

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2012-2013) OF THE TENTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

56TH Sitting

Tuesday, 7TH May, 2013

Assembly convened at 2.26 p.m.

Prayers

[Mr. Speaker in the Chair]

ANNOUNCEMENTS BY THE SPEAKER

Apology for late start

Mr. Speaker: Good afternoon Hon. Members, the first announcement of course, is to apologise for our late commencement this afternoon. We were addressing some procedural issues, which we were hoping to resolve before convening the Assembly.

Visit by Mr. Charles Chauvel, former M.P., New Zealand Parliament

Mr. Speaker: By way of announcements, I would like to firstly announce that we have a distinguished guest amongst us this afternoon. He is Mr. Charles Chauvel, a former distinguished member of the Parliament of New Zealand and now a senior advisor to the United Nations Development Programme (UNDP) in parliamentary development and democratic governance.

I should say that our guest, some of you will be meeting him later today and tomorrow I believe, began in March of 2013, just a few weeks ago, to work for the UNDP. Guyana is the first place he has visited and so I think we should consider ourselves very important.

Mr. Chauvel was first elected a member of the New Zealand Parliament in August of 2006. Until November, 2008, he chaired Parliament's Finance and Expenditure Committee and served as Parliamentary Private Secretary to the Attorney General. Between 2008 and 2013, he chaired Parliament's Regulations Review Committee and between 2008 and 2011, he chaired its Privileges Committee.

He was the first and is today, the only person of Pacific islands ancestry to have served on the front bench on a major political party in New Zealand. A very distinguished attorney in his own right and a scholar from what I have read. I know that Members will look forward to meeting with him later. Please be frank about our democracy. Coming from New Zealand, of course, it has been a country that practiced, successfully, the minority government construct, with proportional representation and a list system, so we have many things in common.

Last year, I did write to the Speaker of New Zealand for them to consider having a delegation of our Parliament visit. I have taken the opportunity to renew that request and I am hoping the Mr. Chauvel can take up the cudgel, so to speak and take our request forward.

He will be here for one week or for the rest of the week. I am hoping that he will be able to sit in on a few committee meetings, which we have scheduled later in the week.

Our guest is accompanied, of course, by senior programme officers of the UNDP, Mr. George Wachira and Mr. Trevor Benn, who are both here this afternoon. Thank you very much.

Independence Exhibition

Mr. Speaker: I would like to say that this being the month of May; the month of labour; the month of our arrival; and also the month of our independence, I wish to remind Members that we are going to have our Independence Exhibition towards the end of this month and continue into early June. Hopefully, if all goes well, we will have a very distinguished member of the House delivering a lecture as well.

Answer to Mr. Lumumba's statement

Mr. Speaker: Members, at our last Sitting in answer to a query from the Hon. Member, Mr. Lumumba, I stated that a Member has the unbridled and privileged right to make any statement

in the House. Further, that that statement is covered under the cloak of privilege, as recognised by Article, 172 of our Constitution.

I have since had the opportunity to do some research and I wish to just qualify my statement somewhat. Our *Erskine May*, which we do refer to from time to time, I have looked at the 23rd edition, page 96, states:

“Subject to the rules of order in the debate, a member may state whatever he thinks fit, in debate, however offensive it may be to the feelings or injurious to the character of individuals and he is protected by his privilege by any actions for libel as well as from any other question or molestation.”

In my view, while this privilege seems unbridled, it does come with rights and responsibilities and Members have an overriding duty to ensure that the dignity of this House is not impugned, desecrated or brought into disrepute. In those circumstances, I believe that the presiding officer, whether it be yours truly in the chair or the Deputy Speaker, will have to take, weigh and assess each statement as it comes and ensure that it neither offends the Standing Orders on debates, in particular, or interferes with the dignity of the House overall. As was previously stated, “With great rights comes great responsibilities” and we must be ever mindful that we do not abuse our rights given to us by the citizens.

Whilst I did say that a Member may say whatever he or she feels they should and would want to. I believe that has to be seen under the cover of upholding the dignity of this House. I will be looking to ensure that overall that is not done.

Hon. Member Mr. Lumumba, did you want to qualify or to say something?

Mr. Lumumba: Yes. Mr. Speaker based on your partial amendment to your position. In light of that, I wonder if you do not think it is appropriated for Mr. D. Trotman’s statement be withdrawn or at least be further assessed. It is a brutal statement and should you leave it in place, your semi attempt to amend what you have said earlier would not be taken seriously in this House.

Mr. Speaker: Thank you very much Hon. Member. I have, as I said, had the benefit of more research. I have quoted from the *Erskine May* which said:

“Any statement may be made however offensive.”

I have weigh the fact that Mr. Trotman’s statement was reporting what people said and so I do not believe it should be withdrawn or that it should be called upon to be withdrawn. As I said I will have to weigh each statement on its merits.

Mr. Lumumba: Mr. Speaker.

Mr. Speaker: Yes, please Hon. Member.

Mr. Lumumba: I am assuming then that should anyone of us on this side make similar statements as Mr. Trotman it will be acceptable. That is all that I am saying. Thank you.

Mr. Speaker: Thank you Hon. Member.

Hansard staff from the House of Commons on training stint

Mr. Speaker: Continuing the announcements, we have in our presence, two other very good gentlemen. Well one gentleman left, but Mr. Alex Newton, who is the Deputy Editor, from the House of Commons and his colleague Mr. Tony Minichiello, who has had to return due to a personal private situation involving his brother-in-law in Turkey. Both have been sent from our big sister Parliament of the United Kingdom to assist our Hansard Department – upgrade it. Mr. Newton is overseeing our work and assisting the members of staff – training.

We would like to welcome Mr. Newton formally and to thank him for the services rendered. He is seated in the rear. I understand that he would have gone off to Parika to get some wild meat on Friday last. I hope it was not an uncomfortable journey.

Mr. Newton, welcome and thank you again, as we continue to build relations with our sister Parliament in the United Kingdom. In a few weeks, two delegations of Members of Parliament will be going off for further training.

Death of former Member of Parliament Mr. Hilbert Cedric Spence

Mr. Speaker: I do have something of a more solemn responsibility. I wish to report that I have been informed by the Clerk and the Hon. Leader of the Opposition that a former Minister of

Government, Mr. Hilbert Cedric Spence, a former Member of this House, died on the 1st December, 2012. Belatedly, we offer our condolences.

He died at his residence in Joseph Pollydore Street, at age 92. Mr. Spence was a member of the United Force Party. After The United Force (TUF) and the People's National Congress (PNC) merged in 1964, he joined the latter and served as a Member of Parliament.

In 1967, he was appointed Minister of Trade, by the then Prime Minister, Mr. Forbes Burnham. He was a very active member of the business community in Berbice and held several portfolios in various departments and organisations. On behalf of Member of the Assembly and on my own behalf, I extend heartfelt sympathy to the bereaved relatives and friends of the late, Hilbert Cedric Spence. I would ask Members that we stand and observe one minute silence as a mark of respect for the late Member of this August House.

[One minute of silence observed]

Mr. Speaker: Thank you Hon. Members, please be seated. Members we have a meeting of the Committee of Selection at 4.00 p.m. in the Speaker's Chamber, so consider yourselves reminded. Thank you.

PRESENTATION OF PAPERS AND REPORTS

The following Papers and Reports were laid:

- (i) The Audited Financial Statements of the Guyana National Newspapers Limited for the year ended 31st December, 2009.
- (ii) The Audited Financial Statements of the Guyana National Newspapers Limited for the year ended 31st December, 2010.
- (iii) The Audited Financial Statements of the Guyana National Newspapers Limited for the year ended 31st December, 2011.
- (iv) The Audited Financial Statements of the Port Kaituma Power and Light Company Inc. for the period 29th November, 2010 to 31st December, 2010.

- (v) The Audited Financial Statements of the Port Kaituma Power and Light Company Inc. for the year ended 31st December, 2011.
- (vi) The Audited Financial Statements of the Mahdia Power and Light Company Inc. for the period 29th November, 2010 to 31st December, 2010.
- (vii) The Audited Financial Statements of the Lethem Power Company Inc. for the year ended 31st December, 2009.
- (viii) The Audited Financial Statements of the Lethem Power Company Inc. for the year ended 31st December, 2010.
- (ix) The Audited Financial Statements of the Lethem Power Company Inc. for the year ended 31st December, 2011.
- (x) The Audited Financial Statements of the Guyana National Cooperative Bank for the year ended 31st December, 2009.
- (xi) The Audited Financial Statements of the Guyana National Cooperative Bank for the year ended 31st December, 2010.

[Minister of Finance]

QUESTIONS ON NOTICE

For Written Replies

1. NO-CONFIDENCE MOTION PASSED AGAINST REGIONAL EXECUTIVE OFFICER, REGION NO. 8

Mr. Bulkan: Could the Hon. Minister inform Members of the National Assembly what actions he has taken in relation to the No-Confidence Motion that was passed against Regional Executive Officer (REO) Mr. Harsawack of Region No. 8?

Minister of Local Government [Mr. G. Persaud]: The following actions were taken in relation to the No-Confidence Motion passed against the REO, Region No. 8, Mr. Harsawack:

- The concerns identified as the basis for the motion were analysed and were found to be inconsistent with the mandate of the Council.

As a consequence, discussions were held with the Regional Chairman both individually, as well as, collectively.

2. PROTOCOL RELATING TO AN APPOINTED OFFICIAL OF A REGIONAL ADMINISTRATION

Mr. Bulkan: Could the Hon. Minister inform Members of the National Assembly what is the protocol relating to an appointed official of a Regional Administration committing the Ministry of Local Government and Regional Development for the provision of goods and services and in particular, if Mr. Harsawack is empowered to commit the Region in the absence of approval of the RDC?

Mr. G. Persaud:

- The entire procurement process for goods and services is clearly stated in the National Procurement Act, which is a public document, especially since it was approved by Parliament.
- The RDC's roles and functions are clearly defined by statute. Hence, without a specific procurement incident/activity being identified in the question asked, I am constrained in providing a more specific response.
- In General, the REO and the Chairman of the Regional Tender Board is responsible for the procurement of goods and services required for the Administration of the Region. The REO as the Accounting Officer does not need explicit approval of the Council for each and every act of Procurement of goods and services by the Administration.

3. COMMUNITY SERVICES ENHANCEMENT PROJECT

Mr. Bulkan: In 2006, the Ministry of Local Government and Regional Development and Government of Guyana initiated the project named at the caption and which had as its purpose/objective, to prepare four communities for their upgrading to municipalities, these being, Bartica, Charity, Parika and Supenaam.

- (i) Could the Hon. Minister provide the relevant details for the Communities Services Enhancement Project, which was initiated in 2006 and give information on its current status?
- (ii) Could the Hon. Minister say which other communities have been added to the four previously identified and for similar upgrading in status, if any?

Mr. G. Persaud:

- The Community Services Enhancement Project has ended.
- The preparation process for Township status is on going in the four communities mentioned in the question.
- There were several suggestions and proposals made for other communities to be added to the existing lists, the administration is continuing to evaluate those suggestions and proposals.
- Central Housing and Planning Authority is responsible for Town and Country planning and is the better entity to make decisions about this matter.

INTRODUCTION OF BILLS AND FIRST READING

The following Bills were introduced and read for the first time:

FIRE SERVICE (CHANGE OF NAME) BILL 2013 – Bill No. 13/2013

A BILL intituled:

“AN ACT to rename the Fire Service Act, the Fire Service and for related purposes.”

[Minister of Home Affairs]

POLICE (CHANGE OF NAME) BILL 2013 – Bill No. 14/2013

A BILL intituled:

“AN ACT to rename the Police Act, the Police Force, the Police (Discipline) Act and for related purposes.” *[Minister of Home Affairs]*

PUBLIC BUSINESS

PRIVATE MEMBERS' BUSINESS

BILLS – Second Reading

THE FISCAL MANAGEMENT AND ACCOUNTABILITY (AMENDMENT) BILL 2013 – Bill No. 5 of 2013

A BILL intituled:

“AN ACT to amend the Fiscal Management and Accountability Act 2003.” *[Mr. Carl Greenidge]*

Mr. Speaker: Hon. Members, we will now resume the debate on the second reading of the Fiscal Management and Accountability (Amendment) Bill 2013 – Bill No. 5 of 2013, which was published on the Order Paper of the 8th February, 2013.

At the time when the debate was suspended, the Hon. Member Bishop Juan Edghill was making his presentation. Hon. Member you may now continue.

Minister within the Ministry of Finance [Bishop Edghill]: Mr. Speaker, thank you very much. Please permit me before I resume my presentation on the Fiscal Management and Accountability (Amendment) Bill 2013 to say that, I have been a member of the People’s Progressive Party Civic (PPP/C) Administration since November of 2011. I would like to declare to this Hon. House and to say to this Hon. House and the public in general that the distinguish men and women that I served with, as imperfect as people might deem them to be, I cannot allow a statement to say that there is a criminal cabal that needs to be removed, without challenging it. I would like to say that the men and women that I serve with, that I have had an opportunity of sitting around the table with, listening to their arguments; they work every day in the interest of the development of Guyana. I would want to assure the Nation that - yes we may find faults, they may not be perfect in all of their doings – these are men and women who serve for the good of this country and that needs to be stated.

In my attempt at responding to some of the points that were made, as it relates to the Bill under consideration, I was attempting to address the issue of independence of Constitutional entities. In

the explanatory memorandum that was given on this Bill, the mover is seeking to preserve financial independence of Constitutional agencies, including the Service Commissions. I was making the point that it is my personal experience, having served as a head of a Constitutional commission in this country, that financial independence is not the only thing that needs to be guarded against. We need to develop a culture where we stop the political badgering and hammering at persons who hold Constitutional offices, which literally drives fear in them, in preventing them from carrying out their function without any form of interference. I would want to ensure that we take recognition of that fact because it is a reality that exists in our country.

Independence is well meaning as it is for the efficient functioning of Constitutional bodies, I believe, could never be an absolute because there is always need for cooperation and coordination.

As I read this amendment and try to envisage the new architecture in which agencies will be asked to operate, I still believe there will be need for great levels of cooperation and coordination, of which I will point out, when I come to the specific sections in the Bill.

Properly designed - independence include mechanisms for holding the agencies that we are talking about accountable for carrying out their responsibilities, while allowing it to remain free from interference in its operations. Setting up the proper accountability framework for me, will be considered the balancing act. As well intentioned as the Hon. Member Mr. Carl Greenidge, is in presenting this Bill, I think the balancing act is what needs to be properly addressed.

I believe that institutions must be answerable for the way they manages their budgets; we have to be answerable for the way we manage our budget. We either have to be answerable in advance, when we are going to present the projections and what is required for the operation of that institution or we will have to be answerable and accountable during the budgetary appropriations process to say exactly what is needed or we will have to be answerable at the end by a review of our accounts. Somewhere along the line there must be that accountability framework that allows for a review process.

I want to go proper now to the Bill, as presented. Section 80 (b) (1), on the amendment reads:

“Public Officers responsible for managing the affairs of an agency or such other persons designated by an appropriate authority for the purpose, shall submit budget proposals to the Clerk of the National Assembly and copy to the Speaker of the National Assembly and the Minister of Finance, who shall ensure that those proposals are submitted as presented. In the case of the Audit Office, the budget shall be submitted to Parliament through the Chairperson of the Public Accounts Committee.”

I can be wrong, but in my understanding of this, I am seeing three presentations as it relates to budgets in this House. The Minister of Finance is presenting a budget; the Clerk of the National Assembly is presenting budgets for specific agencies and the Chairman of the Public Accounts Committee is submitting a budget for the Audit Office. So now we have three presentations of budgets or Estimates to the House for consideration; you have the Minister of Finance, the Clerk and the Chairman of the Public Accounts Committee, based upon this paragraph.

My simple question to the Hon. Member and for us to consider is, if it is the Minister of Finance who will be held accountable and we have heard a lot about this whole doctrine of ministerial responsibility of late in this House, who will actually be responsible for the outcome? Even if there is failure on the part of these institutions when there is mismanagement or not proper accountability. Here it is that we are asking that there be three separate presentations, but the Minister of Finance is still accountable. This is something that needs to be addressed because this paragraph is saying that we have the Minister of Finance presenting a budget, we have the Clerk who is going to present for these agencies that is basically just copied to the Speaker and the Minister of Finance and the Chairman of the Public Accounts Committee presenting on behalf of the Audit Office. That is something that needs to be address.

The second question as it relates to the Bill, it will be two. A question will arise in the Committee of Supply, who will be answering or providing clarification as it relates to the request being made by these agencies? Is there no room whatsoever for questioning on the proposals made? If the National Assembly is to vote, a provision by way of a lump sum for these entities, should we do so without asking any questions? If questions are to be asked, who will answer the questions? Would we be bringing here now to the National Assembly heads of the various agencies to answer those questions? That is something that needs to be addressed.

Thirdly, I would like to highlight that it would appear that we are setting up different levels of scrutiny for different entities. While ministries, regions and other State entities are subject to the scrutiny that this Parliament provides for, which is good, useful and is needed to ensure good governance, we are now putting a group of entities outside of that same level of scrutiny or we are establishing a different dimension of scrutiny, which I do not think this Bill has carefully answered. I would like to have answers to that.

At paragraph four: “The format of the annual budget of the Constitutional agencies shall be, as determined by the head of the agency in consultation with the Minister of Finance.” At paragraph five it says: “Detail budgets and appropriations shall be reflected in the annual Estimates, together with the detail Estimates of Revenue and Expenditure of the Constitutional agencies.”

There is a dilemma here because we are asking the Government to engage in approving expenditure for agencies without us knowing where we are getting the money from. When a budget is presented to this National Assembly, the Minister of Finance takes into consideration anticipated and expected income from all various sources. Based upon those projections and fiscal space that it allows, allocations are made for various programmes and activities. Here it is that the role of engagement in determining allocations is being asked at this time to be changed. I said a little early that I believe, independence as necessary as it is cannot be absolute. There is need for coordination and cooperation because I put myself in a position where I headed the Constitutional agency and request was made funding to operate. That request went to the Ministry of Finance and engagements were made and at the end of those engagements the Commission sat, considered the discussion and determined priorities of what could be managed at a particular time and what would go next and based upon that, moneys were released.

2.56 p.m.

I never saw it as a way of interfering with the independence of the Commission because the big question, is if all the moneys are to be released, then we probably will have to have a Bill coming to this Parliament and we could expect that at a particular time by which the entire year’s taxes must be paid because if we are to have money in lump sum to give all of these entities by one particular time, after the passage of the Budget, we must be able to have all the moneys that are needed within the Consolidated Fund for the disbursements. When we are aware that one has to

have moneys come in all year based upon how taxes are paid, this is something that we may want to look at and consider. It will put a grave problem as it relates to cash flow and we need to look at that.

We need to consider that while we are seeking to create an environment that says these entities have been provided for and we are making amendments to the Constitution and to the Schedule to facilitate this that they will be able to have a special treatment, it must not be looked at in isolation from all of the other things that I have outlined. For emphasis, as I close, I would want to say: Who would be ultimately responsible? Who will be answering the questions? Who do we seek clarification from? How do we manage it as it relates to the cash flow situation? We have had the experience and I have heard coming from the other side ‘why do you accept a lump sum?’ Yes, there is a voted provision, let us say of \$90 million for an entity but moneys are released based upon what you require at a particular time to facilitate a cash flow. That has not been a practice that started now. That is something that has been going on forever because the reality is that one cannot pay out money that is not available. These are some of the things that I would like us to consider and to have the Hon. Member who is asking for this amendment to address so that we would be able to have clarifications.

In closing, it is clear that I believe that the intension of the Hon. Member, Mr. Greenidge, is good. He wants to ensure the independence of institutions and wants to ensure that they are properly placed and the rest of it but we must ensure that we have the balancing act of how we work out the accountability and the framework in which we situate these things. Thank you very much, Sir. *[Applause]*

Mr. Speaker: Thank you very much, Hon. Member.

Mr. Ramjattan: Thank you very much, Mr. Speaker. When we passed the Constitutional Amendment Act No. 6 of 2001 to make it become part of the Constitution of Guyana in Article 222A, we wanted a change of the financial architecture of this country. And that change was supported in a very big way the present Government. As a matter of fact, if one were now to read the revised Constitution in keeping with the incorporation of Article 222A into it, we see the marginal note saying: “Overarching clause on financial autonomy”. We see the actual contents stating that: “in order to ensure the independence of entities listed in the Third Schedule”, which

include the Supreme Court, the Ethnic Relations Commission and so many other commissions, it states categorically:

“...the expenditures of these entities shall be financed as a direct charge on the Consolidated Fund, determined as a lump sum by way of an annual subvention approved by the National Assembly after a review and approval of the entity’s annual budget...”

Then it goes on to state:

“...each entity shall manage its subvention in such manner as it deems fit for the efficient discharge of its functions, subject only to [this] confirmation with the financial practices and procedures approved by the National Assembly to ensure accountability...”.

When we passed that Constitutional Amendment we then had to ensure – and that was in 2001 – through amendments to our statutes that we give meaning to that Constitutional Amendment. But no meaning was given to it because, quite frankly, the PPP Government, having the majority right up into 2012, did not want to give teeth to that new regime that was supposed to be limited in its application only to those Constitutional Commissions and did not want to ensure that that would be done. Hence, we did not have it happening.

It is therefore very illogical for one to state a very conservative approach that because there was a certain regime prior to the Constitutional Amendment we have to be enslaved to that regime to the extent of breaching our Constitutional Amendment as passed in 2001. It is in this context we must appreciate what is being sought here by this amendment to the Fiscal Management and Accountability Act – the FMAA as we call it – is to now regularise what the Constitutional Amendment commanded. The amendment commanded a certain direction in relation to constitutional agencies as per the Third Schedule. But we were not doing it and now we have a Parliamentarian, Mr. Greenidge, here who says that in keeping with that 2001 Amendment it should be done. I agree with him and the Alliance For Change (AFC) agrees that in relation to these constitutional agencies we must give them teeth.

As to whether it is the perfect format, as to whether it has perfection about it, as to how it is going to be done is a thing that we as Parliamentarians through the evolution of seeing the soundness of it which comes more by time and the trials and tribulations of seeing how it would

be operable we will find that out. But do not make meaningless a Constitutional Amendment and say “Look, we never used to do it so before”. We never had an Article 222A before! So this argument that what we are going here is going to in every respect be a violation and an encroachment of a certain regime that existed, is not how we should argue this thing. The regime changed in 2001 and so we should have a change in the regime.

Then, if indeed we used to have the Minister of Finance being the person who will then make the numbers in relation to Agencies, we are saying now, under the Fiscal Management and Accountability Act, indeed we can have the Public Accounts in relation to the Audit Office’s budget being the entity that will deal with that [Mr. Hamilton: Who will answer?] A Parliamentarian here. That is not going to be stalled and you are misinterpreting the intent of the legislation. It has to be someone there that will make the call in relation to answer questions but he does so delegated from the Public Accounts or the Auditor General’s Office. And it is for that reason we passed Article 222A. What then gave it that independence to become scheduled under the Third Schedule? Was it to remain and make meaningless the status quo to remain and for the entire amendment to be meaningless? It could not! And so in relation to the budgetary process for these entities in the Third Schedule they have been alterations of the regime.

The Minister of Finance or the relevant Minister that deals with accounts has to answer here. Fine, he has to answer in Parliament, but that does not mean that when the Auditor General’s Office sends in a budget that budget has now to be controlled by the Minister of Finance. That is not what we intended by Article 222A. We intended to make it an autonomous body in relation to asking the Finance Ministry ‘Please take out as a lump sum \$400 million or \$4 billion because that is what we will need for the purpose of running that’. The Minister then, in consultation with that body, says that \$4 billion is too much we need to cut down some here and whatever the consultations are. We are saying that of course, if the Auditor General agrees, if the Auditor General’s lump sum subvention is asked for under this Article 222A it means that you have to give him. [Mr. Hamilton: You are a madman.] Oh! We are mad people. What did you pass Article 222A for? What is the meaning of Article 222A? It goes by the limitation of sound financial practice. What is sound financial practice? I come to that. Sound financial practice, as we understand from the accountants, is largely taking the previous year’s budgetary allocation into account.

There must be a meaning for it but what is our Constitution? Does it have no meaning? It could never have been that case. Then one goes back to what the Constitutional Reform Commission had in mind when it did this but a lot of us do not want to go back there because it is going to indicate to them what it means. I was not a member of that Commission, but I want to tell you that the Reform Commission had indicated that we have to go to look for international best practices - has how does a lump sum on some financial practices - and what the Parliamentarian, Mr. Carl Greenidge, is doing is giving teeth in this amendment to ensure that the Constitutional Amendment be made meaningful.

I want that to be understood otherwise we are going to have, like so many laws being made by the governing party, nothing happening thereafter. We passed an Access to Information Act; nothing happened. It is not even operational after some five or six years. How long was it passed? [**Ms. Manickchand:** Not five or six years.] Whatever it is, but up to now they say... [**Mr. Neendkumar:** Reckless.] It is not being reckless. I had laid that a long time ago. I think it was you, Mr. Speaker, who had laid it a long time ago; since the very first time the AFC came into Parliament.

Mr. Speaker: In November, 2006, I laid it.

Mr. Ramjattan: November, 2006, and it was passed only two years ago. Alright they are making a big point that I got my years wrong. I apologise but whatever it is, you have now passed the Access to Information Act and you have not operationalised it. You have not passed the commencement order for its operationalisation and that is what, in a sense, we did with this Constitutional Amendment. We just rested it on the shelf in Article 222A not then giving these special commissions the authority to claim their budget; no, it must, as you say, remain that the Minister of Finance will dominate and monopolise what should be the budgetary allocation for these constitutional agencies. I want that to be understood because apparently it has not been understood by that side.

There is another important point that I want to make mention of and that is a very important clause in this Bill, that is section 85 (a):

“The principle act is hereby amended by the insertion of the following section...”

Now, as you know, there was a penalty section for the breaching of the FMAA and its provisions but at that point in time, when we had passed it, it had indicated only “officials” or “officer”, I think it was... “Officials will be subject to prosecution” not the Minister, so the Minister could direct these officials to do all manner of things that could have breached the provisions of the FMAA and that could go on like that. Quite frankly, I want to give you my story on it. The last time when there was an incident here I had spoken to the Director of Public Prosecutions and she was the one that indicated to me that the word ‘official’ does not mean the ‘Minister’. When I had done my internal investigations, the officials had indicated that it was the Minister who was instructing them to do certain things which, in my opinion, was tantamount to breaching the financial provisions of the Act. One could have brought a private criminal charge against the Minister but the DPP indicated quite clearly that ‘official’ here does not mean ‘the Minister’. So the person who is directing violations cannot be prosecuted.

