amendments to their equivalent of the Juvenile Justice Act to permit joint trials of adult and juvenile. I have here an excerpt from Hong Kong, where they have done similarly. In fact, the prosecutor's office in Hong Kong has prepared a paper, which I have here. They have examined the Convention on the Rights of the Child. The whole *ethos* and the whole thrust of the Convention on the Rights of the Child it is to ensure that, at all times, the rights of the child remain supreme. They examined the provision, they examined the case law and they concluded that doing a joint trial with an adult and a juvenile does, in no way, violate that Convention. In fact, they are saying that it is in the public interest to do so because there are two trials that would be done. It will take a lot of time and there are witnesses whose memories may fade, witnesses may disappear, and witnesses may give inconsistent testimony in relation to the same incident because they are cross examined twice, and they are asked to speak on different occasions about the same matter. Once that is done to witnesses, they are likely to give inconsistent evidence. What will result there? What will result there is acquittal in cases where there should be conviction and that will result in a miscarriage of justice.

I hope that I have put this debate in its proper perspective, and I have been able to shed some light on all the misinformation that have been presented here this evening on this very simple piece of amendment. The PPP/C Government's record in relation to the child and the protection of young people is stellar. We are confident in that regard. We have enshrined in our Constitution – I borrowed it from the Clerk to refresh my memory – that anytime the child is being dealt with by the State apparatus, the interest of the child is paramount. That is a constitutional principle we have enshrined in our Constitution.

**Mr. Speaker:** Hon. Attorney General, you would need an extension to continue.

**Brigadier (Ret'd) Phillips:** Mr. Speaker, I rise to ask your permission for an extension for the Hon. Attorney General to continue with his presentation.

*Motion put and agreed to.*

**Mr. Speaker:** Thank you, Hon. Attorney General. You may continue to conclude.

**Mr. Nandlall:** Thank you, Mr. Speaker. We passed, in this National Assembly, a slew of legislation to protect the interest of our children, young people and women, generally. I speak of the Sexual Offences Act, which we will soon be reviewing, and which still remains one of the most revolutionary pieces of law in this part of the world. We have a modern menu of legislation dealing with children, including the Custody, Contact, Guardianship and Maintenance Act. We did the Adoption of Children (Amendment) Act the other day, a new Act. We have the Trafficking in Persons (TIP) legislation that we are working on. All of these are new legislation. Maintenance... and a whole slew of them. We have a family court that we established quite recently. So, do not accuse us of not representing the children of our country. We have an entire Ministry dedicated to women and children which we created. It never existed in this country before. It is the Ministry of Human Services and Social Security. We created that Ministry with special responsibility for children.

I think I have made the point, and I believe that I have clarified the amendment that is before us. It is a simple amendment, and all it seeks to do is to merge two hearings in a narrow set of factual circumstances. It has that built-in safety mechanism to empower the court to do all that is necessary to ensure that the interest of the child is protected. Mockery was made of the use of the word ‘may’ by the last speaker, and that, perhaps, comes out of a lack of understanding of how useful the term ‘may’ is in legislation. In every situation here, the word ‘may’ is used. This is not a mandatory course of conduct. If, at any point in time, a court feels that to do this hearing will in some way prejudice the interest of the child or the juvenile, then the court does not have to proceed in this direction. The ‘may’ here is discretionary. The Bill also authorises the court, again vesting in it another wide discretion, to do all that is necessary to take such measures, any measure available in the law, to ensure that the interest of the juvenile is not unduly prejudiced and affected.

We have heard a lot of – I do not want to say *crocodile tears*; I want to be a little local – *caiman tears*. Could I say that? Do we have crocodiles in Guyana? I prefer to say we have heard a lot of *caiman tears* and a lot of veneer of care and attention being showered upon our children and the creation of this horrendous impression that we are going to mutilate, brutalise and commit infanticide in this country by this piece of legislation. Nothing is further from the truth and, therefore, I lend my full support to this simple piece of law reform. Thank you very much.  
[Applause]

**Mr. Speaker:** Thank you, Hon. Attorney General. I now call on the Hon. Member, Mr. Dineshwar Jaiprashad, to make his presentation.

**Mr. Jones:** Cde. Speaker, my apologies at this late hour but the Hon. Member, Mr. Dineshwar Jaiprashad, will not be presenting at this time.

**Mr. Speaker:** Thank you, Hon. Member, Mr. Jones. Hon. Minister of Home Affairs, Mr. Robeson Benn, proceed.

**Mr. Benn (replying):** Thank you, Mr. Speaker. It is extremely surprising how such simple amendments, the amendments proposed in this Bill to amend the Juvenile Justice Act, have excited so much debate, have taken up so much time and have created, on one side particularly, extreme negative passions – feigned as they were I think in most cases – deliberately misleading what is there in simple language, giving suggestions that persons who presented from that side of the House are indeed living in an alternative reality, and also, raising questions again of cognitive dissonance.

