

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2006-2010) OF THE NINTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

129TH Sitting

Thursday, 5TH August, 2010

The Assembly convened at 2.12 p.m.

Prayers

[Mr. Speaker in the Chair]

ANNOUNCEMENTS BY THE SPEAKER

Thanks to Ms. Bibi Shadick

Mr. Speaker: Hon. Members, I would like to thank Hon. Member Ms. Bibi Shadick for presiding for me on the last occasion, and, I understand, very competently so, while I was indisposed.

Congratulations to Rev. Kwame Gilbert

Mr. Speaker: Hon. Members, I have been informed that the Rev. Kwame Gilbert graduated on Saturday, 21st July, 2010 at the LaGuardia Sheraton with a Doctorate in Leadership and Organization from the Logos University and Graduate Schools. Rev. Gilbert is now entitled to use the initials “Dr.” before his name. On behalf of the Members of the Assembly and myself, I wish to congratulate Rev. Dr. Kwame Gilbert on this significant academic achievement.

PRESENTATION OF PAPERS AND REPORTS

The following Papers and Reports were laid:

(1) (i) The Public Electricity Supply (Amendment) Regulations 2010 – No. 3 of 2010

[Prime Minister and Minister of Public Works and Communications]

(2) (i) Audited Accounts of the Guyana Securities Council for the years ended 31st December, 2008.

(ii) Audited Accounts of the Guyana Securities Council for the year ended 31st December, 2009.

(iii) The Kwakwani Utilities Inc. Annual Report for the years ended 31st December, 2005 and 2006.

(iv) The Kwakwani Utilities Inc. Annual Report for the year ended 31st December, 2007.

(v) The Kwakwani Utilities Inc. Annual Report for the years ended 31st December, 2008.

(vi) The Linmine Electricity Inc. Annual Report for the period 11th August – 31st December, 2003.

(vii) The Linmine Electricity Inc. Annual Report for the year ended 31st December, 2004.

(viii) The Audited Financial Statements of the Guyana National Co-operative Bank for the years ended 31st December, 2002 – 2005.

(ix) The Audited Financial Statements of the Guyana Electricity Corporation Inc. for the years ended 31st December, 2002 – 2007.

(x) The Audited Financial Statements of the Lethem Power Company Inc. for the period 22nd January, 2003 to 31st December, 2004.

(xi) The Audited Financial Statements of the Berbice Mining Enterprise Ltd. for the years ended 31st December, 2002 and 2003.

(xii) The Guyana National Printers Limited Annual Reports for the years ended 31st December, 2002 to 2008.

(xiii) The Audited Financial Statements of the Guyana National Shipping Corporation Ltd., for the years ended 31st December, 2002 to 2008.

[The Minister of Finance]

(3) (i) The National Mangrove Management Action Plan for 2010 – 2012.

(ii) The Guyana Sugar Corporation Annual Report for the year 2009.

(iii) The Sugar Industry Labour Welfare Fund Committee Annual Reports for the years 2007, 2008 and 2009.

[Minister of Agriculture]

INTRODUCTION OF BILLS

Presentation and First Reading

The following Bills were introduced and read the first time:

1. TRAINING SCHOOLS (AMENDMENT) Bill 2010 – Bill No. 12/2010

A Bill intituled:

“An Act to amend the Training Schools Act.” *[Minister of Home Affairs]*

2. JUVENILE OFFENDERS (AMENDMENT) BILL 2010 – Bill No. 13/2010

A Bill intituled:

“An Act to amend the Juvenile Offenders Act.” *[Minister of Home Affairs]*

3. CRIMINAL LAW (OFFENCES) (AMENDMENT) BILL 2010 – Bill No. 14/2010

A Bill intituled:

“An Act to amend the Criminal Law (Offences) Act.” [*The Attorney General and Minister of Legal Affairs*]

PUBLIC BUSINESS

GOVERNMENT BUSINESS

MOTION

(i) MOTION TO APPROVE FINANCIAL PAPER NO. 1 OF 2010

“BE IT RESOLVED:

That this National Assembly approves of the proposal set out in Financial Paper No. 1 of 2010 - Schedule of Supplementary Estimates (Current and Capital) totalling one hundred and fifty five million, two hundred and seventy thousand, nine hundred and sixteen dollars (\$155,278,916) - Advances made from the Contingencies Fund for the period 2010 -06-01 to 2010-12-31.

[*The Minister of Finance*]

Mr. Speaker: Hon. Members, the Assembly will resolve itself into Committee of Supply to consider Financial Paper No. 1 of 2010.

Assembly in Committee of Supply

Minister of Finance [Dr. Singh]: Mr. Chairman, in accordance with Article 171 (2) of the Constitution, I signify that the Cabinet has recommended for consideration by the Assembly the motion for the approval of the proposals set out in Financial Paper No. 1 of 2010, Supplementary Estimates, Current and Capital, for the period ended 31st December, 2010 totalling \$155,278,916, and I now move the motion.

Motion proposed

CURRENT ESTIMATES

Item 1 21-212 - Ministry of Agriculture – Crops and Livestock Support Services - \$13,298,000

Mr. Murray: Could the Hon. Minister of Agriculture kindly explain to the National Assembly what is meant by “land utilisation exercise” which is a very vague term, he would agree, I assume, and that there is need to explain it? That is the first question, Sir.

Minister of Agriculture [Mr. Persuad]: Land utilisation exercise, in this context, is in reference to the East Coast backlands which, for decades, were overgrown. This is an exercise that is intended to work with the farmers in clearing those backlands so that they could be put to productive use.

Mr. Murray: Would the Minister not agree that this is a very unorthodox role for the New Guyana Marketing Corporation (GMC), and could he say what precedent there is for this role being granted to the New GMC? Further, could he say, in the context of page 584 of the Estimates for 2010 which itemises the headings under which moneys would be spent, under which of these headings is this going to be classified as current expenditure?

Mr. Persuad: The exercise is being done in the context of the Grow More Food Campaign. The Grow More Food Campaign was launched in 2008 and it is being organised by the Guyana Marketing Corporation. It is within that context that the GMC has been identified as one of the lead agencies in working, coordinating and supporting the farmers of Belfield, Victoria, Nabaclis, Golden Grove, Dochfour, Anns Grove, Bee Hive, Two Friends, Clonbrook, Green Field, Mocha, Craig, Dartmouth, Mara, Port Mourant, among others, in clearing the backlands so that they can be put under use, and those farmers can be given the opportunity to be part of the Grow More Food Campaign.

Mr. Murray: With great respect to the Hon. Minister, he has failed to answer the questions I have asked him. May I repeat them, Mr. Chairman? I ask him, “What is the precedent for giving this role to the New GMC and would he not admit that he has never defined such a role for the New GMC for clearing back lands? This is not a role ever played..., because I notice National Agriculture Research Institute (NARI) has the same subject and another set of money there. These are not roles carved out for these institutions. I want to know what basis... This is a role for the New GMC He has never defined such a role, in this National Assembly, for the New GMC. He talked about it working with farmers, providing information about markets, helping them to know what to grow and so on, but to get actively involved...This is taking the function of

the New GMC way beyond what was originally contemplated. I can see no proper reason for it. I am further asking, Mr. Chairman, for the Hon. Minister to say under which of these recurrent expenditure sub-heads identified under the budget of the new GMC are these expenditures going to take place? Which of these headings is it under? Those are places, Mr. Minister. I am asking for heads of expenditure, here.

Mr. Persuad: I wish to restate that the GMC, by a decision of the Cabinet, has been mandated to lead the national Grow More Food Campaign which was announced in the context of the global food crisis. For it to promote that campaign, there were groups of farmers who for thirty or forty years... - the lands there were abandoned; they were overgrown - made representation to the GMC that if it wants them to be part of the Grow More Food Campaign, they would require support in the clearing and bringing those lands into production. The GMC is the initiator of this programme, but also there are other agencies within the sector which are providing support. The role of the GMC is defined by its support to farmers so that they can be apart of the Grow More Food Campaign. These are targeted areas. They are not across the board. They are targeted areas – areas which are listed. Several of us just came out of Victoria and we learned about the gratitude of the farmers for this type of intervention.

Mr. Chairman: Mrs. Holder, did you want to ask something?

Mrs. Holder: Yes. Through the Chairman, I would like to ask the Hon. Minister, how much of these funds have already been allocated and when were they allocated to the New GMC?

Mr. Persuad: I am sorry.

Mr. Chairman: It is how much of the funds have been allocated and when have they been allocated?

Mrs. Holder: How much of the funds have already been allocated to this agency?

Mr. Persuad: The GMC, utilising its resources, even before this was appropriated, because it has other resources, would have front-loaded the commencement of these activities, and this was done about eight weeks ago. So this allocation of what has been sought is to reimburse the GMC for the activities or the sums which would have been front-loaded in this regard.

Mr. Murray: The Minister seems to be under the misapprehension that I am questioning the objective of this exercise, but I am not. I understand the Grow More Food Campaign. My specific question to the Minister is why is this role cast upon the new GMC? There is a division in the Ministry of Agriculture known as Crops and Livestock. This is where this expenditure - to my mind - properly belongs. That is what has traditionally been explained to the National Assembly. That is why there is a Crops and Livestock division. Why is this being cast upon an organisation which has never had a role and has never been identified as having a role in undertaking what is essentially capital works - clearing these back lands? That is why, Sir, I continue to ask the Minister to identify for me where in this recurrent expenditure sub-headings are these expenditures going to take place - under which of these? None of them - in my respectful opinion - caters for expenditure of this sort.

Mr. Persuad: Perhaps the Hon. Member may be asking what are the activities or the types of activities that the New GMC will be engaged in? Perhaps, I need to explain the operation mode in this regard. The land utilisation exercise is to work with individual farmers' groups in the communities I have listed. It is to provide support to those farmers so that they can mobilise their members - those organisations - where they can undertake a clearing exercise with support from the other agencies of the Ministry so they can do land tilling, chemical input, technical advice with the Crops and Livestock Department.

Mr. Chairman: Why is it GMC?

Mr. Persuad: I am saying it for the sixth time. GMC is the lead agency for the Grow More Food Campaign, and this programme is being implemented within the context of the Grow More Food Campaign. Mr. Chairman, you have heard me repeating that statement over and over. I am not sure how else I can best define or explain that to the satisfaction of the Hon. Member.

Mr. Murray: I give up, Sir.

Item 1 21-212 Ministry of Agriculture – Crops and Livestock Support Services - \$13,298,000 agreed to and ordered to stand part of the Schedule.

CAPITAL EXPENDITURE

Item 1 01-011 Office of the President – Head Office Administration - \$17,302,471

Mr. Murray: Thank you, Mr. Chairman. According to this agency code number and the chart of account, would the Minister not agree that this is a project which falls under project number one in the Capital Projects Profile? And if he agrees, would he not further agree that all that is listed in that project, as at budget time, was extension of security barrack? I am talking in the context of intelligence services. Of the \$30 million voted, there was one item there for extension of security barrack. The question, therefore, is, were these works - because they amount to more than fifty per cent of the originally voted sum - not foreseen or known at the time of the budget and, therefore, could not have been included at the time of the presentation of the budget? That is my first question, Sir.

Minister in the Ministry of Finance [Ms. Webster]: In response to the question asked by the Hon. Member, I think, in this case, he is not quite correct. The security barrack which is being alluded to here refers to the building which houses the ranks of the presidential guards, at the Botanical Garden's gate, in the Castellani House compound, and the funds being requested here are for the Intelligence Security Unit. I do not think that the Hon. Member is quite accurate in what he has said.