We are correcting that now because that previous law, the amendment to the Financial Accountability Act 2003, did not include the Minister as the one who also comes under the definition of ‘official’ and it is very important because now section 85 (a) of this amendment is stating clearly that ‘official’ here now includes, *mutatis mutandis*, the Minister, so we can have more accountability. One does not just go and say “I cannot be charged” and the relevant or portfolio Minister can say what he wants to his “little boys” in the Ministry and then they do whatever the violation and we cannot do anything; whatever it is. **[Dr. Singh: Is that the respect you have for public officials?]** They are little boys when compared to the Minister.

Mr. Speaker: Mr. Ramjattan, sorry. For the last month I have interacted as most of us would have with members of staff of the Ministry of Finance and I would not wish to have them classified as “little boys”. I ask that you withdraw that.

Mr. Ramjattan: I apologise. I withdraw that.

Mr. Speaker: It has been dealt with, Hon. Minister of Finance.

Minister of Finance [Dr. Singh]: May I, with your permission, as a Minister responsible for a Ministry staffed by distinguished and outstanding professionals, register my own affront at the manner in which Mr. Ramjattan just insulted them?

Mr. Speaker: You will speak on the Bill later but, as I said, I have asked that it be withdrawn because, as I said...

Mr. Ramjattan: I will withdraw it. It was utterance that came out. That was in my head. I am sorry. Even if it is reckless I am glad that the point was well made that indeed it is the lesser officials that they wanted prosecuted and not the big boys. That is what they wanted. They wanted them to be exempted but we have a law that says that one can bring prosecutions against those lesser officials, but not the man who may very well be the intellectual author of the violation. Now they come and say that they are affronted by what I say. I want to make it clear...

Dr. Singh: I have thus far restrained myself. The Hon. Member has repeated been referring to the Minister and has been insinuating that “the Minister committed violations”. For him now to link his statement “the Minister committed violations” with my statement about my affront is insinuating wrongdoing on my part and unless the Hon. Member has evidence of wrongdoing I insist, Sir, with your permission, that this aspersion be withdrawn forthwith. Thank you.

Mr. Speaker: Mr. Ramjattan, the Hon. Member feels that you have been casting aspersions of wrongdoing. I have said before that unless there is a specific motion on the floor that seeks to go against the character or the office or any Member of this House we should not go along that route so I would ask you to withdraw that and we will continue with the debate.

Mr. Ramjattan: Mr. Speaker, if you want me to withdraw it I am going to withdraw it, but we have a freedom here...

Mr. Speaker: That is the ruling of the Speaker. Thank you very much.

Mr. Ramjattan: We now would like to see that the Minister...

Mr. Speaker: One second Mr. Ramjattan. Because, Mr. Greenidge, the Speaker has so ruled that he should and that is the ruling of the Speaker. Mr. Ramjattan, you may proceed.

Mr. Ramjattan: I respect the ruling.

Mr. Speaker: Thank you very much. Go ahead, please.

Mr. Ramjattan: In any event the whole purpose is now to fill the lacuna of the previous piece of legislation to include the Minister and not only the officials within the Ministry, whatever the Ministry. I think that he is getting a little jumpy here that it may very well be that there might be cases brought but in any event I want to indicate...

Dr. Singh: May I clarify, Sir? Who is the “he” to whom the Hon. Member is insinuating is getting jumpy?

Mr. Speaker: This is a debate and you, Hon. Minister of Finance, will have your opportunity to respond in full. You will have an opportunity to respond. We are in the cut and thrust of a debate. Let the debate flow, please.

Mr. Ramjattan: I would not be much longer, Sir. I think that I have made my point and I want to say that if we have the political will in this National Assembly to want more accountability we are going to support this Bill in its entirety. And all those across the floor who would spout accountability and transparency ought to know that what this Bill and the contents of it are directed to is that set of accountability and transparency that they spout. The Alliance For Change gives it full support to this Bill and all of its provisions. There may be imperfections about it but it is a start in giving meaning to Article 222A.

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

Attorney General and Minister of Legal Affairs [Mr. Nandlall]: I rise to speak on the Bill which is before this House and this Bill while it largely seeks to address the question of accountability and transparency has far deeper implications than that and therefore it is incumbent upon me to chronicle and elucidate the reasons and the basis for the position that the Government will take on this Bill.

It is perhaps germane at this juncture for me to reflect upon the conduct of this National Assembly over the last year or so. It is now far beyond the pale of any dispute that the 10th Parliament of Guyana has been our most unique and challenging Parliament of all. The extraordinariness of this Parliament manifested itself in many facets. “The new dispensation” is one adjectival description, but I was going to speak about the manifestation of it. We have – obviously the most important one – the composition, the frequency of its sittings, the number of

questions which are asked from both sides of the House, the number of motions and Bills which emanate, especially from the Opposition benches, just to name a few. I have examined all of these materials and a clear distillation of all that has transpired in the 10th Parliament, stripped of their esoteric and political content leads to the ineluctable conclusion that there has been a constant and relentless attempt driving by the majority in the National Assembly to expand the role, the scope, the operations, the jurisdiction, the sphere of influence and indeed the power and the functional responsibility of the legislature way beyond its constitutional and legal parameters.

Motions and Bills have been the main vehicles utilised to achieve this illusive and elusory objective. My honourable colleague, Dr. Ashni Singh, in his budget presentation termed it a veritable plethora of instances. This Bill presents yet another of those instances about which I speak. Before I get to the amendments themselves it is important that I dwell a little on the substantive Bill because the substantive Bill is an extremely important piece of legislation for our financial architecture. The principle act repeals the 1962 Financial and Audit Act and it is the only comprehensive piece of legislation on our statute books which regulates how agencies funded by public moneys are to be fiscally regulated to achieve the hallowed objectives of accountability and transparency in respect of the expenditures, income, deposit and custody, investment, management and auditing of public funds. All are important concepts that this Parliament would want, I am sure, to preserve. This principle act is not unique to Guyana. Its counterpart exists throughout the English speaking Caribbean. In fact with the few that I have compared it, our act stands out as far more comprehensive than those which exist in our neighbouring territories.

The long title of the act reads as follows:

“An act to provide for the regulation of the preparation and execution of the annual budget, the receipt, disbursement and control of public moneys, the accounting for public moneys and such other matters connected with, incidental to, the transparent and efficient management of the finances of Guyana.”

This is an extremely important piece of legislation which regulates all that we have heard from Mr. Ramjattan, for example just now, about the things that we have to safeguard.

3.26 p.m.

This Principal Act relates to certain agencies which the Act, itself, terms budget agencies and it essentially regulates how these agencies are to be funded and how they are to account for the moneys which fund them. Significantly, those agencies are listed in the schedule of the Act. The Act applies to those agencies. I do not know of any agency outside of this schedule to which this Act has any application. In fact, from reading the Principal Act, from one end to the other, I get the distinct impression that this Act is only applicable to the agencies that are listed in the schedule of the Act.

Mr. Greenidge, in previous amendments, to which, for example, one the House passed in 2012, Bill No.24/2012, sought to remove from the schedule of the Principal Act a number of agencies which the Hon. Member styled constitutional agencies. The effect of this, if this is to be assented to, is that those agencies will come out of the purview and operational scope of the Principal Act. That is a fundamental point to note.

When one examines the Bill that is before the House, this Bill seeks to amend this Principal Act and it has no connection to this Act because it seeks to apply to a set of agencies that Mr. Greenidge has removed from the operation of the Principal Act. Therefore this Bill has absolutely no nexus; it is wholly irrelevant to the Principal Act. The only way that this Principal Act has any relevance to any agency is if the agencies are listed in the schedule. Mr. Greenidge has removed the agencies from the schedule and therefore he has removed them from the operational scope of the Principal Act. That is why this House should not even be considering this Bill. This Bill, I submit, is an abuse of the process of this Parliament.

Let us look at what it does. It seeks to inject, in this Principal Act, several provisions but the provisions of this Principal Act can only be applied to the schedule. In this Bill a whole host of provisions is added to the Principal Act, but to what will they apply. There are certainly not going to apply to the set of agencies that have been removed. [Mr. Greenidge: How was the Audit Office...*[inaudible]*]. The Audit Office, Mr. Greenidge, has an Audit Act that regulates it. Months ago I said, with the greatest of respect to Mr. Greenidge, and I am going to repeat again, with the same respect, that he is dealing with matters that are way beyond his scope. I say so, Sir, with the deepest of regret. How else can one explain this travesty? How can one explain that a Bill is being passed to amend an Act and the Bill has no applicability to the Act? The objective that the Bill seeks to achieve and the agencies that it seeks to apply to have been

removed, by the very mover of the Bill, from the operation of the Act. The Bill, therefore, is predicated upon a complete misconception and is palpably wrong. There is no question about that, I humbly submit, but that is only the tip of the iceberg. I am assuming, giving all of the benefit of the doubt, as remote as the possibility is, that there is an assumed nexus, I am going to deal with what is before us, as irrelevant as it is.

Let us deal first with clause 3. It reads:

‘The Principal Act is hereby amended as follows –

(a) by the insertion of the following heading after section 80 in Part XII
“Constitutional Agencies”

I pause here to divert Your Honour’s attention to the marginal note. The Bill, clause 3, seeks to amend section 80 and at the side of it the marginal note reads, “Amendment of Part XII and insertion of section 85(A) of the Principal Act.”

Clause 3 seeks to amend section 80 of the Principal Act, but the marginal note, to that very clause, states that it seeks to amend section 85(A). That is another error, but that is not the only one. [**Mrs. Backer:** That is a typo.] I am told that it is a typo. [**Mrs. Backer:** Who told you that?] I am told by the Hon. Deputy Speaker that it is a typo.

Deputy Speaker [**Mrs. Backer:** As people are getting up in a whimsical way, I may as well join. I am saying this because it is of no moment, but I have had no discussion with the Hon. Minister Mr. Anil Nandlall, particularly since his name change.

Mr. Nandlall: Mr. Speaker, I take it that you are not deaf and you heard what the Hon. Member said, that it is a typo, so I will not detain the House.

It is said in clause 3 (b) that section 80 shall apply to constitutional agencies. Let us look at what section 80 states. That is all the amendment says and I would be grateful if you can read with me, Sir, because it is kind of tedious. It is so badly done that one has to follow.

Clause 3(b) reads:

“(b) Section 80 shall apply to Constitutional Agencies except as otherwise provided by the law establishing the Agency.”

Let us see what section 80 states in the Principal Act.

“A statutory body shall, as soon as is practicable and in all events not later than four months ...”

Section 80 speaks specifically to statutory bodies. It is a trite principle of drafting that one simply cannot say that one section, which deals with a particular type of agency, can, in a wholesale manner, apply to another set of agencies without employing some kind of language, to say, for example, that it applies *mutatis mutandis*. Section 80 only applies to statutory bodies and an amendment cannot extend it without more to apply to a constitutional agency. It has to say, “Where the term statutory body exists in section 80 it shall be replaced by the term constitutional agencies *mutatis mutandis*.” Sir, that is another incomprehensible part of the legislation but it does not end there, it continues. [Mr. B. Williams: Give the man the CPC.] No, if it is... Mr. Speaker, this is the laws of the country and I am very happy that the official from the United Nations Development Programme (UNDP) is here because...

Mr. Speaker: Will you be having a meeting with them, Attorney General, at any time?

Mr. Nandlall: Yes Sir.

Mr. Speaker: You can raise those matters when you meet with them.

Mr. Nandlall: Yes. I certainly will. I said that simply because I hear an utterance from the other side, to say, “so what, we do not have a draftsman”, but I do not know that that can be an excuse to present mediocrity to the House as proposed laws of the land. It cannot be. [Interruption from the Hon. Member Mr. B. Williams.]

Sir, I am being disturbed by the Member directly opposite me.

May I proceed?

Mr. Speaker: I did not stop you.

Mr. Nandlall: But I am being stopped, Sir.

Mr. Speaker: Go ahead.

Mr. Nandlall: Clause 80B reads as follows:

“The Public Officer responsible for managing the affairs of an Agency or such other person designated by an appropriate authority for the purpose, shall submit budget proposals to the Clerk of the National Assembly (copied to the Speaker of the National Assembly and the Minister of Finance)...”

This budget proposal comes from, the officer to the Clerk and a copy is sent to the Minister of Finance and to Your Honour. The Clerk shall then ensure that those proposals are submitted as presented. It is submitted to whom and submitted where? It does not say. Does the Clerk...? Perhaps it is to Freedom House. I hear the Deputy Speaker said, again, Freedom House. Where is it that we should submit it? [**Mrs. Backer:** Freedom House, I am now saying it.] I am told again that it is to Freedom House, Congress Place, if it is the wish, but there is nowhere in this Bill that it states to whom or where is the Clerk required to submit this information which he receives from this public officer.

It continues. In the case of the Audit Office, the budget shall be submitted to the Parliament through the Chairman of the Public Accounts Committee. Now there is one set going to the Clerk, and the Clerk does not know to whom he must submit it to. Then there is the Audit Office budget being submitted to the Parliament.

As Attorney General, I have to point out that Parliament consists of the National Assembly and the President, so who will it be submitting to? The Parliament is not the National Assembly. If my friend had said that it must be submitted to the National Assembly, I could have understood. It must have gone to the Clerk, I have to presume, because it is silent, but it states that the budget must be submitted to the Parliament through the Chairman of the Public Accounts Committee. This is the height of... [**Ms. Manickchand:** Clumsiness.] I think that is unparliamentary. I know it is unparliamentary. I know that the Leader of the Opposition has chronicled a detail set of adjectives that I normally use in my public discourses about the National Assembly. To the distinguished Member, I am running out of adjectives. Seriously, this is the height of mediocrity. It is a travesty that we are doing this in the presence of a UNDP official.

Section 80B (2) goes on to say:

“The Finance Minister shall submit to the Assembly the Minister’s comments on the Annual Budget of a Constitutional Agency, including recommendations in sufficient time to enable consideration by the Assembly and those recommendations shall be limited to the overall request rather than line items.

When is the Minister going to do this? Is it before the annual budget presentation? When is the Minister of Finance required to submit his recommendations? The travesty does not end there; it goes on.

Section 80B (3) states:

“The submission shall be made in accordance to section 79 (1) and prior to the commencement of the fiscal or calendar year, as the case may be, for the approval of the National Assembly.”

Section 79 speaks about the presentation of the national Estimates. It would appear, as my Hon. Colleague, Bishop Edghill said, we are going to have a grand display here of a tripartite budget presentation after my distinguished colleague would have done his four and a half hour marathon. We would have to then take in the break, I suppose, because next in line is Mr. Carl Greenidge. He has his budget to present. Well, I do not know, because the Bill does not state if Mr. Greenidge will present before the Clerk, so we may have to toss a coin for who will present before whom. The Bill is silent on those matters. The Standing Orders are also silent. Mr. Speaker, we will have to depend on your grace and your sagacity.

Mr. Speaker: I would ask to be kept out of that.

Mr. Nandlall: If I were in your position, Sir, I would have done the same. When will we spin the toss and it will determine who will speak, after Dr. Singh would have done his presentation, we have to wait on one from Mr. Greenidge, he will present the Auditor General’s budget, I suppose. He will have a budget speech with his set of estimates that will come, because that is how we know budgets are presented. Then we have the distinguished Clerk of the National Assembly who will rise - I do not know from which angle, or whether he will stand right there, or whether he will come here - and he has to also read a speech. He will have a set of estimates

that he has to present. Mr. Ramjattan said the imperfections we will deal with, but we must deal with the concepts. **[Dr. Singh: Those little boys will figure it out]** Yes. Those little boys will figure it out, but these are real issues. Levity aside, this is serious business and therefore, when we bring matters to the House we must bring matters that are within our respective competence.

There is that dilemma that presents itself, and then there is another issue. There will have to be a Committee of Supply and the person who normally presents the estimates would have to answer, or the subject Minister would have to answer, but the subject Minister has been removed completely from the operation of the budget for that agency. Normally, by virtue of the law present and the law previous to that, what had to have happened was that the budget agency head would have submitted a budget to the subject Minister and that subject Minister would have submitted it to the Finance Minister. That is how it happens.

Now there is this unique situation where the executive has been removed from this equation so, Sir, I do not know who will answer to questions in the Committee of Supply. It cannot be the executive. No rationale principle justifies holding a person responsible for that which he has no control over. That is a basic principle of admin law. A person cannot be held accountable over that which that person has no responsibility for. **[Dr. Singh: Are you suggesting that this is an absurdity?]** It is an absurdity of extraordinary proportion. Mr. Greenidge, I suppose, will have to answer questions in the Committee of Supply. I do not know how he is going to seat himself to answer those questions. **[Mr. B. Williams: What is going on?]** What is going on, it is the Bill. You do not know that we are debating the Bill. **[Mr. B. Williams: Enough is enough.]** That is the Bill you all have brought to the House and it is my responsibility to speak on it. There are those practical dilemmas that we have to deal with. I do not know...

Mr. Speaker: Hon. Attorney General, your time has expired.

Prime Minister and Minister of Parliamentary Affairs [Mr. Hinds]: I move that the Hon. Member be granted another 15 minutes to continue his presentation.

Question put, and agreed.

Mr. Nandlall: Then there are other principles that are far more important than those which I have dealt with. They have to do with constitutional concepts and precepts. As I said, at the

commencement of my presentation, that quite apart from the content of the Bill, the purport and effect of it are far more damaging than the content. It is those aspects that I want to deal with.

I have spoken at length, in this House, about the doctrine of separation of powers. I have said that it is beyond any dispute that the doctrine applies to Guyana and the Constitution similar to ours. I have said also that by this doctrine power is devoured in our Constitution into three main arms, the executive, the legislature and the judiciary, and all efforts must be made to ensure that there is not interference and a trespass by one of these fountains of power on to the province of the other. All those are matters which are trite. Another important principle that comes in to play here is the doctrine of supremacy of the Constitution. Article 8 of our Constitution states that it is supreme and all laws, which collide with it, are void to the extent of the inconsistency.

I turn to article 218 of the Constitution. When one examines the Constitution of our country one sees very clearly that the financial responsibility of the state remains with the executive. Among those responsibilities is the responsibility to lay before the National Assembly estimates for the country, estimates for all agencies that are funded by public moneys. That is how our Constitution is structured. That provision is captured in article 218 of the Constitution. It states this:

“The Minister responsible for Finance or any other Minister designated by the President...”

As I emphasised on the last occasion, the fact that the President designates this Minister shows the epitome of executive power that is captured in this provision. It is an executive power delegated to the Minister of Finance, for the time being, but with the residuary power to delegate it to another Minister if the situation so arises. Let us take the provision itself.

“The Minister responsible for Finance or any other Minister designated by the President shall cause to be prepared and laid before the National Assembly before or within ninety days after the commencement of each financial year estimates of the revenue and expenditure of Guyana for that year.”

The Minister has two responsibilities. He has to prepare it and he has to lay it before the National Assembly. This Bill seeks to take away that power, both of them. It seeks to put that task of

preparation into the hands of Mr. Greenidge, the Chairman of the Public Accounts Committee, as it relates to the Audit Office, and it seeks, also, to put in the hands of the Clerk of the National Assembly the other set of agencies to prepare the budget. That is simply a collision with...

Mr. Greenidge: A Point of Order. I am having some difficulty with these citing that the Comrade Attorney General seems to be engaged in. In another context it would be regarded as UFOs. Where exactly in the legislation does it say either Mr. Greenidge or the Chairman prepares the budget for Audit Office? Secondly, where exactly in the paragraph of this Act does it make reference to...?

Mr. Nandlall: I am being interrogated on my presentation.

Mr. Greenidge: No, because you are... *[Interruption]*

Mr. Speaker: Hon. Members, okay, one second. I am hearing a Point of Order that is that the Standing Orders have been violated. That is what I am entertaining here.

Mr. Greenidge: The Point of Order is a misrepresentation of what is before us. I will go on to say to you that I find no evidence of an article...

Mr. Nandlall: I would like to be told which Standing Order...

Mr. Greenidge: May I...

Mr. Speaker: Hon. Attorney General, could I hear the Point of Order please...?

Mr. Greenidge: I see no reference to the article 80 over which the Attorney General whipped up a set of guffaws and enthusiasms. I see article 85 in the margins; I do not see article 80. I am saying to you, Mr. Speaker, that the Attorney General should restrict himself to what is before us rather than generating UFOs.

Mr. Speaker: I am prepared to entertain a Point of Order, but I have not yet heard a specific point of a specific violation.

3. 56 p.m.

Mr. Greenidge: Mr. Speaker, I am making two points, that nowhere in the proposal, contrary to what the Attorney General is saying, it calls upon, invites or empowers the Chairman of the Public Accounts Committee to prepare the budget of the Audit Office. I am say that, and I say it unequivocally, because it states it no place. That is a misrepresentation. I am saying that no margin carries article 80.

Mr. Speaker: Hon. Attorney General, in the first instance, Mr. Greenidge is correct that there is no reference to the Chairman of the Public Accounts Committee preparing those...

Mr. Nandlall: That is correct Sir, I accept that, but it is that he presents it to the Assembly.

Mr. Speaker: That is in the Bill, but what you are stating is that he prepares...

Mr. Nandlall: Yes. I agree...

Mr. Speaker: He is correct.

Mr. Nandlall: That is correct

Mr. Speaker: ...and I uphold that. In so far as the reference to the... Here in clause 3, there is a side notes that speaks to section 85(A).

Mr. Nandlall: Section 85(A), I said, Sir. [*Interruption from the Opposition Members.*] I have it here.

Mr. Speaker: If in fact different persons have heard different things, you will restrict yourself to what is in the Bill, that is, side note 85(A), clause 3 states 80 Part XII.

Mr. Nandlall: Sir, let me repeat. I said section 85A and that is a mistake. That is wrong because it should read section 80 and not section 85(a). I do not understand what the big issue is. The Bill that is before the House resides in the Clerk and the Chairman of the Public Accounts Committee the power to present estimates. I am saying that that power is resided exclusively by article 218 in the Minister of Finance or any other Minister designated by the President. Therefore this Bill violates article 218. It is more fundamental, Sir. What it does is that it takes from the executive, an executive function and passes it to the legislature and that means that the doctrine of the separation of power is violated.

In *Hynes and the Queens Case*, a case that we all know, and Mr. Ramjattan should know, the Parliament of Jamaica passed a Bill to establish a Gun Court Act. That Bill established the Gun Court Act, but provided that once that Gun Court finds a person guilty then that magistrate must send that person for sentencing before a board which is consisted of executive Members. That Gun Court Act was challenged in Jamaica. The Privy Council said that the judiciary is that arm of the Constitution that must deal with penalties and the Parliament cannot take from that judiciary a power to impose penalties and sanction and give it to the executive. Similarly, this Bill cannot takes power from the executive and reside it over to the legislature. It cannot; it is violated of the Constitution. **[Mr. Ramjattan:** It could do exactly that.] I cannot believe a lawyer is saying this, Sir, and from your party. This is elementary. I will move on.

This Bill strikes at the very heart of the separation of doctrine, very heart of our Constitution. Therefore this Bill ...*[Interruption from the Opposite Members.]* As you know, Sir, I can only do my duty and those who are helpless, I cannot help. Irrespective of all the ideals that this Bill seeks to achieve, and they are all noble, they are the ideals that this Government embraces - transparency and accountability. We passed this Principal Act, the singular most comprehensive legislation dealing with financial accountability and transparency in this country. We passed it. Therefore we brought back the Auditor General's Report to this country, when under Mr. Greenidge watch it never came.

Mr. Speaker: Hon. Members, this is a matter that has come up repeatedly. The Clerk has shared with me, through researches provided by the Parliament Office library, a list of all the Auditor General's Reports which were presented to this House.

Mr. Nandlall: It was after Mr. Greenidge left office.

Mr. Speaker: That is not so. I will have that document circulated. It is not true to say that no reports were presented under the tenure of Mr. Greenidge.

Mr. Nandlall: Very well, Sir. *[Interruption]*

Mr. Speaker: Hon. Members, we are not going to have a side debate on this matter. I will, during the recess, ask the Clerk to kindly circulate the list. We are not going to have a side debate on Auditor General's Report, on what years, please.

Mr. Nandlall: The point I am making is that whilst the Government espouses and embraces all the high ideals about transparency and about accountability, we have to find legally correct and appropriate mechanism to achieve them. We cannot come and waste Parliament's time, waste your time, Mr. Speaker, and waste taxpayers' money with mediocrity and travesty of this nature.

Thank you very much Sir. [*Applause*]

Mr. Speaker: Hon. Members, I believe we should take the suspension now for one hour exactly. Members of the Committee of Selection are reminded that there is a meeting of the Committee of Selection. We can take it now; it will be very short.

Sitting suspended at 4.03 p.m.

Sitting resumed at 5.03 p.m.

Dr. Roopnarine: Let me begin by agreeing, at once, with the Hon. Bishop Edghill, who spoke on this matter, when he said that financial independence, important though it is, perhaps is not the only thing to be guarded against. I wish to agree with him. That is why, notwithstanding all of the other precautions we take to ensure the autonomy of these agencies, we do believe, however, that we can take all of these precautions to ensure autonomy, but if we do not ensure financial autonomy then all the other work may well be in vain. This is the first point I wish to make.

It was, however, my friend, the Hon. Attorney General, who provided us with a great deal of entertainment on this Bill. I will not speak on the issue which seems to have tormented him at the beginning, namely the reality of the Tenth Parliament and how it is made to work. I have no doubt, myself, that because of the insistence is from this side, in relation to accountability and transparency, we are on a regular basis being provided with annual audited reports, and so on. I think that it is fair to say at no time before the Tenth Parliament has there been such a deluge of audited reports, and we thank the Hon. Minister.

I wish also to say that, in relation to the extant legislation, the Hon. Attorney General made much of the fact that the Principal Act was adverbial in our ways. I prefer, myself, to go back the introduction of the idea of the comprehensiveness of the Principal Act by the words used by the Hon. Minister of Finance in January of 2013. When speaking on the issue of the Fiscal

Management and Accountability Act 2012, he had this to say, referring to a number of the Acts that were brought in this period, including the Audit Act, the Procurement Act of 2003 and so on.

“These are not one-off isolated ventures of Parliament, there was a systematic well coordinated carefully crafted endeavour to modernise the architecture governing the management of public finances.”