Beyond the grandstanding, two things are clear. One is that the presentations, in large measure, from that side of the House contain a large element and a deliberate effort to grandstand for the public, and not for us here in this House. Particularly, too, when most of those persons made their presentations, they *nam guh weh*. They said things and they snatched and went. They departed the Dome. I am not sure if they think they can *work up* people on this side of the House, our own Hon. Members, who have given, in support of this amendment, outstanding rebuttal to the presentations they made on that side of the House.

*11.19 p.m.*

Maybe they were hoping, somehow, that when some of us, particularly on this side of the House, gave impassioned replies, we may get a heart attack, an aortopexy or an aneurism in our effort to explain clearly to the public, to the Guyanese people, over and over again, from each presentation from this side of the House, the plain and simple intentions of the intended amendments to this legislation. I do not know that I could add much more to what was said...all of the things about retrograde steps. The Hon. Member, for purposes of this House, Mr. Ramjattan, talked about the

fundamental damage that we, on this side of the House, are doing to legislation and to the justice system.

This gentleman was my predecessor in the Ministry. They called it the Ministry of Public Security during his time. We reverted it to the Ministry of Home Affairs. Under his tenure, I might be repeating myself, two of the three principal prisons in Guyana burnt down, with the loss of lives of 17 or more persons, injuries and escapes. There were even escapes from the Juvenile Holding Centre. Here it is, a simple amendment, which he of all persons on that side of the House should understand, in plain English, what it means and what it intends. The only useful thing I think he said otherwise was that the beginning of the continuing of this legislation, these efforts for juvenile justice resorts, started in 2004 with the PPP/C Administration. Somehow, that came out of him. I was surprised that he said it. I worry about what was presented, again, in this House, particularly from the other side. I do not think there is really any interest in supporting the development in Guyana and in promoting peace in Guyana. They want to thrive off of disorder, arising out of misrepresentation and out of exciting the most negative passions and the most ruckus and rancorous debates. It is very simple language. They have not even used – for them on this side of the House and for me who, thankfully, am not a lawyer – any bit of Latin or anything in it. It is pure English.

I take the position that it is unfortunate that the younger persons who are on that side of the House... The younger Parliamentarians, who are new, are in an unfortunate position and are being misled along a path of continuing a staged environment of creating crisis in Guyana. It is unfortunate, it is regrettable, and it will redound to the negative benefit of those on that side of the House. It will not help to develop our country. We would do all the things together to build our country as a result of our work in this honourable House. I was even called callous and uncaring in respect of bringing this amendment to the Juvenile Justice Act 2018. I would say that for the first time for the juveniles,... let me say a few things because they talked about some numbers. By my data, I think we have some 430 persons who are at all different phases of rehabilitation, anger management, diversion, with the probation services and with the Ministry of Human Services and Social Security. They do a tremendous amount of work with respect to juveniles.

**Deputy Speaker [Mr. Shuman]:** Mr. Speaker, I stand on a Point of Order, Standing Order 46 (1). The Hon. Member is imputing that I am party to creating some degree of panic or something of

the sort in Guyana, and I did not contribute to this debate. I am curious to know if the Hon. Member could clarify.

**Mr. Speaker:** Thank you, Hon. Deputy Speaker. Hon. Minister...

**Mr. Benn:** Thank you, Mr. Speaker. I would like to exempt any suggestion that the Hon. Deputy Speaker was part of the disgraceful things which are occurring from that side of the House. I was saying that issues related to anger management and all of those things are being done by the Ministry of Human Services and Social Security, and all of that has to do with our juvenile justice resorts in the system. Our part, other than the work of the police force, is to process and hold while the court does its work in respect of juveniles who come into conflict with the courts.

I want to say a simple thing, in closing. I do not want to go on long about this thing. I think much has been said. More than enough has been said. For the first time in the Juvenile Holding Centres, and I said it, every time a juvenile has a birthday, they must get a ceremony, they must get cake, they must get drinks, they must get their friends, their parents must come, and they must get books given to them on that day as gifts. Persons on that side could scoff and choke. They are our children, we love them too, and they ought to be treated as our children too in special circumstances for rehabilitation. That is the position we take, and we will continue with this work. We want them to be rehabilitated; we want them to come back and be responsible members of society; that the persons who may have been affected by the acts they may have committed, led on to, or done by themselves in their own right could be mitigated, and that they could grow up to be good Guyanese citizens. With that, I want to commend this Bill for consideration by the House, and to ask that it be reviewed and adopted by the Parliament. Thank you, Mr. Speaker.

**Mr. Speaker:** Thank you, Hon. Minister. I now put the question that the Juvenile Justice (Amendment) Bill 2022 – Bill No. 5 of 2022 be read a second time.

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

*Bill considered and approved.*

*Assembly resumed.*

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

**Mr. Speaker:** Hon. Members, I think this concludes our business for today. I now call on the Hon. Prime Minister to move the adjournment.

## **ADJOURNMENT**

BE IT RESOLVED:

“That the Assembly do now adjourn to a date to be fixed.”

*[Prime Minister]*

**Brigadier (Ret'd) Phillips:** Mr. Speaker, I move the adjournment of the Assembly to a date to be fixed.

**Mr. Speaker:** Hon. Members, the Assembly now stands adjourned to a date to be fixed.

*Adjourned accordingly at 11.34 p.m.*