Mr. Murray: I thank the Hon. Minister for that correction. It only helps me to make this point, Sir, that if what I have said is inaccurate, then the project, as defined in the Capital Project Profile as number one, in the Office of the President, includes no provision, whatever, for works on the Intelligent Service Unit. Would that, then, be accurate, Madam Minister?

Ms. Webster: I think we all can recall that during 2009 this House approved of funds for the construction of this building. What is being requested here is to meet some additional external works which were not foreseen at the time when the budget was done.

Mr. Murray: I take it that the Hon. Minister agrees, therefore, that there was no provision in the 2010 Budget in respect of works on the Intelligence Unit. That is the interpretation of the roundabout explanation that she has given. Given that, this represents a project, therefore, that is completely different from that identified at project number one, under Office of the President. And if that is so, especially, if it was a continuation from something started in 2009, would the Minister not agree that there should have been, presented to this National Assembly, a separate independent profile so that the National Assembly can see, in a transparent manner, what exactly

are these works which are intended to be undertaken. Would the Minister not agree that that would have been extremely helpful since this is a project of \$17 million?

Ms. Webster: I think in my earlier explanation, I did say that we approved the funds in 2009 for this project, and the funds, which are being requested here, are required to facilitate the completion of the project owing to unforeseen additional works.

Mr. Murray: Mr. Chairman, this is an evasive answer. We are talking about proposed expenditures in the year 2010, capital expenditure for the year 2010, for which no provision was made in the Estimates of 2010 as brought to this National Assembly. In every case where there is a proposal for capital expenditure, there is an accompany project profile. I am asking Hon. Minister whether she does not believe that it would have been proper, and more transparent, and more accountable to have had a project profile brought to this National Assembly in the same way in which one was brought for project number one, at the Office of the President, so that it could see what this expenditure is all about. That is the question I am putting to her, Mr. Chairman.

Ms. Webster: I think the information is now being provided here. It says, "...to facilitate the additional works at the Intelligence Service Unit." It is stated here, now, on this Supplementary Provision Estimates.

Mr. Murray: With great respect, this is where the arrogance of the Government creeps in ever so often. It simply believes that it can vaguely set out, in the remarks column of a legend, what should have been brought to the National Assembly in proper format, in project profile form. Hon. Minister, my question to you, I repeat, is whether you do not believe that a proper project profile would have been better than the vague description contained in the legend presented to us?

Ms. Webster: I think the information is already here.

Mrs. Holder: I would like to ask the Hon. Minister to give us a sense of what caused her to define this particular allocation as urgent and unforeseen? What is the nature of the expenditure?

Ms. Webster: The expenditure, here, will facilitate the completion of external works. Some electrical works required - insulation of water lines, transformers and so on. It is with Guyana Power & Light (G.P.L.)

Mr. Murray: That is what should have been in the project profile, not this vagueness.

Item 1 01-011 Office of the President – Head Office Administration - \$17,302,471 agreed to and ordered to stand part of the Schedule.

Item 2 16-161 Ministry of Amerindian Affairs – Amerindian Development - \$7,971,412

Mr. Murray: Would the Hon. Minister agree that the supplementary provision now being sought is intended to bring to completion the Amerindian Student Dormitory Complex, located at Liliendaal?

Minister of Amerindian Affairs [Ms. Sukhai]: I will agree.

Mr. Murray: Given that the Hon. Minister of Amerindian Affairs has agreed that by the provision of this supplementary sum the building will now be brought to completion. Then perforce, would she, therefore, also agree that it would have been misleading to have put in the project profile, for 2010, a description of the project to the effect that it entails the completion of the Student Dormitory at Liliendaal? That would have been false.

Ms. Sukhai: That is not false, because we intend to complete the Amerindian Student Dormitory Complex in 2010.

Mrs. Holder: Thank you. Through the Chairman, I would like to ask the Hon. Minister, in her definition of completion, if it is her Ministry's intention to do something about the road leading to the dormitory.

Ms. Sukhai: Yes. That will fall under the remit of the Ministry of Works.

Mr. Murray: Given what the Hon. Minister has said, does she not agree that to have put in a project profile "...completion of the students' dormitory...", without reflecting the components which she has now identified for putting in place, was, in fact, inaccurate and misleading?

Ms. Sukhai: It was neither inaccurate nor misleading. If the Hon. Member would have read the project profile, it was the completion of the building. This, here is to provide access to the services of water and electricity since the site of the dormitory is away from the main road. There is need to install water and electricity infrastructure from the main road to the building.

2.42 p.m.

Mr. Murray: Mr. Chairman, just before we go, I find that amusing, but I will leave it. **[Ms. Teixeira:** It is not amusing, it is true]. It is not amusing for you, but it is for me. I am entitled to my right of amusement. Sir, would the Minister, having brought to the National Assembly a supplementary provision in the sum of \$7.9 million, not agree that it was misleading to have put in the 2010 project profile, for this project, a total project cost of \$112, 037,000, because that total cost would have now gone up by the sum of the supplementary estimates, so that this project profile is inaccurate by the extent of \$7.9 million?

Ms. Sukhai: I have already established that this current supplemental is being requested for the infrastructure of electricity and water leading to the completed students' dormitory. This will provide accessibility to these services.

Mr. Murray: But Sir, I am sorry to pursue with this. Is the Minister really saying that the project, as defined by her, does not include these elements which she is bringing today? Is it that the project she defined excludes these elements? Because, that is what she is saying. Is that really believable - a dormitory project for student does not include in it the components of electricity and water? Is that what the Minister is telling this House?

Ms. Sukhai: I have already established and, therefore, I do not know what else to tell the Hon. Member.

Item 2 16-161 Ministry of Amerindian Affairs – Amerindian Development - \$7, 971,412 agreed to and ordered to stand part of the Schedule.

Item 3 21-211 Ministry of Agriculture – Ministry Administration – \$36,000,000

Mr. Ramjattan: Could the Hon. Minister indicate from whom was the long boom excavator purchased?

Mr. Persaud: My information is that the bids which were received through a public procurement process are currently being evaluated and will be submitted to National Procurement Tender Administration Board (NPTAB) based on the best performing bidder who would have qualified. I am not aware of the bidder name, so I cannot provide that information at this point in time.

Mr. Murray: I want to turn to agency code 21-212.

Mr. Chairman: We are dealing with agency code 21-211 at the moment.

Mr. Murray: I thought you have put, Mr. Chairman, the whole of item 3

Mr. Chairman: No, I have just put agency code 21-211.

Mr. Murray: Okay. I am sorry, my apologies.

Mr. Chairman: Is there anything else on code 21-211?

Item 3 21-211 Ministry of Agriculture – Ministry Administration – \$36,000,000 agreed to and ordered to stand part of the Schedule.

Item 3 21-212 Ministry of Agriculture – Crops and Livestock Support Service – \$11,248,000

Mr. Murray: My question to the Hon. Minister is whether the National Agricultural Research Institute is a proper agency - because he explained this when he was talking about New GMC - to undertake capital works of the nature being contemplated here, especially if one look at the budget for NARI... I can see no obvious head under which this will fit as capital expenditure, and could he identify the specific head within the budget of NARI under which this money will be expended?

Mr. Persaud: NARI, during the budget debate I had disclosed that this year there will be doing a restructuring of the crops and livestock support systems which are there. The Guyana Livestock Development Authority would have assumed the livestock activities and NARI will be in charge of all crop development activities. Because the land utilisation activities are primarily of a crop nature, NARI, as the point agency for overall crop development, in terms of technical

support, would also, for a number of years, have been using its tractors and other agricultural implements to provide support to small farmers, in allowing them to bring their plots under cultivation. Within that context, a number of items have been or will be purchased - a tractor with the disc plough, the arrow, as well as some other implements to allow for land clearing. These may be managed by NARI to compliment its current fleet of equipment and, again, the communities which will be targeted in this exercise will be Belfield, Victoria, Nabaclis, Golden Grove, Dochfour, Anns Grove, Bee Hive, Two Friends, Clonbrook, Mocha, Craig, Sisters Village, and Dartmouth in this regard.

Mr. Murray: Would the Hon. Minister not agree that under project 74, given the agency code and the chart of account number, which is where this project falls, that in the project profile as defined in the 2010 budget for NARI that there is no description of the project which is now being implemented by NARI?

Mr. Persaud: NARI's functions are very broad. They are not a function which is defined clearly for that particular year. The budget provides specific resources for specific activities which will be initiated or continued in that particular year. But NARI has a wide range, a wide scope, of activities. Certainly, whilst they were not a direct reflection of those individual activities in the 2010 project description they are also linked to some of the inherent and fundamental, and core activities which NARI would do even without these resources which would have been provided for in the 2010 budget. I must also point out too that the necessity for this intervention also followed the El Niño condition which we had experienced and that expedited the need for us to undertake this type of land utilisation and land clearing. Also, it is in response to calls, demands and representation by the farmers. Certainly, that itself would not have been available at the time of the formulation of the description of the project as outlined in project 74.

Mr. Murray: I really do not understand what the Minister has just said, because it is my understanding, and I hope the Minister's too that, whatever is defined in the project profile represents the activity that is proposed to undertake within the broad context of his wider responsibilities. That is why the projects are defined here and they are given a project profile which describes the activities which will be undertaken – that institution will undertake in 2010. I am referring to the capital profile because what is here is for capital, and I saying, Sir, with great respect to the Hon. Minister, that this represents addition – another project in the year 2010.

Nothing is wrong with that. I do not know why they are getting so anxious about the questioning. The questioning does not get at the existence of these projects, but the lack of transparency in bringing these projects, because... Mr. Minister, would you not agree that having now brought a sum as large as the one which is here, \$11.2 million, in the context of a \$22 million originally voted provision, representing a completely different activity, that would have been much more transparent and much more accountable to the National Assembly if you had defined this, independently, as an additional project and brought a profile to the National Assembly so that we could have seen exactly what constituted this element of addition?

Mr. Persaud: I reject any insinuation of the lack of transparency. In fact, this is what we are doing. These are additional resources which are being sought. Members of the Opposition are free to question, to look at, what have been undertaken, the sums appropriated for, and this is the mechanism which is provided for within our laws. So any insinuation of lack of transparency, I think, is relevant in this context because the Hon. Member is free to ask any question he wishes. I am offering the best and most accurate, and truthful answer there is in response to the questions.

Mr. Murray: Does the Minister understand or agree that when project profiles are brought to the National Assembly they are brought here for the specific purpose of making transparent the expenditure that is proposed to be undertaken for capital works for each agency, and if the expenditure of the project is aggregated there will be the aggregate of the sum provided in the estimates so that it is intended to enhance transparency and there is no substitute, Hon. Minister, to enhance transparency for bringing a project profile to the National Assembly to properly identify and define the project? I want to say this because it goes to the heart of what has been happening recently. They come with one set of proposed expenditure for which they bring project profiles at budget time and then later in the year they bring a whole heap of additional expenditures without any accompanying project profiles, and one is forced to ask oneself the question of whether these were deliberately withheld at the beginning of the budget period, when the budget was brought because what is the problem of them being brought subsequently to bring a project profile which enables greater transparency. My question to the Minister is whether in the interest of enhanced transparency – since he said there is transparency – would it

not have been better to bring a project profile and properly defined and explain this project as he has done for all of the other capital projects brought at the time of budget 2010?