He also went on to name the Acts. He said:

“Following the 2001 amendments we return to Parliament with the modern procurement legislation in 2003, a modern Act for the public finances, what is called the industry an organic budget law, the Fiscal Management and Accountability Act and an Audit Act early in 2004. Throughout all of this, the House, acting in unison, recognised the merits of these interventions.”

I now wish to say, and go on record as saying, that, in effect, the financial architectures to guarantee fiscal accountability, and so on, which have been crafted and presented to this House, are adverbial as they stand. I have no quarrel with making such an assertion.

However to say that they are admirable and have transformed the financial architecture is not to grant them a status of chronic immutability. It does not mean that they are not capable of further refinement. We should not treat them as though they were *tabulis* brought from Mount Sinai, or anything like that.

I wish to also say that one of the issues raised by the Hon. Minister of Finance, and we were discussing at the time the issue of article 222A the Third Schedule,... In effect, the Minister of Finance, at the time, made reference to article 154. I wonder if I can crave your indulgence, Mr. Speaker, to say a bit about that. It was said then that all of the newly inserted articles..., the articles that followed from the Constitution Reform Commission’s recommendations and Commissions, and so on, have a new numbering scheme. As we know, there is now articles 212A, 212B and 212C. He said:

“All of these newly inserted articles that have this new numbering scheme with letter appended to them, to avoid renumbering of subsequent articles, none of them appear in article 164.”

He goes on to say that:

“It could not have been the intention to have all of these newly inserted articles. It cannot be that we amend them by a simple majority, and so on.”

I want to assure the Hon. Minister of Finance that in fact all of the articles, which have this alphabetical listing, are captured in article 164. What had happened was that we found that articles 138 to 154 were all captured within article 164. Between articles 138 and 154, there are a number of articles that carry alphabetical listings. These would include the articles 149A to 149J, all of which deal with rights provisions. I just want to find myself in the unusual position of perhaps correcting the Hon. Minister of Finance to say that the articles, which he refers to, carrying the alphabetical listing, are in fact captured in article 164, without stating them in that way.

The fact of the matter is that had the drafters, if they had wanted, I think, to have article 222A enjoys the entrenchment of the other articles, since they could not have interfered with article 164,... This is the important point. Article 164 cannot be tampered with. Article 164 states very clearly that: “A Bill to alter any of the following provisions of the Constitution, that is to say - (a) this article...”, this is article 164, and then article 128, and so on, dealing with territory the name of the country. In the Constitutional Reform Commission we had made a recommendation that the name of the country be changed from the Co-operative Republic of Guyana to the Republic of Guyana but, of course, that cannot be implemented without a referendum. The point about these particular articles listed in article 164(a) is that to alter them there will be the need for a referendum, and that includes article 164, itself. If they had wanted to entrench article 222A one of the things they could actually have done was simply to create a new paragraph 4 of article 222 which would have done the same thing.

Article 222, as it is known, is entrenched because it covers emoluments and salaries, and so on. If they had wanted to entrench the Third Schedule of article 222A they could have simply created a paragraph 4. I see the Member is nodding I know could answer when the Member's time comes. As it presently stands, I see nowhere of arguing against the fact article 222(A) can be altered by a simple majority. I suspect actually that it is not so inadvertent or some mistake

that they made that they forgot about it. I do believe it was left precisely like that so that we could address the Third Schedule if we needed to.

I want to say also that the Third Schedule we know was not inviolable because the Office of the Auditor General was once removed and replaced. It was once migrated to the Fiscal Management and Accountability (FMA) Act I believe, then it was subsequently resettled where it belongs.

I want to touch on a couple of other things that were raised by the Attorney General. I must say that in the Hon. Attorney General presentation I have heard no better advocacy for the establishment of a legal department of the National Assembly. He made the point that what the Bill before us suffers from is that there are technical difficulties; there are in fact imperfections. I happen to know that from my own experience of the Chief Parliamentary Counsel (CPC) and his team. They have been gracing us with their presence on the Special Select Committee on the Guyana Cricket Administration Bill 2012. Even with a properly prepared Bill, which came before the Committee, the CPC and the representatives of that office had to refine that Bill, making it better, as we went along. Drafting is a highly developed art and we are not to behave as though Bills come to us as perfect as they stand. But as I said, there is the argument for the establishment of a legal department so that we would not run the risk of coming to the National Assembly and have Bills accused of being travesty and mediocrity, and so on.

The Hon. Attorney General had been loud in praise of the ideals of the Bill. We thank him for that because we do believe that the intentions of the Bill are not intentions with which the Opposite side can possibly disagree or separate itself from. Much to my astonishment, the Attorney General spent a great deal of time arguing that there is no nexus between this amendment Bill and the Principal Act. He then went on to make a very curious argument that the reason this is so is because Mr. Greenidge, in a previous Bill, had removed these entities from the schedule. This Bill of Mr. Greenidge, I understand, is a Bill yet to be assented to. In effect, what we were hearing from the Hon. Attorney General was that he was treating as extant the legislation, which has not been assented to without explanation to this House. I believe that the Hon. Attorney General seems to be one of those poor people locked Plato's cave dealing with the shadows flickering on the walls rather than with reality itself, because the amendment does have a connection with the extant legislation. What it may not have a connection to is the legislation

which is yet to come back to this House assented to by His Excellency, or at least an explanation to the Speaker as to why His Excellency is withholding his assent. None of that has so far happened. I think that is it, in fact to be fencing with shadows to make this particular argument.

On the 13th of June, last year we had a debate on the Constitutional Commissions and in the course of that debate I had sought to make the argument that the financial autonomy of the Commissions was of great importance. I had, at the time pointed..., and again this is something which I believe the Hon. Attorney General would approve of great, since I know he is a great student and devotee of the Constitution of India, which in Article 322 states quite categorically:

“The expenses of the union or a State Public Service Commission, including any salaries, allowances, and pensions payable to in respect of the Members of staff of the commission, shall be charged on the Consolidated Fund of India or as the case may be the Consolidated Fund of the State.”

I had at the time also drawn attention to the point that was made by Professor James, in his book on the Constitution of Guyana, where speaking on the issue of funding, he had this to say:

“The over reliance of these offices, on the executive for financial resources, is thought to be one of the stumbling blocks to their effectiveness. The concept of a constitutional office implies adequate funding in order to carry out constitutional functions and one might extend the Chief Justice Harold Thally’s warnings of a dependent judiciary to these institutions. There is a need, therefore, to enforce the constitutional requirements on funding. Although, notion of an action against the state for adequate funding bristles with difficulties it makes sense particularly where the appropriate Minister could out, out peak of the office, refuse to discharge his duties towards it because of an insistence on independence and autonomy by the office holders. The possibility of such an action would go somewhere to guarantee the independence of these offices. The current state of affairs is that they are total dependence on the government for the material and human resources impacts negatively on their independence.”

I believe that we have heard from the other side, and I think Members on the other side have really made very heavy whether of the issue of who reports matters to the National Assembly, how it is done. There was much hilarity in relation to whether it is the Clerk making the

presentation or Mr. Greenidge, as the Chairman of the Public Accounts Committee, making the presentation. The point about it is that what we want to assert is the fact that these constitutional agencies should be free of executive control.

We spent a great deal of time in the Constitutional Reform Commission when we established the plethora of commissions - heaven knows if we have enough of them - and when we enhanced the powers of the National Assembly by establishing the Standing Committees, the Sector Committees, what we were attempting to do, in the words of the final report of the oversight committee, was that we attempted to shift the centre of gravity of governmental power away from the executive and towards the National Assembly. That was what we were doing. When we established the commissions we were very careful to establish many mechanisms to enhance and to guarantee their autonomy and their independence. That is why one of the things that we did was to establish the appointive committee, and through the appointive committee the various commissions would be populated. That was how we saw it was supposed to be happening. The reason for all of that was, as I said, to shift the centre of gravity of governmental power away from the executive and towards the National Assembly and towards the suite of Commissions. This was what we were attempting to do.

To my mind, for us to indulge in essentially what is a retreat from this position and to attempt to now compromise the independence and autonomy of the institutions by reducing them to budget agencies... I had said, at the time, that reducing the constitutional agencies to budget agencies was to turn giants into dwarfs because we were tearing down what are, to my mind, strong pillars of our democracy, namely the autonomous independent commissions and the other efforts in the relation to enhancing the National Assembly, that nothing should be done that interferes with this consolidation of these institutions that are there to act as a check on executive power.

We have heard a great deal. I want to say that much of what we have heard, one of them had to do with, what the Hon. Bishop called, the problem of balancing - how do we balance the issues of autonomy and the issues of, if it is liked, accountability? Who is to be accountable in these agencies, and so on? I have no doubts that these are refinements in which we have to work. I, myself, believe that it is not beyond the Tenth Parliament, notwithstanding its confrontational nature, from time to time, across this House, to be able to devise mechanisms that would restore a proper balance. We are not saying that we want these agencies to run riot and to come and

present us with impossible demands, and that kind of thing. They have must, as the Hon. Minister of Finance has, himself, said, be subjective to financial scrutiny. We have to ensure that what they are asking for is not improbable. We also have to ensure that they have the machinery to administer these funds once we allocate them. All of these things need to be in place. I have no doubt that among us we can device the mechanisms to do this, because it is important that we should not sacrifice the autonomy of these institutions by the argument that what we need is the accountability and the control of these finances by these institutions.

The fact that there are, at the moment, institutions such as the service commissions, and so on, my own feeling is that all of these commissions in their present condition need serious examination. I am very happy that I have received an invitation from the Chairperson of Parliamentary Standing Committee for Constitutional Reform that the Standing Committee is about to meet. We know that part of the function of the Parliamentary Standing Committee for Constitutional Reform is precisely to provide some oversight over in the commissions. My own hope is that we are going to be looking at commissions very carefully because I do not think that any of us in this House can be very happy with the present state of the service commissions. Those need to be looked at and we need to do it, I believe, very quickly.

I do not intend to say much more, but it is simply to say that in relation to what we are attempting to do in this legislation is to take the constitutional agencies from among the direct purview of the Ministry of Finance and to place them where they belong, as constitutional agencies, with all of the mechanisms...

5.50 p.m.

...machinery of control and accountability in place that we need to do this in order, as I said, to guarantee their independence and to strengthen them.

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

Mr. Speaker: Hon. Members, before we took the suspension, I indicated that I would be asking the Clerk to circulate a document showing the submissions of the Auditor General's Report. The Clerk had assured me that it would have been done. He has just gone to check with the Registry Department to ensure that the documents have been brought upstairs.

You did enquire, Mr. Minister. You may proceed.

Dr. Singh: Thank you very much, Mr. Speaker. Clearly, with your customary foresight, you anticipated my intention to address this matter. Let me say that whilst I am disappointed that I do not have, in my possession, the document that you had so kindly offered to circulate during the break, I do not, in fact, need the document to bring to my own recollection a sufficient grasp of the facts on this matter. They are as follows...

Mr. Speaker: Before you proceed, Hon. Minister, I did indicate that we are not going to have a side debate on Auditor General's reports. I know that you are anxious but I am cautioning that this Bill in no way addresses the frequency of submission of Auditor General's reports so we have to be careful how far along that tangent we journey. I just thought I would raise that.

Dr. Singh: I would be guided accordingly, Sir. It is not my intention to dilate unduly on the matter but it did come up in the debate and it would be remiss of me...

Mr. Speaker: I did not encourage it when it came up. I did say I would circulate a document but I did not encourage a debate. That is the point I want to make.

Dr. Singh: It is equally not my intention to encourage a protracted debate on this matter. Let me simply say that it is a matter on which I have spoken before and the assertion that somehow or the other the facts on this matter were not clear and I think merit at least a brief clarification.

It has never been said that no audited accounts were tabled during Mr. Greenidge's tenure. What has been said was that audited accounts...

Mr. Greenidge: This is precisely why I would like to embrace your... *[Interruption]*

Mr. Speaker: Hon. Members, I need to hear Mr. Greenidge. He is not even being given a chance to speak.

Mr. Greenidge: The assertion that it has never been said is completely untrue. It has been said and by the Minister...

Dr. Singh: Absolutely not!

Mr. Speaker: In fact, it was said as recently as this afternoon that no reports... I did then say that that is not so and I would be circulating a document. It has been said. Certainly the impression has gone abroad that whilst Mr. Greenidge was Minister of Finance, no audited reports of the public accounts of Guyana were ever submitted.

Dr. Singh: Mr. Speaker, let me clarify what I have previously said on the matter. Mr. Greenidge served as Minister of Finance from October 1983 to October 1992. No audited accounts were submitted to this National Assembly either during Mr. Greenidge's tenure or subsequent to his tenure in relation to fiscal years 1983 to 1992.

Mr. Speaker: On that I will say that I will await the documentation to be supplied by the Clerk and I urge you to move on.

Dr. Singh: Thank you, Sir. With your permission, I will make one final, brief comment on this matter. Any audited accounts tabled during Mr. Greenidge's tenure related to his predecessor's term in office.

Mr. Speaker: Mr. Minister, as I said, I urge you to move on. Allow me to have the document tabled and then we can get back to that.

Dr. Singh: Thank you, Sir.

I rise now, more substantively, to make my contribution to the debate on the Fiscal Management and Accountability (Amendment) Bill 2013 - Bill No.5/2013. Let me first of all, as I do so, respond to the last, most recent, contribution to this debate, that is to say the contribution made by my distinguished Friend and Colleague on that side of the House, Hon. Member Dr. Rupert Roopnarine, a man and scholar for whom I have immeasurable personal respect, and express some concerns, my respect and deference notwithstanding, at his interpretation of the events that led to the non-inclusion in article 164 of the Constitution, the entrenchment article as it is called, of certain newly inserted articles, 2001 inserted articles, including article 222A. Whilst without a doubt Dr. Roopnarine is correct in saying that the entrenchment clause includes some groups of constitutional articles...for example articles such as 90 to 96 inclusive enjoy entrenchment. So any article that falls between article 90 and article 96 will enjoy entrenchment automatically, whether it is 91 A, B, C, AA, BB or however styled. Article 222 indeed enjoys entrenchment

subject to interpretation – and I know the Attorney General has offered an interpretation of whether article 222A is really an extension of article 222. But there is no explicit listing of article 222A and there is no explicit inclusion. In fact, like Dr. Rupert Roopnarine pointed out, no alteration was made to article 164.

I believe it is fair to say that whilst we would be in no position to speculate as to the intentions of those who were involved in the Constitution Reform Commission's work, it would be fair to say that had this matter been considered and contemplated and had the intention been to exclude some of the newly enacted constitutional articles, had the intention been to exclude them from entrenchment, whether for want of avoidance of referendum or other reasons, at the very least, the minutes of the Constitution Reform Commission considering this matter and the official transcripts and records of proceedings of that Commission would so reflect. Indeed, Dr. Roopnarine served on that Commission as, indeed, a number of other Members who currently serve in this House.

I do not believe that any current Member of this House or indeed any person who served on the Constitution Reform Commission has been able to identify anywhere in the transcript of proceedings of this Constitution Reform Commission, in the summary minutes or in the detailed volumes of reports that were tabled in this National Assembly any contemplation of the matter of article 164 as it relates to addition, deletion or amendment to the list of entrenched articles, including the treatment of newly enacted constitutional articles. I would be happy to be corrected if I am wrong. I would be happy to have pointed out to this House and to the people of Guyana the appropriate reference in the record of proceedings to reflect that the Constitution Reform Commission and this National Assembly acted deliberately in not including in article 164 any of the newly enacted constitutional articles other than those that fell within the ranges that were captured.

Dr. Roopnarine, as I said, served on that Commission and I would be happy if he could point me in the appropriate reference in the record of proceedings that would reflect that this matter was deliberate and not accidental.

Dr. Roopnarine: I would like to, perhaps, offer a word of explanation as to how matters moved from the Constitution Reform Commission to the Select Committee of this House and from there

to the Oversight Committee and from the conclusion... I think that you will find that the minutes to which you refer...

Mr. Speaker: Hon. Member, what I suggest is that if you are going to give us the... I was going to suggest that after the Minister has spoken, I will give you an opportunity to take us through the process.

Mr. Nadir: Sir...

Mr. Speaker: Hon. Members, we are in a debate.

Mr. Nadir: I know but on that particular point you made, a number of persons were on that and...

Mr. Speaker: I was also a Member of that.

Mr. Nadir: Many of us will have a different take on that.

Mr. Speaker: I believe that Dr. Roopnarine along with the former Speaker, Mr. Ramkarran, would be considered the foremost authorities on this matter. Many of us were Members of that constitution reform process but the time, the energy, the sacrifice, blood, sweat and tears that some Members put in, I do not think you can gainsay that. But I will allow Dr. Roopnarine to have... If another Member wishes, let us go. At the end of the day, it is all for edification of the Members who were not there.

Dr. Singh: Notwithstanding, Sir, my immeasurable respect for Dr. Roopnarine's powers of recollection, I would appreciate a reference to the record of proceedings. I think most of Guyana would have great admiration for his powers of recollection but I think I would like to ask that this House or the people of Guyana be provided with the reference that says that the Commission and this House acted consciously and deliberately in not including the newly inserted constitutional articles in 2001. I think that would be helpful. Be that as it may, even if Dr. Roopnarine is able to trawl the archives and produce this reference, may I submit that the non-inclusion of article 222A and the Third Schedule in the entrenchment article of the Constitution, whilst on the surface it might create the right and circumstances under which article 222A and the third Schedule can be amended by a simple majority, all of that notwithstanding, the

responsibility to consult and to endeavour to bring consensus as it relates to an amendment of the supreme law of our land is in no measure removed.

We live, today, in an era of consultation. One is expected to consult on everything... [Members: Yes.] ...and perhaps rightly and justifiably so. We have now a situation where even if, like I said, Dr. Rupert Roopnarine convinces us, in this House, that this House intended that 222A and the Third Schedule would be exempt from special entrenchment, the responsibility, the need, at least for a semblance of consultation... What we had with respect to the Constitution (Amendment) Bill as it relates to article 222A was a Bill brought by the Hon. Member, Mr. Greenidge, that was seen for the first time that it was tabled in this House, that benefited from absolutely no consultation from anybody anywhere in Guyana, to the best of my knowledge...

Mr. Greenidge: On a Point of Order, I am questioning the accuracy of the Minister's allegation. The discussion that he claimed did not take place...the Bill itself was preceded by two motions from which emerged two Resolutions pertaining to this particular matter. It is the fourth time we are discussing it.

Those were Resolutions that did not receive the benefit of support of, at least, 32 Members of this House. And, in fact, it might be recalled by some of us in this House that when this matter was raised in 2012 in the discussions which took place between the President and the Leader of the Opposition, around the time of Budget 2012, this, in fact, was an issue on the list of issues submitted by the Leader of the Opposition. During the course of those discussions, the constitutional implications of these matters were recognised and, in fact, it was said at that time that the matter should be referred to the Constitutional Reform Committee of this House which, in fact, is chaired by the distinguished Leader of the Opposition. It was said and not disputed – in my recollection, as a matter of fact, it was agreed - that this was a matter that had constitutional implications...

It was not agreed. Mr. Speaker, the Minister must not misreport events. It was not agreed. The Minister and his side – and I have the minutes – made a proposal which was never agreed to by the Opposition side. Therefore, it should not be reported that that was agreed. It was discussed.

Mr. Speaker: Hon. Member, as you rightly pointed out, this is not new grounds that we are covering today. This is the fourth time. However, I do recall making a statement on previous

occasions that one of the unfortunate features of that dialogue was the fact that we do not have any approved minutes and some of us who were not there do not know what was. We are entitled to different opinions but certainly I do get the impression that there was no agreement. That is my impression. One side may get the impression that there was agreement, but certainly it does not appear that there was agreement that this matter should be brought to the Constitutional Reform Committee.

Hon. Members, this pertains to a matter that took place within the four corners of the Office of the President. Most of us were not there. We can have an endless debate on what was said, agreed and not agreed.

Dr. Singh: I do not have a difficulty, Sir, with saying that it was certainly proposed. I do not recall a strident objection from the other side. I would not break a lance on that.

Mr. Ramjattan: I wish to make the point that my demand was that we video the meetings.

Mr. Speaker: That is a different matter.

Mr. Ramjattan: He was the one who said no.

Mr. Speaker: That is a different matter as to whether or not there was agreement on this issue of the referral of this matter to the Constitutional Reform Committee. The Minister said that he has no difficulty expressing the view that there was not strident – that is when Mr. Ramjattan got to his feet – objection.

Mr. Greenidge: Mr. Speaker, as you correctly pointed out, we have dealt with this matter before. On that occasion, it was in response to an assertion on the other side that there were minutes recording an agreement. You may recall that I had the opportunity to refer to minutes which were received from the People's Progressive Party/Civic (PPP/C) side. A draft was prepared and presented by Ms. Teixeira to which a response was sent by A Partnership For National Unity (APNU) with an alternative wording and that alternative wording certainly did not support the position taken by the Minister so it could not be that there was the absence of strident opposition. There was no support for the proposal. There was an alternative formulation.

Dr. Singh: Mr. Speaker, it is not my intention to delay this House unduly on this matter. Suffice it to say that irrespective of what transpired at those meetings and what the different recollections are, what we have before us is an attempt to amend the Constitution that has not received the benefit of unanimous support in this House and that has not gone through the conventional process of consideration by the Constitutional Reform Committee and those are indisputable facts. There is no latitude for discretionary interpretation there.

We now have before us the Fiscal Management and Accountability (Amendment) Bill which, in some respects, is connected to this previous Constitutional (Amendment) Bill which came before the House. The Attorney General has already spoken to the fact that that Bill endeavoured to remove from the schedule of budget agencies certain aspects. This Bill now seeks to assign to these constitutional agencies a special and newly defined treatment for the purposes of determination of their budgets.

I wish to focus my brief remarks on one particular matter. Setting aside the obvious inconsistencies with the Constitution that the Attorney General has so eloquently elaborated on, what we have here, taken together with the Constitution (Amendment) Bill, is an attempt to fundamentally alter the roles and responsibilities of the various branches of Government and, in particular, the Executive and the Legislature, as it relates to fiscal and financial responsibilities. This is not merely removal of a few entities from a schedule. This is not merely defining a new budget process. The Attorney General said it and he said it well: how do you hold one responsible for a matter over which one has no authority? And that is the essence of what we are dealing with here today. Traditionally, our system of Government has assigned to the Executive, responsibility for managing the economy, responsibility for achieving certain fiscal outcomes, responsibility for managing the expenditures of Government and, indeed, responsibility for the consequences of non-achievement of the objectives set out in successive annual budget proposals. That goes to the core of our constitutional architecture as it relates to financial management. Article 171, for example, defines very clearly that a number of matters cannot even be brought before this House unless they have received the prior imprimatur of the Executive acting through the Cabinet, a matter this House is now abundantly acquainted with because it has been the subject of so many debates in recent times. The fact of the matter is that our

Constitution resides exclusively within the responsibility of the Executive certain fiscal and financial matters.

If we were to examine what this Fiscal Management and Accountability (Amendment) Bill seeks to do, it is to remove entirely from the purview of the Executive any role whatsoever in the determination of the budgets of these entities and they are significant consumers of public resources, significant agencies as they relate to the size of their annual budgets. To remove these entities from the process of determination of the annual Budget, which incidentally the Constitution recognised in article 222A... It would be recalled, for example, that article 222A clearly states that these constitutional commissions' budgets shall be brought before the House and approved by the National Assembly after a review and approval of the entity's annual budget as part of the process of the determination of the National Budget.

We must not ignore the second part. Mr. Greenidge wants to ignore the second part and to focus solely on the first part. The second half of article 222A (a) states clearly:

“...after review and approval of the entity's annual budget as part of the process of determination of the national budget.”

That is what the same article 222A states. And so the architects and framers of article 222A clearly recognised the need for the budgets of these entities be part of the process of determination of the national budget. In fact, were they not to be, such a fundamental alteration to the responsibilities of the Executive would be perpetrated that we would have to revisit not only the Fiscal Management and Accountability Act, but a wide range of other pieces of legislation. What do I mean by this? Public entities are funded from public resources; they are funded from the Consolidated Fund. The Consolidated Fund is a fund that is financed by tax revenues and other revenues, the proceeds of loans and grants received by Guyana and the proceeds of borrowings by Guyana. There are quantitative limits on the borrowings that can be contracted by Guyana which have been imposed by this National Assembly. There are, for example, the Public Loan and Treasury Bills Act, the External Loans Act and the General Loans (International Bank) Act, all of which impose quantitative limits, how much can be borrowed, and under what circumstances funds can be borrowed by the Treasury to finance the operations

of public entities. It is for that reason that the Budget is determined as a whole - revenues, loans, grants, expenditure of all public entities.

One cannot remove an entity that is intended to be funded by the Consolidated Fund which financing potentially will influence the overall public sector benefit, which financing, in turn, will influence borrowing by Government to finance the operations of Government and operations of the private sector, from the process of determination of the annual Budget and in an unfettered manner ascribe to them or assign to them a budgetary process that is completely removed from these other constraints. Recall of course, Sir, that notwithstanding the budgets of these entities come through the Executive, the ultimate determination is made in this House. Recall, Sir, that the vote is finally taken in this House for each of these entities. That is a fact. Were we to remove from the Executive absolutely any role, who will be held responsible for the non-attainment of an overall fiscal outcome? Surely, the Executive could not be held responsible for the non-attainment of the fiscal deficit target if there is a whole range of public entities funded by public resources but whose expenditure will be subject to no limit determined or influenced, in any way whatsoever, by an Executive input in the Budget process. The Executive could not be held remotely responsible either for the achievement of a fiscal deficit outcome or a violation of the borrowing limits.

6.20 p.m.

What would one say? Would one say to one of these constitutional entities notwithstanding the National Assembly approved your budget without any Executive input, and notwithstanding if you spend a dollar more you will violate one of the borrowing limits of the public sector... Who then takes on the responsibility of saying stop spending? The fact of the matter is that this matter is not a trivial matter and the emotional arguments about the independence of these entities, very emotive arguments with popular appeal, one understands them. But a matter such as this cannot be trivialised. What we are endeavouring to do...

Mr. Speaker: Hon. Minister, you are right. I have been asking over the last few months...certainly and surely there are good examples elsewhere where their independence and autonomy had been vested in certain constitutional offices. So it has to be that other countries have successfully navigated through what we are trying to do. Yes, there is emotion but certainly

that emotion has been matched with good reality, good experiences and good practice somewhere. That is something I have raised before.

