



NATIONAL ASSEMBLY
OF THE PARLIAMENT OF
THE CO-OPERATIVE REPUBLIC
OF GUYANA

OFFICIAL REPORT

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2020-2023) 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

65TH Sitting

Thursday, 20TH July, 2023

**PARLIAMENT OFFICE
HANSARD DIVISION**

The Assembly convened at 2.07 p.m.

Prayers

[Mr. Speaker in the Chair]

MEMBERS OF THE NATIONAL ASSEMBLY (71)

Speaker (1)

*Hon. Manzoor Nadir, M.P.,
*Speaker of the National Assembly,
Parliament Office,
Public Buildings,
Brickdam,
Georgetown.*

MEMBERS OF THE GOVERNMENT (38)

(i) MEMBERS OF THE PEOPLE'S PROGRESSIVE PARTY/CIVIC (PPP/C) (38)

Prime Minister (1)

+ Hon. Brigadier (Ret'd) Mark Anthony Phillips, M.S.S., M.P.,
*Prime Minister,
Prime Minister's Office,
Colgrain House,
205 Camp Street,
Georgetown.*

Vice-President (1)

+ Hon. Bharrat Jagdeo, M.P.,
*Vice-President,
Office of the President,
New Garden Street,
Georgetown.*

[Absent]

Attorney General and Minister of Legal Affairs (1)

+ Hon. Mohabir Anil Nandlall, M.P.,
*Attorney General and Minister of Legal Affairs,
Ministry of Legal Affairs,
Carmichael Street,
Georgetown.*

+ **Cabinet Member**

* **Non-Elected Speaker**

Senior Ministers (16)

+ Hon. Gail Teixeira, M.P.,
(Region No. 7 – Cuyuni/Mazaruni),
Minister of Parliamentary Affairs and Governance,
Ministry of Parliamentary Affairs and Governance.
Government Chief Whip,
Office of the Presidency,
New Garden Street,
Georgetown.

+ Hon. Hugh H. Todd, M.P.,
(Region No. 4 – Demerara/Mahaica),
Minister of Foreign Affairs and International Co-operation,
Ministry of Foreign Affairs,
Lot 254 South Road,
Georgetown.

+*Hon. Dr. Ashni K. Singh, M.P.,
Senior Minister in the Office of the President with Responsibility for Finance
Ministry of Finance,
Main & Urquhart Streets,
Georgetown.

+ Hon. Bishop Juan A. Edghill, M.S., J.P., M.P.,
Minister of Public Works,
Ministry of Public Works,
Wight's Lane,
Kingston,
Georgetown.

+ Hon. Dr. Frank C. S. Anthony, M.P.,
Minister of Health,
Ministry of Health,
Brickdam,
Georgetown.

+ Hon. Priya D. Manickchand, M.P.,
(Region No. 3 – Essequibo Islands/West Demerara),
Minister of Education,
Ministry of Education,
Lot 26 Brickdam,
Georgetown.

+ *Hon. Brindley H.R. Benn, M.P.,
Minister of Home Affairs,
Ministry of Home Affairs,
Brickdam,
Georgetown.

+ **Cabinet Member**

* **Non-Elected Minister**

+ Hon. Zulfikar Mustapha, M.P.,
Region No. 6 – East Berbice/Corentyne),
Minister of Agriculture,
Ministry of Agriculture,
Regent and Vlissengen Road,
Bourda, Georgetown.

+ Hon. Pauline R.A. Campbell-Sukhai, M.P.,
Minister of Amerindian Affairs,
Ministry of Amerindian Affairs,
Lot 251-252 Thomas & Quamina Streets,
South Cummingsburg,
Georgetown.

+ Hon. Joseph L.F. Hamilton, M.P.,
Minister of Labour,
Ministry of Labour,
Brickdam,
Georgetown.

+ Hon. Vickram Outar Bharrat, M.P.,
Minister of Natural Resources,
Ministry of Natural Resources,
Lot 96 Duke Street,
Kingston,
Georgetown.

+*Hon. Oneidge Walrond, M.P.,
Minister of Tourism, Industry and Commerce,
Ministry of Tourism, Industry and Commerce,
Lot 229 South Road,
Bourda, Georgetown.

+ Hon. Collin D. Croal, M.P.,
(Region No. 1 – BarimaWaini),
Minister of Housing and Water,
Ministry of Housing and Water,
Brickdam,
Georgetown.

+ Hon. Vindhya V. H. Persaud, M.S., M.P.,
(Region No. 4 – Demerara/Mahaica),
Minister of Human Services and Social Security,
Ministry of Human Services and Social Security,
Lot 357 East and Lamaha Streets
Georgetown.

+ **Cabinet Member**

* **Non-Elected Minister**

+ Hon. Charles S. Ramson, M.P.,
Minister of Culture, Youth and Sports,
Ministry of Culture, Youth and Sports,
Main Street,
Georgetown.

+ Hon. Sonia Savitri Parag, M.P.,
Minister of the Public Service,
Ministry of the Public Service,
164 Waterloo Street,
North Cummingsburg,
Georgetown.

Junior Ministers (4)

Hon. Susan M. Rodrigues, M.P.,
(Region No. 4 – Demerara/Mahaica),
Minister within the Ministry of Housing and Water,
Ministry of Housing and Water,
Lot 41 Brickdam & United Place,
Stabroek,
Georgetown.

[Virtual Participation]

Hon. Deodat Indar, M.P.,
Minister within the Ministry of Public Works,
Ministry of Public Works,
Wight's Lane,
Kingston,
Georgetown.

Hon. Anand Persaud, M.P.,
Minister within the Ministry of Local Government and Regional Development,
Ministry of Local Government and Regional Development,
Fort Street,
Kingston,
Georgetown.

Hon. Warren Kwame E. McCoy, M.P.,
Minister within the Office of the Prime Minister,
Office of the Prime Minister,
c/o Colgrain House,
205 Camp Street,
Georgetown.

+ **Cabinet Member**

Other Members (15)

Hon. Mr. Dharamkumar Seeraj, M.P.,
Lot 71 BB Eccles,
East Bank Demerara.

Hon. Mr. Alister S. Charlie, M.P.,
(Region No. 9 – Upper Takutu/Upper Essequibo),
148 Lethem,
Central Rupununi,
c/o Freedom House,
41 Robb Street,
Georgetown.

Hon. Dr. Vishwa D.B. Mahadeo, M.P.,
Region No. 6 – East Berbice/Corentyne),
Lot 4 Public Road,
No. 66 Village,
Corentyne,
Berbice.

Hon. Mr. Sanjeev J. Datadin, M.P.,
Lot 60 Section ‘K’,
John Street,
Campbellville,
Georgetown.

Hon. Mr. Seepaul Narine, M.P.,
Lot 321 BB Seventh Street,
Eccles,
East Bank Demerara.

Mrs. Yvonne Pearson-Fredericks, M.P.,
Mainstay Lake/Whyaka Village,
Mainstay Lake, Essequibo Coast,
c/o Freedom House,
41 Robb Street,
Georgetown.

Hon. Dr. Bheri S. Ramsaran, M.P.,
Lot 340 East Street,
South Cummingsburg,
c/o Freedom House,
41 Robb Street,
Georgetown.

Hon. Dr. Jennifer R.A. Westford, M.P.,
55 AA Victoria Avenue,
Eccles,
East Bank Demerara.

Hon. Mr. Faizal M. Jaffarally, M.P.,
(Region No. 5 – Mahaica/Berbice),
Lot 16-30 New Street,
New Amsterdam.
c/o Freedom House,
Robb Street,
Georgetown.

Hon. Dr. Tandika S. Smith, M.P.,
(Region No. 3 - Essequibo Islands/West Demerara),
Lot 290 Area 'J',
Tuschen, North,
East Bank Essequibo.

Hon. Mr. Lee G.H. Williams, M.P.,
Paruima Upper Mazaruni,
c/o Freedom House,
Robb Street,
Georgetown.

* Hon. Ms. Sarah Browne, M.P.,
Parliamentary Secretary,
Ministry of Amerindian Affairs,
Lot 251-252 Thomas & Quamina Streets,
South Cummingsburg,
Georgetown.

[Absent – on leave]

* Hon. Mr. Vikash Ramkissoon, M.P.,
Parliamentary Secretary,
Ministry of Agriculture,
Regent and Vlissengen Road,
Bourda, Georgetown.

[Absent – on leave]

Hon. Ms. Bhagmattie Veerasammy, M.P.,
Lot 32 Crown Dam,
Industry,
East Coast Demerara.

Hon. Ms. Nandranie Coonjah, M.P.,
(Region No. 2 – Pomeroon/Supenaam),
Lot 69 Suddie New Housing Scheme,
Essequibo Coast.
c/o Freedom House,
Lot 41 Robb Street,
Georgetown.

MEMBERS OF THE OPPOSITION (32)

(i) A Partnership For National Unity/Alliance For Change (APNU/AFC) (31)

Hon. Mr. Aubrey Norton, M.P.,

Leader of the Opposition

Hon. Mr. Khemraj Ramjattan, M.P.,

[Absent]

Lot 10 Delph Street,

Campbelville,

Georgetown.

Hon. Mr. Roysdale A. Forde, S.C., M.P.,

Lot 410 Caneview Avenue,

South Ruimveldt,

Georgetown.

Hon. Mr. Shurwayne F.K. Holder, M.P.,

[Virtual Participation]

(Region No. 2 – Pomeroon/Supenaam),

Lot 55 Henrietta,

Essequibo Coast.

Hon. Ms. Catherine A. Hughes, M.P.,

(Region No. 4 – Demerara/Mahaica),

Lot 13 A, New Providence,

East Bank Demerara.

Hon. Ms. Geeta Chandan-Edmond, M.P.,

Lot 48 Atlantic Ville,

Georgetown.

Hon. Mr. Sherod A. Duncan, M.P.,

Lot 590 Good Hope,

East Coast Demerara.

Hon. Ms. Volda Lawrence, M.P.,

Lot 7 Freeman Street,

Castello Housing Scheme,

La-Penitence,

Georgetown.

Hon. Ms. Dawn Hastings-Williams, M.P.,

Lot 933 Block 1,

Eccles,

East Bank Demerara.

Hon. Mr. Christopher A. Jones, M.P.,

Opposition Chief Whip,

Lot 609 Conciliation Street,

Tucville,

Georgetown.

Hon. Mr. Vinceroy H. Jordan, M.P.,

(Region No. 5 – Mahaica/Berbice),

Lot 214 Lovely Lass Village,

West Coast Berbice.

C/o Christopher Jones

Hon. Ms. Amanza O.R. Walton-Desir, M.P.,

Lot 1285 EE Eccles Sugarcane Field,

East Bank Demerara.

Hon. Ms. Coretta A. McDonald, A.A., M.P.,
*Lot 202 N, Fourth Street,
Alexander Village,
Georgetown.*

Hon. Mr. Deonarine Ramsaroop, M.P.,
*(Region No. 4 – Demerara/Mahaica),
Lot 40 Block 3
Craig Milne,
Cove & John,
East Coast Demerara.*

Hon. Mr. Vincent P. Henry, M.P.,
*(Region No. 9 – Upper Takutu/Upper Essequibo),
Shulidnab Village,
South Central,
Rupununi.*

(Culvert City Lethem)

Hon. Dr. Karen R.V. Cummings, M.P.,
*Lot 2 Belfield Housing Scheme,
East Coast Demerara.*

Hon. Ms. Tabitha J. Sarabo-Halley, M.P.,
*Lot 3382 Caneview Avenue,
South Ruimveldt Park,
Georgetown.*

Hon. Ms. Natasha Singh-Lewis, M.P.,
*Lot 1110 Plot ‘B’,
Herstelling,
East Bank Demerara.*

Hon. Ms. Annette N. Ferguson, M.P.,
*Lot 842 Eccles,
East Bank Demerara.*

Hon. Ms. Juretha V. Fernandes, M.P.,
*Lot 1282 Block EE,
Eccles,
East Bank Demerara.*

Hon. Mr. David A. Patterson, M.P.,
*Lot 151 Durbana Square,
Lamaha Gardens,
Georgetown.*

Hon. Mr. Ronald Cox, M.P.,
*(Region No. 1 – Barima Waini),
Mabaruma Compound.*

Hon. Mr. Jermaine A. Figueira, M.P.,
*(Region No. 10 – Upper Demerara/Upper Berbice),
Lot 136 2nd Street,
Silvertown,
Wismar, Linden.*

Hon. Mr. Ganesh A. Mahipaul, M.P.,

Lot 14 Plantain Walk,

West Bank Demerara.

Hon. Mr. Haimraj B. Rajkumar, M.P.,

Lot 18 Public Road,

Johanna Cecilia,

(Region # 2 Essequibo Coast).

Hon. Ms. Nima N. Flue-Bess, M.P.,

(Region No. 4 – Demerara/Mahaica),

Lot 88 Nelson Street,

Mocha Village,

East Bank Demerara.

Hon. Mr. Dineshwar N. Jaiprashad, M.P.,

Region No. 6 – East Berbice/Corentyne),

Lot 80 Babu John Road, Haswell,

Port Mourant, Corentyne Berbice.

Hon. Ms. Maureen A. Philadelphia, M.P.,

(Region No. 4 – Demerara/Mahaica),

Lot 17 Block 1, Section F,

Plantation Belfield,

East Coast Demerara.

Hon. Ms. Beverley Alert, M.P.,

(Region No. 4 – Demerara/Mahaica)

Lot 169-170 Stanleytown,

West Bank Demerara.

c/o Lot 13 A, New Providence,

East Bank Demerara.

Hon. Mr. Richard E. Sinclair, M.P.,

(Region No. 8 –Potaro/Siparuni)

Church Street Mahdia.

Lot 4 Public Road,

Stewartville,

West Coast Demerara.

Hon. Mr. Devin L. Sears, M.P.,

[Virtual Participation]

(Region No. 10 – Upper Demerara/Upper Berbice),

Lot 90, Section C,

Wismar, Linden.

(ii) A New and United Guyana, Liberty and Justice Party and The New Movement (ANUG, LJP & TNM) (1)

Hon. Dr. Asha Kisooson, M.P.,

Deputy Speaker of the National Assembly,

Lot 855, 3rd Field,

Cummings Lodge,

Greater Georgetown.

Officers (2)

Mr. Sherlock E. Isaacs, A.A.,
Clerk of the National Assembly,
Parliament Office,
Public Buildings,
Brickdam,
Georgetown.

Ms. Hermina Gilgeours,
Deputy Clerk of the National Assembly,
Parliament Office,
Public Buildings,
Brickdam,
Georgetown.

Hansard Division Officers (19)

Ms. Allison Connelly,
Chief Editor

Ms. Marlyn Jeffers-Morrison,
Senior Editor

Ms. Shawnel Cudjoe,
Senior Editor

Ms. Carol Bess,
Editor

Ms. Shevona Telford,
Editor (a.g.)

Ms. Tesia Ellis,
Editor (a.g.)

Ms. Indranie Persaud,
Reporter

Ms. Roseina Singh,
Reporter

Ms. Somna Karen-Muridall,
Reporter

Ms. Lushonn Bess,
Reporter

Ms. Bianca Cummings,
Reporter

Mr. Rohan Ramjas,
Reporter

Ms. Eyoka Gibson,
Reporter

Ms. Celisa DeFlorimonte,
Reporter (a.g.)

Mr. Tafari David,
Reporter (a.g.)

Ms. Shabana Chiraunjie,
Reporter (a.g.)

Mr. Parmanand Singh,
Pre –Press Technician

Mr. Saeed Umrao,
Audio Technician

Mr. Daison Horsham,
Audio Technician

TABLE OF CONTENTS

Contents

65TH Sitting

Thursday, 20TH July, 2023

Oath of a New Member	9623
Election of Deputy Speaker	9624
Division -	9625-9631
Presentation of Papers & Reports	9632-9634
Oral Questions Without Notice	9635
Questions on Notice For Written Replies	9636-9645
Questions on Notice For Oral Replies	9646-9658
Suspension of Standing Order No. 13	9659
Introduction of Bills & 1 st Reading	9660
Public Business – Government’s Business	9661-9736
Motion – Consideration of Financial Paper No. 1/2023 – Capital Estimates	9663-9675
Motion – To Approve Supplementary - Financial Paper No. 2/2023	9676-9683
Introduction of Bills & 1 st Reading	9684
Bills – 2 nd & 3 rd Readings - Supplementary Appropriation No. 1/2023 Bill 2023 – Bill No. 8/2023	9685
Foreign Judgements (Reciprocal Enforcement) Bill 2023 – Bill No. 4/2023	9686-9709
Confirmation of the Customs (Amt 1 st Schedule) (NO.2) Order 2023-NO. 44 OF 2023	9710
Bills – 2 nd & 3 rd Readings-The Radiation Safety & Security Bill 2022 – Bill No. 8/2022	9713-9734
Committee’s Business –Motion	9737-9757
Adoption of the Report of the Special Select Committee on the - Planning & Development Single Window System Bill No. 26 of 2022	9739-9756
Adjournment -	9758

Mr. Speaker: Hon. Members, to be exact, I will again declare this 65th Sitting of the National Assembly of the Twelfth Parliament of the Co-operative Republic of Guyana to be duly constituted.

OATH OF A NEW MEMBER

Hon. Members, I received a letter on 13th July, 2023 from Mr. Nigel Dharamlall resigning his seat as a Member of Parliament (MP) with effect from 4th July, 2023. With Mr. Dharamlall's resignation, a seat in the National Assembly has become vacant. The vacancy is in accordance with section 99 A of the Representation of the People Act, Chapter 103, to be filled by a person whose name is to be extracted from the list of candidates from which Mr. Dharamlall's name was extracted. Mr. Dharamlall's name was extracted from the People's Progressive Party/Civic's (PPP/C's) list of candidates. In accordance with section 99 A of the said Act, I have called upon the representative of the said list to further extract from that list the name of a person who is willing to become a Member of the National Assembly, to fill the vacancy in the Assembly.

Hon. Members, following Mr. Dharamlall's resignation and my call upon the representatives of the People's Progressive Party/Civic's list of candidates, I have been informed that the name of Ms. Nandranie Coonjah was extracted from the list and that Ms. Coonjah was on 17th July, 2023, declared to be a Member of the National Assembly. Before Ms. Coonjah can take part in the proceedings of the Assembly, she will have to make and subscribe to the oath before the Assembly as required by Article 167 of the Constitution. As Ms. Coonjah is present, she can now make and subscribe the oath which will be administered to her by the Clerk.

The Oath of Office was administered to and subscribed by the following Member:

Ms. Nandranie Coonjah, M.P.

WELCOME OF NEW MEMBER

Mr. Speaker: Thank you. The Hon. Member, Ms. Nandranie Coonjah, is now seated. Ms. Coonjah, welcome to the National Assembly and the Twelfth Parliament of the Co-operative Republic of Guyana.

ELECTION OF DEPUTY SPEAKER

Hon. Members, with the resignation of Mr. Lenox Ron O'Dell Shuman, Member of Parliament and Deputy Speaker of the National Assembly, the post of Deputy Speaker has become vacant. Therefore, in accordance with Standing Order No. 3 (1), the Assembly is required to elect a Member

who is not a Minister of the Government or a Parliamentary Secretary to become Deputy Speaker. I, therefore, accordingly, invite nominations for the post of Deputy Speaker.

Opposition Chief Whip [Mr. Jones]: Cde. Speaker, I beg to nominate Ms. Dawn Hastings-Williams.

Mr. Speaker: Ms. Dawn Hastings-Williams is nominated.

Mr. Mahipaul: Cde. Speaker, I move to second that nomination, please.

Mr. Speaker: The nomination is seconded by the Hon. Member, Mr. Mahipaul.

Minister of Parliamentary Affairs and Governance, Government Chief Whip [Ms. Teixeira]: Sir, I would like to nominate Dr. Asha Kissoon as Deputy Speaker of the National Assembly.

Mr. Speaker: Dr. Asha Kissoon is nominated as Deputy Speaker of the National Assembly. Do we have someone seconding the nomination?

Minister of Education [Ms. Manickchand]: Sir, I rise to second the nomination of Dr. Asha Kissoon as Deputy Speaker of the House.

Mr. Speaker: Hon. Minister of Education, thank you. The Hon. Member, Dr. Asha Kissoon, is also nominated for the post of Deputy Speaker. Are there any further nominations? Could someone move and second that nominations be closed? Hon. Member, do you move to close nominations?

Ms. Manickchand: Sir, I respectfully ask that the nomination process be closed. In the absence of any further nominations, I think it can be closed.

Mr. Speaker: Hon. Minister of Education, thank you very much. Hon. Members, we have two nominees for the post of Deputy Speaker. We have the Hon. Member, Ms. Dawn Hastings-Williams and we have the Hon. Member, Dr. Asha Kissoon. I will now put to the vote, for the position of Deputy Speaker, the nomination of the Hon. Member, Ms. Dawn Hastings-Williams. Those in favour say aye.

Hon. Members: Aye.

Mr. Speaker: Those against say no.

Hon. Members: No.

An Hon. Member: Mr. Speaker, [*inaudible*].

Mr. Speaker: It is hard to dissuade you, so let me put the second nomination. I now put the nomination of the Hon. Member, Dr. Asha Kissoon, for the position of Deputy Speaker. Those in favour say aye.

Hon. Members: Aye.

Mr. Speaker: Those against say no.

Hon. Members: No.

Mr. Speaker: It is very hard to distinguish. I will now put a division. We have a number of Members online, so please let us be patient so that they can register their votes. We are now calling on the division in respect of the nomination of the Hon. Member, Ms. Dawn Hastings-Williams.

Clerk of the National Assembly [Mr. Isaacs]: Dr. Kissoon?

Dr. Kissoon: Abstain.

Mr. Speaker: My apologies. Kindly give us two minutes; let us get the division bell and give a few minutes so persons can get in place. Please ring the bell.

The division bell rang.

Those online so far are Hon. Minister Rodrigues, Hon. Minister Ramson and the Hon. Member, Mr. Datadin. I will ask the information technology (IT) persons to help me because on my screen I am only seeing three persons online.

Mr. Isaacs: Dr. Kissoon? Dr. Kissoon?

Mr. Speaker: We are taking the division on the vote for Ms. Dawn Hastings-Williams to be Deputy Speaker.

Dr. Kissoon: Abstain.

Mr. Isaacs: Did Dr. Kissoon answer?

An Hon. Member: [*Inaudible*]

Mr. Isaacs: Mr. Speaker, I will go again. Dr. Kissoon? Mr. Sears. Mr. Sears. Mr. Speaker, I cannot hear.

2.22 p.m.

Mr. Speaker: The Clerk cannot hear. Could we just have a bit more silence in the room?

Mr. Isaacs: Mr. Sears?

Mr. Sears: Abstain.

Assembly divided: Ayes 26, Noes 32, Abstained 1, as follows:

Ayes

Mr. Sinclair

Ms. Alert

Ms. Philadelphia

Mr. Jaiprashad

Ms. Flue-Bess

Mr. Rajkumar

Mr. Mahipaul

Mr. Figueira

Mr. Cox

Ms. Fernandes

Ms. Ferguson

Ms. Singh-Lewis

Ms. Sarabo-Halley

Dr. Cummings

Mr. Henry

Ms. Walton-Desir

Mr. Jones

Ms. Hastings-Williams

Ms. Lawrence

Mr. Duncan

Ms. Chandan-Edmond

Ms. Hughes

Mr. Norton

Noes

Mr. Phillips

Ms. Coonjah

32

Ms. Veerasammy

Mr. Williams

Dr. Smith

Abstained

Mr. Jaffarally

Dr. Kissoon

Dr. Westford

26

Dr. Ramsaran

Ms. Pearson-Fredericks

Mr. Holder: Mr. Speaker, it is a 'yes' for me. I was bounced off.

Mr. Narine

Mr. Sears: Mr. Speaker.

Mr. Datadin

Mr. Speaker: Is someone online? I did not catch the voice.

Dr. Mahadeo

Mr. Charlie

Mr. Sears: Mr. Speaker, MP Sears here. I voted yes, but it is not registered. The connection is poor.

Mr. Seeraj

Mr. Holder: MP Holder as well, Cde. Speaker.

Mr. McCoy

Mr. Speaker: Who are the Hon. Members online right now? Mr. Shurwayne Holder and Mr. Devin Sears.

Mr. Persaud

Mr. Indar

Mr. Holder: Yes Cde. Speaker.

Ms. Rodrigues

Mr. Sears: Devin Sears as well

Ms. Parag

[Mr. Speaker in aside with the Clerk.]

Mr. Ramson

Mr. Speaker: We have in the past when Members... we have revisited. I will ask the Clerk again to call the two Members who are online.

Dr. Persaud

Mr. Sears – yes

Mr. Croal

Mr. Patterson

Mr. Bharrat

Mr. Ramsaroop

Mr. Hamilton

Ms McDonald – yes

Ms. Sukhai

Mr. Jordon

Mr. Mustapha

Mr. Holder – yes

Ms. Manickchand

Mr. Ford

Dr. Anthony

Mr. Ramjattan

Bishop Edghill

Mr. Todd

Ms. Teixeira: Mr. Speaker, this is highly irregular. We have finished the vote on Ms. Hastings-Williams's nomination. We are finished with the nomination, Sir. You are reopening it.

Ms. Teixeira

Mr. Nandlall

Mr. Speaker: Hon. Minister, with due respect, we are not re-opening. We have done this before.

Ms. Teixeira: Standing Order No. 50 is very clear on the nature of division.

[*Mr. Speaker hit gavel.*]

Mr. Speaker: Hon. Members, I will ask the Clerk to give us the results of the division.

Mr. Isaacs: Mr. Speaker, 26 Members voted for the motion, one declined and 32 against.

Mr. Speaker: Hon. Members, the nomination of the Hon. Member Ms. Dawn Hastings-Williams is defeated. I now ask the Clerk to put the division on the nomination of Dr. Asha Kissoon as Deputy Speaker.

Mr. Isaacs: Dr. Kissoon?

Dr. Kissoon: Yes.

Mr. Isaacs: Mr. Speaker, I [*inaudible*]. I do not want to make mistakes.

Mr. Speaker: Hon. Members, please, could you give the Clerk the opportunity to hear the responses from the Hon. Members when he calls?

Mr. Isaacs: Dr. Kissoon?

Assembly divided: Ayes 33, Declined 31.

Declined

Mr. Sears

Mr. Sinclair

Ms. Alert

Ms. Philadelphia

Mr. Jaiprashad

Ms. Flue-Bess

Mr. Rajkumar

Mr. Mahipaul

Mr. Figueira

Mr. Cox

Mr. Patterson

Ms. Fernandes

Ms. Ferguson

Ms. Singh-Lewis

Ms. Sarabo-Halley

Dr. Cummings

Mr. Henry

Mr. Ramsaroop

Ms. McDonald

Ms. Walton-Desir

Mr. Jordan

Mr. Jones

Ms. Hastings-Williams

Ms. Lawrence

Mr. Duncan

Ms. Chandan-Edmond

Ms. Hughes

Mr. Holder

Mr. Forde

Mr. Ramjattan

Mr. Norton

31

Ayes

Dr. Kissoon

Ms. Coonjah

Ms. Veerasammy

Mr. Williams

Dr. Smith

Mr. Jaffarally

Dr. Westford

Dr. Ramsaran

Ms. Pearson-Fredericks

Mr. Narine
 Mr. Datadin
 Dr. Mahadeo
 Mr. Charlie
 Mr. Seeraj
 Mr. McCoy
 Mr. Persaud
 Mr. Indar
 Ms. Rodrigues
 Ms. Parag
 Mr. Ramson
 Dr. Persaud
 Mr. Croal
 Mr. Bharrat
 Mr. Hamilton
 Ms. Sukhai
 Mr. Mustapha
 Ms. Manickchand
 Dr. Anthony
 Bishop Edghill
 Mr. Todd
 Ms. Teixeira
 Mr. Nandlall
 Mr. Phillips

2.37 p.m.

Mr. Speaker: Mr. Clerk, could you go ahead with the results of the division for the Deputy Speaker Dr. Asha Kissoon.

Mr. Isaacs: Mr. Speaker, 33 Members voted for the motion and 31 declined.

Mr. Speaker: Honourable Members, we have the majority of persons voting in favour of Dr. Asha Kissoon to be elected as the Deputy Speaker. I now declare Dr. Asha Kissoon elected as the Deputy Speaker of the National Assembly. *[Applause]*

An Hon. Member: *[Inaudible]*

CONGRATULATIONS OFFERED

Mr. Speaker: Honourable Members if we would have listened, we would have heard the results of the division. Honourable Members, I would like on behalf of all of us to congratulate Ms. Nandranie Coonjah on her becoming a Member of the National Assembly, and the Honourable Member Dr. Asha Kissoon on being elected to be the Deputy Speaker of the National Assembly. We welcome Ms. Coonjah and offer our congratulations to her and the Deputy Speaker.

PRESENTATION OF PAPERS AND REPORTS

The following Paper and Reports were laid:

- (1) Annual Report of the Public Accountability and Oversight Committee for the fiscal year 2022.

[Speaker of the National Assembly]

- (2) (i) Audited Financial Statements of the Guyana Lands and Survey Commission for the year ended 31st December, 2017.

(ii) Annual Report of the Ombudsman for the years 2021 and 2022.

[Minister of Parliamentary Affairs and Governance]

- (3) (i) Annual Report of the Natural Resource Fund for the fiscal year 2022.

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

In doing so I take note that you, Sir, just tabled the Annual Report of the Public Accountability and Oversight Committee in relation to Natural Resource Fund for the same year. Might I, Sir, with your permission acknowledge the presence, in the visitor's gallery, of the Chairman of the Board of Directors of the Natural Resource Fund, Major General (Ret'd) Joe Singh, and Director, Dunston Barrow, along with the Chairs of the Public Accountability and Oversight Committee and Investment Committee, Mr. Clement Sealey and Ms. Shaleeza Shaw, respectively. Might I, Sir, again with your permission, acknowledge, on behalf of the Government and

indeed on behalf of the people of Guyana, the sterling work being done by this first Board of Directors and the two respective committees in setting up, for the very first time, the governance architecture for this brand-new but extremely important national institution, the Natural Resource Fund. Might I, on behalf of the Government and people of Guyana convey our sincere thanks to these Guyanese citizens. [Applause]

(ii) The Customs (Amendment of First Schedule) (No. 2) Order 2023-No. 44 of 2023.

(iii) Government Notice No. 3/2023, regarding Notification Receipts of all petroleum revenues paid into the Natural Resource Fund during the period 1st April, 2023 to 30th June, 2023.

(iv) Amendatory Agreement dated 6th March, 2023, between the Co-operative Republic of Guyana and the Inter-American Development Bank (IDB), to revise Loan Contract No. 3824/BL-GY (Amendment No. 1) dated 21st February, 2017, to finance the *Enhancing the National Quality Infrastructure for Economic Diversification and Trade Promotion* programme. This revision amends the programme's name to *Enhancing the National Quality Infrastructure for Competitiveness* and allows for the transition from a LIBOR-based interest rate to SOFR (Secured Overnight Financing Rate).

(v) Loan Contract No. 5594/OC-GY dated 6th March, 2023, between the Co-operative Republic of Guyana and the Inter-American Development Bank to provide additional financing of US\$8,000,000 to facilitate the execution of the *Enhancing the National Quality Infrastructure for Competitiveness* programme.

(vi) Loan Contract No. 5629/OC-GY dated 6th March, 2023, between the Co-operative Republic of Guyana and the Inter-American Development Bank for an amount of US\$100,000,000 to finance the execution of the programme to *Support Climate Resilient Road Infrastructure Development*.

(vii) Agreement No. GY-O0010 dated 6th March, 2023, to establish a Conditional Credit Line for Investment Projects (CCLIP), between the Co-operative Republic of Guyana and the Inter-American Development Bank, for an amount of US\$160,000,000.

(viii) Loan Contract No. 5706/OC-GY dated 6th March, 2023, between the Co-operative Republic of Guyana and the Inter-American Development Bank for an amount of US\$97,000,000, to finance the first individual operation for the Health Care Network Strengthening project in Guyana. This project will be financed through the abovementioned Conditional Credit Line Agreement.

(ix) Amendatory Agreement dated 13th April, 2023, between the Co-operative Republic of Guyana and the Islamic Development Bank (IsDB) to revise Section I (Definitions) and Section 3.1 (Payments) of Schedule III (Sale General Terms and Conditions) of the original Financing Agreement dated 25th June, 2020 in the amount of US\$14,630,000 for the purpose of financing the Small Hydro Project.

(x) Framework and Agency Agreements No. GUY-1025 dated 23/10/1444H corresponding to 13/05/2023G (13th May, 2023), between the Co-operative Republic of Guyana and the Islamic Development Bank, for an amount of US\$200,000,000 to finance the Reconstruction of the Soesdyke/Linden Highway Project.

