Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2015-2018) OF THE ELEVENTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

84TH Sitting — Thursday, 18TH January, 2018

Assembly convened at 2.15 p.m.

Prayers

[Mr. Speaker in the Chair]

ANNOUNCEMENTS BY THE SPEAKER

Leave granted to Members

Mr. Speaker: Hon. Members, I would like to inform you that leave has been granted to a number of Hon. Members for today's sitting, Hon. Member Winston Felix and Hon. Dr. Ramsaran. Thank you.

PRESENTATION OF PAPERS AND REPORTS

The following Papers were laid:

(i) Financial Paper No. 1/2018 – Supplementary Estimate (Current) totalling $1,750,000,000 for the period 2018-01-01 to 2018-12-31.

(ii) Amendatory Agreement No. 1 for Loan Contract No. 2741/BL-GY dated December 11, 2017 between the Co-operative Republic of Guyana and the Inter-American

Development Bank for US$63,500,000 for the purpose of financing the Adequate Housing and Urban Accessibility Programme.

[*The Minister of Finance*]

January 19, 2018 was indicated as the date for consideration of the Financial Paper.

PUBLIC BUSINESS

GOVERNMENT BUSINESS

BILLS – SECOND READING

PROTECTED DISCLOSURES BILL 2017 – Bill No. 12/2017

A Bill intituled:

"An Act to combat corruption and other wrongdoings by encouraging and facilitating disclosures of improper conduct in the public and private sectors, to protect persons making those disclosures from detrimental action, to establish the Protected Disclosures Commission to receive, investigate or otherwise deal with disclosures of improper conduct and to provide for other related matters."

Attorney General and Minister of Legal Affairs [Mr. Williams]: Mr. Speaker, if it pleases you, the Protected Disclosures Bill 2017 – Bill No. 12/2017 otherwise known as, whistle blower, is one of a suite of Bills and Acts that this Government, since its inception, has put out in its effort to combat corruption.

As early as May, 2015, His Excellency the President of the Cooperative Republic of Guyana had said this whilst addressing public servants at the Arthur Chung Convention Centre:

"Corruption and bribery have no place in the public service, instead the public service must be characterised by persons of integrity, impartiality and intelligence. Guyana can no longer condone the giving of bribes for simple services it must become an unbribable state."

Shortly thereafter, His Excellency reinforced this by a visit to Addis Ababa where again this issue of corruption took centre stage that was followed up also at the United Nation Sustainable Development Summit for the 2030 Agenda. At those two gatherings, the world took note and agreed to tackle corruption head on.

In Guyana, the 1996 Inter-American Convention against Corruption and also the United Nations Convention of 2002…we had attempted to reduce provisions from those conventions into our legislation - the State Assets Recovery Act, the Witness Protection Bill, which is also laid in this honourable House, and the whistle-blower, which is in addition to the several Acts which we have passed in respect of the Anti-Money Laundering and Countering the Financing of Terrorism Act.

In other words, this Government has taken an irreversible course to combat the scourge of corruption in the Cooperative Republic of Guyana. To that end, this Whistle Blower Bill, along with the witness protection and the State Assets Recovery Agency (SARA), I would believe, has sustained the scrutiny of almost all of Guyana because they have been part and parcel of anticorruption seminars and sensitisation seminars in respect of the Anti-Money Laundering and Countering the Financing of Terrorism (AMLCFT). The provisions of this Bill are well known to employees of the state because they were the ones and they are the ones who are being targeted. **[Mr. Hamilton:** Be careful of the word target.] I know. Stakeholders have signed on and they have had ample opportunity to give their contributions to the provisions of this whistle blower bill.

This Bill marks another step by the Government towards full compliance, as I said, with the Inter-American Convention against Corruption of 1996, and it would assist in combatting corruption in other wrongdoings, both in public and the private sector, by encouraging and facilitating the making of specified disclosures of improper conduct in good faith and in the public's interest.

The Bill seeks to protect persons making those disclosures from detrimental actions and to establish the Protected Disclosures Commission to receive, investigate or otherwise deal with disclosures of improper conduct and for other connected matters.

Part I of the Bill includes the definition of a number of important terms, including disclosure, protected disclosure, improper conduct, detrimental action and the all-important commission.

Clause 3, in effect, sets up the scope of the Bill and it shows that it applies to disclosure of improper conduct made after coming into operation of the Act where improper conduct occurs 12 years immediately prior before the coming into operation of this Act, which is a very important provision.

Part II of the Bill deals with the Protected Disclosures Commission. This is a commission that has a Chairman and four other commissioners, and they are appointed from a pool which includes the Bar Association and the like.

Clause 4 establishes and constitutes the Protected Disclosures Commission which shall be responsible receiving, investigating and dealing with improper disclosures. In an effort to establish an impartial, inclusive, and suitably qualified body, the clause also makes provision for the appointment of the members of the commission, other than the chairperson, to be chosen from nominees of specified organisations and to be elected by the National Assembly before being appointed by the Minister of Legal Affairs.

Clauses 5 and 6 of the schedule make provision for matters connected to the official operation and functioning of such a commission.

Part III deals with the Disclosures of Improper Conduct, amidst provisions for persons who make a disclosure and of whom a disclosure may be made and a manner in which the disclosure may be made, and that they are protected under the act.

Clause 7 makes provision for disclosures of improper conduct to be made to the commission not only by an employee about his employer or another employee, but of any person doing business with that entity, whether public or private, and who reasonably believes that a Member of the National Assembly, the Speaker of the National Assembly, a Government Official, or any other person whom he has dealt with has committed, is committing or is likely to commit an improper conduct.

Clause 8 sets out the manner and form of making a disclosure to the commission. A disclosure may be made in person, orally, in writing, by telephoning, but, for it to be protected, if you

telephone in or you send in anonymously, at some later stage, you must go into the Commission to sign and swear. You could also make a disclosure through electronic mail or electronic messages.

Clause 9 makes provision for special disclosures of improper conduct in relation to a matter that would prejudice national security, defence or matters of foreign affairs. In that case, the disclosure would be made to the President, the Minister under this Act, who is the Minister of Legal Affairs, or the Minister Responsible for Public Security.

Clause 10 states that disclosures are protected under the Act. A disclosure is protected if it is made in accordance with the manner and form of making the disclosure and any procedure set out in the Act for doing so in good faith and in the public interest. There must also be a reasonable belief that the information disclosed is substantially true and tends to show that a person has committed, is committing, or is likely to commit the improper conduct.

As I said, the disclosure that is made anonymously is not a protected disclosure, unless the person who made the disclosure subsequently remakes the disclosure in person.

2.30 p.m.

Part IV deals with Investigation.

In processing a disclosure, under clause 12, the Commission may adopt whatever procedure it desires and considers appropriate to the circumstances of the case, and, in doing so, it has the powers that obtains under a Commission of Inquiry Act. It could summon witnesses and also it could sanction persons ignoring its process.

Clause 13 makes provision for the receiving of evidence by the Commission.

Clause 14 makes provision for notice to be given to a person who has made a disclosure of the status of the disclosure, unless it is apparent that action has been taken to rectify or deal with the improper conduct disclosed. In other words, the Commission is obliged to give a response to the maker of a disclosure at some time after. In other words, the information cannot just be received and feedback not given.

Clause 15 gives the Commission the right to refuse to deal with a disclosure or cease an investigation where the disclosure is proven to be frivolous, vexatious or the circumstances have changed, rendering the investigation unnecessary.

Under clause 16, the procedure after an investigation is carried out and has been concluded, the Commission shall, in writing, inform the person, body, authority or commission for which responsibility is given for the person of whom the disclosure is made of the results of the investigation. The Commission may also make recommendations for disciplinary actions to the responsible person, body, authority or commission or to the Attorney General, the Director of Public Prosecutions or an enforcement agency where disciplinary proceedings are not appropriate. The Commission may also take any other corrective measure as the Commission thinks necessary for the purposes of the Act.

Part V of the Bill deals with the Protection of Persons Making Disclosures. A person who has made, received, investigated or otherwise dealt with a disclosure to be given immunity from criminal, civil and disciplinary proceedings if the only reason for the proceeding was making, receiving, investigating or otherwise dealing with the disclosure. However, that immunity is subject to clause 18 where the person is an accomplice or the perpetrator in regard to the disclosure, in which case immunity shall not be given but the fact of making the disclosure would be taken into consideration when determining any disciplinary matter or action for punishment.

Under clause 19, the Commission is prohibited from disclosing any information that would identify or lead to the identification of a person who has made a disclosure, unless that person consents in writing for the Commission to so do.

Clause 20: A person who makes a disclosure to the Commission or a person who renders assistance in an investigation of the Commission who needs protection, either on the application of the person or from any information gathered, to be deemed a witness and protected under any law protecting witnesses, that protection shall be afforded such a person.

Under clause 21, a person shall not be subject to detrimental action on the basis that the person seeks to make a disclosure, has made a disclosure or intends to make a disclosure. So, the

scheme of the legislation is to encourage persons to make disclosures armed with the knowledge that they would be protected in so doing.

Under Clause 22, a person who believes that detrimental action has been taken against him or is likely to be taken against him or her in reprisal for having made a protected disclosure shall inform the Commission and, if the Commission finds the detrimental action to be real and unjustifiable, the Commission may take such remedial measures as may be appropriate in the circumstances, including, where necessary, applying to the High Court for any remedy as the Court may think fit, including an interim order or injunction and an order requiring another person to remedy the detrimental action. This would apply to employers or senior employees who are affected by the disclosure and seeks to have some reprisal against the whistle-blower.

Clause 23 puts the burden of proof on the person who is the subject of the disclosure to prove that any detrimental action suffered within the same period that he made the disclosure is not by reason of that disclosure. Otherwise, it shall be presumed to be a consequence of the protected disclosure.

Clauses 24, 25, 26 and 27 of the Bill set out the offences under the Act. Under clause 24, offences include preventing, restricting, intimidating or restraining a person from making a disclosure or inducing a person to contravene the Act, making a disclosure knowing the information to be false or subjecting a person to detrimental action as a consequence of the disclosure. These offences are punishable on summary conviction by a fine of $500,000 and imprisonment for two years and on conviction on indictment to a fine of $2 million and imprisonment for 10 years.

The obligation of secrecy in many institutions that employees take could not prejudice a person making a disclosure. In other words, being sworn to confidence is not a block and it would not be unlawful if a public disclosure is made over and above the confidentiality undertaken given by an employee in any institution.

At the end of the day, there is a commencement provision in this Act and it will be up to the Minister and it would be up to the Minister when Cabinet has given its approval to trigger this Act and make it operational. In so doing, we trust that corruption, in all its forms, and state assets of whatever nature will be safe and secure from hence forth in this beautiful land of ours, the

Cooperative Republic of Guyana. Therefore, I commend this Bill for passage through this honourable House.

Thank you very much. [*Applause*]

Mr. Anamayah: Thank you, Mr. Speaker.

My learned Friend and Hon. Member just, in effect, read the entire explanatory memorandum attached to the Bill without saying more and going into any further details. So, in terms of rebuttal of what my Friend has said or debating what was actually said, there is not much there. But, in principle, the legislation is meant to deal with corruption and to combat corruption, as the Hon. Member read. The Bill intituled the clause that was read. Of course, that will have our support and we are also aware that there are certain treaty obligations that have to be satisfied and, of course, those needs must to be met and those obligations have to be satisfied. Unfortunately, there is a 'but'. The question is: have we come up with the best model? Have we adopted what has evolved as best practice around the world?

Before I even touch that, for example, in England, well, many countries or almost all the countries or developed nations will have such legislation – the whistle-blower's legislation. I am reminded of a quote: "Integrity is doing the right thing, even when no one is watching." So, it comes down to this ethical debate – this integrity of each individual.

Do we need to pass legislation to actual protect those people for doing what is right if they bring to light corrupt practices of their employers, whether it be Government or a practice elsewhere? There is this philosophical debate but, unfortunately, we do have to protect them. That is a good thing. We have to encourage them to what is right.

It must be recognised that whistle-blowers play an important part in ensuring accountability and, as a result of them making disclosures, they need to be protected from retribution because they will step on toes in doing so.

As I was saying earlier, in England, the legislation is referred to as the Public Interest Disclosure Act. It targets more employers and it was designed to protect whistle-blowers from detrimental treatment by their employers, example dismissals, subtle or overt discrimination or victimisation in the workplace, disciplinary action and failure to gain a promotion or pay rise. What had

triggered it in that jurisdiction was this great interest in it. In England, in the early 1990s, because of a series of financial scandals and health safety accidents, which the subsequent investigations revealed could have all been prevented if employees had been permitted to voice their concerns... In that regard, it is very important. We are certainly going in the right direction. But the focus, as I said, in those developed countries is more on the employer and employee relationship.

The standard that my Friend alluded to of what will pass the test of making it is that a person has to reasonably believe that the allegation is substantially true. That is the same standard in England. But the legislation in England has some weaknesses which, unfortunately, we have not corrected and have not sought to learn from their mistakes. It does not force employers to make a policy relating to disclosures. That is an internal policy. Our legislation goes far in this regard in what I am about to speak about.

This legislation, in particular, does not specifically prevent employers from blacklisting employees who have made these disclosures. These are two important aspects that need to be dealt with. This legislation that we have here – this Bill – was copied largely from the Trinidadian Bill. If you are to look at the two, it is very close to the Trinidadian Bill – word for word – where there are some material differences. The Trinidadian legislation provides for internal disclosures. We somehow omitted that from our legislation. Perhaps, the Hon. Member will need to reconsider that. I think that it is important and it should be in the legislation. In the Trinidadian legislation, the Minister there is the Minister responsible for national security because it makes sense; it flows logically. Here we have the Hon. Member who is the Minister responsible. My Friend's plate is full. This should be under the purview of the Minister of Public Security.

Another remarkable difference from the other legislation is that, in the other legislation, in particular the Trinidadian legislation, which we copied from, there is no provision for a Commission as we have here.

2.45 p.m.

Part II, clause 4, speaks in length of the formation of this Commission. I get the impression that there is this belief that this Commission will be having 10 to 20 complaints per day. I do not see that happening.

We need to know, is this Commission going to be full time? We heard, at the closing of my learned Friend's presentation, that the commencement will be decided by the Cabinet. We know that a full time commission will cost money; it has to be budgeted for. So, on the face of it, it looks like more jobs for the boys.

In my humble view, there is no need for a commission. It could be handled by another agency. For example, the Guyana Police Force (GPF) or maybe the Financial Intelligence Unit (FIU). There are so many agencies set up that there is no need for this Commission to deal with it. The legislation states:

> "A disclosure shall be made to a member of the Commission."

Unless I am wrong, that might be impractical. If I am reading it literally, it will be impractical for that to happen. It seems that when this part was inserted here, there was no thought given to that. The members of the Commission would not have time to be sitting there waiting. Certainly, a retired Judge of the Court of Appeal, who is qualified to be the Chairman, will not be sitting there waiting for persons to come in. That will be handled by a staff. Practically, that does not make sense and I do believe that it will be an undue burden on our Treasury. I am sure that the in Budget has just been passed and there has been no provision. At least we did not hear of any provision to finance staff, set up a secretariat or to equip a commission. I do not see this coming into being in the near future.

At the end of the day, we are a very small country, with a population of 750,000 persons, and we saw recently what happened. It was through a leak that we learnt about the signing bonus with the ExxonMobil Corporation. We are going to be an oil producing country very shortly and that comes with a lot of things. In particular, history has shown us that if the legislation is not strong and there are no proper measures in place, it would mean corruption – it would breed corruption. It comes with being an oil producing country.

We saw, recently, that the excuse given for not disclosing the bonus was that it was a matter of national security. [**Mr. Williams:** How is that relevant?] That is relevant. My learned Friend asked for relevance. It is here as an exception. If a matter concerns national security then there is a particular way that it is treated in the legislation as to who it is disclosed

to. It turns out that there was no national security issue involved there. Again, this was subtlety inserted here. This is alien to any other legislation. It is here only, under clause 4 (5), that:

> "The Minister may give to the Commission directions of a general character as appear to him to be expedient in relation to the exercise of its functions."

This is what my other Hon. Friend over there would refer to as *control freakism*. It is here again. Why would you need a Minister to give this, supposedly independent Commission directions? I think that this is wholly unnecessary, should not be in the legislation and should be removed entirely.

I noticed that my friend glossed over the persons for whom… It states that the chairperson of the Commission shall be a former Judge of the Court of Appeal or qualified to be so appointed to judge. Also, there are four others who are chosen from a list of seven persons. On top of that list is the Integrity Commission. They will have a nominee. This is the Government that is telling us that it is so concerned about corruption that it is passing legislation here now to combat corruption and here we have a defunct or non-functioning Integrity Commission, whose sole purpose is to combat corruption and guard against excesses in office. How serious are we? Can this be taken seriously?

Those are our misgivings, at least, from me personally. Those are the problems that I have with the legislation. I will repeat that we need to encourage these kinds of disclosures and these persons need our protection.

Thank you, Mr. Speaker. *[Applause]*

Ms. Burton- Persaud: As I rise to speak on the Protected Disclosures Bill before us, I must say that it is important that we have protection for those persons, especially our employees who choose to raise concerns about possible wrongdoings in the workplace.

This Bill speaks to good practices, accountability, transparency and confidentiality. These are very important aspects of any work environment, any place that we seek to do business with or is in charge of the processes as they relates to various functions in our society. It is very much important that we have these components etched into the policies and practices of our services. It

is also important that, when we are going to put these components in the policies, we ensure that they are utilised and that they work for each and every one of us.

With regard to the Protected Disclosure Bill before us, I took a look at it and in looking at it, I was looking at the composition of the Commission. On page 9 of the Bill, at clause 4, based on the establishment and constitution of the Protected Disclosures Commission, it states:

> "There is established the Protected Disclosures Commission which shall be a body corporate with the responsibility to receive, investigate and otherwise deal with disclosures of improper conduct."

Clause 4(2) states that:

> "The Commission shall consist of a Chairperson and four other members appointed as follows…"

I noted that apart from the Chairperson, there will be four other such representatives of agencies/organisations that come from a list of eight such agencies/organisations. What is a bit unclear is the fact that, for such an important Commission, we are going to list eight agencies, but we are only going to choose four out of those eight agencies. It means that four agencies will be on and four will be off. I have not seen anywhere where, later down, there will be a rotation that, the four agencies that were chosen to serve, will, at some point in time, give way to the other four. It could be that we have a continuous situation of just four agencies, the same four, being placed all the time.

Secondly, when I looked at that composition, it states the Integrity Commission, Private Sector Commission, Guyana Bar Association, Institute of Chartered Accountants of Guyana, Guyana Human Rights Association, Guyana Trades Union Congress (GTUC) and the Guyana Police Association. My concern lies with the Guyana Trades Union Congress and I will dare state why. The trade union or the labour movement in Guyana is made up of three different sectors or sections. We have the Guyana Trades Union Congress as one umbrella body; we have Federation of Independent Trade Unions of Guyana (FITUG) as another umbrella body; and we have the Guyana Public Service Union (GPSU), another umbrella body. My concern is, how did we, in putting together this Bill, come up with one particular agency or umbrella body of the Trade

Union Movement? Was there any sort of consultation with these three bodies or among themselves and did they come up with this body being the representing factor on this Commission?

We need to look at that because, coming out of a trade union environment, I know that there were times when we looked at the entire labour movement, and the labour movements, the different sections, met and chose a representative. We could very much come into a conflict here if one umbrella body is not mandated by the entire labour movement to speak on all of the issues. When we are talking about this Commission especially and this Protected Disclosures Bill, we have to take into consideration that, a lot of the times, it will have to do with public service and Government agencies from time to time. We need to look at that and maybe we can have a rotation of the unions to sit in, and then everyone will have a chance to play their part in the decision-making process.