Dr. Singh: Mr. Speaker, it would be recalled that the Attorney General, on a previous occasion when this matter was discussed, I believe it was when the Constitution (Amendment) Bill was being considered, said that let the Hon. Member, Mr. Greenidge, produce for the benefit of this House one example of relevant legislation from any other jurisdiction with a similar constitutional structure as ours. I believe the words that he used were “and I will sit down immediately”. To date, I do not believe Mr. Greenidge has produced that example. [**Mr. Greenidge:** I have no obligation.] Mr. Greenidge said he has no obligation. Perhaps he is of the view that he could bring a Bill like this that oversimplifies the matter – setting aside the obvious flaws the Attorney General so acutely and articulately identified. [**Mr. Greenidge:** I do not have to respond to the Attorney General.] Perhaps Mr. Greenidge believes he has no responsibility. He said he has no obligation to produce an example. He said he does not have to respond to the Attorney General. Perhaps he enjoys that luxury. But we answer to the people of Guyana and this Executive will find itself in the invidious position of playing absolutely no role in the determination of the budgets of entities that will constitute a call on the public Treasury and, unless this Parliament simultaneously removes from the Executive responsibility and accountability for the inevitable fiscal outcomes, this is an oversimplification of this matter. [**Mr. Nandlall:** It is a manifest wrong.] Indeed, as the Attorney General said, it is a manifest wrong.

What is being endeavoured here is a fundamental rewrite of the roles of the Executive and the Legislature, a fundamental rewrite of responsibilities as they relate to fiscal outcomes, a fundamental rewrite of responsibility for fiscal borrowing and financing fiscal deficits. Article 222A stated very clearly:

“...as part of the process of determination of the national budget...”

We cannot forget that. That is in the Constitution. The framers, including the famous Dr. Rupert Roopnarine, presiding over this new constitutional article, clearly anticipated this dilemma that one cannot remove arbitrarily from the Executive a part of the public sector and say you will play no role in deciding how much money these people will spend but you will still be

responsible for the overall fiscal outcome of the country. This is not rocket science or brain surgery; this is plain and simple logic. You cannot hold the Executive responsible for fiscal outcomes of the overall public sector if you will remove the Executive from playing any role as it relates to the budgets of a subset of the public sector – plain and simple. No matter how much you twist and turn it, it is plain and simple.

I wish to say, Mr. Speaker, that in addition to the constitutional and legal grounds identified by the Attorney General and by those who have spoken before me, that there is yet time. We have not taken the vote as yet. I do not know if Mr. Greenidge is contemplating the withdrawal of his Bill but if he is not I would urge him so to do. A matter as fundamental as this cannot be reduced and simplified in the manner that this Fiscal Management and Accountability (Amendment) Bill endeavours to do.

Mr. Greenidge, I do not, at this stage, necessarily urge my colleagues to vote against the Bill. I am hoping that we do not get to that point. I am hoping that Mr. Greenidge recognises the obvious demerits and flaws of this Bill and does the honourable thing and withdraws this Bill from this House this evening.

Thank you very much, Sir. [*Applause*]

Mr. Greenidge (replying): Thank you very much, Mr. Speaker. I start by saying I utterly reject the suggestion that the Bill, for any reason, needs to be withdrawn. I also wish to draw to your attention the article of the Constitution which has prompted this Bill, reminding you again that having recognised the failure of the Government to respect article 222A(a), we have explored all the possibilities of getting the Government to do what it was supposed to do. What did it do? It merely amended the Fiscal Management and Accountability Act by way of an order laid by the Minister to bring the Audit Office within the ambit of the Constitution.

For all of that talk about article 164, let me just remind this House that although the Audit Office was removed, the courts were not removed as part of this Schedule. The courts are here – the lower courts and the Ombudsman. They have not been removed. That means that in spite of the fact that these entities should have been treated in the same way as the Audit Office and the Ethnic Relations Commission (ERC), they are treated completely differently with no bloc vote. That is the reality. So let us not engage in sophistry about article 164 whether there was oversight

or no oversight. Nobody has so far disputed the fact that the schedule to article 222A states very explicitly, very clearly, very unambiguously, that the bodies that are here – the Rights of the Child Commission, the Judiciary and the Office of the Auditor General... That is what is stated here, Mr. Speaker, and if you look at the Estimates, you will find that in the section that deals with lump sum or bloc votes, page 398 of these Estimates, you will find no reference to the courts; you will find only reference to the Audit Office and the ERC. So it is no wonder that the Hon. Juan Edghill is happy and comfortable to come here and tell us all sorts of Anansi stories because the entity for which he has constitutional oversight got its money by way of bloc vote. And that may have to do with the fact that he was performing that role. But the point is that the Constitution is clear. It states all these entities, not only the Audit Office. These speakers have not attempted, at any point, to explain this dichotomy. What is it that justifies treating the ERC, a waste of time institution in terms of its day to day work, not properly constituted...? What is it that requires the ERC to be treated in a manner that is superior to the courts? **[Mr. R. Persaud:** How can you say that the ERC is a waste of time?] Yes, because it is not properly constituted and it has done nothing. **[Mr. R. Persaud:** It is about the concept.] I am not talking about the concept. That is you. What about the concept of the courts? The courts should have been treated in the same way as the ERC.

As regards the arguments made by the distinguished Members on the other side, let me just make a few observations, specifically. The Bill that is before this House does not seek, in any way, to reallocate the role and responsibility of the Executive or of the Legislature. Again, let me remind you that the responsibilities and roles of these entities are clearly set out in the Constitution. The Constitution leaves this Assembly with the role of receiving proposals for annual estimates and for approving them. That remains the case. Also, as regards the Constitution, article 222A, which the Minister conveniently refused to cite, let me read for you so that we can understand why it is that the Audit Office and the ERC should be treated differently from the law courts, for example. Let us not bother with the others. Let us just deal with the law courts. The law courts are critical to our rights; our fundamental rights lie right there. Even before we turn to the Director of Public Prosecutions (DPP)... This is a country where youngsters have been thrown in jail for painting the road. A youngster has been jailed for pointing a finger at the President. These are the things that have happened. And in relation to the role of the DPP, these are powers that are important to our rights.

As regards this Constitution, article 222A... *[Interruption]*

Mr. Speaker: Allow Mr. Greenidge to complete, please.

Mr. Greenidge: Mr. Speaker, we are hearing the height of silliness. The fact that a matter has been dismissed does not mean the person was not in prison before the matter was dismissed. You can be accused of treason and the matter can be dismissed but you can still spend five years in jail. What are we being told here? **[Ms. Teixeira:** It was a pardon; it was not a dismissal.] Rest yourself.

Mr. Speaker: Hon. Members, lower the temperature, please.

Mr. Greenidge: As regards article 222A, in order to assure independence of the entities... I was happy that the Attorney General was so committed, in principle it appears, to the question of the independence and autonomy of the Judiciary and of these fundamental entities. Article 222A states - reminding you that the courts are in that Schedule:

“In order to assure the independence of the entities listed in the Third Schedule –

(a) the expenditure of each of the entities shall be financed as a direct charge on the Consolidated Fund,”

That is the case now.

“...determined as a lump sum by way of an annual subvention approved by the National Assembly...”

We have approved no such subvention for the Judiciary. Since 2003, we have operated under the aegis of the Fiscal Management and Accountability Act, the importance of which was highlighted both by the Minister of Finance and the distinguished Attorney General. I agree entirely with them on both of those that the role of this Act is fundamental as regards these entities because it determines the process by which they are treated and why some entities are treated differently. The Fiscal Management and Accountability Act is an Act of Parliament. It is an Act of this Assembly. It is not a substitute or a replacement for the Constitution. So when the Constitution states that entities shall be enjoying lump sum payments, then the Government is out of order by suggesting – which it has on more than one occasion, including the debate to

which it made reference – that one cannot rely on these entities to manage their own business or they do not have sufficiently strong accounting sections and so forth. If that is the case, let the Government go and change the Constitution. You cannot infringe the Constitution in order to satisfy a law. You have to change the law to keep the law in line with the Constitution. Get your priorities right!

Before we are told once more, quite erroneously and sometimes deliberately erroneously, that one cannot allow an entity to name a figure and commit the Government to any fiscal numbers without reference to the Ministry of Finance and to the Government's fiscal policy, let me just remind you of two things: one is that fiscal management has to do with ex-ante and ex-post. In other words, what is beforehand, and when the entity has received the money, whether it spends it in accordance with the rules set out that govern appropriation.

The Constitution is again very clear. The second part of article 222A (a) states very simply that in relation to the annual subvention approved by the National Assembly, after review and approval of the entity's annual budget as part of the process of determination of the annual budget. There is nothing whatsoever – I emphasise this – in the Fiscal Management and Accountability Act which seeks to remove the process of review. In fact, what it does is require that the request from the agency comes directly to the National Assembly and the Assembly knows what is submitted. The Minister then has to give his justification and explanation if he wants the figure changed. But in the first instance, the entity is required to be in receipt of the guidelines from the Minister. The Minister of Finance, in keeping with the Fiscal Management and Accountability Act, draws guidelines which are sent out roughly around July to September. Those guidelines govern all the entities as regards financing and the submission...

[Interruption]

As regards the other points about the reallocation of roles, let me say that the bogey that is being raised about the Chairman of the Public Accounts Committee and the like... Let me remind my colleagues that the second half of this article 222A is (b) which states:

“each entity shall manage its subvention in such manner as it deems fit for the efficient discharge of its functions, subject only to conformity with the financial practices and procedures approved by the National Assembly to ensure accountability; and all revenues

[unlike many of the other agencies governed and chaired by the Minister] shall be paid into the Consolidated Fund.”

Is this unclear? It is not unclear to me? You cannot infer from that that the Judiciary will have the powers to appropriate and spend as it likes moneys in the manner National Industrial and Commercial Investments Limited (NICIL) does.

As regards the question of the Public Accounts Committee which I started to make reference to, I just want to remind the House that the Audit Act of 2004 is quite clear as regards the reporting mechanisms. You, yourself, Mr. Speaker, will recall that you are responsible for submitting to the House the Audit Reports that are submitted by the Auditor General. Let me just read it in case you have forgotten:

“The Auditor General shall, in accordance with article 223 (3) of the Constitution, submit his reports to the Speaker of the National Assembly, who shall cause them to be laid before the Assembly.”

[Dr. Singh: You are the one who attempted to submit it on the Speaker’s behalf in 2011.] You had your turn.

And just in case anyone is misled by the spurious suggestions by both the Attorney General and the Minister of Finance that somehow in crafting this Bill some special powers have been given to the Public Accounts Committee and its Chair, let me read Part VII of the Audit Act, Finance and Responsibility of the Audit Office. It states in section 40 (2):

“For the removal of doubt, at an appropriate time within the timetable...”

This was a question put by the distinguished Minister, Juan Edghill.

“For the removal of doubt, at an appropriate time within the timetable established by the Minister responsible for finance...”

That is another question he raised.

“...for the preparation of the annual budget proposal –

- (a) the Auditor General shall prepare, in accordance with the rules, procedures and guidelines set out in the Budget Circular, and submit to the Public Accounts Committee...”

That is the Act passed by the other side. It is the Public Accounts Committee. It has nothing to do with Greenidge. We have entered the realm in which the Government finds refuge in demonising, misrepresenting individuals when it cannot defend the policies it proposes.

This legislation was passed by the People’s Progressive Party/Civic Government and the legislation states very clearly – and clearly they anticipated there would be doubt – “for the removal of doubt”. It is also very clear in stating that the Auditor General shall prepare - coming back to the allegation made earlier that it is the Chairman who was planning to prepare – in accordance with the rules, procedures and guidelines set out in the Minister’s Budget Circular. So everybody must know what the guidelines are and they have to live within those guidelines. There is no special privilege in that sense. The privilege that the courts enjoy is the privilege of having their moneys set out in the same way as the entity presided over, until recently, by Hon. Juan Edghill. The reason for that is very simple. If you look at the tables which characterise the lower courts... I am not going to bother with the others because the same thing applies here. The Attorney General complained that we had not mentioned *mutatis mutandis*. I do not think we have missed anything. The point is this: if you have a look at anyone of these pages – Ministry of Finance, Ministry of Tourism, Ministry of Culture, Youth and sport, Ministry of Natural Resources and Environment, Ministry of Public Works, Ministry of Health, Ministry of Labour, Ministry of Legal Affairs, Director of Public Prosecutions – you will find that the Estimates set out in fine detail the specifics of every category of expenditure. Why is this a problem? It is a problem because prior to the receipt of the money, the Minister of Finance and his officials may go through the Estimates, modify the lines... *[Interruption]*

Mr. Speaker: Members would have seen a list circulated. The Hon. Minister has asked to see some specific years. They have been brought up and provided and there is an issue that has since arisen.

Go ahead, please, Mr. Greenidge.

Mr. Greenidge: Thank you, Mr. Speaker. I wonder only whether it is a matter of life and death that requires the interruption of my presentation. I would not have done that to the Minister and this seems to be in keeping with the behaviour... *[Interruption]*

Mr. Speaker: Are you finished, Mr. Greenidge?

Mr. Greenidge: Sorry, Mr. Speaker, I did not hear you. May I continue?

Mr. Speaker: Yes.

Mr. Greenidge: What I am saying is that the Estimates are crafted in a manner deliberately to enable control of the agencies that are listed as budgetary agencies. That is the purpose. Nobody must deny that because it would not make sense otherwise. Beforehand, the Minister and his officers or his officers alone may take a line and reduce it or remove it. If the line, for example, contains investigations of a certain nature or concerns travel, it can affect the operations of the entity meaning that its independence can be compromised. The autonomy of the entity can be compromised.

May I also say to you, Mr. Speaker, that if you look at the Fiscal Management and Accountability Act, you will find that section 11 allows the secretary to summon and get details from the head of the agency in question, the Judiciary, for example. Section 11 (2) states:

“The head of a budgetary agency shall provide [the law courts or the DPP] the Finance Secretary any information [it is unqualified]...”

Mr. Hinds: Mr. Speaker, I protest, I challenge, the assertion of the Hon. Member that it is unqualified. The Finance Secretary can request information with request to financial implications.

Mr. Greenidge: Mr. Speaker, I have no interest in the view of the Prime Minister on this matter because I am not giving a view; I am reading the legislation, Mr. Prime Minister. Your interpretation is a matter for us to exchange in the coffee bar. **[Mr. Hinds:** You have not read all of it, only a part of it.] Let me remind you what the legislation states: “The head of a budget agency...” And if “any” does not mean unqualified then our understanding of the English language is clearly different so there is no point in us arguing.

“The head of the budget agency shall provide any information that is requested concerning the affairs of the budget agency.”

Any! It does not state ‘some’ or ‘financial information’; it states “any information”. You tell me that that is not unqualified.

The issue is not one for debate. This is very clear, strong and unambiguous. In normal circumstances, I would have no problem with it. What I am saying is that I did not envisage and I am sure that the Constitution itself could not sensibly envisage that the Finance Secretary should be in a position to quiz a member of the Judiciary, whether it be a Chancellor or the Registrar, in this way. For that reason, it must be removed. That is my point!

Mr. Speaker, therefore, as regards the question of new powers and issues of that sort, let me make it clear that as far as I am concerned, these arguments are purely diversionary, in keeping with the type of presentation we heard in which the Attorney General could be telling us things, accusing the Bill of carrying things that it did not carry.

6.50 p.m.

We are into all sorts of forms of diversion, comic relief perhaps, too much pressure, too much tension, as well as simple misinformation. At no point does the legislation seek to do anything other than the following - I will make this point for emphasis - It seeks to ensure that the constitutional agencies receive, as does the Ethnic Relations Commission (ERC) and the Auditor General, a lump sum for its annual allocation. It seeks to ensure that when agencies make the request they will submit details; there is no question about that. The same thing happens as regards the statutory agencies which the House does not change and cannot change. They are reflected in the Budget as lump sums in one place and the details are provided elsewhere, but one does not go through them in the details that are gone through here. They are given lump sums and those lump sums cannot be changed afterwards by a Minister.

In other words, right now we have had many instances... *[Interruption]* Instead of the Attorney General dealing with what is before him he is making up stories and heckling. We would have been spared this embarrassment if he had looked at the legislation. Right now the Minister of Finance and his Finance Secretary may decide that exigencies can justify not disbursing any or

disbursing with delay the money that is due to an agency. I do not know whether I am making myself clear. This House can approve an amount for the judiciary. *[Interruption]* Another one that does not understand anything. This House can approve an amount for the judiciary and then that judiciary can find itself not in receipt of the moneys approved by this House after review because the Minister does not find it convenient or the Executive decides it is not convenient. Can that be an independent agency? Can this be autonomy? Our colleague... *[Interruption]* That is your interpretation; go and have a look at the statutes.

The Constitution requires that a lump sum be awarded to the entity after review by the Parliament. What we are saying is not only must the failure to submit a lump sum be discontinued but that after the amount is approved it must be disbursed within a limited period of time, otherwise no autonomy exists. We have colleagues who try to divert attention from the substantive issues. Nobody on the other side has addressed this issue but instead they are giving us all sorts of round-the-town stories. *[Interruption]* Our colleague just referred to the attempt on the other side of the House to turn giants into dwarfs. When I hear that noise from the other side I understand what he means. **[Ms. Teixeira:** Do not be upset.... It is alright. I am with you.] I am not short of anything Madam. I am short of nothing. If you want to measure, measure me from the neck up.

Mr. Speaker: Hon. Members let the debate be centered on the Speaker's Chair, please. Allow the debate to come to the Speaker's Chair.

Mr. Greenidge: Mr. Speaker, we were asked about the presentation...

Mr. Speaker: Hon. Member when you said you were short of nothing, I noticed Mr. Lumumba got very animated, I do not know what troubled him, but you go ahead.

Mr. Greenidge: Sometimes it is functionally necessary to be animated. It serves a function. What I am saying is that at this point in time who will answer the question that was put for these agencies. I am saying to you, Mr. Speaker, the question arises because our colleagues are deliberately and otherwise, and I do not want to be uncharitable, confusing the approval of appropriation with implementation. This House has the responsibility to receive, review, and approve, appropriations. What we are doing in relation to these agencies is requiring that the appropriation for these entities, the constitutional entities, come directly to the House. It is the

House that reviews and approves them. That is what the Constitution requires. At this point in time, that is not the case. The House having to review them, will review them on the basis of advice, one, from the Minister of Finance. That is specifically set out. His role is not diminished in the sense that he comes to the House and he has to bring his argument here to the House. If the House is persuaded it may modify the proposal, nothing stops it modifying the proposal. And nothing allows the Chancellor to have any amount he requests. You, Mr. Speaker, raised this very point when we were dealing with this matter as a motion. I do not know why people are bringing it back again. It is clear; we have set it out here. The guidelines of the Minister of Finance have to be respected by the agency. The agency asked for an amount, the Minister sends in his proposals in time for the House to take them into account in its deliberations; having taken them into account they agree to a sum and the Minister incorporates it into the budget. It is the Executive's budget. He brings the Appropriation Bill; the Budget having been amended accordingly he will report to the House that the House has approved the Appropriation Bill as amended or without amendments, and it goes forward in the same manner as all the other modifications or changes that he has experienced in the past. I hope now our good colleague on the other side understands what is being proposed here. We have two purposes in this item, to ensure the Fiscal Management and Accountability Act does not override Article 222A of the Constitution. That is the first and most important point. If colleagues on the other side... *[Interruption]* Thank you very much Mr. G. Persaud. It has taken you not very long and I hope that the others would have already been persuaded. I am saying that the intention here is to ensure the House is aware of what the agencies ask for. It is the House that determines what they receive and the House will know that once it has approved sums for these particular agencies they cannot be modified. That is not something peculiar to the Constitution. Agencies at the back of the Estimates, and I noted when we had moved to the Estimates suddenly there was the diversion about another story. I hope it is not going to recur.

The Estimates here have at the back a set of statutory bodies. These statutory bodies, if you like you can see what we are trying to do in two ways. There are the budgetary agencies which have been defined in the Fiscal Management and Accountability Act and which the Minister can change before they come to Parliament. He can modify the flow of funds after the Parliament has... I have to say as you know "easy lesson..." Do you know that story? That is one category of expenditure.

There is another category of expenditure which applies to the statutory agencies. Let me just refer you to, somewhere around the page Roman XII of the Estimates, the Preface. The Preface starts with an Introduction, as is normal, which explains that the amounts being requested for appropriation are of two types. I am saying to you this is inaccurate, there are three. The two types are statutory, these are the expenditures for which the Government has already through Parliament or otherwise committed itself and, therefore, like debt repayments you cannot modify them. The House can look at them, enjoy them, get high blood pressure over them, but they cannot modify them. These are the statutory payments. These are listed at the back of the Estimates in Part 5.

In relation to the appropriated expenditures, these are the ones we normally spend time reviewing. I am saying to you there is a third category. That category comes to this House and the House reviews. Unlike the statutory expenditures this House reviews those proposals, it decides on the proposals and then it approves them. When this House shall have approved proposals the Minister cannot modify them afterwards. They are equivalent, if you like, to demi- or semi-statutory expenditures. I hope that is clear. In other words, they can be modified beforehand but after approval by the House they cannot be modified by the Minister. That means they cannot be exploited and the autonomy of the agency cannot be undermined by fiscal or arithmetic manipulation. I hope that is clear.

There are, I believe, a couple of other queries or questions raised. [*Interruption*] Thank you very much, you are very generous, and I shall take full and merciless use of your largesse. The point is as regards the budgeting process; let us be clear on that. If you take the Public Accounts Committee or the Director of Public Prosecution (DPP) Chambers, or whatever fancy term the lawyers grace it with, the idea is as of now they prepare annual estimates in accordance with the guidelines of the Minister of Finance. They will continue to do that. Nobody takes that responsibility from them. Having prepared them, in the case of the Public Accounts Committee, they arrive in this Parliament merely through the instrumentality of the Public Accounts Committee and the Chair. The Public Accounts Committee carries out a function which is specified in an act. It is not specified in this Bill. As regards the other constitutional offices the process is the same but the conduit in this case is the Clerk of the National Assembly. And the idea is not that the Clerk seeks to defend it, he ensures that the request comes unmodified to the

House. In other words, he receives it and transmits it as is received. The review takes place in here; the questions about it are put right here in this National Assembly. It touches in no way the responsibilities and powers of the Executive except that it seeks to ensure that the House itself is given its full role in accordance with the Constitution. Article 222A says they must get a lump sum, the House must review that lump sum, and it must approve it. Now, can I accuse someone else of usurping my responsibilities when some of those responsibilities I am currently exercising are unconstitutional, are someone else's responsibilities. I cannot. So the idea, the suggestion, repeated so often by the other side that we are seeking to take away responsibilities of the Executive are entirely fictitious, worse than the Unidentified Flying Objects (UFO). They are figments of the imagination. They seem to be the reflections of delusions of grandeur. The responsibility for approving appropriations is the House's, not the Minister's. We seem to be getting confused by arguing that it is the Minister's. You have been arguing Mr. Attorney General that these powers...

Mr. Speaker: Keep it this way. You have been doing well so far. [**Mr. Seeraj:** Keep it calm there Carl.]

Mr. Greenidge: I am quite calm. I thank you my colleague for the advice.

As regards the process, therefore, and who has responsibility for defending the fiscal performance, there is no change. The Executive will have made a written input into the fashioning of these figures. They will inform the House; the House will take a decision, and in keeping with all other expenditures, they are responsible for implementing. If they fail, and it is surprising they should be worried at this stage about failing because nothing would have been changed from what has been going on in the past. That is, they will still continue to be responsible for implementation and performance in relation to these areas.

As regards the question of Article 222A therefore, there should be no doubt that the legislation here does not even require that the amendments, which are already before the President, be signed. In other words, this legislation does not have to be modified by anything that was done before. It is self standing, very clear. We are arguing here that the Fiscal Management and Accountability Act requires that the process currently in place be modified. That is what we are proposing to do. It also says that the legislation before you is legislation which is intended to

ensure that the financial management of the Parliament is reinforced and in keeping with what is set out here.

Let me just remind you of something, Mr. Speaker. I am saying it matters not one iota whether Article 222A and the annex to it is complete or not. Even the entities that are set out in 222A have not been subject to the requirements of 222A as set out in the Constitution. The Government has refused and failed to explain why they have, one, not honoured the obligations of the Constitution and, two, have not sought in any of the presentations to justify why they cannot implement what is here in the Constitution. In the light of that my task is very simple. It is to invite those who are willing to see, those who are willing to look, and those who have the paramountcy of the Constitution at heart, to support this Bill and ensure it is passed as presented to you.

Thank you very much. [*Applause*]

Mr. Speaker: Thank you Hon. Member. Hon. Members we have had a debate that literally straddled several months. I just recall I did indicate to the Hon. Member Dr. Roopnarine that I would give him an opportunity if he so wishes.

Dr. Roopnarine: I can provide the details.

Question put.

Division

Assembly divided: Ayes 32, Noes 30, as follows:

For

Mr. T. Williams

Mrs. Marcello

Dr. Ramayya

Mrs. Garrido-Lowe

Mrs. Hughes

Against

Mr. Jaffarally

Dr. Persaud

Rev. Gilbert

Dr. Mahadeo

Mr. Nagamootoo

Mr. Ramjattan

Ms. Ferguson

Mr. Morian

Ms. Williams

Mr. Jones

Mr. Adams

Ms. Baveghems

Mr. Sharma

Mr. Bulkan

Mr. Bond

Ms. Kissoon

Mr. Trotman

Ms. Selman

Mr. Allicock

Ms. Wade

Mr. Felix

Ms. Hastings

Mr. Scott

Lt. Col. (Ret'd) Mr. Harmon

Mr. Seeraj

Mr. Neendkumar

Mr. Lumumba

Mr. Chand

Ms. Shadick

Mrs. Chandarpal

Mr. Nadir

Ms. Teixeira

Bishop Edghill

Mr. Whittaker

Mrs. Sukhai

Ms. Webster

Mr. G. Persaud

Ms. Manickchand

Mr. Benn

Dr. Anthony

Mr. Ali

Dr. Ramsaran

Dr. Westford

Mr. R. Persaud

Mr. Greenidge

Dr. Singh

Mrs. Backer

Dr. Norton

Mrs. Rodrigues-Birkett

Mrs. Lawrence

Mr. Nandlall

Mr. B. Williams

Dr. Ramsammy

Ms. Ally

Mr. Rohee

Dr. Roopnarine

Mr. Hinds

Brigadier (Ret'd) Grainger

33

30

Motion carried.

Bill read a second time

Assembly in Committee

Bill considered and approved.

Assembly resumed

Bill reported without amendments, read the third time and passed as printed.