(xi) Loan Agreement No. 1/796 signed on 16/11/1444 A.H., corresponding to 5/6/2023 A.D. (5th June, 2023), between the Co-operative Republic of Guyana and the Saudi Fund for Development for an amount of Saudi Riyals 375,000,000 (US\$100,000,000), to assist in financing the Infrastructural Development Works for the Housing Sector project.

(xii) Loan Agreement No. 2/797 signed on 16/11/1444 A.H., corresponding to 5/6/2023 A.D. (5th June, 2023), between the Co-operative Republic of Guyana and the Saudi Fund for Development for an amount of Saudi Riyals 187,500,000 (US\$50,000,000), to assist in financing the Construction of Wismar Bridge project.

(xiii) The External Loans (Increasing the Limit) Order 2023 – No. 48 of 2023.

(xiv) The Public Loan (Increasing of Limit) Order 2023 – No. 49 of 2023.

There is also an item that is originally listed as item (xv) on the Order Paper under this agenda. I wish, on this

occasion, not to proceed with that item. I will bring it on a subsequent occasion.

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

Mr. Speaker: Thank you very much, Hon. Senior Minister in the Office of the President with Responsibility for Finance. I join in acknowledging the Chairman and a member of the Investment Fund Mr. Sealey and Ms. Shaw, the Chairperson and a member of the Natural Resource Fund, Brigadier (Ret'd) Joe Singh and Mr. Dunstan Barrow, a former Member of Parliament. Hon. Attorney General and Minister of Legal Affairs.

(4) (i) The Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Regulations 2023 – No. 9 of 2023.

(ii) The Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) (No. 2) Regulations 2023 – No. 10 of 2023.

[Attorney General and Minister of Legal Affairs]

REPORTS FROM COMMITTEES

The following Reports were laid:

(1) Report of the Special Select Committee on the Radiation Safety and Security Bill 2022-No.8 of 2022.]

(2) Report of the Special Select Committee on the Planning and Development Single Window System Bill 2022-Bill No. 26 of 2022.

[Minister of Housing and Water/Chairman]

ORAL QUESTIONS WITHOUT NOTICE

Mr. Speaker: Honorable Members, I did receive under Oral Questions Without Notice a question from the Honorable Member Ms. Annette Ferguson, it did not meet the urgency criterion for Oral Questions Without Notice and I have so informed the Honorable Member.

Ms. Ferguson: Mr. Speaker, may I have the floor?

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

Ms. Ferguson: Thank you very much for acknowledging me. I rise on a point of order for clarification with regard to the correspondence I sent to you yesterday and your

response provided to me this morning. For the benefit of the House, I would like to share what you have sent to me:

“Good morning Honorable

I would not be able to allow it as the urgency element is not there.

My apologies. Best regards.”

Mr. Speaker, I refer to Standing Order No. 18 which speaks to Oral Questions Without Notice, and I think there are three categories by which oral questions are allowed, and if my memory serves me accurately, number three speaks to the issue of importance and urgent and also whether it relates to the business of the House. I might be paraphrasing here. Your response to me is not clear.

While my questions might have qualified, all the other elements for the first couple words in the sub-section three of Standing Order No. 18, speaks to urgent and important, but your electronic mail (e-mail) to me does not clarify why you have disallowed the question, and I do not understand when you say “urgency element”. Perhaps you may need to clarify for me so that I can understand and also for the benefit of the House. I would like to read the question Honorable...

2.52 p.m.

Mr. Speaker: First, you have to get my leave to do that.

Ms. Ferguson: That is all right. Thank you very much, Sir.

Mr. Speaker: I made a ruling in writing to you and also in the full House. Thank you very much. I gave you the liberty of making the statement. If you check back the Standing Orders, you will see the three elements which must be present.

QUESTIONS ON NOTICE

[For Written Replies]

Hon. Members, in accordance with Standing Order 19(4), question one was converted to a question for a written response. Hon. Members, there are 16 questions on today's Order Paper. Questions number one to 10 are for written replies and questions numbers 11 to 16 are for oral replies. Question number one is in the name of the Hon. Member, Ms. Ferguson, and it is for the Hon. Minister of Housing and Water. Questions number two, three, four, five and six are in the name of the Hon. Member, Mr. Sinclair, and they are for the Hon. Minister of Education.

Questions number seven and nine are in the name of the Hon. Member, Ms. Lawrence, and they are for the Hon. Minister of Foreign Affairs and International Cooperation. Question number eight is in the name of the Hon. Member, Ms. Lawrence, and it is for the Hon. Minister of Agriculture. Question 10 is the name of the Hon. Member, Ms. Ferguson, and it is for the Hon. Senior Minister in the Office of the President with Responsibility for Finance. The answers to these questions have been received. Therefore, in accordance with our Standing Orders, they have been circulated. Hon. Member Ms. Ferguson, you have the floor.

Ms. Ferguson: Thank you very much, Mr. Speaker. If I turn the House's attention to question 10 for which a response was provided by the Hon. Senior Minister in the Office of the President with Responsibility for Finance, for the benefit of the people of ...

Mr. Speaker: Hon. Member, first, you have to give me... You are standing on a Point of Order for something which is not a Point of Order. I cannot allow you the liberty to read the written response. It was circulated. The media and all the Members have it. On this occasion, I cannot allow you the liberty of reading. Thank you.

Ms. Ferguson: Mr. Speaker. If I may – therefore, I cannot seek your clarification.

Mr. Speaker: Not at this stage. These are for written replies and the replies have been provided. Thank you. We shall proceed.

Minister of Housing and Water [Mr. Croal]:

No.	Contractors	Project Title	Contract Sum	Lots	Duration	Dimension
1	Ivor Allen	Construction of Reinforced Concrete Drains at Eccles Land Fill Road	\$446,282,340	1	3 months	Length: 450m Width: 4.70m Height: 2.85m
2	Guyamerica Construction	Construction of Reinforced Concrete Drains at Eccles Land Fill Road	\$523,430,670	2	3 months	Length: 450m Width: 4.70m Height: 2.85m
3	XL Engineering	Road Widening and Upgrade (East Section)	\$554,579,817	1	4 months	Length: 690m Width: 12 m

Ms. Ferguson: I am dissatisfied with the responses given to this question, Mr. Speaker.

Mr. Speaker: Thank you, Hon. Member.

Ms. Ferguson: I would like to have it placed in the record. I am asking about 200 taxes. How could the Hon. Minister respond by stating that the list of taxes and fees imposed ...

Mr. Speaker: Hon. Member, please, you are now bordering in being totally out of order.

Ms. Ferguson: That is all right. The public will know [inaudible].

1. Construction of the Haags Bosch Main Road

Ms. Ferguson:

(a) Can the Honourable Minister inform this National Assembly of the names of the contractors who have been awarded contracts, a disaggregation of the project sum to each contractor, and lots awarded to each contractor?

(b) Can the Minister also state the duration of the contract and what is the full dimension, in terms of width and depth of the road on completion?

(c) Can the Minister indicate to this Assembly what are the safety features along the project site?

4	NABI Construction	Road Widening and Upgrade (West Section)	\$468,183,815	2	4 months	Length: S50m Width: 12 m
5	Build Smart Construction & Supplies	Construction of Reinforced Concrete Drains	\$430,585,100	3	4 months	Length: 1050m Width: 3 m Height: 2.50 m

Mr. Sinclair:

(c)

(a) Traffic Signs and Pavement Markings: - All traffic signs and pavement markings used on the road were specified in accordance with the 'Manual of Uniform Traffic Control Devices' (MUTCD) published by the Federal Highway Administration 2009.

(b) Emergency Lane and Median.

(c) Reinforced concrete drains to prevent road slippage.

(d) Installation of solar LED street lighting along median to improve safety and security.

(e) Widened carriageway to give vehicles a little more space, which generally is considered safer. The more space you have between vehicles, the more space you have to safely maneuver and pass.

(f) Road designed with improved camber to allow for effective runoff of stormwater over the surface of the carriageway thereby reducing the possibility of hydroplaning.

2. Names of Subjects done in the Secondary Schools in Region No. 8

Mr. Sinclair:

Can the Hon. Minister state the name of each subject done by each grade in the Secondary Schools in Region No. 8?

Please see the Minister of Education's response attached in Appendix 1.

3. Names of Textbooks for each subject in the Secondary Schools in Region No. 8

Can the Hon. Minister state the names of the textbooks recommended by the Ministry for each subject offered in the Secondary Schools in Region No.8?

Please see the Minister's response attached in Appendix 2.

4. Number of Hard Copies of Textbooks in the Secondary Schools in Region No. 8?

Mr. Sinclair:

Can the Hon. Minister state the number of hard copies of the recommended textbooks that are in the possession of the secondary Schools as of 27th March, 2023, in Region No.8?

Please see the Minister's response attached in Appendix 3.

5. Teaching Vacancies in the Secondary Schools in Region No. 8?

Mr. Sinclair:

Can the Minister provide a list of all the teaching vacancies in each of the Secondary Schools as of 27th March, 2023, in Region No.8?

Please see the Minister's response attached in Appendix 4.

6. Names of Subjects done in the Primary Schools in Region No.8?

Mr. Sinclair:

Can the Hon Minister state the name of each subject done by each grade in the primary schools in Region No. 8?

Minister of Education [Ms. Manickchand]: At present the subjects done in Grades One through Six in the Primary Schools in Region No. 8 are as follows:

- Literacy Hour
- Accelerated Literacy Instruction
- Numeracy
- Grammar
- Vocabulary
- Composition
- Comprehension
- Handwriting
- HFLE (Health and Family Life Education)
- Social Studies
- Science
- Art
- Physical Education

7. Amount of Monies spent on Legal Fees and Other Direct Costs to debunk the Claim by Venezuela to Guyana's Territory

Ms. Lawrence:

Could the Hon. Minister state how much money has been spent between 2015 and March 2023, to debunk the claim by Venezuela to Guyana's Territory, including payments to lawyers and related personnel; research and documentation; travel and subsistence; and other related expenses?

Minister of Foreign Affairs and International Cooperation [Mr. Todd]:

MONIES SPENT ON BORDER CONTROVERSY – 2015 – MARCH 2023

Year	G\$
2015	53,521,226
2016	119,784,201
2017	276,199,409
2018	412,421,687

2019	309,785,812
2020	502,717,034
2021	314,751,891
2022	576,814,859
March 2023	37,968,069
Grand Total	2,603,964,186

8. Value-Added Products now available to the Guyanese Consumers

Ms. Lawrence: Hon. Minister, you have outlined several initiatives since taking office in 2020 to reduce the 41% dependency on imported food and further commented that the government has created a priority list of foods to be produced at home.

Could the Hon. Minister state what value-added products are now available to the Guyanese consumers as a result of our manufacturers shifting from primary producers of agriculture under your plan to reduce the 41% Dependency on imports?

Minister of Agriculture [Mr. Mustapha]: The Government of Guyana has actively supported the business sector through financial and technical support to farmers and agro-processors and infrastructural investment, leading to increased production of fresh and processed commodities.

From 2020 to 2023, over 300 local value-added products were introduced in the Guyana Shop inclusive of fruit-flavored dips, fruit wines, paneer, chocolate, burger patties, coconut chips, coconut flour, coconut milk, desiccated coconut, smoked ham, dehydrated fruits, and flavored cassava bread, among others.

Added to this, the Government has embarked on development of agro-processing industry to enhance exports and reduce the country's import dependence by creating an enabling environment for an efficient and competitive local manufacturing sector, establishing 13 processing facilities across Guyana, benefitting approximately 2,500 farmers.

9. Existing Barriers to Trade within CARICOM

Ms. Lawrence: Hon. Minister, our manufacturers and farmers have been confronted with several existing barriers to trade within CARICOM, can you provide information on the progress made to remove any of these existing barriers?

Mr. Todd:

Existing Barriers to Trade within CARICOM & Measures Being Taken by Guyana.

Introduction

- (1) The issue of barriers to trade was raised in Parliament where the Honourable Minister is being requested to provide information on the progress made to remove trade barriers within CARICOM. Guyana manufacturers and farmers raised concerns that they are confronted with existing barriers to trade within CARICOM. The Ministry of Foreign Affairs and International Cooperation has been dealing with the issue of barriers to trade for over a decade. Indeed, barriers to trade within CARICOM only is a recurrent matter that is raised as businesses carry out their trade. The issues related to barriers to trade are not isolated to trade within CARICOM and are not matters likely to be resolved by a single intervention but rather, need to be addressed in a holistic manner which involves. Inter-agency measures both in Guyana and in countries that may have erected trade barriers against Guyanese products.

Incidence of and identified barriers to trade

- (2) The Ministry of Foreign Affairs and International Cooperation deals with barriers to trade matters on a regular basis whenever Guyana stakeholders raise such issues. Although some may be resolved quickly with immediate interventions from the relevant agencies, some barriers to trade issues have been recurrent and remain on the Ministry's work programme for some time. In cases where the issue is a recurrent one, the Ministry continues to engage all stakeholders and the regional governments concerned at bilateral and regional levels with a view to resolving issues.
- (3) In the recent past the Ministry of Foreign Affairs and International Cooperation has received and managed barriers to trade issues within the

CARICOM concerning diverse issues, including import permits, the approval process for intra-regional trade in pharmaceutical products, sanitary and phytosanitary requirements for intra-regional trade in certain agricultural products, market access into and transshipment of Guyanese honey, among other issues.

Some measures taken to address the barriers to trade

- (4) Since 2021, the Ministry of Foreign Affairs and International Cooperation has been addressing these issues at the highest levels including Regional, Ministerial and Technical levels. These matters were specially raised at the 52nd Regular Meeting of the CARICOM Council for Trade and Economic Development (COTED) of May 10th to 11th, 2021, where the Ministry presented a paper and Explanatory Memorandum entitled '*Barriers to Intra-CARICOM Trade: Concerns and Recommendations from the Government of Guyana on Import Licensing*'. The paper was discussed by member countries, and they undertook to have the issues raised resolved.
- (5) CARICOM countries, including Guyana undertook to review import licensing procedures. With regard to the sanitary and phytosanitary measure requirements, for agricultural products, the Ministry confirmed from NAREI that the fumigation of agricultural products required by export markets was an international requirement to which Guyana had to comply. In such a case, the Government of Guyana through the Ministry of Agriculture, and other relevant authorities, needs to put mechanisms in place to assist exporters to implement the SPS measures required.
- (6) The Ministry of Foreign Affairs and International Cooperation engaged the relevant authorities in Barbados, Trinidad & Tobago and Saint Lucia in various bilateral meetings since 2021, to resolve any barriers to trade issues between these countries. The most recent of such meetings, was with Trinidad and Tobago on May 22nd, 2023, under the Guyana/Trinidad and Tobago Bilateral Commission framework, that was created under the MoU on Renewed

and Enhanced Cooperation between the two countries.

- (7) Guyana pharmaceutical products continue to be faced with challenges accessing the market in Trinidad and Tobago due to the unpredictable product assessment and registration procedures which should be done before the products are allowed on the market. On this particular issue, the Ministry continues to engage the authorities in Trinidad and Tobago.
- (8) The transshipment and market access for Guyana's honey into Trinidad and Tobago, is also still being pursued by Guyana, mostly at the regional level through COTED. At the 57th COTED Meeting, Trinidad and Tobago reported that the government had approved legislative measures for enactment to remove this particular barrier to trade, within the year 2024, if the legislation is not ready by the end of 2023.

Conclusion

- (9) The Ministry of Foreign Affairs and International Cooperation continues to engage with CARICOM member states and stakeholders. The Ministry relies on the private sector stakeholders to identify where barriers may exist or have been removed, and to be vigilant.

10. Removal of the 200 Taxes and Fees Imposed by the Coalition Government, Reported by some Members of the Government in the National Assembly

Ms. Ferguson: Official Report (Hansard dated 17th September, 2020, 24th February, 2021, and 25th February, 2021) of the Parliament stated that some Members of the Government quoted, "Coalition Government imposed more than 200 taxes and fees on Guyanese..."

Can the Hon. Senior Minister provide a detailed list of the 200 taxes and fees on items, as claimed to have been imposed by the Coalition Government, during the period May 2015 to August 2020?

Dr. Singh: The list of taxes and fees imposed by the APNU/AFC Government during the period May 2015 to August 2020 has been extensively reported on and ventilated in the public domain.

QUESTIONS ON NOTICE

[For Oral Replies]

11. Remuneration for the Chairman and Directors of the Board of the Natural Resources Fund

Mr. Mahipaul: According to the Official Gazette of Guyana dated 30th August of 2022, a Chairman and four (4) Directors were appointed as Members of the Board of Directors of the Natural Resource Fund. Additionally, a Chairman and eight committee members were appointed as members of the Public Accountability and Oversight Committee and a Chairman and six members were appointed to the Natural Resource Fund Investment Committee.

In keeping with the Natural Resource Fund Act Section 5 (9) which states: "the Directors shall be paid such remuneration in respect of their office as the Minister may determine from time to time", can the Hon. Senior Minister within the Office of the President with Responsibilities for Finance provide to the National Assembly the total remuneration for the Chairman and Directors of the Board of Directors?

Dr. Singh: Thank you very much, Mr. Speaker. As I indicated earlier when I presented the first *Annual Report of the Natural Resource Fund for the fiscal year 2022* which chronicles the activities and operations of the Fund for its first year of operation and represents the first report produced by the newly appointed Board of Directors that is chaired and comprises of a number of eminent Guyanese citizens... In response to the question asked by the Hon. Member, Mr. Mahipaul, I am pleased to inform this House that each member of the Board of Directors of the Natural Resource Fund, including the Chairman, is paid a monthly remuneration of \$200,000 in accordance with the relevant section of the Act. Thank you very much, Sir.

Mr. Mahipaul: Sir, just for my clarity, I have a follow-up on that question. Could the Hon. Minister say if the \$200,000 per Director is the total benefit for each Director in terms of the entire package or are there other allowances that will complement the \$200,000?

Dr. Singh: Certainly, Mr. Speaker. The sum of \$200,000 per month comprises the total remuneration paid to the Directors. Out of abundance for the purposes and clarity, the Directors are not in receipt of any other benefit beyond this remuneration. Thank you, Sir.

Mr. Mahipaul: Thank you, Sir. With your permission, I move to the other question standing in my name, number 12.

Mr. Speaker: Hon. Member, you may.

12. Remuneration for the Chairman and Members of the Public Accountability and Oversight Committee

Mr. Mahipaul: Thank you, Sir. I will not reread the first paragraph because it is the same as the previous question. I will move to ask the question directly. According to the Official Gazette of Guyana dated 30th August of 2022, a Chairman and four (4) Directors were appointed as Members of the Board of Directors of the Natural Resource Fund. Additionally, a Chairman and eight committee members were appointed as members of the Public Accountability and Oversight Committee and a Chairman and six members were appointed to the Natural Resource Fund Investment Committee.

In keeping with the Natural Resource Fund Act Section 6 (8) which states “the Members shall be paid such remuneration in respect of their office as the Minister may determine from time to time”, can the Hon. Senior Minister in the Office of the President with Responsibilities for Finance provide to the National Assembly the total remuneration for the Chairman and Members of the Public Accountability and Oversight Committee?

Dr. Singh: I, Sir, will respond with equal brevity by saying that the Chairperson and members of the Public Accountability and Oversight Committee are each in receipt of a total remuneration of \$100,000 per month. If I might anticipate and pre-empt the question that follows, they are not in receipt of any other emoluments beyond the sum. Thank you, Sir.

Mr. Mahipaul: Thank you, Cde. Speaker. With your permission, I move to the other question standing in my name.

Mr. Speaker: Hon. Member, you may proceed.

13. Remuneration for the Chairman and Members of the Investment Committee

Mr. Mahipaul: Thank you, Sir. I will again, not read the first part of the question because it is the same as the previous two. According to the Official Gazette of Guyana dated 30th August of 2022, a Chairman and four (4) Directors were appointed as Members of the Board of Directors of the Natural Resource Fund. Additionally, a Chairman and eight committee members were appointed as members of the Public Accountability and Oversight Committee and a Chairman and six members were appointed to the Natural Resource Fund Investment Committee.

In keeping with the Natural Resource Fund Act Section 8 (3) which states “the Members shall be paid such remuneration in respect of their office as the Minister may determine from time to time”, can the Hon. Senior Minister within the Office of the President with Responsibilities for Finance provide to the National Assembly the total remuneration for the Chairman and Members of the Investment Committee?

Dr. Singh: Thank you very much, Sir. In a light manner as before, I am pleased to inform this House that the Chairperson and members of the Investment Committee are all in receipt of remuneration of \$100,000 per month. As before, I add that that comprises the total remuneration that each member is paid. Thank you very much, Sir.

Mr. Speaker: Question number 14 is in the name of the Hon. Member, Ms. Ferguson, and it is for the Senior Minister in the Office of the President with Responsibility for Finance. Hon. Member, Ms. Ferguson, you may proceed.

14. Provision of \$5B for the Alleviation of the High Cost of Living

Ms. Ferguson: Thank you very much, Mr. Speaker. The National Budget of 2023 has a provision of \$5 billion for the alleviation of the high cost of living. This was recorded in the Budget Speech 2023, page 91.

Could the Honourable Minister with responsibility for Finance state what established criterion was set out for the distribution of the monies and how can persons access the forms?

Dr. Singh: Mr. Speaker, I beg to remind this honourable House that the Hon. Member, Ms. Ferguson, had tabled previously – I believe in February or March of this year – a question in relation to this very matter. I believe, Sir, it was published on Notice Paper No. 249. I had, on that occasion, responded and elaborated on the very matter that now returns to this House under the guise of Notice Paper No. 248.

Mr. Speaker, as indicated in the Budget Speech for 2023 – in the printed version of the Speech, it is on page 91 – we stated very clearly that the utilisation and application of this sum of \$5 billion provided for in the Budget will emerge from ongoing community engagements. Given in particular our recognition of the impact of global developments on the domestic economy as it relates to the cost of items is an ongoing and evolving situation.

At the time of the Budget, we had an anticipation of what the outlook of the global economy looks like and what the outlook of the domestic was at that time. We have, for

example, an anticipation of what fuel prices are likely to be; what food prices are likely to be; what fertiliser prices will be; and, indeed, the whole gamut of commodities that we import and their potential to impact the domestic economy. We made this very clear, as a Government who is committed to a people-centred approach to governance; as a Government who is having ongoing close engagement with the citizens of Guyana; and as a Government who indeed prides itself on the proximity with which it engages the people of Guyana, every day, our President and Ministers are engaging in consultations in the communities throughout the length and breadth of this country.

3.07 p.m.

We said, very clearly at the time of the Budget, that the application of these resources will emerge from ongoing community engagements and from our assessment of the evolving global and domestic economic situation. I believe that was made abundantly and pellucidly clear, in the Budget Speech for 2023. Thank you very much.

Mr. Speaker: Thank you very much, Minister.

Mr. Speaker: Question number 15 is in the name of the Hon. Member, Ms. Ferguson. Would you like a follow-up, Hon. Member?

Ms. Ferguson: There are several questions.

Mr. Speaker: I was just asking if you want a follow-up for the Hon. Senior Minister?

Ms. Ferguson: No.

Mr. Speaker: You may proceed, with your question for the Hon. Minister of Public Works.

14. Provision of \$5B for the alleviation of the high cost of living

Ms. Ferguson: The National Budget of 2023 has a provision of \$5B for the alleviation of the High Cost of Living (budget speech 2023, page 91).

1. Could the Honourable Minister with responsibility for Finance state what established criterion was set out for the distribution of the monies and how can persons access the forms?

2. Can the Minister inform the National Assembly of what assessment was used to arrive at \$5B to address the high cost of living?

3. Can the Minister state whether there is a capped sum from the \$5B across regions? If yes, kindly provide a disaggregation per region?

4. Can the Minister inform this Assembly when the \$5B is expected to be rolled out across the regions?

5. Can the Minister inform the National Assembly what mechanisms are in place to ensure timely announcements are made?

Mr. Speaker, just for clarification's sake, number 14 has five parts. Could I proceed to ask them one by one?

Mr. Speaker: Well, you put the question, if he did not answer all five parts and you want an opportunity...

Ms. Ferguson: No, but he did not Sir.

Mr. Chairman: ...to restate them to the Hon. Minister, I will give you that chance.

Ms. Ferguson: Thank you very much, Mr. Speaker. Part two of question 14:

Can the Minister inform the National Assembly of what assessment was used to arrive at \$5 billion to address the high cost of living?

This is part two. Perhaps I can then proceed up to part five with your permission or one by one.

Dr. Singh: Mr. Speaker, I might perhaps help the Hon. Member. The question has five parts. If I understood your last but one intervention, you are granting permission for all five parts to be put at one time and I will then respond to them. Initially, the Hon. Member only put part one of the question and I responded to the part that was put. Would you like her Sir now to put all five parts?

Mr. Speaker: Hon. Member, I put the question of how many parts that is relevant to me. I put the question so you can answer if you want all at once.

Dr. Singh: I say this only because the Hon. Member has only read part two.

Mr. Speaker: Go ahead, Hon. Minister. Please, go ahead.

Dr. Singh: Very well, Sir. If I might in my current intervention address all five parts of the question as published in the Notice Paper, the Hon. Member asked in part two, what assessment was done to arrive at \$5 billion? In response to that, as previously indicated and in fact when this question was last asked, the sum of \$5 billion represented at the best estimate at the time we prepared the

Budget of what the total value of the interventions we would implement would comprise of.

Needless to say, Sir, it represented an estimate as at that time, the future and ensuing engagements and consultations we would engage in, as well as the evolving global and domestic economic situations that will of course determine whether that sum would need to be augmented. The \$5 billion represented our best estimate of the value of the interventions that would be needed and that estimate having been formulated at the time we were doing the Budget.

Part three of the question enquires about whether there is a regional disaggregation and the answer to that is no.

Part four enquires when the sum is expected to be rolled out across the regions and my answer to that is the interventions would be implemented during the course of the current fiscal year, and certainly before the end of the fiscal year.

Part five states: can the Minister inform the National Assembly what mechanisms are in place to ensure timely announcements are made? Once the interventions are determined, they would be announced using the traditional and standard means for communicating government interventions, including, of course, state agencies such as the Department of Public information and other similar public communications, and of course the public communications portfolio that the Government has very ably led, managed and discharged by my distinguished Colleague, Hon. Minister Mr. Kwame McCoy. Thank you very much, Sir.

Mr. Speaker: Hon. Member Ms. Ferguson, you have the floor.

Ms. Ferguson: Before we move on, let me just do a follow-up to the fourth question for which the Hon. Member provided a response. In responding, he made reference that the moneys would be rolled out during the current fiscal year. We are now in the month of July, the seventh month in the year. Can the Hon. Member state what percentage of the \$5 billion has been allocated, thus far, as of 19th July, 2023, and which regions benefitted?

Mr. Speaker: Hon. Minister, you have the floor.

Dr. Singh: Regrettably Sir, I do not have that information at my disposal currently.

Mr. Speaker: Thank you, Minister. Hon. Member Ms. Ferguson, you may ask your question of the Minister of Public Works.

Ms. Ferguson: Before I put question 15 to the Hon. Member, let me just go back to the previous speaker since he has committed to providing the information. I trust that he would lay it over to the National Assembly. Thank you very much.

15. Completion of the upgrade works on Cemetery Road

Ms. Ferguson: In a report carried in the Guyana Chronicle dated 17th March, 2023 re: "Cemetery Road expansion progressing smoothly. The project is expected to be completed by 19th July, 2023."

- a. Can the Hon. Minister inform the National Assembly whether the project will be completed by 19th July, 2023, if no, what caused the delay?

Mr. Speaker: Hon. Minister, Bishop Juan Edghill, you have the floor.

Minister of Public Works [Bishop Edghill]: Thank you very much, Mr. Speaker and thanks to the Hon. Member for the question. The Cemetery Road's road widening project forms part of a series of developmental projects that are taking place within Georgetown and in which we may best describe as the modernising of Georgetown.

I speak, Sir, of the development that we have seen and we are all enjoying at Independence Boulevard that is completed. I speak of the widening of the Aubrey Barker Road in which sections are already completed from Dynasty to the roundabout. There is work ongoing from the roundabout, one-kilometre in. I speak of the works that are being undertaken at Arapaima Street from Mandela Avenue all the way in. I speak, Sir, of the beautification project that is taking place at the Lamaha corridor from Main Street all the way to Sheriff Street. I speak of the developmental work, the four lanes being undertaken at Conversation Tree moving all the way from the Rupert Craig Highway into Drury Lane and the many other interventions in excess of \$6 billion that are being undertaken. Some of these projects are already completed.

The Cemetery Road Project of which the Hon. Member is enquiring was intended to be a four-lane upgrade; which is what we are working towards with a pedestrian walkway in the middle to enhance traffic safety, safety of our children heading to school, other citizens heading to clinic and elsewhere. This project has had some snags. I have been a Minister now at the Ministry of Public Works since August and this is the first time I have been asked to report to the National Assembly, specifically, on a specific project. I welcome the opportunity. It would appear that this project

has attracted the attention of Members of the Opposition and that is why they are asking and, I guess, they are admiring what is taking place throughout the entire Georgetown area. What has happened? This project was supposed to be completed on 19th July. As I stand here today, the fact is the project is not completed.

Now, the other part of the question is what caused the delay? This project started on time shortly after the signing of the contract and the evidence is there. It is now known around that the contractor had to change several teams because of the location of this project and the superstitious nature of our country. When some members of staff started falling sick, there was interpretation by some that it had to do with some supernatural force that was at work and the rest of it, and workers started staying away from the project. That is one of the things that delayed the project. If the Hon. Members would like to hear the answers at minimum they should listen because it would be helpful.

Secondly, the other cause for the delay was rainfall. All of us have seen and known that the drains in the Cemetery Road alignment have been consistently flooded and waters from the burial ground have been coming in. We have sought some engineering interventions of where to dispose of the water. To be able to get it done, they have tried several different avenues. I am happy to report, if the Hon. Member and other Members who seem to be making light of people's health concerns and people's difficulties, if they travel and traverse that alignment right now, they would see significant progress being made, in that the work which was at a sloth at a particular time, is now moving forward. To give a specific date as to when this project would be completed and to ensure accuracy and to give this House accurate information, I would not want to give a particular committal. What I can say is that the engineers as well as the contractor have been engaging. As a matter of fact, I am aware that some instructions have been given to the contractor for the speeding up of the project.

3.22 p.m.

The Ministry has indicated that it has no objections to subcontracting elements of the project; since there are two bridges, two culverts, along with the road and the widening of the fence to be built. Components of this project should be subcontracted to improve the time. We are anticipating that before the end of this year the entire project should be fulfilled.

The third thing that has caused some delay in the project – I do not want to be casting blame, because the Government

must take responsibility – is that we have to remove poles and electrical wires. The Guyana Power and Light Incorporated (GPL) has indicated to me, when I enquired about the delays, that it is scheduling the work, which should all be completed sometime by 5th August, to minimise power interruptions during the hours when citizens are going to be benefitting, whether it is on weekends or the rest of it. We have to do some removal of utilities, which means electrical poles and wires. The GPL would like to do that in such a way that would reduce interruptions to citizens. Those are the reasons for the delays at this particular time. Thank you.

Mr. Speaker: Thank you, hon. Member. Hon. Member Mr. Ramsaroop, proceed.

Mr. Ramsaroop: Mr. Speaker, if you give me the permission, I would like to ask just a follow-up question to the Hon. Minister. I do not want to say “excuse,” but regarding the explanation that the Minister mentioned about the road, could I ask the Minister if there was any environmental impact assessment (EIA) done for that project, knowing of all the issues he mentioned?

Bishop Edghill: I am not sure what the Hon. Member is looking for, but we are simply...

Mr. Mahipaul: The abbreviation EIA means environmental impact assessment.

Bishop Edghill: We know what EIA means. Sir, we are widening a road to improve traffic flow to facilitate the sort of development that is taking place in Guyana. Just as we did on the Aubrey Barker Road that we are widening, just as we did on Arapaima Street, just as we did on Independence Boulevard, we engage the residents and the citizens to facilitate the development. I do not know that there was a need or a request for an EIA for the project. That road has been there before I was born and before many of us in this National Assembly was born. We are just simply improving the road.

Mr. Speaker: I remember last year's budget debate when I asked about the Independence Boulevard, and you said soon. Thank you. I was around when that road was done. In fact, the headlines in the graphic read, “Is someone walking on my head?”

Ms. Ferguson: Mr. Speaker, just before I put my supplementary question to the Hon. Member, I heard you made mention about the Independence Boulevard. Now that project has been commissioned, I would like to invite you to take a walk in the area to see exactly what residents will have to face whenever it rains. After that project, you take a

walk whenever it rains. The road is higher than the peoples' yards. Come December or October, those people in West La Penitence, Castello Housing Scheme and Albouystown are in trouble. I just wanted to put that on record.