When we look at this Bill, we also need to look at the need for public awareness of this Bill. We need to look at employees' education on the Bill; they need to understand the importance and seriousness of the Bill; they need to understand the procedures which they will need to comply with in the Bill; they need to understand the need to have credible information and not just by hearsay or a tattletale or where you just want to give a kind of information. We need to let the employees understand that this is a serious Bill. When you are going to give information, make sure that you get all of the things together, as much as possible, when you are going to make your disclosures. This is because they need to also know that, when they give this information, there is protection for them in giving the information. That comes on page 11, Part III, which states that:

> "Persons who may make disclosures and of whom the disclosures may be made."

At clause 7 (1), it states:

> "An employee who reasonably believes that his employer or another employee of that employer has committed, is committing or is likely to commit an improper conduct may make a disclosure of the improper conduct to the Commission."

We need to let them know and understand so that they will feel comfortable, when making these disclosures.

3.00 p.m.

Employers should not threaten employees and that is in the Bill. We need to educate our employees on this and the consequences that come behind it, so that when disclosures are made, the employers do not go about threatening employees. I hope that, when that time comes, persons would not say, "I have been victimised" *et cetera*, but that employers would understand the seriousness of the Bill and that they would know that there are persons looking on and wrongdoings will not be accommodated, as the Hon. Minister, the Attorney General, stated.

A very important aspect of the Protected Disclosures Bill has to do with page 31, clause 30, which speaks to "Conflict between contract of service and the provisions of this Act". It is important that, when this Bill comes into action, we need to take into consideration that it does not contravenes with persons' employment contacts as it relates to the confidentiality clause. It therefore means that the Collective Labour Agreements (CLAs) between unions on behalf of members, the employees and the workplace, on behalf of the employers, must take into consideration, this act. If an employee signs a contract and the Collective Labour Agreement, which is endorsed in that contract, does not encompass this Protected Disclosures Bill, then the employee could find him/herself in a bad place and the unions could find themselves in an uphill task to represent that case. We need to ensure that, as much as we put forward this Bill, and as much as we put this Bill on board, there are components within it that still need to be addressed and fine-tuned so that our employees, the persons who 99% of the time would be making the disclosures, will not be re-thinking their positions, or find themselves in a bad place, or in difficulties, and the unions that will have to represent these persons, will not find themselves in a situation where they are torn between agreements with employers and the Bill that is on board.

With these few insights, I will recommend that, as much as it is an important Bill; as much it is a Bill that seeks to bring on board our tenets of accountability, transparency and good practices within the management of our country's system, that we take it to a select committee and fine tune it. This so that our employees can feel comfortable when they make these disclosures, only then would we really be protecting them in doing so.

Thank you, Mr. Speaker. *[Applause]*

Mr. C. Persaud: Sir, as I rise to offer my contribution to this particular Protected Disclosures Bill No.12 of 2017. I would like to state briefly that, very often, we have had cases where a person claims that he/she had been or is being victimised by the employer. Such a person, may be a provider, has mouths to feed and may be reluctant to stand up and to perhaps say anything to this employer in relation to the discomfort that he/she may be feeling.

This Bill seeks to give not only protection to such a person, but encouragement to come forth and to lay their complaints because there is a Protected Disclosures Commission set up. If for any reason he/she does not want to personally approach a member of the Protected Disclosures Commission, then he/she could authorise an individual to make a complaint on his/her behalf, and later, at a mutually agreed upon time and place, meet with a member of the Protected Disclosures Commission to personally ratify, add to or subtract from the complaint made by the person so authorised.

I think this is a necessary Bill. It will serve its purpose. As an employer myself, I feel that persons in employment, working under a boss directly or through a team in various areas, may at times be uncomfortable with certain occurrences. However, because of the need to earn a living, they may not want to present a complaint to anybody.

This Bill speaks to the extent and results of the complaint. If you make a complaint against your employer, anyone within that particular period would be notified of the findings of this Protected Disclosures Commission, after an investigation has been carried out. You are not doing something and waiting forever for a result not knowing if anything is happening. The Commission has a mandate to present to the person, the complainant, a report of its findings and, perhaps, what action or actions may be taken or contemplated.

I think, also, that anyone caught up in a situation like that will not just jump at an employer. The person would have to have justification. To come out and say something that could cause you your job would, of course, be a deterrent. This Bill speaks to protecting a person who has to make a disclosure in such a circumstance.

It goes on to speak of disclosures in relation to bigger events, things that may affect the country and not just the individual. Again, it is good to know that the Witness Protection Bill No.13 of 2017 is also before this honourable House on this very day. It is because such a person may need to be protected to present his/her evidence in the event of what could be described as, a big *shake up*. We have had cases where persons have not only been taken off the jobs, but have allegedly been killed before they were able to testify in matters of very serious natures. This Bill speaks to, again, protecting. The key for me here is to have persons complain and feel secure that they will not be identified as the complainant, until and unless, perhaps, it becomes necessary.

For me Sir, I wish to say that is enough to have this Bill granted passage through this honourable House. There are many cases and members of the Commission are obliged to not disclose the nature of the complaint and the name of the complainant to parties that are being investigated. This serves to add to the protection given to the complainant, so that anyone who wants to make a complaint against an individual or perhaps a group of individuals may be protected in so doing.

I wish to say, the composition of the Protected Disclosures Commission are of people from various walks of life. My Friend, on the other side, identified a few bodies that have been named to recommend persons to sit on this Commission. Because it is a wide cross-section of very responsible bodies, I wish to suggest that the members of the Commission definitely come well recommended. The Chairperson, as was described, has to be somebody with serious legal background, and based on the group that has identified here, to have persons recommended from the Guyana Bar Association (GBA), Institute of Chartered Accountants (ICA) and the Guyana Human Rights Association (GHRA). It is expected from these that the other members of the Commission would be people of high integrity. One could expect that a complaint from any individual would be addressed and dealt with by the Commission with not just expediency, but confidence. The individual will feel that he/she has been granted some form of justice based on the findings of the Commission.

As was mentioned, by my Friend before, the Hon. Mr. Anamayah, the Chairperson of the Commission does not have to sit and wait for someone to walk in and file a complaint. The Commission will comprise of a group of persons and that will say that you do not have to. As I mentioned earlier, no complainant has to go in personally, it could be done by another person, through authorised directions.

I wish to, at this stage, commend this Bill to the House for its passage. *[Applause]*

Mr. Gill: The Protected Disclosures Bill No.12 of 2017 is an Act to combat corruption and other wrong doings by encouraging and facilitating disclosures of improper conduct in the public and private sectors and to protect also persons making those disclosures from detrimental actions.

While the need for a Protected Disclosures Bill is absolutely necessary, this Bill, as written, will be difficult for the Government to implement. Unless Ministers of Government and senior public officials are made to suffer the consequences of their inactions to protect a whistle blower, this Bill is meaningless.

"Detrimental action" means any act or omission that results in a person being –

(a) subject to disciplinary action;

(b) terminated, suspended or demoted;

(c) harassed, intimidated or victimised;

(d) transferred against his will…"

Mr. Speaker, I want to tell you a story that is so relevant to the debate that we are having today, that this Bill could have easily been named after a young professional, an A Partnership for National Unity/Alliance For Change's (APNU/AFC's) supporter, whose entire family voted at the last election for change.

3.15 p.m.

This is a true story of a whistle blower who was suspended, harassed, intimidated, victimised, transferred against her will, and made to suffer injuries in relation to employment, family life and professional career. All of that falls under the definition of "Detrimental action" that is prohibited by this Bill, and no official investigation has been launched.

Last April, a well-trained, experienced and dedicated staff nurse was abruptly transferred against her will from a hospital in Region 5, where she worked for four years, to a health centre in a nearby community. Her only crime was that she saw an injustice, the daily abuse of a dangerous restrictive drug by an addicted public official, and out of concern for the health of that official

and also in the public's interest, she thought that she was doing the patriotic thing by reporting this abuse to the relevant authority. This staff nurse did everything right. She first reported this abuse by way of a letter to the Regional Health Officer (RHO) who took no action, but instead cautioned her not to go public with the information for fear that the hospital would be investigated and tougher restrictions would have been placed on this highly addictive drug.

When the public official was told of the nurse's report, she became livid and used her authority and influences to execute a personal vendetta against the nurse. As a result, this young professional was subject to intimidation and verbal abuse on a daily when the public official visited the hospital to get her daily fix. The official even threatened to use her influence for a certain Cabinet Minister to have her transferred to Monkey Mountain. This caused the nurse to write a second letter, this time to the Minister of Public Health. First, to Minister Norton and later to Minister Volda Lawrence, when she took over that portfolio. [*Interruption*]

[*Mr. Speaker hit the gavel.*]

Mr. Speaker: Hon. Minister Lawrence.

Minister of Public Health [Ms. Lawrence]: Thank you Mr. Speaker. I stand under Standing Orders (40) (a) for clarification. I heard my name mentioned by the Hon. Member Mr. Gill that I received a letter pertaining to some incident that he is reporting. Mr. Gill has no evidence that I received any such letter. I state here in this House that I have never received any letter from that individual and I ask that that be stricken from the record.

[*Mr. Speaker hit the gavel.*]

Mr. Speaker: Hon. Member, Mr. Harry Gill, the Hon. Minister has denied that any such letter, which you alleged was sent to her. Unless you have to present to this House ought that is different, I would order you to withdraw that reference to the Minister.

Mr. Gill: Mr. Speaker, the letter was sent to the Ministry.

Mr. Speaker: Hon. Member, Mr. Harry Gill, we cannot do this.

Mr. Gill: Okay, I withdraw.

Mr. Speaker: Just before we proceed. I think that we could avoid many things if we do not get carried away. I think that arguments and points which are not certain ought not to be introduced in a debate of this nature. What I am saying Hon. Member Mr. Gill is that I am sure that you can make the point that you want to make without references to persons who are not here or who may not have been the recipients of what you alleged, so let us try to keep it, I do not want to say clean, but let us try to keep it that way.

Mr. Gill: Thank you Mr. Speaker. Copies of the letter were also sent to relevant…

Mr. Speaker: Hon. Mr. Gill, you could do better than that and I must not… [*Interruption*] Hon. Mr. Gill, you would be free to proceed…

Mr. Gill: Copies of the letter were sent to relevant authorities and it was also reported in the newspapers. [*Interruption*] There is also evidence to show that the public official's dependency on this addictive restrictive drug was being facilitated by some in the medical profession who knew…

Mr. Speaker: Hon. Member, I think thought that you were talking about the Bill and that you were saying …

Mr. Gill: I am talking about that Mr. Speaker.

Mr. Speaker: … and that you were saying Hon. Member that, unless there is strong policing of the provisions of the Bill, the efforts would come to naught. I wonder where your comments are taking us now. Please proceed.

Mr. Gill: Mr. Speaker, if you allow me to present my speech. I withdraw the Minister's name. In my opinion that the public official's close affiliation with the Government and the powerful political party, intimidated the doctors to risk their professional careers writing prescriptions that were illegal for years at taxpayers' expense.

Mr. Speaker: Please give way. Hon. Minister, do you rise on a Point of Order?

Mr. Williams: Yes, Sir, under Standing Orders (40) (a). The Hon. Member is imputing misconduct in the Government.

Ms. Teixeira: Mr. Speaker, there is no imputing. The doctors were taken before the Medical Council of Guyana and that is public knowledge of what the ruling was on that. [*Interruption*]

[*Mr. Speaker hit the gavel.*]

Mr. Speaker: Mr. Gill, it would help us greatly if you would stay focus on the points which we are considering - the Bill. Go ahead please.

Mr. Gill: Much later, when a copy of the nurse's letter was leaked to me by a confidential source, I took action and disclosed the content to the press. It was not until the story broke in the *Stabroek News* newspaper, that the public official was forced to resign. In reprisal, the heroic nurse was treated like the villain. She was transferred, with immediate effect, to a nearby health centre and her personal file was sent to the Department of Public Service for disciplinary action to be taken on the basis that she breached Public Service Rules, when she complained about the abuse of medication by the public official. I wish to categorically deny any report that suggests I was told of the public official's drug addiction by this nurse. As a matter of fact, she refused to even speak to me about it.

This whistle blower is still under investigation, but had it not been for the vigilance of the *Stabroek News* newspaper, I have no doubt that this nurse would have been fired a long time ago. You see, Mr. Speaker, what this courageous nurse was about to find out, was that she was battling against a clique of corrupt Government officials who were determined to protect one of their own and the doctors who thought it safe to write illegal prescriptions.

Interestingly, while the Minister of Public Health was aware that this Protective Disclosures Bill was already in this honourable House awaiting passage and should have been guided by the provisions therein, neither the Ministry of Public Health nor the Ministry of Communities lifted a single finger to protect this nurse. Neither has they launched an investigation into this matter to date.

Of course, it could be argued that the Bill is not yet law and the Minister was not legally obligated to protect the whistle blower, especially at the expense of punishing a fellow party comrade. But what message does that send to others who may have valuable information to disclose? Why should anyone now believe that it would be safe to disclose information on

corruption, wrongdoings or improper conduct? A conscientious employee may be reluctant to now come forward with information for fear of suffering the same faith dished out to this nurse. If the Hon. Minister of Public Health truly believes that this Bill, even as written, is necessary to protect whistle blowers who risk being victimised by reporting corruption and wrongdoings, then the Hon. Minister is obligated, by her own conviction, to acknowledge the wrong that was done to this nurse, and reinstate her to the position she held at the hospital in Region 5.

The very Government, who now wants this Bill passed, has caused tremendous hardships to one of their own supporters and her family for doing what she thought was right. This is not only duplicitous; it is downright hypocritical and dishonest for some who would vote in the affirmative to pass this Bill today. Time and time again, this Government has demonstrated its unwillingness to discipline one of their own for violating the very laws it requires others to be governed by. Although I am pleased that this Bill provides for an oversight body to evaluate the allegation and determine the appropriate action to be taken, the Protected Disclosures Commission must be entirely free from any perception of political interference by the Minister of Legal Affairs.

Part 2, clause 4, sub-clause (5) of this Bill reads:

> "The Minister may give to the Commission directions of a general character as appear to him to be expedient in relation to the exercise of its functions."

Clause 2,

> "(a) the Chairperson, appointed by the Minister, shall be a person who –
>
> "(i) holds or has held the office of a Judge of the Court of Appeal or is qualified to be appointed as a Judge of the Court of Appeal; or"
>
> "(ii) holds or has held the office of a Judge of the High Court or is qualified to be appointed as a Judge of the High Court;"

Clause 3,

> "Members of the Commission shall be persons who are qualified for appointments by reason of their integrity, experience in, and shown capacity in law, law enforcement,

finance or accountancy, public administration, social services and matters relating to the work of the Commission."

3.30 p.m.

Judging from the required qualifications of those to be appointed to this commission, I would argue that the composition of this body, when constituted, will be competent enough to make fair and impartial decisions on its own without ministerial interference. What happens when a public servant blows the whistle on a Minister who is involved in corruption or a member of staff who has evidence linking a Minister to racial discrimination, harassment and verbal abuse in the workforce? You may recall that, not so long ago, the Hon. Minister himself was a subject of an investigation when charges of alleged harassment and verbal abuse were levied against him by a former Deputy Solicitor General. We all know what type of directions will be given to a commission if something as this should ever reoccur. We need to strengthen this Bill to preserve the independence and integrity of the Protective Disclosures Commission and allow this body to function without giving the Minister the power to give directions, which could easily be abused to protect a party Comrade or a Minister of Government. Part II, clause 4, subsection (5) of this Bill should be deleted to prevent political interference, which will negatively influence the outcome of an investigation.

In conclusion, I ask that this Bill be sent to a Special Select Committee to address the concerns I have just raised. [*Applause*]

Mr. Hamilton: In concluding his brief presentation - I was shocked because the Attorney General is not noted for making brief presentations in the National Assembly - the Attorney General indicated that when this Bill is passed into law, the expectation is that it would bring an end to corruption. I think he said "this will help to expunge corruption from this dear land of ours, Guyana", or something to that end.

One of the injustices that is done with legislation when it is brought to this National Assembly is bringing legislation with no costing as to what operationalising and managing this legislation would cost a nation. Then we find ourselves marking time, and I will give two examples to make my point. We battled in this National Assembly for over a decade over the Public Procurement Commission (PPC). Everyone indicated that when we instituted the PPC, the issue of corruption

in public procurement will be a thing of the past. All of us, based on the daily report, the information we have, rumours, gossip, whatever, sometimes we wonder what the usefulness of the Public Procurement Commission is. I dare say that the PPC was in existence since August, 2016 and we are in 2018, and if you speak to people who are daily involved in public procurement, they would say that after a year and a half of the PPC their lives have not been made better and nothing has changed dramatically. In some instances, some will argue that the old issue of public procurement has got worse. I am saying that because we were in glee and we fought for this commission, but the commission presently is not doing justice to this nation.

The second point I will make is that because we sought to have the commission come into being without costing it, today, as I understand, and I stand to be corrected, after this commission came into being since August, 2016, it is yet to find a home, an office, I was told not so long ago. The point is that nearly one year after, this commission that we thought and said for one decade was so important in guarding against corruption, in ensuring transparency and accountability in public procurement, and it was so important to us, was begging a lodging at the Public Buildings for over a year. I suspect we are not clear, even at this moment, what the PPC will cost us from year to year when the staffing and all of the other things are in place.

Then we come to the Local Government Commission (LGC), which again we fought for years for, maybe even longer than the PPC. The whole issue of the LGC goes way back the task force that was set up by Mr. Hoyte and Mr. Jagdeo to deal with the issue of local government. That was nearly two decades ago and there was a lot of fighting in this National Assembly for the LGC to come into being. The point is that after the Act, to have the commission be put in place and for the members to be sworn in and to operationalise, it took, I am sure, over a year. This was so important to us that it would have resolved all of the calamity in the local government system. I am trying to paint a picture that when it comes to bringing legislation, how that legislation is spoken to and how important it is to saving this nation, but after this is assented to, one wonders if it is the same important commission.

Now we come to this commission that deals with protected disclosures. I thought I put that before us. The Hon. Minister brought this Bill here and in his brief presentation he did not indicate to us what this commission is likely to cost the nation. My colleague made the point that knowing this Bill was already around here, no provision was made in the budget to

operationalise this commission, so we are putting the cart before the horse. I suspect that this commission will suffer the same fate. To be operationalised to function, I suspect that it might also, as the PPC, beg a lodging someplace before it gets an office. It brings me to the point where, for many important matters that are of national importance that have to do with the welfare of citizens, we would hear the Hon. Minister of Finance, my dear friend, indicating to the National Assembly, on the citizens' part, "We could not do this because there was no fiscal space". The question is: Is there fiscal space for this commission? Important issues that deal with people's lives and their families, a case in point.

Belatedly we have before us, a supplementary paper to deal with the lives of thousands of employees in the Guyana Sugar Corporation (GuySuCo) because a provision was not even made for those persons who were sent home to be given their severance. We are now attempting to deal with it part way. The point is that the Minister of Finance, my good friend, indicated that when these matters are being dealt with, there is no fiscal space. I just query again whether there is fiscal space for the commission that my honourable friend, Mr. Basil Williams, Attorney General, Senior Counsel, has before this House.

If we look at when the Bill talks about the commission, and I am intrigued by this, Part II, subsection (b) states:

> "the four other members of the Commission shall be appointed by the Minister after being elected by the National Assembly from a nominee of the…"

We started off with at four persons.