Mr. Persaud: In fact, we do not only have enhanced transparency; we can consider that we have ultra transparency. Why do I say so? Because the information that is being provided on the particular activities and the resources being sought are, in fact, greater than what is even provided for as the capital profile document states here and there is no requirement for us to bring capital profile. In fact, we are going overboard by making ourselves available at the Hon. Member's discretion for the details, for the clarifications and, even if the Hon. Member wishes, for further information which can be provided. So the issue of transparency or enhanced transparency is irrelevant. In fact, we are going, and we are exceeding, the legal requirements which are being provided for in our laws.

Item 3 21-212 Ministry of Agriculture – Crops and Livestock Support Services – \$11,248,000 agreed to and ordered to stand part of the Schedule.

Item 3 21-213 Ministry of Agriculture – Fisheries – \$18,000,000.

Mr. Ramjattan: Provision for the purchase of this excavator, again, Mr. Minister, could you indicate from whom this excavator was purchased?

Mr. Persaud: We are in the process of soliciting bids so that it is in conformity with our Procurement and Tender Administration laws and guidelines, and that process is currently taking place.

Mr. Ramjattan: Well, it does appear that it is not in accordance with section 41 of the Fiscal Management and Accountability Act, subsection (5), which says that when these Contingencies Fund report are brought to the National Assembly the Minister should report as to whom the amounts are paid.

Mr. Persaud: The sums which are being appropriated will be paid to the Fisheries Department. The Fisheries Department, in carrying out various procedures which will allow transparent and accountable procurement process, will then make the appropriate award based on the judgement of NPTAB in this regard, and then payment will be made by the Fisheries Department. So the sums here will be transferred to the Fisheries Department.

Mr. Ramjattan: No. It is if it is a Contingencies Fund, then it obviously had to be an advance paid, and, then, come this National Assembly here to now replenish the Contingencies Fund. It would have appeared that the Minister has not yet advanced any money, and we, as Parliamentarians, cannot know to whom it has been advanced.

Mr. Persaud: Let me give a little context to this particular activity. Currently, an excavator is being utilising that belongs to the National Drainage and Irrigation Authority (NDIA) fleet for drainage work which is currently undertaking this activity; but that cannot continue because it is also short-changing our capacity in another area, hence, the need to purchase a dedicated excavator, and that procurement process has already started.

Mr. Ramjattan: Does the Minister understand what the Contingencies Fund is set up for? Because it has to satisfy these requirements: urgent, unavoidable and unforeseen before it is then advanced. I would suggest that since it comes under Contingencies Fund it was something that was unforeseen, it is advanced, the Ministry got the excavator and now the Minister is coming here to report to the National Assembly in accordance to subsection (5).

Mr. Persaud: Subsection (5), if it is read carefully, and this is certainly in compliance with the law as well as the other activities, says that, “the Minister of Finance shall report on the amount advanced...”, which is stated here, “...to whom the amounts were paid...”, the Fisheries Department which will undertake the activity “...and the purpose of the advances...”, which is already defined here as the provision for the purchase of an excavator for the Department of Fisheries. This is in totally in compliance with the laws which are here. The request made by the Minister of Finance is very, very clear and to the letter, not even the spirit, of the law.

Mr. Ramjattan: Quite clearly the section is stated that there is an obligation for the Minister to state firstly, the amounts advanced. Well, we know the amount which was advanced. The next one is: Is it to whom the amount was paid? So it was advanced to the Fisheries Department, but is it to whom was it paid? *[Interruption]* Who the Ministry was paying it to for the excavator? We do not want a fishing exercise here. This is a straight question which is being asked out of the law books – to whom the amount was paid? Then, stating the section, it is section 41 (5) (a): “To whom it was advanced”. Well, the Minister is saying it was to the Fisheries Department. From the Contingencies Fund, it was advanced to the Fisheries

Department. Is it to whom it was paid, from the Fisheries Department? Who it was now paying for the excavator?

Mr. Persaud: With all due respect...

Mr. Chairman: You have answered the question, Hon. Member.

Mr. Persaud: Yes.

Mr. Chairman: I think that legal matter should now rest.

Mr. Persaud: it is clearly stated that the sums from the Contingency Fund advance would have gone to the Fisheries Department, and that is provided for here.

Mr. Chairman: I do not know of any further useful purpose which will be served by this discussion.

Item 3 21-213 Ministry of Agriculture – Fisheries – \$18,000,000 – agreed to and ordered to stand part of the Schedule.

Item 4 31-311 Ministry of Public Works and Communication – Ministry Administration – \$4,708,010

Item 4 31-311 Ministry of Public Works and Communication – Ministry Administration – \$4,708,010 agreed to and ordered to stand part of the Schedule.

Item 5 45-451 Ministry of Housing and Water – Housing and Water – \$1,500,000

Item 5 45-451 Ministry of Housing and Water – Housing and Water – \$1,500,000 agreed to and ordered to stand part of the Schedule.

Item 6 46-461 Georgetown Public Hospital Corporation – Public Hospital – \$5,000,000

Item 6 46-461 Georgetown Public Hospital Corporation – Public Hospital – \$5,000,000 agreed to and ordered to stand part of the Schedule.

Item 7 47-473 Ministry of Health – Primary Health Care Services – \$15,000,000

Item 7 47-473 Ministry of Health – Primary Health Care Services – \$15,000,000 agreed to and ordered to stand part of the Schedule.

Item 7 47-474 Ministry of Health – Regional and Clinical Services – \$6,500,000

Mrs. Holder: Thank you very much Mr. Chairman. To the Hon. Minister, would he be good enough to give us the sense of to whom the funds were advanced for this purpose?

Minister of Health [Dr. Ramsammy]: The sum of \$6,500,000 was being requested for extension work at the Georgetown School of Nursing. An award was made. I do not know the name of a contractor. I will provide that later.

Mrs. Holder: A supplementary, through the Chairman: Would the Hon. Minister indicate whether from his perspective this is deemed to be urgent, unavoidable and unforeseen?

Dr. Ramsammy: Yes, this year we took in close to six hundred new nursing students into the nursing programme, and the capacity of all three schools – the Georgetown School of Nursing, the Linden School of Nursing (the Charles Rosa School of Nursing) and the New Amsterdam School of Nursing - was exceeded. For the Georgetown School, places had to be rented, for example, Critchlow Labour College, and it is extended. So it was critical to take in the extra students.

Mrs. Holder: Another supplementary: Therefore, is the Hon. Minister indicating the funds have already been allocated and spent as per the Contingency Funds and the Fiscal Management and Accountability Act?

Dr. Ramsammy: Yes. That is what I was saying. I will provide the name of the contractor.

Item 7 47-474 Ministry of Health – Regional and Clinical Services – \$6,500,000 agreed to and ordered to stand part of the Schedule.

Item 8 55-551 Supreme Court – Supreme Court of Judicature – \$6,751,023

Mrs. Riehl: Thank you Mr. Chairman. I wish to ask the Hon. Minister to explain the provision of \$6.7 million for the extension of the Family Court. Since there is no Family Court completed why is there the need for an extension? I do not understand the legend. There is no Family Court

itself that is completed, and here the Minister is asking for a provision for an extension for a building that is not even completed?

Attorney General and Minister of Legal Affairs [Mr. Ramson]: Comrade Chairman, I do not know whether it would be unusual for me to advise the Hon. Member that if she really works around the Court that she really ought to have observed that some works were being done on a continuous basis on a building which once housed, wholly, the Supreme Court Library. It has since been extended to include the Family Court. The Family Court is not yet open because of the other complimentary works which have to be done, not in terms of expenditure of money, but in order to man the Court itself, and that is in the process. But we have had, in keeping with the normal requirements, currently the requirement for differently able persons, to create driveway and to do some electrical works, and those are what accounted for the additional expenditure of \$6,751,023. That to my mind is a pittance if we are to move forward and engage the Opposition and ourselves in the judicial development process. So \$6 million is not a large sum for the kind of work which has to be done prior to the opening of this innovative exercise.

Mrs. Riehl: Supplementary: Would the Hon. Minister not agree that what he has just described are features of completion of the building and not an extension to the building that is now being built?

Mr. Ramson: I do not want to dabble in the semantics, but as far as my instructions go, with the electrical work, there was the redesigning, because there was an incapacity of that building to accommodate the kind of load. I do not know what is in the exact electrical term. The load factor had to be readjusted so that there would not be any kind of mishaps, and the driveway is nearly \$1.3 million. If provision had not been made - it is not a question of completion - for the differently able and other persons to use that driveway, especially during the inclement weather, we would have been lambasted for that. So that is the explanation. It is not an extension; it is for a redesigning.

Mrs. Holder: May I ask the Hon. Minister to indicate to whom were the funds paid?

Mr. Ramson: You may be familiar. The person is the same contractor at P.D. Contracting, whoever he or she is. Does that satisfy you comrade?

Mrs. Holder: Yes, it does. I am glad to see that one Minister knows and the other does not.

Mr. Ramson: I do not think it is appropriate for comments to be made by the Hon. Member. The Hon. Member is overstepping the mark.

Item 8 55-551 Supreme Court – Supreme Court of Judicature – \$6,751,023 agreed to and ordered to stand part of the Schedule.

Item 9 73-734 Region 3: Essequibo Island/West Demerara – Education Delivery – \$12,000,000

Mr. M. Williams: I do not see the Hon. Minister of Education, but to the person designated to answer on his behalf, I wish to ask for an explanation. Why is it that the supplementary provision which is now sought so significantly outweigh the voted provision Budget 2010?

3.12 p.m.

Minister of Local Government and Regional Development [Mr. Lall]: Mr. Speaker, I am surprised that the Hon. Member is confused because it is written clearly here, “The Regional Development Sector”. I do not know why there is confusion. It is not the Education Sector.

I want to give an explanation in answer to the question asked. The original vote of \$8 million was to supply the various primary schools within Region 3 for various amounts of furniture based on needs. Furniture would go bad over the periods of terms. At that point in time we had estimated that we would need an amount of \$8 million. Subsequent to that, three new schools were completed and we had to cater for that. As such, this additional \$12 million is to cater for furnishings for those three schools.

Mr. M. Williams: Am I to understand from the Hon. Minister’s explanation that though these schools were under construction in 2009, it was unforeseeable that they would have been opened in 2010? The visionary planning of the Regional Section, as the Hon. Minister addressed, could not have foreseen that three schools under construction in one year, close to completion, would have been opened in the following year and provided for that eventuality in the Budget 2010. We came here and deliberated on the provision for education and I pointed out to the Hon. Minister

that in my humble estimation \$8 million was insufficient for the sector's furniture supply and needs in the Region.

Mr. Lall: I cannot find that the question is relevant here.

Mr. Chairman: The Hon. Member is asking why it is that you could not foresee this. That is the core of the question when he himself pointed it out to you during the debate.

Mr. Lall: I must admit that I am not seeing as far as the learned gentleman over there. What I do know is that come September this year we will be catering for these new schools. I cannot explain as to why the technical people who make up these estimates would have left that out. We have seen the necessity now for us to make these provisions for us to have these furniture and furnishings to provide for the accommodation of the children.

Mr. M. Williams: One final question please. Could the Hon. Minister advise the National Assembly as to whether the contract for the manufacture and supply of this furniture has been awarded at this time, and if so, to whom was the contract awarded?

Mr. Lall: We have not awarded any contracts as yet but what we are going to do, as soon as the moneys are available, is to assign this responsibility to the several technical institutes that we have constructed and are capable of doing these things. I want to say that the Minister of Education and I are going to work out a program throughout the country, in the near future, for us to have these technical institutes provide furniture and the repair of furniture in the various Regions.