I have a supplementary question to the question asked earlier. I would like to ask the Hon. Member, when last did he visit the project site as Minister? I heard you made mention about the road being widened on both sides, but if you pass there now, what I recognised is that concrete drains were erected in some areas and some areas got stagnated water. I do not know how this road is widening, Minister. Perhaps, you will need to provide us with a diagram so that we can get a better understanding. My question to you is: when last did you visit the project site as Minister and what interventions have you made?

Bishop Edghill: Since this is the National Assembly and whatever is said here goes into the permanent record, I need to say clearly that the Independence Boulevard project that the Hon. Member referred to just now was a project that carries with it, from end to end, concrete drains on both sides. It is drainage that the area never had before.

Secondly, I would like to indicate to this honourable House that since we have developed the Independence Boulevard, the interlocking streets into Albouystown and into some of the other areas are being upgraded. I think nine such streets have already been completed and the others are about to be undertaken. The road is definitely higher. When the concrete roads are built, they would also be built higher. I need to also indicate that Albouystown had seen drainage and desilting works in a manner and in a fashion unheard of before taking place this year and last year – unheard of before. I would also want to indicate that the Albouystown residents are on record in the media praising this project as well as praising the drainage interventions that have been made in Albouystown. For an Hon. Member to come to this House and to seek to throw shade on such an important project that has meant so much to the people of that community, I find that to be very disturbing.

Regarding the follow-up question that the Hon. Member asked, when was the last time, as Minister, I visited this project, I can safely tell the Hon. Member it was at 8.53 a.m. this morning. Thank you.

Leader of the Opposition [Mr. Norton]: I visited the area recently and the residents pointed out that the entire area was flooded. Could you, as Minister, say to me if the residents complained to you, and if when you were there this morning, you verified that it is flooding the people in those areas?

What is it you intend to do, as Minister, to deal with the situation?

Bishop Edghill: I am amazed that the Hon. Member, the Opposition Leader, is indicating to this House that he visited the residents of the Cemetery Road project this morning.

Mr. Mahipaul: It is not Cemetery Road.

Bishop Edghill: I was speaking about the Cemetery Road.

Mr. Norton: On a Point of Order, I did not say it was the Cemetery Road.

Bishop Edghill: I wanted to know if he visited the dead. The question that the Hon. Member asked me about when last I visited the project, which I said was at 8.53 a.m. this morning, was in relation to the Cemetery Road. That is the question I am answering. If you want to deal with flooding in Albouystown and the other areas...

Mr. Speaker: You can leave Albouystown, because I cut my hair this morning there.

Bishop Edghill: Was there flooding there?

Mr. Speaker: No.

Bishop Edghill: I just wanted to report that to the House, because when we make these statements that go on the public record and we do not answer... I can categorically state that there is no flooding in Albouystown or any of the areas adjoining the Independence Boulevard as of today. There is none. Where there is waterlogging is in Cemetery Road in the vicinity of the burial ground. That is why I was asking if it was there the Leader of the Opposition visited and consulted with the residents. That is what I was concerned about.

Mr. Duncan: Mr. Speaker, I wanted to ask the Hon. Member on the first... The Hon. Member spoke about the snags in the project and he referenced spirits frightening away the workers. The Bishop said, "the spirits". I wanted to ask the Hon. Member, what has been the situation to date with the spirits and the workers? If the condition persists where the spirits are running the workers out of the burial ground, what will be the intervention of the Government on the spirits running the workers and presenting snags in the project?

Mr. Speaker: It is not the first time we have had to deal with these phenomena. Hon. Member Mr. Henry, it is not the first time in the House.

Bishop Edghill: Whenever I come to this Assembly, I think we come here to do serious business. This is not a comedy show; this is not a comedy show. I repeat again, this is not a comedy show. Men were out there working who took ill. It is because of the nature of our country and beliefs, people ascribe the illness to be because of where they are working. I never said anything in this Assembly about spirits. I never said so. You are so obsessed with spirits...[*interruption*].

[*Mr. Speaker hit the gavel.*]

Mr. Speaker, for the purpose of clarity, I want to ask that the Hansard be retrieved to deal with that. When Members take things of people's welfare lightly and try to trivialise, it speaks about the nature of leadership that we are providing as a country. People were working and a team of men started a job, some got ill and they pulled off, their families said to not return and recruiting new people became a challenge because they heard the first set got ill. I was simply speaking about the nature of our country and the sorts of beliefs that our people harbour. I never spoke about spirits interfering with anybody. As far as I know, theologically, a dead person cannot have a spirit.

Mr. Speaker: Hon. Members, we have 40 minutes allocated for oral questions on notice. As of now, we have exhausted the 40 minutes. I will give Hon. Member Ms. Ferguson an opportunity to put question 16.

Ms. Ferguson: Thank you very much, Mr. Speaker, for your kind consideration. Before I move to question 16, I just want to let the Hon. Member and his Colleagues know that despite the Independence Boulevard and all the infrastructural works done in South Georgetown, the people voted against the People's Progressive Party/Civic (PPP/C).

16. Monies spent for the upgrade of cemetery road

In a report carried in the Guyana Chronicle, dated March 17, 2022, re: "Cemetery Road expansion progressing smoothly." The project is expected to be completed by July 19, 2023."

- a. Can the Hon. Minister inform the National Assembly of the amount of monies spent as of May 25, 2023, from the total project cost of \$475M?

3.37 p.m.

Mr. Speaker, you will agree with me that this question has been overtaken by time because our last sitting of the National Assembly was on 10th May. These questions should have already been answered. With your leave, could I extend the period to...

Mr. Speaker: Hon. Member, one would get an opportunity to do a supplementary.

Ms. Ferguson: That is all right. Thank you.

Bishop Edghill: Mr. Speaker, on behalf of the People's Progressive Party/Civic (PPP/C), I would like to thank all the citizens of Georgetown who participated in the Local Government Elections (LGE) which saw almost 7,000 more citizens voting for the PPP/C at local government elections as before. I would like to express my thanks to those people.

[**Mr. Duncan:** (*Inaudible*)] A win is a win, man. I am not one that is mathematically challenged. This project was awarded at a total project sum of \$475 million. At the time of preparing the answer to this question, the contractor had received - his mobilisation advance of \$142,521,051 and one interim payment of \$48,973,270 which represented payment for works that are done and materials on site. Thank you, Sir.

Ms. Ferguson: Thank you very much, Mr. Speaker and the Hon. Member for his response. One would agree with me that if we visit there now, I will not see \$142 million in works being done and \$48 million and change. I am moving on, Cde. Speaker.

- b. Could the Hon. Minister inform the National Assembly whether there is a 'cost overrun' of the project? If yes, what is the new project cost? Thank you.

Bishop Edghill: Mr. Speaker, the Hon. Member asking the question should be fully aware of contract management since she served as a Minister within the Ministry of Public Infrastructure at that time. I would assume that they ought to know what a mobilisation advance represents and how it is recovered over a period of the project. This is a measured works contract, and I can assure the National Assembly that the payments that were made to this contractor to date are based upon the terms and conditions of the contract and the measurements that have been made. As it relates to cost overruns – we do not anticipate any cost overruns. This project was given to a contractor to fulfil a particular scope. The issue that we have been having is one of time. The difficulty is the time it is taking. Not the cost. Right now, we have no difficulty with cost overruns. Thank you, Sir.

Mr. Speaker: Thank you, Hon. Minister.

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

Suspension of Standing Order No. 13

WHEREAS the Planning and Development Single Window System Bill 2022 – Bill No. 26 of 2022 was referred to a Special Select Committee on 24th April, 2023;

AND WHEREAS the Special Select Committee has completed its work and the motion and Bill are on the Order Paper for consideration and third reading at the next Sitting;

AND WHEREAS it is the intention of the Government to have the motion adopted and the Bill be read a third time in order to allow the National Assembly to approve same and for the President to assent for implementation of the legislation;

BE IT RESOLVED:

That Standing Order No. 13 (Order of Business) be suspended to allow the Assembly to consider the Committees Business after consideration of Government's Business at its Sitting on 20th July, 2023.

[Minister of Parliamentary Affairs and Governance]

Ms. Teixeira: I brought a motion requesting suspension of Standing Order No. 13, which deals with the Order of Business. As you will notice, the Order of Business makes it clear in relation to reports by committees coming further down the agenda. Sir, as you know, the Special Select Committee on the Planning and Development Single Window System Bill was sent to a Select Committee and amended and unanimously supported by the Committee. It was sent back to the House and is on the Order Paper under Committees' Business for third reading. The suspension of the Order of Business, Standing Order No. 13, will allow for this very important bill and report to come up on the agenda. Rather than being at Committees' Business, it will allow it to come up earlier under Government's Business so that we can conclude and safely pass this very important bill today. Thank you, Sir.

Mr. Speaker: Thank you, Hon. Minister. Hon. Members, the motion is proposed.

Question put and agreed to.

Standing Order suspended.

INTRODUCTION OF BILLS AND FIRST READING

The following Bills were introduced and read the first time:

(1) **Electronic Communications and Transactions Bill 2023 – Bill No. 9/2023**

A Bill intituled:

“An Act to provide for the facilitation and regulation of secure electronic communications, transactions and receipt, payment and transfer of money and for their legal recognition, to promote the development of the legal and business infrastructure necessary to implement secure electronic commerce and to enhance efficient delivery of governance by public authorities by means of reliable electronic records and electronic filing of documents and for related matters.”

[Minister of Tourism, Industry and Commerce]

(2) **Real Estate Agents and Brokers Bill 2023 – Bill No. 11/2023**

A Bill intituled:

“An Act to provide for the registration and regulation of Real Estate Agents and Brokers in Guyana; to promote transparency, accountability and integrity in the Real Estate profession; to protect and assist persons engaged in transactions with Real Estate Agents and to assist in the detection and prevention of money laundering, terrorist financing and proliferation financing, and to provide for other related matters.”

(3) **Guyana Compliance Commission Bill 2023 – Bill No. 12/2023**

A Bill intituled:

“An Act to provide adequate supervision to reporting entities (Designated Non-Financial Business or Professions and Non-Bank Financial Institutions) for compliance with obligations under the Anti-Money Laundering and Countering the Financing of Terrorism Act; to enhance the compliance, guidance and training regime on money laundering, terrorism financing and proliferation financing in Guyana; to provide domestic and international cooperation; and to provide for other related matters.”

(4) Anti-Money Laundering and Countering the Finance of Terrorism (Amendment) Bill 2023 – Bill No. 13/2023

A Bill intituled:

“An Act to amend the Anti-Money Laundering and Countering the Financing of Terrorism Act.”

[Attorney General and Minister of Legal Affairs]

(5) Data Protection Bill 2023 – Bill No. 14/2023

A Bill intituled:

“An Act to regulate the collection, keeping, processing, use and dissemination of personal data; to protect the privacy of individuals in relation to their personal data; and provide for related matters.”

[Prime Minister]

PUBLIC BUSINESS

GOVERNMENT'S BUSINESS

Motion

Consideration of Financial Paper No. 1/2023 – Capital Estimates

“BE IT RESOLVED:

Financial Paper No. 1/2023 - Supplementary Estimates (Capital) – Advances made from the Contingency Fund totalling \$4,743,000,000 for the period 1st March, 2023 to 20th April, 2023.”

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

Mr. Speaker: Hon. Members, we will resolve ourselves into Committee of Supply to consider Financial Paper No. 1 of 2023.

Assembly in Committee of Supply.

[Mr. Chairman in aside with the Clerk.]

Mr. Chairman: I now invite the Hon. Senior Minister in the Office of the President with Responsibility for Finance to make his presentation.

Dr. Singh: Thank you very much, Mr. Chairman. In accordance with Article 171 (2) of the Constitution, I signify that Cabinet has recommended for consideration by the

Assembly the motion for the approval of the proposals set out in Financial Paper No. 1/ 2023 Supplementary Estimates (Capital) – Advances made from the Contingency Fund totalling \$4,743,000,000 for the period 1st March, 2023 to 20th April, 2023 and I now move the motion.

Motion proposed.

3.52 p.m.

Capital Expenditure

Item 1 16-162 Ministry of Amerindian Affairs – Community Development and Empowerment – Amerindian Development Fund – \$4,743,000,000

Ms. Lawrence: If you would allow me, before I ask my questions, to give congratulations to the new Member in this House – Cde. Coonjah. I want to congratulate her and say to other women in and out of Guyana that Cde. Coonjah is one who walked the path for a very long time, and it still shows that women in this country could make it to the highest level of decision making. Congratulations, and I look forward with all of my colleagues on this side of the House to work with you. Let me also take this opportunity, given Mr. Speaker, to congratulate the honourable Doctor on this side of the House being voted into the position by the Government as the Deputy Speaker of the House. Once again, we women congratulate you and look forward to working with you, Doctor.

My question to the Hon. Minister is that you went to the Contingency Fund for an advance of some 175% above the amount allocated in the budget, which was passed a mere six weeks prior to this request being laid in the House. I would like the Minister to indicate to us how this expense was unforeseen at that time that it could not be included in the budget?

Minister of Amerindian Affairs [Ms. Campbell-Sukhai]: Mr. Chairman, with respect to the question from the Hon. Member of the A Partnership for National Unity/Alliance For Change (APNU/AFC) side of the House, I wish to put to this House that the issue of heading to this Contingency Fund for the allocation of the \$4,743,000,000 is nothing that is not known. The People's Progressive Party/Civic (PPP/C) Government has embarked, since it came into office, on developing and expanding the Low Carbon Development Strategy (LCDS), which all of us in this House and the entire nation understand that there was continuous wide-spread consultation and nothing new that is happening today is not anything new. The funds that are being allocated at this point in time are going to the segment of our population that is

recognised and has been receiving support from our Government. We have walked the walk, and we have talked the talk with respect to Indigenous people's development.

I want to say here that in the last 28 years of the People's National Congress Reform (PNC/R), the APNU, the one Guyana rig, has done nothing substantial to improve the well-being and welfare or even to accelerate the development. In the most recent period, I recall that there have been many attempts by those from the APNU/AFC side of the House to sideline, deprive, cut the allocations, and to ensure that there is no significant movement, even though it had a recent five-year tenure where it was shouting high and low that it would like to reduce the gaps that exist between the Coastal and the Hinterland and to remind you that in the Hinterland, more than 95% of our indigenous population is located. This money that is being transferred directly to indigenous villages has never happened before. Therefore, I do not expect from the other side any objections to additional financial resources for the investment and the improvement of the lives of the indigenous people of this country that we would have an issue. Therefore, I want to say that it is legitimate, it is a much-needed transfer, and the Low Carbon Development Strategy, which speaks about the sale of our forest services and the assignment of 15% to the indigenous population and local communities, is exactly what our Government is doing.

Ms. Lawrence: Mr. Chairman, I am still waiting on the answer for the question that I posed. I know you pay attention to these matters. I am still awaiting a response. May I repeat, Minister?

Mr. Chairman: Go ahead, Hon. Member.

Ms. Lawrence: Thank you, Mr. Chairman. Minister, the Fiscal Management and Accountability Act of 2003 states that when we go to the Contingency Fund to take out money, it must meet a set of criteria. It speaks about unforeseen; it speaks about it being an emergency, *et cetera*. Here it is you are coming to the House six weeks after the budget, and you are asking us to approve in this House an allocation of \$4.7 billion, which is 175% greater than the allocation that we give to you in the budget. Could you just say what was unforeseen? What is the emergency? What was the explanation you gave to the Cabinet? The Minister with responsibility for Finance said that the Cabinet considered it. What was that explanation given? Could you share the urgency with us? Could you share the importance? Could you share what was unforeseen at the time when you presented the budget? Thank you.

Ms. Campbell-Sukhai: Mr. Chairman, if the Hon. Member does not recognise in this day and age that there is an emergency, that there is haste, and that there is importantly enough justification for indigenous development to be accelerated... They themselves appeal to this nation that they wanted to close the gaps. What gaps? At least you recognised that there are gaps, that you have been responsible for a number of years. Therefore, when the PPP/C Government is making and taking a strong position to address the gaps, is that not an emergency? Are you telling me that indigenous people's development is not an emergency or important? Say it to this House. Say it to this nation.

Ms. Lawrence: Mr. Chairman, let me just say to the Hon. Minister, with all due respect, the issue here on this side of the House is not spending moneys on our people, whether they are indigenous or not. It is about accountability. It is about transparency. That is what it is. I will allow the people of Guyana to judge. I will move on to my next question. Could the Hon. Minister indicate what is the legal standing of the Amerindian Development Fund?

Ms. Campbell-Sukhai: Mr. Chairman, the question just posed has no relevance under this issue that we are discussing.

Ms. Lawrence: Mr. Chairman, sorry, could you please give me a minute?

Mr. Chairman: Go ahead, Hon. Member.

Ms. Lawrence: Mr. Chairman, this document was circulated by this National Assembly. What is happening here this afternoon? It states and may I read so that the public could hear? It states:

“Item No. 1, Agency code 16-162, Aagency – Ministry of Amerindian Affairs –Community Development and Empowerment, Chart of Account – 1400100, Description – Amerindian Development Fund, Voted Provision - \$2,740,000,000, Local Provision being sought - \$4,743,000,000”.

I am not making up the Amerindian Development Fund. I am asking the Minister since the document here states that the description is the Amerindian Development Fund, what is the legal standing? We are talking about billions of dollars putting into a fund. I have never seen a report from this Amerindian Development Fund laid in this National Assembly or anywhere else. I am asking for accountability and transparency. What is the legal standing of the Amerindian Development Fund?

Ms. Campbell-Sukhai: Mr. Chairman, it sometimes surprises me in this House; every year we come to this House, there is a programme under the Ministry of Amerindian Affairs that speaks to the Amerindian Development Funds under which allocations for capital items and programmes are usually assigned. If the Hon. Member does not see the relevance and know at this point in time that it is a programme, I do not know when they will really understand what is happening and what this Government is advancing for the development of Indigenous people.

4.07 p.m.

Mr. Chairman: Hon. Member Mr. Patterson, go ahead.

Mr. Patterson: Thank you, Mr. Chairman, just let me start, I have two questions. Could I ask the Minister to disaggregate this \$4.72 billion?

Ms. Campbell-Sukhai: Mr. Chairman, this aggregation is going to take quite a while because this aggregation here is an allocation of amounts that are allocated to 242 villages and communities. Mr. Chairman...

Mr. Chairman: You were continuing Hon. Minister?

Ms. Campbell-Sukhai: Mr. Chairman, we could lay it over.

Mr. Chairman: Thank you. Hon. Member Mr. Patterson, you may have the floor.

Mr. Patterson: Thank you, Mr. Chairman. Before I ask, one normally would say to the Minister when and within what time. As the Speaker, one would normally impose a timeframe for it to be laid over. I will just ask you to continue with what you have been doing before I go to my next question.

Mr. Chairman: Hon. Minister, when and within what timeframe the Member asks?

Ms. Campbell-Sukhai: Mr. Chairman, I choose to read out or disaggregate for the benefit of the Hon. Member Mr. Patterson, the House and this nation. For Region One: Arukamai - GYD\$18 million, Assakata - \$18 million, Baramita - \$35 million, Bumbury Hill - \$15 million, Kariako - \$24 million, Chinese Landing - \$15 million, Hobodia - \$18 million, Hotoquai - \$18 million, Kamwatta MAB - \$18 million, Kokerite - \$15 million, Koriabo - \$18 million, Kwebanna - \$24 million, Santa Cruz - \$15 million, Red Hill - \$24 million, Mora - \$24 million, Parakese Island - \$24 million, Santa Rosa & Islands - \$24 million, Kamwatta (Moruca) - \$24 million, Huridah - \$24 million,

Karaburi - \$35 million, Haimaruni - \$15 million, Koko - \$18 million, Kairie - \$18 million, Kumaka - \$35 million, Rincon - \$24 million, Cabora - \$18 million, Wallaba - \$15 million, Manawarin - \$35 million, Arwansa - \$15 million, Sebai - \$35 million, Warapoka - \$24 million, Tobago and Wauna Hill - \$15 million, Waikrebi (Homesteads) - 15 million, Waini Three Brothers - \$15 million dollars, White Water - \$35 million, Yarakita - \$24 million, Four Miles - \$24 million, Waramuri/Moruca - \$35 million, Haimacabra - \$35 million, Para - \$15 million, 7 Mile Branch Road - \$15 million, Skyland - \$15 million, Eclipse Falls - \$24 million, Tasawini - \$15 million, Canal Bank - \$24 million, Annibisi - \$10 million, Arakaka - \$35 million, Orinoque - \$24 million, Citrus Grove - \$18 million, Barasina - \$15 million, Black Water Savannah - \$15 million, Blackwater Barima - \$15 million, St. Anslym Barima River - \$18 million, Unity Square - \$10 million, Powaikuru - \$15 million, Aruka Mouth - \$18 million, Imbotero - \$18 million, Lower Kaituma - \$15 million, Smith Creek - \$18 million, Barabina - \$18 million, Koberimo - \$15 million, Lower Koriabo - \$10 million, St. Dominic - \$15 million, Arau - \$10 million, Sacred Heart Village - \$15 million, Morawannah - \$10 million, Thomas Hill - \$18 million, Barimanabo - \$15 million, Hosororo - \$24 million, Waicarabi - \$15 million, Mabaruma Settlement - \$35 million, Wauana - \$18 million, Almond Beach - \$10 million, Khanhill - \$15 million, Wanina Hill - \$15 million, Matthew's Ridge - \$35 million, Minab - \$15 million, One Mile - \$18 million, Sugar Hill - \$15 million, Wanakai - \$10 million, Kinchee Creek - \$15 million, Hobo Hill - \$15 million, Unity Grant - \$10 million and Fathers Beach - \$10 million.

For Region Two: Akawini - \$35-million, St. Monica - \$24 million, Karawab - \$24 million, Bethany - \$24 million, Capoey - \$24 million, Kabakaburi - \$24 million, Mainstay/Whyaka - \$24 million, Mashabo - \$18 million, Tapakuma (St. Deny's) - \$18 million, and Wakapau - \$35 million.

For the Coastal Regions: Santa Mission - \$18 million, Santa Aratak - \$15 million, St. Cuthbert's Mission - \$35 million, Silver Hill - \$18 million, Kuru Kururu - \$15 million, Adventure - \$15 million, Kairuni - \$24 million, Circuit Ville - \$24 million, Tiger Bone - \$10 million, Long Creek - \$18 million, St. Francis/Moraikobai - \$35 million, Orealla - \$24 million, Siparuta - \$24 million, Cashew Island - \$10 million, Saxacalli - \$15 million, Lower Bonasika - \$15 million, Caria Caria - \$15 million, Swan - \$24 million, Waiakabra - \$18 million and Laluni - \$24 million.

Region Seven: Isseneru - \$18 million, Kaburi - \$18 million, Karrau - \$24 million, Kambaru - \$24 million, Arau - \$15 million, Chinoweng - \$24 million, Wax Creek - \$15 million, Kaikan - \$18 million, Kurutuku - \$15 million, Jawalla - \$35 million, Abou - \$10 million, Quebanang - \$18 million, Kamarang - \$35 million, Paruima - \$24 million, Phillippi - \$35 million, Amokokopai - \$18 million, Klaimalu - \$15 million, Wayaleng - \$15 million, Kako - \$24 million, Kangaruma - \$18 million, Tassarene - \$18 million, Batavia - \$24 million, Waramadong - \$35 million, Dagg point - \$24 million, Agatash - \$24 million, Kartabo - \$18 million, Iteballi - \$24 million, Turungbang - \$15 million.

Region Eight: Campbelltown - \$24 million, Princeville - \$15 million, Muruwa - \$10 million, Itabac - \$15 million, Kaibarupai - \$18 million, Kamana - \$15 million, Kanapang - \$15 million, Penak - \$10 million, Kato - \$24 million, Chiung Mouth - \$15 million, Red Creek - \$10 million, Kopinang - \$24 million, Kurukabaru - \$24 million, Arasawa - \$15 million, Micobie - \$24 million, Monkey Mountain - \$24 million, Paramakatoi - \$35 million, Mountain Foot - \$18 million, Bamboo Creek - \$24 million, Karisparu - \$15 million, Taruka - \$15 million, Chenapou - \$24 million, Tuseneng - \$15 million, Waipa - \$18 million, Kurubrong - \$10 million, Katch-cow - \$10 million, Sand Hill - \$15 million, Maikwak - \$15 million and El Paso - \$10 million.

Region Nine: Achiwib - \$24 million, Bashaizon - \$15 million, Aishalton - \$35 million, Churikadarnau - \$15 million, Annai Central - \$24 million, Wowetta - \$18 million, Rupetee - \$18 million, Kwatamang - \$18 million, Surama - \$18 million, Apoteri - \$15 million, Awarewaunau - \$24 million, Crash Water - \$15 million, Fair View - \$15 million, Karasabai - \$35 million.

4.22 p.m.

Taushida – \$15 million; Kokshebai – \$15 million; Rukumuta – \$15 million; Tiger Pond – \$18 million; Pai Pang – \$15 million; Yurong Paru; – \$18 million; Tiperu – \$18 million; Karaudarnau – \$35 million; Katoka – \$24 million; Semonie – \$15 million; Saint Ignatius – \$35 million; Kumu – \$18 million; Quarrie – \$15 million; Yakarinta – \$24 million; Yupukari – \$24 million; Fly Hill – \$15 million; Kwatata – \$18 million; Kaicumbay – \$15 million; Toka – \$15 million; Konashen – \$24 million; Maruranau – \$24 million; Massara – \$18 million; Kwaimatta – \$15 million; Mocomoco – \$24 million; Nappi – \$24 million; Hiawa – \$18 million; Parishara – \$24 million; Parikwaranau – \$15 million; Potarinau – \$24 million; Kattur – \$15 million; Shiriri – \$10 million; Baitun – \$18 million; Rewa – \$15 million; Rupanau – \$18 million;

Werimor – \$10 million; Sand Creek – \$24 million; Sawariwau – \$24 million; Katunarib – \$18 million; Shulinab – \$24 million; Kuiko – \$18 million; Meriwau – \$15 million; Shea – \$18 million; Parabara – \$15 million; and Aranaputa – \$24 million.

In Region 10 there is Great Falls – \$15 million; Hururu – \$24 million; Parapi – \$10 million; Malali – \$15 million; Muritaro – \$18 million; Wikki/Calcuni – \$15 million; Kaitapin – \$10 million; Wiruni – \$18 million; Riverview – \$35 million; Rockstone – \$15 million; Fall Mouth – \$15 million; Kimbia – \$18 million; and Sand Hills – \$18 million. This is a total of \$4,743,000,000. *[Applause]*

Ms. Fernandes: Could the Hon. Minister say what methodology was utilised by the Ministry to determine what amounts of money would be distributed to every community? That is my first question.

Ms. Campbell-Sukhai: It was the population. **[Mr. Mahipaul:** Nobody heard your answer.]

Mr. Chairman: Hon. Minister, you have the floor.

Ms. Campbell-Sukhai: Mr. Chairman, I said it was the population's size.

Ms. Fernandes: Could the Hon. Minister say what are the population sizes of Agatash, Dog Point and Karau?

Ms. Campbell-Sukhai: Mr. Chairman, I will lay that over. My documents currently here do not have them disaggregated. It will be laid over.

Ms. Fernandes: I will look forward to the information being laid over, Sir. For the sake of the question, all three of those areas were given \$24 million. My next question is – by what methods were the money distributed to the communities? Was it distributed to an individual? Was the money taken in black bags or placed in a specific account? How was the money distributed to the communities?

Ms. Campbell-Sukhai: Mr. Chairman, the money was transferred to special bank accounts in the name of the village councils for each village.

Ms. Hastings-Williams: Mr. Chairman, I have two questions. One – could you confirm to this House that you have received project proposals from all 200 plus communities and their satellites? That is my first question.

Ms. Campbell-Sukhai: Mr. Chairman, 216 villages and communities, thus far, out of the 242 have submitted their village sustainable plans.

Ms. Hastings-Williams: Thank you for that answer, Minister. My second question is – could you confirm or tell this House if these allocations represent the amount requested by the village councils for the projects or if there were any adjustments made to the requests?

Ms. Campbell-Sukhai: Mr. Chairman, each village's sustainable plan was submitted for the amount allocated.

Ms. Fernandes: Could the Hon. Minister say if plans were submitted for Agatash, Dog Point, and Karau?

Ms. Campbell-Sukhai: Mr. Chairman, village sustainable plans were received from Dog Point, Agatash, Karatabu, Itaballi. This includes, Turumbang.

Ms. Fernandes: I did not hear. So, was none submitted from Karau?

Ms. Campbell: Karau's was one of the first that was submitted.

Ms. Fernandes: You did not say that. That is why I asked.

Ms. Campbell-Sukhai: You asked only for a particular three, but I gave you more.

Ms. Fernandes: I asked for Karau, Agatash and Dog Point.

Mr. Chairman: Hon. Members, please, I am in charge. If you want to crosstalk you can go outside.

Ms. Campbell-Sukhai: Yes. Karau submitted. In fact, Mr. Chairman, Karau was instrumental in also supporting the completion of those for the other villages within and outside the region.

Mr. Norton: Mr. Chairman, in the first place, it was suggested that the population determined this. Now, as you listen, it is as if it was based on sustainable development plans. Could you tell us about the correlation between the population and sustainable plans and the factors that determined or caused that uniformity of numbers in general?

Ms. Campbell-Sukhai: Mr. Chairman, the principal factor was the population. Populations with one to 100 people received \$10 million; from 101 to 300 received \$15 million; 301 to 500 received \$18 million; 501 to 1000 received \$24 million; and 1001 and over received \$35 million. So, those communities that fell within the bracket received the same amount.

Mr. Norton: Mr. Chairman, I asked for the correlation between the population and the sustainable development plans. The Minister suggested that these plans were

submitted. I have no problem with the population numbers. There seems to be no correlation between how the population was determined vis-à-vis the sustainable plan. That is what I am trying to query.

Ms. Campbell-Sukhai: Mr. Chairman, I will again repeat that the allocation was based on population. The village councils and villagers sat, consulted, and engaged with each other. According to the amount or allocation received, these initial sustainable plans that they submitted added up to that. They did not over budget.

Mr. Henry: At agency code 16-162, the Legend states:

“Provision of additional resources to meet the payment of 15 percent contribution from Carbon Credit Inflows to Amerindian villages, satellite villages and communities.”

There were 15% contributions from carbon credit inflows. The carbon credits of the Indigenous people were sold by the Government, so they must be payments. It cannot be the contribution. It has to be payments to the communities from the carbon credit inflows. I would like to ask if that could be corrected in the future as a beginning. I have more questions.

Ms. Campbell-Sukhai: That is noted, Mr. Chairman.

Mr. Henry: The other question I have is – how come this unilateral amount of \$15% became the amount to be paid? Were the communities consulted? As I do recall, the Amerindian Act states quite distinctly that only the villages' general meetings can make decisions related to those kinds of things such as carbon credit sales, land usage, *et cetera*. Were the Indigenous village councils consulted before the 15% was agreed upon?

Ms. Campbell-Sukhai: Mr. Chairman, the consultation on the Low Carbon Development Strategy (LCDS) lasted for approximately seven to eight months. During that period, the Indigenous population and all other stakeholders had an opportunity to be engaged and consulted at different times. Yes, the hinterland, including rural communities and Amerindian villages were all consulted with respect to not only the extension or the expanded LCDS as our development strategy, but also on the allocation. One would recall in the Resolution that the National Toshias Council (NTC) provided at the last NTC Conference in Georgetown, right in this building... A Resolution was passed where they alluded to the support and approval of that amount. You asked what the rationale was for the allocation of 15%, well, it was estimated that the forest of the Indigenous people and the hinterland communities add up to about 12.7%.

4.37 p.m.

Mr. Henry: Thank you...

Mr. Chairman: Before you ask, let us just acknowledge our work study students who have just finished their stint with us for the last six weeks. Go ahead.

Mr. Henry: Thank you, Mr. Chairman. I listened as the Minister informed us that NTC has played a major role in agreeing to this 15% being paid but I wish to differ when she said that the communities were consulted properly. That is not so. The Indigenous communities were not given the opportunity to be consulted on that. Also, the Amerindian Act does not allow the NTC to make any legal decision on behalf of the Indigenous communities where land and their land resources are concerned.

The next question I have is on the payments. We were told that the moneys were paid to the village councils directly. I guess through their bank accounts. There are reports coming out of Karasabai that one Community Development Officer (CDO) has been purchasing stuff on behalf of the communities. Actually, the report was that he purchased two dilapidated vehicles on behalf of the villages of Kakshibai and Yurong Peru. I would like to request or ask that this be dealt with forthwith and that the Indigenous communities be given a chance to get what...

Mr. Chairman: Hon. Member...Hon. Minister, I will give you an opportunity to make a statement with respect to the Hon. Member's first statement, and if you wish to respond to the allegations or observations which he just made.