> "from a nominee of the –
>
> (i) Integrity Commission;"

We went to seven persons. We started with four persons but ended up with seven persons. It is intriguing, mathematically. The question is how the National Assembly will … because this is unheard of, it is unusual and has never happened in the National Assembly. No legislation that has ever come to this National Assembly, and this is my fourth stint here, in which it is being asked to elect four persons from seven different organisations. What is wrong with that is, how will it be done? It is because there are seven representatives coming to us, important

organisations in their own right, representing constituents in their own right. I am saying that there is no legislation that I remember where any commission is being established and where the National Assembly is being asked to elect four persons from seven different organisations submitting names. It is always that you ask for a name from that organisation because that organisation would have representation on the commission. That is how it is done. Check all of the legislation that are there.

3.45 p.m.

This is a major point and you do not have to follow Hamilton. We will be in the National Assembly and we would see how this play out. We would see how we would be able to elect four from seven or eight, or whichever number.

The first point, one of the important points that is missing in this Bill, is how you protect… Whilst the Bill deals substantially with protecting the person who is the whistle-blower, the Bill at all did not deal with the issue of malicious reporting - not at all. How do you deal with that? Hon. Attorney General, we could not present a legislation where we are asking citizens to come forward and report people for instances of corruption and criminal offences and we take no cognisance of the fact that people might have an axe to grind and we have malicious reporting coming forward when people's character is already on the line. I think that is something we need to pay attention to in this legislation - how do you protect citizens from malicious reporting?

The other important issue, I think it is at clause 11 (1). It states:

> "Nothing in this Act authorises the disclosure of information protected by legal professional privilege and a disclosure in this regard is not a protected disclosure."

This can be utilised when it suit's someone's purpose to cause it to be…Even though a crime is likely to be committed or even though a crime is committed because of this, what is called "legal professional privilege," the whistle-blower is estopped from reporting. I think this contradiction defeats the purpose of the Bill because already we are saying there is some people who cannot report or become a whistle-blower because of where they are placed in Government. This is a major contradiction, Hon. Attorney General. I suspect when you get up to speak, you will deal with that contradiction. I think, in passing, the Hon. Member Adrian Anamayah was dealing with

the issue of security when he mentioned the bonus, but what I am dealing with here is where you are saying that a person is estopped from being a whistle-blower. Once this person comes under what is called legal professional privilege this person cannot become a whistle-blower, that person is estopped.

As I started, I would end. I put before us the fact that we are always anxious to setup commissions via legislations. After the legislation, the energy and enthusiasm, we do not see it around to ensure that this entity, that we say is so important in stamping out corruption and ensuring probity in public office and all of that, with the same zest and energy seek to have. I put before us two that we are aware of, the PPC and Local Government Commission, and my prediction regarding the operationalising of this commission, in 2019 we will be having the discussion about where the office of the Commission is, who the commissioners are, what the staffing complement is. Whilst I do not negate the attempt and, in principle, I do not have anything against the legislation, I am just pointing out some of the weaknesses in the legislation. I am pointing out the fact that we have attempted to do this with other commissions that we thought was so important to deal with these issues and we neglected to ensure that they function expeditiously. The other important issue is - I hope my learned friend the Attorney General will speak to the issue - the likely cost of this commission to the treasury on a yearly basis.

Thank you very much. [*Applause*]

Mr. Speaker: It is five minutes to the four o' clock hour. I propose that we will take the suspension and return at five minutes to five o' clock.

Sitting suspended at 3.55 p.m.

Sitting resumed at 5.16 p.m.

Vice-President and Minister of Public Security [Mr. Ramjattan]: On this occasion I rise to give support to an extremely important Bill, Protected Disclosures Bill otherwise known in other legislature as the whistle-blower legislation. I wish to indicate that as part of our anti-corruption drive for a number of years in this country, we had acceded to the United Nations Convention against Corruption a long time ago. It was 2007 or 2008, I think. As part and parcel of that convention, we had an obligation to ensure that we pass legislation at the local level to give teeth

to that international convention. We were supposed to pass, since 2008, a raft of legislation which obviously never got passed until this administration came into being and started passing them. The State Assets Recovery Bill, which is now an Act was passed, came directly as a result of the United Nations instrument called Convention Against Corruption. We have done the Anti-Money Laundering and Countering the Financing of Terrorism (AMLCFT) and that also, with the major modifications that we had from the previous administration, was being passed too. As was mentioned by the Attorney General, this is but another piece in that suite of legislation that we are to pass to ensure that we keep our commitments and obligations under that international convention.

We are here today with this legislation to ensure that commitment which, quite frankly, was long delayed, because this should have happened since 2009 and we have had a number of people speaking on it, even the United Nations in its annual report indicating that this would be… Of course, a unit of the United Nations called the Office on Drugs and Crime is making the request perennially as a matter of fact. Let look at what is happening. Well, not withstanding that some time into our administration… It is now here and it will pass. I feel that it is an extremely important piece of legislation which will go towards ensuring that there be a platform that will cause more citizens to speak out when they see wrongdoing happening.

I am associated with a phrase called “Silence is violence”. When at home - when we could bring it back straight down to home - inside of a house, that is, where, let us say, daddy is beating up mommy and the children not wanting to speak that domestic violence situation, it could go on to then a very long period and could extend to brutalities and atrocities that can result in suicides and murders.

Similarly, when we do not speak out, we could have all around us things going wrong and people not wanting to speak out because they are fearful, there is concern for their jobs and a number of other things. In a sense, the violence continues, Violence is not necessarily being forced used, but the corruption continues and so it is important then that this legislation be seen as *foundationing* and *platforming* the fact that we want our citizens to have a further right and that right being protected against when speaking out, the powers that be, whether there are commercial firms, government, departments or small businesses. It is important in that context because in our societies, as like all other society, I suppose, we sometimes have conflicting social

values. Our society honours team players and I found that at the police force. We honour team players and do not like cynical troublemakers and naysayers. We also honour rugged individualist, who have a contempt for being what is called the 'bureaucratic' sheep. We look down on busybodies, squealers and tattletales, as they are called, but we condemn just as strongly those who do not want to get involved, who claim to see nothing wrong about that and turn their gaze away from where the wrongs are happening. While we believe that these two social values mean a lot, one preserving our jobs, the other we can say that, yes, we want to preserve our society so we could speak out. Sometimes the individuals therein do not feel that there is a statutory framework to ensure that they could talk out. This Bill does exactly that and for that reason in consonance with the Corruption Convention of the United Nations and in consonance with what we feel will give more citizens the ability to be extraverts rather than introverts. Being extraverts, we feel that this will go a long way in ensuring that even more of this kind of thing will happen.

5.24 p.m.

The purpose of it is to ensure the right of citizenship as they say, but also to ensure that we keep our commitments under the various conventions that we have signed on to. Though it was since 2008 we acceded and I think it was 2005 that it was approved in the United Nations General Assembly, we have come now. Those who might be critical of it as a piece of legislation that is taking too long, I wish to state that, at the earliest of opportunities, we have now brought it here.

I want to say that whistle-blowers have a capacity to ensure that lives are saved and billions of dollars are saved too by virtue of what they say, especially against governments. They also do that against commercial firms and when the whistle-blowing legislation came into being in countries like the United States of America and England, we saw whistle-blowers being protected to the extent that they spoke out against big firms, especially pharmaceutical firms. We had the *Times Magazine* where people wrote about thalidomide and the bad things it does to make babies deformed. They went ahead and whistle blew on the firms that were doing that. There is a tradition now in other countries where not only it protects, but, in a sense, it has channelled that capacity in the citizenry to speak out, and so on. I want to say that this piece of legislation will do exactly that in Guyana.

I heard the Hon. Member Ms. Gillian Burton said that we have to now do the public awareness. The public awareness is to make the public gets knowledge and wisdom as to what this Bill is all about and what they could do and what they cannot do. We do have powerful disincentives that have been built into our institutions of Government and businesses against coming forward to speak the truth about wrongdoing now being, in a sense, neutralised. This statutory framework will go big towards ensuring then we have… In that context the origin and the purpose are very important here.

I want to make some additional points and those have to do with how the operationalisation of this Bill will ensure that that happens. Quite frankly, as was mentioned by the Hon. Member Joseph Hamilton, the operationalisation of any Bill, as I mentioned in my last budget debate here on the issue of security, such as the Juvenile Justice Bill, will cost moneys but we must appreciate, when compared to the cost of not having the institution, what is that cost? It could be far more. The Public Procurement Commission cost a lot of money. You had to pay people, find salaries, find them homes, offices and support staff. We must have a principle that asks the question, if it is not passed, how much is lost?

It is just as the court system, in the days gone by, in the year 1100, in England when the court system was started, time immemorial as it would have been said, when it did not have it and it was forced to have it, it saw the benefit of it although it cost a lot of money. In that context, we must not be any way making the argument how much it will cost and the costing of it, if that should be a disincentive of not having it. I notice ambivalence on the part of my friends across the aisle, when we are going to lay this Bill, now, that they are saying it might be jobs for the boys. You cannot have your cake and eat it too. We realised that it is an international obligation under the convention against corruption. We realised that it is a social value to have people and citizens speaking out and if it is going to cost money. Well, it is too bad. We have to pay. Democracy, as you would appreciate, makes a lot of sense, but it costs a lot of dollars.

It is important then that we put aside these arguments as to operationalisation cost and come to the realisation that it is better to have these institutions of governance that are going to play a major role in creating that good life and better society in the future.

The length of time that it has taken, I want to say, and I am not getting political here, it has taken a long time. Even the previous administration did not pass it, although it acceded to the convention. A lot of Bills, such as these, which call for commissions,…Do remember the Small Business Commission? That was since 2002. The commission was not established until 2012. It took a long time. The Public Procurement Commission took a long time. When it was passed in 2000 it came into being only under this administration. It is important then to appreciate the politics behind it, sometimes the flawed arguments as to why the Bill should not happen. It is probably genuine delays by both sides of legislators. We sometimes see ourselves in disadvantageous positions, and that is it did not happen.

The question then by my good friend, the Hon. Member Mr. Joseph Hamilton, operationalisation is important. I rather suspect that we are going to have it operationalised as quickly as possible, because now that the Bill is going to be passed, I feel it is the horse before the cart. If we had to now go and delay it further, trying to find out how much it would cost before we bring the Bill here, then we are not going to do the first step in the journey. I think that is the cart before the horse and not what we are doing here. We are doing the correct thing. Present the Bill, pass it, get it assented and then knowing that we have to make commitments for its operationalisation, get on with the business of appointing those people who are going to be the members there.

I do not like the argument that you cannot select four persons from seven persons by some of the Hon. Members across the floor in relation to the content of the Bill. I do not see the logic of that argument. We are asking here to have a wide variety, from which the Parliament can make a selection, that is, three more persons than those we have to select. There is absolutely nothing wrong with that because the Parliament will then go on the criteria of knowing accounts, law, procurement and all the other values that the legislation talks about and then select the four best persons. There is another argument that had we only put four persons and then we had to select them. That it would have been so exclusionary. Why only put four persons?

It is a case that you do and you get criticise; you do not you get criticise. We must not take that as the kind of design we want, an argumentation in relation to Bills, very good. That is the whole point of it. It is so important that we appreciate it then. I do not know what will happen with malicious complaints or disclosures.

This Bill, if any good reading of it was done, it is consistent with Bills that have been passed in other Commonwealth countries. It is consistent with what was passed in non-Commonwealth countries, foreign countries, as you would call them, and it has the highest standards in relation to what it is that we want for Guyana.

Remember, as a country, we have an obligation to tap in to what are the practices out there and the international imitation but also it is to locally invent. It is an added mixture of the two international imitations with local invention, knowing our peculiar circumstances, that we have to create that which is here. If you go and ask the entire England, they are going to criticise you and say that it was a cut and paste legislation. Now we have tried to create something peculiar for Guyana, knowing how Guyanese are, and the citizenry, but then you are being criticised too. Again, sometimes you have that criticism. I want to say that the legislation did take care of that which is of tremendous concern by my good friend Mr. Joseph Hamilton.

Clause 10(1)(c) at this stage because it is still a Bill, states:

> "A disclosure is a protected disclosure if –
>
> (c) it is made in good faith;"

The opposite of that is if it is made on bad faith or malicious then it is not protected. That is what I am saying. The fact of being malicious here will exclude it. Clause 11(4) makes it even clearer, if you did not understand it in that, by stating:

> "Where the Commission, after having taken into account all the relevant circumstances, considers that the information in a disclosure made anonymously is likely to be defamatory, libellous or the information is proven to be false, frivolous or vexatious, the Commission shall discard the information."

The commission could do that. If that is not the provision that we can have to capture your suspicion about maliciousness, well I do not know what else we can do. If you could have done a draft of one, we probably could have put it in, but you have not done that. We can also take care of that kind of malicious disclosure that might want to get at people who feel that we are after them.

I also want to make the point on the example also given about - it has to do with I think professional legal privilege - why is it that we are not excluding and exempting professional legal privilege. I am a lawyer for some years. [**Ms. Teixeira:** It is exempted.] Yes. It is exempted. [**Ms. Teixeira:** Why?] The reason is that professional legal privilege will always be exempted. Information flowing from the communication between lawyer and client cannot be used for any other purpose. It is inadmissible evidence in a court of law and it will be inadmissible information for purposes of an investigation. It must be. I will give the example. A clerk hears what the lawyer is being told by a company, let us say, that it has trouble, because it is doing some pharmaceutical that is bad. The clerk cannot go and say "I have information" because it came from a communication between the lawyer and the client. That is what that clause means, and because of the time immemorial, the principle of lawyer and client privilege, you cannot. It will be like striking down a bulwark of the rule of law and the right to counsel, if we were to say that all right information that flow in that regard should not be made exempt, and that is why there is clause 11(1).

Nothing in this Act authorises the disclosure of information protected by legal professional privilege. It such an important thing for the right of counsel which then goes towards the rule of law that we had to put it in here. In that context then, and do not be afraid Mr. Hamilton, it is not something that is bad. It is properly exempted because there are other aspects of our society and democracy that we must still maintain.

I want to urge too that there is plenty of attribute in having in section 3, a kind of retrospect about the disclosure. We have limited the time there to 12 years. This Act applies to any disclosure made, after coming into operation where the improper conduct, which the disclosure relates, occurred 12 years immediately before coming into operation. We have made it very explicit that if there is somebody who could tell us about certain misconduct or improper conduct, which is defined in the interpretation section to mean corrupt transaction 12 years ago, it could be investigated. It is important then that we understand that not only prospective, but it is retrospective in relation to these matters.

5.39 p.m.

I would also like to indicate that the benefits of having a specialised unit to deal with these disclosures that are going to be made. It is very difficult now that you give the citizen the right to make the disclosure, that there will be some place that they will go to make the disclosure. Notwithstanding the cost, the place is the Commission; a Commission that will be made of people who are going to have some very high standards, who will also know the law and know the exceptions under the law and so on. Also a Commission made up of that same principle of the Parliament – our National Assembly here selecting four of them from the seven that is going to be proposed. I am certain that we are going to propose seven very good names to choose the four best of the seven. You have a chairman that will have to be a judge to some *qualificatory* there. We are going to have another four that is going to be made up of some top notch people.

You could be critical of the fact that we have had other Commissions that have not come into being as yet. Well, fine. But, that does not mean we must not start the journey of whistleblowing in our country. Notwithstanding what might be otherwise. At least we have started the journey in so many Commissions. The criticism coming from those of my Counterpart over on the other side of the aisle that we are not genuine and in good faith ensuring that these Commissions work, at least we have started the construction and people are seeing the foundation. In couple months you are going to see it coming up and the entire edifice will be there. The journey has begun and so it is important that the journey be started and notwithstanding how long we had it.

I am urging, I was asked not to be very long, but, these are extraordinarily valid points. Although we might get some people saying but these things are not in the law, I have not seen international best practices that talk about that. I want to make this point; there is absolutely no embarrassment to the validity of provisions just simply because they are novel. Novelty of a provision in the act is no embarrassment it is validity. In the context of wanting to do that which is correct for Guyana and in the context of arguing the case, as I am doing here, I want Members all here to support it, notwithstanding that you might have not seen it before. A Commission, even if it is not in Trinidad that does not mean you need that particular body of men who is going to ensure that there is confidentiality, they are going to check out the veracity of your disclosure, they are going to ensure that it is made in good faith, they are going to ensure so many things so that it could be to the benefit of the country and it could in a way exclude all the malicious and out of

faith or what they are not in good faith complaints. That body is that Commission. Though you might not see it in other Jurisdiction, it has a benefit for us.

In that context then, I urge that all Members support this Bill as is and as we go on in future if there is need for amendment, just like any other legislation to refine even further, we will come with the various amendments depending on the necessity of the situation or the validity of the arguments for them. Thank you very much. [*Applause*]

Ms. Teixeira: Thank you, Mr. Speaker. We are before a very important piece of legislation and let me say from the very outset, that the Peoples Progressive Party/Civic (PPPC) recognises the need for such legislation and is supportive of whistleblower legislation; that is in accordance with the Anti-corruption Conventions under the Inter-American Convention against Corruption and the United Nations Convention against Corruption (UNCAC), in particular. However, the present legislation before us - the Protected Disclosures Bill 2016, which was posted by the Minister of Legal Affairs since 2016 on his website of the Ministry of Legal Affairs and which I understand the Minister had a consultation October, 2016, remains unchanged from what was put on the website at that time. It has not gone through changes. The problem is that the objective of this legislation is it accomplishing what its objective is.

The unfortunate thing is that we do not have to have rocket science, because there are a number of important documents. The issue of these conventions, Guyana signed the Inter-American Convention against Corruption in 2001 and was reviewed and became a full member of the expert mechanism from 2006 up to the present. I believe Mr. Hetmyer, who is the head of Special Organise Crime Unit (SOCU), he is the Guyana representative now on that body. I was the representative on that body as the Guyana expert, which reviewed the expert on the mechanism toward the implementation of the Inter-American Convention against Corruption. I sat on there from 2006 to 2015, as the Guyana expert on the expert Committee, in which we reviewed countries of the Organization of American States (OAS) that had to fulfil their monitoring of the convention and to report by each round; Guyana had completed the fourth round and was adopted and the measure was taken into 2014.

Guyana is presently waiting to be reviewed in the fifth round and up to now has not been reviewed as yet. I expect and I look forward to reading the review, because I am still interested in

the issue. However, the issue is that when the first convention was created, the first convention against corruption, the world was not Latin American and Caribbean and North American, the OAS, others followed after, including the United Nations (UN) which came in years later. It is in this body the issue became there about whistleblowers and how do you protect witnesses. In 2008, for example, a number of countries which had signed the convention and ratified it and I remembered it as an expert, because I want you to know a number of Caribbean countries have not ratified the Inter-American Convention against Corruption nor the UNCAC; Guyana has done both.

