

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2015-2016) OF THE ELEVENTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

20TH Sitting

Thursday, 7TH January, 2016

The Assembly convened at 2.48 p.m.

Prayers

[Mr. Speaker in the Chair]

ANNOUNCEMENTS BY THE SPEAKER

Apology for late start

Mr. Speaker: Hon. Members, I pray that it would not be a feature of our meeting here that the Speaker begins by apologising for a late start, but I do apologise for our very late start today. Events conspire sometimes in a most unmanageable way to detain us beyond the hour when we should be in my Chambers.

New Year's wishes

Mr. Speaker: I do hope Hon. Members, and it falls to me to wish us all, that we have a very fruitful year ahead of us. This is a very significant year for us, for our Parliament in particular and so I hope that our debates will reflect the awareness of the significance of this year. I hope you all had a very enjoyable holiday.

Appointments of new Ministers

Mr. Speaker: Hon. Members there are some announcements which I want to make. The Hon. Valarie Adams-Patterson was designated Minister within the Ministry of Communities with effect from the 1st January, 2016; the Hon. Raphael Gregory Conwright Trotman was designated Minister of Natural Resources with effect from 1st January, 2016; the Hon. Simona Judie Charles-Broomes was designated Minister within the Ministry of Natural Resources with effect from 1st January, 2016; the Hon. Keith Scott was designated Minister within the Ministry of Social Protection with effect from 1st January, 2016; and the Hon. Catherine Andrea Hughes was designated Minister of Public Telecommunications with responsibilities for Tourism with effect from 1st January, 2016.

Hon. Members, I extend congratulations, on behalf of us all, to the Hon. Members whose name I just recited on their preferment. I would especially wish to extend best wishes to the newly appointed Minister, the Hon. Valarie Adams-Patterson.

Leave from Sitting

Mr. Speaker: Leave from today's Sitting has been granted to the Hon. Member, Dr. Clive Jagan.

Circulation of Budget proposals for Constitutional Agencies

Mr. Speaker: Hon. Members, there is one other matter which I should say to you. The Budget proposals of the Constitutional Agencies have been circulated to you in soft copies by way of flash drives. You are now in possession of and are able to make use of it.

PRESENTATION OF PAPERS AND REPORTS

The following papers and reports were laid:

- (1) Fourth Annual Report of the Women and Gender Equality Commission for the period June 2013 to June 2014. *[Speaker of the National Assembly]*
- (2) The United Nations Concluding observations of the Committee on the Elimination of Discrimination against Women for the year 2012. *[Minister of Social Protection]*

**MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE ASSEMBLY AND
MOVED BY A MINISTER**

SUSPENSION OF STANDING ORDER NO. 54

“BE IT RESOLVED:

That Standing Order No. 54 be suspended to enable the Assembly to proceed at its Sitting on Thursday, 7th January, 2016, with the second reading and remaining stages of the following Bill:

- Constitution (Amendment) (No.2) BILL 2015- Bill No 20 of 2015” [*First Vice-President and Prime Minister*]

First Vice-President and Prime Minister [Mr. Nagamootoo]: Mr. Speaker, on the Order Paper today there is listed for deliberation, the Constitution (Amendment) (No. 2) Bill 2015, Bill No. 20 of 2015.

Inadvertently, there has been an omission of the Parliament Office; the Parliament Office being a constitutional body. I wish to move, in accordance with Standing Order 30 (d), the following motion to be proceeded with at this Session. That Standing Order No. 54 be suspended to enable the Assembly to proceed at a Sitting at today’s date Thursday, 7th January, 2016, with the second reading and the remaining stages of the Constitutional (Amendment) (No. 2) Bill 2015, Bill No. 20 of 2015.

Ms. Teixeira: Mr. Speaker, we understand the predicament that the Government is in; in that the Parliament Office was omitted in the rush by the new Government to pass the Constitution (Amendment) Bill in 2015. We wish to draw to this House’s attention, again, that this is the eighth time that the Prime Minister is coming to this House to suspend the Standing Orders to allow a Bill to go through all its stages in this House. This is a dangerous practice developing in this House.

Sir, we said that before and, therefore, we also wish to remind this House that this Bill that calls for the corrections, if I am right, was circulated on 31st December, 2015. I wish to add that, I had pointed out this mistake which was made, after we came into Parliament in August. I had pointed

out that there was an omission in the Act, which was assented to by the President. The Government had from August to now and nobody did anything. There was no correction. This is a simple matter to deal with. Therefore, we understand, we have to discuss the Parliament Office today as a Constitutional body, but this level of ineptitude is not acceptable - incompetence. Thank you.

Mr. Speaker: I thank the Hon. Member for her statement. Hon. Members you have heard the question.

Question put, and agreed to.

Standing Order suspended.

INTRODUCTION OF BILLS

Presentation and First Reading

The following Bill was introduced and read the first time:

CONSTITUTION (AMENDMENT) (No.2) BILL 2015 – BILL No. 20 of 2015

A BILL intituled

“AN ACT to amend the Third Schedule relating to Article 222A of the Constitution to insert The Parliament Office among the list of constitutional bodies.” *[Minister of Finance]*

Minister of Finance [Mr. Jordan]: Mr. Speaker, I present to the Assembly the Constitutional (Amendment) (No. 2) – Bill No. 20 of 2015. A Bill intituled an Act to amend the Third Schedule relating to Article 222A of the Constitution, to insert The Parliament Office among the list of constitutional bodies and I moved that the Bill be read the first time.

Question put, and agreed to.

Bill read a first time.

PUBLIC BUSINESS

GOVERNMENT'S BUSINESS

BILLS – SECOND READINGS

CONSTITUTION (AMENDMENT) (No.2) BILL 2015 – BILL No. 20 of 2015

A BILL intituled

“AN ACT to amend the Third Schedule relating to Article 222A of the Constitution to insert The Parliament Office among the list of constitutional bodies.” *[Minister of Finance]*

Mr. Jordan: Mr. Speaker, I rise to move that the Constitutional (Amendment) (No.2) Bill 2015 – Bill No. 20 of 2015 be now read a second time. Mr. Speaker, I wish that all Bills were as simple as this one, but sometimes in life we have to get some simplicity among all the complexities and adversities that we may face. This is a very simple Bill.

3.03 p.m.

As the Explanatory Memorandum indicates:

“This Bill seeks to amend the Third Schedule of the Constitution to add the Parliament Office, The Parliament Office being a constitutional body.”

I now commend this Bill to the House for passage.

Mr. Speaker: Hon. Members, I think it would be true to say that the elements and intentions of the Bill are well known to all Members of this House. The Bill contains two clauses.

Question put and 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.

MOTIONS

APPROVAL OF THE 2016 CURRENT AND CAPITAL ESTAMITES OF CONSTITUTIONAL AGENCIES

In accordance with Article 222A of the Constitution, the Assembly to resolve itself into Committee of Supply to consider the Estimates of Expenditure of the Constitutional Agencies for the year 2016.