Ms. Campbell-Sukhai: Mr. Chairman, I will respond to the Hon. Member with respect to his assumption or opinion that there was a lack of consultation with the villages. Maybe he was absenting himself, but the Office of Climate Change and the leading facilitators who did the consultations, actually went out into the fields and the villages in clusters were consulted. With respect to the Amerindian Act speaking to the fact that the NTC cannot speak on behalf of the villages, I want to remind him that the NTC is made up of village leaders duly elected. It is an elected body, but separately, each member of the NTC wears the hat of a Toshao. They have the ability to engage their community, to consult with them, to come up with agreements and to speak on behalf of their village. They are elected to do so.

With respect to the payments, all payments were paid to a special bank account established by the village council through their Toshao. If the Hon. Member has any substantive report to make based on a CDO or his

assumption or allegations, he is free to submit that to our Ministry and we will examine or investigate the matter.

Mr. Mahipaul: Mr. Chairman, I heard the Hon. Minister calling out some villages in Region 3, but I did not hear the village, Santa Aratak. Could the Hon. Minister say if Santa Aratak is on the list and, additionally, if Saxacalli is on the list and Riverview in the Bonasika Creek.

Ms. Campbell-Sukhai: Mr. Chairman, I read separately Santa Mission and Aratak. They are one village, but Aratak is a satellite. If you had followed, you would have heard, for example, Annai Central. They received an allocation and all their satellites Ruperti, Wowetta, *et cetera*, received separate allocations for their satellite. This is because they are administered by Senior Councillors even though they are one village. They have separate schools, health centres and councillors who are responsible for the administration and management of what takes place in their satellites. Similarly, Aratak received and Saxacalli, yes, has received.

Mr. Mahipaul: Sir, the other village I was enquiring about was Riverview in Region 3. There is a Riverview in Region 10 and there is one in Region 3. The one in Region 3, I am not sure if the Hon. Minister called out that one because I did not hear that.

Ms. Campbell-Sukhai: Riverview in Region 10 received.

Mr. Mahipaul: Sir, I am talking about the one in Region 3 that has a population of over 100 Indigenous people or Amerindian people. I am not sure if the Minister is aware where it is located but I will assist her. It is in the Bonasika Creek. It is the first village you reach on the left-hand side. It is a village of a group of Indigenous people that migrated from Moruca. They have occupied there. There are a number of developmental works that were done there under the Coalition. I know there was revetment work done there, there is a basketball court and there is a ballfield that the Coalition built also. It is a village with a number of Indigenous people and if I am guided, it is perhaps the village with the second highest Indigenous people in Region 3.

Mr. Chairman: Thank you very much for the information. Hon. Minister of Amerindian Affairs, you have the floor.

Ms. Campbell-Sukhai: Yes, Mr. Chairman but he is calling it by a different name. We have them classified as Lower Bonasika.

Mr. Mahipaul: I did not hear that.

Ms. Campbell-Sukhai: It is Lower Bonasika.

Mr. Mahipaul: Mr. Chairman, there is Lower Bonasika and there is Upper Bonasika. Lower Bonasika has Indigenous people and Upper Bonasika has Indigenous people. This village is before Lower Bonasika. It is as soon as you enter the Bonasika Creek...

Mr. Chairman: Hon. Member, the Minister said it has been classified by the Ministry of Amerindian Affairs as Lower Bonasika.

Mr. Mahipaul: I am enquiring, Sir. There are three distinct areas in the Bonasika Creek, and I heard the Minister classifying it as Lower Bonasika. My follow-up to that is how much of that allocation – which I think and if I am guided correctly was \$10 million or \$15 million – would go to this particular village that is separate from Lower Bonasika? There are two areas there if you are categorising it as Lower Bonasika.

Mr. Chairman: Hon. Minister, the Hon. Member may have a different classification here.

Ms. Campbell-Sukhai: I will answer the second part of his question and that is, what amount goes to each one. That is a decision by the village or the community. That is their decision. We do not dictate.

Mr. Mahipaul: Would the Minister be kind enough to repeat the sum for Lower Bonasika?

Ms. Campbell-Sukhai: It is \$15 million.

Mr. Mahipaul: Thank you.

Mr. Henry: I would like to compliment the Government on the 15% being granted but the communities are asking for more. Is this Government contemplating readjusting that 15% upwards at any time? We on this side think that it should be at least 30% up.

Mr. Chairman: You have asked the question Hon. Member. I have been lenient in allowing you to expound other things. Go ahead, Hon. Minister.

Ms. Campbell-Sukhai: Mr. Chairman, these allocations that we have read out for each village are going directly to the village councils for their direct intervention. However, it has been clearly stated in the Low Carbon Development Strategy and during the consultation and informative sessions, *et cetera*, that 85% from the carbon sales will go to support development of all of us, including the Indigenous people. To remind you, the Indigenous villages and local communities in the hinterland also received Presidential grants. From time to time, they would receive various

economic investment grants, including support with capital items. If you have been following also the information in relation to the Low Carbon Development Strategy, this is the first tranche of payments. The villages direct payment would have another tranche when Guyana receives the next tranche of payments.

Mr. Henry: The understanding is that it would not be negotiated and go upwards. It will remain as it is. Is that so?

Ms. Campbell-Sukhai: Mr. Chairman, I will answer the question in this form. Indigenous development requires a lot of investments. We as a Government has found a solution to accelerating support for Indigenous development and hinterland development. The last Government offered us, as Indigenous people, no hope and no alternative.

Ms. Fernandes: Could the Hon. Minister say who are the signatories to the accounts that these funds are being placed in?

Ms. Campbell-Sukhai: The signatories to the accounts are the Toshao of the village or the Chairperson of the Community Development Councils for the communities and the Permanent Secretary of the Ministry of Amerindian Affairs.

Ms. Fernandes: With that, the moneys are already placed in the account based on the information we received, and, also, these programmes have already been received by the Ministry. Moving forward, what is the process for the villages to access the money to start the projects that they have identified?

Ms. Campbell-Sukhai: The villages determine when they want to access or to withdraw. They withdraw based on their priorities as stated in their village sustainable plans.

Ms. Fernandes: Could the Hon. Minister say how many villages have already withdrawn moneys from this account?

Ms. Campbell-Sukhai: Mr. Chairman, 145 villages.

Mr. Chairman: Thank you Minister. Hon. Members you would agree with me that we have examined and questioned, thoroughly, this allocation.

Item 1: 16-162 Ministry of Amerindian Affairs – Community Development and Empowerment – Amerindian Development Fund – \$4,743,000,000 agreed to and ordered to stand part of the Schedule.

Mr. Chairman: We have completed the consideration of the items in this Financial Paper.

Question

“That this Committee of Supply approves of the proposals set in Financial Paper No. 1 of 2023 – Schedule of Contingency Fund Advances on the Capital Estimates totalling \$4,743,000,000 for the period 1st March, 2023 to 20th April, 2023.”

put and agreed to.

4.52 p.m.

Assembly resumed.

Mr. Speaker: I want to thank the Minister and her staff for us taking through that item. Hon. Senior Minister in the Office of the President with Responsibility for Finance, you have the floor.

Dr. Singh: Thank you, very much, Mr. Speaker. I wish to report that the Committee of Supply (COS) has approved of the proposal set out in Financial Paper No. 1/2023 and I now move that the Assembly doth agree with the Committee in the said Resolution. Thank you, very much, Sir.

Motion put and agreed to.

Mr. Speaker: This completes our consideration of Financial Paper No. 1/2023. Hon. Members this is a good time to take the suspension for one hour.

Sitting suspended at 4.53 p.m.

Sitting resumed at 6.22 p.m.

Motion to approve Supplementary Financial Paper No. 2/2023

“BE IT RESOLVED:

That this National Assembly approves of the proposal set out in Financial Paper No. 2 of 2023 – Schedule of Supplementary Provision (Capital) totalling twenty-six billion, five hundred and thirty-two million (\$26,532,000,000) for the period ending 2023-12-31.”

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

Assembly in Committee of Supply.

Motion proposed.

Mr. Chairman: We will consider the paper as usual.

Capital Expenditure

Item 1: 03-031 – Ministry of Finance – Policy and Administration – Low Carbon Development Programme - \$26,532,000,000

Ms. Lawrence: Mr. Chairman, this Financial Paper No. 2 of 2023 represents an *ex-ante* approval of funds prior to expenditure. From this side of the House, we see it as poor budgeting, given the fact that the disclosure of the agreement with the Hess Corporation was made in December, 2022, along with the first disbursement. The question to the Hon. Minister is: why could this request not have been allocated in the 2023 Budget, which was presented in February of this year.

Dr. Singh: Like the Hon. Member clearly recognises, this paper is a companion financial paper to the one that we just considered. In that first financial paper addressing the first disbursement channel, if we might describe it as such, 15% of the proceeds of the sale of carbon credits that would be earmarked for development projects in Amerindian communities was addressed by the first financial paper. The second financial paper addresses the remainder, the 85%, being implemented through the second disbursement channel. These are the projects of national character to be financed out of the proceeds of the sale of carbon credits. Clearly, in the Hon. Member’s preface to the question, she recognises how these two papers fit together.

Let me remind this Committee that this is a completely new transaction and a completely novel arrangement. Guyana is the first country in the world to have achieved jurisdiction scale certification of our carbon credits. This has not been done anywhere else before. In its implementation, it is essential that, in many respects, pioneering administrative structures be put in place in relation to the receipt, custody, management and expenditure of these resources. The Hon. Member quite correctly pointed out that the agreement with the Hess Corporation was announced, I believe the Hon. Member said correctly, in December. It was December. At that time, it was in the very early stages. The agreement had been executed in December and no payments had been received until much later in the month. Even at the end of the year we had only received, I believe, one or two initial instalments. Of the total of US\$150 million, we only actually received the final instalment, if I am not mistaken, less than a week ago, on 17th July to be precise. At the time, the budget was being presented, the administrative arrangements governing the receipt, budgeting, allocation, and implementation of projects funded by these resources had not yet been worked out.

It is for that reason we have now come with these two, now that the flows have started being received. Like I said, the most recent payment was received just three days ago or so, the 17th July. The administrative arrangements are now being refined because, like I said, we are doing this for the first time. We have to do this in a way that will be a globally replicable model. Nobody has done this before. That is the reason these two financial papers are coming. That is precisely the reason why these two financial papers are coming. Essentially, they reflect 15% going to Amerindian projects or projects in Amerindian communities and 85% going to projects of a national character. Thank you very much, Sir.

Ms. Lawrence: Appearing in the *Stabroek News* online edition of Monday 17th April, 2023, is the Vice-President stating:

“All of these transactions... will be appropriately tagged with a unique identifier on the Integrated Financial Management Information System (IFMIS) within the Ministry of Finance to enable the execution of annual audits.”

The Government is aware that it will be having this \$26.532 billion to spend, but yet we have a financial paper presented in this House and it lack any details in terms of how the Government is going to disburse or appropriate this \$26.532 billion. To the Minister, I have four questions based on that. If you do not mind, Mr. Chairman, I would like to put the questions to the Minister so that the Minister can provide us with what answers he has here this evening or lay over what he does not have at his disposal.

This first one is: what are the broad objectives for the use of the funds? For example, climate adaptation, climate mitigation, disaster relief, flood control, *et cetera*. The second one is: could you give a brief description, the duration, and estimated cost of each of those projects to be financed from these funds? The third one is: in the listing of those projects, can you identify what are new projects and ongoing projects that have support from other entities? In that, I mean financed by other entities. Lastly is: whether these projects have been included in the Public Sector Investment Programme (PSIP) and the capital projects profiles?

Dr. Singh: I thank the Hon. Member for asking those questions, because they are questions that go to the core of the issue and they provide us with a valuable opportunity to elaborate, not only on what we will be doing with these

resources but indeed the administrative architecture that has been put in place to manage the resources.

The Hon. Member, first of all, cited from a news article that referred to some statements made by the Hon. Vice-President. We would all recall those statements being made by the Vice-President. In fact, it is those very arrangements regarding the tagging of the resources so that we can identify clearly which initiatives were being funded out of the proceeds of the sale of the carbon credits and how we would do that. It is precisely those kinds of arrangements that were being worked on, designed, and put in place between the time the agreement was signed and the time the Vice-President made that announcement. Hon. Member, you are right in that the comments made by the Vice-President alluded to one aspect of the arrangements, the tagging of the expenditure, *et cetera*.

You asked about the broader objectives. I could give a short answer to that. That short answer would be that the broad objectives of the projects to be financed from the proceeds of the sale of the carbon credits are the objectives that are outlined in the Low Carbon Development Strategy 2030. It would be recalled that this LCDS was the subject of debate and ultimately a resolution that emerged from this House. During the course of that debate, and emerging from any perusal of the LCDS, one would note that the critical initiatives that we anticipate being implemented under the LCDS are those that will enable us to transition to a high economic growth but low carbon intensity path. Foremost amongst these, if I were just to highlight a few, would be climate adaptation, in particular climate adaptation infrastructure, given the challenges that we face with climate change and the low lying coastal plain, which needs no repetition in this honourable House.

6.35 p.m.

The Hon. Member mentioned a number of areas. She spoke of adaptation. She spoke of flood control and flood mitigation. I commend the Hon. Member for her evident familiarity with the Low Carbon Development Strategy (LCDS). Hon. Member, I think all those areas that you mentioned would fit quite comfortably within the broad objectives of the Low Carbon Development Strategy. To give you some sense of the projects that are intended to be implemented, these include... Most of them are not completely new because they are projects that had been identified and spoken of previously at one forum or another or at one time or another. First of all, I can say that there will be a significant investment in sea defences. You may know

of the challenges we face with sea defences. Reinforcement and expansion of our sea defence infrastructure will be a critical component of this.

Drainage and irrigation infrastructure: As you know, we had spoken previously about replicating the Hope-like canal structures. Members of this honourable House would recall the construction of the Hope Canal, which ultimately led to a significant strengthening of our drainage and irrigation capabilities, particularly on the East Coast of Demerara (ECD). Also, because of its strategic location, it afforded very valuable protection even to Georgetown, as was evidenced during the May/June, 2021 floods. We have said publicly that we will replicate the Hope Canal. In addition to sea defences, two major initiatives under this programme will be a replication of the Hope Canal infrastructure – one in Region 5 and one in Region 6. In addition, we will be investing in additional pumping capability, procurement of mobile pumps and additional equipment, including long-range excavators. We will be reinforcing and rehabilitating sluices. Those are the main items to be funded under this initiative.

In addition to that, there are also costs that are associated with ensuring continued adherence to the Architecture for REDD+ Transactions' (ART) The REDD+ Environmental Excellence Standard (TREES) and certifications. It would be recalled that this stream of revenue is dependent on maintaining certification under the ART's TREES mechanism – the Architecture for REDD+ Transactions. We also have an allocation here that is intended to strengthen administrative and technical capabilities to comply with the ART's TREES standards and maintain our certification going forward. Mr. Chairman, that is, perhaps, a not-so-brief summary, but the Hon. Member clearly has a good flavour and sense of the types of initiatives that will be implemented under this project and the main objectives that are being pursued.

The third question was in relation to whether these are new projects or ongoing projects. I suppose it depends on what one describes as a project as such. One could consider reinforcement of sea defences in Region 2 as a project. One could consider the construction of new canals in Region 5 and Region 6 as projects in their own right. One could also consider reinforcement of coastal sea defences as a broader initiative. I suppose it depends on where one draws the boundary around what constitutes a project. The big projects will be sea defences, the major canal outfall in Region 5, the major canal outfall in Region 6, the mobile pumps and the sluices. Whether one defines those as discreet projects or

parts of a bigger project, I think is really a matter of where one draws the boundaries of the project.

In relation to inclusion in the Public Sector Investment Programme (PSIP), now that this supplementary appropriation has been brought to this House, once the appropriation is approved, these projects, we anticipate, particularly the bigger ones, will be projects that will extend beyond the year and they will certainly be included in the budget for 2024, including the relevant project profiles, *et cetera*. Sir, I hope that helps to clarify the matter. Thank you very much.

Mr. Chairman: Thank you very much, Minister. Hon. Member, Ms. Lawrence, you have the floor.

Ms. Lawrence: Thank you, Mr. Chairman. Thank you, Minister. Mr. Chairman, please allow me to go back to the first question to ask a supplemental. The Minister spoke about climate adaptation, climate mitigation and flood control, but one of the areas which brings much contention in our country and among our people is disaster relief. It always ends up with a political distaste in one's mouth – one set of people get, and the other set of people do not get. For this aspect of relief coming under this programme, I would like to ask the Minister whether there is any consideration being given to any modelling – I do not know if that is the right term to use – in terms of how we address disaster relief. That is one.

The second thing to add is that while we look at flooding and our sea defences, *et cetera*, we must take into consideration that, over the past couple of years, we have noted that those communities close to our sea and rivers have been experiencing high winds that are taking off people's roofs, among other things. I think we need to ensure that we put some money for those types of disasters. We have also noted in the hinterland that places which never flooded before are flooding. We have also had several reports of what can be termed as hailstorms in some of our hinterland areas. I want to bring that to the National Assembly and ask the Minister, through the Chairman, that consideration be given in terms of how we dispense the moneys for the various projects. Mr. Chairman, may I continue to ask my questions?

Mr. Chairman: [*Inaudible*]

Ms. Lawrence: Thank you. Through you, Mr. Chairman, I think the Minister indicated that these are mega-projects we are speaking about. We are speaking about the replication of the Hope Canal, *et cetera* in Regions 5 and 6. There is no doubt – we are speaking about it at the end of July – that

these are projects that will begin soon but they will roll over into 2024. My question is whether there will be some type of mechanism in place to have the funds that are not utilised in 2023, utilised for the projects in 2024. Could you kindly expound on that?

Dr. Singh: On the first observation regarding disaster relief or flood relief, the type of direct financial support to households, *et cetera*, the first point that I would like to make is that the projected expenditure under this project does not include a component for flood relief or disaster relief in the form of direct transfers to households or to individuals. There is no provision in these amounts for that type of intervention.

The second point that I would like to make is that in relation to any emergency relief intervention that involves direct transfers to households, a balance always has to be struck between how elaborate a mechanism is set up to verify eligibility, on the one hand, and on the other hand, the timeliness with which one can respond by actually delivering this relief. One could err on one end of the spectrum and have a very elaborate, robust, rigorous mechanism for verifying eligibility, whether it is means testing or other verification or whatever it is. But it would be fairly obvious that by the time that is set up and one does the necessary multiple rounds of verification, *et cetera*, it may end up being too late to actually deliver the relief to those who most critically need it. At the other end of the spectrum, one could adopt an approach that provides universal coverage. That way, if one does not have an elaborate system for verification of means, *et cetera*, then one could implement it in a relatively timely manner. If one says every household will get relief, then that can be rolled out relatively quickly. A balance has to be struck between the two.

The approach that this Government has taken is that we would like to ensure that when people are struck by a disaster, they get immediate relief. However, we would like to ensure that they get immediate relief without compromising the rigor and integrity of the system that we have put in place to deliver that relief. I note the Hon. Member's comment and I will say that we pride ourselves that most of our relief programmes, if not all, are universal programmes. We do not have a means test to say that some official is going to sit down and decide which household is going to be eligible and which will not be eligible. Instead, we say all households shall be eligible for flood relief. When we are giving out grants for children in school, we do not have an elaborate set of criteria to determine which children will be eligible or which families will be eligible or which

families will not. We say that all Guyanese families will be eligible, and all children will be eligible. That has been this Government's approach and we pride ourselves on the fact that we have been able to deliver relief to every household in a timely manner.

The Hon. Member made a number of useful comments. She highlighted some of the other types of catastrophes that people face. They are a little unusual, but we see them occurring a little more frequently now. She mentioned the high winds. We have seen incidents of people's roofs being blown off their homes. The Hon. Member mentioned hailstorms. We have seen at least one incident, in recent times, of a very unusual occurrence of a hailstorm or hail occurring in Guyana. I could not agree more with the Hon. Member that those are indeed occurrences that we are now seeing that we have to be attentive to in seeing how we can deliver relief when they occur. Thankfully, they do not occur that frequently. Thankfully, thus far, when they have occurred, they have occurred in relatively isolated areas. We should be thankful for this, although we would much prefer if they did not occur at all. Where they occur and cause catastrophic damage to the assets of households or the assets of a community, as a Government, particularly as a Government that is caring and concerned about the wellbeing of people, we would certainly be happy to design appropriate interventions as, and when, the circumstances arise.

The final question that the Hon. Member asked was in relation to the rollover projects. The Hon. Member is right that these projects, particularly the bigger ones – the two Hope-like canals and perhaps the major sea defence intervention – are probably not going to be fully executed this year. The Hon. Member alluded to the Vice-President's comments in his press conference where he said they will be processed through the budget. So, we will adhere to the well-embedded and deeply entrenched-budgetary arrangements that have been existing in Guyana since time immemorial. That is, to respect the annuality of appropriations. To the extent that funds are not utilised within the current fiscal year, we will re-budget them in the next fiscal year to complete the projects. That is in keeping with standard budgetary practice because we have committed to managing these resources through our national budgetary processes. Thank you very much, Sir.

6.50 p.m.

Ms. Lawrence: To the Hon. Minister, I am of the opinion that having received this transfer of money from Hess

Corporation, this money was placed into an account. My questions to you are: is this a special account? Is this account in Guyana or is it outside of Guyana? Is it an interest-bearing account? If it is an interest-bearing account, then could you tell the Committee how the interest will be disbursed?

Dr. Singh: Here again, that is an important question because it is part of the administrative architecture to which I referred earlier. This is an architecture, like I said, that was designed to meet and comply with the standards, including the fiduciary standards with which we have to comply. When the purchasers of the carbon credits pay for the credits that they have purchased, those payments go into an overseas bank account. That bank account is held outside of Guyana. When the funds are utilised, during the course of the utilisation, in accordance with the projects that are agreed, as the funds are utilised for the purposes of those projects, transfers are made from the overseas bank account to the Consolidated Fund to process the funds through the Consolidated Fund. We are maintaining full accounting for all of the receipts, all of the transfers into the Consolidated Fund and all of the expenditure from the Consolidated Fund. Let me say that again. We are maintaining full accounting of all of the receipts into the initial account that receives the proceeds of the sales, the transfers that are made from that account to the Consolidated Fund and the expenditure that is met out of the Consolidated Fund.

In relation to the question about whether the account is interest bearing, I will hesitate slightly on that. I rather suspect that it is, but I am not in the habit of proffering definitive answers when I feel a slight hint of hesitancy. I rather suspect that it, Sir, but I will hesitate a little on that answer. Thank you very much.

Ms. Lawrence: Just a follow-up for the Minister. I hear you on your hesitancy. Could you say whether you will inform this House later about whether it is an interest-bearing account? The second part of it is: if it is, how are you going to distribute that interest? Could you inform the House when you have verified or clarified whether it is interest bearing?

Dr. Singh: Certainly, Mr. Chairman. That is a clarification that could quite easily be sought and shared with the Hon. Member.

Item 1: 03-031 Ministry of Finance – Policy and Administration – Low Carbon Development Programme - \$26,532,000,000 agreed to and ordered to stand part of the Schedule.

Question

“That the Committee of Supply approves of the proposals set in Financial Paper No. 2 of 2023 – Schedule of Supplementary Provision on the Capital Estimates totalling \$26,532,000,000 for the period ending 2023-12-31.”

Put and agreed to.

Assembly resumed.

Dr. Singh: I am pleased to report that the Committee of Supply has approved of the proposals set out in Financial Paper No. 2/2023 and I now move that the Assembly doth agree with the Committee in the said Resolution.

Motion put and agreed to.

Suspension of Standing Order Nos. 13 (n) and 54

BE IT RESOLVED:

“That Standing Orders Nos. 13 (n) and 54 be suspended to enable the Supplementary Appropriation Bill 2023, Bill No. 8/2023 to be introduced at this stage.”

[Senior Minister in the Office of the President with Responsibility for Finance on behalf of the Prime Minister]

Question put and agreed to.

Standing Order suspended.

Dr. Singh: Mr. Speaker, in accordance with paragraph (2) of article 171 of the Constitution, I signify that Cabinet has recommended the Supplementary Appropriation No 1/2023, Bill 2023 – Bill No. 8/2023 for consideration by the National Assembly. I now present this Bill to the Assembly and move that it be read the first time.

INTRODUCTION OF BILLS AND FIRST READING

The following Bill was introduced and read the first time:

Supplementary Appropriation No. 1/2023 Bill 2023 – Bill No. 8/2023

A Bill intituled:

“An Act to provide for the issue from the Consolidated Fund of the sums necessary to meet the expenditure (not otherwise lawfully charged on the Consolidated Fund) of the Cooperative Republic of Guyana for the fiscal year ending 31st December, 2023, estimates whereof have been approved by the National Assembly, and for the appropriation of

those sums for the specified purposes, in conformity with the Constitution.”

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

Question put and carried.

Bill read the first time.

Dr. Singh: Mr. Speaker, I move that the Supplementary Appropriation No. 1/2023 Bill 2023, No. 8/2023 be read a second time.

PUBLIC BUSINESS

GOVERNMENT’S BUSINESS

Bills – Second and Third Readings

Supplementary Appropriation No. 1/2023 Bill 2023 – Bill No.8/2023

A Bill intituled:

“An Act to provide for the issue from the Consolidated Fund of the sums necessary to meet the expenditure (not otherwise lawfully charged on the Consolidated Fund) of the Cooperative Republic of Guyana for the fiscal year ending 31st December, 2023, estimates whereof have been approved by the National Assembly, and for the appropriation of those sums for the specified purposes, in conformity with the Constitution.”

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

Dr. Singh: Mr. Speaker, I move that the Supplementary Appropriation No. 1/2023 Bill 2023 – Bill No.8/2023 be read a second time.

Question put and carried.

Bill read a second time.

Dr. Singh: Mr. Speaker, I move that the Supplementary Appropriation No. 1/2023 Bill 2023 – Bill No.8/2023 be read a third time.

Question put and carried.

Bill read the third time and passed as printed.

Foreign Judgements (Reciprocal Enforcement) Bill 2023 – Bill No. 4/2023

A Bill intituled:

“An Act to repeal the Foreign Judgments (Reciprocal Enforcement) Act, and to make new provision for the enforcement of foreign judgments given in countries outside of Guyana which accord reciprocal treatment to judgments given in Guyana and for related matters.”

[Attorney General and Minister of Legal Affairs]

Mr. Speaker: Hon. Members, I think the Chief Whips are just trying to finalise their speaking lists. So, let us take a short suspension for five minutes.

Assembly suspended at 7.01 p.m.

Assembly resumed at 7.10 p.m.

Mr. Speaker: Hon. Members, we will now proceed with the second reading of the Foreign Judgments Reciprocal Enforcement Bill 2023, Bill No. 4/2023.

Ms. Teixeira: Mr. Speaker, could I interrupt you? Where are you putting the debate on the Confirmation of the Customs (Amendment of First Schedule) motion? I thought it was going to come after the Supplementary Financial Paper. Did we skip it or are you moving it to another location?

Mr. Speaker: We had a resolution for you to change the order.

Ms. Teixeira: That is not the one for which I changed the order. It was the Planning and Development Single-Window Systems Bill I changed. Under motions, there is the Confirmation of the Customs (Amendment of First Schedule) motion. I am just asking for guidance. Are you going to Foreign Judgments Reciprocal Enforcement Bill, motions and then back to Bills?

Mr. Speaker: This is the second reading of the Foreign Judgements Reciprocal Enforcement Bill, which is the next item on the Order Paper.

Ms. Teixeira: I understand that, Sir. I am asking where you are putting the Confirmation of the Customs (Amendment of First Schedule) motion?

Mr. Speaker: It is after that.

Ms. Teixeira: Then, you will go back to the second reading of Bills.

Mr. Speaker: This is the Order Paper which... yes.

Ms. Teixeira: I am just asking for clarification, Sir.

Mr. Speaker: Hon. Members, we will now proceed with the second reading of the Foreign Judgments Reciprocal Enforcement Bill 2023, Bill No. 4/2023, published on 17th April, 2023.

Attorney General and Minister of Legal Affairs [Mr. Nandlall]: The Bill that is before us, Bill No. 4/2023, Foreign Judgments Reciprocal Enforcement Bill 2023, represents yet another example of the Government's stated policy objective of modernising the statutory landscape and the legal infrastructure of our country. This was a manifesto promise of our Government and since we assumed Government in August, 2020, our Government has been aggressively delivering on this promise. No doubt, a modern body of laws and an efficient, competent, and impartial legal system are *sine qua non* of a vibrant, thriving and democratic society. This Bill is part of that menu of modern laws that are so necessary for economic development and investment, in particular, foreign investment. Litigation in any part of the world is expensive, protracted, and time consuming. In the end, every litigant expects the fruits of the litigation not only to be efficacious, but also effectively enforceable as far and as wide as possible.

7.14 p.m.

In brief, this Bill guarantees exactly that. Simply put, the reciprocal enforcement of foreign judgement refers to the local enforcement of foreign court orders, as well as the foreign enforcement of local court orders. In Guyana, as in most jurisdictions, the general principle is that the recognition and enforcement of foreign judgement is governed by domestic law and the principles of comity, reciprocity and *res judicata*. Comity and reciprocity are self-explanatory. *Res judicata* is a Latin phrase literally translated to mean that the issue in question has been decided by a court of competent jurisdiction in accordance with the laws of that jurisdiction, that is to say, the jurisdiction in which the dispute arose. Simply put, it means that the matter has already been litigated and conclusively and effectually determined. Therefore, it would be unnecessary, if not wrong, to relitigate it. In consequence, the judgement or order of the court produced by that litigation is enforceable in another jurisdiction on the basis of comity and reciprocity, which are set out in the laws of the enforcing jurisdiction, similar to the Bill that is before this House.

This Bill permits and authorises judgement and orders emanating from courts of Guyana to be enforced in any jurisdiction to which the Bill applies. Likewise, the Bill permits and authorises orders and judgements obtained in

any jurisdiction to which the Bill relates to be enforced and enforceable in Guyana. The Bill applies to some 60-odd countries which are set out in the schedule. It would be noted that the schedule contains every Commonwealth country, including every English-speaking Caribbean territory, and other major jurisdictions in the world, including the United States of America (USA) and China. It will also be noted that the list includes almost all of Guyana's important trading partners and investors. The Bill repeals and replaces the current statutory regime governing the enforcement and recognition of foreign judgements. Recognition means that the foreign judgement is equal to any other judgement emanating from our courts. Enforcement means that the foreign judgement can be executed in Guyana because it is recognised as equal to any order of court of a court of Guyana. The procedure to be employed to do so would be that which is set out in the Bill, coupled with the ordinary rules or procedure for the enforcement of judgement in Guyana. For completeness of the record, that procedure is set out in Part 72 of the Civil Procedure Rules of 2016 of the Supreme Court of Guyana, which bears the caption, "Reciprocal Enforcement of Foreign Judgements".

To appreciate the law concerning the reciprocal enforcement of foreign judgements and its importance, one must first understand the principle of sovereignty and its limiting effect on state power. The principle of sovereignty of a state dictates that a judgement delivered in one country cannot, in the absence of international agreement, have a direct operation in another country. Sovereignty, while protecting the dominion of a state, if strictly adhered to, creates barriers to international trade. It is out of this reasoning that the jurisprudence to enforce foreign judgement was developed. Historically, this area of the law has been regulated by: (1) The principle of comity of nations, which permits the recognition of foreign proceedings to the extent that such proceedings are determined to be orderly, fair and not detrimental to another nation's interest; (2) common law which allows the judgement credited to apply for summary judgement simply by producing the foreign judgment as proof of debt owed by the judgement debtor; and (3) statute law.

However, over time, states came to realise that legislation which sets out the statutory procedures offer persons more security as it creates certainty and predictability in the law. Through legislation, persons can benefit from a coherent, comprehensive and a predictable legal system. In Guyana, the statutory scheme for the recognition and enforcement of foreign judgements is governed by the Judgement Extension Ordinance of 1922 and the Foreign Judgement Reciprocal

Enforcement Act of 1961. The 1922 Ordinance provides for judgment obtained in a superior court in the United Kingdom (UK) to be registered and enforced in the Supreme Court of British Guiana. It also empowers the Governor, now Minister, if satisfied that reciprocal provisions have been made by a dominion outside the UK, to pass an order to extend the provisions of the Ordinance to that dominion.