The point was raised by all the developing countries that we needed technical help in drafting legislation on whistleblowers and we were one of the first countries to write seeking technical support. As a result of the request that came up, the Inter-American Convention against Corruption under the OAS set up a series of consultations with Ministers of Justices, Ministers of Security and Ministers of Ethics and Integrity, all these different things to look at it. The product of this was a model law that was created in 2013 to facilitate and encourage the reporting of acts of corruption and to protect whistleblowers and witnesses; this is the 18th March, 2013. This was sent to Guyana and was passed to the Attorney General's office with a view from Cabinet that we would like help in this. This was to guide countries in preparing model legislation. A number of countries have had all legislations dealing with witness protection but not witness protection as we talk about today and whistleblowers. This was model piece legislation and it dealt with both whistleblowers and witnesses protection and justice protection. This was given to the Attorney General in 2013 to seek assistance in drafting according to these recommendations and guidelines, a piece of legislation for Guyana to have brought to this House; somewhere along the line, prorogation, disillusions, elections, *et cetera*. But, 2009, there was medium of the working group and mutual assistant criminal matters and extraction in which there was a particular study done on the co-corporation and the protection of victims and witnesses from the OAS and it was noted that they examine the different Regions; Europe, Africa *et cetera* and including the Caribbean. It was noted that the Caribbean had two instruments that addressed the issue of witness protection. The Caribbean Treaty on Mutual Legal Assistance in Serious and the Caricom agreement establishing in the Regional and Justice Programme; that will be discussed further when we come to the Witness Protection Bill, probably tomorrow.

In addition to that, the United Nations Office on Drugs and Crime (UNODC) which my Friend across there referred to has worked with Guyana in a number of areas and in particular I am aware from 2006 on. I know, too, that there is a consultant that is provided by the UNODC who is here and it was announced in the newspapers of having drafted or drafting an Anti-Corruption Strategy plan for this Government. We look forward to that and we look forward to whatever consultations or stakeholder forum that would be involved. The UNODC put out a resource guide on good practices in the protection of reporting persons; this dealt again with both whistleblower legislation and protection in a variety of measures as well as identity change. It is an excellent document which goes through…this is just a schedule of how it deals with the issue and recommends to country; including training, resources, specialisations and how to protect the whistleblower, how to ensure that whatever body or authority is given to accept the disclosures or to receive disclosures and investigate, is insulated from contamination of any kind; including from the executives. This particular one of the OAS model is very specific in ensuring that the country could decide whatever authority it wants; the Director of Public Prosecution (DPP), the Attorney General, because in most countries the Attorney General and the Minister are two different people. However, in our country we keep that practice, although the law provides for both. The interest of the conventions both UN and the OAS, is to ensure that the body – the person that is receiving the information is one that is insulated and not contaminable and also one of integrity. The document is here and, therefore, I was very surprised when I did read the Bill in 2016 and I had problems with it then, and I hope that there were comments being shared that it would have gone through some review; particularly when a number of other pieces of legislation, Jamaica for example, India and Uganda have all dealt with this matter with certain areas of overlap and comparability. There was a very early document done by the OAS in drafting guidelines for model legislation on this; countries have a choice of having a whistleblower legislation and a witness protection legislation or you could have a merger of both. Some countries have done the two together. But, the intention of the legislation and that is where I have measured my views in relation to this legislation, in relation to what is the intention under the conventions and use the Organisation for Economic Co-operation and Development (OECD) their definition now; the importance of whistleblower legislation.

I will quote from that, it states:

> "Encouraging employees to report wrongdoing ("or blow the whistle"),…"

That is how the term comes out whistleblower.

> "…and protecting them when they do, is an important part of corruption prevention in both the public and private sectors. Employees are usually the first to recognise wrongdoing in the workplace, so empowering them to speak up without fear of reprisal can help authorities both detect and deter violations.

It continues to state:

> "In the public sector, protecting whistleblowers can make it easier to detect passive bribery, the misuse of public funds, waste, fraud and other forms of corruption. In the private sector, it helps authorities identify cases of active bribery and other corrupt acts committed by companies, and also helps businesses prevent and detect bribery in commercial transactions. Whistleblower protection is thus essential to safeguarding the public interest and to promoting a culture of public accountability and integrity."

If I hold that standard up and I hold the OAS model of the legislation, I am then confronted with what I believe, and I will start it with my conclusion, is that when confronted with a seriously deficient piece of legislation that does not live up to the objectives it set itself. Let me go further to explain; in terms of compliance with the conventions, you have not made it and I will go through that in the Bill to show you why it would not. Secondly, in terms of consultancy process it is regrettable, it appears, that a number of other models and laws that have taken place in other countries that were a little ahead of us, because a lot of the whistleblower and protected disclosure legislation came in around 2010, 2011, 2012, and so on.

5.54 p.m.

There were some old ones that had to be renewed, had to be thrown out and brought back in. There are some really good examples out there and when you look at our Bill I am saddened, because I really would like us to have a really good piece of legislation to protect whistle blowers in this country, and you would have my support 100% and the support of this side. The problem with this Bill is that it is sadly deficient. Whenever it was drafted and, it may have been drafted earlier in 2014 or whatever, but God knows, but the issue is, the time and the research to

bring it up to standard, to bring it up to 2017 has not been done and we have no reason to explain why this was not done.

One of the problem in this Bill - let me try to go through some of them, so it does not look- my Friend across the road will not say I am beating up on the poor Government for no reason, because although I may like to do that many times I try to avoid it, but you do tempt me sorely many times.

As I said the OAS model law is premised on the view that the authorised body, being a person or an authority, is insulated from contamination so the integrity of that body or integrity of that person is upheld.

When we go to the Bill, and this is a problem I will make generally, the Government seems to be treating security and crime, I mentioned it last week and I do not know if Minister Ramjattan remembered what I said. I did talk about silos and I am concerned about the creation of silos and I mean silos in the crime and security areas of this country. I used one of former Lt. Col. Fairbairn Liverpool, articles on crime to say that this is a risk throughout the Caribbean that was going on. When one created all these agencies that were parallel sometimes duplicating and tripping over each other, competing for resources, competing for skills, in a country with 747,000 people, therefore you are creating actual disunity, and wastage of our resources to forget about the fact that you are not creating a united anticrime anticorruption team. You are having competing forces.

The interesting thing about the actual title of this is that we begin to use in the very long title the issue of improper conduct rather than the phrase ‘acts of corruption’, which is a choice. I had only seen in Jamaica they are using that phrase, but maybe I did not do enough research because I looked at South Africa, India, and Canada and so on, where they spoke about acts of corruption and not necessarily improper conduct, but that is just an observation.

When we come to all the various definitions on pages four, five, and six if it is true that you are trying to be in compliance with the United Nation (UN) and the OAS conventions against corruption then some really fundamental definitions have been omitted, which are critical.

You have omitted the definition of acts of corruption, competent authority, good faith whistle blower verses bad faith whistle blower, what is a public official, government official, or public servant; this is very critical in any anticorruption or particularly Whistle Blower Legislation that you have these definitions. You did not define the family group, because if you are moving now to witness protection or in the context of a whistle blower who may not change the identity, because they are not dealing with witness protection who are still in their early stages, but may require police protection. Who are you protecting? What is the family group? In the Whistle Blower Legislation family group is very specific, so you cannot bring in second cousin removed, great aunt and great uncle and stuff like that. It is very specific on what are the forebears of your siblings you are allowed to bring in. You do not have a definition of protected measures and you do not even have a definition of a protected person.

These are the issues that are critical in the definition in the act dealing with whistle blower. The detrimental action in some places called occupational detriment you call it detrimental action is fine.

Then we go to enforcement agency and this way it becomes really interesting. Here you include Financial Intelligence Unit (FIU), Guyana Revenue Authority, State Assets Recovery Agency, and Special Organised Crime Unit (SOCU) and the Customs Anti-Narcotic Unit CANU, but one of the issues that comes out in a number of the legislations including Jamaica, South Africa, and others, is that they are dealing with bodies that are generally appointed by constitutional means or an constitutional appointments. The Director of Public Prosecutions (DPP), the Commissioner of Police, the Public Procurement Commission (PPC), the Rights Commissions, and the Ethnic Relations Commission (ERC); these are all bodies that have a constitutional persona that makes there more trust for people to make reports to. So, I am not dissing the others that you have listed, but I am just saying that it is insufficient.

When we come to now the definition of improper conduct, as I said this is parallel with Jamaica but not the other laws and other. In the OAS and the UN there is no definition of improper conduct. It specifically deals with acts of corruption, acts of impropriety and not actions of improper conduct. Now, maybe, I am being a stickler, but if it is your intention and I agree and believe that you believe it, that you want to be in compliance with these bodies then you should try to at least comply with what you know you would have to answer at another level.

For example, one of the omissions are simple, these are drafting omissions. One of the definitions has programme, what is the definition for programme? What programme are we talking about; you do not have it here? But, what we you are talking about is the programme for witness protection and justice protection under the CARICOM agreement and therefore it will bring a link between this Bill and the Witness Protection Bill which you are supposed to discuss tomorrow, because there is an intrinsic link between the two pieces of legislation.

Your retroactivities are very interesting. It is understood but it is interesting why you chose 12 years and not 20 or 40 years that is up to you.

The issue that is particularly important for me to talk about is your Protected Disclosures Commission. I searched for a similarity in another legislation of this type. The only country I could find that had something similar to us in the Protected Disclosures Commission was India where they have a Central Vigilance Commission and they have a State Vigilance Commission, if I am saying it right, that is the only country I could find comparable with what is called here, except in the Indian model these were appointees that are done through a particular process. Let us look at your commission, it is rather strange that you are going to create a commission and that commission then is going to sometimes if it is a criminal nature passed to the DPP, if it is an administrative civil problem to the AG's office and you are going to give the police to investigate from time to time. But, your commission, one of your legislative drafting problems exist here.

In clause 2 (b):

> "The four other members of the Commission shall be appointed by the Minister after being elected by the National Assembly from a nominee of the-"

How is this done? I am not picking up my Comrade's point here. I am picking up how. Any legislation Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) (Amendment) (No. 2) Act 2015 states how you do it. It states that you go through parliamentary committee with two thirds or simple majority. The other one on the Local Government Commission it is the same thing and it tells how, and the Minster is the Minister of Legal Affairs, but how are we going to elect these four people? You have named the agencies which I will come to just now. The bill is deficient. We never had a process in this House where people jump

up and nominate and we vote. It is only on the Speaker we would do that. There is no other process in this House for that. So, I do not know how you are going to do it, but good luck. This thing needs to go to a Special Select Committee by the way. It needs serious work.

You also have Integrity Commission, Private Sector Commission, and Bar Association. Now, it is nice to have all of the stakeholders. However, unless you are choosing, as I said, personas or bodies that have a constitutional independence, some of the agencies you have listed here or bodies you have listed here are what people may make protective disclosures about. Therefore, it is a conflict of interest. I do not want to choose anyone of the organisations because the Speaker would up me and tell me I should not do that. However, if I choose anyone of them and just put my figure on anyone of them, anybody could then go and say this so and so did this and it is wrong and so on. I go to the commission and make my disclosure and lo and behold the commission is made up of one of the people I am exposing. You have made this in a way that is cumbersome, expensive and unnecessary.

In addition to that, you tell the Minister to give general directions, but then just before that it states that this commission must be controlled by no one. It is not under the control of any other authority. Clause (5) states:

> "The Minister may give the Commission directions of a general character as appear to him to be expedient in relation to the exercise of any other authority."

[Mr. Ramjattan]: It is so unreal.] Well, maybe you think it is unreal, but I have a little expertise that you do not have. If we go on Clause (9) of the Bill, let us look at Jamaica which is our neighbour, a friendly neighbour, the difference between the two bills is that, for example, Jamaica in the second schedule states who are the prescribed persons to whom disclosures may be made; The Auditor General, Bank of Jamaica, Bureau of Standards, Children's Advocate, Commission for the Prevention of Corruption, Commissioner of Police, Contractor General, Director of Public Prosecutions, Electoral Commission of Jamaica, Fair Trading Commission, Financial Services Commission, Independent Commissions of Investigations, Integrity Commission, Inland Revenue, National Environment and Planning Agency, Political Ombudsman and Public Defender. So, that is who their designated authorities are. They do not have a commission or other body.

Then, what is interesting that my Colleague Ms. Burton-Persaud pointed out, which is in both the South Africa legislation and in the Jamaican legislation where they had actually brought an amendment to the Labour Relations and Industrial Disputes Act to make it absolutely clear that a public servant who is on contract is not to be prevented in anyway in a dispute and not be subject to disciplinary actions because they are making disclosures.

Jamaica is the closest to us in terms of some of the wording, the language, and the definitions. When we come to an interesting section which is, section (15), I am looking at it in relation to clause (9) of our local bill. If am boring you I am terribly sorry, but I am interested. If I am boring you go home. We are here to do the people's work. I am sorry I bore you Vice President, but you know what is waiting for you in the lounge you can go and get it.

Section 15(1) of the Jamaica Bill states:

> "This section applies notwithstanding any duty of secrecy or confidentiality or other prohibition of or restriction on the disclosure of information under any enactment, rule of law, contract or practice."

Why I am choosing from the Jamaica laws is that our law states this at clause 9 (1):

> "Where a person seeks to make disclosures in pursuance of this Act, in relation to a matter that would prejudice the national security, defence or international relation of Guyana, the disclosure shall be made to the President, the Minister or the Minister responsible for public security."

It goes on subclause (2):

> "The President, the Minister and the Minister responsible for public security shall establish and cause to be operated procedures for receiving, investigating or otherwise dealing with disclosures made under section (1)."

When you come to another piece of legislation in relation to security issues…

6.09 p.m.

Jamaica has no reference whatsoever to any alternative or parallel form of disclosure with regards to national security defence *et cetera* – nothing. When one goes to some other countries, they may have it but what they have included now is that these procedures which the President or the Head of State makes with the Minister of Public Security and the Minister of Legal Affairs must be brought to Parliament, must be gazetted, and must be approved by an affirmative resolution. Please note that – an affirmative resolution. Our Bill states that if you are soldier and knows of some *hanky panky* that is going on or there is an aircraft landing and you know about it but it is the other people involved at the higher ranks, you cannot go and tell anyone except the President, the Minister of Public Security and the Minister of Legal Affairs and they will deal with that. But what happens if suppose one of those three are involved? Then what do you do? I did not say which one. I just said 'suppose'. I am just wondering out aloud, Comrades.

Again, the procedures, I am glad that Minister Ramjattan clarified the issue of clause 11. We are very thankful; thank you. And now, we get to the actual investigations. And it is a fact that this Commission will have powers of a judge and so on. In all the other legislations whichever authority, person or body is given this is given the same powers as existing in our Bill. The interesting thing is that clause 15(2) has to do with the Commission may be acting in good faith in any of the other…refuse to deal with disclosure or cease an investigation. And then it sets what in clause 15 (2) what the areas are. And of course, it states:

> "(a) the subject matter of the disclosure is frivolous or vexatious;
>
> (b) the circumstances surrounding the subject matter of the disclosure have changed rendering the investigation unnecessary."

However, again, if you want to fulfil the Inter-American Convention against Corruption (IACAC) requirements, at least you are trying to be in compliance. One of the areas that is for non-support or the fact where the Commission will not investigate has to do with when the person making the disclosure and who is providing the information has done so by violation of fundamental rights. And that is a requirement under the IACAC that the fundamental rights – human rights, and that is the same thing with the United Nations (UN) - cannot be violated in the process of obtaining disclosure. So, if someone has obtained information of acts of corruption

wrongfully – murdering someone, kidnapping someone, or torturing someone - that is not acceptable, and, therefore, the Commission, your body or the authority should not accept that.

The Bill has a number of areas where it is not in compliance with the model legislation. I am using that because I am familiar with the difficulties that the countries went through reaching this. One of the omissions in this Bill has to do with protection of witnesses and other persons. First of all, there is no connectivity between the Witness Protection Bill and this and there needs to be connectivity. There is, as I said, a connection, although not always the same. Whistle-blower legislation deals with acts of corruption, wilful and wrongful abuse of power and things that would hurt the public interest. Witness protection can have people in witness protection who have witnessed a murder or have been trafficked, whereas the whistleblower, most of the time – 99% – is particularly targeted at dealing with corruption. And so, what this Bill leaves out, which is an important part, is what the protective measures are that can be given to whistleblowers, in the interregnum, when they are awaiting to go before a court to give evidence, and so on.

There are a number of additional protective measures outside of when you come to the Witness Protection Bill of giving people new identities. It talks of where the person believes, who has disclosed, that he or she is vulnerable, whether real or not real, physical, and/or psychological, and not only him or her but the family and the safety of their property, or from an unjustified charge in the workplace conditions, that he or she can be retaliated against as a whistleblower, the State and the body that has been given the power under whichever law – under this law – must include areas of police protection as an additional protective measure, change of residence or concealment of whereabouts and the Guyana Police Force (GPF) - and Mr. Felix knows about this - and medical or psychological assistance when necessary. It also even talks of protective measures in the workplace. And so, it gives those areas where, including paid leave, included if a person being a whistleblower…and if it is known that he or she has done that, he or she could be victimised. And so, the actual body has to protect them. It is long before we get to the witness protection in the former Bill, and that is my concern. The interlinkage and marriage between the two Bills is not there. One is a programmatic approach and the other one is dealing with disclosures.

The legislation drafted by the OAS has married the two areas of whistleblower and witness protection which actually makes it much easier to read, to follow and to see the progression of

when a person makes a disclosure right through to the end where the person may - does not necessarily mean that he or she has to - end up having a new identity, location, and new geography. Even more so, the issue of where extraterritoriality is involved, and this is where the other conventions come in of the Caribbean Community (CARICOM), European Convention on Mutual Assistance in Criminal Matters and in the CARICOM Agreement on the Regional Justice System. So, there are a number of areas I think where the Bill has problems and that it is deficient. I do believe that you want to do the best that you can and I do believe that you do not want to bring a Bill in that really will cause us more headaches than we are able to really deal with or probably say that we were trying to prevent corruption.

The other thing is that, in the number of the legislation, and I want to repeat this, the Minister, and that is the Minister of Legal Affairs in our context, is the one who has the authority to bring the report of the body as well as, of course, not having names of anybody in it but also tabling these in the National Assembly. And it is also the Minister who is, in fact, able to make regulations and orders to bring this into effect. However, in the legislation that I have checked, it calls for an affirmative resolution and I repeat what I said earlier – an affirmative resolution – which means that it must have an affirmative motion in the Parliament and seeks to obtain the affirmation of the House. That is an important area that is omitted from our draft legislation. In some cases, it does not even say, except in one place it talks about negative resolution.

Clause 31 talks about the power of the Minister to make subsidiary legislation and it repeats negative resolution, negative resolution, and negative resolution. So, at no point, unlike other jurisprudence where it is calling for an affirmative resolution in relation to matters, including offences and penalties which can be draconian…it is important that these be looked at carefully.

The related schedules – schedule 1 of the Bill: The Minister is the one who approves the emoluments, appoints the chairman and the emoluments and terms of conditions of the chairperson and other members, whereas, in another part of the Bill, it talks about this body: the Protected Disclosures Commission shall be a body corporate. It is called a corporate body in the law but, when you come to the schedule, it is the Minister who has the final say on their employment and their emoluments. I think that is a contradiction as well.

That is the issue, as well, on the schedule because, when you come to the same schedule 1, paragraph 5 (1):

> "The Commission shall determine its own budget for submission to the Minister of Finance for inclusion in the annual budget presented to the National Assembly."

However, we have seen this with the Local Government Commission and all the constitutional bodies that, yes, it states, according to the Act, that it was amended in 2015 - that Mr. Greenidge fought so hard for - the constitutional bodies' budgets have all been cut in this House and on the recommendation of the Minister. Again, the point that my Colleague was raising about ensuring that, yes, when we create bodies… It is not attacking your bodies, Mr. Ramjattan. What my Colleague was saying is that we have a moral responsibility to ensure that these bodies are adequately resourced. I do not think my Comrade was talking about…because if I had a say, which I do not have a say, of course, and that is that, if I were in your position to give money to the Director of Public Prosecutions (DPP) or to State Asset Recovery Agency (SARA), I would give the DPP more money. But you have given more money to SARA than to the DPP's office; one is a constitutional body and one is not. That is your choice which you have made. But I do not agree with it because I think that the DPP's office should be a powerhouse in its own right and we should give it more money and hire some more skilled people, and, yes, I do understand the difficulties you face; we faced it too. But if you are going to choose to spend $120 million and more and give it to an agency that does that have that constitutional bite, then I prefer you giving it to the constitutional body. So, you are *stretching yourself rather thin*.

