



Secondly, the Government has signalled its intention to bring remedial proposals in the form of a substantive bill and I think that is the Value-Added Tax (Amendment) Bill 2007, Bill No. 2/2007 which is on a Supplementary Order Paper for today. At that time when the Bill is going to be heard, the issues of concern that you raised could be properly ventilated. I will, therefore, for these reasons, disallow this Motion at this time.

Mr. Trotman: Mde. Speaker, if it pleases you, I, of course, will abide by your decision, respect it. I had hoped that there would have been a departure from the very strict and narrow interpretation put on the Standing Order, but nonetheless I abide by your order. Suffice to say, however, matters known today or known on the 17th January were not matters known on the 11th January and even though there was a Sitting, I accept, on the 11th January, there are matters which have arisen since, particularly a full page advertisement issued by the Private Sector Commission which was not available on the 11th January, but if that is the ruling, as your humble Parliamentarian, I abide.

Thank you.

The Speaker: Yes, that is my ruling.

Government Business - Motions

10th Sitting dated January 23, 2007

RIGHT TO REPLY - STANDING ORDER NO. 39 (2)

Preamble

An attempt by the Prime Minister to conclude the debate on the motion, in accordance with Standing Order No. 39 (2), was disallowed by the Speaker.

Verbatim

Hon. Samuel Hinds: Mde. Speaker, I would like to have the right of reply here, under Standing Order No. 39 (2) [*Pause*]

Mr. Basil Williams: I would like to oppose that application, respectfully. Mde. Speaker, if I can respectfully refer you to the relevant Standing Order No. 39 (2), my simple contention is that the discretion is entirely within your domain. [*Uproar*]



As my colleagues are being worked up now, let me now put the matter beyond doubt. Standing Order No. 39 (2) reads as follows:

“A Minister may conclude the debate on any Motion [may is also discretionary] which is critical of the Government...”

If you do not want to listen, I will just continue reading

“...or reflects adversely on or is calculated to bring discredit upon the Government or a Government Officer.”

In the first instance, there is a probative burden on the mover to say to the Speaker and this House ... [*Uproar*]

The Speaker (Hari N. Ramkarran): Alright.

Mr. Basil Williams: [*Uproar*] [*Inaudible.*] ...where they are contending...

The Speaker: Please have some order at this late hour in the House.

Hon. Samuel Hinds: Mde. Speaker, we are contending that you look at our application.

The Speaker: Hon. Prime Minister, I am looking at the Right to Reply. I know, in the earlies, everybody was saying this is not even a governmental issue and it is a private consortium that even... [*Noisy interruption.*] Could you please let us have some order? ...that it was a private consortium and some people were even doubting the capacity to have this debate at all, that it was a private company and that we cannot, in this House, look at the actions of a private company so I do not know. The thing is that I do not have the time to fully research whether this section can be applied, at this stage, in this matter because the wording of this Motion was to have this thing reviewed and not to criticise the Administration in any way. [*Noisy Interruption*] Please, I am thinking, as I am going through the motion... [*Noisy Interruption*] Please, I am speaking. If you all are going to behave and rendering this place like a fish market, I will just defer it. It is also 22:00 hrs., the time that the House rises and adjourns for the day. So if I am allowed to go on, I should have some... I am just looking for the Motion. You all have me so frustrated at this late hour. [*Noisy Interruption*] They are always doing it. [*Pause*]



Hon. Members, I have read Standing Orders Nos. 39 (1) and (2). Standing Order No. 39 (1) says:

“The Mover of the Motion may reply after all the other Members present...”

...which Mc Allister has done.

“... have had an opportunity of addressing the Assembly before the question is put and after such reply no other Member may speak, except and provided in paragraph (2) of this Standing Order.”

Standing Order No. 39 (2):

“A Minister may conclude the debate on any motion, which is critical of the Government or will reflect adversely on or is calculated to bring discredit upon the Government or a Government Officer.”

The Motion as it stands... In fact, the written part does not criticise the Government in any way. [*Pause*]

SUSPENSION OF STANDING ORDER NO. 10 (1)

Preamble

Hon. Samuel Hinds sought permission to suspend Standing Order No. 10 (1) so as to continue the debate at the same Sitting. The Speaker decided to put the motion to have it passed because he could not allow the Prime Minister the Right of Reply.

Hon. Priya Manickchand attempted to persuade the Speaker otherwise by giving her interpretation of Standing Order No. 39 (2), but her efforts were futile.

Verbatim

Hon. Samuel Hinds: Mde. Speaker, I would like to give us more time to consider this. I would like, from the basis of Standing Order No. 10 (3), to move suspension of Standing Order No. 10 (1) so that this Sitting may continue to the end of this debate.

The Speaker (Hari N. Ramkarran): It is, in fact, after 22:00 hrs. and I am wondering what to do. [*Interruption 'Move the Adjournment'*] Hon. Members, this Motion



does not have anything that adversely criticises the Government. I do not feel that the Motion itself criticises the Government and, at this stage, I think, I will just put the question and have the Motion passed with a division or whatever it is because I cannot allow the request of the Hon. Prime Minister to have a Right of Reply. [Interruption]

Hon. Priya Manickchand: Mde. Speaker, with the greatest of respect, may I address Standing Order No. 39 (2)? The Order says that a Minister may conclude the debate on any Motion. So while the Motion itself, in words, may not have been critical, in the debate arose matters that were intently critical of this Government. And the “may” here, Madame, it is my respectful submission, refers to the Minister’s choice as to whether he chooses to reply or not. So I ask, respectfully, Mde. Speaker, that you review your decision, so that we can have a just application of Standing Order No. 39 (2).