Mr. Murray: The Hon. Minister just said that as soon as these moneys are available certain things will be done, but this money is an advance made from the Contingencies Fund and when that it is written here, it means that it is actually being paid over to the agency. Does the Minister see the inconsistency between what is in this paper before us and what he has just explained to this National Assembly?

Mr. Lall: I want to agree with Mr. Murray.

Mrs. Holder: Thru the Chair, I would like to ask the Hon. Minister if he is aware that he is abusing and misusing the Contingencies Fund.

Mr. Lall: I get the impression that the Member is accusing me of taking this money and putting it into my pocket. We are using this money to provide furnishings for children in three new schools. I do not understand the misuse in that.

Mr. Murray: Given the Minister's earlier answer to my question, would the Minister not agree, therefore, that this is a sum that should have been properly brought under the normal request for Supplementary Provision and not using the Contingencies Fund?

Mr. Lall: Mr. Speaker that is an opinion by Mr. Murray.

Mr. Murray: That is what we have to deal with. Questions of law are treated as opinions – straight facts of law.

I have another question. In the Minister's earlier explanation he said that the project as contemplated in the Project Profile, which is at number 286, did not contemplate the schools for which the sum of \$12 million is now being allocated. Therefore Mr. Minister, does it not follow that the project as defined in the Project Profile is not relevant to the sums of money being sought now for these three new additional schools? If the Project Profile is therefore not relevant, should it not have been the case that in the interest of greater or enhanced transparency and accountability that there should have been brought to this National Assembly a separate Project Profile identifying this as a new project with the details as necessary?

Further, thru you Sir, if that is not done, would the Minister not agree that the sum of money as set out in the project profile 286 be wholly inaccurate and wrong because it states that the total project cost for 2010 as \$8 million and in fact the total project cost for 2010 is going to be \$20 million? In order to have avoided that, would the Minister not agree that by having a separate Project Profile for the sum of \$12 million, identified for these three new projects, we would have brought greater transparency and accountability to the system?

Mr. Lall: Here again I do not agree with Mr. Murray, the Hon. Member.

Mr. Murray: Sir, may I very respectfully ask the Minister why he does not agree with me? We get these bland answers that mean nothing. That is the arrogance!

Mr. Lall: As far as I know, under the Regional Program of Education we have a heading called Education Delivery and it is clearly written there; it is for furniture and furnishing and equipment under which we make provision for schools, whether for schools that are already there or those that are new. It was under that heading and we thought it wise to seek this provision.

Mr. Murray is making a big fuss as if something is illegal about this. I am advised otherwise and it is clearly stated there that it is for furniture and equipment under Education Delivery.

Item 9 73-734 Region 3: Essequibo Island/West Demerara – Education Delivery – \$12,000,000 agreed to and ordered to stand part of the Schedule.

(ii) MOTION TO APPROVE FINANCIAL PAPER NO. 2 OF 2010

“BE IT RESOLVED:

That this National Assembly approves of the proposal set out in Financial Paper No. 2 of 2010 - Schedule of Supplementary Estimates (Current and Capital) totalling two billion, two hundred and seventy one million, one hundred and ninety one thousand, one hundred and sixty one dollars (\$2,271,191,161) for the period ending 31st December, 2010.

[The Minister of Finance]

Mr. Speaker: I move immediately to Section ‘A’, Current Estimates.

CURRENT ESTIMATES

Item 1 03-031 - Ministry of Finance – Ministry Administration – \$20,000, 000

Item 1 03-031 Ministry of Finance – Ministry Administration – \$20,000,000 agreed to and ordered to stand part of the Schedule.

Item 2 51-511 - Ministry of Home Affairs – Secretariat Services – \$1,525, 000

Mrs. Holder: Thank you. Thru the Chair, I would like to ask the Hon. Minister to give us a sense of what specifically he is referring to – the supplies for the Juvenile Holding Center – and

to what extent this would improve the standard generally of this center that has been under disrepute, to a certain extent.

Minister of Home Affairs [Mr. Rohee]: This is for the Juvenile Center that I assume you are speaking about. This is for stationary, bed linens, mosquito nets, emergency lamps, brooms, mops, cleaning detergents and all other accoutrements for the center.

Mrs. Holder: Essentially, thru the Chair, will the Minister agree that this really would not improve the standards of the facilities? This is just provision of regular supplies for maintenance and sanitary purposes. It has nothing to do with the improvement of the center, per se.

Mr. Rohee: Well I hope the Hon. Member is focusing on the Holding Center that has been established in Sophia, not the New Opportunity Corp in Essequibo. We are talking about the Holding Center at Sophia which is yet to be commissioned.

Item 2 51-511 Ministry of Home Affairs – Secretariat Services - \$1,525,000 agreed to and ordered to stand part of the Estimates.

CAPITAL EXPENDITURE

Item 1 01-011 - Office of the President – Head Office Administration - \$35,098,500

Item 1 01-011 Office of the President – Head Office Administration - \$35,098,500 agreed to and ordered to stand part of the Estimates.

Item 2 03-031 - Ministry of Finance – Ministry Administration - \$20,000, 000

Item 2 03-031 Ministry of Finance – Ministry Administration – \$20,000,000 agreed to and ordered to stand part of the Schedule.

Item 3 31-312 Ministry of Public Works and Communication – Public Works – \$1,500, 000,000

Mr. Murray: This Code 1201900- Infrastructural Development - is identified in the Project Profile as Project No. 95. The only sum allocated in that Project Profile is \$2 million which states quite clearly that it entails rehabilitation of fence.

Would the Minister not agree that this supplementary provision of \$124,708,000 represents a completely new and different project and therefore – and I will go on about it – in the interest of transparency, accountability and good governance, should this not have been identified as a separate project in the Project Profiles with all of the details being provided for the benefit of the National Assembly? That is the first question.

Minister of Transport and Hydraulics [Mr. Benn]: The intention of this activity is to provide lighting for persons along the main roadway which was just completed in Region 6. As to the question of the accuracy of the profiles under which it comes, at the time it was possible to make available these funds after some engineering work was done and the funding was available. It was thought that it was best to bring this activity on as this time so that the much needed work could go ahead.

Mr. Murray: This again is another good example of evasiveness. I respectfully submit that this National Assembly is owed a duty by the Hon. Minister to bring a Project Profile for anything that is new and additional to what is here. It is the epitome of opaqueness to stick in under a project with originally a sum of \$2 million, an additional sum of \$124 million without doing the courtesy to the National Assembly of identifying the details of this as a separate project. It leads to the continuing worry that there was knowledge at the time of the Budget of some of these things, but they were deliberately not revealed and they are sprung upon us somewhere during the life of the year when they choose to avoid the responsibility to bring Project Profiles for these other things. I am afraid that you lead us to that conclusion. We do not want to draw that conclusion. If you want to avoid it, why can the Minister not find something proper to do to bring a Project Profile that explains the project?

Mr. Benn: The funds that are being expended in this project, if I may speak to them in detail, refer to lighting for New Amsterdam to the Palmyra Village for \$30,647,568; from Fryrish to Tain for \$45,298,416; from No. 74 Village, Stockholm, to Crabwood Creek at \$48,761,699 summing up at \$124,707,682.

The National Assembly is aware that we have been working hard to enhance the safety and security along our main highways. I am sure that it has not been lost to anyone that persons have seen the light on both sides of the House with respect to this activity on the East Bank, on the

West Bank of Demerara, on the West Coast of Demerara, on the East Bank and East Coast of Essequibo and moving into...

One of the fundamental issues relating to these projects is that we had to work hard at engineering to change the way that we have been doing these projects to make funding available to do these projects at lower costs so that we have greater reach around the coast and in the most densely populated sections along the highways, and this is the result.

It could not have been lost, obviously, to any person over the last two or three years that we have had reductions in traffic accidents, fatalities and other effects on the road. This is why these things are happening, along with the good work of the Police Force. I really do not want to get into the schematics of it. I am prepared to provide the Hon. Member or any other Member of this National Assembly with all the itemized details in the form of the engineering estimates with respect to these projects.

Mrs. Holder: Supplementary question, thru the Chair, given that the Hon. Minister is refusing to submit to the House an updated profile could he indicate which villages will be left without streetlights as a consequence?

Mr. Benn: It may have been lost on the Hon. Member that I did say that we have re-engineered our highway lighting program to make sure that we have greater reach and coverage along the heavily populated sections of our country. I would repeat for greater clarity that from New Amsterdam to Palmyra that lighting will be installed for the first time. From Fryrish to Tain, for the first time, highway lighting will be installed. From No. 74 Village, Stockholm, to Crabwood Creek, for the first time, lighting will be installed. I am prepared here, as I stated, not simply to bring a profile in the schematics way she requests, but I am prepared to bring and provide to her and every Member of the National Assembly the complete estimates – not simply the profile – for all of these sections.

As for the areas for which she is suggesting which are not covered that we have not gotten to those areas as yet, but we will get to them based on issues of population density and the volume of traffic which traverses those areas.

Mrs. Holder: Can I get, thru the Chair, a commitment from the Hon. Minister to indicate which areas are those that will not get the street lighting? That is my question.

Mr. Benn: I could suggest to the Hon. Member that the under-populated highway sections between Palmyra and Fryish and between Tain and Stockholm are the areas which we are unable, at this time, based on funding available and based on the criteria of population density, we are not able to address those areas as yet in terms of our criteria and priority rankings.

Mr. Williams: Mr. Chairman, may I, thru you, respectfully remind the Hon. Minister that it has been several months now... **[Interruption]** There is a question if you would allow me. In responding to the Hon. Member Holder's question the Minister promised to provide a lot of detailed information. Could I ask the Hon. Minister when he could provide the information with respect to roads and bills of quantities for roads for which he promised in February 2010, in this National Assembly?

Mr. Murray: Mr. Minister, do you understand the distinction between your offer to provide information to us as against the requirement of a Project Profile submitted to the National Assembly?

In one case, it is not an official submission to the National Assembly, but in the case of a Project Profile it is an official submission to the National Assembly and reflects the official position of the Government. That is a distinction which I would like you to note and therefore to submit to. The question is: does he understand the distinction and if he does would he agree to supply the information in the format requested, in the Project Profile, to make it official?

Mr. Benn: I think I did state that I am prepared to give more than enough information that any person in the House may require and that there are already profiles with respect to ongoing projects in the document.

Mr. Speaker: Hon. Members, I now put the question that Item No. 3, Agency Code 31... **[Interruption]** There is a rule in this House, Hon. Members, that when the Speaker is on the floor the House falls into silence. This is the second time that I have had to remind Members of that rule and wish that you pay some due obeisance to the rules of this House and allow me to conduct our business with some dispatch so that we can all get onto our other business.

Item 3 31-312 Ministry of Public Works and Communication – Public Works – \$1,500, 000,000 agreed to and ordered to stand part of the Schedule.

Item 4 44-444 - Ministry of Culture, Youth & Sports – Sports – \$184,000,000

Mr. Murray: This code number and chart of account had no voted provision in the Budget Estimates as presented to this House in February. Now we have a project to the order of \$184 million but once again, as is typical of the Government, for a completely new and un-catered for project in the original Budget, there is no Project Profile. The question to the Hon. Minister is whether he did not think it fit and appropriate and in the interest of transparency and accountability and good governance that he should have brought to the National Assembly a Project Profile for this capital expenditure. I will say it every time until you hear.

[Mrs. Backer: He does not have ears.] You are right, he is deaf.