The Speaker to propose that the Estimates of the following Constitutional Agencies form part of the Estimates of the Public Sector for 2016:

- (i) Audit Office of Guyana – Current and Capital Estimates totalling \$790,077,000 for period ending 31st December, 2016.
- (ii) Chambers of the Director of Public Prosecution – Current and Capital Estimates totalling \$234,924,000 for the period ending 31st December, 2016.
- (iii) Constitutional Office of the Leader of the Opposition – Current and Capital Estimates totalling \$20,137,000 for the period ending 31st December, 2016.
- (iv) Ethnic Relations Commission – Current and Capital Estimates totalling \$131,558,000 for the period ending 31st December, 2016.
- (v) Guyana Elections Commission – Current and Capital Estimates totalling \$3,574,487,800 for the period ending 31st December, 2016.
- (vi) Human Rights Commission – Current and Capital Estimates totalling \$53,141,200 for the period ending 31st December, 2016.
- (vii) Indigenous People’s Commission – Current Estimates totalling \$66,364,430 for the period ending 31st December, 2016.
- (viii) Judicial Service Commission – Current Estimates totalling \$10,020,000 for the period ending 31st December, 2016.

- (ix) Office of the Ombudsman – Current Estimates totalling \$43,912,000 for the period ending 31st December, 2016.
- (x) Parliament Office – Current and Capital Estimates totalling \$1,395,865,000 for the year ending 31st December, 2016.
- (xi) Rights of the Child Commission – Current Estimates totalling \$84,067,682 for the period ending 31st December, 2016.
- (xii) Public/Police Service Commission – Current and Capital Estimates totalling \$113,993,000 for the period ending 31st December, 2016.
- (xiii) Public Service Appellate Tribunal – Current Estimate totalling \$20,219,000 for the period ending 31st December, 2016.
- (xiv) Supreme Court of Judicature – Current and Capital Estimates totalling 1,967,243,835 for the period ending 31st December, 2016.
- (xv) Teaching Service Commission – Current and Capital Estimates totalling \$120,774,000 for the period ending 31st December, 2016.
- (xvi) Women and Gender Equality Commission – Current Estimate totalling \$53,217,339 for the period ending 31st December, 2016.

Assembly in Committee of Supply

Mr. Chairman: Hon. Members, before we proceed with the consideration, I must tell you that it was agreed that 30 minutes would be allocated to each agency for consideration.

Current and Capital Estimates

Audit Office of Guyana - \$790,077,000

Minister of State [Lt. Col (Ret'd) Harmon]: Mr. Chairman, may I ask that we be given a few minutes to ensure that the responsible officers are seated to assist in the answering of these questions?

Mr. Chairman: Hon. Members, there is a request that we allow a few minutes for the respective Ministers or responsible officers to be in place.

Mr. Ali: In relation to the Audit Office of Guyana (AOG), I think the responsible officer to answer questions would be the Chairman of the Public Accounts Committee (PAC). The Audit Office of Guyana's budget is presented in the National Assembly by the Chairperson of the Public Accounts Committee. If the budget is presented under the hands of the Chairperson of the Public Accounts Committee, then I think it follows that the Chairperson should have some responsibility in defending the budget of the Audit Office of Guyana. The Audit Office of Guyana is an independent Office which falls under the purview of the Public Accounts Committee. I will be willing to accept advice.

Mr. Chairman: Hon. Members, let me say that the opinion expressed by Hon. Member Mr. Irfaan Ali does not seem to follow, inevitably, from the wording of the Act.

The Act enjoins that the public officer responsible for managing the affairs of an agency or such other person designated shall submit budget proposals to the Clerk of the National Assembly, copied to the Speaker and the Minister of Finance, who shall ensure that those proposals are submitted as presented.

It goes on to state that, in the case of the Audit Office of Guyana, the budget shall be submitted to Parliament through the Chairperson of the Public Accounts Committee.

In the Speaker's estimation, it does not follow, inevitably, from this that the Chairman of the Public Accounts Committee has the remit or the obligation to answer questions relating to the Audit Office of Guyana.

I would think that the relevant Minister, who, in this case, I am advised, may be Minister Harmon, would be the person to answer questions which may arise.

Mr. Ali: Sir.

Mr. Chairman: Gentlemen, we are not going to have a long debate on this.

Mr. Ali: Sir, if you may permit me. The budget proposal is submitted to the Parliament through the Chairperson of the PAC. The Audit Office of Guyana comes under the purview of the Public

Accounts Committee. It does not report to any Minister. The Audit Office of Guyana reports to the Public Accounts Committee of which I happen to be the Chairperson.

The recommendation for the Audit Office of Guyana's budget does not go through the Minister of Finance or any other Minister; it comes through the Chairman of the PAC who should have the opportunity to defend it.

Thank you.

Minister of Natural Resources [Mr. Trotman]: Mr. Chairman, I crave your indulgence to offer an opinion on behalf of Government. It is a time-honoured precept that Bills of the Westminster Parliamentary system which create a charge in the Consolidated Fund can only come from the Executive. That has even been upheld by the Chief Justice's rulings in the Tenth Parliament.

3.18 p.m.

Even if it is introduced through the Chairman of the Public Accounts Committee (PAC), only a Minister – by that it would be the Minister of Finance – or another Minister, representing the Executive, may introduce, for passage, an Appropriation Bill.

The fact that it is the Audit Office of Guyana and it is cloaked with constitutional autonomy and independence... Sir, this goes back to the very concept of the separation of powers. If we are to look, for example, at the Supreme Court of Judicature, the Chief Justice or the Chancellor himself or herself would not come and move a Bill. It has to come through the Executive. But that does not in any way remove the independence that is enshrined in the Constitution. A Member of the Opposition would not be able, without the consent of Cabinet, to move a Bill.

In this case, the Member of the Opposition, being the Chairman of the Public Accounts Committee, has not received the Cabinet's permission for the Audit Office of Guyana's accounts to be approved by the House. Sir, it falls on either the Minister of Finance or the subject Minister to move the Bill because it is, at the end of the day, what is referred to as a 'money' Bill and can only come through the Executive. That is our opinion, Sir.

Bishop Edghill: Sir, I just want to support my Colleague, the Chairman of the Public Accounts Committee. The Audit Office of Guyana had to bring to the Public Accounts Committee its

proposals and that had to be signed off by the Public Accounts Committee. The amendment to Section 80 (b) that was passed earlier this year indicates that it is the Chairman of the Public Accounts Committee that has to present the proposals. We are not doing an appropriation here today. The appropriation would come at the time of the budget. This is a proposal that is being passed and it has to be incorporated into the appropriation. This is for the purpose of discussions and it is the person who would have received the necessary explanations and the necessary justifications from the Audit Office of Guyana who should have to defend the Audit Office of Guyana's proposals here today.