The 1961 Act provides for securing on the basis of reciprocity, the enforcement by registration in Guyana, then British Guiana, of judgements in the superior courts of foreign countries. As can be seen from their enactment dates, both laws predate our independence and fall into the category of laws we inherited while under British rule. Particularly, our foreign judgement legal architecture, like the rest of the Commonwealth, is modelled after the Judgement Extension Act 1868 UK and the Foreign Judgement Reciprocal Enforcement Act 1933 United Kingdom. As indicated by the then Attorney General, Sir Fenton Ramsahoye, when he presented the Foreign Judgements (Reciprocal Enforcement) Bill in 1961 in the Legislative Council:

“... the Bill before this Council is, indeed, a complete reflection, word for word, of the United Kingdom statute.”

However, unlike the UK and other jurisdictions, such as Singapore, Kenya, Canada and Australia, which have amended their laws, Guyana’s laws have not been the subject of any legal reform. In fact, our law was only amended once in 1963. At the time of the passage of the parent law in 1961, our law was considered somewhat revolutionary. The then Attorney General, during the second reading of the Bill in 1961, had remarked that the law was:

“...a move in the right direction to break down barriers – political and constitutional barriers – that exist between countries so as to enable successful litigants in one country to achieve satisfaction, even if the defendant leaves the country before paying up and goes to another country.”

However, six decades later, if only by sheer passage of time, this Act has been rendered anachronistic. Considering the increase in fiscal, commercial and economic activities, the phenomenal rise in litigation, both nationally and transnationally and the cost and time consumed by the litigation, naturally, there has been a marked reluctance to relitigate legal issues in a new jurisdiction. This has resulted in a revamping of laws across the world that would permit the easy recognition and enforcement of judgements

obtained in one jurisdiction, in another jurisdiction. Consequently, a jurisdiction that is not part of the global framework becomes unattractive to investors. Bearing this in mind and coupled with the upward trajectory of Guyana and our recognition as the fastest-growing economy, this Government has decided that now is an opportune time to repeal the current law.

In short, the current law does not reflect best practices and does not promote international trade and investment. More importantly, it is a hindrance to persons who have obtained judgement in one jurisdiction but are unable to collect on their judgement in another jurisdiction. Justice demands that disputes should be settled in a timely manner, allowing such persons to collect on their judgement, especially where the defendant’s assets lie in another jurisdiction. This means that an effective system must be in place for persons to exercise and enforce their rights. This is crucial today. Due to an increase in travel and advancement in technology, assets can be quickly transferred across borders and without adequate law, persons will not be held accountable for their liabilities.

A legal review of our present framework revealed that our laws are problematic for a number of reasons, foremost being the laws are limited in their application to only a few countries. Citizens from the majority of countries with which we do business and conduct other relations cannot have their judgements recognised and enforced in Guyana. Under our current statutory regime, only the judgements from the United Kingdom, Trinidad and Tobago, Grenada, St. Lucia, Barbados, Leeward Islands, British Honduras, that is now Belize, Jamaica, Bermuda, Nigeria, St. Vincent, Bahamas and New South Wales can be enforced in the courts of Guyana and vice versa. This limitation was not cured by the Foreign Judgement (Reciprocal Enforcement) Act of 1961. Although Section III of the Act empowers the Minister, by order, to extend the Act to all foreign jurisdiction that offers Guyana’s reciprocity, there is no evidence that any order by the Minister, the Minister being the Attorney General, has been found. Diligent searches were made at the Attorney General’s Chambers and at the Ministry of Foreign Affairs to find an order that would have extended our current legislation outside of those countries that I have mentioned. No such order can be found. We have to assume that narrow list of countries are the only countries to which judgements obtained in Guyana can be enforced and vice versa.

Another difficulty with the current legislative scheme is that it does not set out clearly what judgements may be registered and enforced under the Act and which judgements are excluded from the scope of the Act. This grave uncertainty

has led to issues with the interpretation of the Act as well as enforcing the provisions of the Act. In other words, the effectiveness of the Act has not been established. The current legal regime is also limited as it only allows for the enforcement of money judgements. However, modern legislation has moved away from this antiquated position and has provided for the enforcement of non-monetary judgements. Some of those countries include Canada, Australia, New Zealand and Kenya. Moreover, the Commonwealth Secretariat, in its model on recognition of foreign judgement, has provided for the enforcement of non-monetary judgements. The Commonwealth model law also recognises the importance of other grounds for jurisdiction. As noted by the Commonwealth Secretariat, the list of grounds for jurisdiction in traditional Commonwealth legislative models is a restrictive one. The model law therefore includes additional grounds identified by reference to the subject matter of the dispute such as contract, tort, trust, *et cetera*.

To draft this Bill, the laws of Kenya, Singapore, Australia and Canada were examined. Additionally, we looked at the model recognition and enforcement of the Foreign Judgements (Reciprocal Enforcement) Bill prepared by the Commonwealth Secretariat. It is important to note that while the Commonwealth model abandons the system of registering and enforcing judgements based upon the principle of reciprocity, we have retained it. We believe this is important as, while states may have agreement on broad legal principles, there may be disparities concerning certain rules or procedures. Accordingly, the requirement for substantial reciprocity would continue to be a useful tool to ensure that foreign judgements that meet the applicable legal criteria are enforced in Guyana.

Clause 3 of the Bill cures the limitation issue and provides for the extension of the Act to the countries specified in the schedule. As I said, the schedule is quite vast in the number of countries that are enumerated therein. The schedule to the Bill lists all countries in the Commonwealth and also includes non-Commonwealth countries, such as China and the United States of America. Where a country is not listed in the schedule, this Bill shall also apply to that country if Guyana is obligated to recognise and enforce a judgement of that country under an international agreement. The Minister is also empowered to extend the Act to any country where the Minister is satisfied that substantial reciprocity will be given in relation to the enforcement, in that country, of the judgments obtained in the High Court of Guyana.

7.29 p.m.

Clause 4 specifies the list of judgments to which the Bill applies. As indicated, this is an updated list. Once law, the Act will apply to monetary and non-monetary judgments, including a judgment given in any court on appeal against these judgments. Further, the Act will apply to a judgment if that judgment requires the judgment debtor to make an interim payment of a sum of money to the judgment creditor. Additionally, an award in arbitration proceedings can be recognised and enforced. There are a number of international agreements enforced, to which Guyana is a party, on the subject of enforcement of arbitral awards. For example, the Convention on the Recognition and Enforcement of Foreign Arbitral Awards. In order for foreign judgments to be recognised and enforced in Guyana, they must be final and conclusive. This is the prevailing common law position, as stated in the case of *Nouvion against Freeman*, 1889, *The Law Reports (Appeal Cases) 15 App Cas 1*, page 1. In this case, Lord Herschell stated on page 9, on the question of finality or conclusiveness of foreign judgments:

“In order to establish that such a judgment has been pronounced it must be shown that in court by which it was pronounced it conclusively, finally, and for ever established the existence of the debt of which it is sought to be made conclusive evidence in this country, so as to make it *res judicata* between the parties.”

As noted in clause 4 of the Bill, a judgment shall be treated as final and conclusive even if there is an appeal pending against it, or the time within which the appeal may be made or leave for appeal requested has not expired. As explained by Lord Watson in the aforementioned case:

“...a foreign decree need not be final in the sense that it cannot be made the subject of appeal to a higher Court; but it must be final and unalterable in the Court which pronounced it; and if appealable the English Court will only enforce it, subject to conditions which will save the interest of those who have the right of appeal.”

Despite this established position, however, what we have found in practice is that where an appeal is pending, the court exercises its jurisdiction to stay the execution of foreign judgments until the determination of the appeal.

Clause 5 of the Bill provides an exhaustive list of judgments and orders that the Act would not apply to. This list represents what is practised throughout The Commonwealth. Some of the excluded judgments or orders are those relating to (a) – and for good reason, I may add – the recovery of

taxes or other charges of a similar nature or in respect of fines or other penalties; (b) exemplary, punitive, or multiple damages; and (c) periodic payment or maintenance of a spouse or former spouse, *et cetera*. There is a whole list of the types of judgments that are going to be exempted. Before a court in Guyana can entertain a foreign judgment, it must first satisfy itself that the court of the foreign territory has jurisdiction to entertain the matter. This is the most important criterion when seeking the recognition and enforcement of a foreign judgment.

Clause 6 covers the jurisdiction of the original court and represents established jurisprudence in this area of the law. It is an expanded list of what is presently featured in our law. Judgment may be established *inter alia*, where the judgment debtor expressly agrees to submit to the jurisdiction of the court by appearing voluntarily in the proceedings or the proceeding related to a dispute concerning title to real property located in the state of origin. Furthermore, a person will not be deemed to have submitted to the jurisdiction of the court if that person appeared for reasons such as to contest the jurisdiction of the court to protect or obtain the release of a property seized or threatened with seizure, or to ask the court to dismiss or stay the proceeding on the ground that the dispute should be submitted to arbitration or to the determination by a court other than the court before which it is situated.

Clause 7 provides that:

“A foreign judgment shall not be enforced except by registration under this Act.

An application for registration of a foreign judgment must be made “within six years” from:

“...the date of the judgment; or

...where there have been proceedings by way of an appeal against the judgment, the date of the last judgment given in those proceedings.”

This clause also provides that where the sum payable under a judgment to be registered is expressed in a currency other than Guyana’s currency, the judgment shall be registered as if it were a judgment for such a sum in the currency of Guyana, calculated at the rate of exchange prevailing at the date of the judgment of the original court.

Clause 7(5) provides that an application for registration of foreign judgments shall be made in accordance with Part 72 of the Civil Procedure Rules of the Supreme Court of Judicature. Part 72 deals with the reciprocal enforcement of

foreign judgment and it sets out the application, *et cetera* – how the application should be made.

Clause 9 enables a party against whom a registered judgment is enforceable, to seek to have the registration set aside. It also provides the grounds upon which registration may be set aside.

Clause 11 provides that a foreign judgment shall be recognised in any proceedings in Guyana without any registration or other formality as binding on the parties, so as to be a defence to a claim or conclusive of an issue. What this means is that the judgment will be recognised unless any of the grounds for refusal listed in the law is proven. This allows for legal certainty, predictability, and better collaboration and cooperation among countries. This is recognition without registration to establish the *factum* of the order itself, as opposed to when one wants to enforce it then one has to register it.

Moreover, the High Court shall not review a foreign judgment on the merits. The court is bound by the finding of fact on which the court of origin based its jurisdiction. The prohibition on review of foreign judgments on merits is very important in international affairs. This is a firmly established position since 1870 by the case of *Godard against Gray* – (1870) Law Reports, Court of Queen Bench V6, page 139 – where it was decided that a judgment of the foreign court of competent jurisdiction cannot be questioned on its merits when recognition or enforcement is sought despite that it may have been proven wrong in either law or fact. However, the Bill also provides for instances where a foreign judgment will not be recognised in Guyana. For example:

“A foreign judgment shall not be recognised if at the time the judgment is relied upon in proceedings in Guyana –

(a) proceedings between the same parties and having the same subject matter pending before a court in Guyana, having been commenced before the proceedings that give rise to the judgment...;

(b) the judgment is inconsistent with a judgment made either in Guyana or in a foreign country, provided that in the latter case the judgment meets the condition for recognition;

(c) the judgment was rendered in proceedings that were conducted contrary to the principles of procedural fairness and natural justice;

(d) the judgment is manifestly contrary to public policy;

(e) the judgment was obtained by fraud.”

There are a number of other important but ancillary issues that are contained in clauses 12, 13, 14, 15, 16 and 17 of the Bill, including power of transition from the old law into the new one and the power given to the Minister to enact regulations. This Bill is long overdue, and it constitutes another step in the modernising and updating of our legislation. It will contribute in a major way to our international relations with other states, especially since we have extended reciprocity to Commonwealth and non-Commonwealth states. As a result of this law, Guyana will be viewed as a jurisdiction that makes justice accessible, regardless of where the matter originates. Persons can have confidence now in our justice system because of the codification of all the developments taking place and those which have taken place in this area, and the clear procedure for seeking justice established in the Bill. It cannot be stressed enough that the lack of robust and contemporary recognition and enforcement regime impedes the effective conduct of international trade, hence the reason this Bill forms part of our developmental agenda.

Mr. Speaker, this Bill is timely, and its passage will go a long way in the ultimate transformation of our legal landscape and legal machinery. I commend that the Bill be read for a second time. Thank you. *[Applause]*

Minister of Public Service [Ms. Parag]: Mr. Speaker, from the onset, I wish to congratulate and thank my Cabinet colleague, the Hon. Attorney General and Minister of Legal Affairs, Senior Counsel Mr. Nandlall, and his diligent team at the Ministry of Legal Affairs, for bringing to the attention of this House yet another piece of antiquated legislation that requires our attention and subsequent rectification.

We have said time and time again that Guyana has all the resources it needs to become a thriving and progressive nation, but this requires being able to maintain an environment that is efficient, transparent, and accommodating to foreign relations, especially to trade and investment. We must, as leaders of this nation, ensure that our country's development aligns perfectly with the protection of its interest and that of its people and private sector partners. Certainly, this cannot happen overnight. It requires the implementation of a series of sensible, innovative, and comprehensive initiatives. The good news is that the people of Guyana have a proactive and responsive Government that recognises the need to strengthen the legal

landscape of our country, to cater for the expanding matrices of investment partners and foreign relations that we have begun to and will continue to foster as long as this Government shall remain in office.

As such, we have commenced the upgrading of several archaic pieces of legislation as well as the introduction of new ones that address modern-day challenges. Let it be known that since the Peoples Progressive Party/Civic's (PPP/C's) triumphant return to office in 2020, it has passed several progressive pieces of legislation. Some of these include the Bail Act of 2022, the Suicide Prevention Act of 2022, the Restorative Justice Act also of 2022, the Hire Purchase Act, the Condominium Act, the Local Content Act, the Mental Health Protection And Promotion Act and so many others. We have also amended and brought into conformity with global best practices, critical laws that govern areas such as the Natural Resource Fund, juvenile justice, and others. Mr. Speaker, in the case of this Foreign Judgment (Reciprocal Enforcement) Bill of 2023, its passage would be a necessary step in the right direction. It is certainly a critical component of Guyana's evolution, especially with regard to accommodating foreign investment and safeguarding the interest of Guyanese who continue to expand their enterprises and conduct business transactions beyond our borders.

7.44 p.m.

Having outdated and vague laws do not serve us at all. It is synonymous to having a guard *dog with no bite* which would be unbecoming of a nation that is rapidly expanding. Once this repeal is greenlighted and the new provisions are adopted, Guyana will maintain its reputation as having one of the most modern legislated framework in the region. In the Republic of Trinidad and Tobago, for instance, the synonymous Judgments Extension Act is dated 1921. That is more than 100 years ago. A year later, in 1922, Barbados passed its Foreign and Commonwealth Judgments (Reciprocal Enforcement) Act which was last updated in 1937. The situation is quite similar with Jamaica's Judgments and Awards (Reciprocal Enforcement) Act of 1923, and later its Judgments (Foreign) (Reciprocal Enforcement) Act of 1936.

In its current form, Guyana's Foreign Judgments (Reciprocal Enforcement) Act is dated 1961. Although this may not be 100 years ago as other similar regional legislations, the legal minds of this Government have recognised that there are several gaps in the existing legislation that need to be strengthened, so as to ensure Guyana, specifically the

hardworking and industrious Guyanese people, remain protected in the vastly advancing and highly competitive global market. This is why the PPP/C has been promptly pursuing modernisation across all branches of Government. We must be able to comprehensively accommodate and embrace all aspects of our country's inevitable growth and transformation. This repeal rectifies much of the ambiguity of the existing 1961 legislation. For instance, instead of simply empowering Guyana to be a reciprocal partner in cross border judgments, this new Bill specifies clearly that 60 countries will be enjoying such reciprocity, including our American, British and Canadian (ABC) partners, all of the Caribbean Community (CARICOM), and The Commonwealth. Not only that, the introduction of the new schedule of countries also allows for further extension to other jurisdictions that Guyana may have other forms of binding agreements with under the tenets of international law, as well as those countries with which there is substantial evidence of reciprocity.

Moreover, this legislation makes specific reference to the types of judgments applicable under this law, stating clearly that judgments provide for both monetary and nonmonetary settlements. Let us take for example that a couple gets divorced in Canada, and the woman sues the father for financial assistance to raise that child, after which she returns to Guyana. Once the judgment is in favour of the mother, this new law would enable her – of course with it being a lumpsum payment – the judgement creditor, to register that judgement obtained from the Canadian court, thereby allowing her to receive a lumpsum payment of money right here in Guyana. The passage of this law eliminates uncertainties relating to receipt of payments. Although Canadian court judgments do not ordinarily have effect here in Guyana, this legislation allows the judgment to be properly transplanted, thereby allowing the receipt of financial support for the mother and daughter residing in Guyana. A reverse situation of a parent in Guyana obtaining a favourable judgment in a Guyanese court against their counterpart in Canada would also be allowed to enforce that judgment in a Canadian jurisdiction. This is owing to the reciprocal component of the Act which provides for a certified copy of the judgment being issued to the party which can then be registered in those jurisdictions in which there is reciprocity.

I want this House and the Guyanese people to understand that we have added, in a very deliberate and a very specific way, context and structure to the previously unambiguous sections of the 1961 Act. Another example is if you are on vacation in the United Kingdom (UK), where Guyanese

enjoy visa free travel now – many benefits have accrued, indeed, to Guyana since our return to office – and you are, *per se*, assaulted and injured, and a court in that jurisdiction rules in your favour, this law would allow for you to obtain your compensation from the judgment, that is, right here in Guyana and again *vice versa*. If not for this provision, the injured party would have to stay in the jurisdiction of the foreign country until the matter is totally satisfied.

As I have said before, the passage of this Bill will go a far way in protecting the interest of Guyanese doing business abroad as well, or local companies in business with foreign entities. For the benefit of my colleagues on the other side, I will go even further to give yet another example. Let us take for instance a foreign company comes to Guyana and conducts business with local entities but, unfortunately, defrauds that local company and leaves. Ordinarily, the foreign entity, having no assets in Guyana, may not be obligated to its Guyanese partner and can opt out of honouring the judgments awarded by our local courts. However, with the passage of this Bill, proceedings can be filed against a foreign company in its home country, or any other, where it does have assets. A court by way of this legislation would then be empowered to direct that company to pay settlement cost to the Guyanese entity as had been ordered by our local courts.

These provisions are necessary if we are going to inspire confidence in our private sector to pursue lucrative partnerships with international parties. Passing this Bill would signal to our business communities that they are protected in their expansion endeavours. Moreover, this Bill not only specifies the types of judgments to which this piece of legislation would apply, but it also extensively states those types of cases that are to be excluded. For instance, this Act will not facilitate the periodic payment of moneys. Even in the case of child or spousal support, the settlement would have to be done lumpsum or in the form of movable property. In the case of currency differences, a simple statement from a bank authenticating the prevailing rate of exchange at the time of judgment would be used to calculate settlements. Further, the Act would not cover several types of cases, including the division of property in matrimonial matters, proceedings in relation to the guardianship of a child or children, matters relating to the division of estates of deceased persons, matters relating to payments of social security, of public assistance payable by a public organisation, or the payment of taxes.

As it relates to the registration of judgments, of course if a ruling is done in Barbados, for example, and the settlement

has to be paid to a Guyanese living in Guyana, that judgment has to be registered here in Guyana for payments to be done or to be enforced. While many countries such as Nigeria, Trinidad and others, have much shorter statutes of limitations on the registration of those judgments, we are proposing timelines that are more flexible. Once passed and assented to, the new Act would allow for registration of judgments to take place within a reasonable period of six years, which I believe the old Act had. Added to that, this new law also contains particular conditions that can allow for judgements to be set aside. For instance, a debtor, which is the person who has to make the settlement payment, can submit an application on the grounds that he or she was not duly served notice, and was, therefore, not present in the original jurisdiction court where the judgment was given. The debtor, once the specific terms are met, can also file an application on the basis that the judgment against them was fraudulently obtained. Of course, this would also have to be proven before the judgement is set aside.

The point is, nonetheless, that once a judgment is passed relating to settlement payable in another country, laws dictate that it be treated with the same urgency and execution as if it were being carried out in the same jurisdiction where the judgment was made. Simply put, the saying 'it is a small world' truly resonates in this instance, and it reminds and even emphasises that a person or persons or a company's liability should not and must not be discarded based on border separation. For example, if you have nothing in Guyana, no money or assets, but you own properties and have millions in the bank overseas, it is only fair that the courts are given the powers to rule that your foreign dollars have use to deliver on your settlements in another country, whether it be for child or spousal support or compensation for a person you have injured, *et cetera*. In addition to that, this particular Bill also allows a litigant who has obtained the judgment in a country that we do have reciprocal agreements with, that they do not have to go into expenses to go and relitigate a matter in another country. So, you register, you are recognised, and you can go ahead and enforce your judgment.

In concluding, we are saying that jurisdiction must not serve as a hindrance to justice. So, it is my genuine hope that my colleagues on the opposing side recognise the importance and understand the need for this repeal, and wholeheartedly lend their support to the passage of the new Bill. To do anything else would be insulting to the Guyanese people who deserve a sensible and modern legislation to protect their interest. I conclude by affirming my support for the passage of this Bill which, in all forms, is intended to

safeguard the people of Guyana, and which is certainly another proud achievement for Guyana's legislative arm. I, therefore, thank the Attorney General and his team, and I also commend this Bill to this House. Thank you. *[Applause]*

Mr. Datadin: Good evening, Mr. Speaker. I rise to support the Hon. Attorney General for Bill No. 4/2023, the Foreign Judgments (Reciprocal Enforcement) Bill 2023. As we have observed over the past two years, Guyana's growth trajectory is changing, and its legislative architecture is also changing.

Mr. Speaker, permit me to congratulate the Hon. Attorney General in taking a rather troublesome area of our law, being the enforcement of foreign judgments – this is a matter that most practitioners will tell you at present is in an unsatisfactory state – and bringing to this House a legislation that will not only improve but will allow confidence and allow growth of the economic activities in this country; commercial activities will no doubt be the greatest beneficiary. It is simple: all legislations arise because of a dispute. The aim of litigation is to reach resolution. The resolution is obviously evidenced by a judgment or an order of court. As we all know, or we should be aware that obtaining the order of court or the judgment is not the end of it. You have to be able to enforce that judgment, you have to be able to receive the benefit of your order for the process to be complete.

It is no advantage, and it is a failure of a judicial system if judgments, when they are obtained, are difficult to enforce. I think Members in this House have been recently warned by the Hon. Attorney General about judgments and orders of court that have been made, that are outstanding and will be enforced. Hon. Member Mr. Mahipaul, I am only stating the obvious. If you file cases in the courts that have no merits, the courts will award cost in addition to the judgment. You have to pay the cost. The cost of litigation... **[Mr. Mahipaul:** Jagdeo pay *(inaudible)*] ...You have to ask Mr. Jagdeo about that. Now, Mr. Mahipaul, as much as you may not want to pay the order for cost, there are coercive measures available under the rules of court for enforcement. It goes without saying that litigation is expensive, and having obtained your judgment it is manifestly unfair that you cannot enforce it.

7.59 p.m.

The legislative scheme of this legislation allows for judgments that are obtained in our courts to be enforced in courts and in countries outside of Guyana. It also allows judgments that are obtained in courts outside of Guyana to

be enforced in Guyana. The bulwark of the foreign judgment enforcement system the world over is reciprocity. We have to have reciprocal enforcement mechanisms in place so that our judgments in Guyana can be enforced overseas. We have, with this piece of legislation, created a very simple legislative framework. One, we make it reciprocal. There is a schedule to the Bill, quite lengthy, of all the countries to which this legislation should apply. It is reciprocal because our courts and our judgments would be allowed to be enforced in those countries, as judgments in those countries could be enforced here. There are certain nuances that are often complained about, and the legislation addresses them. You do not want to have a situation where litigation has commenced in a country and one party, usually the defendant or respondent, is unaware of that litigation. The Bill applies to all money judgments and even non-monetary judgments.

Clause 4 of the legislation is quite comprehensive. It allows for judgments that are obtained in the court of civil jurisdiction or any other court of competent jurisdiction to have its pronouncement or pronouncements enforced in our courts. Whether the judgment is final or conclusive is also addressed in the legislation. It is usually a very troubled issue as to whether or not the pendency of an appeal, for example, or the time for appealing has not expired as to whether the judgment is final. The legislation deals admirably with it. What is introduced, firstly, is that the original court must have jurisdiction to hear the matter. In the modern world, litigation is born out of disputes, which instances the parties have provided for. It is common that they may have a contract between them which stipulates and states by agreement, if there is a dispute, where that dispute should be heard. That is what we would commonly refer to as a choice of court, choice of forum, choice of jurisdiction. If it is that the parties have agreed that the court that should have jurisdiction should be, for example, the High Court in Guyana, then no other court can have jurisdiction. The legislation provides that if by agreement the parties to the dispute have agreed on a particular court, they cannot go to what is referred to as a ‘third-party court’ to seek a judgment. That is provided for.

The court must also ensure that it has jurisdiction, under the rules that apply, to private international law, which means that the court will be expected to apply and give effect to what the issues are in the absence of an agreement that would determine jurisdiction. It is usual that it would be the court in the jurisdiction with the most ties to the dispute; namely, that the contract was to be performed in a particular country, that the parties reside in that country, that execution

took place in that country. It becomes a little more challenging, especially in areas such as shipping, where the dispute that occurs may happen in one country, the payment may have originated in another and received in yet another. But rest assured, there are established rules as to how you can determine, and how a court can be guided as to what the issues are that tie that dispute to the jurisdiction. The court must satisfy itself that the court with original jurisdiction indeed had such a jurisdiction, whether it was by agreement or whether it was by the rules of private international law.

The important part of the legislation relates to the registration of the judgment. For a judgment that you wish to enforce, you have to approach the court and have that judgment registered. It is important to bear in mind that throughout this process, as is recognised internationally, the entire process of enforcement does not involve a re-litigation of the dispute. The merits of the case are not to be revisited. What is being addressed is whether, for want of a better phrase, the procedural aspects of enforcement have been met – it is reciprocal, the court had jurisdiction, and therefore it should be registered. Whether or not an appeal is pending, it is eligible for registration. It cannot be registered if it is for a judgment sum and the judgment sum has already been satisfied. It cannot be registered for enforcement, in Guyana for example, if that judgment could not be enforced in the country that made the order. The application that would be made requires the important aspects of the right to a hearing, meaning that the judgment debtor, in the case of a money judgment, should have been personally served with the process which bore the judgment. If he was not personally served, he should have been aware of the proceedings. However, the legislation makes clear that if you have appeared in the court only to dispute the jurisdiction, then that is not submitting to the jurisdiction of that court.

The other parts that are required is that the law of the country of origin must not provide that if an appeal is filed, it is somehow a bar. If the judgments are obtained without the party having notice of the proceedings, then the party can apply to the High Court to have the registration of that judgment set aside. If the party did not appear, he can ask for it to be set aside. If he did not have adequate notice, he can ask for it to be set aside. If the proceedings were *res judicata*, meaning that it had already been determined by a competent court, he can also ask for it to be set aside. Very importantly, if there are proceedings pending in the courts of Guyana about the same dispute, before that judgment in the overseas court is made, he can ask for it to be set aside. If the judgment was obtained by fraud or fraudulent conduct, that is also a ground to have the registration set aside. In the

application of the rules of the correct forum, which I had briefly mentioned before, and those rules, if applied in Guyana, would yield a different result, then that too is a basis to have the registration set aside. If there is any immunity enjoyed by the party, then that too is a ground to set it aside. Importantly, if it is manifestly contrary to the public policy in Guyana, that too would be a ground to have the registration set aside. Lawyers who are engaged in this particular area would tell you that that covers the length and breadth of the issues that would arise. In substance, it provides very clear rules expressed in unambiguous terms as to when a judgment that is registered in Guyana will be able to withstand challenge. If it does not withstand the challenge, then the registration would go. If there is no registration, there can be no enforcement. It is important to note that the court would have the power to stay proceedings and to set it aside if it is of the view that an appeal is pending or likely, or if there is an appeal pending on that same dispute in Guyana.

The enforcement of foreign judgment allows, of necessity, that judgments made in countries and in courts other than our own to benefit from our enforcement infrastructure. Similarly, this legislation allows judgments in our courts to benefit from the enforcement infrastructure of other countries. This is an important and critical part of enforcement of judgments worldwide. The best practices which are set out indicate that if you allow other countries to enforce their orders in your country, then they should allow you to enforce your orders in their country. What that has done, and the experience would be, is that there is a tremendous cost saving for litigation because the merits of the case no longer have to be relitigated. You do not have to any longer show the judgment itself is meritorious. Your only challenge and your only concern would be about whether the registration should take place in Guyana.

8.14 p.m.

This Bill before this House takes Guyana into the modern commercial world. It makes it fairly straightforward. Its ease and clarity should be of great benefit to citizens who are engaged in commercial activities with companies and individuals who are outside our borders. With those few words, I commend this Bill to the House. *[Applause]*

Mr. Speaker: Thank you very much, Hon. Member. Now, for the Hon. Member, Mr. Roysdale Forde.

Mr. Forde: We are here to debate and consider the *Foreign Judgements (Reciprocal Enforcement) Bill 2023*. I suppose, a key part of the Government's presentation in relation to this Bill is the impact it will have on the economy for the

benefit of the people of Guyana. The development of the people of Guyana is not restricted to the presentation of bills but to ensure that there are proper mechanisms in place, to ensure that the quality of lives of the Guyanese people are important and that they matter.

This is the first Sitting of this august body since this country had the unfortunate circumstances in seeing the loss of lives of 20 young Amerindian children. It is unfortunate that the Government will bring such a piece of legislation to speak about development without recognising the loss of those young lives. I will ask the Colleagues on my side and those, if they wish, on the Government's side to take some of my time out to stand, to acknowledge and observe the loss of those lives.

Mr. Speaker: While you may want to do that, I urge you to continue. The Speaker is still in control of these proceedings.

[Members of the Opposition stood for a moment of silence.]

Hon. Member, you may proceed. Hon. Members, please have your seats.

[Mr. Speaker stood.]

Hon. Members, I, again, urge you to take your seats. Mr. Forde, you may proceed.

Mr. Forde: Thank you very much, Mr. Speaker and Members of the House.

[Mr. Speaker took his seat.]

May their souls rest in peace. This Bill has been brought to this House on the basis that it represents the best practices that currently prevail in relation to the foreign judgements (reciprocal enforcement) of judgements. The Bill bears an uncanny resemblance to the *Foreign Judgments (Reciprocal Enforcement) Act* of Kenya. It is because of that resemblance and because of the Attorney General's (AG) almost slavish compliance and adoption of that Bill, the frailties of that piece of legislation are being transplanted into our jurisdiction. Very briefly, I will point out four instances where this Bill fails to be the best practice. I will concede that the Bill certainly represents a development and an advancement from the existing piece of legislation but, certainly, we are in 2023 in the fastest growing economy of the world, and it is not good enough to simply adopt a country's legislation. Insignificantly too, none of the speakers on the Government's side articulated any proposition or sought to review the issues concerning foreign

judgement as to why this is the important Bill that should be adopted in this form.

The current Bill before the House which we are asked to support and pass fixes the rate of exchange as to that of the date of the original judgment and not of the date of the registration of the judgment. Mr. Speaker, you have heard the learned Attorney General in his presentation and at many times he would refer to cases. All of those cases have been common law decisions to which the Bill itself remains shackled. For example, the reason the judgements are being tied to the date of the original judgement as opposed to the date of the registration of the judgement goes all the way back to 1831 in a case of Scott against Bevan where the court ruled in an action brought in England in relation to a judgement given in Jamaican currency that it ought to have been done on the date of the original judgment and not on the date of registration. Since that time, the trend in the Commonwealth seems to have been to adopt the date of registration as the rule as we would see in section 6 (11) of the *Foreign Judgements Act* of Australia. That is an important element in the context and scheme of the legislation as to what is the date of the judgement that is to be recognised.

The other issue I wish to draw to the attention of this honourable House is in relation to the currency of the original judgement. Our Bill seeks to place emphasis on the registration of the judgement on the date of the original judgement. The progressive legislation seems to have taken a different position and allows a number of options to be available to the beneficiary of a judgement seeking to have it enforced and not be tied to that process, to permit it to have the option of registration or suing on the judgment itself. Those are options which currently exist in section (8) of the *Reciprocal Enforcement of Judgements Act* of Ontario and section (7) of the *Reciprocal Enforcement of Judgements Act* of Alberta where it specifically provides that:

“Nothing in this Act deprives a judgment creditor of the right to bring action on the judgment creditor’s judgment or on the original cause of action.”

Those are other developments which take place in relation to the law governing this area of the law. The Attorney General is right to the extent that he has stated in the legislation that it deals with final judgements but, in the context of civil litigation, there are a number of other mechanisms which the current Bill, like the Act of Kenya, would not have encapsulated. I ask the Attorney General to consider that.