In addition, there are some other mistakes in this Bill. Again, in schedule 1, paragraph 6, page 35:

> "The Commission may make rules for the proper control of the system of accounting of the Commission and its finances."

I am not aware, and I may be wrong and subjected to correction, that any agency in Guyana that is Government or Government related or State ran or State funded has any choice of what kind of financial rules they can follow. They have to follow the financial rules and laws of the country. This is putting a different twist on that. The Bill affirms, of course, that it will comply with the OAS and the UN; it will not. I am appealing to the Members on the other side that, whilst we did

not have it, it is only in 2013 that the OAS countries finally, after many rounds of discussion, came up with a model law. And you have had it for one and a half years because this Bill did not come from us; it was your creation. Why do we not try to make it better? Why do we not look back at this again?

The Protected Disclosures Commission: My Colleagues on the other side, you are creating a top-heavy bureaucracy. Let me repeat this for emphasis: we have 747,000 people in this country. When you start digging up all of these bodies – so, there is a Commission; the Commission is going to call on the police to investigate and then it will call on Special Organised Crime Unit (SOCU) and then SARA, the Ethnic Relations Commission (ERC), the Rights Commissions and the Integrity Commission... That is what it is supposed to do, actually, if it is complying with the international agreements and conventions. There are going to be people at various times tripping over each other and, in fact, sometimes some of the confidentiality you want is gone. Let me give an example: the Jamaican DPP website has an actual website so as to give people, the public, an idea - for the public information, something which Mr. Ramjattan spoke about and Ms. Burton-Persaud - of what witness protection and the issue of secrecy are, and the procedures.

The other issue is that this Bill is missing, which was also in the model legislation, the procedure in court. There is a thing about the person being anonymous, the name is unknown, and the evidence is given in court. How is that done? In many jurisdictions… I had hoped that Minister Ramjattan would have spoken about it. But we have brought legislation to allow for video conferencing through the Sexual Offences Act and the Truman Act.

6.24 p.m.

There is no mention of the connection here with a person who is a whistle blower, and who has given a protected disclosure. Part of what they are doing is giving evidence in court and will have to be done in some way that their identity is not disclosed. Jamaica has included a clause to say “How you do that”. Canada has, India has, Uganda, and Trinidad and Tobago has too, for example, “How”, by video-conferencing, in other cases distorting the voice of the person and not being able to see the face, in other cases, a range of electronic devices that allows for the persons’ identity to be protected. That is not included in our legislation and I believe that it

should be. This is because if the intention is to encourage, as the Organisation for Economic Cooperation and Development (OECD) stated:

> "To encourage people to come forward, to encourage people to have the confidence and trust in a system where they can make disclosures, then the apparatus that does that must be designed in such a way to build that confidence and trust."

Just because you set up a Protected Disclosure Commission and the Minister chooses a chairperson, he/she may be a wonderful person, he/she will be fit and proper, I assume better than other fit and proper people. However, let us all hope and I hope that I do not die in despair, but let us hope. Do you really believe that the ordinary person in the public service, where we see all sorts of wickedness going on, will have confidence just because you set up this Commission? There are people who, constitutionally, are expected to be independent. Why go and trip over you self, creating another super body? There is the State Assets Recovery Agency (SARA) that is a super body, there is the Special Organised Crime Unit (SOCU) and all the others, and still. Up to today, I understand that the draft Anti-Corruption Strategy that has been prepared for you, you all have not even looked at it as yet. That is how important you think it is.

I believe, very strongly, that this is an opportunity for us to do much better than we could have done in this case. I believe too that, even if you go to the Uganda legislation, it allows for disclosures to be given, not too… [*Interruption*] If you do not want to learn anything, go home. I do not know what you think we are doing here in this Parliament. Are we here decoration?

Mr. Chairman: Hon. Member, you have 10 minutes remaining.

Ms. Teixeira: My apology. Yes Sir. You are not here for decoration, absolutely not. I know that.

Let us learn from other developing countries that have challenges like us. I was reserving this comment to make on the Witness Protection Bill, but I will make it now as a result of my Colleagues feeling so bored with what I am saying. It is unfortunate. When the Hon. Minister Williams had his consultation in October, 2016 and there were a number of people there. [**Ms. Charles-Broomes**: You need a hair dresser.] Mr. Chairman, I am sure you did not hear that. It is what we women call 'cattiness'.

Mr. Speaker: You can tell me.

Ms. Teixeira: I will tell you after the sitting. I will not tell you here because it is too small and trite. I will let you have an insight, you and I, into the cattiness that we are subjected to from time to time. My mother used to call it *'meow meow'* and I have been hearing a lot meowing over there.

In the October, 2016 general report, the High Commissioner of Canada to Guyana at that time, Mr. Giroux, was there making comments at the briefing on the stakeholders' meeting that Minister Hughes had on the Protected Disclosure Act and the Witness Protection Bill. I will leave this as my last comment so you would not continue to be bored. He said:

> "The High Commissioner of Canada to Guyana Pierre Giroux reminded those persons that witness protection is an expensive undertaking. He said that they must be adequately budgeted for otherwise they will not succeed."

This is the Guyana News Agency (GINA) that I am quoting from. He says the following and I am quoting from him:

> "It is a complex and costly process in our system in 1915 to 1916. In our system in 1959, there was a population of 36 million in Canada; only 82 cases were submitted to the Commissioner."

So they have a commissioner. Their commissioner, for dealing with witness protection, is the Director, the Head of the Royal Canadian Mounted Police (RCMP). The Director of that is the one responsible for the entire witness protection programme of Canada. This is what the High Commissioner says:

> "Of a population of 36 million people only 82 cases were submitted to the Commissioner to give witness protection and only 12 actually received protection. In 49 of those cases, witnesses themselves decided not to join the programme because of the complexity of the system."

The cost for the 12 persons was $9.34 million Canadian dollars, or at today's rate in Guyana, $1.35 billion. Further, the High Commissioner said that, in order for the Protected Disclosures Act to succeed it was important for individuals to see the public's interest as being more

important than the organisation's interest and encourage that the code of conduct be developed to aid in the identification of breaches, when they occur.

I want to appeal to the Minister of Legal Affairs and to the Government, and as I said, I hope and sometimes you hope wastefully, but I believe that we can do better; that the present Bill, as is, is seriously deficient; that we can come up with a much better Bill that will enhance public trust, facilitate and encourage people to come forward with disclosures; that will protect people under the Public Disclosure's Act and be able to ensure that the intention of the Government and the Opposition to prevent acts of corruption, to prevent wrongful abuse, to prevent people from misusing and abusing tax payers' money and public funds is one that we all can share in this House, in a nonpartisan way, but we need to do it well, as well as we can. This is not an issue of adventurousness. This is an issue where there are tried and tested opportunities and guidelines out that can help us to get to where we are. We do not have to be the rocket scientist on this issue, a lot of the work has been done. We have also, as a country, contributed to some of those same legislative measures that the Organisation of American States (OAS) and the United Nations (UN) have put forward as guidelines.

Thank you very much Comrades. [*Applause*]

Mr. Williams (replying): Mr. Speaker, if it pleases you, I would like to thank the Members of this honourable House on both sides. I think that the last speaker did some homework, and you know that when we do a lot of homework we are loath to relinquish. The Hon. Member from Cambridge understands perfectly well what I am saying. We have time limits.

I would like to say that, firstly, the thrust of the Hon. Member's argument was that the Bill was deficient, certainly in terms of the model Bill, and as a result we should send this to special select committee.

Mr. Speaker, you know well that a model Bill, and we have a lot of them in CARICOM, is exactly what it is. It is a model Bill and because it straddles several countries, we have 15 in CARICOM alone, in Latin America it is far more than that, and in the Caribbean Financial Action Task Force (CFATF) there are 25. It is clear what you have to do. It is adapted to your own peculiar circumstances and that is what we did in Guyana. We had a very experienced team

in the Chambers at the time in 2013 and the team was minus Mr. Dhurjon, but he dealt with this before he retired.

They accomplished the task with prudent research and a comprehensive study of the best practices of whistle blower legislation across the globe, including conventions, regional and international papers on the subject, and legislation from the United Kingdom (UK), Jamaica, Trinidad and Tobago, India, Malta and Malaysia. You would note, respectfully, that it is far more extensive than the Hon. Member Ms. Teixeira had alluded to.

In addition, the Hon. Member lamented the lack of connectivity between the Protected Disclosures (Whistleblower) and the Witness Protection Bills and more particularly suggested that there were no protective measures in the interregnum. [**Ms. Teixeira:** I did not say that.] Well I am quoting you directly. This is untenable for the simple reason that, if one were to have recourse to clause 20 (1) of the Bill, one would find and the side note states:

> "Protection of witnesses and other persons"

And it states that:

> "If the Commission, either on the application of a person making a protected disclosure, a person rendering assistance in any investigation or on the basis of information gathered, is of the opinion that, either the person making the disclosure or the person rendering assistance needs protection, that person to be protected shall be deemed to be a witness under any law protecting witnesses and the Commission shall issue appropriate directions to the concerned authority under that law to take the necessary steps to protect the person making the disclosure or the person rendering assistance."

There is clear connectivity between the Protected Disclosures (Whistleblower) and the Witness Protection Bills. I do not know if on that ground alone it might induce Hon. Member to forego the select committee.

Another contention was made that there was an absence of a definition of 'Unlawful conduct'. If one were to peruse the Act, one would find that on page seven, "improper conduct" is in fact defined and it means:

> "(a) commission of a criminal offence;

(b) failure to carry out a legal obligation;

(c) conduct that is likely to result in a miscarriage of justice."

And a lot more. The Act deals amply with the definition.

As I am on this, the Hon. Member Mr. Joseph Hamilton also lamented that there was no provision to deal with 'malicious disclosures'. Again, on a mere visual apprehension of clause 24 (1) of the Bill, the Hon Member would find under clause 24 (1) (e) that a person commits an offence if he:

" Makes a disclosure knowing that it contains a statement that is false or misleading, or reckless as to whether the statement is false or misleading."

This covers any malicious intervention that you were addressing.

I do not know why the calls for a select committee were based… [**Mr. Hamilton:** What are the penalties?] Well there are two penalties. On summary conviction, one is liable to a fine of $500,000 or imprisonment for two years and on indictment to a fine of $ 1 million or 10 years. Which one do you prefer?

6.39 p.m.

I do not know if that would suffice to say that the Bill is not deficient and that there was no basis for the Hon. Member to be saddened by the so-called deficiencies. *[Interruption]*

[Mr. Speaker hit the gavel.]

The Hon. Member Mr. Khemraj Ramjattan, dealt with it, but another aspect of the legal professional privilege being excluded, I believe, is simply because the purview of this Bill relates to employer/employee relationships. That is the focus of it; that we are dealing with employees, both in the public and private sectors. Legal professional privilege relates to a relationship between a lawyer and client and those communications had long been hallowed by time.

Then there is the question of having only one tier, the Commission. It is correct that when we entered the Ministry, there was an existing Bill and that Bill had five stops. When we examined them, we recognised that no whistleblower would make the fifth stop, perhaps not even the forth or third stops. It is because, at each stop, the Bill had provided that the whistleblower had to

disclose everything; all of his/her bio-data and everything about himself/herself. At each position, the person would have had to move from one stage to the next blowing all the time. I suspect that he/she would have been without breath by the third posting.

I remember that I was accosted by a member of the Red Thread, who had saw the Bill on the website and was wondering what it was about. The person had actually made the same observation that there was no way that a whistleblower should be made to move past one post to give all the information. We had to make the changes which the Hon. Member had said they had not seen any changes. We overhauled the Bill

Consultations and public education are what the Ministry of Legal Affairs has been doing for the past year. We started the Anti-Corruption Sensitisation Seminars in Linden, then to Essequibo in Region 2 and then in Region 4. There were massive consultations and they are ongoing. [**Mr. Hamilton:** Are you using the word massive? Do not use massive.] At the Georgetown Club, there were 400 persons from Region 4; I do not know if that is not massive. We are talking about employees. We shall be continuing with the public education of the Government employees because we have a vested interest in letting them know the importance of not treating with State assets in any way that is not the proper way.

There were ample opportunities around the country for changes to be made and for a memorandum to be sent in to us to effect any changes in the Bill that is before you. Some changes were made over time - the Guyana Human Rights Association. Basically, most people signed on to the provisions in the Bill. Largely these are well designed provisions to give comfort and encouragement to an employee to blow the whistle on an employer or a fellow employee in a case whereby the assets of the State are threatened.

For the financing of the Protected Disclosures Commission, the point is taken. I noticed that the Ministry of Finance has actually adopted the practice of trying to ascertain the cost for when we implement or introduce legislation. [**Mr. Hamilton:** At least I said something.] It is not something. If it had been done 23 years ago I am sure it would have been well entrenched. I do not know if I have addressed the most salient parts of the contentions but I would like to say to the Hon. Members on Government's side of the House, thank you for your contribution and support of the Protected Disclosures Bill No.12 of 2017 and I commend this

Bill for passage. Thank you very much. [**Mr. Hamilton:** Are you not thanking me?] I thanked you earlier.

Thank you Mr. Speaker.

Question put and carried.

Bill read a second time.

Assembly in Committee.

Mr. Chairman: Hon. Members I propose that we deal with the clauses in groups. The Bill has seven parts and I will refer to the various clauses in Part I and II until we get to Part VII.

Bill considered and approved.

Assembly resumed.

Bill reported without amendment, read a third time and passed.

6.54 p.m.

Mr. Speaker: Hon. Members that concluded our consideration of the Protected Disclosures Bill, Bill No. 12/2017. It is now minutes to 7 o'clock when we should take a suspension for half an hour, I proposed that we do so now and return at 7.30 pm.

Sitting suspended at 6.55 p.m.

Sitting resumed at 7.33 p.m.

COMMITTEES BUSINESS

MOTION

Mr. Speaker: Hon. Members we will commence consideration of some reports from the Committees. The practice which I would like to set out to Hon. Members is that, these being reports from Committees, the Chairperson of that committee is the person who would be invited to present the report. May be that there may be other comments to be made from Members of the Committee. Other Members, of course, who wish to speak, would also speak, but that is the practice which I want us to observe. I made clear that a report from a committee is a report from

a committee to the House and not a report from one side of the House or the other side of the House. So let us remember and try to guide ourselves in that way.

First, if you look at Committee Business, there is a motion in the name of the Hon. Irfaan Ali. Hon. Mr. Ali is absent today and the Vice-Chairperson of the Committee will not present the report, the report would be done by another Member of the Committee. That Member of the Committee I am given to understand is the Hon. Bishop Juan Edghill. You would then present that report.

CONSIDERATION OF THE REPORT OF THE COMMISSION OF INQUIRY INTO GUYSUCO BY THE PARLIAMENTARY SECTORAL COMMITTEE ON ECONOMIC SERVICES

WHEREAS a Parliamentary Committee cannot consider a report which is not adopted by the National Assembly or referred to the Committee in accordance with the Standing Orders;

AND WHEREAS in accordance with Standing Order 86(6): "*The National Assembly may request a Sectoral Committee to enquire into and report on any aspect of the policy or administration of the Government within its terms of reference";*

AND WHEREAS the Parliamentary Sectoral Committee on Economic Services, in order to effectively conclude its examination of the sugar industry finds it pertinent to consider the Report by the Commission of Inquiry into GUYSUCO;

AND WHEREAS this report was laid in the National Assembly on 30th December, 2015 on a motion moved by Hon. Noel Holder, M.P., Minister of Agriculture,

BE IT RESOLVED:

That given the prevailing circumstances in the Sugar Industry, the Report: *Commission of Inquiry*, GuySuCo, be referred to the Parliamentary Sectoral Committee on Economic Services for its consideration. [*Mr. Ali, Chairperson of the Parliamentary Sectoral Committee on Economic Services.*]

Bishop Edghill: Thank you very much Mr. Speaker. The motion that is before the House, is not a report, it is a motion. I stand to move this motion on behalf of the Chairperson of the Parliamentary Sectoral Committee on Economic Services.

"WHEREAS a Parliamentary Committee cannot consider a report which is not adopted by the National Assembly or referred to the Committee in accordance with the Standing Orders;

AND WHEREAS in accordance with Standing Order 86(6): "*The National Assembly may request a Sectoral Committee to enquire into and report on any aspect of the policy or administration of the Government within its terms of reference";*

AND WHEREAS the Parliamentary Sectoral Committee on Economic Services, in order to effectively conclude its examination of the sugar industry finds it pertinent to consider the Report by the Commission of Inquiry into GUYSUCO;

AND WHEREAS this report was laid in the National Assembly on 30th December, 2015 on a motion moved by Hon. Noel Holder, M.P., Minister of Agriculture,

BE IT RESOLVED:

That given the prevailing circumstances in the Sugar Industry, the Report: *Commission of Inquiry*, GuySuCo, be referred to the Parliamentary Sectoral Committee on Economic Services for its consideration."

Mr. Speaker, allow me to make a number of observations as we debate this motion. First of all, this item was on the Order Paper for 13 months, quite a long time. During those 13 months, the prevailing circumstances in the sugar industry have moved from one dimension to another dimension of which I will refer to shortly.

Secondly, this actual report, the Commission of Inquiry into Guyana Sugar Corporation (GuySuCo), which this motion seeks to clear the way for it be properly examined at the Economic Services Committee is now 25 months old in this House. Twenty-five months ago, this report came to the National Assembly. Mr. Speaker, since coming immediately after this would be the report on the Economic Services Committee, the interim report, you would discover that much of the time spent in committee was focused on GuySuCo and the sugar industry as a whole. We need to ask ourselves why is this motion necessary, why is this motion before the House tonight and why was it placed on the Order Paper 13 months ago.

The fact is that the Hon. Minister of Agriculture brought the GuySuCo commission of inquiry report to this House and tabled it. When the Economic Services Committee, in its examination of GuySuCo, sought to go into the Commission of Inquiry into GuySuCo, we were advised that the report, even though tabled in the National Assembly, was not referred to a committee, and so it could not have been examined by the Committee. That very expensive, tens of millions of dollars work, the Parvatan Report, which sought to bring to public notice the real issues that are affecting GuySuCo, that had to do with arresting the downward trend, setting new paths for the recovery of GuySuCo and what role would GuySuCo play in the life of sugar workers, the country and the economy as a whole. This report that addresses low production in GuySuCo and the causes of that low production; this report that highlighted that there was no generation of profits in GuySuCo, it highlighted the debt problem at GuySuCo, and GuySuCo's dependence on subsidies from the State, was just a document based upon procedure for notice. It was not available for debate in the House and it was not allowed to be examined in the Economic Services Committee.

As a matter of fact, lots of the consideration and quite a lot of time were spent talking about this report. We were advised that we have to back pedal and this was by way of a letter that came to the Committee on the 31st May, 2016, signed by the Clerk of the National Assembly and addressed to all Members of the National Assembly; the Deputy Clerk, Assistant Clerk, Heads of Committees Division and all Clerks of Committees that basically stated;

> "I wish to refer to your letter 27th May, 2016, on the subject at caption, and to inform you that it is out of order for the Committee on Economic Services to consider a report that was laid in the National Assembly but not referred to the Committee for consideration."