I find it to be of some amount of concern that the Auditor General, having presented his proposals to the Public Accounts Committee which considered it, signed it off and sent it to the Clerk of the National Assembly to be tabled in this House, was subject to another process of having to submit himself and his proposals, which is not in keeping with the Constitution or the Act, to have somebody from the Government come and defend that proposal today. I find that to be of great concern, Sir, and I want to stand in support of the position that the person who should be defending those proposals is the Chairman of the Public Accounts Committee, who is duly authorised by the Act and the Constitution.

Mr. Chairman: Hon. Member, I thank you for your statement. It would be helpful to move this discussion along if I hear could some comments on the issue which was made by the Hon. Raphael Trotman, about the 'money' Bill, if I may use that as a shorthand term. Perhaps, it will help us if that is addressed. It is because a debate in which we are saying different things and moving in different streams does not help us to find common ground. You have the floor, Madam.

Ms. Teixeira: I will respond to what the Hon. Member, Minister Trotman, has said. However, as you are new, I would like to address the issue of how we got to this point. The Constitution was amended in 2001 to provide for article 222A in which independent agencies would be constitutional agencies and would have a direct charge on the Consolidated Fund.

First of all, we are not dealing with matters of appropriation; we are dealing with a direct charge on the Consolidated Fund. Therefore, it is slightly different from what Mr. Trotman referred to. The Constitution deals with the direct charge on the Consolidated Fund. The Office of the

Auditor General was always article 222A in the Third Schedule. The Constitution was amended, further, by Act No. 6 of 2001. As with article 222A, article 223 was amended to state that the Auditor General would bring his annual reports to the Speaker. Prior to that, Sir, the Auditor General had to take the report of the Auditor General or any report to the Minister of Finance and the Minister of Finance had to table it here. After the amendment to the Constitution in 2001, that stopped. That is why one of the first things that you, Sir, did was table the Report of the Auditor General in September, 2014.

In the process of the implementation of the Constitution amendment, if one looks at article 223 (5), it refers to the Rules, Policies and Procedures Manual for the functioning of the Office of the Auditor General and the role of the Public Accounts Committee which may exercise general supervision of the functioning of the Office.

A consultant was hired – I believe that he is now a member of the Guyana Elections Commission (GECOM) – and he worked with the Office of the Auditor General in creating the Rules, Policies and Procedures Manuals. In those manuals that were designed by the consultant, which was approved by the PAC under Mrs. Lawrence’s chairmanship, there was a format for the Auditor General and the Chairperson of the Public Account Committee to sign a document to bring the budget of the agency to the National Assembly after it had been reviewed by the Public Accounts Committee.

The present Government amended the Constitution, further, to include other agencies. It went further and amended the Fiscal Management and Accountability Act (FMAA) which now states how the process is going to happen – how the agencies will bring their documents into the House since they are now under no ministerial provision.

I remind you, Sir, that when we had the budget debate in 2015, when we were about to start the consideration of the Estimates, regarding this particular issue of the placement of the constitutional agencies under Ministers, we spent half of the day in your Office having negotiations with the legal luminaries of this House to show that the constitutional agencies, because of having a direct charge on the Consolidated Fund, could not have been listed under the Ministry as subventions agencies. We went through that and you, on the last morning – I believe it was 5 o’clock in the morning on 27th or 28th August, 2015 – brought all of those amendments

and that fancy motion to get all of us to rectify the mistake that had been made in this House. I am not saying that it was your mistake; it was a mistake; you are new to these waters.

The issue that Mr. Ali has raised is a logical one. Having assumed that the Auditor General went before the PAC and presented his budget which was approved...In the period when I was in the PAC, we went it through line by line. Mr. Greenidge, as Chairperson, presented the report of the Auditor General. Although it was circulated, it was never actually debated. We never debated the Report of the Auditor General in the House. It was in the statutory body section of the budget books but it was Mr. Greenidge, as the Chairperson, and Mr. Sharma, who signed a piece of paper which was inserted at the front of the document, to allow for this.

Now there are, subsequent to that, signed by His Excellency the President, Mr. David Granger, on 5th August, the amendments to the FMA Act. It states that says the Minister of Finance must bring these matters here and that the Minister is responsible for the constitutional agencies. It is not any Minister. The Hon. Mr. Jordan, who is now the Minister of Finance, is the officer in charge of the constitutional agencies. He brings their proposals here.

Further than that, because the FMA Act remained loyal to the work of the PAC over the years, it included that the Chairperson of the PAC should bring the report here. Obviously, therefore, it is logical that, if the Committee reviewed the Report of the Auditor General, it is whoever sits in that chair - whether it is Mr. Greenidge when he was Chairperson, whether it is the Hon. Mrs. Lawrence when she was Chairperson, or whether it is Mr. Irfaan Ali... After the 2015 amendment of August, it cannot be done any other way. It has to be the Chairperson of the PAC.

Therefore, the dear Auditor General is in a very invidious position because he is on the wrong side of the House. He belongs on this side and I would vacate my seat to allow him. It is only then that the matter can be addressed.

The issue that Mr. Trotman made about 'money' Bills is not applicable in this situation. I am saying that it is not applicable because this document that we received was signed by Mr. Isaacs on behalf of all of the 16 agencies. The Minister sent it to the Parliament Office and the Parliament Office documented it. It was signed by Mr. Isaacs. There is no reference to a Cabinet decision that these matters went to Cabinet.

If we are taking Mr. Trotman's argument, then we cannot discuss any of these agencies today. We cannot. It is logical. Therefore, the argument I am putting is that the Hon. Member, Mr. Trotman, is wrong. He has made an error. There is another issue with the Office of the Auditor General which we will not insert in this part of the argument. We are dealing with the principle, the theory and the law. The Audit Office is on the list. There is no requirement in the Constitution. It states that it is a direct charge on the Consolidated Fund. Therefore, the Audit Office of Guyana is not as the Ministries that have to go through Cabinet. If there was a requirement, as I said, then the Cabinet decision should have been signified to the Clerk. And, there should have been a preamble paragraph which should have stated that the matter went before Cabinet and Cabinet approved. It is not here because it never happened since it is not required anymore. The Government changed the law. Therefore, it has to live with the changes that it made. This is what has to be done.

Mr. Nandlall: Sir, it is obvious that we are in a predicament. I think we should accept that. How do we come out of the predicament? The law was changed. In an effort to give what was understood to be the effect of the Constitution, the law was changed to achieve the objective of giving overarching, fiscal autonomy and independence to these bodies.

I predicted that we were going to have this procedural predicament if we did not amend the procedure to meet the new law.

3.33 p.m.

When we gave the independence and autonomy to the constitutional agencies to submit their budgets directly to the Parliament we removed from the executive any interaction whatsoever. That is what we did. The Hon. Member Trotman has raised a significant point on the money Bills but we have to sit down and work out a modality, a new procedure, because, perhaps wittingly or unwittingly, we have changed the substantive law and are trying to apply the antecedent procedure to the new law. It cannot happen. It is wrong.