In sections (5), (6) and (7) of the *Foreign Judgements Act* of Australia and section 3(b) of the *Reciprocal Enforcement of Judgments Act* of New Zealand, they have gone further and have provided for a final or interlocutory order to be given or made in a civil court to be registered. This would permit provisional and protective relief such as injunctions, anti-suit injunctions and other sorts of relief to form part of the process of the registration of judgements in our process. These are the important areas which I have pointed out and I believe to that extent, this Bill is defective. As I said, I recognise that it is an improvement over the current piece of legislation. Thank you very much, Mr. Speaker. *[Applause]*

Mr. Speaker: Thank you very much, Hon. Member. Now, for the Attorney General and Minister of Legal Affairs.

Mr. Nandlall (replying): Thank you very much, Mr. Speaker. I want to begin by extending my gratitude to my Colleagues, the Hon. Member and Minister, Ms. Sonia Parag and the Hon. Member, Mr. Sanjeev Datadin, for their unreserved support. I want to thank Mr. Forde for his support as well. I have heard his concerns and I... **[Mr. Figuera:** Will address them.] ...will address them now.

I am told that when I stepped out, Mr. Forde began to speak about the incident at Mahdia which is not part of today’s discussion. I had to attend to an engagement outside of the House and I decided in that interregnum to do so. Apparently, he returned swiftly to the Bill. I am told that one of the criticisms which he levelled against the Bill, is that the Bill is a cut and paste from the legislation of Kenya. I made reference several times to Kenya, to Australia and to the Republic of Singapore. I acknowledged that we have drawn from those jurisdictions. I have also said that we were principally guided by the Commonwealth Secretariat’s model Bill which it disseminated in 2019. That remains the most modern expression of the law in this area. That is the model that we borrowed most heavily from. If this Bill is deficient, as Mr. Forde is alleging, then he is saying that the Commonwealth’s Bill which the entire Commonwealth will soon adopt, is also deficient. That by itself undermines his argument.

As I stated, the Bill embraces the modern international practices across the globe. As a matter of policy, enforcement of foreign judgment legislation focuses its emphasis on final orders. Even in that regard, there are some exceptions and that is why I used case law authorities emanating from the United Kingdom (UK) to explain that issue. It is not the policy and it is not the general rule that interim orders – other than certain very limited number of

orders – can be enforced in another country. Why? Public policy demands that there be finality and conclusivity of litigation in a particular court resulting in a final order in that court, before it becomes enforceable in another jurisdiction. It will become problematic because it is based upon reciprocity. If Mr. Forde spends the necessary time to think out the very argument that he is articulating, he would have identified his own deficiency. Once the basis of it is reciprocity, it means that it has to apply in the same way in accordance with the same principles in every country across the globe. Once one goes into interim orders and not final orders, then a person is dealing with the internal civil procedure rules and code within different countries.

8.29 p.m.

In Guyana itself, within this jurisdiction, there are different rules that govern interlocutory orders, depending on which court in the hierarchical structure, that order comes from. That is right *intra vires*, Guyana legal system. Imagine importing that complexity and an order that is subject to such vicissitudes, from Guyana to another country where one is going to meet another body of rules and procedures governing the hierarchical structure of those courts that will impact upon the enforceability and the enforceable nature of that order. It will not happen practically and pragmatically. Too much confusion will arise, and the orders will become unenforceable or will be embroiled in legislation to such an extent that would make the entire process futile and useless. That is why the governing principle is that final litigation at least in one court in the hierarchical structure is the principle. That is why I quoted from the cases to explain that though an appeal maybe pending... Therefore, it is not a final order in a judicial system. Once it is a final order in that particular court, it becomes qualified to be enforced in another jurisdiction even though there is an appeal. As the judges explained, finality of order and conclusiveness of order, as explained in this Act, does not mean finality and conclusivity in the entire hierarchical structure of the judicial system, but finality and conclusivity in a particular court.

What does that mean? It means that if it is a high court order and the matter is concluded in the High Court; for example, the case that the Hon. Member, Mr. Mahipaul, and several Members on that side owe costs; that matter is concluded in the High Court, but they are free to appeal. I do not think they have appealed. Had they appealed... Mr. Mahipaul travels to Vanuatu and if he owns a car in Vanuatu, I could take my judgement here, take it to Vanuatu, register it in Vanuatu and cease his car or Seychelles or any of those islands in the Pacific Ocean. That is what the Bill does.

Never mind, he files an appeal and the matter becomes pending at the appellate courts. That is what I mean when I say conclusivity of orders and finality of orders. This legislation is phenomenal and transformative. The current legislation only allows a person who has obtained judgement in Guyana to enforce that judgment in eight countries. I listed the eight countries. It only confines it to monetary judgements. This Bill, once enacted, will allow a person who has obtained the judgement to enforce that judgement in 60 odd countries, if the person against whom the judgement is obtained flees Guyana, moves to another country and has assets in that country. There are 60 countries that are now included in the list of countries that our judgements are going to be enforced in. That is a remarkable accomplishment, having regard to the current state of the law.

Our commercial community, in Guyana, must welcome this piece of legislation. With the advent of the growth of oil and gas industry, companies from all parts of the world are now coming to Guyana to do business. Businessmen operating as sole traders, located in different parts of the world, are now coming to do business in Guyana. If they leave a debt here and they refuse to pay it, a litigant could now take them to court, gets a judgement from our High Court and follow them in 60 jurisdictions across the globe. Once they have assets in those jurisdictions, the litigant could use this very judgement in Guyana, simply register it in that jurisdiction and have it enforced by ceasing their assets or as the case maybe, whatever the enforcement process is over there. That in simple terms is the option that this Bill gives Guyanese.

Similarly and reciprocally, it allows persons who obtain judgement against any of the businesses who are now located in Guyana and are operating but may have judgments in whichever of the 60 countries they may have been operating in and obtained a judgment in one of those countries, they could now come to Guyana and have that judgement enforced. How could one fault a facility such as that being now made part of the permanent legislative landscape of our country? One has to be really disingenuous to want to criticise this Bill by raising the type of arguments that I have heard raised. For example, that it does not speak to interim orders. When the Bill specifically... Rather, it is a policy directive that was taken to exclude that, not only in Guyana but in all the other countries. In particular, the model Bill states that one must not move in that direction because of the differences which will obtain in the different rules of procedure. Wherever a person goes, he/she will have to enforce the judgement in accordance with the civil procedure process for enforcement of judgment in the court of which

he/she is seeking the enforcement. The person will have to comply with those rules. It is just as how those countries, when they come here to enforce the judgement, will have to comply with our *Civil Procedure Rules 2016*, the position is reciprocal and *vice versa* wherever the person goes.

There are no serious critique that has been made of this Bill and, so I commend this Bill to the House to be read a third time and for passing as laid. Thank you very much.

Question and carried.

Bill read a second time.

Assembly in Committee.

Bill considered and approved.

Assembly resumed.

Mr. Nandlall: Mr. Speaker, there is one small matter which I wish to draw to your attention. In my bundle of documents received from the Clerk of the National Assembly, there is an erratum. By this erratum, I am told, in the publication in the Gazette a subsection was opted. Do I insert here or would it be corrected at the publisher? It is not the Bills fault; apparently, when it was sent to the Gazette it was omitted for printing.

Mr. Speaker: We will have to, for clarity, recommit the Bill to the Committee of Supply. Let the House resolves itself into the Committee.

Assembly in Committee.

Mr. Chairman: Honourable Attorney General, could you tell me which clause it is so I could re-put?

Mr. Nandlall: It is clause 6(3). Do you have this document that was sent by the Clerk to all Members?

Mr. Chairman: I have it now. Yes.

Ms. Teixeira: Mr. Chairman, if I could just intervene. The Parliament Office had sent us a revised or corrected Foreign Judgements Bill. When you look at the original Gazette, it leaves our clause 6 (3) but, in the printed version which we have, it puts back in clause 6 (3) as stated in the Notice of Erratum that the Clerk sent out. This was 2nd May. When you look at the erratum and you look at this version that I have, which is a printed version, which was I think the one sent electronically, it seems to have the section that was left out from the Gazette.

Mr. Chairman: I am looking at clause 6(3) and, in the printed version before me, which is what I feel is extracted, there seems to be missing the paragraph (b).

Mr. Nandlall: Your Honour, it is still missing. Both, the brown one as well as this one. They are the same thing and it is missing. Clause 6(3) is there but a subsection is missing.

Mr. Chairman: Paragraph (b) is missing.

Mr. Nandlall: Yes, paragraph (b) is missing. We still have to insert it.

Mr. Chairman: Hon. Members, we are recommitting the Bill.

8.44 p.m.

Clauses 1 and 5

Clauses 1 and 5 agreed to and ordered to stand part of the Bill.

Clause 6

Mr. Chairman: There is an amendment to what is before us.

Mr. Nandlall: Sir, I move that clause 6 (3) be amended to insert paragraph (b) as expressed in a Notice of Erratum circulated by the Clerk dated 2nd May, 2023.

Mr. Chairman: Could we put it this way that clause 6 (3) as contained in the Bill be deleted and substituted for clause 6 (3) in the notice of an erratum?

Mr. Nandlall: Very well, Sir, that is tidier.

Mr. Chairman: Thank you very much.

Clause 6, as amended, agreed to and ordered to stand part of the Bill.

Clauses 7 to 17 and the Schedule

Clauses 7 to 17 and the Schedule agreed to and ordered to stand part of the Bill.

Question put and carried.

Assembly resumed.

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

**CONFIRMATION OF THE CUSTOMS
(AMENDMENT OF FIRST SCHEDULE) (NO.2)
ORDER 2023-NO.44 OF 2023**

BE IT RESOLVED:

That this National Assembly, in accordance with section 8 of the Customs Act, Chapter 82:01, confirms the Customs (Amendment of First Schedule) (No. 2) Order 2023 (No. 44 of 2023) which was made on the 12th day of June, 2023, under section 8 of the Customs Act, Chapter 82:01 and published in an Extra Ordinary copy of the Official Gazette dated 12th June, 2023

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

Dr. Singh: Thank you very much, Mr. Speaker. I rise, on behalf of the Government benches, to move the Motion that seeks to confirm, by way of formative resolution, the Customs (Amendment of first schedule) (No.2) Order 2023-No. 44 of 2023. This Order in fact is a very simple one. It seeks to remove the 20% customs duty that was payable on cellular handsets. I say that it is simple because, quite clearly and obviously, it will result in reduced cost of importation of these devices. Therefore, it could reasonably be expected to improve the affordability of these devices to the ultimate consumer.

The Order is not to be seen as an isolated measure but, instead, it is to be seen as part of a comprehensive series of measures implemented by this Government. Since our assumption of Office, in August, 2020, we aimed at promoting improved connectivity, improved access to telecommunications services and reduced cost of those services. It would be recalled that one of the first actions taken by His Excellency, the President, when he assumed the Presidency in August, 2020, was to bring into operation the new Telecommunications Act. That Act, of course, paved the way for the introduction of competition in the telecommunications sectors and promoted increased private investment in telecommunications infrastructure.

The results have been the buildout of telecommunications infrastructure; including the landing of new international and transnational fibre optic cables; and the laying of fibre optic cables domestically including, perhaps most significantly, the delivery of fibre optic connectivity to the Essequibo Coast for the first time in the history of this country. That has paved the way for the introduction of competition in connectivity services in Essequibo. It has resulted in reduced cost of bandwidth. It has resulted in increased private investment in the telecommunications sector and in sectors who are dependent on telecommunications. If I am to give just one example, it has resulted in the establishment of the

first call centre on the Essequibo Coast and that call centre is currently in operation today, benefitting from the availability of good quality connectivity at competitive rates, which a direct result of the introduction of competition.

It has resulted in the laying of additional fibre optic connectivity to Linden and elsewhere in the country; all redounding to reduce cost of bandwidth, reduce cost of doing business, particularly for those businesses who are dependent on connectivity and it has resulted in the creation of jobs and generation of incomes. I cited the establishment of a call center in Essequibo. We in Government are building out two additional shelves in Essequibo, one in Onderneeming and one in Anna Regina, which will house call centers there. We have entered a strategic partnership with a private company in Linden who has re-established the call centre in Linden. We are currently building two shelves in East Berbice, one at Palmyra and one at Number 75 Village which will also house call centers there. We anticipate – the Essequibo, Berbice and Linden operations together – that together they will create quite easily in excess of 1,000 new jobs for young Guyanese people.

We have also removed the value-added tax (VAT) on residential and individual data, which makes data more affordable and increasing data subscribers and utilisation of data connectivity services. We have also removed VAT on the purchase of cellular phones. This latest measure to reduce the duty on cellular phones is to be viewed within the context of a comprehensive set of measures aimed at improving connectivity and, in particular, aimed at reducing the cost of connectivity.

With the confirmation of this Order, every cellular phone that comes into Guyana will no longer attract a 20% duty that it previously attracted. That immediately will redound to the benefit of the consuming public. I anticipate that this Order will generate absolutely no contention and, indeed, I anticipate furious speakers after myself from the other side of the House voicing their resounding support for this Order. I look forward to its swift and unanimous confirmation in this honourable House this evening. Thank you very much, Sir.

Mr. Speaker: Thank you very much Honourable Minister. Let me assure you, it has not generated any response, so you will get swift confirmation.

Question put and agreed to.

THE RADIATION SAFETY AND SECURITY BILL 2022 – Bill No. 8/2022

A Bill intituled:

“AN ACT to provide for the safe, secure and peaceful uses of ionizing radiation, protect persons and the environment against the harmful effects of radioactive waste, establish the Radiation Safety and Security Board and for connected matters.”

[*Minister of Health*]

Minister of Health [Dr. Anthony]: I rise to move that the Radiation Safety and Security Bill 2022 – Bill No.8/2022 published on 13th April, 2022, be now read a second time.

8.59 p.m.

Mr. Speaker and Honourable Members, the Radiation Safety and Security Bill guarantees the safe and secure utilisation of ionising radiation while providing protection to individuals and the environment against the disastrous consequences of radioactive waste. The Bill recognises the benefits of ionising radiation in various fields such as health, energy, research, agriculture, industry and education. However, it emphasises the importance of taking measures to protect individual societies and the environment from potential harm resulting from improper use, accidents, or malicious acts. To ensure the objectives of this Radiation Safety and Security Bill are achieved, an independent regulatory authority called the Radiation Safety and Security Board will be established. The Board will collaborate with relevant Government agencies to ensure that activities and practices involving ionising radiation and nuclear energy are solely used for peaceful purposes in Guyana.

Mr. Speaker and Hon. Members, in 2003, the International Atomic Energy Agency (IAEA) created a model legislation on radiation safety and security, and this has since been adopted as national law by many countries. Discussions between Guyana and the IAEA have been ongoing for over a decade, with various stakeholders participating in talks regarding the significance and the necessity of implementing this legislation. The Bill was drafted by the Attorney General’s Chambers in collaboration with the Environmental Protection Agency (EPA), the Ministry of Health (MoH), and the International Atomic Energy Agency.

Mr. Speaker, as one would recall, on the 13th April, 2022, this Bill was introduced to the National Assembly and subsequently referred to the Special Select Committee for further deliberations. The Committee, composed of

Members of the Government and Opposition, was established on the 17th May, 2022. The following persons were Members of the Special Select Committee – myself, the Hon. Attorney General, Dr. Persaud, the Hon. Mr. Bharrat, and Dr. Mahadeo. The Members of the Opposition were Dr. Cummings, Ms. Sarabo-Halley, the Hon. Ms. Ferguson, and the Hon. Ms. Lawrence, who was later replaced by the Hon. Ms. Alert. The Special Select Committee thoroughly reviewed the Radiation Safety and Security Bill. The Bill consisted of 17 parts, 99 clauses, and one schedule. We carefully scrutinised each clause and made the necessary modifications. Parts III, VIII, IX, X, XII, and XVII were without any changes. For Part I, – Preliminary – the section on the interpretation, we added a definition for activity. We also added a definition for radiation generator. There was another definition that we added for the Safeguards Agreement.

In Part II – the Radiation Safety and Security Board – we added to clause 6 (1), the words, “body corporate”. Under 6 (2) we clarified the composition of the Board – who would make up the Board. Under 6 (5), there is the appointment of Board Members which should be staggered.

In Part IV – Notification and Licensing – for clause 22 (1), notification would be given for the mining of uranium and thorium. For clause 23 (2) we made a slight change there and we added the words, “summary conviction”. In clause 25 (1)(b) we added, “submission of safety and security plan”. In clause 26 (1) we added that information should be published on our official website. The words, “official website”, were put there. Under 26 (2) and (3) we state that the Board must take measures to inform the general public.

[*Mr. Speaker left the Chair.*]

[*Deputy Speaker assumed the Chair.*]

For Part V – Inspection – clause 37 (2) states that the Board shall establish qualifications for Inspectors and clause 38 (2) defines the authority and the powers of the Inspectors. For clause 39 (2) (c) we looked at the decisions of the Inspectors which will be enforced unless these are reversed or squashed by order of the High Court pursuant to section 95.

In Part VI under, Radiation Protection, we looked at the responsibilities of the licensee. In clause 44 (3) the licensee must appoint a Radiation Protection Officer.

In Part VII –Radioactive Sources – we amended clause 51 which talks about permission and consultation on the export of radioactive sources.

In Part XI – Transport and Storage of Radioactive Material – we amended clause 61 (2) and spoke about the transport and storage of radioactive materials that would require the Board's and the Minister's approvals. For clause 61(3) we talked about the storage of radioactive materials for transport.

For Part XIII, we have a Safeguards Agreement with the IAEA, and we reflected that in clause 74 (2).

In Part XIV – Export and Import of Controls – for clause 81 we amended the prohibition of unauthorised transfers of import and export licences and the penalties therein. In clause 82 we talk about the system of how someone can get a licence. In clause 83, there is the power to make regulations. Clause 84 sets out the criteria for export and clause 85 sets out the criteria for import.

For Part XV – Physical Protection and Illicit Trafficking – we made a change to clause 87 (2) which states that the licensee needs to report if there is any loss of nuclear or radioactive materials. They will need to report to the Board immediately. Clause 89 (2) has a penalty for the disclosure of confidential information. That penalty ranges from \$500,000 to \$2 million.

Part XVI where we spoke about, Enforcement and Penalties, we amended clause 92 (1). There is a whole section where the penalties are amended. We also amended clause 93, Offenses by Body Corporate. In clause 95, there is the review of the Board's decision in accordance with the Judicial Review Act.

Mdm. Deputy Speaker, the Committee having gone through this thorough review and agreeing on these changes, by consensus, we did a report. We have submitted that report for the consideration of the Members of this House. I would therefore like to recommend that the Members adopt this Report. Thank you very much. *[Applause]*

Dr. Cummings: Thank you, Deputy Speaker. Congratulations to you on your new portfolio. Mr. Speaker, I rise to add my support to the...

Deputy Speaker: It is Mdm. Deputy Speaker. I am not a mister, thank you.

Dr. Cummings: I am sorry. Mdm. Speaker, I rise to add my support to the Radiation Safety and Security Bill – Bill No.8 of 2022. This Bill was sent to the Special Select Committee and was deliberated on for several weeks. This Bill is of current importance as it seeks, not only to ensure the safe, secure, and peaceful use of ionising radiation but has sought

to reduce the number of radiological accidents caused by safety failures. Some of these accidents have led to serious consequences, including the death of some exposed persons globally. One would remember just about three and a half decades ago, the Chernobyl accident. This has so far posed a cancer burden in certain areas of Europe.

In addition, and to some extent, this Bill seeks to prevent the smuggling of nuclear and other radioactive materials into jurisdictions like ours. As a member of the global community, Guyana must courageously play its part in the protection of our planet and conscientiously strive through effective policies to ensure the protection of our fragile environment and the well-being of future generations. Stringent efforts were made to examine and even adopt best practices from reputable sources and agencies, such as the International Atomic Energy Agency, to which we became a member in 2015. These sources focus on the need for radiation protection and security and the prevention of catastrophic events. Regulatory bodies such as the International Commission on Radiological Protection (ICRP) have spoken loudly by providing publications and making recommendations for the protection against ionising radiation and the issue of the security of radioactive materials.

In paying close attention to this Bill No. 8 of 2022, in the preliminary section under Part I, uncompromising attempts were made to secure the correct interpretation of the Act. There was some confusion around the words 'radiation source' and 'radioactive source materials', where the latter is a permanently sealed material. The question can be asked, Mdm. Speaker – what occurs if there is a radioactive source that is not permanently sealed for the purpose of this Bill? When considering those sources that are derived, especially from the mining activities, the necessary efforts were made to elucidate and proffer a clearer interpretation of the Bill with the insertion of a new definition. After practice, we spoke about a radiation generator. This means:

Amended radiation Safety and Security Bill 2022

“...any device electrically or otherwise capable of generating ionising radiation such as X rays, neutrons, electrons, or other charged particles that may be used for scientific, industrial, or medical purposes.”

Attention should also be paid to the word, “activity” in radiological waste. For, activity in Part I, clause (2), I am advised that radiological activity is a specific term, meaning the number of radio nuclei disintegrated per second. The

International System of Units (SI) is the becquerel (Bq) so we may need to revisit that definition for activity as an industrial endeavour or practice, or one which refers to the physical disintegration as in clause (2).

9.14 p.m.

Part II of the Bill, from clauses 6 to 15 speaks to the establishment of the Radiation Safety and Security Board – its composition, tenure, powers, and functions. It was the understanding that the role of such a Board should be autonomous, thus not giving the Minister too much control. It appears that the board seems to be a conflation of two separate functions, namely that of a governing body and, at the same time, a specialist body. We had initially suggested that there should be a nuclear safety commission comprising experts rather than a Board that can be overruled by exigencies or political office, as sometimes would occur in Guyana.

Mdm. Deputy Speaker, this Bill does appear comprehensive and all-inclusive as it strives to make provisions for establishing a Radiation Safety and Security Board of Directors and a Secretariat to allow for the administration and function of the board. It is important to note that this Board is expected to open a bank account in Guyana, which would be audited by the auditor appointed by the Minister and be free from taxation according to clause 19 subsection 2 and clause 20.

It is important to note also or should I tell you that PART II of the Bill there was also the insertion of a new subsection 5 where:

“(5) The appointment of members to the Board shall be staggered, by making the first appointment of any three members, except the Chairperson, for one year...”

It also begs the question whether the Board, as constituted, would be capable of doing consultative work and being paid for same. Of course, the Board have the right to consult if there is no expertise, but the *onus* would be on the Minister and the Board to have a specialised agency staffed with the relevant and right people to execute its mandate. This may work out cheaper for the Government in the long term. May I remind you Mdm. Deputy Speaker, that Guyana is soon becoming a high income state and may now see persons from the diaspora with the requisite skill to address this medical and public health issue, so it is worth thinking about.

Part IV speaks to “NOTIFICATION AND LICENSING”. In light of a person who contravenes or goes against an activity or practice, he or she would be liable on indictment of \$1 million- or six-months’ imprisonment. In the case of a body cooperate a fine of \$5 million. At this stage it would be good if valiant efforts are made to ensure that there is adequate training of prosecutors and members of the judicial branch, and knowledgeable persons who will go about convicting common stakeholders. There should be adequate stakeholder’s consultations and that the licensees be sensitised and educated of their responsibilities relating to operations.

PART VI speaks to radiation protection and at clause 43(1), this board is expected to give directives for radiation procedure requirements prior to a practice or activity by the licensee. This idea raises the issue of having a radiation protection officer versus the radiation protection advisor. The former is more of an internal consultant who would assess the body, would certify individuals, and would advise an employer engaged in work with ionising radiation and compliance, like Regulations 2017 and the Radiation (Emergency Preparedness and Public Information) Regulations 2019. Whereas the radiation protection advisors would use their external consultant as opposed to the radiation protection officer who has just maybe a teaching role, work with universities, do research and maybe try to communicate with his or her leadership skills, analytical skills and holds a Continuing Medical Education (CME), so that he or she can educate the populace.

PART XI, clause 61, addresses “TRANSPORT OF RADIOACTIVE MATERIALS”. While efforts are expected to be made to ensure that there are measures for the physical protection of radioactive materials consistent with the latest guidance documents promulgated by International Atomic Energy Agency, there must also be safeguards when applied to the vehicle into one that transports radioactive waste. I hope that it will carries labels if it is coming from Timehri and warnings consistent with international guidelines. With regard to the route of transport, of course we do not have several highways, we just have one main road. We may probably be thinking of transporting these radioactive materials maybe in the nights when the traffic load is not so heavy. The route of transport should also be mapped out and the transport of the radioactive materials should be done, as I said before perhaps in the night to reduce exposure to the public and that of the workers.

As I conclude, I must say that I am pleased the Government has agreed to consider some of the amendments that were

proposed by the Opposition during the deliberations at the Special Select Committee. The Opposition is supportive of this Radiation Safety and Security Bill, Bill No. 8 of 2022 and looks forward to its smooth passage in the National Assembly. We have adopted this Report. Thank you very much. *[Applause]*

Dr. Mahadeo: Madam Deputy Speaker, thank you. Guyana is in a period of unprecedented growth and development. From just a few hospitals having X-rays, now every hospital is going to have not only conventional X-rays, but digital X-rays and Computerised Tomography (CT) Scans. We will soon have Magnetic Resonance Imaging (MRI) in the Government system adding to what exist in the private sector. Soon we *[inaudible]* be doing things like Dual-energy X-ray (DEXA) scans, Positron Emission Tomography or PET scans and other procedures that were never done before in Guyana. What is common with all these pieces of equipment is that they all use ionising radiation. Whilst it is a necessary harm for the greater good of the patient, there needs to be safeguards and protective measures, not only for the beneficiaries, but also for the professionals who would use the equipment and do the procedures. There needs to be standards, not only in the hospitals, but across the country and in every area that uses or would use ionising radiation.

The adoption of this Bill into law by this National Assembly would represent another important milestone for Guyana. It would establish a clear path towards the effective establishment of a national regulatory framework for the use of ionising radiation and even nuclear technologies. It not only covers medical equipment but all sources of ionising radiation, including mining for minerals like uranium and thorium. The Act would empower a newly established Radiation Safety and Security Board to establish regulatory control over activities, practices and facilities involving ionising radiation in any form. This regulatory control would help to guarantee that activities and practices are authorised and inspected, that the safeguards and obligations of the country are implemented, that healthcare professionals deliver accurate and appropriate doses to patients, that radiation protection programmes are established to protect workers, that facilities are operated safely and securely, and that well-functioning and properly calibrated equipment are in use among other precautions and safety measures.

The passing of the Radiation Safety and Security Bill would be another landmark success. It also is a story of the fruitful cooperation of all sides in this House and that would ensure the safe, secure and peaceful utilisation of the nuclear applications for development. It would help to ensure safety

from entry of these things to Guyana, to the disposal after it is no longer of beneficial use to Guyanese. The Hon. Minister mentioned those who were involved from both sides of the House and I think that the Hon. Minister, Dr. Frank Anthony ably led the process to bring it to a fruitful conclusion. I would like to particularly talk about "Radiation Protection". It emphasises the following principles of radiation protection. It emphasises the following principles of radiation that will apply to all activities and practices conducted in Guyana. I would like to quote:

"(a) the justification principle... no activity or practice shall be authorised unless it produces sufficient benefit to exposed persons or to society in a manner that offsets the radiation harm that it may cause, considering social, economic and other relevant factors;

(b) the optimisation principle, that is to say, in relation to radiation exposures from any particular activity or practice, radiation protection measures should ensure that doses, the number of persons exposed and the likelihood of incurring exposure are at all times kept as low as reasonably achievable, considering social and economic factors; and

(c) the dose limitation principle, that is to say, activities and practices shall be conducted in a manner that ensures that the total dose that a person may experience does not exceed any prescribed dose limit, so that no person is subject to an unacceptable risk attributable to radiation exposure."

It also has:

"Regulatory control of radiation safety

42. (1) ...regulations for-

(a) the protection of persons from injury due to exposure...

(b) the required dose limits for persons...

(2) Any dose limits shall take into account the recommendations of the IAEA and the International Commission on Radiation Protection."

This Bill here takes into account international guidelines and provides safety not less than what is recommended internationally. It also states:

"Radiation protection requirements for licences

(3) The licensee shall appoint a radiation protection officer who shall ensure that measures are implemented to safeguard the use of all radiation material or designate a member of its staff to perform the functions of a radiation protection officer.”

It also speaks about radiation sources. It also talks about mining, emergency preparedness and response, safety of nuclear facilities and decommissioning of these facilities. It talks about the national plan for radiological or nuclear emergencies.

“54. (4) An emergency preparedness and response plan shall include-

- (a) a requirement that the licensee shall immediately notify ...of any situation or incident...
- (b) an allocation of responsibilities for notifying relevant emergency intervention ...
- (c) an identification of conditions that could create a need...

This Bill is, I think, inclusive of everything that we could think about at this time. Of course, as we progress and as Guyana develops at a fantastically rapid rate, I am sure that we will need to amend this. At this time in our history, I think, this Bill is perfect for us and that in speaking for the “National plan for radiological and nuclear emergencies”, for example it states:

“55. (1) The Civil Defence Commission (CDC), in consultation with the Board, shall develop a National Emergency Preparedness and Response Plan for Radiological and Nuclear Emergencies which shall be approved by the Cabinet.

(2) In developing the National Emergency Preparedness and Response Plan...the Civil Defence Commission and the Board shall coordinate with other relevant government Ministries and Agencies, Regional Authorities, members of the private sector and Non-Governmental Organisations.”

9.29 p.m.

This Bill encapsulates all that could be done at this time, and I think it is a historic Bill. I am asking that we all support it. I would like to congratulate the Hon. Minister and everyone on the committee for doing a fantastic job. Thank you. [Applause]

Ms. Alert: Madam. Speaker, as I rise to make my contribution on this Bill before the House, Bill. No. 8 of 2022, the Radiation Safety and Security Bill 2022, allow me first to express appreciation to the staff of the Parliament Office for their professional conduct in facilitating meetings of the Special Select Committee as we worked to bring this Bill to the point it is at today, also to the staff of the Attorney General’s Chambers and with whom we had interacted directly and any other working behind the scenes.

Very importantly, to my fellow Members of Parliament (MPs) on both sides of the House, I joined the party late, so to speak, but it was an interesting experience. Bill No. 8 of 2022 has had a long gestation time, as it was some 15 months ago. It addresses an area of vital concern where legislation is lacking. This Bill is intitled:

“AN ACT to provide for the safe, secure and peaceful uses of ionising radiation, protect persons and the environment against the harmful effects of radioactive waste, establish the Radiation Safety and Security Board and for connected matters.”

This Bill could—and I say “could”—deliberately inspire some level of confidence among the citizenries. Many would be pleased to know that among the many areas, this Bill addresses radioactive waste management and the places where radioactive materials are processed, used, handled, stored, or disposed of. While no direct mention is made of radioactive materials encountered in the exploration and extraction of oil and gas, it is implied that a general approach is intended to address human and environmental protection. Speakers before me addressed the various articles under this Bill.

It is a well-established fact that in the extraction of hydrocarbons, naturally occurring radioactive materials, or what is referred to as norms, and technologically enhanced norms are released. There is a vast body of study under this. In fact, the U.S. Environmental Protection Agency, on its website, makes mention of radionuclides being exposed during the extraction process and exposed to the surface environment and human contact. It states that radium can form a sludge that accumulates in tanks and pits or forms scales inside pipes and drilling equipment. It is common practice within the oil and gas industry for contaminated pipes and components to be cleared at specifically certified facilities and the removed sludge placed in special tanks for later disposal. Then, there are special landfills for components that cannot be recycled or reused. Here is a primary area of concern for our citizens. After four years of

oil and gas extraction, how and where are used pipes and components being cleaned and recycled? Where is the waste being disposed of? Who is measuring the quality and quantity of waste being disposed? And how is testing being done to determine that radioactive waste is not being released into our environment? In this regard, this Bill and the establishment of the Board will hopefully fill that gap and make public information that will ensure our citizens that they are not at risk and that our environment remains safe. We are, after all, a green nation and a green society.

As I mentioned earlier, this Bill seeks to establish the Radiation, Safety, and Security Board and to vest authority and responsibility—very often we talk about authority, but we do not talk about the responsibility—in that Board for the protection of our people and our environment from ionised radiation. Specifically, among the 27 functions of the Board—the Bill has 27 listed functions—there is the function to establish standards for the protection of individual society and the environment from potential adverse effects of ionised radiation. There is also a public education responsibility and the responsibility to have research done on radiation safety and security necessary to implement its functions. This also includes monitoring, licensing, revoking licence, agency collaboration, and a good list of responsibilities to safeguard our people and bring us in line with international obligations and general good practices.