The Clerk, citing the necessary Standing Orders (82) (1) and giving examples of how matters should be addressed, basically advised all Members that the way we were preceding in the Committee would have been improper. The suggestion was then made in the Committee, having asked the Hon. Minister what was his intent when they laid this report in the House? Was his intention just to have this matter for public notice? The Minister indicated that it was always his intention that this report would serve as the basis for the widest possible consultation and discourse on GuySuCo.

As a Member of that Committee, I asked the Minister if that was his intention, why not seek Cabinet's clearance to return to the House and to ask that the report be sent to the Committee or that it be referred to the House for debate because it was a very important document. This is because that document spoke to the fact of the way further for GuySuCo. Recommendations in that report spoke to "no closure of any estates".

7.46 p.m.

While the report, this tens of million dollars 'Parvatan Report', spoke about no closure of sugar estates, action was being taken to close the Wales Sugar Estate, so examining and debating this report became of necessary importance.

The Minister did not seem to think that was the way that he wanted to go, or that was the way the Cabinet wanted to go, and the decision was made that the Committee will move a motion for the report to be referred to the Parliamentary Sectoral Committee on Economic Services for examination and that the Minister will second it in the debate, so it will be a Committee action. Regrettably, it is unfortunate, based upon the speaking list, that the Hon. Member Jaipaul Sharma is not speaking to this motion tonight. It was under his abled chairmanship that this Committee was meeting and dealing with the issues of the GuySuCo, more particularly, when this report was sought to be examined. After several attempts, of course, there were disagreements and differences of views, the Committee made a decision to move this motion and bring it to the House, asking the House to approve this motion that the Report of the Commission of Inquiry's into Guyana Sugar Corporation be referred to the Parliamentary Sectoral Committee on Economic Services for examination. Thirteen months after, not only is the Wales Sugar Estate closed but thousands of other workers have been made redundant from Skeldon Sugar Factory, Rose Hall Sugar Estate, in Canje, and Enmore Sugar Estate.

Other issues surrounding GuySuCo include the non-payment of severance and now a promise of 50% at the end of January and 50% later in the year. A White Paper on sugar was being tabled in the House and again, no motion for debate in the House or it is not being referred to a Committee. Then today, of course, the tabling of a Financial Paper for debate tomorrow, asking for moneys to pay severance of 50% to GuySuCo's workforce. In the "BE IT RESOLVED" clause, because of the prevailing circumstances in the sugar industry, this motion was necessary

13 months ago, and I believe it is still necessary 13 months after because of what is currently taking place in the sugar industry.

If we believed that we have assembled some of Guyana's best people who have knowledge about sugar, if we believed that we have assembled some of the eminent human resource practitioners, if we believed that we have assembled some of the eminent economists, and that team was established as a commissioner of inquiry (COI), and they would have made recommendations that the fate of sugar workers and the future of sugar are so important to Guyana, at minimum, this National Assembly, or a subset of the National Assembly, the Standing Committee, the Parliamentary Sectoral Committee on Economic Services, must examine this report and bring a report of our findings to the National Assembly to let the people know whether their law makers, the decision makers, agree with the content of this report.

If it is true that the intention of the Hon. Minister when he brought this commission of inquiry report to the House in December of 2015 that he required the broadest possible participation of all stakeholders, are we then to believe that the legislative arm of Government is not a sufficiently important enough stakeholder to examine and debate the issues as it relates to the GuySuCo and sugar? If, we are asked as we did for 2015, 2016, 2017, and just quite recently for 2018, $6.3 billion and tomorrow afternoon for another $1.750 billion for GuySuCo, will it not be prudent that before we agreed or disagreed to, that at least we examine what the group of experts have to say about how the money should be invested in GuySuCo or what should be done with GuySuCo, if it must be privatised or if it must be closed or if workers must be made redundant? Not to do that implies that there may be another reason why this report is not before the House properly for debate or is not referred to a Committee for examination. In that environment, and in that context, decisions are being made as it relates to GuySuCo, the views of sugar workers, their families and their communities.

All that this motion is seeking to do is to allow due process. This motion was necessary to fill a gap that the Government, through its Minister of Agriculture, should have done at the time of the tabling of the motion. The Committee is seeking to remedy what was not done by the executive when this report came to the National Assembly. I do not see any reason why this should be a motion that has any controversy, whatsoever. As a matter of fact, I think one of the things that has to be said, and should be said tonight, is that sugar workers should be apologised to that their

fate is being determined without the examination of the COI where the experts made recommendations on the future of GuySuCo. That apology should be made to the sugar workers.

What should also be said to the taxpayers of Guyana is that we, as a Parliament, have been approving moneys but have not sat down together, as a group of decision makers, to see if spending the moneys, and the way it is being spent, is in the best interest of the nation and the people, because we have not examined, agreed or disagreed with what is in the report from the experts. We need to also say that if it is true that sugar is too big to fail, and sugar is of national importance, then why is it that the legislative arm of Government is not actively participating in the decision making as it relates to the future, and it is only decisions being made by the executive and we are learning about it by announcements in the media, when there was a COI that examined the field, human resource management, equipment, the economics of the industry, pensions, debt and wide-ranging activities that affect this industry, and the legislative branch is not part of this discussion.

The Committee, having taken the advice of the Clerk of the National Assembly, who is the principal adviser on the Standing Orders to all of us, and having deliberated in the Committee and having heard all of the various views, we agreed upon motion. I am asking tonight that this motion be passed unanimously with the support of the Government since the Committee is seeking to correct a deficient act on the part of the executive and that the Parliamentary Sectoral Committee on Economic Services get to work urgently, and that the National Assembly be aggressively involved in the issues of GuySuCo and sugar as it relates to the recommendations and the issues raised in this COI's report.

At this point, since we are going to be talking about the report on the Parliamentary Sectoral Committee on Economic Services after this, I will ask, that in the name of my colleague, Hon. Irfaan Ali, the Chairman of this Committee, that this motion, as tabled, be accepted and passed unanimously.

Thank you very much. [*Applause*]

Minister of Agriculture [Mr. Holder]: Mr. Speaker, in June 2015, Cabinet appointed a COI into the GuySuCo. The COI recommended that a serious evaluation of all diversification (options to diversify the industry away from total reliance on the production of sugar) be undertaken. This

recommendation was due to the very poor financial state of the sugar industry. The report of COI to the operations of the GuySuCo was laid in the National Assembly on 30th December, 2015.

In summary, the COI basically said a couple of things, it said, one, while the amalgamation of sugar estates, for purposes of efficiency, should continue, it does not recommend the closure of any estate at this point in time. Everything we have heard eliminates that first part because it was never considered. It also recommended that the industry be totally divested within three years.

8.01 p.m.

In June 2016, Cabinet appointed a task force to develop a re-organisation plan for GuySuCo. As part of a five-point plan for its re-organisation, the task force evaluated a wide range of options which included farming, cultivation and value added processing of livestock, food crops, greens and other high value crops and apiculture. The studies done were based initially on the utilisation of the lands at Wales, but were extended to include the lands that may be made available at the other estates. Moreover, in 2016, Cabinet took the decision to have consultations to ensure that the best interest of all stakeholders would be considered. To date, the Opposition has not been helpful. On May 8, 2017, a 'State' Paper on the future of the sugar industry was laid in the National Assembly. It was a detailed proposal and the Government's plans for the industry. The Report of the Commission of Inquiry into the Guyana Sugar Corporation is now public record. The consultations (on the future of the industry) between the Government and the industry's stakeholders are also available to the public, and the 'State' Paper is also available. These are the Government's way of ensuring openness, transparency and accountability in the determination of the way forward for the sugar industry.

On numerous occasions, the Government has reiterated that the sugar industry is not being closed. However, based on the financial and economic realities the Government has to make some adjustments to the industry. The Parliamentary Sectoral Committee on Economic Services has proceeded to investigate the sugar industry. It had extensive meetings with the board and top management of the organisation. It has considered proposals put forward by GuySuCo, the Guyana Agricultural and General Workers Union (GAWU) and the National Association of Agricultural Commercial and Industrial Employees (NAACIE) and other stakeholders and members of the public and these proposals were taken into consideration during the drafting of

the ‘State’ Paper on the future of the sugar industry. While the Opposition is satisfied to indulge in perpetual negotiation, it is the intention of Government to get on with the business of the people. We have shared information, we have held meetings, shared our proposals and we have given the Opposition time to submit its proposals.

Permit me, briefly, to go into some relevant aspects of where we are in terms of financing this organisation. Total financial subsides from 2011 to 2017 for $48.020 billion along with a grant for the Enmore Packaging Plant for $2.071 billion. In 2011, the corporation had such subsidies of over $600 million, 2012 - $4 billion, 2013 - $5.3 billion, 2014 - $6 billion, 2015 - $12 billion, 2016 - $11 billion, 2017 - $9 billion. Concerning the contraction or closure of estates and reduction of the workforce at 1992, when the Opposition came into power there were nine cultivation estates, Skeldon, Albion, Rose Hall, Blairmont, Enmore, La Bonne Intention (LBI) , Diamond, Wales and Uitvlugt and eight factories Skeldon, Albion, Rose Hall, Blairmont, Enmore, LBI, Wales and Uitvlugt. In 2011, Diamond’s cultivation was closed and LBI Sugar Factory was closed merging LBI lands with Enmore’s to form East Demerara Sugar Estate, leaving seven estates. In 2016 the Wales cultivation and factory were closed. At the end of last year Skeldon, Rose Hall and Enmore’s cultivation and factories were closed with LBI cultivation, leaving three estates.

If we had continued with the current structure the industry would require Government’s support of $18.6 billion and $21.4 billion for the years 2018 and 2019 respectively. This is not sustainable and the Government had to act with alacrity. The ‘State’ Paper outlines that the future of the industry is considered to lie in a smaller sugar sector with reduced losses and cash deficits, but coupled with separate and profitable diversified enterprises which will ensure a viable future. These include a focus on the poorly performing estates with a view to their divestment and or diversification including the amalgamation of the Albion and Rose Hall Sugar Estates, the Wales and Uitvlugt Sugar Estates and the divestment of East Demerara and Skeldon Sugar Estates.

It is also important to realise that in 1992, when the previous Government took over sugar had 28,000 employees. At the end of last year, it had just over 16,000 employees, so there has been a haemorrhaging of jobs over the years.

The European Union is funding a study on the transitioning of employees into farmers - this is being undertaken immediately - and a final report is scheduled for presentation very early in this year. Training based on the needs identified during the study will continue unto July, 2018. The objective of the study is to determine the best operation model, the transitioning GuySuCo's redundant employees from the Wales, East Demerara and Rose Hall Sugar Estates to be independent, self-sufficient, sustainable and have successful farmers. This would include, not limiting it to, leasing lands to workers, identifying the most economic possibilities, resources required, sources of finances and training required.

The recommendations of the COI and the 'State' Paper on the future of the sugar industry offer many options. It is Government's view that the future of sugar is important to the fortunes of Guyana and the Guyanese people. The good book states: "To everything there is a season and a time to every purpose under the heavens." I respectfully submit that the time to send this report to the Parliamentary Sectoral Committee on Economic Services has passed. This is the time for us to move forward.

In conclusion, Guyana cannot consider to utilise assets comprising 144,000 acres of fertile well-drained and irrigated land, including 4,560 miles of drainage and irrigation in canals, 1,028 miles of access dams, 720 bridges, 14,742 in-field structures, including aqueduct regulators, drainage tubes and 20 pump stations with 63 drainage pumps to produce sugar at 38 cents per pound and selling it at 15 cents per pound. Essentially, we are subsidising consumers in developed countries. These assets must be otherwise applied profitably and economically for the development of this nation along the lines proposed in the 'State' Paper as any socio-economic study would reveal.

The sugar industry with its almost 17,000 employees and approximately 60,000 dependents is a major source of foreign exchange for the Guyana economy and is too valuable to the fortunes of Guyana, both socially and economically for its future to be taken lightly. The Government of Guyana is satisfied that in making its decision for the right sizing of the industry it has facilitated the widest possible consultations with all stakeholders in the charting of GuySuCo's future.

I, therefore, cannot recommend the passing of this motion by this honourable House.

Thank you. [*Applause*]

Mr. Chand: It is sad to hear the last few words of the Hon. Minister of Agriculture who said that this motion will not be supported by the Government. This is very revealing and the nation should take note of this. An important Commission of Inquiry, the most costly Commission of Inquiry that was set up and appointed by this Government as an election manifesto commitment, that the Minister found it convenient and is happy to say that this motion will not be supported by the Government, which means that the matter will not be taken to the Parliamentary Sectoral Committee on Economics Services. The Minister, himself, and Members of the Committee supported the discussion of this Commission's report in the Parliamentary Sectoral Committee on Economics Services. It was until we received that letter from the Clerk of the National Assembly, Members of the Committee had no problem. In fact, we begun to discuss this matter and then the discussions were curtailed that something is lacking, that the matter has not been referred to us. How could the Minister and Members of the Committee stand to the public and defend that position. A report of this magnitude, the closure of a number of estates, that has an across the board effect in this country, even to persons who are not close to the sugar belt. How could that be defended? We are indeed moving in a sad direction.

I would like the other speakers on this motion from the Government to explain their position that they took in the Parliamentary Sectoral Commission on Economics Services and that they are taking now. Why are they afraid to have this matter discussed as it is necessary, having laid the report in the National Assembly, you ought to have it debated, you are not having the report debated in the National Assembly nor are you allowing it to be debated in the Committee that is required to scrutinise Government's decisions and Government's position. The manifesto for the A Partnership for National Unity/Alliance For Change (APNU/AFC), 2015, page 26, states:

> "The APNU/AFC Government will convene a Commission of Inquiry into the operations of the Guyana Sugar Corporation (GuySuCo)…. and with the support of an expert multi-disciplinary group, it will review, analyse and recommend the way forward for the sugar industry, including options for infusing critical investments and the optimum utilisation of its capital infrastructure."

This you have failed to do and now you do not want to be transparent. You do not want democracy to prevail. This is telling us about things that are to come if this Government is allowed to continue in this direction, to hide from the people and to hide from its discussions.

8.16 p.m.

It is sad that we are moving in this direction. It was a commission of inquiry that was fully appointed by this Government. Look at the personnel. Most of them, Mr. Vibert Parvatan, the Chairman, Professor Clive Y. Thomas, Mr. Nowrang Persaud, Mr. Claude E. Housty, Mr. John A. Piggott, Mr. John D. Dow, Mr. George James, Mr. Joseph E. S. Alfred, Dr. Harold B. Davis, Junior, and the other Commissioner was Mr. Aslim Singh who was the GAWU nominee. A report that was unanimous by these eminent people, who you appointed, you are afraid and you are running away from that report. It was window dressing to buy time and to fool the people. If you look at the recommendations in the report you will notice that 114 were made. I just want to go through one or two of the main ones. One of the main ones is:

> "While the ongoing process of amalgamating estates may continue for obvious economies of scale, the Commission of Inquiry (CoI) does not recommend the closure of any estate at this time."

That is what you are afraid to face were we to discuss this matter in detail. You have turned your back. The report was handed down on 19th October, 2015, while the body was appointed on 1st July and it was very clear that no estate should be closed. Here, we saw what has happened. Another recommendation:

> "Financial support in the short term will be needed and this should be provided by the Government on a timely basis."

Yes, you will argue that you have provided some $33 billion. Give an account of how that money was spent when 231,000 tons were produced in 2015, the then Chief Executive Officer (CEO) of the GuySuCo said that you had done well in 2015 and the Members of the Government went about bragging. What you reaped in 2015 was there in 2014 for you to reap in 2015. In 2016, your production was 183,000 tons of sugar. In 2017, you said, at the beginning, that you were going to get 194,000 tons. At the beginning of the second crop you said you would get 174,000 tons. On 5th November, GuySuCo told the unions in the sugar belt it will make 162,000 tons. When the Hon. Member, Mr. Jordan came with the budget in late November, he talked about 152,000 tons. Undoubtedly, he was misled because he could not have said that it produced 152,000 tons just a few weeks before the crop closed but ended up producing 138,000 tons. You

claimed that you spent all that money, you need to come to the Parliamentary Sectoral Committee on Economic Services to give us the numbers where you spent those moneys.

You have frightened the people with your incompetence and mismanagement. You have not been able to manage the sugar industry well under the captaincy of the Minister of Agriculture Mr. Holder. There is complete failure. I know protocol does not allow me to say that the Minister is a complete failure, but there is complete failure in the sugar industry.

We could go on and talk about the number of recommendations. There was a thorough examination of GuySuCo and there were visits made by the Commissioners, those eminent persons who were appointed and today, you have turned your back them. There had been visits and they have examined dimensions of the sugar industry, but unfortunately, all of this has gone wasted and we have the shock in our lives today to hear what the Minister has just said. I could not believe it. I thought we would say today that you are very late and that it was better that you were late than never, but, no, we have the opposite.

The promises and the utterances have been disrespected. That is why we can say that APNU and AFC have betrayed the sugar workers, have betrayed the people of this country, have betrayed the communities where sugar operated in this country, and today we have a sad situation. We have ghost villages and we have so many sad situations which are developing.

Only recently, the Minister of Agriculture pointed out when he came under some criticism said that he was fulfilling the decisions of GuySuCo's 'State' Paper. Look at this 'State' Paper which is eight pages long and which they failed to discuss. The real paper is the White Paper which the Minister promised to bring, but afterward he moved away from that. Could you imagine the Government passed a verdict on the entire sugar industry with a paper of eight pages? What do they have in this paper? They said that they would close two estates, East Demerara Sugar Estate and Rose Hall Sugar Estate and that they would sell out, not privatise - I prefer to use the words sell out - Skeldon Sugar Estate, but they have moved away. They now said that those two sugar estates, which they were to close, the East Demerara Sugar Estate and Rose Hall Sugar Estate, they would now have them for sale. It is because the people across this country have come out and exposed them. It was not only the friends of sugar workers, but people across the board such as journalists and the newspapers. Many of their friends came out and criticised them about what

is happening, so they have shifted, and that is a positive position. They have listened a bit. It is not if all of them are listening or all of them are understanding the people's feelings, at least we are seeing some shift. [**Mr. Neendkumar:** You will hear what Mr. Nagamootoo will say just now.] Whatever the Prime Minister might want to say, he cannot whitewash the reality that we are facing today. He could use all the good words as he wrote in his last article "My Turn", two weeks ago.

As I said, there was a thorough examination. The commission of inquiry examined agriculture, factories, management, procurement, finance, marketing, private cane growers, community obligations, the environment, weather events, previous industry wide plan diversification, special circumstances of Skeldon Sugar Factory, research and development and resources. I was very much pleased when I read the report only to find that all of our dreams were shattered.

We know about the importance and we know about all of these sugar estates that they deemed loss making that were badly managed. I just want to quote a few words that was attributed to Mr. Colvin Heath London, head of the Special Purpose Unit (SPU) in the *Kaieteur News* dated 31st October:

> "For decades, GuySuCo was tasked with providing and/or managing a wide range of other assets including community centres, sports grounds and other recreational facilities, primary health care facilities, drainage and irrigation networks and water conservancies. These, for example, made GuySuCo critical to national drainage and irrigation activities for agriculture and for flood control."

The point I want to make is the importance of the sugar industry to all of us in this country, even those of us who are not working in the industry and have nothing to do with the industry, but indirectly we are so much affected. What was important was when we met with Mr. London he pointed out very clearly, that from his estimation and study, those sugar estates that are slated for closure and sellout have a lot of potential. He referred to the East Demerara Sugar Estate where the land was already prepared to utilise cane harvesters, in other words mechanically prepared for that, which is a lot of investment. That is supported by the interest that many people are now showing towards acquiring the estates if they have an opportunity. That is telling you too that it was a blunder. It was a fatal mistake to move in the direction that this Coalition Government did,

despite, its promises and its undertakings when it decided to close the Wales Sugar Estate not even offering it for sale, but to close it or change the position like the other two sugar estates.