I read carefully the speech of the Hon. Minister of Finance when he piloted this Bill. I want to take this opportunity to congratulate him because I believe in his presentation and that of the Hon. Member Mr. Carl Greenidge as well. They captured the important tenets of the Bill, in particular the Minister of Finance. He quoted a case from the Philippines and gave a definition of

what fiscal autonomy means. In his speech he identified the Auditor General's office as an exception. I believe he got it right. We now have to amend our process here. It cannot be that, after going through this legal metamorphosis, we subject the public officers of these agencies to the same questions and answers. Then we are not giving them autonomy. If we are saying to them that they must send their budget to the Clerk and that the Minister of Finance has no role except to make a recommendation, what is the purpose of all of that when they have to come here and answer, more so through a Minister? The Minister did not consult with them. The executive played no role in the presentation of these budgets. How could the executive be answerable? [Mr. Ali: It should not play a role.] I am talking about what the current law is and as a lawyer I have to defend the current law. The current law states that the executive must play no part.

On behalf of the People's Progressive Party/Civic (PPP/C) I wrote the heads of the constitutional agencies. I wrote the Clerk of the National Assembly and the Clerk replied to me, and the other agencies did. Let me use the Clerk for example. He said to me, very clearly, that the Ministry of Finance played no role. I asked specific questions of the heads of these agencies, because I knew that we were going to find ourselves in a conundrum today. I asked specific question: Did the Ministry of Finance played any role in the preparation of the budget proposals? The answer fortunately was no. I have the letter from the Clerk of the National Assembly.

“Dear Mr. Nandlall,

I wish to refer to your letter of today's date, 7th January, 2016...”

I asked for certain information and the Clerk replied.

“The procedure employed in the compilation of budget proposals for budget agencies for the constitutional agencies contained in section 3(b) of Act No. 4 of 2015...”

It is the Fiscal Management and Accountability (Amendment) Act 2015 which we are governed by, and that is good.

The Clerk is playing it very safe; he said he followed the law. When we look at the law it states it must be done independently by the Parliament with no input from the executive.

Second, I asked the direct question of what role if any did the Ministry of Finance play in the preparation of the budget. The Clerk answers:

“The Ministry of Finance did not have an input in the preparation of the proposals.”

I then asked a third question. Did it give any written instructions? The answer was that he did not receive any such written instructions. I am sure the Hon. Member Greenidge would agree with me because this is what he championed. I believe he was sitting in this very chair, or over there, when he said that the whole purpose of it was to remove it from any executive input, interaction and engagement. I do not want to say interference, because that is a negative word which might convey a different connotation.

My humble suggestion is that is why consultation is important. I mean no disrespect to the Government; it is a new Government. It would help all of us if we take the concept of consultation seriously. We need to take some time and sit down and work out how we will proceed. In its current way we are defeating the very independence and fiscal autonomy that we have conferred on these agencies by bringing them here, their officers, to answer line by line for their budgetary proposal, through a Minister, when the law speaks about a lump sum payment and a mere recommendation can come from the Minister of Finance only in relation to the lump sum payment. The exercise we are embarking upon is in radical collision with the law that this Government passed.

I ask respectfully that we take a few minutes and seek to work out a *modus operandi* that is consistent with the law. I do not want to see the Government of Guyana violating the very first law it passed, Bill No. 1 of 2015. I do not want to see that so I am extending a helping hand.

Thank you very much Sir. [*Applause*]

Mr. Chairman: I thank the Hon. Member. Before I allow the next speaker I should say to the Hon. Member, and to the House in general, that there was a meeting which I chaired yesterday afternoon and I believe that all the questions would have been settled there. Clearly the results of that meeting were not made known to you.

Mr. Nandlall: Certainly, these issues were not settled.

Mr. Chairman: Are you saying something, Hon. Member?

Mr. Nandlall: I was just remarking to myself that obviously the issues were not settled.

Mr. Chairman: To yourself?

Mr. Nandlall: Yes Sir.

Mr. Chairman: I see. Very good. This is a new position in which this House finds itself, and we must tread carefully. I am happy that the Hon. Member mentioned consultation. That was the purpose of the meeting yesterday afternoon. If the Hon. Member has information clearly it would have been useful for that information to have been made available there. It was not because he was a Member who was not present there.

I will allow two other speakers then I have a proposal to make to the House. Who is the next speaker? Hon. Prime Minister did you ask for the floor?

Mr. Nagamootoo: At this point, Sir, I would cede to my learned friend Mr. Khemraj Ramjattan, but I would still like to ask for the floor.

Vice-President and Minister of Public Security [Mr. Ramjattan]: There is no doubt that this is uncharted waters in the context of the amendment made. I need not go through the history and origins of it. However, notwithstanding the fact that the budgets of these constitutional offices would have to be brought other than the normal way, the presentation of them here, in the National Assembly, must be in accord with the Constitution of the country. Quite frankly there is no Standing Order on the matter. The Constitution, article 171, indicates very clearly that any Bill or motion, and I checked it, because this is being brought by a motion, must be brought in accordance with article 171(2):

“Except on the recommendation or with the consent of the Cabinet signified by a Minister, the Assembly shall not...”

It goes on to talk about motions.

“(b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of the purposes of aforesaid.”

[Interruption]

Mr. Chairman: Hon. Members, let us accept, as a given, that at this moment there are different opinions on the floor. Let us allow the opinions to be expressed without undue interruption.

Mr. Ramjattan: Clearly, based on article 171(2)(a) and (b) that it is on this side of the House that any motion in relation to the imposing of any charge must be brought. The effect of this motion is to tell this Assembly that a certain sum will be sent and ought to be charged upon the Consolidated Fund for the running of the Audit Office. That is what it is. It must necessarily, since it is a direct charge, and a charge that is effectively to be brought at budget time, that it be brought by Cabinet. It is important that that be understood. By virtue of that alone it, would necessarily mean that, in the absence of any Standing Order which gives it to the Chairman of the Public Accounts Committee, this law then be the one that should apply.

I want to make it quite clear that our Constitution also indicates that where there is, what is called, unchartered waters being entered into that this Assembly, by a majority decision, may regulate its own procedure, article 165, and may make rules for that purpose. It is important to understand that article 165 indicates quite clearly... *[Interruption from the Opposition Members.]* Please, could I be allowed to speak? You had your say. Let us resolve this matter. It is important even if there is talk and argument, good arguments, to note that we are in a situation of a vacuum here, but this Constitution allows a scenario where we can come out of it by virtue of us making a rule in view of the fact that there was none before.

If we can make the rules here, and, indeed, that budget is going to be one which involves moneys to be spent by the Audit Office of Guyana, then it must come from this side of the House as a result of article 171 and not the public. **[Ms. Teixeira:** Which article did you...*[inaudible]*?) Where do you have your motion stating it would come from the Chairman of the Public Accounts Committee? Did you bring a motion to that effect? That is the difficulty. In view of the fact that we want to have it resolved we must enter into a realm here that might very well be in law. As you know, in jurisprudence we sometimes create a legal fiction to ensure that we get a

resolution to the problem. Even if at Cabinet we did not signify the consent necessary, the fiction will have to be created so that we can have it being a money Bill, that we have it on this side.