Minister of Culture, Youth and Sport [Dr. Anthony]: Indeed, for the Budget Head, we did not have provision there. The number is zero, but every year we conduct inspections at the National Stadium and when the inspection was conducted by the engineer, it was made known that we had to do some maintenance on all the steel beams that are in the stadium.

Therefore part of what is being requested here, about \$80 million, will go to “Other Works”. We will be sand blasting the steel structures and painting it with the right material to ensure that we do not have a rust problem. In addition to that, all the other stands and buildings around will be washed and painted. That is what we are requesting. Those of you who have visited the stadium would have also observed that there are some problems with the guttering. That too we will be fixing. The next part of what we are requesting, which would be about \$80 million, and for \$104 million we want to pave the front of the stadium.

Mrs. Holder: I would like to ask the Hon. Minister to give us clarification. The paving of the tarmac to which you refer, Sir, is it for parking? If it is, could you give us the dimensions in relation to the \$80 million for which you just quoted? In relation to the “Other Works”, will the sanitary facilities be upgraded as well?

Dr. Anthony: At the front of the stadium, which we are looking at, the area is about 25,850 square meters so we will be paving that. It will be used for parking when there are big events.

When we do not have major events we would mark the tarmac so that we can have a number of courts for volley ball, basket ball and a number of other things. We would also be putting up the stage which we already have that we bought during Carifesta. We will be putting it up permanently on the tarmac to enhance the entertainment activities that we normally have at the stadium. You would recognise now that we are having more of those types of activities. That is what we are spending \$104 million on for the front of the stadium.

The \$80 million for the “Other Works” is primarily to do rust treatment on the stands and the painting of the stands and buildings. It does not include works on the toilettes.

3.42 p.m.

Mr. Norton: Could the Hon. Minister says if the other works include fixing of the elevator because your humble servant was stuck in there for a long time. I would like to know if the elevators are going to be fixed.

Dr. Anthony: The other works does not include fixing the elevators, but I can assure you that the elevators are fixed. We brought in a company from Trinidad that looked at it, fixed it and then trained one of the staff at the stadium on how to operate it.

Mrs. Holder: I would like to ask the Hon. Minister to indicate whether this exercise will be completed in time for the Jam Zone event and whether or not the funds have been paid out already.

Dr. Anthony: It would not be finished for Jam Zone because it is extensive work that we will have to do for the paving. The award of the contract for the paving was done and that is being done by DIPCON. What was the other question?

Mrs. Holder: I had asked about the sanitary facilities earlier and you did not answer that question.

Dr. Anthony: The “Other Works” are not going to include those.

Mr. Murray: I would like to describe the Hon. Minister’s explanations and him as being “frank” in name and nature and he is to be complimented for that. That is the further than anyone else has

gone today in terms of giving honest and straightforward answers and he ought to be complimented for that. I have no bones about saying that.

However, I would still like to know if the Minister, given all that explanation which was very fulsome, does not think it would have been preferable to formally have brought...

[**Mr. Ramotar:** A project profile] Thank you Mr. Ramotar. He is beginning to understand. Alas, alas, it is getting through! Would it not have been much better for him to have brought a project profile that properly explained all of that? That is not an admonition to you. I hope that the next time around you will do it.

The only other question I have is why it is so soon after we have constructed a stadium at such a vast expense, if I understood him correctly, are steel beams needed to be reinforced if not replaced or repaired? Could the Minister tell us why that has come about so quickly? And what about the project profile? I am keenly interested.

Dr. Anthony: I will start with the last question first and I will attempt an answer because I am not an engineer. In 2007 when the stadium was constructed, Guyana Association of Professional Engineers (GAPE) – the engineering authority in this country – estimated that the sum of maintenance for the stadium would be 3% of the cost of what we spent on the stadium and that should be spent annually. When you look at the maintenance for stadiums around the world, for example, the stadium used in the just concluded Beijing Olympics – the Bird Nest - which cost \$460 million, they are currently spending about \$9 million or 2.6% on maintenance, annually. What we would be spending after three years is about 0.53%. I think it is a reasonable sum of money and it is after three years. If you ask me, I think we got value and what we are doing now is just maintaining the stadium, which is necessary. That would be my explanation to you.

Mr. Murray: I did not intend to ask the Minister another question, but he has left a loophole, I perceive and it is this: I am not questioning the need to spend money on maintenance. What I am questioning and I will repeat my question is why is it that the integrity of the structure seems to have arisen as an issue in relation to the steel beams that there was need.... [*Interruption*]

Mr. Murray: Sir, may I ask my question?

Mr. Chairman: Hon. Members, please allow Mr. Murray to ask his question uninterrupted.

Mr. Murray: ...in relation to the steel beams which the Minister said have to be reinforced.

Dr. Anthony: No!

Mr. Murray: Could you explain what has to be done to these steel beams?

Dr. Anthony: Let me be as clear as I can. I did not say “reinforce”. What I said was that we need to sand blast the steel structures. All of the steel structures that we have, we will be sand blasted and having done that, we will be putting on the coat of anti-corrosive paint or epoxy that is necessary to prevent rusting. It is a rust treatment process.

Item 4 44-444 Ministry of Culture, Youth & Sports – Sports – \$184,000,000 agreed to and ordered to stand part of the Schedule.

Item 5 45-451 - Ministry of Housing and Water – Housing and Water – \$146,907,137

Mrs. Holder: There was a major failure recently in the vicinity of the President’s residence. Will the funds being allocated here be used to fix that problem and other possible problems in the sewage system around the city?

Minister of Housing and Water [Mr. Ali]: The funds here, as is specified in the remarks column, are additional inflows for the closure of projects under this Georgetown Sewage Project Phase II. The issue that the Hon. Member raised, if she can recall, in my Budget Presentation, I said that I am going to have a comprehensive study of the sewer system in Georgetown. That presentation also talked about the age of the ring network and that the network would need replacement.

Mr. Ramjattan: In view of the Minister and I supposed history, has this \$146 million been disbursed as yet?

Mr. Ali: I do not know what history the Hon. Member is referring to.

Mr. Ramjattan: Could the Minister say whether the money has been disbursed already?

Mr. Ali: As is listed here, this is a supplementary provision now being sought for project closure.

Item 5 45-451 Ministry of Housing and Water – Housing and Water – \$146,907,137 agreed to and ordered to stand part of the Schedule.

Item 6 47-472 - Ministry of Health – Disease Control – \$71,222,524

Item 6 47-472 Ministry of Health – Disease Control – \$71,222,524 agreed to and ordered to stand part of the Schedule.

Item 7 48-482 Ministry of Labour, Human Services and Social Security – Social Services – \$20,000, 000

Item 7 48-482 Ministry of Labour, Human Services and Social Security – Social Services – \$20,000,000 agreed to and ordered to stand part of the Schedule.

Item 8 51-511 Ministry of Home Affairs – Secretariat Services – \$3,000, 000

Item 8 51-511 Ministry of Home Affairs – Secretariat Services - \$3,000,000 agreed to and ordered to stand part of the Estimates.

Mrs. Backer: Sir, are you finished? I am standing all the time.

Mr. Chairman: I am finished Hon. Member.

Mrs. Backer: I am standing all the time. If I make noise, I am accused of making noise and if I stand quietly, I am being ignored.

Mr. Chairman: Hon. Member, the rule is that you are required to attract the eye of the Speaker by whatever means necessary. If you stand and you do not attract the eye of the Speaker, then that is not my fault. You have to use whatever means necessary.

Mrs. Backer: I cannot be blamed for how I look if I do not attract you.

Mr. Chairman: I am very sorry Hon. Member but if on the next occasion I do not see you, what you should do is press the button and speak.

Assembly resumed

Mr. Speaker: Hon. Members we have a long and tedious procedure to conclude this matter and I ask you to bear with me while we do so.

Prime Minister and Minister of Public Works and Communication [Mr. Hinds]: Mr. Speaker, with your leave, I move that Standing Orders Nos. 13 (n) and 54 be suspended to enable the supplementary appropriation No. 1 for 2010, Bill No. 9 of 2010 to be introduced at this stage.

Question put, and agreed to.

Standing Order suspended.

Dr. Singh: Before I move that the supplementary appropriation No. 1 for 2010, Bill No. 9 of 2010 be read for the first time, Mr. Speaker with your permission may I signify that Cabinet did indicate its consent that we proceed with consideration of Financial Paper No. 2. I believe I was required to do it, but it was not done at the time required.

I would also like to report that the Committee of Supply did approve of the proposals set out in Financial Papers Nos. 1 and 2 of 2010. Having done that, in accordance with paragraph 2 of Article 171 of the Constitution, I signify that the Cabinet has recommended that the supplementary appropriation No. 1 for 2010, Bill No. 9 of 2010 be considered by the National Assembly. I now present the Bill and move that it is read the first time.

Question put and agreed to

Motion is carried

Bill read a first time and taken through its remaining stages.

Mr. Speaker: Let me announce that the next item is the second reading of the Public Utilities Commission (Amendment) Bill. I see that the time is now 3.55 p.m. which is five minutes before our suspension. Would Members be willing to take the suspension now and return appropriately early so that we can deal with the other business? Thank you Hon. Members, we can take the suspension now.

Sitting suspended at 3:59 p.m.

Sitting resumed at 4.58 p.m.

BILLS – SECOND READINGS

PUBLIC UTILITIES COMMISSION (AMENDMENT) BILL 2010 – BILL No. 10/2010

A Bill intituled:

“An Act to amend the Public Utilities Commission Act 1999.” [*Prime Minister and Minister of Public Works and Communications*].

Mr. Hinds: Mr. Speaker and Hon. Members....

Mrs. Holder: Mr. Speaker, I rise on a point of order. I would like to refer the Hon. Prime Minister to Standing Order 54, Section 2 which says:

“No Bill shall be read a second time before the expiration of six (6) days from the date of its publication in the Gazette and until it has been printed and circulated to Members.”

Regarding the last part, we received copies today. However, if you check with the Gazette Section of the Office of the President, they would tell you that they are not available. I recall you ruling sometime ago that publication means accessible to the public. The Bill before the House being read a second time is not accessible to the public and I want to bring it to your attention and request that Standing Order 54 (2) be properly recognised.

Mr. Hinds: I would like to remind the Hon. Member and the House that these two Bills were laid in the National Assembly last Thursday. I have the copies on my desk. At least I think that custom and practice up to this time had been accepting the laying in the House as

Mr. Speaker: Mrs. Holder, the first point is that this Standing Order has been amended from seven (7) to six (6) days and I think you might be aware of that. Unfortunately, I do not have any means of verifying when it was or was not available at the Office of the President. It was published on 29th July and we received a copy on that very day it was published. On the day it was laid in the National Assembly, it was circulated to Members so I do not know on what basis I could rule that we cannot go ahead with the matter. I appreciate what I had said in the past. I am aware of that.

Mrs. Holder: Mr. Speaker, I want to point out to you that what was laid in this House on 29th July was, in fact, foolscap copies and not what is traditionally the Official Gazette’s copy. We

received these copies today. I tried to purchase it from the Office of the President Gazette's section and it is not available. If you call the Office of the President, they would tell you that neither Bill No. 10 nor 11 is available for sale. Therefore what will happen is that it will be printed and published retroactively as if it was available to the public. I believe that is committing a fraud on the public who have a right to have access to what this House does according to the Standing Orders. You can rule Sir, but I am saying to you that if the Clerk calls the Office of the President's Gazette section he will be told that these Bills are not available to the public.

Mr. Speaker: Thank you Mrs. Holder, but we really cannot run the National Assembly on the basis of the Clerk calling the Office of the President. We have a Bill in our hands dated 29th July, 2010 and it has been printed and circulated to Members of Parliament. I think that satisfies the Standing Orders.