MOTION

INTERPERSONAL VIOLENCE

WHEREAS in its first World Report on Violence and Health released in October,

2002 the World Health Organisation defined violence as “the intentional use of physical force or power, threatened or actual, against another person, or against a group or community, that either

result in or has a high likelihood of resulting in injury, death, psychological harm, mal-development or deprivation”;

AND WHEREAS the aforesaid World Report defined Interpersonal Violence (IPV) as being subdivided into family and intimate partner violence and community violence with the former category including child maltreatment, intimate partner violence and elder abuse while the latter is subdivided into acquaintance and stranger violence and includes youth violence, assault by strangers, violence relating to property crimes and violence in work places and other institutions;

AND WHEREAS the incidents of Interpersonal Violence has reached epidemic proportions in Guyana;

AND WHEREAS this has occurred despite numerous programmes aimed at reducing interpersonal violence initiated by government agencies, schools, religious bodies, volunteer organizations and other community based organizations;

AND WHEREAS the reversal of this epidemic is in the interest of all Guyanese who continue to be adversely affected by it;

AND WHEREAS research at the national, regional and international levels has shown that high incidents of Interpersonal Violence has a significant negative effect on the economic growth and health of a country,

“BE IT RESOLVED:

That this National Assembly unequivocally condemns all forms of Interpersonal Violence;

BE IT FURTHER RESOLVED:

That this National Assembly designates a day to be observed under the theme “Parliamentarians Against Interpersonal Violence” during which the National Assembly will organize appropriate activities to highlight ways in which Interpersonal Violence can be reduced;

BE IT FURTHER RESOLVED:

That this National Assembly calls on the Government of Guyana to establish, within one (1) month of the passage of this motion, a broad based Committee comprising but not limited to,

representatives of the political parties in the National Assembly; the relevant Government Ministries; religious bodies, private sector bodies; youth organizations; women organizations and volunteer organizations with the mandate to complete a National Plan of Action to combat Interpersonal Violence within four (4) months of its establishment; and

BE IT FURTHER RESOLVED:

That the Government of Guyana within one (1) month of the completion of the aforesaid National Plan of Action, lay it in the National Assembly.” *[Deputy Speaker]*

Mr. Speaker: As recently indicated, we have a number of matters on our Order Paper for completion tonight. There is a motion on Interpersonal Violence in the name of the Hon. Deputy Speaker, and Government’s business, two Bills for consideration. I suggest we commence the debate on the motion and then go to a half hour suspension thereafter. So I invite the Hon. Deputy Speaker, Mrs. Deborah Backer, to speak.

Mrs. Backer: Thank you Mr. Speaker. I hope the temperature during the debate on this motion on interpersonal violence, standing in my name, will be more comfortable for all.

I rise to move the motion standing in my name on interpersonal violence and would like to say immediately that it is a relatively simple motion while, of course, dealing with something that is very, very deeply ingrained; something that together - and that word will appear several times in my short presentation - something that together we should seek to, if not eliminate to contain.

First, the motion defines violence in the first WHEREAS clause. The definition is taken from the First World Report on violence and health which was released in October 2002, over 10 years ago, but it is still very relevant. In the second WHEREAS clause the motion goes on to define interpersonal violence which is what the motion seeks to deal with today.

Second, having defined violence and interpersonal violence the motion goes on to assert that interpersonal violence has, in our opinion, reached epidemic proportions in Guyana. This epidemic has a negative effect on both the economic growth and the health of our country, not to mention, of course, our safety.

Third, the motion seeks to lament that despite laudable and innumerable initiatives by various Government agencies, by schools, by religious bodies, by volunteer organisations and other community based organisations, despite the laudable and innumerable initiatives taken, the reality is that interpersonal violence remains up close and personal, very real and forever present in our landscape.

No day goes by in Guyana; no day in Guyana seems complete without multiple reports of either murder or murders, stabbing, rape, attempted rape, life threatening incidents of domestic violence, school violence, abuse of our elderly etcetera. Today's *Stabroek Newspaper*, page 9, "*Miss Phoebe pensioner murdered*". Page 13 of the same paper, "*Guyanese woman seeks residence in Canada as refugee from domestic abuse*" and it goes on to tell us about that in Guyana. The 30th April, "*63 year old remanded for murder of plastic city teen*". This is the 63-year old man that is alleged to have stabbed his step-daughter, I think they said 21 times, over whatever argument. "*Papa George gets nine years for killing wife.*" This is any day. "*Guyanese woman chopped to death in Barbados.*"

7.20 p.m.

You may say this is not Guyana, but it could well have been Guyana. "*Baby boy found abandoned.*" Interpersonal violence is also about neglect, so you have persons in the 21st Century abandoning babies by kokers. "*Teen mother kills man who made sexual advances.*" This was very recent and the young lady is supposedly pregnant and I believe she may be in jail as we speak.

The point is, every day and that is just the tip of the iceberg because that is what meets us, but even as we speak some young girl, young boy, older woman or man going home, having completed a day's hard work, even as we speak, is most probably being attacked, assaulted sexually or physically or both. I do not think anyone can argue about where we are with interpersonal violence.

It is against this backdrop of so many initiatives aimed at reducing interpersonal violence on the one hand and the persistent high incidence of interpersonal violence on the other hand, that this motion was tabled. It was tabled because while most of us here, on both sides of the House, have already raised our voices against interpersonal violence whilst wearing other hats, for example,

the House did it in a previous motion passed in 2008. That was a motion about violence against women and children. We have done so in the different civic groups that we are members of. Dr. Persaud is a member of, I do not want to say the name of the Hindu organisation because I may get it wrong, but she is very involved and I have seen her speaking about alcohol and so on. Dr. Ramsammy has spoken quite passionately about alcohol. Minister Manickchand, in her previous dispensation, spoke about domestic violence and alcohol not being an excuse. And here, religious bodies, Ms. Wade would have spoken about it in her church and all around. However, we have never together, as one body, which means the elected representatives of the people of Guyana, never once in one voice said we stand in a united way, unanimously, without any space between us, on this issue of interpersonal violence. That is the context, the backdrop, if you will, of why this motion was brought.

It is time that this House, where many people feel we cannot agree on anything must stand firm in our belief on something as basic, vital and something as everyday as interpersonal violence. As I say and as we say, it remains up close and personal.

This one voice approach that A Partnership for National Unity (APNU) feel is so important in a motion of this nature, which lead APNU, before we tabled the motion, to share the draft motion with both the PPP/C, with no less than their Chief Whip and, with no less a person than the Hon. Member Mrs. Hughes, on behalf of the Alliance for Change. I personally said to them, look at the motion, see if it can be improved; we would be prepared and we would, in fact, encourage in the spirit of a one voice approach, if either party would be prepared, to second that motion. That did not happen.

I am going to talk briefly on the Hon. Member Ms. Teixeira's proposed amendments that I first saw this morning; it came in my mailbox about 11.30, but I was only able to open it a bit later when I left court. I am slightly disappointed, not in the contents of the amendments, which I will get to, but in the fact that, we really wanted us to have the discussion, so like I said, we can come with joint ownership of this motion, but that was not to be.

What are the effects of interpersonal violence because we know what it is? Some of the effects are, the most obvious and immediate ones, the pain and suffering of the victims and his or her family. If someone is killed that family is forever ruptured. If someone, as a result loses a limb or

two, that family is forever ruptured. Loss of income; loss of productivity because they lose their income if they cannot work and the country or the company that they work for, the Government Ministry; if they work with the Ministry of Foreign Affairs, the Hon. Minister Mrs. Carolyn Birkett would be short of a staff or two, if he or she is the result of domestic violence and have to stay away or have to go to the hospital. Dr. Ramsarran will be under strain because scarce resources will have to be, not diverted, but will have to be used on that person or persons, WHEREAS it could have been used for persons who would have suffered by things that perhaps would not have been preventable. Interpersonal violence, we always need to keep it in our mind, is preventable. We know it is not utopia so you are going to have some amount of interpersonal violence, but we have to do, by God so, something decrease it, to contain it if you will.

There is a strain on the health system; there is a strain on the legal system because a lot of court time is spent on matters which really should not meet the court; husband chopping wife's hand off, wife stabbing this one, children being mutilated and we can go on and on.

High levels of interpersonal violence also will deter investments, tourism and all that. When you hear of what is going on people may be a little reluctant to come. Reduced quality of life – for many persons who suffer permanent disability there is a reduced quality of life, as a result of interpersonal violence. We see what happens or what happens as a result of these high incidences; this epidemic as we call it.

A little more elusive is what causes it. What causes a man and woman to go before God and man and say I do, I will love you till death do us part. Perhaps they do love them until they kill them, I do not know. However, the point is, that there are these things we all witness; people cry and are so emotional and then in two years you hear that someone is stabbing someone and children are brutalised.

What causes this? There are many studies and in fact, the more I read and Google the more I saw. It was almost like report fatigue, should I do this one and should I believe this. There seems to be a general sort of consensus that this is learned behaviour to an extent. Studies have said that this maybe learned behaviour. A person grows up in violence he or she is prone to reproduce and to continue violence, as they themselves, as I said, grew up.

Harsh corporal punishment - subjected to that, whether it is at home or in the schools and that may lead to a person learning that this is perhaps the way to go on. Bullying in the schools – I am the bigger one; I am the Odinga Lumumba. I did not mean it in that way; I cannot say this is Debbie Backer because I am a little short. The Hon. Member Mr. Lumumba understands me. This is a big person and feeling that I can bully this person. So there are a lot of reasons.

There is also the belief in Guyana particularly that a bed fellow of excessive alcohol and drug use is interpersonal violence. There is that belief. In fact, there was a magistrate in Berbice, in August, 2010 who was so sure that he stated the root cause of domestic violence was alcohol. He stated that it was in 100% of the domestic cases that came before him in Berbice. I do not want to call the magistrate's name. That maybe an exaggeration, but I think it gets you thinking and there is research done on *Dutch courage*. It cannot be a coincidence that when persons are drinking, men and women - you hear about it - at some wedding house where someone gets thrown over the verandah. This is a wedding house that has gone to celebrate the beginning of new union and someone is thrown over the verandah or someone's throat is slit. Then you would read in the newspapers a group of men who were drinking since morning and in the afternoon a little incidence occurred and someone was stabbed. They have to run to the hospital and our scarce resources have to be pushed to them, Whereas it should not have been necessary, it should have been treating other people.

As we go about Guyana, we see this excessive use of alcohol. I know that Dr. Ramsammy is quite passionate about excessive use of alcohol. In 2007, Dr. Ramsammy spoke about alcohol use being extremely high. Sir, you will notice that I am deliberately including the Government side because I want it to be understood that on this issue, we are all one National Assembly. In August, 2010, the Hon. Member Ms. Manickchand in her previous dispensation said that, while alcohol plays a role in domestic violence, it must not be seen as an excuse to perpetuate violence.

There is this acceptance that excessive use of alcohol - there is an excessive use of alcohol in Guyana. I do not think that anyone can deny that, it is part of our culture – a macho. Someone is about to fall down, “*Man tek another drink nah man*. How do you mean you can't drink again?”

Mr. Speaker: Women are drinking more than men in some instances.

Mrs. Backer: Okay, I will say women then.

Mr. Speaker: So that is not macho.

Mrs. Backer: Sir, I accept that. But you know, “Take another drink man.” The person is falling and they are being invited to take another drink.

Mr. Speaker: There is something called the *wash down*, after you would have exhausted everything you are told to go for a *wash down* somewhere.

Mrs. Backer: I am hearing from both sides something that is totally inappropriate, but is said everyday in Guyana, “*tek one for de road.*” You are going to drive and is stumbling, cannot stand straight and your best friend or your buddy, man or woman says, take another drink, “*tek one for de road*”. They know you are going to drive home. That is the culture that we have to get rid of.

In addition to alcohol, violence and learned behaviour and all of that, studies in the Caribbean accept that crime and violence is associated with poverty, unemployment and politics. That is why we have to take a united stand here with social inequities. The big one, at least the big one for me, cultural norms - *If he don't beat yuh he don't love yuh.* There are people in the 21st Century who come to my office, young people and say that to me. I say to them, thank God my husband do not love me. That is the kind of thing – “Man stay with him; where are you going? Why are you going? He only beats you every other day; you might go and someone might beat you every day. Think about the children.” Your hand is dropping off – “Oh don't go, think about the children.”

Our religious leaders and we have several of them here, our church goers; our temple goers; our mosque goers; our worshippers; our leaders in civil society – Lions Club, Rotary, wherever, we have to put an end to this culture. I was going to save this for the conclusion because it is not a long discussion, but I want to bring it on now. I agree with you that it is not only men who perpetuate violence and it is not only women who are victims, or children. This is what it says, a young girl in America, her name unanimous, saying this about men. She said:

“If you are a good man reject violence. If you are a better man detest violence. If you are the best man transform violence.”

That is what all of us here, men and women, have to do. Surely there are some solutions and there will be no paucity, that is what I said, there is a disconnect. I said so in my motion. The Government - there are innumerable initiatives taken by this Government.

In her amendment to the Resolved clause, which I said I will touch on just now, the Hon. Member Ms. Teixeira spoke about some of them, but even those that she mentioned are not exhaustive, there are even more than that.

We have to strengthen the institutions that serve as learning/protective ports. What is meant by that? We mean the family; we mean the community; we mean the schools; we mean faith based organisations. Long ago they used to say it takes a village to bring up a child, now our villages, unfortunately, are fast becoming like our urban areas, where everyone is to him or herself and it is a doggy doggy world.

We have to look at for example; it may have been thought about before, we have day care centres, we have to think about night care centres. There are so many single parents, when they go out to work, for example, most security guards are now women. Many of them single women and they have a seven year old child, a four year old and a two year old. When they go out in the night, the seven year old child is babysitting and is the mother and father for the four and two year olds. Perhaps the Government with help from other agencies need to look at night care centres, so when someone is going off to work in the night, it is the same as it is in the day, there is a safe place they can leave their young children.

We have to develop parenting skills for our young people and our middle aged, even our older parents. Look at it like this, when you go to buy a car or a television, look at the care you take. You go and get the instructions on what you have to do with the car. You take these instructions very seriously. A lot of persons are getting children and they do not have any support. Children are getting children; they do not have the skill.

I say, without fear of contradiction that my greatest achievement has been bringing up two young people who are fairly okay. They are not perfect. None of us have perfect off springs, but that is a task that is monumental and we have to give it the central position it deserves. If we do not bring up our children, with help of course from our extended family and our friends, who is going to bring them up? If we do not inculcate in them the right attitudes; respect for authority,

all these things that sound really simple have to be learned. We cannot teach them if we do not know them, so parents have to be told.

When I went to the institution in Washington, an institution I think you also went to, they spoke about tabula rasa, a blank slate. I believe that children come into the world with a blank slate. It is responsibility of the primary care givers - their parents - to ensure that every entry on that blank slate is a positive entry. As that child grows older and his or her nucleus begins to expand, to schools, religious organisations and to the community, the leaders in those areas, have a responsibility, a sacred responsibility to continue to make positive entries on that person's slate of life.

It is by doing those very fundamental things that we will begin, I think, to reverse this, what we call an epidemic. We think it is an epidemic because it is widespread and that is what an epidemic means.

Other strategies to decrease interpersonal violence, well I have already spoken about safe, stable and nurturing relationships between children and their parents and caregivers; developing life skills, reducing the availability and harmful use of alcohol and drugs; reducing access to guns and other illegal weapons; promoting gender equality and challenging gender norms, changing cultural and social norms. We also need to have a relationship with the media. Violence is glorified, not only in Guyana, but in the Caribbean and further afield. In the average movie, in the first five minutes, ten people are killed. Violence is glorified in our community, surely that has an effect on the children who are spending fourteen, fifteen and sixteen hours in front of a television. My Hon. Colleague also just mentioned video games that are inherent, many of them are violent. There are good ones; we are not saying there are no good ones.

Then of course, we have the indecent language. We have the songs. I do not think some of us have listened; I know the Hon. Minister Rohee may have listened to one or two of those and seen the words, when I was in the National Commission on Law and Order. We would be horrified, all of us if we hear because you really cannot hear the words. Only the young people, for some reason, have different ears, they actually hear the words. The older ones like us, we do not really hear, we just hear the rhythm. But some of those words are astonishingly frightening. The call to violence is naked and unequivocal in some songs and we have to do something about it.

The motion having gone through four or five simple WHEREAS clauses, ask this National Assembly to do a few things: Firstly, to unequivocally condemn all forms of interpersonal violence. I can see no one having a problem with that. The second Resolved clause asks us to designate a day to be observed under the theme, “Parliamentarians against Interpersonal Violence.” that is not a theme obviously carved in stone, but we have to put down some theme, during which, the National Assembly will organise appropriate activities to highlight ways in which interpersonal violence can be reduced. The third one calls on the Government to establish a broad based committee and the groups are mentioned.

In the Hon. Gail Teixeira’s amendment, the Hon. Member seeks to remove that clause and to call on the National Assembly to commit to actively support existing programmes, et cetera. While there is no problem with us supporting, the purpose of this penultimate Resolved clause is for the very reason that, on the one hand we have this high incident, this epidemic and on the other hand you have all these initiatives. Yet the epidemic remains stubbornly present. What is being called for is a National body to pull all these strands together; to pull the religious bodies; to pull the Acts, the Law Commission, the Constitutional Commission; to pull all of them together and come up with a National plan. They will obviously do different things. We must sit down and say what is happening because something is wrong. If something was not wrong, with all the initiatives being taken, interpersonal violence could not still be at this epidemic level because some of these organisations and some of these initiatives are dated in the sense that they have been here for a while. The last Resolved clause calls for the Government to lay in the National Assembly, within one month of the aforesaid, a National Plan of Action.

Briefly, if I can mention the Hon. Member Ms. Teixeira’s proposed amendments. One - the second WHEREAS clause is to replace “has” with “have”. I agree with that that was a typo, so there is no problem with that. The next two recommended amendments have to do with replacing the word “epidemic” firstly with “alarming” and on the second instance, we will be placing “epidemic” with the words “disturbing trend”.

Sir, in our humble opinion, the level of interpersonal violence in Guyana is more than alarming. What may be alarming is that the high tide may once again come over the wall on Thursday and flood some people out. I am not trying to trivialise that that may be alarming. What may be alarming is the fact that the Member of Parliaments (MPs) do not seem to be able to get along

here, but outside they get along, that may be alarming. What may be alarming is when you look in the mirror in the morning and say, oh my goodness, I have more grey hairs than I should have and I am getting a little older; that is alarming. But, what we have with interpersonal violence is nothing short of an epidemic. While it is not my intention as I said to dismiss the amendments, we feel that the word “epidemic” conveys the level of how wide spread it is; how consuming it is; how deep it is; how wide it is and because of those reasons and for no other reasons we would want to keep the word “epidemic” in the two places that it occurs.

Going down on the Resolved clauses, the Hon. Teixeira proposal is, after we said:

“This National Assembly unequivocally condemns all forms of interpersonal violence.”

It then has a proposed insertion:

“...And reaffirms that previous commitment to the implementation of the Parliamentary Resolution No. 72 of December 11th, 2008 against violence against women and children.”

This motion is bigger than violence against women and children. This motion is about violence against everyone and it includes men. For too long we have left men out. Obviously, if you are dealing with interpersonal violence or violence against women and children, that is all you will deal with, but this motion wants to embrace everyone and we want to let men know, this National Assembly must let men know, that this problem of interpersonal violence cannot be reduced without their active buy-in and their active participation.

We do not want to, I would not want to say dilute; we have already, as the Hon. Members rightly said, in 2008, we have already made a commitment about violence against women and children and we see no need to bring this back into a motion that is wider than that. As such, that amendment, we are unable to support. It comes back to what I said at the beginning; had we had an opportunity for discussion, we may have been able to change words genuinely, etc, but as I said, that was not to be. I think that the heat of the debate and all of that left us in a situation where perhaps persons were tired and that did not happen.

As I said, the last Resolved clause, we want to see a national broad based committee established. The main function would be to pull all these strands together. We have to get involved actively,

not just as giving support; Members of Parliament have to get involved actively; the National Assembly as a body must be represented on that.

Interpersonal violence is too serious for us to think that we can make a difference if we all go our separate ways. As such, it is my fervent hope that despite the fact, whether the amendments are carried or not, the Government will unequivocally support this motion. Despite all of our differences we will send a message to the Guyanese people that on the issue of interpersonal violence, the National Assembly, in the same way that we will stand side by side in defence of our sovereignty and National integrity, we will stand side by side on the issue of saying to the Nation, interpersonal violence must stop, we condemn it and we condemn it unequivocally. I thank you Sir. [*Applause*]

Mr. Speaker: Hon. Deputy Speaker, thank you. Hon. Members I proposed the motion for debate, however, I suggest, as before, that we take the suspension for half an hour now and on resumption we will debate. I invite the parties and the Whips in particular to examine of course two things, the amendments that have come in, to see whether we can narrow the gap, so that we can have compromise and consensus. Secondly, to see whether we can pare the list of speakers down because we do have two other Bills for tonight. If we can agree that we can reduce the numbers, I believe it will be a motion that we can, together, submit for approval, if we can just, agree.

Sitting suspended at 7.50 p.m.

Sitting resumed at 8.55 p.m.

Mr. Speaker: Good evening, Hon. Members. Please be seated. We will resume the debate on the motion in the name of the Hon. Deputy Speaker. Before we do I would just like to make two brief 9.00 p.m. announcements. The first is that Members should know, though most of you would not be aware, that on Friday last, 3rd May, I had the occasion to write His Excellency, the President, regarding the status of two Bills which had been transmitted to him by the office of the Clerk asking for a report. I have received, as of this evening, the president's response. Suffice it to say that the President, for the reason stated in his letters, has declined to give his assent to those Bills. I will in the interest of transparency be requesting of the Clerk that the letter that I wrote together with the letter sent to me this evening by His Excellency be circulated to you. As

I have remarked, we have, for the first time particularly to the eminent Member Dr. Roopnarine, entered into the realms of articles of our Constitution that we never before have exercised because these are new and were never, in fact, worked. Hence we have entered, once again, onto a new plane and a new threshold so I will have those circulated.

The second announcement pertains to the list of the reports that the Clerk has provided, as provided by the library of the Parliament; ostensibly the audited reports for the year stated. It has been drawn to our attention that there is an issue with some aspects of that list and therefore I would ask that the list not be used at this point in time as being definitive and the Clerk and I, in conjunction with the relative stakeholders in this matter, will be issuing a final list in due course. Thank you very much. I invite at this stage Minister Webster but I have been informed that during the long recess we have managed, in fact, to arrive at some consensus; both in terms of content and in terms of the numbers of persons who are slated to address the House. Minister, I invite you, please, to address the House on the motion. Thank you.

Minister of Human Services and Social Security [Ms. Webster]: Thank you, Mr. Speaker. I rise in this honourable House to make my contribution to this motion on interpersonal violence which was tabled by the Hon. Member Mrs. Deborah Backer. The world report on violence and health presents a typology on violence and I think it is an issue of concern to all of us in this House. The Government of Guyana remains unequivocally committed to condemning all forms of interpersonal violence committed upon our people and this has been demonstrated by our commitment to the ratification of a number of international instruments, wherever applicable and Guyana acceding to recommendations and resolutions emanating from international agreements.

Over the past several years we have seen the passage of several progressive pieces of legislation being enacted in this House. We have seen the 1996 Domestic Violence Act. We have seen more recently the Sexual Offences Act of 2010... *[Microphone ceased working.]*

Mr. Speaker: Our apologies, Minister. Sorry about that.

[With permission, Ms. Webster removed from her seat to make use of Minister G. Persaud's microphone due to hers malfunctioning]

Ms. Webster: Thank you, Mr. Speaker, despite what has happened. While incidents of interpersonal violence have reached alarming proportions in Guyana despite numerous programmes implemented throughout the country and initiated by several Government Agencies, including the Ministry of Labour, Human Services and Social Security and faith-based organisations, volunteer organisations and other community-based organisations which are all aimed at reducing interpersonal violence, we as Parliamentarians need to be united on this issue as we seek to make a difference in the lives of all Guyanese.

We in this House, as representatives of the people must acknowledge that this is a disturbing trend and no doubt there is greater need for all of us to dedicate our efforts in the best interest of all citizens who continue to be adversely affected by it. Violence cuts across all borders, ethnicity, socioeconomic statuses and religions. It is not only a gender nor an economic issue but a matter of human rights and security. It adversely impacts upon the welfare of our communities when our women and girls are abused businesses close, incomes shrink, families are deprived of the basic necessities of life and our children grow up internalising behavioural patterns that perpetuate the cycle of violence. There is no end to the economic and detrimental social and health costs to the state that come along with this brutality.

Interpersonal violence results in the upheaval of progress of social, human and economic development in any society and more so here in Guyana. In June, 2012, the Ministry of Labour, Human Service and Social Security launched a national conversation on gender based violence as one of the several initiatives aimed to continue the issue of violence within our society with the primary objective being to identify preventative mechanisms to address this issue since the effect of violence on our nation's human capital will significantly affect our country's development. During the latter part of 2012 there were 24 conversations which were held throughout the ten Administrative Regions. In 2013 there are five remaining consultations which are scheduled to be held in Region Nos. 4, 5 and 7. However, emanating so far from the national conversation has been a Draft National Action Plan which will include a shared national vision on gender-based violence. In that Draft National Action Plan there are a number of recommendations which have been identified based on concerns raised by citizens throughout the country. I want to take this opportunity to share with this honourable House some of those recommendations which have emanated, to name a few. That we have premarital counselling

introduced for young couples. I listened to the mover of the motion when she spoke about young people getting married and so on. It has been recognised that there are many individuals who are getting married without understanding how healthy relationships are formed and nurtured. More educational awareness programmes available in communities, the issue of non-violence counselling, anger management, school violence prevention programmes, school counselling programmes, addressing the issue of drug and alcohol abuse in our schools, rights awareness sessions, domestic violence awareness sessions, educating our younger populace about the adverse effect of violence in our society, positive parenting, effective communication, family values, addressing socio-cultural issues in a positive manner at public venues, youth groups, enforcing laws and legislation, enforcing restraining orders, stricter penalties for perpetrators, more rights for the abused, more trained social workers, strengthening the efficacy of the court system and children should not be released into violent homes – those are some of the recommendations; the whole issue of the media and the role they play in this issue; music and its interpretation and the adverse effect of some of the musical songs that we hear on our airwaves have on our society; banning of violent music from mainstream radio; publicising perpetrators and, of course, rehabilitation centres for perpetrators; enacting legislation to protect the elderly citizens of our country who are also subject to some forms of violence and abuse. Despite our efforts at the level of the Government of Guyana to put in place robust legal framework and to also implement various programmes there is still need to protect our women and girls from intimate partners and male family members, by whom many of them have suffered at the hands of.