3.48 p.m.

There is not going to be anything that is dramatically fundamentally different from what is normally the scenario because it is uncharted waters and the procedure here would have to be decided by us if we feel that it should now be Public Accounts Committee rather than a Minister.

A final point is that we have to have officers here to answer certain questions which will be through the vehicle of a Minister or if we want to make a new rule through the Public Accounts Committee Chairman who will answer the questions because being a money Bill questions are entitled to be asked by anybody in this National Assembly as to why that line item has \$200 million or \$100 million, or whatever. We must not suffer scrutiny simply because it was already decided and it is a constitutional agency. Every agency, which requires moneys to be spent, has an obligation here to have it scrutinised by questions from the various Members and that is very clear. Who do we do it through? The officers here are not parliamentarians, so we have to have somebody through which the question would be answered, and it is important that be understood. I believe that the rule should be a Minister, even if it is merely tokenism to the extent of being the vehicle through which the questions would be asked.

Mr. Chairman hit gavel.

Mr. Chairman: Hon. Members, I do not think we are helping ourselves here. I hear the voices of certain Hon. Members distinctly trying to drown the voice of the speaker, to whom I have given the floor. I fail to see how it could assist us in dissolving what arguably is a difficult point now confronting us all. It is the first time that constitutional agencies are separately treated and that is a reality. Let us try to learn from one another and perhaps we will come up with a wonderful result but we cannot do it if one side is shouting at the other. I thank you. Please proceed.

Mr. Ramjattan: Yes. I want to close here by stating that the answer lies in article 171 (2), in relation to motion, and this being effectually a money Bill because it is effectually that it should come from this side of the Assembly rather than the Opposition. It would be somewhat an

adoration that it comes from the Opposition and for that purpose I urge Your Honour that you please interpret this Constitution to give efficacy to this new dispensation of where we should start from as to answering on constitutional agencies issues.

Thank you very much. [*Applause*]

Mr. Chairman: I will allow two speakers. It was pointed out to me that Hon. Member Mr. Trotman sought the floor for a long time. First, it would be the Attorney General and then Mr. Trotman, and then I would make a recommendation to the floor.

Attorney General and Minister of Legal Affairs [Mr. Williams]: Mr. Chairman, if it pleases you, my recollection is that I piloted the constitutional amendment to the Third Schedule of article 222A which is a relevant constitutional provision which impacts this matter. I am addressing the contention by the Hon. Member on the other side that no Ministers could be involved in this process. What article 222A states is that in order to assure the independence of the entities listed in the Third Schedule the expenditure of each of the entities shall be financed as a direct charge on the Consolidated Fund determined as a lump sum by way of an annual subvention, and these are the relevant words: "...approved by the National Assembly after a review or an approval of the entity's annual budget as part of the process of the determination of the national budget."

What is uncharted is the part of the process, but what is clear is that only Members of Parliament sit in this National Assembly and therefore only Members of Parliament could approve of any entity's budget. That is the first thing. It is the process. No Minister is in the initiation of a budget of a constitutional agency. Total independence inheres in the entities, for they, themselves, make up their budget. For the budget, in terms of the process to be approved by the National Assembly, how is that done? It is sent to the Speaker and the Clerk lays it to the National Assembly for us to approve. It means that once we could approve we could disapprove and that is the first thing. That is very clear and it was said so in the last Parliament with all those cases that were taken before the learning Chief Justice. If we could disapprove of any constitutional agency budget that is brought here it means it has to be some process where someone gets up and asks a question about a particular aspect of the budget and somebody has to answer. Who answers? The Opposition Members will answer. Is that what you want?

I am respectfully submitting that if someone challenges any aspect of a budget brought here under this process, who is to answer? It could only be the sector Minister. [Mr. Nandlall: That is for the Audit Office]. What is he talking about? I am not talking about the Audit Office of Guyana alone. I am talking about generally. [Mr. Ali: That is a specific issue.] It is not because the Hon. Member Mr. Nandlall said, "...no Minister is involved in this process whatsoever." I am not limiting my contentions to the Audit Office of Guyana alone, but I am talking about... Mr. Speaker, am I protected? I did not interrupt Mr. Nandlall when I could. I am saying that we have deliberated on this matter and if someone raises any objection on any item in the budget, who answers? I am respectfully submitting that a Minister would have to answer bearing in mind what the Hon. Member said about article 171, and the Hon. Member Mr. Trotman, that it is a finance budget.

We have traced the history of the development of this law since the last Parliament. The Opposition cannot bring a money Bill, it is only the Member of the Government could bring a money Bill. I am respectfully submitting that once the budget is brought to this House for approval, it could be disapproved, and if it could be disapproved after a review somebody has to answer or somebody could raise a query and who is going answer it. I am respectfully submitting that only Minister of the Government will responsible for that sector could answer that. I am respectfully resting my case under a point until we take an adjournment and we discuss it further.

Mr. Chairman: Hon. Minister Trotman, do you wish the floor?

Mr. Trotman: Sir, could I just have 30 seconds to say that I support the arguments of my learnt colleagues. Referring again to articles 217 and 218 of our Constitution, it is stated that:

“No money shall be withdrawn from the Consolidated Fund except –

(a) to meet expenditure that is charged upon the Fund by this Constitution...”

We are dealing with a subject situation. Secondly:

“The Minister responsible for Finance or any other Minister designated by the President shall cause to be prepared... the estimates...”

In which we are doing now.

Sir, the other thing is that in other jurisdictions where there is the exact Constitution provision in India, United Kingdom (UK) and elsewhere there is no debate. Then all the Opposition has to do is not ask any questions. The practice is that the Estimates are laid and presented for review to the House just as the Attorney General said but no questions are asked because the filtering process would have already would have been taken place within the Public Accounts Committee. That is the practice around the world. Sir, we do not have to invent any new procedures, the Constitution is cleared, it must be followed and the practice within the Westminster is that there is no debate because these matters are dealt with in the Public Accounts Committee. When it comes here...Yes there is the formality of a review presentation but no questions are asked.

Thank you Sir. [*Applause*]

Mr. Chairman: It is my intention to close the discussion on this but the Prime Minister has asked for the floor and I will give it to him, but there will be no other speaker admitted. I have a proposal to make and I will make that proposal after the speaker.

Mr. Nagamootoo: I rise to propose that we have a short adjournment and that both sides of this Assembly would identify their Members to caucus with a view to finding a way forward in this matter. I feel that it is a matter that is too important that we should have, at the first sitting of our National Assembly, a division, a heated as it is. I believe that where the law has a lacuna we could find a solution. If our Standing Orders did not provide for an answering mechanism where constitutional agencies Estimates are brought to the House then we cannot feel that we are mandated to create an answering mechanism.