Mr. Carberry: Mr. Speaker, does the House not get a copy of the Official Gazette? I think the point the Hon. Member is making is that the Bill must be published in the Official Gazette. Since the National Assembly gets the Official Gazette, it is a simple matter of verifying if it is in there.

Mr. Speaker: It has been a matter of long practice, before my time, that first reading Bills are not necessarily Gazette Bills. I came and met that here and that is what the practice has been. I cannot run the Parliament on the basis of my Clerk calling the Office of the President. That is not the way we do business.

Mr. Carberry: Sir, with all due respect, we are not talking about the Clerk calling the Office of the President. The Official Gazette is a publication that is available. I guess the Bill would be a part of the Official Gazette. Did the Clerk receive the Official Gazette of that date with the Bills?

Mr. Speaker: I have no idea whether the Clerk received an Official Gazette with the Bill of that date. I have before me, presented to me by the Clerk, a copy of the Bill which has been published in the Official Gazette. I do not know what else I must do. I cannot have the Clerk running around calling the Office of the President. I am advised that this was published in the Gazette.

Mr. Hinds: Mr. Speaker, Hon. Members, the Government has embarked upon a number of measures to enhance Guyana's power sector. It has been some years now since we had the major

reforms which included the ESRA of 1999 and a new PUC Act of 1999. Since then we have had some eleven years of experience and in those years, certain issues have arisen which we now take the opportunity to introduce in law by amendments. Firstly, now we are discussing amendments to the PUC Act of 1999 and immediately following this, we will discuss some amendments to the Electricity Sector Reform Act of 1999. Let me get on with this Bill No. 10 of 2010 which seeks to update the PUC Act of 1999.

The clause 1 is just a short title.

In clause 2, we enact what has become practice and that is that the Minister responsible for the PUC in selecting people for appointment to be Chairman and Members of the Commission would consult with relevant organisations. What we have put in here are the names of some relevant organisations – consumer groups, the private sector, the legal profession and the public utilities to be regulated and the Opposition – and the Minister shall take their views into account in making appointments.

In clause 3, the PUC in the course of its functions would need to retain professional services from time to time and Clause 3 says it can be done, but it should be done in conformity with the Procurement Act of 2003.

In clause 4, there is an amendment of Section 52 of the Principal Act dealing with the resolution of complaints by the PUC and it gives the PUC no more than 120 days to resolve matters that are brought to it. Also, there is an amendment that the orders so made by the PUC would be binding on both the public supplier and the consumer.

5.11 p.m.

At clause 4 (b), it is further being enacted here that any payments or credits to be settled as a result of that order should be done within, no more than, ninety days. At the appropriate time I will have to introduce a further amendment here, because I think it was on the umpteenth reading, at about 12 o'clock or 12:30 pm, when I spotted it. I was reading it no more, and then I really saw that it was no less here. So at the appropriate time I will have to introduce that amendment from the floor, here.

In subsection (c) of clause 4, the Commission is now empowered, properly, to make rules for the procedures for resolving consumers' complaints. The law, as it is written, now only speaks to rules for the form of the complaint. To make everything proper and explicit, we are now making this amendment that gives the Commission the authority to make rules for the procedure for determining consumers' complaints.

I spoke earlier to the order that the PUC may put out at the end of hearing a complaint. In clause 5, here, there is an amendment to require that the order be served upon the Public Utility, the consumer and other relevant persons. Up to this time, there is a requirement for the order to be served on the Public Utility and silence on consumers or any other person.

We then go to some sections which deal with the funding of the PUC. Here in clause 6, we are increasing the cap on the annual assessment which the PUC may impose on a public electricity supplier from \$25M to \$50M. On the one hand, it is a proper charge in calculating the tariff. But on the other hand, it provides more funding so that the PUC can more rigorously regulate the electric utility. We cannot have it both ways, Hon. Member, Mr. Corbin. Similarly, in clause 7 there is an amendment to section 65 of the Principal Act, with respect to rate proceedings, where it is now set, the maximum which can be imposed in matters of rate proceedings, at one-fifth of one per cent of any public utility referred to in clause 4 (1) (a), and that is, electricity suppliers.

In clause 7, subsection (b), the limit or the cap for other types of investigations is the alternative of \$15M, whichever is less, is removed. So it is now set specifically at..., and let me get back to the original Act here and read it. In respect of the sum, the sum that the PUC may impose on a public electricity supplier, in respect of all other investigations, it is now fixed at one-tenth of one per cent and \$15M, whichever is less, is removed. These arrangements are to bring more certainty to the funding of the PUC so that it may more rigorously, it will also, in one case, increase the cap on what might be imposed, so that it will have more funding to more rigorously regulate the utility.

The remaining clauses - clauses 8, 9, 10, 11, 12 and 13 - deal with offences which that may be committed and raise the fines from no more than \$1M to a figure not less than \$2M, nor more than \$3M. So that if a utility disobeys a PUC's order it is now liable for a fine between \$2M and \$3M, whilst previously it was no more than \$1M.

Similarly, at clause 9, if a utility fails to supply information requested it could be fined a similar amount. Clauses 10, 11, 12 and 13, here, speak to a number of other offences which are listed in the principal Act.

Clause 72 speaks to false returns or false information. Clause 73 speaks to wilful default by an employee of the utility, in furnishing information. Clause 74 speaks to obstruction or interference with members or officers of the Public Utility Commission in the discharge of their duties. Clause 75 speaks to other types of offences, and clause 76, there are no changes made.

These are not complicated or complex amendments which we bring here to this House. They arise out of experience. They basically put in place a number of arrangements which were being done, more or less administratively, but they now require them by law.

I move that this Bill be read for the second time and be supported by all sides of the House.
[Applause]

Mr. B. Williams: Thank you Mr. Speaker. This Bill, the amendment Bill proposes, to amend the 1999 mother Act regarding the establishment of a Public Utility Commission. However, 2010 is a far cry from 1999, and, as you, Mr. Speaker, and other Members of this Hon. House would know that a lot of changes have been made to our Constitution with the express intention of making our system more inclusionary, as we claim to have a democratic system. For example, there is article 13 which speaks to the consultative inclusionary democracy; specifically, it provides the synopsis objective of our political system.

“The principal objective of the political system of the State is to establish an inclusionary democracy by providing increasing opportunities for the participation of citizens, and their organisations in the management and the decision-making processes of the State, with particular emphasis on those areas of decision-making that directly affect their well-being.”

Also, any construct of this kind, in this Bill, coming to this Hon. House in 2010, regarding any commission, should make provision for that commission to be autonomous and transparent. Certainly, in the appointment of the members to the Commission, article 13 would be applicable. But on a mere reading of the Bill, on a mere visual apprehension, one would have the impression

that, in fact, the provisions relating to the establishment of the Commission and the appointment of members speak to transparency and accountability. Perhaps when one reads deeper one might arrive at a different conclusion. This is what clause 2 which purports to amend section 5 of the 1999 Act reads thus:

“Prior to appointing the chairman and other members of the Commission under subsection (1), the Minister shall consult with organisations whose concerns are relevant to the functions of the Commission, including consumer groups, the private sector, the legal profession, the public utilities to be regulated, and the opposition, and shall take their views into account in making appointments.”

On a mere visual apprehension, one would want to believe, or might be induced to believe, that this speaks to transparency; but does it? What is meant by consumer groups, the Opposition and the private sector? All we have here are generic terms. In other words, what is desirable in any democracy is that organisations which are seen as representatives of whatever area in this country would be the ones that would be consulted. So what is here is a kapu. In other words, there is the Opposition; what is that? So the leading Opposition party could be bypassed, and another Parliamentary Opposition party or a non-Parliamentary Opposition party can be consulted. For example, the consumer groups, we know of Ms. Cox’s consumer group, but I do not know which other consumer group will be consulted. Then there is the legal profession. One would hope that when we speak of the legal profession we would speak to the Guyana Bar Association and not to bypass it. So, in other words, if one were to query how these persons were appointed the Minister, here, could easily say, “Well, we consulted some other party and as you know...”, and that is transparency, but he bypasses the main and major agencies that should be consulted.

So what is needed, to some extent, to bring it in conformity with the prevailing democratic ethos of consultancy, is that the names of the particular groups should be specified that will be consulted, and it is not just to leave the situation where the Minister could run all over the place and say that he has done consultation. To reinforce what I am saying, let me respectfully refer, in this Hon. House, to article 232 of our Constitution which speaks to consultation and is defined, in article 232, as “meaningful consultation,” which –

“...means that the person or entity responsibility for seeking consultation shall -

(a) identify the persons or entities to be consulted...”

I am respectfully submitting that this clause does not identify the persons, bodies or entities to be consulted, because they cannot be identified by saying the Opposition, the consumer groups, the private sector, and the likes. This provision needs to specify and identify for purposes of consultation, the Guyana Bar Association - if the two can be put - the Women’s Lawyers Association, certainly, there should be the consumers association, specific entities, and that is what the Constitution says that must be done. After this provision, in the Constitution, any consultation, on any law, in Guyana could only mean “meaningful consultation.”

So we will respectfully recommend that we tighten, in order to achieve transparency and accountability, by specifying the Guyana Bar Association for one, and the Leader of the Opposition. I do not understand what is happening. How could a provision say that the Minister shall consult the Opposition and bypass the traditional democratic approach where the leading Opposition Party is consulted with, as represented by the Leader of the Opposition? When the Leader of the Opposition is consulted it means that all other political Opposition parties, in Parliament, would have been consulted. We cannot be, in 2010, passing legislation that is still stranded in the past, where the Minister appoints everybody. That is the present provision in the 1999 Act - the Minister appoints. Now, he is trying to give some assemblage of transparency and, in 2010, talking about consulting these generic groups, and no one will be better off in knowing who is consulted.

So if I might respectfully refer to the Public Utilities Commission Act of Belize, which was recently updated, or revised, in 2010, but it was passed in December of 2000, states quite clearly, in section 32, “The Commission shall be autonomous...” Why do we not have this in this Bill? Why do we want a PUC that is malleable and could be controlled by the Minister or the politician, and the political bureau? This is a recalcitrant provision. It has no place in a modern democracy. We need to have the underpinnings for a democratic commission. It should be autonomous. We do not want anyone breeding down the Commissioner’s and the Chairman of the Commission’s neck.

Secondly, in that country it is shown how it achieved transparency. [Mr. Rohee: You will do that when you get in there.] That is going to be soon, as you know, Mr. Rohee. Very soon!

Section (4) indicates that the Commission and the Chairman would be appointed by the Governor General – listen to the construct - acting on the advice of the Prime Minister, given after consultation. It is not with the Opposition. Do you know it is with whom? It is with the Leader of the Opposition, and that is how all civilised societies operate. They claim to be democratic.

So what is the construct? The construct is that there are independent commissions that should be allowed to do their work. There should be their mission statements embodied in those Acts. They should have what is their outlook - their purpose. Those things must be specified because people are being dealt with; consumers are being dealt with, and a very important service is being dealt with, for example, the electricity supply and the telephone and telegraph facilities. So that is one situation, which is here, that construct speaks clearly that the politicians should be kept out of the appointments of members of a Public Utilities Commission.

Also, in North Carolina, for example, what is the purpose of the PUC is indicated. What is this purpose of the PUC, so that it would not stray, and so the public would know to keep it in check? For example, it has several, but I will only identify a couple.

(i) “Provide fair regulations of public utilities in the interest of the public.”

So the whole basis for the legislation is for the protection of the interest of the public.