The Speaker: Hon Minister, thank you for that intervention, but I have ruled on that already. That is one. And two, if this rule is so widely interpreted, then I would see that the Minister has a right or a Minister, in this instance the Hon Prime Minister, has a right of all times because anything opposition does would be criticising what the Government is doing. So that the Right of Reply would always be that the Minister would always have to close every single debate in this House. I do not think that this Starting Order is meant to be used so widely. This is my ruling. I may be wrong at this hour of the night, but I feel that the Right of Reply should not be so widely used because it would infer that the Minister would have to close every single debate of any Motion brought by the Opposition.

Hon. Priya Manickchand: Mde. Speaker, I believe the intention of the Standing Order is to allow the Minister responsible on the Government side, simply because perhaps we are in possession of more accurate information to inform the people we serve as to what are the facts... And so while it can be done, I do not believe that the intention was that it should be done all the time, but when there is gross misrepresentation, which I believe the Minister responsible now determined has happened, he may respond. That is my respectful submission, Madame. The intension of the rule... The effect of the rule is not being... [Interruption]

The Speaker: Hon. Members, please, please, please! I am listening to the Hon. Minister. Hon. Minister, continue.



Hon. Priya Manickchand: Mde. Speaker, with the greatest respect, if your ruling was to stand, the intention of this Standing Order would not be given effect to and that would be a gross injustice to us all and to the people of Guyana. However, having said that, we may want to review this with the authorities from other countries that have a similar rule so that this does not become a precedent which would be wholly dangerous for Parliament and very restrictive. If the intention was to be as open as possible and to provide information to the people we are speaking too and for, I do not believe, with my greatest respect, that your ruling is giving effect to the intention.

The Speaker: Hon. Minister, let me answer you. This was a debate with eight speakers, four of whom were from the Government's side. In addressing your earlier thing and three ...well, Hon. Member Mr. McAllister had two bites of the cherry as it were to answer. But what I am saying is that four Ministers had the right to answer the Opposition. [*Interruption: 'The Minister responsible has the right to reply.'*] The Minister responsible has spoken. So I think at this late hour, Hon. Members, I would put the question. I will put the question and I now put the question and I am not about to ... [*Noisy Interruption*] Hon. Members, perhaps this would help a little - I do not know. As I said, I take the point of Hon. Minister of Human Services and Social Security. This is what the Clerk, who has been busy while we have been talking and talking...he was trying to find something that may be helpful to us. This is from Erskine May, it only says:

“The second speech is allowed to the Private Member under special circumstances, following the explanation from the Speaker and with the pleasure of the House having been signified. A Minister who has spoken earlier in the debate, but not being the mover of the Motion, is usually allowed to speak again, but the objection of a single member is enough to stop it.”

Hon. Priya Manickchand: This would be relied on when our own Standing Order is not clear enough. There is no ambiguity, with the greatest of respect, in our Standing Order No. 39 (2). If this was unclear, then we could rely on precedent from England, but this is clear. I do not see how we can resort to an unclear explanation from Erskine May.

The Speaker: Yes. It is not as clear-cut, as I said; it is capable of being interpreted. As I said, you could interpret it narrowly or you could interpret it broadly, like I did in this instance so that the debate could be closed. [*Interruption*]



Hon. Priya Manickchand: Mde. Speaker, the interpretation is grossly...
[*Interruption*]

The Speaker: Madame Minister, I have ruled, but I have entertained you only because you have proffered something which crossed my attention that this ruling perhaps will not be the final ruling on this particular Standing Order. If you find any evidence in the future that you can bring to have a different ruling, I will be sure and happy to accommodate you, but, at this time, I am disallowing any right to reply. I have ruled and I am putting the question which is... This is the name of the Motion: the Construction of a Bridge Across the Berbice River.

Question put and negatived.

Motion not carried.

Announcements by the Speaker

11th Sitting dated January 31, 2007

RULING ON STANDING ORDER NO. 39 TO THE EFFECT OF A MOTION BROUGHT BY HON. JAMES MCALLISTER “CONSTRUCTION OF A BRIDGE ACROSS THE BERBICE RIVER”

Deputy Speaker of the National Assembly (Mrs. Clarissa Riehl): At the last Sitting of this National Assembly on Tuesday, 23rd January during the debate on a Motion brought by the Hon. Member, Mr. James McAllister, in the matter of the “Construction of a Bridge across the Berbice River”, I made a ruling on Standing Order No. 39 to the effect that the Motion brought by the Hon. Member did not qualify for the exceptions stated in paragraph 2 of the Standing Order No. 39.

Standing Order No. 39 states:

1. The mover of a motion may reply after all the other Members present have had an opportunity of addressing the Assembly and before the question is put and after such reply no other Member may speak except as provided in paragraph 2 of the Standing Order.