Indeed it is not too late. The Government talked about how the People's Progressive Party/Civic (PPP/C) did not put up proposals. The Hon. Minister Mr. Holder already has made the point that it was decided the way they were going. That was decided two years ago. When the PPP/C argued that you needed to do a socio-economic study, that was not done. How could we be in a proper position to offer suggestions and to make recommendations and put up an alternative? GAWU did. GAWU did on 17th February, 2017 and they did not even respond to GAWU's position. They did not have the courtesy to say that "Look we acknowledged our recommendation and that they are studying them and we do not agree with them" as since they were bold enough to say this afternoon that they are not going to allow this thing to be discussed. Do not worry about scoring cheap political points all over the place about the PPP not responding to a proposal that has no merit. [**Ms. Ally:** You give any dues.] Yes, we gave, and you all sat at the meeting and could not even ask us a question. I want to ask and to support…

There are a lot of things. One Minister, the Hon. Ms. Catherine Hughes, said in the budget debate that the PPP Government had closed Enmore Sugar Estate.

8.31 p.m.

Could you imagine Enmore Estate is now slated for closure? Then they said the PPP/C Government closed Diamond Estate. After the death of the former President Forbes Burnham, soon after, Diamond was closed in 1986, followed by Leonora in 1987. Part of the cultivation of Diamond, a small part that remained, was indeed closed in the PPP/C time, but the workers were offered work. They went to the Enmore factory and the cane-cutters collected their severance pay and went and got work at Wales; they were not displaced. Cde. Ramjattan is taking the credit that he filed a motion in the Court for the workers to get their severance pay and he is not telling the public that he did not file any motion; he is not telling the public that he told me he could not find the clause in the law to say, if you give the workers 10 miles away from where they are working, you have to pay them the severance pay. Yet he is taking credit.

Cde. Speaker, all these numbers, one has to worry if they will want to consume unnecessary time to answer to some of the inaccuracies of Minister Holder about how many Estates we had, that we had 38,000 workers in 1992. I do not know whether he is living in a dreamland. When a poll was held in 1976 in the sugar belt to determine whether the workers want Guyana Agricultural and General Workers Union (GAWU) to represent them or the old Union the, Manpower Citizens' Association (MPC), there were 22,000 workers who voted, who were on the payroll and who were the legitimate voters – the elections was not rigged. That was one where we had the votes counted at each Estate, Comrade Moses; you were over this side and you were agitating for free elections, not as you are doing now.

The Commission of Inquiry report, it is important that we discuss it and we are asking the Government not to go along with the suggestion or the view that was expressed by Minister Holder. Let us hope it is an isolated position and it will be a serious indictment on this Government where you will have to answer the people, in the next elections in 2020, this will be one of the things that will stain your character and will stain this Government. I wish that this motion be accepted and we discuss this matter in the Economic Services Committee. Thank you. [*Applause*]

First Vice-President and Prime Minister [Mr. Nagamootoo]: Mr. Speaker, I would have thought, your Honour, that this motion would have been withdrawn and that it had been caught up by time and the representation that was made here in favour of the report of the Commission of Inquiry going before the Parliamentary Sectoral Committee on Economic Services, the argument has not been made in favour of the resolved clause. The Hon. Member, I still believe he is honourable, Juan Edghill, he said, and of course, he is not a wimp he himself would say that, has quoted a section of the Standing Order in which he said that the Committee was advised that it could not proceed with discussion on the Commission's report, because the report had not been adopted by the National Assembly, or that they were advised…the motion says that it had not been adopted by the National Assembly and they have been advised they could… Standing Order 82 (1) of the Standing Orders of the House and Standing Order 81, as I read it and I have been reading every one of the Standing Order, deals with the Public Accounts Committee. It states:

"(1) There shall be a Standing Committee to be known as the Public Accounts Committee to consist…"

You could not bring this argument that is erroneous and as a premise on which you would like to have this House agree to send the report to the Committee. That is the basis for debates in the National Assembly. You cannot mislead the House. If I were to stretch the argument and go to Standing Order 86 it refers to the establishment of a Committee on Economic Services. What does it say in that Standing Order is that:

"…(5) Sectoral Committees shall have the authority to:

(a) determine areas of Government activity for scrutiny or specific examination:

(b) request the Minister assigned responsibilities for the sector to submit written or oral information, including government documents and records about any specific area of government policy and administration;…"

It went on in the same Standing Order to state:

"…(e) scrutinize government documents, papers and records;…"

It is limited in the same Standing Order:

"The National Assembly may request a Sectoral Committee to enquire into and report on any aspect of the policy or administration of the Government within its terms of reference…"

The report of the Commission of Inquiry was tabled in the National Assembly and that has not been disputed by the presenter of the motion or the backer; it has become a public document once laid in the National Assembly and such document could be accessed by any of the Sectoral Committees or by any of the Standing Committees. That is exactly what the Standing Order provides. That once a document is required, it could be examined. That is exactly what this report stated here. The intro-report of the Parliamentary Sectoral Committee on Economic Services, the report that will come after… that is why I said that this motion could have been overtaken by time. It says in almost every of the sections on page 5, it deals with the:

> "The Parliamentary Sectoral Committee on Economic Services at its 2nd meeting requested a number of documents to aid its work in the development of its work programme. These included:
>
> - The Commission of Inquiry Report, GuySuCo;…"

Here it is, it requested a number of documents in aid of its work. Let us move on. Then it states:

> "The Committee commenced its work with the examination of the (COI) report as it considered GuySuCo."

As it was examining GuySuCo, which is a State Corporation, it was concurrently or simultaneously reading and examining the report; if it is a public document. On page 6 it states:

> "The Committee, nevertheless forged ahead with its work, pending the finalization of its work plan. It decided to focus on specific areas of the (COI) report including the findings and recommendations.

What did they say at one point? It states:

> "Over the next five meetings the Committee's deliberations revolved around GuySuCo and the (COI) report. A Member of the Opposition alerted the Committee that the Opposition would be tabling a motion in the National Assembly, to debate the Report of the Commission of Inquiry on GuySuCo…"

One of those five meetings at which the report was being discussed, they said that they will table a motion for the National Assembly to debate the motion. But, here you have the Committee report, the motion is saying it wants the Parliamentary Sectoral Committee on Economic Services to consider the report; not to have it debated in the National Assembly. I want to submit, that the only reason for that is because the Opposition wanted to apply, not pressure, it wanted to filibuster. It says that no measures must be taken in the sugar industry until this report is considered in the Parliamentary Sectoral Committee on Economic Services. It means it wants to frustrate the work of the State. It wants to stop the work to see the further pauperisation of the sugar industry and of the sugar workers; and I will come to that.

The Constitution of Guyana provides for the establishment of these Sectoral Committees and these Sectoral Committees it provides specifically that there shall be Article 119B. (1) Of the Constitution states:

> "…parliamentary sectoral committees established by the National Assembly with responsibility for the scrutiny of all areas of Government policy and administration including –
>
> …(ii) economic services;…"

These Committees have been set up under the Constitution with a specific remit to examine Government policies. The Government has not put out the Commission of Inquiry report as a Government policy. It is the report of an independent, as I said, expert Commission, tabled in the National Assembly and made into a public document, from that report, the Government was able to present to this National Assembly a white paper of the future of the sugar industry which became a policy paper. There was nothing in the way of the Sectoral Committee to examine and discuss the policy paper on the sugar industry. [**Ms. Teixeira:** The Government has the majority...it has nothing to do with majority. It has to do with the function of the Sectoral Committee.]

8.46 p.m.

It has to do with the function of the Sectoral committee under law and you cannot substitute willy-nilly for the functions of the committee. They have other reports as well, if the committee was in fact examining, Guyana Sugar Corporation Inc. (GUYSUCO) they could have gone and seen the technical reports of GuySuCo. The Ministry of Agriculture task force reported on diversification option for GuySuCo completed in October 2017; feasibility study on Aquaculture Development at GuySuCo, GuySuCo Task Force Report on Diversification, GuySuCo Feasibility of Cogeneration, and Electric Power Export for the Guyana Sugar Cooperation *et cetera*. These are reports that are available and could be accessed by the Sectoral Committee if it wants to have an in depth understanding and scrutiny of GuySuCo, but my Friend, they chose to use the Commission of Inquiry report as a basis to filibuster, as a basis to delay and frustrate the changes taking place in the sugar industry. The reason for this, I will refer to a letter from the Guyana Agricultural and General Workers Union. [**Mr. Neendkumar:** Long live

Guyana Agricultural and General Workers Union (GAWU).] Yes, long live GAWU, but if I had not stood up for it in 2010, it would have been derecognised by the Jagdeo administration. It would have been banned by the Jagdeo Administration. Derecognised, a letter was sent… Mr. Komal Chand, the Hon. Member, could stand and I will take my seat to deny that the letter was sent to GAWU threatening to derecognise the union when it had become critical of the incompetence within the sugar industry and the square pegs in round holes that were put to run GuySuCo, including the politicisation of GuySuCo like putting political appointees like General Secretary Mr. Nanda Gopaul who became a Minister, they were put to run the sugar industry and they ran it down. Today, on 15th November 2017…

Mr. Speaker hit the gavel

Bring it on if you want to have a debate on the sugar industry. Mr. Calvin London, Head of the Sugar Special Purpose Unit, letter 15th December 2017, signed by Mr. Bhim Singh General Secretary it stated here, I spoke about the stalling tactics. I will quote the third paragraph:

> "Though we did assert our views on privatisation of the industry at the meeting we believe it is necessary that our views be reiterated in this regard. On this matter we did advise as we hereby do again that our Union strongly holds that the industry should remain a state owned industry entity."

Here is a union that is supposed to represent the interest of the sugar workers seeing the industry going down after years of bankrupt inefficient, incompetent leadership of the industry and holding on to it being a state entity. The state has failed to run the industry and attempts have been made even under the former administration to go beyond the enclave of state strangulation.

They recognised that if they – we believe they said that complete privatisation is not in the interest of our country, because if GuySuCo were to continue with the same number of workers on its payroll it would ensure that the union receive union dues. They may disagree that it is $30 million a month but they should produce the figures, because it is a union receiving the dues the labour aristocrats were enjoying themselves while the industry was going down estate after estate. In the excellent presentation of Minister Mr. Holder, he gave the statistics where in 1992, the sugar worker's payroll were 28,000 and odd workers and they have now been reduced to 16,000 when this coalition came into office and I remember Joan Baez singing, 'where have all

the flowers gone'. Where have the 12000 workers gone? Where have they gone from 1992? I was on the side when we knew about the miniaturisation of the sugar industry when GAWU boasted about being the largest union in the country with 30,000 workers. It used to boast on the number of sugar workers in the sugar industry but the miniaturisation of the number took place when those who come here today to claim that this side is miniaturising the industry they block it out, 12,000 workers, and therefore you could not come here today and shed these tears of the love of sugar workers when we know that they have been sets scuttling all over the world to look for jobs. We also have a further indictment. Why do they not want the report to go into the Economic Services Commission? Between 2008 to 2015 the sugar industry earned $230 billion. I repeat in the white paper page three which is a public document tabled in this this National Assembly it gave the statistics that:

> "GuySuCo incurred total losses of $40 billion with sales of $230 billion from 2008 to 2015."

Here was an industry taking the entire sugar industry down the drain with all the workers, the transformation, the merger, the consolidation would save the jobs initially of 11,000 workers. What is wrong with saving jobs of 11,000 workers with this type of statistics of an industry going down the drain? In addition this industry during the reign of the PPP they were given bailout to the tune of $16 billion in addition to the losses that they made, in addition to the $82 billion incurred as a debt by GuySuCo. We were told here that we are shutting down information and facts because we do not want to debate. I have not known of any administration besides this coalition administration where more facts have been place in the public domain about the wrecking crew that had managed GuySuCo than ever before.

When we came here they said they need to know what GuySuCo did with the money. When we came here on one occasion to ask for $106 million bailout we were on that side of the House, the Alliance For Change (AFC) and we had our symbolic scissors, we said we would cut the six to five million because we want the additional billion we will vote on for you to bring a report on how the $5 million had been spent, but they brought people out on the streets, poor little Amerindian kids to protest to say that we were committing economic genocide against sugar workers. We were withholding constant and permission to release the handout to the sugar industry that they had ran down to the ground and made bankrupt. It was when we came into the

Government those who we accused of economic genocide from 2015 to last year, this coalition Government in sympathy and solidarity with sugar workers gave $32 billion subsidy to GuySuCo, bail it out to pay wages.

Therefore, this subtlety that we see here today to use a subterfuge, to use a motion is only to frustrate the transformation in the sugar industry. Of course I said sugar is too big to fail, because if you do not transform it, merge, right size, consolidate and make your best industry work for you, your best factories work for you which that side has not done. The then President Mr. Jagdeo said in 2008 said that without Skeldon sugar is dead. He used that as an excuse to spend almost $50 billion to modernise the Skeldon factory. What happened? I am not here whitewashing any facts. It turned into a white elephant. It is not whitewashing, it is a white elephant.

Mr. Speaker hit the gavel.

So, I have here minutes, Opposition Members were saying that we were hiding facts. I want to refer to a meeting that took place on 31st December 2016 which was held at the Ministry of Agriculture Board room at which there were the Government, stakeholders from PPP, representatives, including Mr. Komal Chand President of GAWU, and representative of National Association of Agricultural Commercial and Industrial Employees NAACIE. At that meeting the documents were circulated and I read from page three:

> "The following documents were circulated at the meeting:
>
> (1)Proposal documents submitted by the taskforce headed by Mr. Nigel Cumberbatch Chief Executive Officer of GLDA or formerly LIDCO.
>
> (2) presentation by Pro. Clive Thomas which was presented to Cabinets… "

Cabinet documents were shared with the PPP and GAWU and NAACIE at this meeting.

> "(iii) Summary matrix of GuySuCo state of finances and resources."

They had all the resources, all the information on GuySuCo finances and resources and yet they came here and said that they were being denied information about the state of the industry. Then,

there was another meeting that was held on February 3rd 2017 Agriculture Board Room Regent Street. All of the above attended again and they said in the end:

> "In response to the chairman's inquiry Mr. Chand confirmed that the Union had received some of the documents requested at 10.25 a.m. he stated that the union had requested GuySuCo's annual reports for the year 1980-1993 while the PPP was in power."

Only one year, but you could have had access to the reports. Now, you are asking the coalition Government to discharge the burden that should have been discharged from 1992, and was asked to retrieve the report from the Ministry of Agriculture's website. The information was available on the Ministry of Agriculture's website.

This argument that they were not giving documents was a sham, it was a total subterfuge.

9.01 p.m.

It was fake to come here and say that they were not given information; hence, they need to bring a motion to have the Commission of Inquiry (COI) Report. As I said, the only reason for wanting this Report as they have assorted is that all action should cease in the sugar industry, and they should be allowed time to consider these Reports.

I want to go to that part because it is important to put it in the record where they said that they wanted to have a suspension. On page 9 of the interim report of the Parliamentary Sectoral Committee on Economic Services, it states:

> "The Committee, except for one Member present, proposed that in light of the statement made in the publication…"

They were referring to 'Government awaits report from the Economic Services Committee on what is the future', an article in the *Guyana Times Newspaper*.

> "…all actions/decisions regarding GuySuCo should cease until it completes its examination of GuySuCo and the COI report."

I want to repeat this for this record that they said:

> "…all actions/decisions regarding GuySuCo should cease until it completes its examination of GuySuCo and the COI report. A letter to this effect was sent to the management of GuySuCo."

So, they wanted to hold up the work of the Guyana Sugar Corporation (GuySuCo), Special Purpose Unit (SPU), and the Government. They wanted to hold up the efforts being made to save the jobs of sugar workers, hold up the payment of severance to frustrate the workers and to capitalise on their needs and their grief, to capitalise on a situation that no one wants to happen for political ambition. The President of the Guyana Agricultural and General Workers' Union (GAWU) could not avoid referring to the political obsession with the 2020. He abandoned the labour platform to say that, in 2020, he wishes that this Government be removed from office. So, towards that end, one has to devise tactic by which to create mass sufferings in the country, mass disenchantment and to do so is to be able to frustrate all the efforts to rescue sugar – to save the sugar industry. This argument that the Committee had not been allowed to look at the COI Report into sugar has no merit because I quoted and I maintain my argument and submission that this Report had been discussed in depth at the Committee's level. A white paper was laid and there was enough information on the policy which could have been debated because that is what the Committee is set up for.

This is not a motion without controversy. This motion came here and there was an insistence that it should be debated. It is because it was intended to spark controversy surrounding sugar and to draw a cloud of uncertainty over the sugar industry, at a time when this Government is trying, in collaboration with GuySuCo and the SPU, together with the unions and all stakeholders, to be able to find ways and means in which we can find alternative ways of meeting the demands and needs of the sugar workers and their families.

I think that I have made out a case very clearly in support of my Colleague, the Minister of Agriculture, Mr. Noel Holder, that this motion is without merit.

I want to further indict the Opposition for not only having delivered a sugar industry that was crippled and bankrupted, but a sugar industry that not only placed the lives of sugar workers in jeopardy but that was bringing the entire economy of this country down, and that was intended to bring a closure to the society if it further went down. It had to bleed the treasury every year as we

have done. We have been sucking the treasury to help our poor brothers and sisters in the sugar industry. So, it is an indictment that they could come here to tell this House that they want all steps to be taken and that these steps should be shelved and that the Opposition be allowed time to discuss a Report.

My Friend over there, Mr. Neendkumar, would want to hush me up – to shut me up – as their obsession is. But no one shall hold me back. These truths shall be known and I shall repeat these truths every time I stand on my two strong feet. I will be repeating these truths that GAWU and its handlers are trying to put us into a no-win situation, a dead-end, so that it can serve its own purpose of frustrating the workers and capitalising on them.

I believe strongly, as I had submitted earlier, that this motion is without merit. It does not stand on any premise that it states that it was precluded from examining the Report. It has not been precluded. In fact, it has been looking at the Report and discussing it. Therefore, coming here to have this Report sent to a Select Committee, or to that particular Select Committee, was only intended to frustrate the work of the nation, and the work to bring some solution to the sugar industry. I therefore ask that this motion be completely rejected. [*Applause*]

Bishop Edghill (replying): Thank you very much, Mr. Speaker.

I rose earlier to represent a Committee, a Committee that sought to correct a deficiency that existed by bringing this motion, and I have never seen an act of bad faith like I am seeing tonight in this National Assembly.

[*Mr. Speaker hit the gavel.*]

Mr. Speaker: Hon. Member, let us stay close. Imputations of bad faith should not be made, so, please, let us stay close to what we are doing.

Bishop Edghill: Mr. Speaker, I will take your guidance. I sat here a while ago and I heard the Hon. Prime Minister saying that he intends to "indict the Opposition". Maybe I am not *the brightest bulb in the room* but that term "indict the Opposition" is equal to, if not worse than, what I just said. I would just like to point that out.

I want to bring to the attention of this House that it would appear that the Members who spoke want to use this occasion tonight of a motion that is a procedural matter to provide *a clean sheet for a dirty bed* when it comes to sugar. That is what they are attempting to do.

Minutes of the Parliamentary Sectoral Committee on Economic Services of the 11th Parliament held on Wednesday, the 16th November, 2016, at 10.00 a.m.