(ii) “Promote adequate, reliable and economical utility service.

(iii) “Provide just and reasonable rates and charges for public utility services and promote conservation of energy.”

In Trinidad, for example, in its Public Utilities Commission Act, which is called the Regulated Industry’s Commission, it has this as its mission statement:

(i) “To be a dynamic institution responsible for promoting the sustainability of service providers of regulated industry.

- (ii) To ensure that the regulated industries provide reliable and efficient services at fair and reasonable rates.”

And it is noticed that what we are getting all the time is the provision of these services “at fair and reasonable rates.” Whether the Guyana Power & Light (GPL) is supplying us at a “fair and reasonable” rate, I am sure it can be resoundingly answered by the majority of the Guyanese population.

- (iii) “To build a credible and transparent regulatory regime that responds adequately to stakeholder’s concerns.

- (iv) To demonstrate fairness, equity and concern for the national welfare in the performance of the functions.”

But when we look at, both at the 1999 Act and the attempt to modernise it, today, the Bill we see nothing of the sort. So what is the mission of this PUC? It is to say it wants \$50M more from GPL to put into its budget as we are seeing in clause 6 which amends section 64. That is going to be transferred to the consumers. Presently, it is \$25M. The PUC of Guyana could assess GPL, today, at \$25M to go into its kitty. That is one. But it is not satisfied with that, and that is where it purposes a thousand per cent increase, from \$25M to \$50M. I was never good at Maths. I said one hundred per cent at first, though. The point is that this would be transferred to the consumers, and we do not know what the basis is for such a substantial increase for this assessment. Secondly, this is done under section 4(1)(a) of the 1999 Act which speaks only to the electricity sector, but there is also section 4(1) (b) which deals with the telecommunication sector. I do not see any assessment spoken to in relations to that. So I do not know why it is decided that the consumers of electricity should bear the brunt of all of that impasse.

If we should continue, the question is: Do we have a provision that is before this Hon. House that encapsulates transparency and accountability? It is clear that what is here is that the Minister appoints the entire Commission and he does that in a murky way. That is in a shadowy way. That is in a non-transparent manner in the sense that one cannot know beforehand, in fact, who the Minister is going to consult, and that cannot be a democratic tradition. Therefore, we are asking that the provision here be amended so that it can be in accordance with article 232, identifies persons, entities and organisations that shall be consulted by the Minister.

In fact, in Trinidad and Tobago there is no political involvement in the appointment of this Commission. The Governor General who is a non-political person... [*Interruption*] ...Sorry, I could understand if Mr. Neendkumar picks that up. The President appoints the members of the Commission and he only appoints them in accordance with his own deliberate judgement when he makes an assessment as to their competence. But then the Commission, when appointed, any consultation is done by it. So there is nowhere in that scheme any political person has any role. That is, the Minister is not involved whatsoever. Therefore, we are saying that we cannot continue to talk about democracy when, in fact, we are creating a more and more repressive system.

So we have to guard against that. I am not saying that the Minister would not consult the Opposition. We are saying that we must not have to speculate about that in the legislation which is before the House. It must be stipulated in accordance with the Constitution.

The other main aspect of this Bill deals with the complaint procedure, because it is important that Guyanese consumers of electricity, for example, are enabled to seek redress. We have no problem with the scheme in this Bill which will afford them the opportunity to make complaint. The amendment clarifies it that the consumer, the utility service and the Commission, all of them, can make complaints. Before that, it only spoke about the public utility complaining and the procedure it has laid out is consistent with the procedures in other jurisdictions. We do not have a problem there. The question though of the heightened punishment, the heavy increases from \$2M to \$4M, those are heavy increases in penalties... Whether it is from \$1M to \$2M or \$2M to \$3M that could only be small money for Members on that side of the House, Mr. Speaker, but I can assure you that is plenty money for the rest of the world.

5.41p.m.

Save for our doubts about transparency and accountability being achieved by the provision in clause 5, the proposed amendment, we have no difficult with the other provisions, but we would like to see that article 232 is complied with if this Bill is to have its passage through this Hon. House, and to achieve its objective of transparency as is stated in the Explanatory Memorandum which, in fact, the Hon. Prime Minister did not read. Thank you Mr. Speaker. [*Applause*]

Minister of Labour [Mr. Nadir]: Thank you Mr. Speaker. I rise in support of the Prime Minister for this Bill to be read a second time. Before I say so, let me just refer to the presentation by the Hon. Member from the Opposition, Mr. Basil Williams, who I felt took us just on a verbal excursion. As any good tour guide would do, as one goes along the excursion path, is to point out what is there and what is not there. All he saw was that there was nothing. He spoke of autonomy. There was not enough to address transparency. He says that these particular amendments do not address transparency and autonomy. I will submit that they have actually done exactly that.

Let us take the issue of autonomy first. He said that in Belize it is specifically stated that the Act speaks to “The Commission shall be autonomous.” In the Principal Act of 1999, I think, which was passed some time in March, did speak to the issue of autonomy, in section 5, that “The Commission shall be a body corporate, setting up the legal nature of the Commission.” But when we go to Section 21 (4) of the Principal Act, this is what it states:

“Subject to the provision of this Act in the exercise and discharge of its functions, the Commission shall not...”

“...shall not...” I repeat.

“...be subjected to the direction or control of any person or authority.”

Tell me if that is not autonomy - “...shall not be subjected...” to it.

On the excursion, he failed to point out the relevance of the particular section which he failed to address. The omission in his excursion is the issue here. I feel that the Principal Act does address the issue of the autonomy. Once appointed, no Minister or President can call the Commissioner and tell the Commissioner to do x or y. I am the Minister responsible and I cannot do it. The Commissioner cannot do it. If there are Commissioners of any standing and this provision of changing what exists in the Principal Act will provide, even more, of a Commission that will stand scrutiny and represents stakeholders.

Transparency: What is happening here is that the Prime Minister appoints. Because the Prime Minister appoints, maybe he can disappoint, but the Principal Act addresses that. The example he spoke to, about Belize, speaks to a Governor General. Mr. Speaker, you and I know that

Governor Generals are titular. They are almost creatures of the Prime Minister. The British system states that once a Prime Minister nominates a Governor General to the Queen, White Hall will approve. I have not known in my study of the Westminster System, apart from the time when there was the establishment of the British North American Act, the Canadians had been a bit rabble-rousing, but, generally, there has not been...The Convention is that the Crown appoints anyone who a non-Republic Commonwealth country would nominate as Governor General and most times it is the Prime Minister. I do not know that the Belizean situation is far superior to the Principal Act that we have here and what these provisions in the amendments will improve upon. In fact, if we go to the Principal Act, in terms of how the Commission would be appointed, section 5 (1) states:

“There is hereby established, a Commission to be known as the Public Utilities Commission which shall consist of a Chairman and other members to be appointed by the Minister from among persons appearing to the Minister to be of high character, to be qualified as having had extensive and relevant professional expertise in trade, finance, economics law, accounting, business, management.”

That is all it says. Here is the Prime Minister saying I want to do better than that, that while that was in the Principal Act - and I listened carefully as to what the Prime Minister said - we are putting policy into the law. The policy of the Prime Minister in appointing the Commission has been to consult. He is so confident that this is working well that he is now going a step forward in introducing an amendment. He is introducing the first amendment here which states that he will have to – it is no longer policy; it is no longer discretionary - include consumer groups, the private sector, the legal profession, and the public utilities to be regulated, the Opposition, and shall take their views into account in making appointments. In fact, what the Prime Minister has done here is to operationalise the same two particular provisions in our Constitution. I think he mentioned the last two articles 13 and 232 and put them into the Public Utilities Act. But it we have listened to Mr. Williams, he wants us to be more specific. He wants us to possible name the list of entities which the Prime Minister ought to consult with and we have seen...Mr. Speaker, you have been part of the Constitution Reform Commission when we have had these elaborate systems of identifying organisations, bringing them to the National Assembly, having those approved, then going out and consulting with them. We can go through that for everything we

do. What we have here in this amendment is a vast improvement. I am not a lawyer, but I have done some amount of reading. There is a reason why political parties are not allowed to register as legal entities. I think there was a provision in the 1850s, in New Zealand, and upheld somewhere else, about shifting bodies of membership. I am sure the learned counsels around here could guide us. So many political parties have to have holding companies. The PNC has and there is arrangement in some other parties - holding companies.

One of the problems with listing and naming organisations is that those organisations could become unrepresentative of the sector, and there could be more than one organisations. There is a typical case - the history of the Guyana Agriculture Workers Union (GAWU) and the Man Power Citizens' Association (MPCA) There it is today in the Trade Union Congress. The Trade Union Congress does not fully speak for one hundred per cent of the organised labour. If we enshrine, and I think when there was the Trade Union Recognition Bill, an organisation like that, even if it has no relevance today, even if it is five years later, then we are going to be stuck with the coming amendments.

Consumers Association of Guyana: Clearly the Hon. Member who just spoke is out of touch with what was happening. There was the Guyana Consumers Association that typically – there are two faces, Pat Dyal and Eileen Cox - serves very well the consumers of this country. In came the Hon. Member today, Ms. Sheila Holder, and she had tons of problems with the way the Guyana Consumers Association is run. I am a member of the Guyana Consumers Association since 1979 and I never got a notice to any meeting. I have my card in my bag. I can prove it to the Member. So out of that came the Consumer Movement of Guyana. Could you Remember Sherwood Kendall, Mr. Brown, and so forth? They were actually not doing a bad job also. I do not know if Ms. Holder was a member of that particular grouping. [A Member: No.] She has another grouping. If we enshrine these bodies, we are going to have a problem. Is the Guyana Bar Association representative of all the persons in the legal profession in Guyana? The Opposition Members are trapped in this issue of presenting minority views as the majority, and so they continue to back minority organisations, ignoring the pleas of the people. [A Member: It is fluff.] Someone says it is more fluff. There are lots more, and he has not fully consulted with the Principal law.

I find that the comments he made...and even to the Trinidad situation with the President appointing the Commission, again, I am confident that there will be, with the change of Government, a new President appointed in Trinidad and Tobago. While he has problems with the Prime Minister having to appoint, and this is a broken record... [Mr. B. Williams: What about the Leader of the Opposition?] I am coming to the Leader of the Opposition. While there is this problem with the Opposition always now saying that the Government should not be appointing here and there, it wants every thing to run through the Parliament. We do not have... It does not want any Minister to appoint anything. Apparently, it wants the Leader of the Opposition to appoint. There was a mandate given, and the rules have changed significantly to ensure that there is more input by the people of this country into running the affairs.

The Hon. Member, Mr. Williams, said, "What about the Leader of the Opposition?" I remember, not too long ago, when certain political parties, in here, complained that they were not consulted by the Leader of the Opposition. I remember that, and in order to enforce it they had to go to the Court. But when there was a honourable gentleman by the name of Hugh Desmond Hoyte, the late, and we, the Opposition, had to submit a list of five names not unacceptable to the President when choosing the Chairman of the Elections Commission. I would have even got a call from Mr. Hoyte to say, "Manzoor, we have this thing and we have to consult, so I am inviting you to a meeting." But when one sees the experience of the Leader of the Opposition when consulting with all Opposition parties, one would be very sceptical to enshrine in this that the Leader of the Opposition to consult alone. So this issue of enshrining these positions, enshrining the Leader of the Opposition, in here, does not guarantee...Basil Williams, the Hon. Member, actually said, in his presentation, that when the Leader of the Opposition is consulted, all of the Opposition is consulted. He did say so in his presentation. [Mr. B. Williams: No.] Yes. You did say so. [Mr. Nandlall: Mr. Nadir, the Leader is number one.] Yes, the leader is number one. I would like to really disappoint him by saying that his presentation, in terms of autonomy and transparency, does not hold any particular water. Perhaps, as my honourable colleague on this side said, it was an excursion of vagueness, in terms of his presentation.