I listened to the arguments on both sides in regard to the provision of the Constitution with regard to public funds and with whom the authority reside. I also listened to the argument that one does not interfere with the autonomy of the constitutional agencies by trying to impose an executive jurisdiction in the consideration of the Estimates as submitted.

Those two arguments are meritorious. I say this because we are here, as has been said, in uncharted waters and you, yourself, Your Honour, had set out certain guidelines and when we first step upon the requirement to bring the submissions of the constitutional agencies before this National Assembly. We were already exploring how it should be brought? Should it be brought

by the Clerk of the National Assembly? Should it be brought by the Speaker of the National Assembly?

We know the procedure after that will be the Hon. Minister of Finance who would incorporate these respective lump sums into the general Estimates for approval by the National Assembly, since that is a fact an unquestioned procedure with regard to the way Estimates are appropriated by this National Assembly. I say this here because one gets the feeling that this side of the Assembly is trying to impose a procedure that is unacceptable and that may constitute a violation of some sort. I want to say this, for the record, that it is this side that has fought for the independence of these constitutional agencies; it is this side that had faced... [*Interruption*] This is the problem of the Assembly, Sir, and the problem of the Assembly is that when it begins to face them with the truth, they begin to bawl and they want to suppress the truth being told. It was on that side, when they were on here as the Government, that had said that the Fiscal Management and Accountability Act (FM&AA) had created the ideal home for the constitutional agency.

4.03 p.m.

They had wanted them to remain as budget agencies so that the Minister of Finance would have been able to manage the budget and control the affairs of what should have been constitutional agencies. I like to say it as it is. Today, we hear this pious protestation that they are in defence of the constitutional agencies when they had imprisoned them within the ambit of Fiscal Management and Accountability Act to be railroaded, as any other agencies had been railroaded, and interfere with the independence of the judiciary and the independence of the Parliament and independence of the other agencies. I am saying this today that when you hear the protestation you get the impression... [*Interruption from the Members of the Opposition*] I do not mumble to myself, I do not talk to myself, I do not do that. Mad people do that I am told. I am saying here, Sir, that when you hear this debate...

Mr. Chairman: Hon. Prime Minister, I must ask you to stay within the...

Mr. Nagamootoo: It is because the record would have had it that we are trying to tinker with a procedure. My submission is that there is no procedure that exists that clearly guides this Assembly. Since there is no procedure that guides the Assembly, one cannot interject that there

is a motive. If the Minister of State essays to give explanation, as guided by the Auditor General, on matters concerning the Estimate that had reached this Assembly,...

I also agree that these submissions ought not to be subjected to debate, and they should be put to the Assembly for the Assembly's approval because the mere questioning and interrogation. As one speaker on the other side had submitted that they had gone through the Public Accounts Committee and had submitted here in accordance with some procedure articulated by the Constitution. We ought to be guided by what procedures were articulated by the Constitution that they placed before the Parliament and that they be approved as a lump sum. Therefore I ask, in saying all of this, to correct the record, to correct the vacuous arguments that had been launched, that we should sit and have a discussion to work out a compromise procedure.

Mr. Chairman: Hon. Leader of the Opposition, I cannot allow you to respond. I think the atmosphere is hot enough right now. I will afford us all three minutes to cool off but I will bring to your attention the fact that on the 30th December every Member here, and I am sure that it is every Member here, would have received a document under the hand of the Clerk of the National Assembly. In that document, it states at point 11, "There will be no debate on the estimates of expenditure for constitutional agencies."

All of us would have read that, but it meant nothing today in our discussions. Let us use this three minutes wisely. I am going to suggest that Members select on either side, both sides, as many sides as there are, to meet, to use part of our suspension to clarify the approach that will be presented here in this Assembly, on this matter. Let us remember that this is the first time that we are doing this. All of us are in it and we are dealing with a new creature, and let us try to see that we are not imprisoned by yesterday. Let us try to see if we can create something that is useful and workable. Maybe next year we will find that it did not work very well. We are also free to look at it again next year if it turns out that way. Certainly, I am suggesting that we take the suspension now, and that each side, or every side, chooses its representatives and we agree to meet. The Speaker will be available to sit in those discussions and we will meet at 4.40 p.m. to settle this matter.

Before that meeting I will ask Hon. Members, the Opposition Chief Whip, Hon. Member Juan Edghill, Hon. Winston Jordon and Hon. Raphael Trotman to meet with me on another matter.

We will meet at 4.30 p.m. and the other group or groups will meet together at 4.40 p.m. We will resume here at 5.15 p.m.

Assembly resumed.

Sitting suspended at 4.09 p.m.

Sitting resumed at 6.48 p.m.

Mr. Speaker: Hon. Members, during the suspension we had very long and detailed conversations on two matters. One of which pertains to the item presently before us. We were attempting to treat with the Audit Office of Guyana as a constitutional agency and the question as to who should answer any questions which may arise in relation to the consideration of this agency. It is the Chairman of the Public Accounts Committee who is the appropriate officer to answer any questions which may arise.

One of the points I should make, and I will make it repeatedly, I think, is that we are trying to create here structures to accommodate the constitutional agencies and what that implies. There may be some halting steps and there will be some bold steps, but altogether we may not find that everything moves as smoothly as it is considered, as desirable.

We will then consider the capital and current Estimates of the Audit Office of Guyana in the sum of \$790,077,000 for the period ending 31st December, 2016. The House is resolved into Committee.

In Committee of Supply

Mr. Chairman: Hon. Members, I understood that there would be no questions on this, questions to detain us. Did I misunderstand this?

Hon. Members: Yes.

Mr. Chairman: I will repeat the name of the constitutional agency and then I will wait to hear from the Hon. Member who wants to make a proposal. Hon. Members, we will consider the Estimates, capital and current of the Audit Office of Guyana.

Mr. Jordan: Mr. Chairman, I recommend a sum of \$714,335,000 for the Audit Office of Guyana and this figure is based on our preliminary Estimates of revenue and expenditure for 2016.

Mr. Ali: Mr. Chairman, in submitting the annual budget of the Audit Office of Guyana for \$790,076,000, a lot of care was taken in the preparation of the Estimates.

Mr. Chairman: Just to be accurate, my copy states \$77,000.

Mr. Ali: I was following you until the Minister told me \$76,000, Mr. Chairman. I will definitely go by \$77,000.

6.58 p.m.

Mr. Chairman: Do you not have the text here?

Mr. Ali: Seven hundred and ninety million and seventy seven thousand dollars. Tremendous consideration was given by the Audit Office of Guyana in the determination of this amount, in the interest of improved transparency and accountability for this country.

We are moving into an era where we want to embark on value-for-money audits. We want to implement and use various technologies that would enhance the transparency and accountability of public resources in our country and we believe strongly that we should not cut resources or we should not starve the Audit Office of Guyana resources that are essential to maintain transparency and accountability.