There are vast inflows of money from the oil and gas industry, but corresponding environmental and human health challenges must be addressed. Too often, the focus is on money, and like the performer of a great illusion, the public does not see the dangers. Recently, a few right-thinking, concerned Guyanese had justifiable cause to take our own Environmental Protection Agency (EPA) to the court over the setting up of a radioactive processing facility at Houston, right smack dab in a heavily populated, busy section along the East Bank of the Demerara River. This was in close proximity to residents, schools, and places of worship, and with residents not knowing what safety measures will be put in place. No study was done; no environmental impact assessment was conducted. This is not how we expect the Board to operate when established. We expect the highest level of integrity and professionalism. I think it should be of concern to all citizens as to how and where dangerous radioactive materials are handled and stored.

This brings me to the point of need for baseline studies. With the many shore-based facilities being set up, storage, and handling of pipes and components with the oil and gas industry, have there been any studies done on the air quality

of these environments? Were water samples and oil samples taken to establish a baseline prior to the establishment of these facilities? This is important so that at regular periods, we can accurately assess the impact of these facilities on our environment. Without the baseline, what will we be comparing to?

It is good to know that this Bill will also address the mining sector. This is of importance to our Amerindian brothers and sisters. Any exploration for [inaudible] ought to take consideration of possible impact on the lives and physical environment of our Amerindian people. Not every exploration will result in commercially feasible quantities. What happens in the event that some radioactive ore is exposed but not mind? How will this be handled? Again, we see the need for baseline studies and for the Board about to be established. Yes, laws do provide for prior informed consent for mining to take place on Amerindian lands, but what about areas not demarcated as Amerindian lands where exploration could be conducted? We need to ensure safeguards are in place to protect waterways, to protect employees, to protect games that our Amerindian brothers and sisters depend on for their daily meals. I cannot stress enough the importance of where this Bill is taking us and the critical nature of the matter it seeks to address.

Here, on the legislative side, we do our work, make provisions for the Board to be established, and give it the authority to act in the best interest of our people. All of this could go to naught if the individuals on the backboard fail in their duties. As I said, it is a vast inflow of money. Oil and gas is big money talking, and the lure to turn a blind eye, to neglect their responsibilities, would be there. At the end of the day, if the Members of the Board and those in its employ lack integrity, then all our work, all the effort we put in, would be to zero effect, and this Bill would not be worth the paper it is printed on. At the same time, the Board, when established, must be allowed to carry out its functions without interference. It is not only foreign multi-national corporations looking for shortcuts that would exit Guyana when the oil dries up that we have to guard against but persons in authority who would seek to direct the Board to have it not carry out its duties and functions, as is stipulated in this Bill. Let me iterate that the effectiveness of this Bill would rest in the individual and collective integrity of the members of the Board and those in its employ, and most importantly, in the independence, the absence of political interference in the functioning of the Board. As I noted earlier, citizens had to seek recourse through the courts on the facility at Houston. Thanks to those citizens.

The good thing is that there are lessons out there that we can draw on. The International Atomic Energy Agency (IAEA) has produced a training manual, *Radiation Protection and the Management of Radioactive Waste in the Oil and Gas Industry*, providing a gamut of information on the subjection. It not only addresses crude oil extraction but also speaks to radioactive gas from production zones and the fact that radioactive deposits can also be encountered in energy processing plants, where we are heading. The training manual also points to the mining of [inaudible] earth and the dangers of possible exposures that need to be taken into account. These are considerations where Guyana, in our new dispensation that we are always talking about and we are so very proud of, must turn our attention. It is about the health and safety of our Guyanese brothers and sisters and that of our environment. This Bill before us today does not border on any presumption that we can avoid radiation altogether. Instead, it sensibly speaks to acceptable dose limits, as the speaker before spoke on. Clause 42(2) states:

“...limits shall take into account the recommendations of the IAEA and the International Commission on Radiation Protection.”

In fact, there is no need for the Board, when established to go reinventing the wheel. Acceptable doses and limits have already been determined, and Guyana would do well to adopt the IAEA guidelines. There is a ton of material already developed. The Board, when established, could actually get out of the starting blocks at full sprint, so to speak. Material based on studies on research are out there. We have a record of beating industry norms by moving from discovery to production in about half the regular time. We can move from zero to a full scale of regulation for radiation safety in similar matter. I am not an expert in these matters and will not pretend to be, but what is clear is that there will be a need for extensive training and capacity development. Let me say that we on this side of the House readily support training and capacity building so that the radiation safety and security Board, the inspectors, can effectively discharge their duties to the people of this country. When big oil is gone, and there will come a time when it becomes not commercially viable to extract, Guyana will be left stranded. Care must be taken now to ensure that we are not left a broken and unsafe land with many people suffering the ill effects or the downside of the oil and gas industry.

And so, I would urge my colleagues on this side of the House to support this, Bill. It is not perfect, but it is okay. I know that before I joined the Special Select Committee, my Colleagues had argued strenuously for the Board to include

at least one person nominated by the Opposition. This was not just so that it could claim to have a person on the Board, but it was more to push for inclusivity. Every year, we hear of this *One Guyana* mantra being preached, but it seems that initially it was a typo, and the intent was Guyana, as in who claimed to have won, as in ‘won’. What we see being played out is the right of one group to decide who sits at the decision-making table. One group believes it has exclusive rights over the Guyanese people, a monopoly of matters of national concern. This will lead us nowhere good. Here, we have another failed opportunity for inclusivity. At the end of the day, this Bill, like any other, would be seen as the product of this House, a collective, not the product of any one party but of the collective. We would have sent a message that this House, this Twelfth Parliament, is forging inclusive governance. Mdm. Speaker, in closing, I urge support for this Bill – omissions and all. I thank you. [Applause]

9.44 p.m.

Minister of Human Services and Social Security [Dr. Persaud]: Mdm. Speaker, I rise to support Bill No. 8 of 2022, the Radiation Safety and Security Bill. In the same breath, I extend my congratulations to you on your new appointment.

Today, we are here to discuss the merits of this piece of legislation which has benefitted from the minute scrutiny within the Special Select Committee. It has been within that Committee for quite some time, not only benefitting from the input, recommendations and discussions from Members of both sides of the House, but also the expert perspectives and the knowledge shared by those technical persons who were part of those very involved discussions.

This is a Bill that seeks to address radiation and, also, waste that would have been generated by radiation, fundamentally, seeking to protect people and the environment. Ionising radiation has been useful for a long time and has been used in so many fields across the world. I think this Bill is a timely addition to our legislative landscape where it seeks to provide a regulatory framework for radiation and allows for the protection, in all forms, of people who may utilise it, people who may be exposed to it. Where it is transported across and beyond the country, it must be managed and treated in such a way that there is minimal exposure, if any, and the safety of people and the environment must always be paramount. This is a Bill that I think is deserving of our commendation. It is a Bill that is deserving of the support on both sides of the House. I would like to add my words of

appreciation to the Minister of Health, my Colleague, Dr. Frank Anthony who would have worked with his team and other agencies tirelessly to craft this Bill and to all those who spent many hours discussing this Bill.

[Mr. Speaker resumed Chair.]

Some people say radiation is a double-edged sword but there are so many more benefits to radiation than demerits. I say so because ionising radiation has been used extensively in medicine and is one of the pillars of treatment/diagnosis in cancer. In fact, some of the most basic diagnostic tests include things like, X-radiations (x-rays), computerized tomography (CT) scans, magnetic resonance imaging (MRI) scans and will establish whether or not a person decides to go further to use a positron emission tomography (PET) scan to determine whether or not there is a spread of cancer malignancy in their body. In addition to all these benefits, ionising radiation would be used in many other sectors. In the industry sectors, agriculture, education, to name just a few of these. With the utilisation comes the question of safety. I am very happy to read that this Bill looks at all the aspects of safety that we need to address as we include these types of radiation in our daily lives. It is a landmark Bill that addresses an existent gap, and it also encompasses standards, training, education, and importantly, emergency preparedness and enforcement measures.

Much mention would have been made of the board that would be responsible for this safety and protection of which we speak. In fact, responsibility is reposed in a board that I consider a professional and technical board. I would like to read the composition of the board. Although one may say it is appointed by the Minister, it does not take away from what they bring to the table as the members of the board, which is tremendous expertise. They are a representative from the Ministry responsible for health, the Environmental Protection Agency (EPA), the Guyana Revenue Authority (GRA), a representative of the Ministry responsible for labour – proficient in the area of occupational health and safety, a police officer from the Special Organised Crime Unit (SOCU) and two other persons qualified in clinical oncology, radiology or petroleum engineering. I think the diversity of the board speaks to what the Bill is about and what the issues are that we are trying to address through the crafting of such a Bill.

There are many potential risks associated with radiation, but I will say that the World Health Organization (WHO), to date, has only given responsibility to ionising radiation for it being responsible for cancers – just 3%. In the way in which

we are looking at radiation, the kind of radiation that causes those cancers is not considered manmade radiation. This is reassuring and it is important to notice that the Bill is premised or hinged on many of the recommendations emanating from regulatory bodies and organisations which have established safety guidelines and safety measures, including the International Commission on Radiological Protection (ICRP) and the International Atomic Energy Agency (IAEA). These are two prominent entities that provide recommendations and standards for radiation safety. These standards are generated from extensive scientific research and aims to protect individuals from excessive radiation exposure. In fact, when these guidelines were generated by these entities, it was with the expectation that they would be used by countries around the world for exactly this purpose, that it would be used, like we are using it, to craft legislation.

The United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) reports that there have been no confirmed radiation related deaths resulting from the disposal of radioactive waste. This speaks to how stringent we must be as a country and how important the enforcement of this piece of legislation to protect the environment and to maintain public health is. The Bill provides for that board to be established and resourced so that that board could have the responsibility for licensing, monitoring, enforcement, implementation and interfacing with other agencies as mentioned in the Bill.

Licensing is something that is not guaranteed. Licensing is something that can be revoked if people do not adhere to the tenets within the Bill. Licensing is also determined by if those who apply for it – whether an individual or corporate body – can fulfil what is required by this piece of legislation. I make that point because it is so important that when people apply for licensing, they are able to withstand scrutiny to adhere to what is requested by the Bill and to also ensure, at all times, they maintain the safety of the environment and the people who are working within their entity and the people who may be exposed to this kind of radiation. The intent of protection is clearly illustrated in each clause of the Bill in Part IV. Even though licences may be revoked, that person, individual or corporate body is still responsible for the safety and security of the facility until that facility is no longer determined to be one where radiation would be contained within.

The Bill is pellucid on the establishment of regulatory standards to govern the use of radiation in different sectors. All these standards are based on scientific research and take

into account the potential risks and benefits associated with radiation. With these clear guidelines as placed within this legislation, we must ensure, and we are ensuring that there is the least possible risk that could emanate from radiation. The need for continuous education and training to keep up with the ever-evolving field of radiation, safety is also of paramount importance. That too is mentioned within the Bill. Part V of the Bill espouses inspection to determine adherence to the legislation and compliance with the terms of licence. Part VI of the Bill emphasises the protection of people at all times with particular emphasis on risk of exposure and, importantly, that doses are significantly lowered so as to ensure maximum safety. The Bill continuously espouses the recommendations of the IAEA and the ICRP. Throughout the Bill, the clauses reflect those recommendations around safety and dosing.

The IAEA has established the International Basic Safety Standards (BSS) which is sometimes called the BSS for protection against ionising radiation and for the safety of radiation sources. These standards have served in other countries and will serve in our country with the unanimous support I am sure this Bill will receive. When it comes into force, it will serve as a framework for national regulations and practices regarding radiation safety. One of the key concepts – and this is important – that would have been emphasised by the IAEA is the principle of justification, optimisation and dose limitation. The principle of justification states that any exposure to radiation should be justified by the benefits gained from it. This means that the use of radiation should only be pursued when it brings about net benefit such as in medical diagnosis or treatments or any other such activity. The principle of optimisation requires that all efforts be made to keep radiation doses as low as reasonably achievable (ALARA), taking into account socioeconomic and practical factors. This means that radiation doses should be kept as low as possible considering the specific circumstances and the currently available technology.

The IAEA provides guidance on dose assessment and monitoring. Calculating radiation doses, as well as establishing monitoring programmes to ensure compliance with dose limits. I mention this and I belabour the point because within this Bill, there is reference made to the IAEA and there is also reference made to the collaboration that must happen between the IAEA and those entities that are going to be involved in monitoring.

One of the key areas in this piece of legislation is emergency preparedness and an entire section has been devoted to this.

It is a crucial aspect that has been addressed in this Bill. Let us face it, accidents and emergencies can happen, and we must have a robust plan to respond effectively. This means establishing protocols for evacuation, decontamination and medical assistance. Enforcement measures need to be in place to ensure compliance with the Radiation Safety and Security Bill. Strict penalties are imposed on individuals and organisations that violate the regulations within the Bill. Regular inspections and audits are also recommended in the Bill. Another key area that has been addressed within this piece of legislation – and I would like to highlight it – is that a national register will be maintained of radioactive sources and categories of radioactive sources required to be recorded therein. The regulation of movement of radioactive substances in, out and around Guyana is also catered for. Emergency preparedness, however, is crucial so that as a country we can respond to incidents and minimise potential harm.

9.59 p.m.

Today, I would like to conclude by asking for the support of this Bill. The passage of a comprehensive Bill on Radiation Safety and Security is not just a matter of importance, it is crucial at this juncture when we are expanding our healthcare system and when we will include newer forms of diagnosis, many times using ionizing radiation. We are also looking at the development and expansion of other sectors, notably mining where radiation will be involved. The potential risks cannot be taken lightly, and it is our responsibility to protect the wellbeing of individuals, our citizens, across the length and breadth of Guyana and the environment. By supporting the Bill, we are advocating for the safe and responsible use of radiation. We are advocating for stringent regulatory standards, comprehensive training, education programmes, robust emergency preparedness, effective enforcement measures. We are standing up for the principles of justification, optimisation and those limitation, ensuring that radiation doses are kept as low as possible to minimise risks. Let us not underestimate the power of this Bill. It has the potential to save lives, prevent accidents, and safeguard our future. It will provide a framework for the responsible use of radiation, ensuring that its benefits are maximised, and its risks definitely minimised.

Together, let us support the passage of this Bill. Let us work towards a safer future, prioritising the wellbeing of individual, communities, our country, and, by extension, our planet. With the passage of this new Bill, we could usher in a new era of radiation safety and security for generations to

come. I support this comprehensive and progressive Bill. I thank you, Mr. Speaker. *[Applause]*

Ms. Sarabo-Halley: As I stand this evening to speak to this Bill, I would like to start off by stating that, as a National Assembly I believe we must without failure, always be viewed as legislators ready and willing to stand with victims of rape. That we must always be seen as standing in support of our women and girls, mothers, daughters and children. It should never and must never be said of us that we who make laws find ourselves busy finding ways to circumvent them to protect someone who has been accused of any form of violence, especially rape. The allegations made against the former Member of Parliament (MP) and all the work seemingly done to prevent him from facing the courts has irrefutably stained our nation and has affected...

Mr. Speaker: Hon. Member, the person you are referring to is not here to defend himself.

Ms. Sarabo-Halley: I did not call a name, Sir.

Mr. Speaker: I ask you to proceed with your contribution now to the Bill.

Ms. Sarabo-Halley: ...has irrefutably stained our nation and has *[inaudible]*.

Mr. Speaker: Hon. Member, I again... I ask you to stick to the Bill before you.

Ms. Sarabo-Halley: I hope that...

Mr. Speaker: I again ask you to speak to the Bill.

Ms. Sarabo-Halley: You have to allow me to say that. You are not allowing me to do so, Sir.

Mr. Speaker: Please, Hon. Member.

Ms. Sarabo-Halley: It is my hope, Sir, that as we go through this particular Bill and other Bills, that we never see in public office the likes of the person that is no longer here.

The Radiation Safety and Security Bill 2022 – it was an interesting experience being in the Committee with Members of this House. I must, at the beginning, state that I got a lot of information from...as I consulted with Members of the civil society to get a sense from them their take on the Bill, and I would like to thank Mr. Alfred Bhulai, Mr. Yog Mahadeo, Mr. Mortimer Livan, Ms. Vanda Radzik and others who were helpful in this process for providing their comments, questions, concerns, and suggestions on how the Bill could be stronger, more transparent, and ensure more accountability. Mr. Speaker...

Mr. Speaker: Hon. Member, let me interrupt you for a few moments and ask the Hon. Minister of Parliamentary Affairs and Governance to move that the Standing Order for our adjournment at 10.00 p.m. to be suspended so that we could continue to complete the business for today.

Suspension of Standing Order No. 10

BE IT RESOLVED:

“That Standing Order No. 11 be suspended to enable this sitting of the National Assembly to continue with its business beyond 10.00 p.m.”

[Ms. Teixeira]

Ms. Teixeira: Thank you, Mr. Speaker. I would like to ask that we suspend Standing Order, I think it is 10, to allow us to continue the sitting and to complete our business as dictated in the agenda, as far as we can go. So, I ask that we continue past the hour of 10.00 p.m.

Motion put and agreed it.

Mr. Speaker: Thank you. Hon. Minister. Hon. Member, you may proceed.

Ms. Sarabo-Halley: The Members of the Opposition made many interventions on the issues of radiation safety and security. I think that both sides, thus far, have gone through what we dealt with in the Committee. I wanted to speak on one particular matter, which I believe was my main contention throughout the process, which was what I believe to be the obvious overreach by the Minister, not the individual Minister, but what the Bill states as the Minister that is responsible for health in the management and the day-to-day duties of the board. When one looks at the Part II, clause 6(2) of the Bill it states that:

“The Board shall consist of the following seven members appointed by the Minister-...”

When one goes on to another section, Part II clause 6(3) states:

“The Minister shall appoint a member of the Board to be the Chairperson...the Deputy Chairperson...”

I know there are instances and cases where the board, after being appointed, could then so choose their Chairperson, Deputy Chairperson. With this particular board, I believe that it was necessary that the board be allowed to do so without the intervention of the Minister. In Part II, in another section of the particular Bill, it states again:

“The Minister may appoint suitably qualified persons to be inspectors for the purpose of this Act.”

My question was, if it is that there is a board with Members with the requisite knowledge and capacity to be Board members, then, why not have the board determine the qualified persons to be inspectors who will have to then report to the board, instead of having to go to the Minister to get those qualified persons? Then Part VI of the particular Bill states again:

“The Board may, in consultation with the Minister, make regulations for-”

They gave a number of areas where the Board will be making particular regulations, but again, the question is: if this board is going to have certain authority, why is it that it then has to go back to the Minister for everything that it has to do? That was my main issue. While I agree with the content of the Bill, there are some parts that I highlighted just now, and there were some others. There is a particular section I raised an issue where the Guyana Geology and Mines Commission (GGMC) is concerned. I understand that GGMC has its own way in which it functions, but there is a board now that is dealing with radiation. Now, what GGMC has to do is to create another section within its department to deal with radiation because anything that deals with mining and radiation is not under the board that we are now trying to bring into fruition. For some reason, mining has to be separated from the Radiation Board, even though one is dealing with radiation. There was an issue where that was concern, but I allowed, so to speak, we sort of agreed to disagree on that particular matter.

In the end, I think it must be highlighted that though the board will be constituted to deal with radioactive matters, it is my hope that when the Bill is passed, and it is assented to, that efforts will be made to operationalise all elements of this particular Bill. It is one thing to say it is a good Bill and to pass it, then operationalising it is a different story. I am hoping that efforts are put in place to ensure persons are efficiently trained, with the necessary skills so that they could actually do what is required of them through this particular Bill. Thank you. *[Applause]*

Dr. Anthony (replying): First of all, allow me to thank all the Members who spoke. I think you get a sense that this Bill, as it was discussed in the Select Committee, received unanimous support. I, however, would like to touch on a couple of points that emerged during the debates. I think, first of all, the Hon. Member who spoke just now correctly spoke about the section dealing with mining. The previous

speaker from the Opposition, the Hon. Alert, I think did not fully understand the section and spoke about this particular Bill having an oversight over the mining of radioactive material. In the relevant section in this particular Bill, it clearly points out that if we find thorium or uranium in Guyana, and we are going to engage in mining activities, then those persons involved in the mining activity would have to notify this board that we are establishing. However, we have an existing Mining Act and all the things pertaining to mining, would fall under the Mining Act. Just for clarity, so that we do not confuse the issue.

I think in terms of the board, a point was raised that the Members of the Opposition wanted a political appointee on the board or someone from a political party. I thought that was what was raised. When one looks at the composition of the board, we have persons from the respective agencies that are in the Bill. I just wanted to make that very clear. They were very specific agencies that we drew expertise from. In the case of the appointees of the Minister, they were very specific as well because it talks about a medical oncologist and expertise that one does not generally get anywhere, one has to get it from particular sectors.

10.14 p.m.

Just for clarity, on this board there will be a representative from the Ministry of Health, one from the Environmental Protection Agency, and one from the Guyana Revenue Authority and that is because, in the importation and the exportation of radioactive material, they would have to be integrally involved. There is a section in the Bill where there must be consultations between the board and the Director General of the Guyana Revenue Authority. In addition to that, in terms of occupational health, the Ministry of Labour would have to get a representative on this board. Also, because one would be going in to do inspections and if there is the illicit trafficking of radioactive material, then we would want to have somebody from the police force. There are two other persons who are identified, one in clinical oncology and one in radiobiology or a petroleum engineer. These are the professionals who would make up the board and that is why we want to keep it that way. The functions of the board are really technical, and we want to make sure that it stays that way.

As was said, the range of activities that this board would have varied. Over the next couple of years, we would see an expansion of the use of ionising radiation, for example, in health. Right now, as Dr. Mahdeo was pointing out, we are expanding our diagnostic capacity so more hospitals would

have x-ray capabilities. In fact, our plan is to make sure that every one of our district regional and referral hospitals have x-ray capabilities. Within the next two years, we will probably have about 14 computerized tomography (CT) machines across Guyana and within three years, we will have at least two magnetic resonance (MRI) imaging machines within the public sector. You are seeing an explosion of diagnostic capability. We need to make sure that we are following international guidance as it relates to the doses that people would be exposed to and so forth. For that, the Bill also makes provision for us to do the regulations from the IAEA. When we pass this Bill, one of the other things that would be coming back is the regulations. This is just one volume, there are three volumes like this. It talks very specifically about the doses that people could be exposed to, the types of ionising radiation and a whole host of other things that we will be passing as the regulations.

Ionising radiation in health, apart from using it for diagnostics, we have also been using it for the treatment of cancer patients. and we do some of it right now at the Cancer Institute of Guyana but we are working to expand the range of treatments that can be offered. One of the things that I have said in a previous speech here in the National Assembly is that we are working to develop a whole oncology unit at the Georgetown Hospital which would include the use of several types of ionising radiation. As one knows, for cancer treatment, about 50% to 60% of the cancer, at some point in the treatment of patients, there is a need to use ionising radiation. We want to acquire the capability to be able to give patients with cancer these options. We are working very closely with Mount Sinai to develop these capabilities. Over the next couple of years this is another area of expansion that we would be going into. Therefore, we want the overarching legislation to be in place and we want the regulations to be in place, so that when we roll this out, we are following good international practice.

The last speaker also spoke about possible ministerial overreach in the Bill. This did come up in our discussions. At that time when it came up, I pointed out that there must be somebody who is going to make these appointments. When one looks at a lot of our legislation, let us take the Food and Drug legislation that dates back to 1974, these powers are in that Food and Drug legislation. The power to appoint inspectors is in that legislation. When the drafters in the Attorney General's Chambers are looking at drafting legislation, they are pulling from the practices or the precedence that we already have in the country. They are using that to craft new legislation. It is not something that we

are doing just to empower the Minister, this has been the practice that has been there all throughout. The various powers that were sighted, these are very normal things in our legislation, I just want that to be known as well.

These were some of the points I think were raised. I think there was another one dealing with the radioactive substances and its transport, but, again, we have made adequate provisions under this legislation so that if one has to move radioactive substance from point A to point B, that can be done. I think one of the speakers spoke about the radioactive substances use in the oil and gas industry. Yes, while they do have some minimal use in the oil and gas industry, I do not think we should be carried away because, most of what was said there is not applicable to what we are doing here. Nevertheless, once this board is constituted, if there is any use of radioactive material, it can be governed by the board. I think adequate provisions have been made and we are working to put the right legislative environment in place.

Mr. Speaker, it should be noted that since 1997 we signed the treaty with the IAEA and one of the requirements was to put this model type of legislation in place. It took us this long for us to get this legislation. Nevertheless, it is the first time in our country that we have now put together legislation to govern the use of ionising radiation in our country. This is a landmark piece of legislation that would help us to keep the people of Guyana safe and we will use ionising radiation for the benefit of the people. I want to commend everyone who has worked on this, the members in the Special Select Committee, the persons from the Attorney General's Chambers, the technical support that we got from the IAEA and, of course, the Parliamentary staff who assisted us as we worked on this. We had several experts from the Environmental Protection Agency and the Ministry of Health and we do have some medical physicists in the Ministry who advised on this.

I think there was another point about training that somebody mentioned. One would be pleased to note that we have sent another person to be trained as a medical physicist who will be returning next year. We are building the capacity to be able to manage what is the legislation. Thank you very much, Mr. Speaker.

Mr. Speaker: Thank you very much, honourable Minister.

Question put and carried.

Bill read a second time.

Assembly in Committee.

Bill considered and approved.

Assembly resumed.

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

COMMITTEE'S BUSINESS

MOTION

10.29 p.m.

Mr. Speaker: The subtle difference is that the previous Bill was sent to the Special Select Committee before the second reading. For this one, the second reading was done and now we have the Report just before the third reading. I call on the Hon. Minister of Housing and Water, Mr. Croal, to make his presentation.

Adoption of the Report of the Special Select Committee on the Planning and Development Single Window System Bill No. 26 of 2022

“BE IT RESOLVED:

That the Report of the Special Select Committee on the Planning and Development Single Window System Bill 2022 – Bill No.26 of 2022, be adopted.”

[Minister of Housing and Water]

Minister of Housing and Water [Mr. Croal]: Mr. Speaker, as Members may recall, the Planning and Development Single Window System Bill 2022 – Bill No. 26 of 2022 seeks to provide a number of things. One is to provide for the establishment of the Planning and Development Single Window System. Two is to provide for the management and implementation of the Planning and Development Single Window System. Three is to provide for the establishment of the planning oversight committee. Four is to define the functions of the planning oversight committee and the centralised functions pertaining to land use planning and development.

Mr. Speaker, you may recall that this Bill was introduced in the National Assembly and, as you quite rightly said, read a first and second time on 5th December last year and 24th April this year, respectively. The Bill was subsequently referred to the Special Select Committee. That Committee met on five occasions. I am pleased to report that the changes to Bill No. 26 being presented today were unanimously agreed upon by the Members of the Special Select Committee. The Special Select Committee comprised Members from this side of the House namely, the Hon. Mr.

Nandlall, the Hon. Ms. Teixeira, the Hon. Ms. Rodrigues, the Hon. Mr. Indar, and I as the Chair. From the other side of the House, there were the Hon. Mr. Forde, the Hon. Ms. Ferguson, the Hon. Mr. Patterson, and the Hon. Mr. Mahipaul.

I use this opportunity, therefore, to thank the Members of the Special Select Committee for their efforts and advice during our deliberations. The spirited debates that we had in the Special Select Committee, I can say, have strengthened the Bill. I would also like to recognise the staff from the Central Housing and Planning Authority (CH&PA), most of whom are here tonight, the Attorney General's Chamber and his legal team, and the Parliamentary Counsels for their professional advice throughout the process. Many of the proposed amendments before the National Assembly are meant to clarify various provisions of the Bill. A few of the proposed amendments are more substantial. I will make note of the nature of the proposed amendments in my presentation now. The first proposed amendment was to clause 4(2)(a) and (b). This amendment allows applicants to submit planning and development applications and other relevant documents either electronically or in paper form. So, we previously had this as ‘and’. This change allows applicants to submit in either form, rather than both.

The Special Select Committee recommended the deletion of clause 6 (2) and moved it to clause 4 (3). This was simply an editorial change since this provision is better placed within clause 4. Clause 8 (1) (i) was recommended to replace clause 8 (1). It includes the addition of a new paragraph 8 (1) (j). This amendment and addition to clause 8 expand the options for payments and the agencies to which such payments can be made. It takes cognisance of our changing dynamics in terms of electronic payments. Also, as was debated, it will capture persons wherever they are making an application in this country because it does not necessarily have electronic platforms in every part of the country as yet.

A minor amendment was also made to clause 10 (1) to clarify that the provisions of this proposed legislation do not impact or detract from the provisions that are in the Amerindian Act. It was recommended that the new sub-section (1) be added to clause 11 to also allow the Central Housing and Planning Authority to monitor and evaluate the operations of the relevant agencies involved throughout the planning and development process. It was also recommended that a new sub-section be added to clause 12 to provide for the publishing, semi-annually, of reports on applications and their statuses on the Ministry's website.

An amendment was also made to clause 13 (1). It was recommended so as to clarify that the single window planning unit will be headed by a suitably qualified Director who will be appointed by the central authority in consultation with the Minister. To ensure that the Local Government Organs, our agencies, or partners receive fees collected on their behalf in a timely manner, a new sub-section to clause 14 was recommended. This new provision, when approved, will ensure that all fees collected by the Central Housing and Planning Authority, on behalf of those agencies or Local Authorities, are remitted within 60 days.

An amendment to the administrative scheme was proposed so that consultations with the Director and other relevant agencies occur prior to any changes or revocations approved by the Minister. This proposed amendment, when approved, will be included in clause 15 (3). To protect the integrity of the data in the system and to ensure that there is a secure and updated registry of all authorised users, we have proposed amendments to clause 16 (2) and (3).

Clause 17 of the proposed legislation, which cross-references the Environmental Protection Agency (EPA), was recommended for deletion with the subsequent clauses renumbered. The Committee felt that the EPA is an independent statutory body with its own processes and procedures and would already have statutory provisions to deal with timelines and other developmental considerations. In keeping with similar proposed amendments identified earlier, it was therefore recommended that paragraph (2) (a) be added to clause 17 to clarify that a suitably qualified chairperson of the planning oversight committee will be appointed by the Minister. To broaden the representation of the planning oversight committee, clause 17 (2) (c) was recommended for deletion and replacement with:

“...one (1) person to be appointed by the Minister, after inviting nominations, from the private sector having knowledge and experience of matters relevant to land development.”

This person will be drawn from the areas of business, finance, law, physical planning, natural science, land surveying and architecture or engineering. In a similar vein, clause 17 (2) (d) was deleted and replaced with:

“...two (2) persons appointed by the Minister, after inviting nominations, from the Guyana Association of Professional Engineers, the Guyana Planning Association, the Guyana Architects’ Association...”

And as was recommended, the Guyana Association of Professional Surveyors Incorporated. A new sub-section at clause 17 (4) was recommended for insertion into the Bill. This new provision will set out the terms of members of the planning oversight committee as two years, with the eligibility for reappointment for a further term as may be determined by the Minister.

A minor amendment was recommended to clause 18 (2) to clarify that the committee shall be responsible for implementing the policies given to it by the Minister. To ensure that a copy of every report prepared by the committee is laid in this National Assembly, an amendment was proposed to clause 19 (2). To clarify that a review of the committee will be ongoing, rather than simply after the initial year, it was recommended that clause 19 (3) be amended so that the Minister may undertake a review of the Committee after the end of the first year and annually thereafter. It was recommended that clause 20 (1) be replaced with the following:

“The Central Authority may, with the approval of the Minister, delegate any of the duties, powers or function of the Central Authority under this Act, to any person or body, and on such terms and conditions as the Central Authority sees fit.”

This amended provision will allow the Central Authority, with the approval of the Minister, to attach conditions to any delegated authority. A similar amendment was recommended to clause 20 (2) to allow the Central Authority:

“...with the approval of the Minister, give directions to any persons or body to whom it had delegated a duty, power, or function with respect to the exercise of that duty, power or function and that person or body shall comply with the directions.”

A new Part VI was inserted in the proposed legislation – the Establishment of Planning Appeals Tribunal. It was proposed that the new part includes provisions that are fairly common for existing tribunals, similarly patterned after the Environmental Protection Agency. It was proposed that the Planning Appeal Tribunal will consist:

“... of a Chairman and four other members, including a Vice-Chairman, each of whom may be appointed to serve in a full-time, part-time or periodic capacities as may be required to fulfil the objects of this Act.”

It is anticipated that:

“22. (2) The Chairman of the Tribunal shall be an attorney-at-law of not less than ten years standing, and shall be appointed by the Minister.

(3) The Vice-Chairman shall be elected by and from the members of the Tribunal at the first meeting of the Tribunal.

(4) The members of the Tribunal other than the Chairman and Vice-Chairman, shall be appointed by the Minister from among such persons as appear to be qualified by virtue of their knowledge of or experience in law, business, finance, physical planning, natural science, land surveying and architecture or engineering.”