We in this House are all aware of this matter and I strongly believe that the issue of violence demands intensive action by us all. We must commit ourselves as Members of this National Assembly to actively support existing programmes being implemented through civil society bodies, faith-based, women and youth organisations. The Men's Affairs Bureau has been doing a lot of work with our men and boys and, more so, visiting our schools and sensitising our school children about the adverse effect of violence.

The Child Care and Protection Agency and the National Commission on the Family: The National Commission on the Family has been mandated to address issues pertaining to the family and, more particularly, such as what is the significance is of a good family life, parenting,

leadership, social interaction in the home, gender-based violence, the protection of our children, our women and other social issues which have a direct impact upon our society and our nation as a whole. The work of this commission is therefore fundamental towards working to further improve the social and moral fabric of our society. In Guyana today there are many single-parent families. Many of them headed by women and I heard the Hon. Member, Mrs. Deborah Backer, speak to the issue of providing support for our single-parent women, some of whom have to work in the nights. I wish to remind this House that during the budget debate I did speak to the issue of our Government, this year, looking to introduce through the Early Childhood Development Programme night care facilities, so that those parents who work at nights would have access to those facilities; helping them to ensure that their children are cared for properly and not left unsupervised.

Of course, we are all aware that the family is the nucleus of any society and it is important that we recognise in our homes that the supportive role of the family cannot be over-emphasised. The home is the first and most formative frame of reference on which a child models his or her own future life. It is therefore imperative that values and virtues should be instilled at this stage. We need to nurture our children to ensure that they are given equal opportunities and treatment. If we perpetuate the prejudice, for example, that our girls should stay indoors whilst our boys are allowed to go outside we are contributing and reinforcing unnatural separations and it is necessary to challenge gender stereotypes and social norms that perpetuate violence. If our girls are the first choice in forced absence from schooling we will continue the cycle of economic inequities for our women and its attendant lack of independence and autonomy and we do not want that. We need to recognise the importance of teaching our children values of life so that in years to come they would grow up to be upstanding citizens in our country who would be committed and dedicated to working for a better Guyana. It is also important for us as leaders, parents, that we teach our boys to ensure that they learn to respect our women and to become upstanding gentlemen and to be responsible boyfriends, fiancés, partners, husbands, co-workers as they socialise with girls in the home, at school, in the workplace, in social settings, communities and the society at large.

It is these boys and girls who will contribute to the creation of a world in which interpersonal violence, gender based discrimination, violence and abuse are confined to the history books in

Guyana. We must dedicate our efforts to changing some of the inappropriate attitudes and behavioural patterns which exist within our society today. We need to inculcate positive attitudes in our children so that, as adults, they will learn to treat others, whom they come into contact with, with respect and decency. We must equally examine our socialisation process. All parents have an obligation to be positive role models to their children.

Our education system has a role to play by reinforcing these messages through the medium of Health and Family Life Education in our schools. Role models need to be cognizant of their responsibilities to mentor and mould our young people in a meaningful way. Let us, today, commit ourselves to working together to bring about change for a better Guyana.

Just recently, in March 2013 at the 67th session of the United Nations General Assembly which hosted the 57th session of the Commission on the Status of Women which was under the theme *The Elimination and Prevention of All Forms of Violence Against Women and Girls*, I had the distinct privilege and honour to represent Guyana and spoke on behalf to the Caribbean Community. During that presentation I highlighted the following and I wish to quote from that presentation:

“Violence against women remains a universal phenomena despite many recent developments. It is estimated that seven out of ten women experience some level of physical and sexual violence at some point in their lifetime. This speaks to a woefully deficient implementation of the measures adopted since the Beijing Platform and declaration for action to reverse the tide of significant mental trauma experienced by affected women on a daily basis.”

The problem that we face here in Guyana is not unique as compared to other CARICOM countries and it is also of great concern to governments of other member states of the community. As we in this House this evening move forward in our efforts in addressing violence, we must adopt a multi-sectoral approach, engaging Government and all political and civil society players. The media must have an important role to play in the sensitisation of this issue through the promotion of positive messages; not putting on the front page of the newspapers, the body of a woman that was killed. I would like to call upon all Members of this National Assembly to unequivocally condemn all forms of interpersonal violence and let us

reaffirm our previous commitment to the implementation also of the Parliamentary Resolution No. 72 of December, 2008 against violence against women and children which was unanimously passed in this House.

In closing, I wish to say that as we in this House work towards unanimity of this motion, let us commit ourselves to end violence in Guyana. Let us say ‘no’ to interpersonal violence. Let us be our brothers and sisters keepers. I thank you. [*Applause*]

Mr. Speaker: We thank you, Hon. Minister. Thank you very much. Hon. Members, I invite Ms. Africo Selman to make a presentation. Thank you very much, Minister. Sorry for the inconvenience.

Ms. Selman: Thank you, Mr. Speaker. I rise to offer my support to the motion, Interpersonal Violence, standing in the name of the Hon. Member, Mrs. Deborah Backer. The explosion of violence is a complex phenomenon with many interacting forces at play. This virus of violence is occurring worldwide and has reached epidemic proportions in Guyana. Violence in our communities reflects the social decay of our society. On a daily basis, we read stories of police brutality, soldiers out of control, husbands killing wives and women forced to defend themselves, parents killing children and children killing parents.

The latest example of violence against children left us dumbfounded. I was extremely saddened, as I am sure we all were, by the murder of Fenella Samuels, the 14-year-old girl by her stepfather; may her soul rest in peace.

Where is all this violence coming from, despite our Domestic Violence Act, our Sexual Offences Act and other resolutions passed in this Parliament, despite existing programmes in the Ministries? Community safety is one of APNU’s top priorities. Guyanese deserve to be safe in their homes as well as the streets. All people should stand together against injustice, abuse and violence inflicted on others. Guyana needs to do more to protect all victims – women, children, youths, seniors and men – from violence and other forms of abuse. It is time the National Assembly pays closer attention to this wave of hatred and short tempers and go beyond passing legislations and resolutions. It is clear that our current laws are not working well enough to protect victims and this is not unique to Guyana since research has shown that globally violence in all forms accounts for over 1.5 million deaths per year, some 90% of which occur in low and

middle income countries. This total can be broken down into 52% due to suicide, 35.5% due to homicide and just over 12% as a direct result of war or some other form of conflict. The statistics indicate that most of the deaths due to violence occur in settings which are safety and peace zones and most perpetrators are the victims themselves or people who are close to the victim, such as parents, intimate partners, friends and acquaintances. By way of comparison the 1.5 million deaths due to violence is greater than the number of deaths due to tuberculosis which accounts for 1.34 million, road traffic injuries at 1.2 million and 1 million for malaria but it is slightly less than the number of people who die from HIV/AIDS. For every death due to violence there are numerous nonfatal injuries. Research also shows that in 2008 over 16 million cases of nonfatal violence-related injuries were severe enough to require medical attention.

Beyond deaths and injuries forms of violence such as child maltreatment, intimate partner violence, elder maltreatment have been found to be highly prevalent. Interpersonal violence is a societal issue against all people, including men, should stand up and speak up against so that we could stamp it out. We have a responsibility to make a difference and apply the appropriate principles in order to stem the tide of violence in our society. Violence is the scourge of our society. We as a Parliament can make a difference by rejecting all forms of interpersonal violence but passing laws is not all we must do. We must seek to ensure that the legal mechanism should not exist in a vacuum but must be seen to be working efficiently and effectively to give meaning to our abhorrence that interpersonal violence is unacceptable and must be vigorously illuminated.

I wish to leave with you two quotes taken from Mahatma Ghandi, and I quote:

1. "I object to violence because when it appears to do good the good is only temporary. The evil it does is permanent."
2. "You must be the change you want to see."

I give, unreservedly, my support to this motion in its entirety. Thank you. [*Applause*]

Minister of Home Affairs [Mr. Rohee]: Thank you, Mr. Speaker. This question of interpersonal violence was brought into sharp focus only a few days ago when, in a minibus, a man and his wife were travelling on the East Coast and they protested against the playing of loud music in the vehicle which, in my view and the view of many other Guyanese, was quite

justifiable, only to have one of the persons in the bus pounce on the male passenger and beat the living hell out of him. This matter I think has brought into bold relief what we understand by interpersonal violence.

9.25 p.m.

I do not believe from the way it was put, by the Hon. Member Mrs. Backer, that there is any one solution to this problem. There is no one size fit all solution. The magnitude of this problem I do not believe could be solved by a committee sitting in a room in the Public Buildings with the aim of finding a solution. I think it is a problem that is way beyond a committee and a work programme.

The Hon. Member said that we need to put an end to this culture, but how do we do that? The mere fact that we speak about a culture and putting an end to a culture is indeed a far-reaching and a very profound exercise. Cultural patterns of the type, which we are speaking about here, do not occur overnight. A cultural pattern, whether it manifests itself in a violent form, of the type that we speaking about, germinates overtime. We have to ask the question: How did we arrive at the stage where we are today? It is not for the want of putting laws in place to deal with this matter only to have the very persons, who you seek to deal with in the context of the law, end up becoming abusive and lawless. Many laws have been put in place to deal with interpersonal violence at various levels but in the final analysis when the law enforcement agencies seek to enforce the law they are confronted with persons who become violent, who become abusive and who are lawless. How do you deal with this in a society where the persons, who are expected to enforce the law, are dealt with or confronted with in this manner? If those who are vested with the authority to ensure that the law is enforced are attacked, abused and harassed and when those, who are expected to withhold the law, within the Constitution, side with the criminals, how do we expect to deal with this culture that we now seek to address in a committee by way of a group of people sitting to formulate a plan of action?

Let me give this House a recent example. It was only Saturday, around midday, when I was at Camp and Regent Streets, parked, almost in front of the traffic lights, was a music cart playing loud music. I approached the vendor and I asked him to remove his cart from encumbering the public road. He refused to do so. What were the grounds of refusing to do so? His grounds were

“This is a good spot for me to sell my CDs. I do not see anything wrong with parking here.” This problem manifests itself in various parts of our society where people take the law into their hands and believe that they have a god given right to do anything, anywhere and anytime, even to the extent of selling publicly pornographic materials and believe that they have a right to make money off of those. When it is sought to be addressed there are letters appearing in the media criminalising the police for preventing those vendors from selling pornographic materials. What is the role of the media in a matter like this? It is that not a single newspaper has published an editorial condemning these lawless acts. Schoolchildren, walking on the pavement, can purchase those CDs. Many of us pass along with it and agree with the view that those persons are making a living so let them... It shows that the moral fabric of our society... Many of us are part and parcel of that because we do not speak out and we allow these things to fester like a running sore.

Mr. Speaker, you go around the city, at any one of the marketplaces, and see any lawless act committed you will hear persons justifying it by saying, “This is Guyana, anything goes.” We accept that as part of the culture. Nobody speaks out. Some people speak out and those that do not speak out justify not speaking out, because they claim that nothing will happen. They will usually tell you that they do not want any trouble and so the status quo is maintained.

I think we have to look at the signals that are sent when we are, ourselves, supported activities that help to engender interpersonal violence. It is amazing how many shun dialogue and sitting and reasoning things out as compare to the extent of the speed in which they resort to a piece of wood, a piece of iron, a firearm or some other instrument to end the dispute. I think that when we talk about the culture we must see a tremendous degree of impatience among these persons to settle scores by violent means. The lawlessness begins, on many occasions, in the home; the lawlessness begins in school; the lawlessness begins at the workplace and the lawlessness begins even at leisure where there is a total breakdown and disrespect for authority. People have no respect for school teacher and headmaster, politician, and so it goes.

They say that something is wrong in society. Of course, things are wrong, but what is the solution? I do not believe that this problem is unique to Guyana. We will be making a serious mistake if we are to ever believe that Guyana is the only country where there is this problem reaching, whether we call it epidemic, catastrophic, whatever description we use to describe it.

I have no problem with the spirit of this motion, but what I do have a problem with is the political context in which the motion is being brought. There is, in the political atmosphere, no spirit of cooperation. We saw that manifested in this National Assembly only a few hours ago. Bills are brought; there are serious divisions among Members of the House; the media is here to reflect that in the public domain and people interpret them in their own way. The political atmosphere is not one of trust and cooperation which is what we should be working for at the political level. If a motion, such as this, is brought and suddenly we inserted it in a political atmosphere that is charged with lack of cooperation, lack of trust...

Mr. Speaker: Hon. Minister, I would like to go even further and to say that I think that society and criminals actually become embolden when they see no spirit of cooperation in the House. It actually feeds a sense of lawlessness. It is not only that people are seeing us not working together, but it also emboldens and strengthens those who feel that they do not adhere to any law and order. That is something that we have a responsibility over and have to take full blame for it, to an extent as well. I agree with you on that, but I am saying, for me, it goes a bit further than just us not working , as well.

Mr. Rohee: I think we are on the same wavelength. Then one opposition Member of Parliament added fuel to the fire and helped to undermine whatever basis is there for trust and cooperation by stating that there is a criminal cabal on this side. That certainly does not help. What it does help to do is to maintain the highly charged political environment and therefore the question of such a motion being the subject... The sustainability for its success will depend to a large extent on the political cooperation that exists at the highest level and even at the parliamentary level as you have just mentioned, Mr. Speaker.

I have here, with me, seven volumes of the Report of the National Commission for Law and Order starting from 2006 to 2009. In these records here, one will see the efforts that were made by the National Commission for Law and Order to deal with the question of interpersonal violence among other issues. As I said, it is not for the want of not trying to address this highly complex problem, looking at it from various angles. It is not for the want of wanting to engage in consultations with stakeholders.

I saw in the motion proposed by the Hon. Member the call to set up some kind of committee to draw up a plan of action. A National Commission for Law and Order is unique in the sense that it is the only body of its kind existing in this country where there are political parties, trade unions, religious organisations, University of Guyana, all of the representatives from across the political and social spectrum who sit every month to discuss issues of this type. I was concerned, as I still am concerned, about the duplication of efforts. We also have the Parliamentary Standing Committee, the Oversight Committee on Security, which could be another mechanism that can be used to deal with these issues, to invite representatives from the social partners and others to come to give their views on this matter. Why are we choosing to over look these bodies and set up another body when we have mechanism for work to be done?

The term of reference for the National Commission for Law and Order speaks almost the same language that is in the motion by the Hon. Member. I am not convinced that the solution to interpersonal violence is one that could be found in a very highly structured approach. We have to be innovative, imaginative. I think the focus should not only be the senior people, but even the younger people in our country. It calls for a massive rejuvenation of what our ethics or ethos, our cultural values in this country have been over the years. As I said, while I support the spirit of the motion, I have mixed feelings about the approach that is being proposed, in terms of finding a solution to this multifaceted problem, this cultured problem, which did not emerge overnight, but has a long period of gestation to bring us to where we are today. This does not mean that we should not continue working to find a solution to the problem. I, like my other colleagues, support sustained work, dedicated work, to bring an end to interpersonal violence. If we are to work in this respect we must allow each organisation, which is committed to dealing with problem, to so within its imaginative and creative ways.

Thank you. [*Applause*]

SUSPENSION OF STANDING ORDER NO. 10(1)

Mr. Speaker: Hon. Prime Minister, may you please go ahead and move the motion for us to go beyond the 10 p.m. hour. We have two Bills awaiting debate.

Mr. Hinds: Mr. Speaker, Hon. Members, I propose the suspension of Standing Order 10 so that we could complete the business scheduled for this evening.

Question put, and agreed to.

Standing Order suspended.

Ms. Ferguson: I rise to give voice to the motion on interpersonal violence standing in my colleague's name, the Hon. Deputy Speaker Mrs. Deborah Backer.

Former South African leader Mr. Nelson Mandela in his remarks honouring the report compiled by World Health Organization (WHO) on its initiative in promulgating interpersonal violence stated:

“We must address the root causes of violence only then we will transform the past century's legacy from a crushing burden into a cautionary lesson”

Permit me to briefly give definition on the key term in the motion and the aspect of which my discussion will centre on, that is, public health in relation to interpersonal violence. The WHO has defined interpersonal violence as any behaviour within relationship that causes physical, physical or sexual harm to those in the relationship. Public Health by definition does not focus on individual patients, rather on the health of communities and populations holistically. With her contributions towards the report WHO Director General Gro Harlem Brundtland highlighted that public health has made some remarkable achievements, decades, particularly regarding the reduction rates amongst many childhood diseases. Her appeal to world leaders was that saving children from these diseases and causing them to fall victim or lose them later to acts of violence between intimate partners to the savoury of war and conflict of inflicted injuries or suicide would be a failure of public health. She further alluded, that while public health does not offer all of the answers to this complex problem, we are determined to play our role in the prevention of violence worldwide.

Reference to the sixth WHEREAS clause, in the motion, regarding to “research at the national, regional and international levels has shown that a high incidents of interpersonal violence has a significant negative effect on the economic growth and health of a country,” a November, 2011 article by Violence Prevention Alliance, Global Campaign for Violence Prevention, reported, under the head, “Violence prevention reduced deaths and diseases”.

From a public health and social development perspective our investing violence prevention will reduce, not only the burden of these associated with deaths and not so fatal injuries but, even more importantly, it will aid with the reduction of the substantial burden of violence related behaviour, mental health and physical health outcomes, all forms of violence, but particularly child maltreatment, intimate partner violence and sexual violence have been shown to have a range of health consequences such as depression, smoking, obesity, high risk sexual behaviours, unintended pregnancy, alcohol and drug misuse, an increase risk of involvement in violence as a victim of perpetrator hence, my support for the motion.

An examination of violent related burden of disease by Heise and Garcia Moreno, 2002, expressed that intimate partner violence results in an increase incidents of suicide and suicide effects as well as in depression, anxiety and phobias. They further posited that additional consequences include substance abuse, eating and sleeping disorders, poor self-esteem, post traumatic stress disorder, psychosomatic disorders and risky sexual behaviour. On the other hand Jewkes, Sen and Garcia-Moreno, 2002, explicitly mentioned that sexual assault results in consequences that can be long lasting and severe, including post traumatic stress disorder, depression and conduct disorders as well as sleeping and eating disorders. I recognise the motion as being very timely.

Retrospective to the three resolved clause on page seven of the Order Paper, which is before this National Assembly, my suggestion to the House is that we adopt some of the principles from the WHO report of 2002 and tailor them to suit our local environment since the crafters or engineers of the report intended for the document to be used globally. They are creating, implementing and monitoring a multi-sectorial national action of violence prevention, enhancing capacity for collecting data on violence, defining priorities for and supporting research on the causes, consequences, cost and prevention of violence, promoting primary prevention responses, strengthening responses for victims and integrating violence prevention, inter social and educational policies and thereby promoting gender and social equality.

Our nation has less than one million people and as a result of that I do visualise the following measures being complex for implementation and serve as prevention measures. In moving from problem to response the approach has four steps and these are:

- To statistically describe and monitor the extent of the problem, to identify the groups and communities at risk.
- To identify and understand the factors that place people at risk for violence, that is, to assess which factors may also be amendable to intervention.
- To develop and evaluate interventions to reduce these risks.
- To implement and apply and imply widely the measures that are found to work by linking ongoing statistical description and monitoring of the problem to the fourth step of widespread implementation.

The four steps form a feedback loop through which the effectiveness of violence prevention programmes can be constantly monitored and improved.

In conclusion, I have endorsed this motion tabled by the Hon. Deputy Speaker Mrs. Deborah Backer and hereby make a declaration to my fellow colleagues, on both sides of this National Assembly, to give their support, not only as political leaders, but as advocates to ensure that our people's lives are safe against the social scourge commonly referred to as interpersonal violence.

Sir, I respectfully, rest my case. Thank you. [*Applause*]

Rev. Dr. Gilbert: Just before I make my brief presentation I would like to put into context, for the benefit of this House and also I believe for the nation as well, that the process that we undertook that may have appeared or given the indication that the Government may, in some way or the other, be opposed to this motion, I do not believe that it is or has ever been opposed to the motion. The challenge, though, was that we saw difficulty with respect to the implementing of the motion and that in itself necessitated some amount of discourse dialogue which manifested itself in the back and forth.

9.55 p.m.

Also with respect of the use of the word “epidemic”, I think the reason it sent off a red flag is because we are conscious of how words are bandied about and used sometimes loosely in our context. Well, generally, but sometimes with an intent to communicate a certain message, language even gravity of a particular situation can be interpreted or misinterpreted by those who

may not necessarily understand our local context. I believe, in that sense, we want to ensure that we did not send a message, which was not carefully thought out, that may give a misrepresentation of the true issue. I think what the Hon. Deputy Speaker was seeking to convey was the gravity of the situation. We want to ensure that even as we examine that the language was not going to communicate something that can send a message, which we did not want it to necessarily send, because there is such a thing as local posture and the local context, when that is viewed in an international context, can have all kinds of meaning that one may not necessarily want to communicate about the state of affairs in one's nation. I want her to be very sure, reassured that we do recognise the gravity of this situation.

I have considered the motion which has been moved by the Hon. Deputy Speaker Mrs. Deborah Backer. I must say that I was very intrigued in the Hon. Member's presentation, in that I have grown use, for the years I have been here, to see her in her political element and to look at her tonight speak on a social issue without being so political was quite refreshing indeed.

The motion in several WHEREAS clauses provides us with, first of all, a definition of violence, which is limited to the use of physical force, that is a WHO definition. I do not want to tear a strip tears off a definition, but except to say that the manifestation of violence, which the world is sadly familiar with, and which we see in well in our country, is not only the use of physical force. There are various forms of structural violence perpetrated everyday which are deadly but are ignored by a great many of us. That, I believe, is because we are socialised to pay attention to physical or behavioural violence and sometimes fail to recognise that there are other forms of violence. Even that WHO definition of violence in recognising the physical force may miss the mark as well.

The other WHEREAS clauses identify some other expression of interpersonal violence such as family and intimate partner violence, community violence, child maltreatment, elder abuse, youth violence, property crimes and workplace violence. These are all relevant to our context. Yes, they do exist. I do not believe that it is a deliberate exclusion, but I would have also like to see listed for condemnation the influence of music and the entertainment industry that glamorises violence as a normative behaviour. The Hon. Minister of Human Services and Social Security alluded to that in her presentation, that our music industry should take some responsibility, a very great degree of responsibility, and how also the media, in the various forms, tend to

perpetuate this ill that is perpetuated in society, which is that a lot of the lyrics... We cannot discount the influence. This debate is not about music, but we are looking at violence. It might be instructive to consider how we, on one hand, seek to bring about change, also need to consider how, on the other hand, the thing we do, maybe, in subliminal ways make our work more difficult. It is how also the music industry continued to feed - I do not know if it is an appetite - this need for our music to be violent, in terms of its lyrical content, and also to treat our women as though they are just sexual objects, referring to them in language. A woman is referred to as a female dog. Those things are abhorrent. One might say it has no bearing on the violence, but it does, because music, in a large way, determines the philosophy our people. Music informs philosophies.

Another WHEREAS clause makes the conclusion that the incidents of interpersonal violence have reach epidemic proportions and there has been some issues with respect to the use of that word. I am not going to go there.

The motion, as is expected - I am talking about the motion, as is, presented by the Hon. Deputy Speaker - articulates the mischief and offers a remedy. I agree, and we all agree, that with the conclusion of the Hon. Deputy Speaker that a solution must be arrived at. We must of necessity move from description to prescription. I take no issue with the mover of the motion diagnoses of the problem. She adumbrated for us some of the manifestations and the implications of those violent acts and how they impact on our workforce; how they impact on our economic stability; how they impact on the social equilibrium of our country. I believe that she very effectively provided the diagnoses of the problem. However, I believe that there has to be a very reassessment of the propose prescription that is contained in the original motion. I am using the word "original" because there have been some amendments proposed which I will address before I conclude.

I support the remedy proposed in the first resolve clause and join in an unequivocally condemnation of all forms of violence. I agree that there should be the designation of a day. I think that I speak for most of those on this side of the House of an unequivocal condemnation of violence and that there should be a designation of a day to observe and to organise activities in condemnation of violence. They are all in order. They are very useful and we support those. But the resolve clause, which follows in the original motion, requires a very serious consideration

because it demands that some necessary question be asked and answered. As I alluded earlier, in my open remarks, that the challenge was with respect to the implementing and that was because the aims and objectives of this proposed motion, with respect to the establishment of a broad based committee, we need to be cleared on what benefit it will bring to the already existing committee and work, initiatives and programmes and strategic interventions that exist.

We also need to be very clear on how the broad based committee may, in some ways, even subvert some of the works of what those other committees are doing. Those are some of the things we need to talk about. Those are some of the things, I believe, created the initial reservation, with respect to how we move forward with accepting the motion in the way it was presented. As I said, fundamentally, we understand the gravity with what we are dealing with, but Government also have a responsibility, being the executing agency of a number of these initiatives. The Hon. Minister of Home Affairs alluded to several of them. It is necessary for Government to ensure that anything that it supports, anything that we are a part of, that the loose ends are tied up properly, that it is tidy in its arrangement. I think principally, while we support, we could not go ahead and support a motion that we perceive had implementation challenges. That is where the initial challenges were with respect to this motion.

While this motion, the initial motion presented, recognises the problem and proposes solutions, what are unclear are the actual implementation and how the mischief behind this problem will be solved. This motion makes an assumption that the problem of interpersonal violence is the ailment and that a legislative and a programmatic intervention is the prescribed cure. I believe that the therein lies a worrisome dilemma. Worrisome, in the sense, that interpersonal violence is not the problem. I believe that Mrs. Backer, in her presentation did allude to that. It is symptomatic of a deeper problem affecting individuals who gave expressions to their dysfunction in violent expressions. What we see, in terms of the manifestation of interpersonal violence, is an indication that there are deeper and more fundamental problems existing.

If we therefore try to address interpersonal violence without recognising that it is just symptomatic, we may very well continue to have the lack. If I am to agree with the assessment and the conclusion of the Deputy Speaker, that the result that we have had not being of significant we will continue to have that if we were to assume that is just the problem. It is symptomatic of a deeper issue. There is no scientific evidence to suggest that violence is

genetically predetermined, therefore the conclusion has to be that violence is a learned behaviour. The questions therefore are: What is happening in our society that is preconditioning people to embrace violence as a normative behaviour? What is fuelling the culture of violence in our communities? What should we be doing differently to bring about sustained changes?

I want to submit that part of our focus must be on supporting and strengthening the existing structures and institutions that would bring about the one solution to interpersonal violence and that is sustained behavioural changes. Those are what we are seeking to accomplish.

