

**Ref. No. 6 of 2014**

**Ruling on the Request Submitted by the Hon. Gail Teixeira, M.P. Regarding the Alleged Non-Disclosure of the Pecuniary Interests of the Hon. Catherine Hughes, M.P.**

1. By way of letter dated July 15, 2014, the Government's Chief Whip, Hon. Gail Teixeira, requested that Hon. Catherine Hughes to be sent to the Committee of Privileges.
2. The Complaint is that Mrs. Hughes should have disclosed the pecuniary interest of herself and her husband in the Amaila Falls Hydro-Electric Power Project during the debates on the Hydro Electric Bills and the Debt Ceiling motions.
3. There is no Standing Order that regulates or dictates the disclosure of interests, pecuniary or otherwise, of Members of the House; though it must be acknowledged that contemporary ethical conduct of public officials demands that some disclosures be made.
4. On the other hand, in the United Kingdom, there is a specific rule that in a debate, Members must declare ***"any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect, that he may have or may be expecting to have."***<sup>1</sup>
5. Whilst the Standing Orders of the National Assembly of Guyana provide for references to be made to the Standing Orders of the United Kingdom's House of Commons where there is no provision made, this would not be a useful exercise in this case, as in the

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<sup>1</sup> See Erskine May, 24<sup>th</sup> Edition at page 80. These Rules were developed consequent to a Resolution of the House of Commons on July 19, 1995.

United Kingdom, there is a codified Code of Conduct that the Standing Orders regulate; whereas in Guyana, there is no such Code of Conduct.<sup>2</sup>

6. It is apposite to state that in view of the frequency of requests for Members to be referred to the Privileges Committee, the National Assembly should urgently agree a Code of Conduct to guide Members in the discharge of their constitutional obligations. Some Parliaments have also enacted legislation to regulate the business of the Privileges Committee and this is something that can also be considered worthwhile.
7. The matter pertaining to Amaila Falls Hydro –Project was considered twice by the National Assembly on July 18, and August 7, 2013 respectively. This was done through consideration and debate of the **HYDRO-ELECTRIC POWER (AMENDMENT) BILL 2013** and the **Motion to increase the “LIMIT ON AMOUNT OUTSTANDING UNDER GUARANTEES GIVEN UNDER THE GUARANTEE OF LOANS (PUBLIC CORPORATIONS AND COMPANIES) ACT”**.
8. On the first occasion, Mrs. Hughes voted against the instruments, and on the second, she voted in favour of both the Bill and the Motion. In fact during one of the debates of the Bill, a reference was made to Mrs. Hughes being the Public Relations Officer to Mr. Fip Motilall; clearly this was a fact that was widely known.
9. Prior to the debates on the Bill and Motion in the National Assembly in 2013, Hon. Catherine Hughes had been known to appear on television broadcasts promoting the interests of Sithe Global Inc. and the Amaila Falls Hydro-Power project.
10. It should be noted that Hon. Catherine Hughes did not participate in the debates by speaking.

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<sup>2</sup> The UK Code of Conduct specifically states that its application shall be regulated by the Committee on Standards and Privileges and the Parliamentary Commissioner for Standards.

11. The specific Rule in the United Kingdom refers to a “debate”. A discussion of this Rule in the 24<sup>th</sup> edition of Erskine May – Parliamentary Practice centres on Members “speaking” in a debate.
12. In Guyana, Standing Order No. 38 -‘Time and Manner of Speaking’- refers strictly to speeches in the Assembly and not the ‘Ayes’ or ‘Nos’ of a division. Notwithstanding; if the word ‘aye’ during a division is considered “speaking”, then Hon. Catherine Hughes could be guilty of an offence. If on the other hand, the word ‘aye’ is not considered “speaking” in a debate, then Mrs. Hughes did not contravene Standing Order No. 38(8).
13. There is clearly an ambiguity as to the possible interpretations, and I could find no precedent to assist in resolving it.
14. In matters of this kind it is trite learning that the ambiguity or doubt has to be resolved in favour of the person against whom the accusation has been raised.
15. Further, in Ruling No. 5 of 2014, the timeliness in which a Complaint of breach of privilege should be submitted was addressed. That Ruling has applicability here. Filing a Complaint more than a year after the alleged breach of privilege arose, ought not to be entertained and encouraged unless there are good and compelling reasons advanced as to why it was not presented earlier.

**RULING:**

For the reasons stated above, I am unable to find that a *prima facie* case has been made out against Hon. Catherine Hughes for her to be referred to the Privileges Committee for violations of the privileges of the National Assembly.

Hon. Raphael G.C. Trotman, M.P.,  
Speaker of the National Assembly

Dated this 5<sup>th</sup> day of August, 2014.