The provisions in clause 3 speaks about this whole issue of enshrining in this agency, the Public Utilities Commission, the Procurement Act shall apply. Again here the Government is faithful in

ensuring that in the award of the contract and tender that it will follow the law and make it unambiguous that the Public Utilities Commission will also follow the Procurement Act.

I am very pleased that clause 4 of the Bill deals particularly with timelines for addressing consumer complaints. This did not just jump out. It had the benefit of consultations. In fact, there was the public utilities and electricity sector study done, a study financed by the Government of Guyana Inter-American Development Bank project, out of which a lot of these recommendations are flowing - the recommendations on the Public Utilities Commission and also the next Bill which we are supposed to be debating. This is an advancement, in terms of how complaints are being dealt with. The complaints are not one-sided. There are complaints from consumers and the public utility. The Public Utilities Commission has to be a fair arbiter. It cannot take one side over the other. It takes the side of one or the other when they have produced the evidence that is irrefutable and it makes an award. Here, again, in responding to the consumer claims, these amendments go a bit further than the ten-year old Act that we have before us.

In clause 5, it does not seem significant, but it is, because the difference between the amendment and what is in the Principal Act speaks to the issue of if a matter is brought by several persons that the order shall be given to each person. Each, in the entire group, the order shall be given to - not just one person. It is a big improvement, because we could end up having actions to which more than one person is joined. The original Act spoke to the person and the Public Utilities Commission. Here it speaks of giving the order to everyone who signed on to the complaint - every single one. If that is not being transparent, if that is not being accountable, and if is not responding to the wishes of the people of the country, then I do not know what it would be.

I never knew that in computing - I am sure we have a couple of accountants here or may have friends who are good at accounts – fines are expenses on a company. Fines are never expenses... I know we have a chartered accountant among us, a doctor in accounting, and he can tell us. [Mr. Carberry: Who is that? Is it you?] Not me, I do not profess to be so well informed, but I am sure Dr. Singh will tell us that fines can never be included as expenses. When the Hon. Member said that fines will be passed through and contributions, which are being made here, are going to pass through to the consumer, I sincerely doubt that they can be that easy to pass through.

Then he made the issue that the fines are too high. I think only recently we debated the New Building Society Act when we looked at the issue of one per cent of the membership which then could have been forty, and today we are dealing with turnovers of companies which have exploded. Ten years ago, GPL company's turnover - I think we have some of the principals here - may have been sixty per cent of what it is today. Guyana Telephone and Telegraph (GT&T) company, on the other hand, revenues have gone exponentially. The work that the Public Utilities Commission has is also expanding exponentially. In 2006, the Public Utilities Commission had two hundred and fourteen complaints. In 2007, it had two hundred and eighty-three complaints. I did not get the updated figures for 2008 and 2009. I do not think we need a lesson today in statistics, but that shows the growth. In fairness to the Public Utilities Commission, by the end of the year it would only have about ten per cent of the complaints unresolved. I agree that ten per cent of three hundred persons is twenty persons and every person who finds that he or she has been injured ought to get some redress, but some will take longer than some. So this provision of capping the time within which the Public Utilities Commission must respond is very admirable.

The issue of fines has been addressed. He did mention that there was actually a provision here which sought to decrease fines. When we look at clause 7, it spoke about half of a per cent in terms of fines. This provision now decreases that. It says, "...one fifth of one percent..." and not half. As revenues explode, half of one per cent would have been, if we had a hundred, fifty, but it exploded now to become one thousand. Sorry, that was five at first...I am like Mr. Basil Williams, poor in Maths. But, it is actually provided here for a decrease in the percentages of the assessment of fines. He missed that also. These are progressive, well informed amendments which are being tabled before us, and I want to ask the Hon. Member from the Opposition and those Members who may want to argue otherwise to disabuse themselves from the mind that this democratic, transparent Government will ever introduce any provision that is going to be to injurious to the people of this country. Thank you very much. [*Applause*]

Mrs. Holder: Thank you very much Mr. Speaker. It is my impression that one can hardly find fault with the intention of this Bill that seeks to broaden the representativeness of the Public Utilities Commission; that seeks to bring the Public Utilities Commission under the ambit of the Public Procurement Commission Act of 2003; that seeks to introduce a time frame limiting the

Commission to a specific time for investigating complaints by the consumers, and indeed a time frame for finding a resolution to the billing problems presented by the consuming public. I can hardly find fault with any of those and I certainly do not seek to do so. When I listened to the Hon. Prime Minister I began to wonder what occasions these amendments, at this point in time, specifically, and whether or not he will be prepared to tell us more about the process. For instance, if he intends to bring into effect the amendment on the list, clause 2 (1A) (a). One can hardly find a complaint or a fault with the fact that he wants to consult a wider representation to contribute to the appointment of members of the Public Utilities Commission. But surely he can give us some indication of the process he intends to apply to ensure transparency, and to give this House some assurance that it is not just merely a cursory exercise, but a genuine one which is intended to broaden the representativeness of members of the Public Utilities Commission.

With respect to amendment subsection (2A) clause 3, I see no reason to object to putting the Public Utilities Commission under the ambit of the Public Procurement Act and making it in to a budget agency, but I want to make the point to the Hon. Prime Minister that unless and until, he establishes the Public Procurement Commission he is merely introducing another agency which will appear not to be transparent and that will bring further contention in this society with respect to public procurement. It is so essential that the Commission be established if he is serious about transparency and accountancy, and it is necessary also to establish the Appeals Tribunal to give people the right of the appeal. These do not exist now, and so telling us that you are going to put the Public Utilities Commission under the ambit of the Public Procurement Commission is not particularly comforting in that regard.

When I look at clause 4 (a), I want to say to the Prime Minister that I believe four months is really extensive in addressing complaints. Many of the complains which the consuming public has to endure, particularly with respect to the Public Utilities Commission, cannot be tolerated while the Commission takes four months to investigate it. I really would hope that the time frame would have been more expeditious, maybe a two-month period or three the maximum, but four months, I think, is pushing it.

When you come to clause 4 (c), it states:

“The Commission shall make rules, subject to the approval of the Minister, governing the procedure for determining the consumer’s complaints provided for in paragraphs (a).”

I would like the Hon. Prime Minister to indicate to the House what these rules are likely to be, and when and where they will be published for the benefit of the consuming public.

I really have no reason to complain about the increase in fines. I believe that the theft of electricity is reprehensible and it is something we need to deal with as a society, as a whole. We must not ignore the fact of the circumstances, however, which will lead to the theft of electricity. It resides, from my perspective, in the fact that there is a significantly growing number of people who believe that they have a right to the basic necessities of life but cannot afford them. It speaks to the state of our economy. It speaks to our inability to address the levels of poverty in our society. While I make the point on the one hand, it is necessary that I explain the rationale or the circumstances which lead to those.

With those few words, I would like to say on behalf of the Alliance For Change that the Hon. Prime Minister will have our support for this. [*Applause*]

Mr. Hinds (replying): Mr. Speaker and Hon. Members, I do not think there is much for me to say in winding up here. I think my colleague, Hon. Member, Minister Manzoor Nadir, has spoken very adequately and precisely to a number of issues raised by Hon. Member Mr. Basil Williams. Let me just refer to, maybe, one point. Hon. Member Basil Williams spoke about separating politicians from the processes.

6.11 p.m.

I would like to say to him that Governor Generals and Presidents come out of political processes, themselves, and one could probably relate to a number of situations and, maybe, particularly, in our neighbouring country of Trinidad and Tobago which he appealed to where actions by the President have been interpreted by some, or have been seen by some, to be partisan or to have some political colour to them. I do not think we can get away completely, while we try, and we have tried in this law – the Public Utilities Commission Act – to get away, as far as practical, from partisan type considerations, or partisan type inputs. I think Minister Nadir spoke quite a lot, already, to the question of listing the names of the bodies to be consulted. I think what is

there is adequate for this particular time. If it is, that in the future it appears that there should be further refinements, then that would be considered.

I need to address, maybe, one or two new questions put by the last speaker, Hon. Member Mrs. Sheila Holder, and she asked, “what occasions these amendments?” to this time. I can say that they have been identified from time to time. I can say that we have been speaking with various institutions about the performance of the electricity sector and ways to improve its performance, and as you may know those institutions have put quite a lot of importance in updating and amending laws so that these amendments today, I can say, are being brought as part of our ongoing arrangements with the Inter-American Development Bank, but there are arrangements which we believe are good for the country and good for the electricity sector.

I do not think it is accurate to say, but I will have to yield to the opinion of the Minister of Finance, that we are making, in these amendments, the Public Utilities Commission into a budget agency.

On the question of one hundred and twenty days being allotted to the PUC to resolve complaints, it is the maximum figure. I think the PUC will resolve complaints much more speedily, but it allows for situations where information and investigations, are long and, maybe, complicated investigations, may be required, but it sets, now, a maximum.

On the other question, at clause 4 (c), put by the Hon. Member about the Commission making its rules for governing the procedure for determining the consumers complaints, and so on, I would expect that the PUC, having made those rules and having had them approved, would consider how it may be made or how it may be brought into the public arena. I would expect that it does so. I do not expect the Minister who is responsible to be doing that.

So Mr. Speaker, Hon. Member, I would like to move, again, this Public Utilities Commission (Amendment) Bill – Bill No. 10/2010 be read for the second time and be supported by all Members of this House. [*Applause*]

Question put and carried.

Bill read a second time.

Assembly in Committee.

Mr. Chairman: Hon. Prime Minister, was there was an amendment, as you said? That is in relation to...

Mr. Hinds: Yes, it is an amendment to clause 4 (b).

Mr. Chairman: It is at clause 4. Okay, thank you. We come to that. Hon. Members, are there any other amendments that you are likely to propose? If no...

Clauses 1, 2 and 3 agreed to and ordered to stand part of the Bill.

Clause 4

Mr. Hinds: I would like to propose that in clause 4 (b), in the second to last line of that subsection, that the word “less” be removed and the word “more” be inserted.

Mr. Chairman: Clause 4 (b) has three parts. Part three has about a dozen parts, which exactly are you talking about?

Mr. Hinds: It is in clause 4 of this Bill, Sir.

Mr. Chairman: One second, I am looking at the wrong Bill. It is clause 4 (b), sorry. It is the word “less”.

Mr. Hinds: Yes. It is the word “less” to be deleted and the word “more” to be inserted in its place.

Mr. Chairman: Is that all?

Mr. Hinds: Yes, Sir.

Amendment put and agreed to.

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

Clauses 5 to 13 agreed to and ordered to stand part of the Bill.

Assembly resumed

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

ADJOURNMENT

Mr. Hinds: There was an understanding and an agreement among Members of the House that we would conclude this afternoon of sitting at 6.30 p.m., so that a number of persons could attend another function. If we are to begin the presentation of the next Bill we would probably go long pass 6.30 p.m. and, therefore, I would like to propose that we adjourn at this time and reassemble on Monday, 9th of August, 2010 at 2.00 p.m.

Mr. Speaker: Thank you Hon. Members. The Assembly is adjourned until Monday, 9th of August, 2010 at 2.00 p.m.

Adjourned accordingly at 6.21 p.m.