If we look in the comments circulated by the Minister of Finance, he says here that:

“...it caters for the annualisation of salary increases granted in 2015 and employment cost, plus on other charges and capital expenditure by 8% and 13% respectively.”

The Minister of Finance, in this case, has taken it upon himself to determine what increase is essential and needed to enhance the transparency and accountability in an independent constitutional agency. The Agency, after examining the work it has to do, has determined what increase is critical for the improvement and enhancement of transparency and accountability. We

believe strongly that we have to support the budgeting or the allocation of resources that would enhance and protect public moneys.

The other issue deals with the employment of critical staff. In the Audit Office of Guyana, over the years there has been tremendous improvement in transparency and accountability, to the extent that today we have up-to-date Auditor General Reports submitted in the National Assembly. The Audit Office of Guyana has been able to conduct many value-for-money audits in various agencies. They have employed engineers to enhance the work of the Auditor General Office to verify capital and other works that have been done on the ground. These are all enhancements in the transparency of the Audit Office of Guyana over the years that have been able to give us a good platform on which we can continue to grow and develop.

However, to continue the enhancement, there is need for some critical staff. In the Audit Office of Guyana's submission, those critical staff requirements would have been identified. If we are to accept the cuts proposed by the Hon. Minister of Finance, then we will be affecting the work of the Audit Office of Guyana in not having the required human resources that is necessary to audit and maintain the accountability standard on a growing and increasing capital budget and expenditure portfolio of the Government.

I think that the one line justification of the Minister of Finance, in relations to cutting expenditure on such a core issue of transparency and accountability, cannot *hold water*. I wish to propose that the Assembly considers and approves the full amount as proposed by the Audit Office of Guyana, which is, \$790,770,000. Thank you. [*Applause*]

Leader of the Opposition [Mr. Jagdeo]: Mr. Chairman, I wish to first of all thank you for the discussions that we just had in your Chamber and for certain understandings reached on both sides as to how we will proceed on these matters, in this uncharted territory.

There are some things that are quite clear on this side of the House, that once the Constitutional (Amendment) Act of 2015 was passed, we thought that the situation, in relation to budgeting for constitutional agencies, would change in substance. We thought that, having been regaled by the Opposition for years, we were denying constitutional agencies the right to financial autonomy, which would affect their right to overall autonomy and that, with those amendments we would have seen substantive changes. But where are the changes?

In the past, the Minister of Finance brought a budget to the National Assembly and cuts were made to the budget here in the National Assembly. Today, we are seeing a different route through which the budget has come to the National Assembly. But the Minister of Finance still is going to, through his side of the House, reduce the budget of the Audit Office of Guyana.

We thought financial autonomy meant, and on this side of the House we will hold this principle sacred, that once the constitutional agencies had determined their budgets those budgets should come unaltered to this National Assembly and be passed unaltered by this National Assembly. Any attempt to reduce amounts in a block way, without explanations given to this House, would be seen as politicking, not fulfilling the true intent of the constitutional changes that were made and the *flip flopping* of this Government from when it was Opposition in terms of financial independence of these bodies.

We have heard so much about corruption and lack of transparency in this country. We thought that this Government would be interested in putting more moneys into the Audit Office of Guyana rather than salary increases for Ministers. That they would have acceded...

Mr. Chairman: Let us keep to the Audit Office of Guyana.

Mr. Jagdeo: Yes, that is what I am saying.

Mr. Chairman: Let us keep to the Audit Office of Guyana, please!

Mr. Jagdeo: Mr. Chairman, I am speaking to the Audit Office of Guyana. I am saying that funds are fungible and the funds in the budget are finite. If funds can be placed and used in one area, the same cannot be used in another area. That is why I just made the statement that I did. I would have thought that, given the big *holabalu* and the big protestations about lack of accountability in the past Government, there would be a move to strengthen the Audit Office, to empower it and to do more of these audits. What we have seen recently is a denuding of the Audit Office of Guyana, in terms of power and jurisdiction by these surreptitious audits.

When I say surreptitious I want to explain what I mean. These are audits that were first of all forensic audits that then became internal audits for the purposes of answers to this House, but were not done in the public eye. They were done surreptitiously through the lack of tendering. Over \$150 million spent on them and that is just the beginning. We could have found the money

for that, but we are now cutting the Audit Office of Guyana. **[Mr. Greenidge: The cutting?]**
Yes, the cutting of the proposal that was made by this Agency.

Do we not see a pattern here? We see a pattern of behaviour here, the willingness to spend money in other areas but an unwillingness to accede to the demands of this Audit Office of Guyana to strengthen its procedures.

I would once again, say that we believe that this, the full sum, should be approved for the Audit Office of Guyana; that the Audit Office of Guyana must be returned to its constitutional position of stature, independence and jurisdiction, and that this National Assembly, the Minister of Finance and the other side of the House, approve this budget. *[Applause]*

Minister of State [Col. (Ret'd) Harmon]: Thank you, Mr. Chairman. After all the rhetoric about transparency and the like from the other side, I would like to ask the Hon. Chairman of the Public Accounts Committee (PAC) some questions as it relates to the budget for the Audit Office of Guyana for 2016.

The total appropriation voted in 2015 was \$601,797,000. In 2016, the Minister of Finance's proposal is \$715,861,000. **[Mr. Bulkan: It is a huge increase]** There is an increase there. There is, of course, a difference between what the Audit Office of Guyana asked for and what has been recommended by the Minister of Finance and that difference is \$76 million.

Mr. Chairman, the Hon. Member Mr. Irfaan Ali has regaled us about the matter of skills and the competence of the Audit Office of Guyana, but when I look at these figures, nothing has changed where these figures are concerned. Therefore, what the Audit Office of Guyana has asked for has been given.

My question to the Hon. Chairman of the Public Accounts Committee is where in this does the question of the competence or enhancement of the skills of the Audit Office of Guyana had been cut? *[Applause]*

Mr. Ali: Mr. Chairman, first of all, I wish to correct some statements made by the Hon. Minister Harmon. The full sum requested by the Audit Office of Guyana in the 2015 Budget was approved by the PAC and the People's Progressive Party/Civic (PPP/C) Government. It was not subject to any cuts by the then Government. So that is the first inconsistency I want to correct.

7.13 p.m.

The second inconsistency is the Hon. Minister said that the budget was \$601 million. The budget in 2015 was \$649,308,000.

On the third item, Mr. Chairman, you would have to advise us because I have just presented a case for the Audit Office of Guyana in which the presentation includes five new employees. If the Hon. Minister wants us to go line by line item, then the Minister of Finance would need some advice because we are considering a lump sum amount for the Audit Office of Guyana. We are not considering line by line items. That is the fourth inconsistency of the argument.

Mr. Chairman, I may be crazy, but this crazy man would stand up here and defend the interest of transparency and accountability. I am from a political party that believes in transparency and accountability. [*Interruption*]

Mr. Chairman hit gavel.

Mr. Chairman: Hon. Member we want to make progress. Let us stay on the point of the Audit Office of Guyana.