It is proposed that:

“23. (1) All members of the Tribunal shall hold office under such requirements and conditions of service and for such term, not less than two years, as may be determined by the Minister and set forth in the terms of reference at the time of their appointment and shall be eligible for reappointment.”

“25. (2) An applicant who is aggrieved by a decision of the Central Authority...”

And this is important. We have put time bound here again too:

“...within twenty-eight days of receipt of the decision, appeal against that decision to the Planning Appeals Tribunal by filing a notice of appeal...set out in the Third Schedule, with the Secretary of the Tribunal and serving a copy thereof on the Secretary of the Authority or other respondent.

(10) The Planning Appeals Tribunal shall, after making such enquiry as it thinks fit and after giving the appellant a reasonable opportunity to present his case-

(a) allow or dismiss the appeal;

(b) uphold the decision of the Central Authority; or

(c) reserve or vary the decision of the Central Authority.

(11) The decision of the Planning Appeals Tribunal shall be final unless Cabinet declares the matter to be one of national interest.

(12) If a declaration under subsection (11) is made, the decision of the appeals tribunal shall be reviewed by the Cabinet, which may-

(a) confirm the decision;

(b) confirm the decision with conditions; or

(c) revoke the decision.”

In keeping with the theme of facilitating timely decisions, an appeal shall be heard and determined by the Tribunal within three months from the date of the filing of the notice of appeal. During the appeal process – and this is very important – any application which is the subject of an appeal shall be put on hold until that appeal is heard and determined. Clause 23 of the draft Bill has been replaced with a new clause 27 which reads:

“No action shall lie against any person employed by or acting on behalf of the Central Authority for any act or omission done in good faith, and in the discharge of any functions of this Act.”

Clause 24 of the draft Bill has been deleted and replaced with:

“Where an applicant is required to resubmit an application as a result of a technical malfunction of the system, the application shall be deemed as submitted as at the first date of submission.”

Clause 29 has been replaced with a new clause 33. This provision will clarify that:

“This Act shall take precedence over any other Act it comes into conflict with, except the Amerindian Act as it relates to land titling.”

In addition to the above, number 11 of the First Schedule of the Bill was deleted and replaced with:

“Demolition of buildings or structures.”

It was felt that this proposed change was in recognition of the role of the National Trust of Guyana. The point here is that while one has to make an application for construction, similarly for demolition, one has to also, knowing the nature of the building, apply.

The Bill therefore provides for a single-entry point, a platform for the submission, processing and approval of all

planning and developmental applications. As the Bill that was laid by the Hon. Minister of Tourism, Industry and Commerce, similarly, we are intending, as a country, to improve our positioning and the ease of doing business, therefore reducing frustration. This intervention would become a necessary tool for doing business. Therefore, the gaps and the inefficiencies we have in the system that have been frustrating applicants would be reduced. This platform would bring predictability, would reduce or eliminate bureaucracy, would bring total transparency to the table, and most importantly, it would bring to bear the deficiencies you see in the system, namely the time it takes when applications are done. Instead of what there is now which is when an application is done there are sequential approvals by the various agencies, this now provides for simultaneous activities to take place.

This Bill, when approved, would replace the paper existing based system. As I said, this can be accessed anywhere in the world and users would be able to submit their applications and supporting documents electronically. Equally, that user or applicant would be able to check the status of their application from the comfort of their office or home and allow for, as in business, decision making. This legislation brings to bear the performance of the various agencies that would be involved and the ministries, as it includes timelines associated with each component of the process which would hold accountable all the approving agencies involved in this approval process. While this legislation would create a single access point for all applicants, the role of our partners would not change. We would still rely on their input, through this new system, and their responses. It must be time bound and they would have to provide that information within a specified period. That time period would be defined in the administrative scheme provided for in this legislation.

In closing, one can describe this Bill as a landmark one for our country because it would clear the way, upon its successful application when it becomes an Act, as to how we in Guyana have to adapt to the way in which Government would conduct its business, that is, in a transparent manner. It would also bring transformation to the way in which Government's business is conducted. Once again, I thank all the Members of the Special Select Committee. As I said in my opening remarks, all were allowed to provide their input and debate and you would realise, from the outline that I just provided, we have inserted a number of amendments. Certainly, this obviously augurs well because it strengthens the Bill and brings more transparency to what we want to do from this legislation. Thank you very much. *[Applause.]*

Mr. Speaker: Thank you, Hon. Minister and now for the Hon. Member, Mr. Mahipaul.

Mr. Patterson: Mr. Speaker...

Mr. Speaker: Mr. Patterson...

Mr. Patterson: With your leave, there is just a minor change in the speaking line up.

Mr. Speaker: Go ahead, Hon. Member, Mr. Patterson.

Mr. Patterson: Thank you, Mr. Speaker. I rise to make some brief contributions to the Planning and Development Single Window System Bill, Bill No. 26 of 2022. First, permit me to congratulate the mover of the Bill for seeing the wisdom and agreeing with the Opposition's request to have this Bill referred to a Special Select Committee, since, Sir, in our opinion, the final product is a vastly improved Bill than what was originally submitted.

On previous occasions when, we on this side of the House made similar requests, the Government's position was always that the Opposition were seeking to delay the passage of these legislation. This was not the case in this Committee. Of the three or four occasions – and I do think it was three or four – the meetings were required to be rescheduled, these were always at the request of the Government's side. This is important to note because when we on this side of the House give our commitment to ensure that any Bill referred to a Special Select Committee is examined in the shortest possible time, we keep our commitment. In future, should we make any request and say that we would work diligently to get it out of the Special Select Committee, on behalf of my colleagues, I am saying to you, Sir, that we would keep our commitment.

Before I proceed any further, please permit me, on behalf of this side of the House, to express our gratitude to the staff of the CH&PA, the Ministry of Housing and Water and the staff of the Attorney General's Chamber, as well as the Parliamentary staff whose assistance and support proved invaluable. At the onset, we on this side of the House indicated that while we were supportive of the Bill, in principle, the *devil would always be in the details*. I do not intend to highlight every clause that was amended in the Special Select Committee process, but in no particular order, I would like to highlight a few amendments which we on this side of the House proposed and which were agreed upon and included.

The original Bill sought to include developmental activities in Amerindian-titled lands without free, prior and informed

consent (FPIC). This was a concern raised by my colleague, Mr. Vincent Henry. The Bill gave the soon-to-be established central authority developmental control over indigenous communities. Thankfully, the Committee agreed that this was not the intent of the Bill, and the indigenous communities' rights have been preserved by the inclusion of a subsection in clause 33 which exempts Amerindian-titled lands from this central committee. We thank you for seeing the wisdom in that.

10.59 p.m.

There is also an issue which we brought up and which was agreed to, which is the timeline for remitting fees collected on behalf of local authorities. The central authority, by these amendments, now has 60 days to remit moneys collected on behalf of these agencies. It was our opinion that there is a danger that certain local authorities could be starved of funds without these timelines. We have seen what has happened with (inaudible), whereby moneys voted for by this House have not yet been remitted. We are quite pleased now that, by law, the central authority has to remit whatever funds it collects on behalf of any agency within a sixty-days' time period.

In the original Bill, cash payments could only be made to designated banks. We on this side highlighted the fact that there are several areas that have no banks, whatsoever: Mahdia, Mabaruma, and so many other places. The initial proposal by the Government was that they should either get Mobile Money Guyana (MMG), which we told them is sometimes not available, or that they should traverse and go to the nearest banking facility. We are pleased that an amendment has been included in this from the Special Select Committee. It permits persons in areas where there are no banks to be able to make cash payments at any designated area. We asked for public accountability be included by the publishing of information. This was strongly supported by Ms. Teixeira. The inclusion of clause 12(3) requires the central authority to publish on its website every six months. We had proposed every three months, but the compromised position was that every six months, there must be a summary of all the applications and the statuses, how many were approved, how many were disapproved, rejected, and how many are pending. This is so the public can know the status and how this new system is working. This is in addition to the annual report that the Minister will have to lay in the Parliament.

Terms and conditions for the oversight committee, as the Minister explained, were included. Previously, they were

undefined and solely at the discretion of the Minister. Under part V of the Bill, this was addressed and amended by the Special Select Committee. A serious concern was raised by this side of the House on an inclusion of a clause which sought to bring the EPA under the authority of the soon-to-be established central authority. We on this side of the House raised the fact that the EPA has its own substantive Act and procedures, and any inclusion would provide great jeopardy to the independence of the EPA. Thankfully, our concerns were shared by the Attorney General and Ms. Teixeira, and this clause was deleted in its entirety. We thank them for that.

Part VI of the Bill, the Establishment of the Planning and Appeals Tribunal, was completely redrafted by the staff of the Chambers of Attorney General. Previously, it provided no timelines and no criteria for selections. It was simply to let there be an appeals tribunal. Now, the amended Bill, which is before you, provides guidelines, timelines, and procedures under which appeals can be done. We are supportive of that.

There remains, on our part, an issue of contention. That is the wording "national interest". If an application goes through the entire process and it is rejected by the local authorities, it goes to the planning and appeals commission and it is rejected there, the Cabinet has a proviso by declaring that twice-rejected project one of national interest. We accepted the Government's position, but we asked that the wording and what constitutes national interest be further defined. I will give you an example, Sir. If, for whatever reasons, the Wales Gas to Shore project was rejected by the Neighbourhood Democratic Council (NDC), the EPA, and the Planning and Appeals Tribunal, the Government, by the Minister or whoever, now can go to the Parliament and override all those laws – the EPA's rejection, the local authority's rejection, and the Planning and Appeals Tribunal's rejection – and declare the project one of national interest and have it approved. We are concerned that the Cabinet now has the power to override all these decisions, all the work that has been done, and all the timelines and procedures in the appeals procedure by declaring a project one of national interest. This is an open-ended clause, and we hereby continue to raise our concerns.

Included in the original Bill was the provision for the demolition of buildings that were previously designated heritage buildings and listed buildings. We raised a concern and, thankfully, the Attorney General, in particular, agreed that the inclusion was an overreach. It has been redefined just simply to the demolition of buildings, which, as

explained, was an item that was not covered elsewhere. The Bill that is before this House was agreed to by both sides. We now await the regulations, which I am pleased to say that the Minister has committed to circulate before bringing these regulations into effect. I commend him for that. The regulations will have the timelines that will be imposed on the local agencies.

I have one final point, which I hope either the Minister or the Attorney General can address. Our deliberations were extensive and very far reaching, but I do think that in the entire Committee, including myself on the Committee...there was an oversight, an area we had not addressed in the Bill. That is the status of existing applications in the system. It was only after rereading it last week I realised there are existing applications and that there will be applications coming in until the Minister signs the commencement order. There should be, I do think, a clause in the Bill preserving the status of those applications. I know it was implied, but there should be a clause which states that all applications previously submitted before the commencement of this Bill are still valid and they can still go through the process. Maybe, in the Attorney General's presentation, the Hon. Member can provide some clarification on what will happen to these existing applications already in the system. We on this side are willing to propose an amendment – I do not know if it is possible – if so required, to ensure that existing applications are not, by a stroke of pen on the commencement of the order, deemed not valid.

Sir, with those few words, I would like to thank the Minister and his team for sending this to the Special Select Committee. I would like to highlight to this Assembly the benefits of going to a Special Select Committee. The mover of this motion was even unaware, until he got to the Special Select Committee, the extent of the Bill that he was putting to the Special Select Committee. The Minister thought that the Bill that he brought and debated only applied to buildings over three stories high. This Bill applies to all building applications. That is the benefit in the wisdom of going to a Special Select Committee and hearing the other side. With that one issue, the status of existing applications, which I hope the Attorney General will address, we on this side support the work of the Special Select Committee. I thank you. *[Applause]*

Mr. Speaker: Thank you, Hon. Member. Now for Hon. Member, Mr. Deodat Indar.

Minister within the Ministry of Public Works [Mr. Indar]: Thank you, Mr. Chairman. I also rise to give brief remarks, and I really mean brief.

Mr. Speaker, it is actually unfortunate that, at this late hour, a Bill that is a revolutionary Bill in Guyana is being discussed, and that the people this Bill is intended to benefit might not hear what Members of the House are saying. From time immemorial, when I was in the private sector, you heard about a single window. It was just a request from the private sector to the various Governments of the past. Tonight, in this House, this Bill, which went through a Special Select Committee and was hammered out, is now on the floor for final passage under the People's Progressive Party/ Civic (PPP/C) Government. In the vein that the Hon. Mr. Patterson spoke about the bipartisan nature of all of the input that came from both sides of the House to bring these 31 pages, six parts, 29 clauses, and three schedules that form this Bill, I believe that the Committee should be commended. The Chairman of the Committee, Hon. Collin Croal, was highly professional in the way in which he conducted the meetings. I would also like to thank the Attorney General's Chambers because I know that a lot of the work fell back on his team and the CH&PA's team.

I would just like to point to two areas in this Bill that I believe are worth mentioning, and they were covered over quickly by Mr. Patterson. There are 10 areas in this Bill, on page 9, that speak to method of payment: debit cards, money transfer, e-wallet account, cash deposits, electronic funds transfer, real-time gross settlement, online banking, and other forms of payment. There is a wide catchment area of many ways in which one can pay for the services. A person would want to ask how his or her information would be protected. The Bill also has a section that deals with the protection of data and the security of the system. It must give those who are applying for construction site permits, whether it is housing, whether it is sea defence, wherever they want to build in this country, that the information that they give to the secretariat is going to be protected.

11.14 p.m.

That is also going to be complemented by two other legislations that were tabled today, the Electronic Communications and Transactions Bill 2023 and the Data Protection Bill 2023. Those will complement the protection of applicants' information – their financial information, *et cetera*. I wanted to make that point. I saw some reports in the media that raised concerns about personal information, proposals, if it is leaked to someone, if one's payment

information is used unauthorisedly. I believe that this Bill, and the other legislation that will come after will address those concerns. I would also like to point to another section of this Bill that I believe those that it will affect should be happy to know. On the First Schedule on page 25 of this Bill, there are 11 areas where a person can apply – which is for single-family residential; multi-family residential including low-rise apartments, townhouses and condominiums; commercial buildings; industrial buildings; institutional; infrastructure; change of use; land sub-division; agriculture; recreation; and demolition of buildings or structures.

There are a number of agencies that are captured under this. There are 15 different agencies. Persons had to run around to build a shore base – to go to sea defence, to go to public works, to go to the Neighbourhood Democratic Council (NDC), to go to the Environmental Protection Agency (EPA) to get an assessment; if they had to get a management plan, if they had to get a full EIA, they had to jump from one agency to the next. That is what currently happens. Every agency looks for a no objection letter from the other agency or else they cannot *kick in* a process to start an application. Because of that, it is like a *dog trying to catch his own tail*. It is convoluted. This legislation *brings it in line* smoothly, so that a person who goes into a big project that requires multiple agencies to give their no objection and their approval can now do it in this single window platform.

The Central Board of Health's application that goes there for various things will be captured. For public works – this country is under construction – if one has to do something that goes into our main access road, one has to get a no objection. If one has to do something to a sea defence, one has to get a no objection. There are so many permits that one has to issue. They all come here now. Sea defence has a whole host of requirements for an application; they have their own legislation. That legislation has its own requirements – how much land one can apply for from the reserve to the lowest water mark. All these things are now going to be in one place.

Let us say one is building a shore base – private individuals are building many now – one has to go to the agency for sea defence and to produce all their documents there. They have to take those same documents and go to Housing. If they are doing it in Georgetown, they have to take those same documents to City Hall. If they are doing it in the regions, they have to take it to the NDC that is affected in that region. Sometimes, not all the time, they have to get a Regional Democratic Council's (RDC's) no objection. There are a

whole host of no objections that one has to get when one is dealing with a big project and it hurts us as a country, because when investors come in and they are getting pushed around, sometimes in frustration they may say they are not doing it anymore; it is hard to get the work done. One hears that a lot. One hears that a lot. In the private sector, I can tell you that a lot of them come to the offices in the various ministries, the various organisations, and it is the same thing.

Concerning the Guyana Lands and Surveys Commission (GLSC), applications that go there will now be a part of this single window platform. Concerning the Guyana Fire Service (GFS), try to apply to do a commercial property – one has to get all these things. Apart from the Central Housing and Planning Authority (CH&PA), if you are building outside the city, you have to get the NDC and the Fire Service to give you a no objection. It is a hard thing. If one is going to build a facility that deals with fuel, that is even worse. The requirements to build a facility that is dealing with a fuel depot and setting up tanks is even more rigorous. Now, all these things will be in this single window platform. Concerning the Guyana Civil Aviation Authority (GCAA), try to build a high rise – one has to get what is called the flight path clearance from GCAA which is the Civil Aviation Authority. That sometimes requires a lot of work. It takes a lot of time. When one adds up all these different things that one has to get as an investor coming to a country, or persons right here trying to build something, it stretches the timeline and the project delivery. Things that get stretched long, frustrate investors.

The National Trust of Guyana, the Guyana Office for Investment (GO-Invest), the Guyana Land Registry, the Deeds and Commercial Registry, Guyana Water Incorporated (GWI)... Again, try to get permits from the Guyana Power and Light (GPL) Incorporated – before one gets a hookup, one has to go to Public Works to get an inspection. It takes a while before one takes that to GPL before they put a meter on. Sometimes that process takes six months just to get the electrical. [Mr. Mahipaul: (Inaudible)] What? [Mr. Mahipaul: (Inaudible)] Corruption?

Mr. Speaker, the Maritime Administration Department (MARAD) would normally issue a no objection for sea defence building, *et cetera*. The MARAD also gives a lot of permits for different things in the country's waterways. The water activity permit and a host of other permits. If one has to move from one point to a next in the river, one has to get a permit – one has to run down by someone. If it is 3.00 p.m. on a Friday, one has to come back on Monday. Those are the

types of things that people go through on a daily basis and it frustrates them. The single window system will capture those things now. I am sure when the regulations are out, they will capture the timelines so that persons can know, they can understand, and they can plan better. They will know when they are going to build a particular building – if it is a warehouse, if it is a shore base, if it is a single-family house – they know exactly the number of things that they have to get and quickly they will know the timeline for the permits.

Lastly, is the Guyana Forestry Commission (GFC) and the local democratic organs. This country has a lot of NDCs. With everything one does within a NDC, especially for building, one has to go to the NDC to get a permit – a no objection. The NDCs sometimes meet once a month. If everything is not in order when they meet, they have to come back the next month. Just imagine persons are going through that. It cuts across, interfaces with, every person on the coastland and in parts of Region 10 – the NDCs. It cuts across the entire population. Imagine everyone having to go through that process. These are the things that this Bill is addressing. It is also doing something a little bigger than the *nitty gritty* within the Bill. It is modernising Guyana. It is modernising Guyana as most of these transactions are done on an electronic platform. That is where the country is going. It is faster; it is easier. One does not have to replicate documents to one agency after the next. The document may get lost; someone pulls out a couple of pages from it. When they reach the authority and the boards that have to pronounce on them, if two things are missing, they cannot do the work; they cannot do the approval. That frustrates people. I am sure that the private sector will be happy to see this particular legislation passed as they have been asking for it for, as I said, *time immemorial*.

Those are my contributions to this legislation. It is very important for Guyana; it is very important for the development of the country. Again, I would like to thank the Government's side, as well as Mr. Patterson, Mr. Mahipaul, and Ms. Ferguson. We were all sitting in the meetings. I joined online a lot but the conversation and the deliberation was mature. I believe it is like when one is mining. I agree with the Hon. Member, Mr. Patterson. When one is mining and one finds a little gold, it comes in a rough form. But when one applies heat and puts a hammer on it, Mr. Minister, and one treats it a little more and it goes through the process, it becomes something that one can admire; something that is of value. I believe that this is a hammered-out legislation and I believe it is one we can all be proud of. Thank you very much. Mr. Chairman of the Select Committee, for leading this process, Sir. [Applause]

Mr. Mahipaul: Mr. Speaker, I was going to use the words 'landmark legislation' but I want to say it is a hammered-out piece of legislation indeed as my colleague, Mr. Indar, just said. Before I make my contribution, I do not want to rehash all the arguments that were made when we had the second reading of this Bill on 24th April, 2023, which was a Monday. Most of what Minister Indar echoed there was already ventilated by a number of speakers. I want to say that I took note of the fact that the public servants from the Ministry of Housing and Water were here since the commencement of our sitting and we are concluding with them still here, which clearly means that they have this vested interest in this Bill. I believe that they are hardworking public servants. They assisted us greatly in the special select committee. I want to say to them, personally, that we salute you for your hard work and commitment towards this Bill and making life easier for the entire Guyana.

I want to say that I am now satisfied that this Bill seeks to have more efficient and effective use of resources. We on this side, are now fully satisfied and we endorse that this Bill will seek to improve compliance. We believe it will enhance security. We believe it will enhance and increase transparency. We believe in cutting costs by reducing the approval timelines by days. We believe in cutting costs by reducing delays. Equally, we believe in increasing predictability. These were the words that were echoed on the day when we deliberated on this Bill for its second reading. It goes to show that political maturity can cause us to have a piece of legislation or a law that can be so well hammered-out to benefit the people of Guyana. To that end and knowing full well that the Government's side had five Members on the Committee, and our side had four Members on the Committee, we worked assiduously to bring a piece of legislation to this House that has unanimous support.

However, there was a particular part that we were attempting to include in this piece of legislation that speaks to oversight. In an effort to ensure that there is accountability and transparency, we were seeking to include in the Oversight Committee, a nominee from the Leader of the Opposition. It was not just a person whom the Leader of the Opposition would just name, the person had to reach the requirement of having experience of matters relevant to land development and drawn from the areas of business, finance, law, physical planning, natural science, land surveying and architecture or engineering – within that framework – so that there could have been this whole idea of real transparency and accountability.

11.29 p.m.

Unfortunately, that was not accepted, but we did manage to compromise on having a suitably qualified chairperson for the Committee. I must say that the talk of 'One Guyana' must include putting it into action. The Opposition side represents a large portion of the population. Any idea of a 'One Guyana' being put into practice, one would have thought that at least that recommendation would have been accepted for the sake of improvement with accountability and transparency. I want to use the opportunity to ask the Government side, as we go forward, to put into practice the thought of 'One Guyana' and try their best to remove this one-sided Guyana that we seem to be practicing.

I want to also say that there are 28 amendments that are in this piece of legislation, and it presents itself at a time when we are indeed looking to transform how work is being done in our country, especially by way of our people getting it easily done for their own benefit. I say to the Hon. Minister of Housing, thank you for heeding the call of the Opposition to ensure that this Bill goes to a special select committee where we indeed worked hard to bring it the National Assembly for its third reading and passage. I do remember that when we agreed for this Bill to go the special select committee, it was the Government's side who said that it is only going to spend one month there. I want to put on record, as my colleague did, that we were prepared from the Opposition side to finish this Bill even if it took us five days. It was five times that we met and in those five times we managed to conclude this Bill and bring a robust Bill to this National Assembly. Even if it were five days, we were ready. The delay of it not satisfying the one-month period and being extended is no fault of the Opposition. I want to put that on record.

I want to further say that every Bill that comes to this House and should the Opposition have a view of making amendments, or suggesting amendments, or a request for it to go to a special select committee, with the sole intent of making it stronger and better and have a well hammered-out Bill for the benefit of the people of Guyana, like this Planning and Development Single Window Systems Bill, we are committed and we are prepared to ensure that is done in the fastest of time and with the best interest of the people of Guyana. Please allow me to say that and to congratulate the staff at the Ministry of Housing and Water, even the consultant and the team that was there with us. And for the good work that the Committee has done, we look forward for future Bills to do similar work with an intent to benefit the people of Guyana. I thank you very much, Sir. *[Applause]*

Mr. Nandlall: At this late hour, I undertake to make my presentation as brief as possible. A lot has already been said by my colleagues, Minister Croal and the Hon. Minister Indar as well as Hon. Mr. Patterson and Mr. Mahipaul. I also want to join and echo our sentiments of gratitude to all Members of the Committee for the work that they have done; also, to the staff of the Ministry of Housing and Water, the Central Housing and Planning Authority (CH&PA), and the Ministry of Legal Affairs, in particular the parliamentary drafts persons who were assigned to the task of working with us on this Bill.

The Bill spent some time in the select committee and certain important changes were made – no doubt about that. The Bill now, I believe, would have benefited from those changes. The Bill now, once it is implemented, is expected to bring great reprieve, bring great efficiency, bring great speed, and save a lot of time, energy, and money that currently is being spent, or if one may say wasted, in planning permissions being granted under the current system. I was speaking to Minister Croal earlier today and I was telling him that if we can get this up and running in the manner that we have it in writing and the manner that we contemplate it to work, then we would have made a remarkable accomplishment in central government, and hopefully, we are able to replicate this system in almost every sphere of the state apparatus and in other spheres of governmental activities.

While I do not wish to doubt the Opposition's involvement and their contributions – I want to recognise it – it is not every Bill that the Opposition asks to go to a select committee must go. A case has to be made out for the Bill to be sent to a select committee. I know if you leave these statements unanswered, then this precedent may develop and every Bill that we bring here the Opposition will want to tell us take it to a select committee. It is not every Bill, Mr. Mahipaul. You have to make out a case for a Bill to be sent and then, of course, we will send the Bill, if it is in the best interest of the Bill, and the best national interest to do so. We are committed, we have always been committed, to sending Bills to the select committee when it warrants it, when it merits going to the select committee.

Mr. Mahipaul also spoke about 'One Guyana' and about importing into the Bill some representative of the Leader of the Opposition. There is a certain type of legislation where you have a political presence, and there is a certain type of legislation where you do not have a political presence. This is a core central-government-type legislation. The presence of a politician has no place here. It has nothing to do with 'One Guyana' and 'two Guyana', and 'three Guyana'. This

is not a place for an Opposition representative to be. This here is a civil servant, public servant apparatus; politicians have no place here. There are places where politicians are going to be. [Mr. Mahipaul: What is Mr. Croal doing there?]

Mr. Croal is the Minister, he is not part of this. He is the Minister with portfolio responsibilities. He plays no other role other than giving the machinery policy directives. That is a different matter. When you win the Government, you will have your Minister to give policy direction. I just want to put that issue to rest.

Mr. Mahipaul also makes a connection between a representative of the Opposition being present and transparency and accountability. There is absolutely no nexus between the two. I do not understand how a representative of the Leader of the Opposition's presence will *ipso facto* result in transparency and accountability – they are completely different and unrelated concepts. Mr. Mahipaul, that argument *does not fly*.

Mr. Patterson has a problem with the term 'national interest'. When the objection was raised in the Committee, I thought I had persuaded him, but apparently... he still raises it here. It is improper to define national interest. National interest means exactly what it says. Any attempt to define national interest would put that draftsman into problem. National interest will mean different things in different context, in different scenarios, in different sectors. When you are dealing with a building, a permission system here, which will include almost every sphere of activity within the country, how could you begin to define national interest? What is important on national interest in the construction sector will be different from what is national interest in drainage and irrigation or in manufacturing, or in any given area of activity. National interest means exactly that. National interest is used in the context that the activity in question, for which permission is required, is one of national interest. I am saying to you that will include and encompass every single activity in the country or any single activity in the country for which planning permission is required. If I attempt to define national interest in the fishing industry, it may be narrow when you compare it in the oil and gas industry, or it may be inapplicable in some other area of activity. That is why the term is there. And I have looked at legislation right across the Caribbean – I did not want to go wider – and in Guyana itself. I gave you a couple examples in the Committee. It is better that it be left there.

I agree with you that it is going to be the most extreme case where you will have the appellate stage – you have an application being rejected somewhere, and then it goes to

Appeal, and the appeal also rejects it. It would be an extreme case for a Cabinet to go against those two decisions and, using the rubric of national interest, justify or reverse two existing decisions. It is prudent governance to always have a fall-back position in the Government. Where should that ultimate residuary power lie? If you check the original draft, it was in the Minister. We removed it from the Minister, and we reside it... no, you would not have seen that draft.

11.44 p.m.

There was a draft in which it was resided in the Minister, and I said to concentrate so much power in the singular Minister would not be the most prudent thing. Where else do you put the power within a governmental structure? [Mr.

Patterson: The National Assembly.] No, the Cabinet; this is the legislature. We are not in Government to alienate power my brother. [An Hon. Member: (inaudible)]

That is the worst place to put it. Where else do you put it? You put it in the Cabinet, let the collective decide because the collective, under the Constitution, is answerable to the Parliament and by extension to the people.

If there is any grouping within a government structure that will have to err and that will be held responsible for that error, it should be the Cabinet as a matter of last resort, and that is why the Cabinet is there. I also explained to you that decisions of the Cabinet are now reviewable in the courts. There is a decision at the Privy Council where a decision of the Barbadian Cabinet, which Cabinet awards contracts unlike ours, was reviewed by the Privy Council. So, Cabinet Decisions are reviewable unless, of course, it is a matter of national policy, *et cetera*. But decisions are generally reviewed. If Cabinet acts perversely, label or classify a particular matter as national interest that is not, in the sense that it would have been an outrageous characterisation or a vacuous or capricious one, or one that is highly unreasonable or Cabinet's decision is wrong on a matter of principle, then you go to the High Court and you review it. That addresses that issue.

The other matter that you raised about transition, the Bill as you know has a provision that allows the Minister to bring the Bill into force at a time to be determined by the Minister. It is expected that the machinery would be ready, staff would be implemented, the necessary arrangements made, regulations drafted, and when the machinery is ready to roll, then the Minister will bring the act into force. If it is that there are plans or whatever in the system, the system will pick it up as it goes. If there is any further clarification we can, by regulation, put a mechanism in place that would

ensure that those matters that are already there are addressed, or they come into the system.

Let us say there are plans at the Mayor and City Council, all those plans will now have to be picked up or arrangement will have to be made for those things to come into the single window machinery and they kick off back from there. [An

Hon. Member: (*inaudible*) We will have to find a mechanism. Even if you put a transition in here, you will have to suspend operation of this machinery... [An Hon.

Member: (*inaudible*) I do not think the best thing to do is to allow those to run their course. We want this thing to kick in when it becomes operationalised. [An Hon.

Member: (*inaudible*) No. We are going to work that out. And the same transitional mechanism that you are speaking about, if it is possible and it can be done, you could do a formulation of language as a plan person, and we could include it in the regulations. But we are going to have a mechanism that will allow for the smooth initiation and operationalisation of this machinery.

Mr. Speaker, I am pleased to have played a part in this Bill, and this Bill is one of the very crucial pieces of legislation that we would have passed in recent times that ought to bring tremendous change and tremendous efficiency in dispatch to the way that central government and all the different machineries within the structure process planning permissions. As someone said, it deals with about 16 different agencies starting from the very low level of the NDCs right up to the Central Housing and Planning Authority. It includes the Environmental Protection Agency, the Fire Service, Drainage and Irrigation and all the different places wherever the application has to travel. I have no difficulty whatsoever, Mr. Speaker, in supporting this report and recommending that the Bill be read a third time. Thank you very much. [*Applause*]

Mr. Croal (replying): Mr. Speaker, let me thank all of the presenters. In summary, we will conclude that we have agreement on the changes that were made at the special select committee and the submission here today. I just want to provide two quick clarities. I also want to concur with Minister Indar in the sense that this Bill, which is transformational, which is historic – because AG is correct – once implemented in accordance with what we are agreeing to, will bring dynamism to the entire system. In fact, you will see resistance, I suspect, in some cases because here we are making all persons or all agencies involved accountable.

Mr. Speaker, the mention was made about the original intention of the Environmental Protection Agency. In fact, in

the Bill that was presented prior to the special select committee, specific reference was made for EPA recognising that they have their own procedures that they have to follow, and it was not intended to override what was the EPA's guideline, but as a result, having discussed and having deliberated, we just agreed to eliminate it completely. I just want to provide that clarity. As AG said, certain statements you cannot leave open-ended. The question was asked about the transition; it is into transition. May I make this announcement? First of all, by the second week of August we are intending to launch, we will be launching this platform and this system. We will have a public launching and, of course, as legislated, there is a transitional period. It is expected that those applications prior to the launch will be processed through the existing system, and hence the new applications after the launch should be done through the new electronic system.

Mr. Speaker, the other commitment that we are making is that, recognising that there are now changes, we will have in the month of August across the board consultations with all agencies again and local authorities. And now that you have had changes at the Local Government level, there will be an inclusion of the elected officials in these consultations. I know this was a part of the question mark that was raised. As much has been said already, we have had... Basically today, I think, we now have two bites at debating this Bill and the time has come that we now move to have this report adopted.

Mr. Speaker: Thank you, Hon Minister.

Question put and agreed to.

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

ADJOURNMENT

Prime Minister [Brigadier (Ret'd) Phillips]: Mr. Speaker, I move the adjournment of the Assembly to the 3rd August, 2023.

Mr. Speaker: Honourable Members, the Assembly now stands adjourned to the 3rd August, 2023.

Adjourned accordingly at 11.57 p.m.