With the greatest of regard to this National Assembly, with the greatest of our intention, it will never be able to legislate for behavioural change. Behaviour cannot be legislated but it can be regulated. We must not believe that we can fix all of our problems through a legislative means, that all of our problems have to be fixed by having the legislature involved.

Apart from Government and Government Ministries and Non-Government Organizations (NGOs), there are other social institutions better suited, better equipped to impact on the lives of men and women, impact on the victims and perpetrators of violence and people who can only express their pains and frustration through violent means and expressions, such as community based organisation, Faith Based Organisations (FBOs), and so forth.

Again, the Hon. Deputy Speaker alluded to the fact that the family..., and some sociological thoughts would suggest that of the social institution the family is the most basic of those social institutions. There are some social institutions that are best to address social problems, including the one that we are discussing tonight. Maybe we should talk about strengthening the capacity of these, we should talk about supporting the ability and the capacity of these institutions to deal with the root cause of violence. The *Men's Affairs Bureau* is one, for example, that has been over the years, from the time of its implementation, focusing on the issue of addressing the root. For example, it has been conducting much work in schools dealing with the issue of challenging gender norms, issues of anger management, issues of understanding emotional teaching, teaching men to understand their emotional needs, issues of fathering. Women's Affairs Bureau, for example, it is instructive to note that the Women's Progressive Organisation, from as far back as 1950s and 1960s, from a political perspective, has been seeking to address the whole issue of violence, how interpersonal violence affects people at the various levels.

The Deputy Speaker also talked about involving men. That has been a deliberate attempt, deliberate effort focusing on the establishment of a *Men's Affairs Bureau*, indicative of this approach, but men are critical. The involvement of men, the inclusion of men, is a critical component of addressing, because violence is not a gender issue, it is human rights issue.

Before I conclude I want to ask the question: What about personal responsibility? Should there not also be a call to personal responsibility? Could it be that, at the root of this violence and this cultural violence, there is a problem of self-governance? Could it be that at the root of this problem that there is the issue of the lost of respect for human life and the absence of the fear of God? Maybe, it would be prudent also to call upon our people to return, even as we continue in this discourse, to the fundamental values of the love of God and the love for your neighbour and the love of yourself. Maybe it would also be prudent, Hon. Deputy Speaker and Members of this House, to encourage our men to begin to love their wives and their children again, to invite our citizens, our families, to go back to church, to go back to their temples, to go back to their mosque, to return to the embrace of their religious values. I am confident that if nothing else can bring the change we seek, God can bring the change that we seek.

In principle, we support the motion, but with respect to the issue of the implementation of the motion we were able, during the break, to come to a compromise, this I believe is very indicative of Government's comments to addressing, not just this one social issue, but all of the issues that impact the life of our people. The fact that we were willing and committed, even in this process of negotiating in this eleventh hour, to get to a place where there is unanimity, with respect to this motion, should speak clearly about our commitment to putting aside political issues and partisanship through working in the interest of our people.

2nd AND WHEREAS clause:

Replace the words "has" with the word "have"

Remove the word "epidemic" and replace with the word "alarming."

4th AND WHEREAS clause:

Remove the word "epidemic" and replace with the words "disturbing trend."

BE IT RESOLVED clause:

Delete original clause and replace with the following paragraph which reads as follows:

“BE IT RESOLVED:

That this National Assembly unequivocally condemns all forms of Interpersonal Violence and re-affirms its previous commitments to the implementation of the Parliamentary Resolution No.72 of December 11, 2008 against Violence against Women and Children unanimously passed by this House;”

First BE IT FURTHER RESOLVED:

Delete original clause and replace with the following paragraph which reads as follows:

“BE IT FURTHER RESOLVED:

That the Members of this National Assembly commit to setting a standard within Parliament that rejects interpersonal violence in the conduct and proceedings of the Guyana Parliament and sends this motion to the Parliamentary Management Committee to develop such a code conduct and to consider a day to be observed under the theme “Parliamentarians Against Interpersonal Violence” during which that National Assembly will organise appropriate activities to highlight the political parties’ contributions to reducing Interpersonal Violence in Guyana;”

Second BE IT FURTHER RESOLVED:

Delete original clause and replace with the following paragraph which reads as follows:

“BE IT FURTHER RESOLVED:

That he Members of this National Assembly commit to actively supporting existing programmes in Ministries, agencies and civil society bodies such as religious, women, youth and community organisations, that addresses violence and interpersonal violence in particular, such as the Domestic Violence and Gender Based Violence programme, the Men’s Affairs Bureau and the Child Care and Protection Agency in the Ministry of Labour, Human Services and Social Security, the National Commission of the Family,

the National Commission on Law and Order, Prisoner reintegration programmes, Anger management, and substance abuse programmes, both in the Ministries of Health and Home Affairs and civil society bodies, and the Ministry of Education on school violence.”

Delete Third BE IT FURTHER RESOLVED clause.

The amendments that have been proposed, I will just speak to them briefly. It is that we did propose some initial amendments that were presented by the Hon. Chief Whip, on our side, but the WHEREAS clauses, which have been presented in the original motion by the Hon. Deputy Speaker, we have come to an agreement that they will remain as they are. However, with the first resolve clause, we have been more specific with respect to the call made, not only to the National Assembly, but specifically calling on the Parliamentary Management Committee (PMC) to designate that day that has been referred to.

The second resolve clause, we came to an agreement that that will not remain.

The final resolve clause will be replaced. We believe in our discussion, and I believe it was unanimous in the agreement, that the gravity of this matter, not just to us politicians, but to the nation, requires that we submit the motion to a Special Select Committee - I suppose in her summation the Hon. Deputy Speaker will speak more on that - so that it could be further ventilated, discussed and what is in the best interest coming up, not just with a programmatic approach but something that is sustainable, something that will bring about the much desired change that we seek, which will come out of an engagement at the Special Select Committee level.

In principle, we support the bringing of this motion by the Hon. Deputy Speaker to this House and we, as a Government, commit to continuing work on ensuring that after this motion has been ventilated in the Special Select Committee that we would begin to see the kind of results needed in bringing a cessation to the problem of interpersonal violence in our country.

Thank you Sir. [*Applause*]

Mrs. Hughes: It is my pleasure to stand here and to commend the Hon. Member Mrs. Deborah Backer for bringing this very important motion on interpersonal violence to our Parliament and

National Assembly today. I think all of us would agree, and there is no dispute on any side, the political sides - I do not want to use the word “divide”, but it is the political sides of this room - that interpersonal violence is in fact a very serious issue, not only in Guyana, but now internationally. We must accept that over the years it has grown and mushroomed into a challenge that we all seek to solve.

Part of the challenge we realise is that this has indeed become epidemic in proportion as a motion alludes to. The word “epidemic”, if we look at the dictionary, suggests that it is like a disease that is infiltrating many aspects of our life and our bodies. Another train of thought that comes with the word “epidemic” is one, as the dictionary defines, “a wide pervasive rise of something that is usually undesirable.” We can agree that interpersonal violence has become epidemic and therefore the motion acknowledging that it is an important one.

We feel what the motion does is bring to centre stage, with the input of all the Members of this House, the importance of finding real solutions to this problem. What we in fact say is that we applaud and recommend and support all the various organisations that have been listed in the motion, that all the other speakers have mentioned. I do not want to list them once again. What we are saying is that in fact we are doing a good job but we recognised that if we are to look back over the five years a lot of this issue have not changed. We continue to see forms of interpersonal violence - violence against women, men, children, all ranges of the problem. We say that this motion allows us to look at it and to say what else we can do. What have we failed to do in finding a solution to this issue? One of the things we applauded is the suggestion that now, given the amendments, which we have been able to compromise and agree on, we can put to the Parliamentary Management Committee that a special day be allocated, which we know, overtime, will raise awareness to this problem.

We do not want this to be mere words and just commit to change, but certainly having a Special Select Committee look at the challenges and to receive recommendations, and analysis, and research data, we feel that will ensure that we move forward.

There is much that needed to be done. I know that the Hon. Minister spoke about the National Commission for Law and Order and had some of his reservations about what the motion could actually do. I think we want to say that if we just look at the newspapers, if we look at any

television newscast, if we listen to any radio programme, if we talk with members of our communities and, unfortunately, for many in this House, they have experienced or have direct experience of relatives and friends who have had to face interpersonal violence... What we are in fact saying is that we approve and allow this motion and we support the fact that we can send it to a Special Select Committee that will be able to investigate a bit more. We hope that some very specific timelines, maybe just about 12 months, be put in place to make sure that at the end of that time we have something concrete. We want to ensure that we see some fundamental change.

I want to especially applaud all the Members of the three major political parties. I want to applaud our ability on this occasion to come to some consensus, in terms of the amendments that we are putting forward, which I know the Hon. Member will explain. I want to reiterate our support with the other Members of the other political parties to find a real solution to this problem that really is the scourge of Guyana right now.

Thank you very much. [*Applause*]

Mrs. Backer (replying): I consider this a... I do not want to say a “red letter day” because the last red letter day we had, on the 14th of February, the National Assembly, ended very abruptly. I do not want to call this a red letter day. It is indeed, for me, a pleasure and I want to assure the Hon. Member Rev. Dr. Kwame Gilbert that he has given some personal commitment that I have made to myself. He may be refreshed more regularly than he will suspect, in terms of my presentations in the House. It is indeed a red letter day because I have or I am about to have in my hand - we are still waiting on it - certain amendments that are standing in my name and seconded by no lesser person than the Government Chief Whip. I think that, in its itself, is not only refreshing but augurs well for the future. I have been told that this is a strong white smoke coming from the National Assembly to show the consensus has been reached.

Hon. Member, are your amendments about to be circulated?

Ms. Teixeira: [*Inaudible*]

Mrs. Backer: Sir, as I wait, I do not intend to say anything on the motion itself in wrapping up save and except to thank all the Members who spoke and to say that I do agree with Rev. Dr.

Kwame Gilbert that a lot of the problems is easy to legislate. We can legislate on anything tomorrow that we want to do, not only on interpersonal violence but any sphere of public life, but it is unless we have the will and unless the change starts from within us, as he has rightly said. Whatever legislation we have we have to breathe life into it. That life has to come from us. I do agree with him completely that it is very important.

10.25 p.m.

Hon. Mr. Speaker, I am not entirely sure how you will proceed. But I just want to thank everyone for participating. I want to thank the Hon. Member, Mrs. Hughes, because it was the Hon. Member who said to us at the beginning of the break to let us sit and try to... She took that initiative.

Mr. Speaker: Thank you very much, Mrs. Hughes.

Mrs. Backer: I do not want to say brought the two elephants together. She brought Members of the two bigger parties together – Mrs. Hughes, Hon. Kwame Gilbert and the Hon. Minister of Human Services and Social Security. We were able to indeed come up with certain agreed proposals that we hope will send that one voice signal to the community at large, to all Guyanese, both here and abroad, that on this issue we stand united.

With those words, I commend the motion. There are amendments and I will await your guidance, Sir, as to how we will proceed with them. [*Applause*]

Mr. Speaker: I have the amendments before me as I hope by now all Members would have had the benefit of reading them as well. We will concentrate, of course, on the Resolved clauses and, with your guidance, Deputy Speaker, we will navigate through this.

The first Resolved clause reads...

Mrs. Backer: Before we get there, for two of the AND WHEREAS clauses, “has” will have to be changed to ‘have’.

Mr. Speaker: We will take care of that grammatical mistake.

Mrs. Backer: The second AND WHEREAS clause states:

“AND WHEREAS the incidents of Interpersonal Violence has reached epidemic proportions in Guyana;”

The “has” should be ‘have’.

And then the last AND WHEREAS clause states:

“AND WHEREAS research at the national, regional and international levels has shown that high incidents of Interpersonal Violence has a significant negative effect on the economic growth and health of a country;”

It should be “incidents of Interpersonal Violence have”.

Mr. Speaker: The first Be It Resolved clause reads:

“BE IT RESOLVED:

That this National Assembly unequivocally condemns all forms of Interpersonal Violence;”

Mrs. Backer: That remains as is, Sir.

Mr. Speaker:

“BE IT FURTHER RESOLVED:

That this National Assembly designates a day to be observed under the theme

“Parliamentarians Against Interpersonal Violence”...”

That should now read, ‘That this National Assembly calls on the Parliamentary Management Committee to designate...’

In terms of the second Be It Further Resolved clause, we will delete altogether what is there and insert the clause that is in block.

Mrs. Backer: Yes.

Mr. Speaker: The third Be It Further Resolved clause is deleted *in toto* and replaced by what is on the amendment document.

Members, if there is anyone without a copy of the proposed amendments, please so indicate and the Office will get it to you. We do not anticipate a division but we are prepared for it. I would like every Member to be fully aware of what is happening.

I put the first Further Be It Further Resolved clause which states:

“BE IT FURTHER RESOLVED:

That this National Assembly designates a day to be observed under the theme “Parliamentarians Against Interpersonal Violence” during which the National Assembly will organize appropriate activities to highlight ways in which Interpersonal Violence can be reduced;”

The proposal is that that clause be amended to read after the words “this National Assembly” the words ‘calls on the Parliamentary Management Committee to designate a day to be observed under the theme “Parliamentarians Against Interpersonal Violence” during which the National Assembly will organise appropriate activities to highlight ways in which Interpersonal Violence can be reduced;’.

Question put, and agreed to.

Amendment carried.

Mr. Speaker: The second Be It Further Resolved clause reads:

“BE IT FURTHER RESOLVED:

That this National Assembly calls on the Government of Guyana to establish, within one (1) month of the passage of this motion, a broad based Committee comprising but not limited to, representatives of the political parties in the National Assembly; the relevant Government Ministries; religious bodies, private sector bodies; youth organizations; women organizations and volunteer

organizations with the mandate to complete a National Plan of Action to combat Interpersonal Violence within four (4) months of its establishment;”

The proposal is that that be deleted entirely and be replaced by the clause that is replicated in this amendment document which states:

“BE IT FURTHER RESOLVED:

That the Members of this National Assembly commit to actively supporting existing programmes in ministries, agencies and civil society bodies such as religious, women, youth and community organisations that address violence and interpersonal violence, in particular, such as the Domestic Violence and Gender-based Violence Programme, the Men’s Affairs Bureau and the Childcare and Protection Agency in the Ministry of Labour, Human Services and Social Security, the National Commission on the Family, the National Commission on Law and Order, Prisoner Reintegration Programmes, Anger Management and Substance Abuse Programmes, both in the Ministries of Health and Home Affairs and civil society bodies and the Ministry of Education on school violence.”

Question put, and agreed to.

Amendment carried.

Mr. Speaker: The third and final amendment is that we delete entirely the clause that is originally there which states:

“BE IT FURTHER RESOLVED:

That the Government of Guyana within one (1) month of the completion of the aforesaid National Plan of Action, lay it in the National Assembly.”

That is to be deleted and replaced with the following:

“BE IT FURTHER RESOLVED:

That This National Assembly agrees to appoint a Parliamentary Special Select Committee to examine the levels and contributing factors to interpersonal

violence in Guyana, to draw on research and information available at the national, regional and international levels, to consider and examine existing programmes being implemented by Government and civil society aimed at reducing interpersonal violence and return to the House by November 30, 2013 with its considered recommendations on reducing interpersonal violence in Guyana.”

Question put, and agreed to.

Amendment carried.

Motion, as amended, put and agreed to.

Motion with amendments carried.

Mr. Speaker: I would like to congratulate all parties of the House.

Hon. Members, it is 25 minutes to 11 o'clock and we have two Bills for our consideration. There is silence. [**Mrs. Backer:** Let's go!] “Let's go!” If anyone needs a coffee break, there is coffee in the MPs' Lounge.

HONOURING THE 21ST AUGUST, 2012 AGREEMENT BETWEEN THE GOVERNMENT OF GUYANA AND THE REGIONAL DEMOCRATIC COUNCIL, REGION #10

WHEREAS the people of Linden have from the time of the announcement by the Government that there would be an increase in electricity tariff, consequent to the government's intended withdrawal of the subsidy, indicated through their pronouncements in the national media, peaceful picketing exercises and other forms of peaceful protest that the community did not have the economic capacity to pay the steep and unconscionable increase in the cost of electricity and therefore saw the decision as an unjust imposition on the people of Linden;

AND WHEREAS the Government continued to take action to impose the increase in the cost of electricity on the people of Linden in total violation of the people's right to be involved in decisions that directly affect them as is explicit in Article 13 of the Constitution which states that, “The principal objective of the State is to establish an inclusionary democracy by providing increasing opportunities for the participation of citizens, and their organizations in the

management and decision-making processes of the State, with particular emphasis on those areas of decisions-making that directly affect their well being”;

RECOGNISING that the Government was not responsive to the concerns and interests of the people of Linden and therefore left the people of Linden with no alternative, but to continue to protest;

AND WHEREAS the people of Linden were involved in peaceful protest and were subjected to the uncalled for use of excessive and lethal force by the Guyana Police Force resulting in the death of Mr. Allen Lewis, Mr. Ron Somerset, Mr. Shemroy Bouyea and the injuring of scores of unarmed protestors;

AND WHEREAS the use of lethal force rather than instilling fear that was intended, increased the resolve of the people and escalated the protest forcing the Government to respond to concerns of the people of Linden and enter into negotiations with the people of Region 10, represented by their elected and legitimate representatives;

CONCERNED that even while the negotiations were ongoing the Guyana Police and Guyana Defence Forces were used against the people of Linden, including the indiscriminate shooting and injuring of innocent people in their homes on a quiet Sunday;

NOTING that in the face of such provocation, the Region continued to negotiate with the Government in good faith;

AND WHEREAS these negotiations resulted in the Agreement of 21st August, 2012, between the Government of Guyana and Region 10 Regional Democratic Council signed, on behalf of the Government of Guyana, by the Hon. Prime Minister, Mr. Samuel Hinds, O.E., M.P., and on behalf of Region 10, Regional Democratic Council, by Mr. Sharma Solomon;

AND WHEREAS the full text of the aforesaid written Agreement, which is attached to this motion, contains the details of the Agreement, inclusive of the deadlines for implementation and the actions required to be undertaken by all parties to the Agreement; (See Appendix)

CONCERNED that six (6) months after the signing of the Agreement many aspects of the Agreement have not been implemented, especially the commitment to return the dish and transmitter to the people of Linden, inter alia;

“BE IT RESOLVED:

That this National Assembly calls on the Government of Guyana to immediately adhere to its commitments and obligations under the written Agreement of 21st August, 2012 thereby ensuring that the benefits which were to accrue to the residents of Region 10 are realized; and

BE IT FURTHER RESOLVED:

That the Government of Guyana be held solely accountable and responsible for all direct and indirect consequences flowing from its continued unwillingness to adhere to the letter and spirit of the written Agreement of 21st August, 2012.” *[Ms. Vanessa Kissoon]*

Mr. Speaker: I am told that the motion in the name of Ms. Vanessa Kissoon will not be proceeded with at this Sitting.

Motion deferred.

GOVERNMENT’S BUSINESS

BILLS – Second Readings

ANTI-MONEY LAUNDERING AND COUNTERING THE FINANCING OF TERRORISM (AMENDMENT) BILL 2013 - BILL NO. 12/2013

A Bill intituled:

“An Act to amend the Anti-Money Laundering and Countering the Financing of Terrorism Act.” *[Attorney General and Minister of Legal Affairs]*

Mr. B. Williams: Hon. Speaker, I propose to move a motion that the Bill be sent to a Select Committee.

Mr. Speaker: That has to be done at the Second Reading stage so your motion will be moved then.

Mr. B. Williams: Mr. Speaker, it was read already. This would be its Second Reading. I am proposing as happened in its current Act that was a Bill before this honourable House in the last Parliament that it goes to Select Committee before the Second Reading.

Mr. Nandlall: Sir, I am prepared to proceed with the Second Reading debate of the Bill.

Mr. Speaker: Standing Order No. 58 states:

“(1) When a Bill has been read a second time in accordance with Standing Order No. 57, it shall stand to a Committee of the whole Assembly, unless the Assembly on motion made commits it to a Select Committee. Such motion shall not require notice and must be made immediately after the Bill has been read a second time and may be moved by any Member. The question thereon shall be put on amendment or debate.”

I believe that we have not yet put the question for the Second Reading because that presupposes that a debate follows and then I invited the Clerk to read the Bill a second time.

Mr. Nandlall: Thank you very much, Mr. Speaker. This Bill that is before the House brings a number of...

Mr. B. Williams: I do not know what is happening. I am saying that there is a precedent in this House in relation to the existing Act on Anti-Money Laundering and Countering the Financing of Terrorism.

Mr. Nandlall: Sir, have you not ruled? That cannot overrule the Speaker’s ruling.

Mr. B. Williams: That was before the Second Reading. After the First Reading, it was sent to Select Committee before the Second Reading.

Ms. Teixeira: Mr. Speaker, could I help the Hon. Member with his memory? A Bill can only be moved to Select Committee by the Member in charge of the Bill at the level of the First Reading. At the First Reading of the Principal Act, the Anti-Money Laundering and Countering the Financing of Terrorism Act, the Member in charge, the Minister, moved it to Special Select Committee. It is only when it is after the Bill has been read a second time that any Member can ask for it to go to Select Committee. We are now at the second stage; we have passed the first stage, First Reading. Second Reading has not been tabled as yet and, therefore, there must be

some procedure where the Minister can move his Bill and then the Member can move his motion. I do not know why he does not want to allow the Minister to speak.

Mr. B. Williams: Mr. Speaker, the Minister already laid the Bill. It was read the first time. This evening is supposed to be the Second Reading. [Mr. Nandlall: What do you not understand?] Do you propose to debate it? [Mr. Nandlall: Yes, as per the Standing Order.] Mr. Speaker, it is a question of voting. I am moving a motion that this matter be sent to Select Committee before the Second Reading debate.

Mr. Speaker: There are two instances in which a Bill may be referred to a Select Committee: after the first reading, the Member in charge of the Bill, as happened in the instance of Local Government and Cricket Administration Board, may refer it to a Special Committee. When we are at the stage of Second Reading, any Member can ask where the Minister, at the First Reading, did not choose to refer it. Only the Minister in charge of a Bill may refer it at the First Reading. That is quite obvious. I recall vividly that when we were in the Ninth Parliament, I took the point that Mr. Williams took and Mr. Ramkarran, in fact, overruled me and rightfully so. Only the Minister in charge of the Bill, at the First Reading, may refer it immediately to Select Committee.

Once we have passed that stage, we are in the clutches of Standing order No. 58 and we must, at least, have... When the Minister speaks, at that stage, instead of a debate starting, a Member, as you did, Mr. Williams, may then rise, instead of joining the debate and traversing the points raised, and move a motion after the Minister has spoken.

There is a difference between Standing Orders No. 54 and No. 58. It has to be read a Second Time.

Mr. B. Williams: Could you now bear with me, Mr. Speaker, let me read the relevant Standing Order?

Mr. Speaker: Very well.

Mr. B. Williams: I respectfully refer you to Standing Order No. 54, Appointment of Days for Stages of Bills:

“(1) After a Bill has been introduced and read a first time, the Member in charge may either:

(a) name a day to be appointed for the next stage of the Bill, provided an interval of not less than six (6) days must elapse between the first and second reading of a Bill, unless the Assembly, on motion made and question put, agree to proceed with the Bill at an earlier date;”

We did this in relation to the existing Act. This is what I am relying on. [**Dr. Ramsammy:** But we have passed that.] What did you pass? [**Mr. Nandlall:** We passed the law already.] We are moving the motion now. Now is the stage, before the second reading.

Mr. Speaker: I go this again. At the First Reading stage, the only person who may refer the Bill to a Select Committee is the Member in charge and that is either the Minister for a Government Bill or another Member for example Mr. Greenidge, if he wanted to send this Bill to Select Committee or as Mrs. Lawrence did previously with her Bill.

Now that we are at the Second Reading stage, any Member may only do so after. Mr. Williams, with the greatest of respect and given the lateness of the hour, I will have to overrule that Point of Order.

Mr. Nandlall: Sir, I will be very brief to allay whatever concerns Mr. Williams has. The Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill 2013, Bill No. 12/2013 brings to this House a very elaborate scheme of amendments to a Bill which we passed in this House in 2009. These amendments, quite apart from their content – and as I said they are quite copious and elaborate in their enumeration...

The explanatory memorandum is commendably very elaborate and it goes through all the different clauses. It explains the impact and effect of each clause which is proposed. Therefore, Sir, I will not unnecessarily detain this House by going through the Bill clause by clause, seeking to explain what each clause seeks to do, except to say that this Bill and the recommendations which are contained herein arose out of the Caribbean Financial Action Task Force. This is a body which is responsible for monitoring the operation of legislation of this type and nature throughout the CARICOM/Caribbean area and this body has examined legislation in a number of

countries which they have jurisdiction over, and those countries, in this part of the world, number 29. The body looked at different experiences and various international treaties that are in existence and made recommendations accordingly.

The amendments which are in this Bill reflect the recommendations which emanated from that distinguished body of persons. They are considered key and core recommendations arising out of Guyana's obligations under two treaties essentially, the Vienna Convention and Palermo and Terrorist Financing Convention, two conventions to which we are signatory, as a result of which devolve upon us a number of obligations.

Our obligations to these Conventions are also monitored by the United Nations and, from all the evidence that I have seen and from the discussions which I have had with the experts who came to Guyana to speak to us about the amendments. Serious sanctions can flow to Guyana as a country if we do not comply with these obligations within a time specified to us. The time specified to us is the 27th May, 2013 and, therefore, it is of some national importance and, I believe, a patriotic imperative on the part of all of us to ensure that we meet those obligations which devolve upon us under these international treaties. Some of the ramifications and consequences which can flow and sanctions which may be imposed as a result of our non-compliance can be putting us on what is referred to as an international blacklist and when countries are placed on that list, a whole new set of international treatment is meted out to them and international transactions entered into by nations that are put on that list are subject to stringent scrutiny and examinations. Also, prohibitory sanctions are imposed which would preclude Guyana from participating in a whole host of activities to which we are accustomed. I said all of that, Sir, in an effort to demonstrate the magnitude of the responsibility which is devolved upon us here and to demonstrate the gravity of us ensuring that we do everything as a collective to ensure that we meet those deadlines.

Mr. Speaker, my Friend is asking for the Bill to be transmitted to a Select Committee. Your Honour will be aware that that is always a commendable gesture and exercise to which we ought to resort when we feel that there is greater scrutiny or there is larger input. Unfortunately, Sir, on this occasion, the option of a Select Committee resort may not be a prudent one simply because our experience is that when Bills go to the Select Committee, no matter what despatch we may

undertake or endeavour to attach to it, no matter what expediency we may endeavour to bring, the reality is and the result is that there is a protracted delay at Select Committee.

