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THE OFFICIAL GAZETTE 28TH JULY, 2022
LEGAL SUPPLEMENT – C

BILL No. 18 of 2022

Thursday 28th July, 2022

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

28thJuly, 2022

The following Bill which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.

GUYANA

BILL No. 18 of 2022

CONSTITUTION REFORM COMMISSION BILL 2022

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A BILL

Intituled

AN ACT to establish a Constitution Reform Commission and to provide for its membership, its terms of reference and for other connected purposes.

A.D. 2022 Enacted by the Parliament of Guyana: –

Short title.

1. This Act may be cited as the Constitution Reform Commission Act 2022.

Interpretation.

2. In this Act-

"Commission" means the Constitution Reform Commission established under section 3;

"Standing Committee" means the Parliamentary Standing Committee for Constitutional Reform provided for under article 119A of the Constitution and established by the National Assembly.

Cap. 1:01

Establishment of the Constitution Reform Commission.

3. There is established a body to be known as the Constitution Reform Commission which shall consist of twenty members.

Membership of the Commission.

4. (1) The members of the Commission shall be appointed by the President as follows –

(a) five members nominated by the People's Progressive Party/Civic;

(b) four members nominated by A Partnership for National Unity and the Alliance for Change;
(c) one member nominated by the Liberty Justice Party, A New and United Guyana and the New Movement;
(d) one nominee representing the Guyana Bar Association;
(e) one nominee representing the Labour Movement;
(f) one nominee representing the National Toshaos' Council;
(g) one nominee representing the private sector;
(h) one nominee representing women organisations;
(i) one nominee representing youth organisations;
(j) one nominee representing Christian organisations
(k) one nominee representing Muslim organisations;
(l) one nominee representing Hindu organisations; and
(m) one nominee representing farmers.

(2) The President shall, acting in accordance with his or her own deliberate judgment, appoint the Chairperson of the Commission.

(3) When the Commission first meets, and before it proceeds to dispatch any other business, it shall elect one of its members to be the Deputy Chairperson of the Commission.

(4) The Deputy Chairperson shall preside over the Commission whenever the Chairperson is absent.

Vacancy in membership.

5. (1) Where a member of the Commission refuses or is no longer willing or able to discharge his or her functions under this Act, or is removed in accordance with the provisions of subsection (2), another person may be

appointed in his or her stead, after being nominated in like manner by the entity of which the predecessor was the representative.

(2) A member nominated by an entity as its representative on the Commission shall cease to be a member from the date that entity informs the Commission in writing that the member no longer represents the views of the entity.

Oath of office.

6. The Chairperson and other members of the Commission shall, before entering upon their duties, take and subscribe before the President the oath of office set out in the First Schedule to the Constitution or make and subscribe to an affirmation.

Terms of reference and powers of the Commission.

7. (1) The Commission shall review the Constitution of Guyana, to provide for the current and future rights, duties, liabilities and obligations, of the Guyanese people, and for that purpose shall receive, consider and evaluate submissions for the alteration of the Constitution and report its recommendations to the Standing Committee for transmission to the National Assembly.

(2) In conducting the review of the Constitution, the Commission shall take into account the following –

(a) the full protection of the fundamental rights and freedoms of all Guyanese under the law;

(b) the rights of the indigenous people of Guyana;

(c) the rights of children;

(d) eliminating discrimination in all forms;

(e) improving race relations and promoting ethnic security and equal opportunity;

(f) measures to ensure that the views of minorities in the decision-making process and in the conduct of Government are given due consideration;

(g) implementing reforms relating to elections and the Elections Commission taking into consideration its composition, the method of electing its chairman and members and its jurisdiction over national registration and the electoral process;

(h) measures to secure and protect economic, social and cultural rights of all Guyanese;

(i) measures to maintain and strengthen the independence of the Judiciary;

(j) measures aimed at safeguarding public funds and maintaining and enhancing integrity in public life under the law and by other proper means;

(k) the functioning of the National Assembly and any measure which can enhance its capacity and effectiveness as a deliberative body; and

(l) the functioning of the local government system and measures to improve its capacity and effectiveness.

(3) The Commission shall consult with the widest possible geographical area, with as many persons, groups, communities, organisations and institutions as possible, including religious and cultural organisations, political parties, youth organisations, high school and university students, women's organisations, private sector organisations, professional bodies and the media.

(4) The Commission shall have the power to conduct any inquiry or investigation within its terms of reference in such a manner and at such time

and place as it thinks expedient with power to adjourn from time to time and place to place as it thinks fit.

(5) Upon the conclusion of its deliberation the Commission shall prepare a report, inclusive of the proposals of any minority, giving details of its recommendations and the reasons for those recommendations in a clear and comprehensive manner to enable the Constitution to be reformed and that report shall be submitted to the National Assembly.

Privileges and immunities of the Commission.

8. The privileges and immunities of the Commission and the members of the Commission shall be the same as those of the National Assembly and the members of the National Assembly.

Secretariat of the Commission.

9. (1) There is established a Secretariat to provide administrative support to the Commission.

(2) The Commission shall appoint a Secretary who shall head the Secretariat.

(3) The Commission may employ such other staff as are required for the proper performance of the work of the Commission.

Appointment of committees by the Commission.

10. The Commission may appoint committees of the Commission comprising members of the Commission or non-members as the Commission may think fit and may assign to such committees such functions relating to the terms of reference of the Commission as the Commission may determine.

Experts.

11. The Commission may engage the services of experts to assist in its work, and to advise it at any of its meetings or deliberations.

Procedure.

12. (1) The Commission shall have a quorum of eleven members.

(2) Only members of the Commission shall have the right to vote.