"**ITEM 6: CONSIDERATION OF THE DRAFT MOTION**

The Chairman informed the Committee…"

[**Ms. Teixeira:** Who is the Chairman?] The Chairman of that meeting was Mr. Irfaan Ali, Member of Parliament (MP).

"6.1 The Chairman informed the Committee that in keeping with the advice from the Clerk of National Assembly, the above motion sought to have the Report on the Commission of Inquiry, GuySuCo, referred to the Committee by the National Assembly for its consideration.

6.1.1 Members subsequently agreed to the content of the motion. The Committee further agreed that the motion would be submitted to the Clerk of the National Assembly and would second by the Hon. Minister of Agriculture when it was being tabled in the National Assembly."

The Members who were present, since we want to know who were present: the Chairman, Mr. Irfaan Ali; Hon. Jaipaul Sharma, Vice-Chairman; Hon. Noel Holder; Hon. Jennifer Wade. Ms. Charles-Broomes and Mr. Greenidge were excused. Also present were Bishop Juan Edghill, Mr. Komal Chand, and Mr. Collin D. Croal.

This motion did not come by way of any subterfuge to this House, as we heard from the Prime Minister, tonight. This was a decision of the Committee. Earlier, when I opened, I indicated that the motion is being debated 13 months after it was tabled and 25 months after the COI Report was tabled in the National Assembly. It is true that the Committee was examining and I will read… I anticipated distortions and misrepresentations, so I did not only ask for Minutes. I asked for the verbatim transcript from the meeting, and I will read from it just now. The Prime Minister should have consulted with that.

The letter that I referred to earlier, I apologise to Members of the House that I did not read the full content of the letter, of which I will do now. That will debunk the misinformation that was provided by the Prime Minister.

"Hon. Jaipaul Sharma, M.P.,

Minister within the Ministry of Finance,

Chairman,

Parliamentary Sectoral Committee on Economic Services,

c/o, Parliament Office,

Public Buildings,

Brickdam,

Georgetown.

31st May, 2016.

Dear, Hon. Member,

Consideration of Commission of Inquiry Report by Sectoral Parliamentary Committee on Economic Services.

I wish to refer to your letter of 27th May, 2016, on the subject at caption, and to inform you that it is out of order for the Committee on Economic Services to consider a report that was laid in the National Assembly but not referred to the Committee for consideration.

You may be aware that reports which are laid in the National Assembly can only be considered by the Assembly on a motion for its adoption and consideration by the Assembly or its referral to a Parliamentary Committee – Standing or Special Select Committee. For example, the report of the Auditor General on the Public Accounts of Guyana and on the Accounts of Ministries, Departments and Regions is, in accordance with Standing Order 82(1), referred to the Public Accounts Committee for consideration and report."

9.16 p.m.

"It is therefore logical to conclude that, since the National Assembly cannot consider a report which is not adopted by motion, a Parliamentary committee, which is a microcosm of the Assembly, cannot consider a report which is not adopted by the Assembly or referred to the Committee in accordance with the Standing Orders, as is the case of the Public Accounts Committee.

To assist it in its work, a committee may refer to reports laid in the National Assembly, but cannot proceed upon the actual consideration of a report without being authorised to do so.

I am therefore of the opinion that your committee will be *ultra vires* beyond its legal power and authority. That is, it does not have the authority to consider a report which was laid in the National Assembly but not referred for its consideration and report. It is apposite to state that Mr. Frank Narain, former Clerk of the National Assembly, concurs with my opinion.

Finally, I wish to draw to your Committee's attention Standing Order 86(5) which outlines the authority of Sectoral Committees.

For your information and guidance please.

Yours sincerely,

S.E. ISAACS

Clerk of the National Assembly

cc. All Members of the National Assembly
Deputy Clerk of the National Assembly
Assistant Clerk of the National Assembly
Head of Committees Division
All Clerks of Committees"

If the Prime Minister had read this letter or listened, the tirade and the charade, that we just had, we would have not had. This is because he is seeking to suggest that it is proper for the

Committee to examine the report, when we were actually stopped from doing that in the Committee and that is why this motion is necessary. [*Interruption*]

[*Mr. Speaker hit the gavel.*]

I want to proceed to deal with the second issue. The Committee of the Economic Services had asked that the commission of inquiry (COI) report be allowed to be examined in the Committee. This motion is not to deal with all of the things that we have heard from the Minister and the Prime Minister. It is to give the Committee the right to examine this report. We have heard two things tonight, that time has passed for this; we heard the biblical quotation that there is a time and season for everything, so a delay of 13 months may have to be taken with a pinch of salt to find out if it was just coincidental. Secondly, this accusation, because that is what it was, by the Prime Minister, and he was allowed to build his accusation, that the People's Progressive Party Civic (PPP/C) and the Opposition is trying to use this motion for some other reason than what is stated here and that was allowed.

I would like to go to the record of the Committee. The 9th Meeting, 8th June 2016. I would like to read from page 16 – "Correspondence from the Clerk of the National Assembly". This is the Chairman speaking and the Chairman in that meeting was Mr. Jaipaul Sharma. As I pointed out before, it is not a reflection to the letter from which he was quoting - the letter from the 27th May. We have the letter of 27th May, which is in relation to the Wales Sugar Estate being *sub judice*.

> "I was a bit puzzled when I saw the caption and reference to the letter of the 27thMay, 2017. Apparently, this may have been a discussion that was outside of the remit of the Committee. However, I accept the guidance of the Clerk of the National Assembly as always. I am going to say this, that from the commencement, when we started to look at GuySuCo, as an entity, it was the Hon. Member Edghill who had said, in looking at it, that we should discuss the COI report. It was reported in the media, as the Hon. Member Croal pointed out, and I think he has the article. Mr. Croal responded that it was Member of Parliament (MP) Mr. Chand's article. Yes, it is in the *Guyana Times* newspaper."

The Chairman stated:

"The Government awaits report of the Economic Services Committee on workers' future."

It was my position and it is in the records. I keep saying over and over that I am looking at GuySuCo and not the COI report. I had even asked for the Clerk to check, when the Hon. Minister had presented the COI report, and it was never said that it was referred to a Committee. I hold the position, just as the Clerk indicated that, I am not going to report on the COI report, and send it to the National Assembly because it was never referred to this Committee, with Chairman, Mr. Jaipaul Sharma. However, I said, and it is on the record, that, in the examination of GuySuCo, I will refer to the COI report. That is clear. That was not a position with which we had difficulty. This is because, earlier, I had said that I will refer to the Minutes when a Member said that we are going to discuss the COI report. This is different from examining the COI report.

Item 4.49 refers to a discussion on the COI report. The issue about the COI report is that we do not have the mandate. I agree because it was never officially submitted to this Committee for it to be examined in detail and reported back the House. I have no position in relation to that. I agree with the advice of the Clerk, although I did not request the advice. I am asking if any other Member has similar comments.

It was *clear as crystal* that the Chairman of the Committee, the Hon. Jaipaul Sharma was saying to us, that we could not examine the COI report because it was not referred to the Committee and we do not have any mandate to do so. This motion is to give the Committee the power to examine the report, but we have heard from the Prime Minister and the Minister of Agriculture, the two Government spokespersons on this. They do not want this motion to be passed. Do you know why? Let me tell you why. The COI report is not a political gaff; it is a group of experts. The Government prefers to have political statements on GuySuCo, rather that dealing with the experts and what they have to say. [*Interruption*]

[*Mr. Speaker hit the gavel.*]

I have attended the meeting that the Prime Minister spoke about in December, 2016, at the Ministry of Agriculture, when he spoke about all the various documents that were shared. The Prime Minister did not tell us that one document was not circulated. I will tell the House tonight what that document was. The letter given to Mr. Wesley Kirton, two months before that meeting,

to look for a buyer of GuySuCo, whether in whole or in part, and it signed by the Minister of State. That meeting of December, 2016, was just for the cameras because a decision was already made by the Government to sell GuySuCo in whole or in part. They had a real estate agent looking around the world for a buyer of GuySuCo. It was just a bluff. The Government must take responsibility for that and do not come here tonight to fool sugar workers and to fool the people of Guyana. That is the reality.

I am not a sugar worker and neither am I a child of a sugar worker, but I can tell you this; I have listened to the voices of the sugar workers. I have gone to the Wales Estate many times; to the Skeldon Estate many times; to the Rose Hall Estate many times; to the Enmore Estate many times and many other places where the sugar workers live. One thing is sure, it is clear that the decisions that are being made, which is what the 'Be it resolved clause' on this motion addresses, "Given the prevailing circumstances in the sugar industry, the report of Commission of Inquiry into GuySuCo, be referred to the Parliamentary Select Committee on Economics Services for consideration", this is where the crux is, "…the prevailing circumstances in GuySuCo". Let us talk about the prevailing circumstances in GuySuCo because we have heard the Minister of Agriculture speak about all the things that GuySuCo was doing, how many pumps; how many miles of drainage; how many community centres; and all the nice things. This is because we used this occasion tonight on this motion for the grandstanding on the political speeches.

Let us talk about the situation in GuySuCo. The Prime Minister spoke about $32 billion being given as subsidy to GuySuCo since this Government came into office. I will like him to present to this National Assembly, the figures, year by year, that show $32 billion. I would like for you to do that. What is worst is that the Report of the Auditor General of 2015, when we examined it, when we thought that the moneys given to GuySuCo were subsidies, the Auditor General pointed out to us, and we examined it in the Public Accounts Committee (PAC), that part of it was a loan, and not subsidies. The Auditor General pointed that out. You are telling the people that you are giving GuySuCo subsidies, but you were lending to it.

We are bantering about numbers and we are seeking to get sympathy that we dole out $32 billion to the sugar industry. Provide the evidence beyond the nice, fancy rhetoric.

9.31 p.m.

I would also want to examine, very carefully, what it is that the Government is seeking to prevent the nation from hearing. In this commission of inquiry report, from which the Hon. Minister of Agriculture, Mr. Noel Holder, quoted, I would like to go to pages 36 and 37. These deal with the recommendations. Here are the recommendations. Report of the Commission of Inquiry, Guyana Sugar Corporation Volume I:

> "(1) The privatisation of the Guyana Sugar Corporation (GuySuCo) which is a State owned entity incorporated and regulated under the Companies Act. The process should start as early as practicable and aim to be completed within a three-year period."

This was totally ignored.

> "(II) As a consequence of (I) the State divests itself of all assets, activities and operations currently associated with GuySuCo.
>
> (III) In the interval, as the privatisation is awaited, the new management of GuySuCo must focus on basic essentials to rehabilitate the fields, factories and infrastructure of GuySuCo. There should be no accommodation for new projects, which will demand limited funds. The aim is to make the estates more saleable…"

Not destroyable. The COI did not tell us to *bruk* up the estates. It said that we must rehabilitate the estates so that when we are ready to sell, if we are privatising, there would be greater value and attract investors, both local and foreign.

> "…and attractive to investors both local and foreign.
>
> (IV) While the ongoing process of amalgamating estates for obvious economies of scale may continue, the COI does not recommend the closure of any estate at this time.
>
> (V) Financial support in the short term will be needed and this should be provided by the Government on a timely basis.
>
> (VI) That there be the earliest possible implementation of the recommendations contained in the First Interim Reports of the Commission. The Management of GuySuCo must immediately direct its attention and focus on reducing operational costs, especially that of

employment, returning to basic agronomic practices, rehabilitating its factories and strengthening supervision."

The reason why this motion is being rejected by the Government is because nothing from its $50 million plus Report of the Commission of Inquiry into the Guyana Sugar Corporation, Volume I is being followed. A distinguished gentleman, when he was asked about it in the media, said, "It is not gospel." It is not gospel, but it is your report. The Minister said tonight that, on the date it was commissioned, the Government had put together every person who it believed were the experts. They then provided the report, figures, analysis and recommendations, but it did not suit the Government's political purposes and because it did not suit the political purposes or fall within the political scheme, it was delayed by coming to the National Assembly and not referring it or asking for it to be debated on. A white paper was then brought, but it was not sent anywhere to be discussed neither to be debated on by the National Assembly. It was just information, so you were playing for time and the cameras. Now that time has caught up, the Government that always has the power to determine what comes up in the Order Paper, tonight, magically, has agreed to defer a substantive Bill to bring up the Committee Reports so as to get to these. Do you know why? The pressure is on and the opportunity is being used tonight to grandstand on the sugar industry and to try to hoodwink sugar workers, but the sugar workers will not be fooled. They know exactly what is happening in this country.

I stand tonight, expressing grave disappointment. This is not an Opposition's motion. I am surprised to hear the Hon. Ms. Charles-Broomes, who is a Member of the Parliamentary Sectoral Committee on Economic Services, saying that this is an Opposition's motion. It shows how knowledgeable we are about the operations of committees.

When the Committee comes to the House, rather than seeing a committee, the Government has seen the Peoples Progressive Party (PPP) or the PPP/C Parliamentary group as using this to get at the Government. When all that was being asked for here was to correct a procedural deficiency that we thought existed. I want to go back to the record, because it would appear that, when things are being spoken about in this House, people like to see *fan dangling.*

This is Bishop Edghill in the Parliamentary Sectoral Committee on Economic Services; I asked the Hon. Member,

> "What his intention was. His intention was for the report to go somewhere for examination. There was a statement done by the Minister that clearly stated that it wanted discussions by all the stakeholders because GuySuCo was too big for just the Government to handle, *et cetera.* It wants the views of everybody. Let that now be corrected. The Minister could go back to Cabinet and say what he should do. It is to give him guidance. Should I ask that it goes to a special select committee or should I ask that it be referred to the Parliamentary Sectoral Committee on Economic Services for examination?"

When we learnt that the report was not properly before the Parliamentary Sectoral Committee on Economic Services, we asked if it should go to a special select committee or if it should be referred to the Parliamentary Sectoral Committee on Economic Services. Listen to the Chairman, who was Mr. Sharma, at the 9th Meeting on the 8th June, 2016:

> "Hon. Member I am aware of the process that you just outlined. I am saying to you Hon. Member that my position is exactly yours. If we will - we must commence examining GuySuCo because that was our first agenda for this Committee - we should use three volumes. We cannot pronounce in terms of saying if it is good or bad or what is not. We could refer to it; that is what we could do. We could make reference."

In the Committee, I asked if we were going to be muzzled during the examination of GuySuCo. The Chairman said:

> "No, you could make reference to the report. I am saying that if this Committee wants for it to be examined substantively by this Committee, then it has to put the motion as the Hon. Member say, he would like a Special Select Committee to deal with it..."

It was the Chairman, who said that if we were going to examine this report in the Committee, we got to put the motion or carry it to a special select committee. It is clear that the Government would like this National Assembly and all the stakeholders in Guyana to refer to the report, as we heard from the Prime Minister, but not to examine it in detail, form an opinion and send a report to the House. They do not want the truth about GuySuCo and sugar to be spoken about. That is the reality. They do not want the truth from the group of experts.

There are many things that I could say in response to what was said, but I would forego that because the intention is clear. We agreed in the Committee, got it to the Order Paper, used our position of majority in the House to delay it on the Order Paper for as long as possible and when an opportune time presented itself, we used it as a *whipping boy* to score cheap political points, as the Government is seeking to do tonight. We are neglecting the procedural issue that this motion was trying to correct, only to discover that all that the Government sought to do, it has failed miserably because the sugar workers are aware.

The prevailing circumstance is that the workers, who have been sent home, contrary to the recommendations made by the Report of the Commission Of Inquiry, Guyana Sugar Corporation Volume I, want their severance paid now. Not 50%, but 100% in keeping with the Termination of Employment and Severance Pay Act 1997, which states that employers are obligated to pay and there are penalties for not doing so. In this case, the Government and a State-owned entity GuySuCo are the employers, so severance must be paid.

The workers, whose interest must be protected, want to see the reality of the re-training and re-tooling that are being talked about and not just a few here and there. They want to see it happen. The workers want the fulfilment of promises which were made that they will get land to work. They are advocating for that; not land in *lieu* of severance. They want land so that they could farm their cash crops and be able to make a living and secure their livelihoods. They also want the subsidies that were offered to the residents and communities of another sector, when it had *hit hard times* - the subsidies for electricity and water. The sugar workers also want that.

Tomorrow, we will get the headlines. The Government will make the headlines and it will be another of the propaganda blitz, "Government Meets with Workers and Representatives," and the photograph would also be there. This motion that was brought forward tonight is to facilitate that because you never had in mind, the debate of the COI. Tonight's travesty is declaring what was always known by the ordinary workers. I rest my case and I ask that the question be put.

Question put.

Bishop Edghill: Division. Let us put it on the record.

9.46 p.m.

Mr. Speaker: Hon. Members, was there a call for a division?

Hon. Members: Yes.

Mr. Speaker: Then we have a division.

Division: Ayes 14, Noes 33, as follows:

Ayes

Mr. Gill

Mr. Charlie

Mr. Damon

Mr. Chand

Mr. Neendkumar

Ms. Pearson-Fredericks

Mr. Mustapha

Ms. Selman

Dr. Westford

Mr. Hamilton

Bishop Edghill

Mr. Lumumba

Ms. Campbell-Sukhai

[*Mr. Speaker hit the gavel.*]

Mr. Speaker: Hon. Members this is a count being taken at your request, you should enable the caller to hear the answers.

Ms. Teixeira

Noes

Mr. Rutherford

Mr. Rajkumar

Mr. C. Persaud

Mr. Figueira

Mr. Carrington

Mr. Allen

Mr. Adams

Ms. Bancroft

Ms. Wade

Ms. Patterson

Ms. Henry

Ms. Charles-Broomes

Dr. Cummings

Mr. Sharma

Ms. Garrido-Lowe

Ms. Ferguson

Ms. Hastings-Williams

Mr. Holder

Mr. Gaskin

Ms. Hughes

Mr. Patterson

Ms. Lawrence

Mr. Trotman

Mr. Jordon

Dr. Norton

Mr. Bulkan

Dr. Roopnaraine

Lt. Col. (Ret'd) Harmon

Ms. Ally

Mr. Williams

Mr. Ramjattan

Mr. Greenidge

Mr. Nagamootoo

Motion negatived.

Mr. Speaker: I thank the Clerk for the information. Hon. Members, we are close to the 10 o'clock hour. I want to propose that we seek a suspension to enable us to continue treatment of at least one or two other of the committees' work.

Ms. Teixeira: Mr. Speaker, for this side of the House, if you are willing and able… [*Interruption*] If you are able to continue the sitting, we are prepared to continue the sitting, Sir.

Mr. Speaker: Until then there was no nuance until you said so. But it is a very happy thought.

Ms. Teixeira: I saw your face and I thought that I may be misunderstood.

Mr. Speaker: Hon. Members, I think that we should seek the suspension so as to enable us to attend one more item. For the next Committee Business to be considered there are three speakers. If those speakers limit themselves to 10 minutes, we would be out of here in a short while. We have already experience one division for the evening. Are we going to have unanimity now or are there different views on this?

ADJOURNMENT

Mr. Nagamootoo: Mr. Speaker, we proposed that the House be adjourned until tomorrow at 2.00 pm., so that we could continue the business of the National Assembly. We have seen the precedence that no motion or businesses here goes 10 minutes per a speaker. We have seen what is happening in this House and we could look at the time. My understanding was that we would work until 10.00 p.m. We are near to the 10.00 p.m. hour so, therefore, I would like to move the motion that this House be adjourned until tomorrow at 2.00 p.m.

Mr. Speaker: Hon. Members, the motion is that we will adjourned at this time and assembled again tomorrow at 2 o'clock to continue our endeavours.

Adjourned accordingly at 9.55 p.m.