Currently, Sir, Your Honour would recall that since early 2012 I brought to this Parliament the Deeds Registry (Amendment) Bill. It was a Bill that sought simply to have agreement of sale confer some form of protection to a purchaser. The Amendment that I sought on that occasion spanned less than quarter of a page. A year or more after, that Bill is still languishing in the Select Committee. **[Lt. Col. (Ret'd) Harmon: You are the Chairman.]** I am the Chairman and you are a Member. And you know on how many occasions, through our respective commitments in other spheres, we are simply unable to meet with the regularity that we would have liked to meet to deal with the matter at hand. That, Sir, is the reality of life and our Parliament. Therefore, I have a real and present apprehension that if we are to resort to Select Committee on this occasion, there is every likelihood that we would be unable to complete the task at hand within the time prescribed.

Mr. Speaker: Hon. Attorney General, if the motion for the Bill to be referred to the Select Committee has a timeframe, it means that it shall be returned.

Mr. Nandlall: I agree, Sir. The Principal Bill went into Select Committee in 2007 and it came out in 2009.

Mr. Speaker: I was a Member of that Committee under the Chairmanship of the Minister of Finance.

Mr. Nandlall: Putting a timeframe on it, Sir, is a commendable option, except that I do not know of any occasion when we have placed such timeous restraint on activities in the Select Committee and we were able to achieve the targets set.

In the Deeds Registry (Amendment) Bill, in particular, when it was asked for us to defer it to the Select Committee, in was a Bill in October and we undertook to bring it back by December. Up to now, Sir, we have completed that year and we are in the fifth month of the following year.

Mr. Speaker: Was it undertaken or was it a Resolution of the House?

Mr. Nandlall: It was a Resolution, Sir.

Mr. Speaker: Well there should have been a motion for an extension.

Mr. Nandlall: When the Bill is returned to the floor, we may have to see how to correct that procedural anomaly. The point I want to make is that it would be, I believe, a most elusive expectation for us to fix a time from now on or before 27th and expect that we can achieve it.

10.55 p.m.

My Friends are, with some justification, asking why it is that it came at this late stage. My information is and the instructions which I was imparted with have led me to conclude that there was a lot of work going on among the Task Force, that international body, and the personnel of the financial unit in Guyana as well as the officials at the Attorney General's Chambers.

I can say, Sir, that for the last three weeks, especially the entire Budget period that we were in the National Assembly, Deputy Parliamentary Counsel, Mr. Johnny Fung-A-Fat, was assigned solely the responsibility of working on this matter, working with a host of experts and advisors, as well as officials from the Ministry of Finance. It is not as my Friends are saying that there was some dilation. Work was ongoing. We had the staff of the Ministry of Finance being here for most of the period in relation to Budget and Budget related activities and cumulative effect of all of that presented me with the dilemma of having to come now and, with such limited time available, to ask for, essentially, the indulgence my Colleagues on that side.

This has no domestic politics involved, as far as I am aware; it has largely to do with us as a country of which all of us are leaders and we have an obligation. You can take the position that yes, we did not consult and therefore you will not lend support. But if you do so, you do so knowing full well that... I do not for one moment say that I am innocent or what I am asking for is not an indulgence. But I am asking for an indulgence on the altar of nationalism and patriotism. My Friends can begin...*[Interruption]*

I accept the scolding I am getting from Mr. Ramjattan. I am not going to reply. **[Mr. Ramjattan:** You could have told us all of this at the First Reading.] The First Reading, if you recall, sir, was in the middle of the Committee of Supply. We were in the Committee of Supply at the First Reading stage. The agenda and the atmosphere would have been impermissible and not conducive for me to speak on this matter then. And therefore, I say that this is a matter that is

far more important than the differences which we may have. These are the differences which we can reconcile. As a country, we are going to be penalised and, ultimately, the nation is going to have to deal with the consequences.

The Government is not exempt at all. I am not saying at all that the Government is exempt. I am saying that the Opposition support is being requested and in the name of national interests, in the name of the welfare of the people of this country, I am asking for their assistance. That is all I can do in the difficult circumstance. They can reject me but I am asking. It is my responsibility to appeal to the nationalistic sentiments and the patriotic sense that I know my Friends on that side possess.

Sir, without more, I ask that the Bill be read a second time.

Mr. B. Williams: Mr. Speaker, I move that the Bill be sent to a Special Select Committee.

Mr. Speaker: Is there a timeline for this Bill to be brought back to the House?

Mr. B. Williams: Mr. Speaker, we are moving this motion because of the very complex nature of it. We understand what the Hon. Attorney General is trying to say but we cannot really do anything about that. We cannot short change the citizens of Guyana. This is a very complex Bill and we, obviously, have to deal with it understanding this.

Mr. Nagamootoo: We are in support of the motion to send this Bill to a Special Select Committee. You may recall, Mr. Speaker, that both you and I were Members of the Special Select Committee that considered... [**Ms. Teixeira:** You were on the side of the Government then.] It does not matter where. I made a contribution to a very complex piece of legislation that repealed the 1991 Anti-Money Laundering law to bring what we had considered a very comprehensive, new legislation. I would have waited until the substantive debate on this issue to say that it is not only when we are faced with international sanctions that we should come conveniently to invoke patriotism and national interests in this Assembly.

We, on the last occasion, were lectured when we were talking about the Amaila Falls that we should not take advice just because an international institution is giving some technical advice. I defended the position of our sovereignty and our own integrity to come to decisions and it is on

that basis also here that it is not because of the international threat of sanction that we must hasten to do certain things.

Let me tell you this, Mr. Speaker: these amendments require examination of several other corresponding Acts, not simply the Anti-Money Laundering and Countering the Financing of Terrorism Act of 2003. These are: the Gambling law, the Mutual Assistance in Criminal Matters law, the Security Industries Act, the Foreign Exchange Act, the Money Transfers Agency Act, the Co-operative Societies Act and the Companies Act. It impinges on so many other pieces of legislation that one has to treat this National Assembly not this kind of goberian kind of appeal to patriotism and nationalism to make us act. Rationality will make us act when we believe in what we do. Above all, we have gone through the labour of producing a very comprehensive Act in 2009.

We have waited four years (2009-2013). We did not prosecute anyone for four years for money laundering, terrorism or financing terrorism. It is not the weakness of the legislation; it is the lack of political will, and we cannot be short changed in this House to believe that the lack of political courage should be substituted by expediency to tinker with our legislation to appeal to international exigencies.

The penalty we were told of here had not been a penalty we could have faced if we had acted diligently and deliberately and we had set up a financial intelligence unit and not just an individual parading as a unit, a toothless poodle with no capacity to investigate. I say this and I will say no more.

I second the motion that this matter should go to a Select Committee and I also support the view that we should have a timeline. I think it is sufficiently important that we should meet as quickly as we could and have this matter reported back to the National Assembly.

In saying this, I have not heard anybody, not even Mr. Basil Williams or the Alliance For Change, say that this is a Bill that we would normally oppose. Our position is not an oppositionist position. We want to see that what we put into our law maintains the integrity that we set out originally to have and that we have a law that can help our country regain an image that it deserves, that is an image that we are serious about fighting money laundering and fighting terrorism.

Ms. Teixeira: Mr. Speaker, it is a bit late. I was trying to rise on a Point of Order. Standing Order No. 58...

Mr. Speaker: The motion is not yet put.

Ms. Teixeira: Yes, but if you are going to allow that kind of thing, then others on our side would like to speak too. I thought we were going to deal with the motion by Mr. Williams.

Mr. Speaker: The motion is not properly before the House.

Ms. Teixeira: If we are going to speak to his motion, which is normally done, then others on our side would wish to speak as well. That is just what I am raising.

Mr. Speaker: The Bill has to be read the second time after debate. Then I will ask Mr. Williams to formally move his motion. Mr. Nagamootoo will second if he so desires.

Mr. Hinds: Mr. Speaker and Hon. Members, I want to speak limitedly to the question of timeline. I think there had been some discussion and my understanding is that we would need to return to this House with a report and consider it and hopefully pass it by 20th May. That will involve establishing a Special Select Committee and meeting in time to have a report back to this House by 20th May.

Ms. Teixeira: Sir, this Bill was before the House from 22nd April to now. That is about two weeks. We had wanted to have a Sitting on 2nd May. That was not possible so we wanted to have a Sitting today to deal with this matter. It is now we have reached it on the agenda.

On the Government side, we are not in favour of the matter going to Select Committee. We believe that this House has the capacity to deal with this Bill. If everyone is prepared and studies it right here in the House.

The Hon. Member is moving a motion for the matter to go to Select Committee. Then let us vote on this matter and the timeline that the Prime Minister is offering is in keeping with the deadlines that are faced. But I have heard Members here say that we seem to be kowtowing to foreign interventions and so on. Therefore, I am asking that the Opposition put forward a timeline knowing full well the date that this has to be done by. We, in our minds, are clear that by 20th May this Bill has to be back in the House in order to be concluded and to make the deadline.

This is not a matter of foreign rules. It is our responsibility. This Bill has not been an easy one for us to craft. I suggest that if people had done their homework, as I know that the Ambassadors - American, British, Canadian and European - have spoken to Members of the Opposition, including leading Members, on this issue over the last several weeks. There is no use coming here and pretending to be innocent and you have been denied information. You have not been denied information!

Mr. Speaker, this House has dealt with much more complex Bills than this without going to Committee. But the motion is on the floor so let it go to the vote. But we are warning this House. [Ms. Ally: Why are you threatening us?] It is not a threat; a warning is not a threat. [Ms. Ally: Do not threaten us.] I am warning this house. We just finished a motion on interpersonal violence – just finished! The way it came about to have unanimous vote, in this House, is because this side of the House and that side of the House sat in a matter of minutes and I wrote the resolution part that brought us to conclusion. I am not afraid of being warned. I am warning this House... [Ms. Ally: Stop threatening us.] That is not a threat. If you think a warning is a threat, something is wrong with you Comrade. I am warning this House that we are in dangerous waters.

This Government and Guyana have been examined by the Multilateral Evaluation Committee in 2010/2011. The report was available in 2012 and the matters that had to be concluded were very serious issues and all the Caribbean countries have been through this. We are not alone in this. It is all the Caribbean countries and many countries throughout the world. [Ms. Ally: You have been Sitting on your hands.] *[Interruption]* Mr. Speaker, am I not getting any protection at all? Do I have to be heckled all the time?

Mr. Speaker: Hon. Member, I am hearing you. With the greatest of respect, the tone that was introduced has led to some of the responses that have come.

Ms. Teixeira: Mr. Speaker, I have listened to many tones in this House.

Mr. Speaker: We are on the cusp of something that would have satisfied both sides. That is what I sensed a few minutes ago.

Ms. Teixeira: Mr. Speaker, there is a motion on the floor to take this to Select Committee. It is approved by both Opposition parties. The Government is saying that it does not agree with going to Select Committee but it has always abided by the votes in this House. But we are asking for a recognition that there is a deadline and it is the Prime Minister who gave the deadline of 20th May. That was not found funny when he said that. I am repeating it, emphasising how serious this matter is.

Mr. Speaker, I am very sorry that you found my tone offensive.

Question put, and agreed to.

Bill read a second time.

Mr. Speaker: Mr. Basil Williams, you may formally move your motion if it pleases you.

Mr. B. Williams: If it pleases you, Mr. Speaker, I move that the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill be sent to a Special Select Committee.

Mr. Speaker: It needs to be seconded. Mr. Nagamootoo, I am asking that we take into consideration the international obligations timing as you did indicate a few minutes ago.

Mr. Nagamootoo: I second the motion. We have nothing, on this side of the House, to change our position that we would be prepared to work to expedite this matter in the Special Select Committee. But we would not do so with a shotgun held to our head.

Mr. Hinds: Mr. Speaker and Hon. Members, I do not think that the Government intends to put a shotgun to the heads of the Hon. Members of the Opposition. As has been said, we are aware that all of us are committed nationalists and patriots and we are aware that all of us have been in this House and political arena and we are aware of the various pressures that come our way. We are aware that we are members of the international community. We are fully sovereign, but it is in that very sovereignty that we enter into negotiations and arrangements with other members of the international community. That is what drives us to satisfy our international commitments. I think that with that in mind, I am depending on the Hon. Members of the Opposition to make the commitment as we go to Special Select Committee that we will return here on 20th May with the completed report. I do not know if we should pause a while and give opportunity for some

discussions with the parties involved. I am hearing from the Chief Whip on that side a proposal to return on 22nd May. I do not know if I can catch the eye of the people over here to see whether that would be okay.

Mr. Speaker: Standing Order No. 58 informs us that on occasions such as this the question as to whether the matter goes to Select Committee shall be put without question or debate. As much as we would like to invite other comments, we are bound by the Standing Orders.

Again I would, as I did before, implore my colleagues to make this a time-bound process. It is late in the night. I know that we have had exchanges but I ask us to consider all of the consequences, ramifications, causes and effects of what is before us.

Mr. Nagamootoo, do you want to say something there?

Mr. Nagamootoo: I spoke to the issue and I did say that we are prepared to expedite the work of the Select Committee. I understand that the next plenary meeting at which this matter will become an issue will be held in Nicaragua during the 27th to 30th May. I believe that that is the target time that the Government may seek to address. I think it will have no difficulty in getting the President to give assent to the Bill in an expeditious way. I do not think we can really tie ourselves to 20th May but let the Select Committee, when it is convened, set that timetable with the sentiment of the House.

Mr. Speaker: Before we commenced today's Sitting, there was a discussion in the Speaker's Chamber, involving the Chief Whips and Mr. Ramjattan, at which this issue came up and it was my view that there was agreement that the matter would be expedited. Mr. Ramjattan held the view that it would be done in time for the next Sitting.

Mr. Ramjattan: I did so indicate, Mr. Speaker, and I was told that the next meeting of this National Assembly would be sometime around the 22nd May.

Ms. Teixeira: No. That was not agreed.

Mr. Ramjattan: That is the problem we have.

Mr. Speaker: Okay. The point I am making is that this has to be done within some framework of time. My concern is the open-endedness of it. I take us back to the discussions in Chambers about how we will proceed with this Bill. There was an understanding.

Mr. Ramjattan: That is true.

Mr. Speaker: It was my proposal to convene at about midnight tonight the Committee of Selection, as discussed in my Chamber, to appoint the Members of this Special Select Committee so that that Committee can begin its work immediately with the expectation that by the next Sitting the work of this Committee would be completed. That is my expectation and I am stating it publicly because it was, as I said, discussed and agreed in principle in Chamber. So I would be proceeding along those lines that the work would be completed in time for the next Sitting.

Mr. Nandlall: Sir, if I may quickly...

Mr. Speaker: Are you rising on a Point of Order?

Mr. Nandlall: No, Sir. I just appreciate very much the assistance that Your Honour is rendering to us. I would ask my Friends if we can have the timeframe specified now. If they have decided that that is the only option...

Mr. Speaker: That is what I am trying to get us into – a timeframe. Assuming that we will return here on the 22nd May, it necessarily follows that we cannot complete the report on the 22nd May. The Committee would have to meet and agree a report in time for the 22nd May. So with that in mind, we will have to identify a date before the 22nd May. You cannot meet and complete your report on that day.

Dr. Singh: Mr. Speaker...

Mr. Speaker: Is it a Point of Order? The Standing Order states that there shall be no debate so I am entertaining Point of Order and Point of Clarification.

Dr. Singh: It is not a particular Standing Order as such. I just want to draw your attention to the fact that even if we did consider the Committee completing its work with the aim of coming back to the House at the next Sitting with its report - I am hearing a date of the 22nd May being called... May I enquire, Sir, whether we are contemplating the report being tabled by the

Chairman of that Special Select Committee and being debated on the same date that the report is tabled?

Mr. Speaker: That is my expectation. It is possible and has happened before.

Ms. Teixeira: Mr. Chairman, if we go to the Standing Orders, generally Bills have gone to the Select Committee at Second Reading. It states in the Standing Orders that there must be six days of having come from the Committee to be circulated to all Members. The suggestion by the Prime Minister of the 20th May was...and that is the outer limit. Obviously, we have in the Standing Orders the issue that when the Bill goes to a Select Committee it has to come back... Standing Order No. 56(2)...

11.25 p.m.

Mr. Speaker: But there is also Standing Order No. 112 which says we may suspend any Standing Order.

Ms. Teixeira: Well, that is always possible, Sir; so all sorts of things like that.

Mr. Speaker: Given the exigencies of the situation.

Ms. Teixeira: It is not only that the Bill has to come here, be debated and passed. I have heard comments about assenting. Before the Bill becomes law it has to be enacted and that has to be gazetted. Don't say no, no. I have a little knowledge on some things. Therefore the Bill has to be gazetted. There are timelines; I heard Mr. Nagamootoo talking about the timelines. He has information on a conference. We have said it is 27th May and the Hon. Mr. Felix and Mr. Carberry in their press statement gave the date 27th May. The 30th May has to do with the conference where the reporting goes on. In fact the date is not quite right. It is a little earlier than that. What we are trying to find is the period within which this could come through. The report has to be here before the 20th if we are going to have a sitting on the 20th or the 22nd. We have to recognise that if we are going to amend the Standing Orders to allow for this we still have to calculate backwards and that is why I think the Prime Minister's proposal is a fair one. It is not the best one from our side, but it is a fair one that I am asking the Opposition to consider. I believe you tried to do that and the Opposition said they do not want to be so confined.

Mr. Speaker: Hon. Members unless there is any clarification or change or amendment to the motion before us I will put the motion with the expectation, as I have said before, that I will convene a Committee of Selection when we rise. As per our principle agreement we will name the members of the committee immediately – tonight – rather than come back tomorrow to seek to do that. And that committee shall meet and report, and we shall find a way forward.

Question put and agreed to.

Motion carried

Bill referred to a Special Select Committee.

Mr. Speaker: Members of the Select Committee please be on standby; we will be meeting immediately after we conclude. If we elect a chairman I wish to start tonight. That is up to you. We will provide coffee, snacks, beds and toiletries.

Hon. Members there is one final Bill with eight Members to speak.

CUSTOMS (AMENDMENT) BILL 2013 – Bill No. 2/2013 published on 2013-01-08

A BILL intituled:

“AN ACT to amend the Customs Act.” *[Minister of Finance]*

Dr. Singh: May I, Sir, if I am able to muster my voice to rise above the cacophony. With your permission I would like to ask that the Customs (Amendment) Bill 2013 be deferred to our next Sitting for consideration.

Bill deferred

Mr. Speaker: Hon. Members there is the Evidence (Amendment) Bill, the Motor Vehicles and Road Traffic (Amendment) Bill and the Telecommunications Bill. Hon. Prime Minister may you on behalf of the Government give an indication as to whether or not...

Mr. Hinds: On the Telecommunications Bill, Sir.

Mr. Speaker: There is the Evidence (Amendment) of 2013, Motor Vehicles and Road Traffic (Amendment) Bill No. 8 of 2013, Telecommunications Bill No. 18 of 2012, Public Utilities Commission (Amendment) No. 17 of 2012... Maybe we could take the suite of them.

Mr. Hinds: The Government Sir because of the amount of business it needs to conclude would like to propose 16th May, next Thursday, as the next date for the House to meet.

Mr. Speaker: So we would not be proceeding with these Bills.

Mr. Hinds: We are not proceeding tonight.

Bills deferred

ADJOURNMENT

Mr. Speaker: I recognise Hon. Member Ms. Ally, Opposition chief whip.

Ms. Ally: Mr. Speaker, I heard the Hon. Prime Minister propose 16th May for the next sitting. I would like to propose an amendment to that date. I would like to propose that we meet on 22nd May.

Mr. Speaker: Hon. Members there is a motion on the floor for an adjournment to Thursday 16th May and there is a motion for an amendment to that motion that there be an adjournment to the 22nd May. Is there is seconder for the amendment?

Mrs. Backer: Yes, Sir.

Mr. Speaker: I will put first the amendment that we stand adjourned to 22nd May at 2.00 p.m.

Question put

Ms. Teixeira: Mr. Speaker, I want to go on record if you would allow me. I hope my tone is not too offensive. Under our Parliament and in our Standing Orders Government business has precedence except on the fourth sitting days which is the Opposition's. This Prime Minister has risen as Leader of the House to put the next date which is for Government business and you yourself by asking him to defer or take a position on Government items...

Mr. Speaker: I merely asked; I did not state a position.

Ms. Teixeira: Mr. Speaker, I am just recording our objection to this move by the Opposition to not allow the Government to set a date to deal with its business. This is unbelievable.

Mr. Speaker: Thank you very much. We have dealt with this matter in Chambers earlier. A division has been requested. We will take the division and then there is an announcement I wish to make. Mr. Williams you need to be seated.

Division

Mr. Isaacs you may proceed.

Assembly divided: Noes 32, Ayes 29, as follows:

For

Mr. T. Williams

Mrs. Marcello

Mrs. Garrido-Lowe

Mrs. Hughes

Mr. Nagamootoo

Mr. Ramjattan

Ms. Ferguson

Mr. Morian

Ms. Williams

Mr. Jones

Mr. Adams

Ms. Baveghems

Against

Mr. Jaffarally

Dr. Persaud

Rev. Gilbert

Dr. Mahadeo

Mr. Seeraj

Mr. Neendkumar

Mr. Lumumba

Mr. Chand

Ms. Shadick

Mrs. Chandarpal

Mr. Nadir

Ms. Teixeira

Mr. Sharma

Bishop Edghill

Mr. Bulkan

Mr. Whittaker

Mr. Bond

Ms. Kissoon

Mrs. Sukhai

Mr. Trotman

Ms. Webster

Ms. Selman

Mr. G. Persaud

Mr. Allicock

Ms. Manickchand

Ms. Wade

Mr. Benn

Mr. Felix

Dr. Anthony

Ms. Hastings

Mr. Ali

Mr. Scott

Dr. Ramsaran

Lt. Col. (Ret'd) Mr. Harmon

Mr. R. Persaud

Mr. Greenidge

Dr. Singh

Mrs. Backer

Dr. Norton

Mrs. Rodrigues-Birkett

Mrs. Lawrence

Mr. Nandlall

Mr. B. Williams

Dr. Ramsammy

Ms. Ally

Mr. Rohee

Dr. Roopnarine

Mr. Hinds

Brigadier (Ret'd) Grainger

Amendment carried.

ANNOUNCEMENT

Retirement of Mrs. Lilawtie Coonjah, Deputy Clerk of the National Assembly

On that note Hon. Members I wish to turn our attention to a matter that is at hand. It is not grave as such. I think it was Shakespeare who said that *parting is sweet sorrow*. I announce that of tonight our Deputy Clerk has presided for the last time. She proceeds, as of tomorrow, on pre-retirement leave. She has been serving as the Deputy Clerk since 2002, continuously for eleven years. Prior to that she was the Principal Assistant Secretary for Finance from 2000. Mrs. Coonjah has earned the right to retirement and to enjoy her golden years. I know we will all miss her. She is resisting strenuously any fanfare or farewell – even for this announcement tonight I had to wrestle and wrest out of her. Mrs. Coonjah, please know you have served this Parliament and the people of Guyana faithfully and we appreciate all that you have done. I know that Members, particularly from the hinterland, have been able to come to you and have their matters attended to. Whenever one deals with finance – I know Mrs. Lawrence and Mr. Greenidge would appreciate this - you always are the butt of much accusation. People sometimes do not appreciate what you do. The Minister of Finance knows this very well. It is always believed that you are not acting in persons best interest because you are tight fisted. But you are the steward of moneys put into your care and have to account for it. So with those words I would like to thank you for your sterling, and outstanding service to this Nation. I hope that in the not too distant future we will get a chance or you will recant and allow us to celebrate your work and your achievements. As a woman, as a mother, as a friend and as an adviser I know you have gone through a lot in these chambers; you have endured a lot and I would like to say thank you very, very much. You celebrate a birthday in a few days – her birthday is on 11th May – so we wish you happy birthday as well. [*Applause*]

Members, under Article 158 of our Constitution there is a commission that comprises the Speaker as Chair, the Minister of Finance and the Prime Minister or his designate. We have

already met to begin the process of identifying a replacement or the appointment of a Deputy Clerk. The Clerk has produced a succession plan which is under consideration. That matter I believe would have to be resolved sooner than later. With those words Mrs. Coonjah, thank you. As I said I hope you would recant and give us an opportunity to celebrate in the not too distant future your life, your work.

Leader of the Opposition (Brigadier (Ret'd) Granger): Mr. Speaker, on behalf of the Opposition and particularly A Partnership for National Unity I would like to add our words of gratitude for the service of Mrs. Coonjah. It is well known that during the Budget debate there is one item that does not get touched. I think that is tribute to the quality of work of the Parliament Office, and certainly Mrs. Coonjah is regarded as an important element there. We have always been impressed by the quality of service from the staff of the Parliament and she represents that. So on behalf of the Opposition I just like to record our appreciation. Although I have only known here for the last 16 months or so during the Tenth Parliament we have certainly been impressed by the quality of her service and we wish her well in her next career. I did not even realise she was of retirement age. *[Applause]*

Mr. Ramjattan: I just want to also endorse the words of the Leader of the Opposition and you Mr. Speaker. I want to say that for the last 20 years I have been here and for the long time I have know her she has been the most wonderful person. I always got the best of service on a personal level, and also since the AFC has been formed whatever it is we required of her she met very tenuously. I want to congratulate here in her retirement and also on her birthday and wish her all the best in her future endeavours. *[Applause]*

Mr. Hinds: Mr. Speaker, Hon. Members, I too, on behalf of the Government Members would like to comment Mrs. Coonjah on her service not only here, but I understand that she has been a career person in the Public Service. I would like to commend her on her service to the Nation and particularly to this legislature here. I join too in wishing her all the best. I wish she would enjoy her retirement.

Thank you. *[Applause]*

Mr. Speaker: I give you permission if you would like to say a few words. I know it is unprecedented, but I think you have earned the right.

Deputy Clerk of the National Assembly [Mrs. Coonjah]: Members of Parliament, Ministers of the Government, good evening. I was not prepared for this but I would like to thank all of you for the kind words, especially from the Speaker. I know I will miss you all. I am glad you feel I have served well. Maybe I will find some other thing to do to be of service to the people of this country.

I thank you. [*Applause*]

Mr. Speaker: With those few and precious words, I would like to say we stand adjourned until the 22nd May.

Members of the Committee of Selection please convene.

Adjourned accordingly at 11.43 p.m.