(3) Every member of the Commission including the Chairperson and Deputy Chairperson shall have one vote and there shall be no second or casting vote.

(4) A decision of the Commission shall be by consensus, unless a member asks that a vote be taken by secret ballot or show of hands; and a valid decision requires the support of a majority of members present and voting.

(5) All meetings and deliberations of the Commission shall be open to the public except where the Commission determines otherwise.

(6) Subject to the provisions of this Act, the Commission shall regulate its own procedure and may make rules of procedure.

Budget of the Commission.

13. (1) There shall be a budget for the Commission to enable the Commission to adequately discharge its functions.

(2) Within the first month from its first meeting, the Commission shall prepare and present to the Standing Committee a budget to meet and adequately discharge its functions.

Funds of the Commission.

14. (1) The funds of the Commission shall be –

(a) sums allocated from the Consolidated Fund; and

(b) other sums including donations or contributions as may, from time to time, be provided to the Commission by any entity or agency, whether national, regional or international.

(2) The Ministry of Finance shall disburse the funds of the Commission to meet the financial liability of the Commission.

Methodology and time-frames.

15. The Commission shall within the first month from its first meeting publicise its methodology, and time-frames for accomplishing the stages of the task assigned to it.

Standing Committee.

16. The Standing Committee shall remain constituted and shall, on behalf of the National Assembly, be responsible to facilitate the due and efficient functioning of the Commission and shall have authority to receive the report of the Commission for transmission to the National Assembly.

Expiry of Act.

17. This Act shall cease to have effect after the Commission has completed its task and submitted its report to the Standing Committee.

EXPLANATORY MEMORANDUM

The Bill provides for the establishment of the Constitution Reform Commission, its membership and terms of reference. Recognising the importance of Constitution Reform, the membership of the Commission is diverse and the terms of reference and powers of the Commission are broad enough to ensure that the constitution reform process is conducted in a consultative manner.

Clauses 3 and 4 provide that the Constitution Reform Commission shall consist of twenty members and those members shall be appointed by the President. The Commission shall comprise five members nominated by the People's Progressive Party/Civic, four members nominated by A Partnership for National Unity and the Alliance for Change, one member nominated by the Liberty Justice Party, A New and United Guyana and the New Movement and a nominee each representing the following persons and entities- the Guyana Bar Association, the Labour Movement, the National Toshaos' Council, the private sector, women organisations, youth organisations, Christian organisations, Muslim organisations, Hindu organisations and farmers.

The President shall, acting in accordance with his or her own deliberate judgment, appoint the Chairperson of the Commission. The Commission shall elect one of its members to be the Deputy Chairperson.

Clauses 5 and 6 provide for the procedure for filling vacancies in membership and the oath of office of members of the Commission, respectively.

Clause 7 provides that in order to execute the objectives of this Act, the Commission shall review the Constitution of Guyana, to provide for the current and future rights, duties, liabilities and obligations, of the Guyanese people, and for that purpose shall receive, consider and evaluate submissions for the alteration of the Constitution and report its recommendations to the Standing Committee for transmission to the National Assembly. In conducting the review of the Constitution, the Commission shall consider, *inter alia*, the fundamental rights and freedoms of all Guyanese, the rights of women, children and the indigenous people, improving race relations and promoting ethnic security and equal opportunity and reforms relating to elections.

Additionally, the Commission shall ensure that the views of minorities in the decision-making process and in the conduct of Government are given due consideration. Further, the Commission shall consult with the widest possible geographical area, with as many persons, groups, communities, organisations and institutions as possible, including youth organisations, high school and university students, the private sector, professional bodies and the media.

After concluding its work, the Commission shall prepare a report, giving details of its recommendations and the reasons for those recommendations in a clear and comprehensive manner to enable the Constitution to be reformed and that report shall be submitted to the National Assembly.

Clause 8 provides that the Commission shall have the privileges and immunities of the National Assembly.

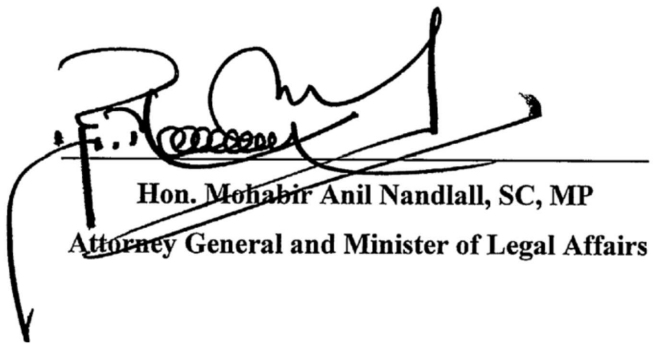
Clauses 9-11 deal with the administrative and technical support that will be implemented to enable the Commission to carry out its mandate in a timely and efficient manner. A Secretariat for the Commission is established and the Commission may also appoint committees and engage the services of experts.

Clauses 13 and 14 deal with the finances of the Commission. The Commission shall have a budget to enable it to adequately discharge its functions. The funds of the Commission shall consist of funds allocated from the Consolidated fund and other sums acquired as donations or contributions.

Clause 15 provides that the Commission shall publicise its methodology and time-frames for completion of stages of the task assigned to it.

Clause 16 provides that Standing Committee of the National Assembly shall remain constituted with power to facilitate the due and efficient functioning of the Commission and to receive the Report of the Commission. The Standing Committee shall submit this Report to the National Assembly.

Clause 17 provides for the expiry of the Act after the Commission has completed its task and submitted all its reports to the Standing Committee.



Hon. Mohabir Anil Nandlall, SC, MP
Attorney General and Minister of Legal Affairs