Mr. Ali: Thank you Sir. After pointing out the inconsistencies and that we are dealing with a lump sum, I stand to the argument of why the increases are needed by the Auditor General's Office, including the hiring of five new staff. I would like to repose the question to the Hon. Minister of Finance as to which specific items he is making the cut from? [*Applause*]

Vice-President and Minister of Foreign Affairs [Mr. Greenidge]: Mr. Chairman, I rise to make some observations as regards to the process on which we are now embarked and which the distinguished Leader of the Opposition attempted to outline for the House. An attempt, might I say Mr. Chairman, which is completely at variance with reality.

This House found itself forced, in the course of the period 2011- 2015, to examine submissions from agencies that were constitutional agencies, the allocations of which did not conform to Article 222 (A) in the first instance. Namely, that there be lump sums and that these sums, when managed by the Minister of Finance, should not be subject to modifications by the Minister of Finance or Members of the Executive.

As a routine, the amounts provided to agencies, first of all, when they were received from the agencies - Mr. Chairman, I heard both the Leader of the Opposition and Mr. Irfaan Ali speak to this - the sums brought to this House from the individual agencies, were first cut almost universally by the Minister of Finance. Before attracting the attention of the House, the Ministry of Finance would modify those sums in detail or in total, as a routine. So, the Leader of the Opposition must not come here and say that the Minister of Finance is changing stuff, unknowingly to them and without transparency.

On this occasion, the House has agreed to a process whereby, whatever figure the Minister of Finance has in mind he must bring to the House, so we must know what is that he has in mind, and that he arrives at that figure on the basis of guidelines that he would have issued; on the basis also of analysis... **[Interruption]** Mr. Chairman, I believe that if the Leader of the Opposition failed to make a bad case, we on this side of the House have a right to deal with it and they cannot dictate who must speak to the point. I am speaking to it now and I am saying that the Minister Finance routinely cuts the request, so do not tell us about transparency. This is transparency.

We have a department which spent \$649 million plus in 2015 and yet, the Leader of the Opposition would come here now to tell us that we have cut their budget because... **[Interruption]** The Minister of Finance is proposing an increase from \$614 million to \$649 million. You must check your arithmetic. Is \$649 a block sum? Six hundred and forty-nine million is more than six hundred and fourteen million. It is not a cut.

Might I add that, in no constitutional agencies in the past, at least in the time when I was in the House, could one find a percentage increase of the magnitude that is being requested here by the Audit Office of Guyana. ... **[Interruption]** There was only the pension increase for the Former President. Members should know about that. I thank you for reminding us.

Mr. Chairman, might I also say to you, as regards to this question of autonomy, it is that once this House approves a figure for the Audit Office of Guyana, the Minister of Finance, in the light of exigencies that he may think arises or just because he does not want them to spend it on a particular item, cannot amend it. **[An Hon. Member: Nonsense.]** You would not be able to comprehend over this, so do not bother. When we had forced the Minister to bring this matter

as a lump sum on to the Estimates, although this House on the two sides agreed to figures for constitutional offices, the Minister of Finance failed to disburse those moneys that were approved. It cannot happen under the amended legislation now. So, this is a reinforcement of the autonomy of agencies, such as the Audit Office of Guyana. I want that to be understood. The Minister cannot, after this House has approved, either change the rate of disbursement so that in effect they do not get the money or can he... [*Interruption*]

Mr. Chairman, a rose by any name is just as sweet. Do you know that expression? It means that, if we recognise that the first seven Articles of the Constitution which deal with constitutional offices say that these agencies are autonomous and no individual must meddle with the sum having been approved, whether we change them by the Fiscal Management and Accountability Act (FMAA) or by the Constitution, is immaterial. In fact, the Constitutional change is preferable because the Constitution is superior to Fiscal Management and Accountability Act, which is a point that the Government seem to have not understood. That is how they have ended up on that side of the House, by not recognising that the Constitution carries powers above and beyond the Fiscal Management and Accountability Act. So, the Members of Opposition can mumble and heckle all they want that is the fact. It is the Constitution to which they should have adhered in the past.

In 2013, this very set of Colleagues on the other side, who voted against the Constitutional (Amendment) Act, today have the temerity to sit over there and tell us about autonomy, lack of autonomy and transparency. When in fact, the Act to enhance the autonomy is one Act against which they voted. When the legislation was passed by us, sitting on the other side of the House, the President refused to give his assent to legislation that would have made... [*Interruption*]

Mr. Chairman hit gavel.

Mr. Chairman: Hon. Member, are we still with the Audit Office of Guyana? May I suggest that you try to get closer to the issue before us?

Mr. Greenidge: Mr. Chairman, the legislation to which I made reference is the legislation pertaining to the Audit Office of Guyana. More specifically, when we had introduced both the Fiscal Management and Accountability (Amendment) Act and also the Constitution (Amendment) Act, the Colleagues on the other side then surreptitiously slipped in the situation

of the Audit Office of Guyana by removing the Office from the listing –the appendix or the Fiscal Management and Accountability Act.

I am saying to you, Mr. Chairman that, as far as this legislation is concerned, the legislation has strengthened the hand of the Auditor General. The amounts that have been requested by the Audit Office of Guyana and approved by the Public Accounts Committee (PAC) may have merit. However, the amounts are excessive. It has never been the case, and I can say this without fear of contradiction Mr. Chairman and the *Hansard* will show it, that during the debates, pertaining to Constitutional Offices and their autonomy, the question was raised by the other side as to whether the agencies were to be given any amount that they requested, and of course, this was refuted. [*Interruption*] You were not here, but the question was raised by your Colleagues. The question was answered.

Mr. Chairman, it has never been the case that autonomy requires an agency to have any amount requested. The taxpayer has a purse from which the Minister of Finance gets resources. No agency can be defined as autonomous on the basis of having unlimited access to someone else's resources. It does not cut any eyes. Autonomy does not mean unlimited access to taxpayer's resources. It can never mean that. That means the request that has been made has to be the subject of a considered examination by the Ministry of Finance. The Minister has done that and he is saying that an increase from \$649 million in 2015 to \$799 million, is excessive. Therefore, that is the basis upon which this is done.

The question of line by line examination is out of the question. A lump sum has to be approved by the House. The House is considering a lump sum, that lump sum is of \$714 million plus, a generous amount and an amount consistent with the conduct of the Audit Office of Guyana.

I do not want to turn to the damage done to the Audit Office of Guyana by our Colleagues on the other side. The number of Auditor Generals... [*Interruption*] I never removed an Auditor General because I did not like what he had to say. The Audit Office of Guyana has requested an amount of \$714 million, it has been recommended by the Minister and I would commend it to the House and commend the Minister for adhering to the legislation and for ensuring the autonomy of a very important Office. Thank you very much. [*Applause*]

Mr. Chairman: Hon. Members with the respect to the timing which I indicated to you, we have utilised 27 minutes of the 30 minutes granted for this.

7.28 p.m.

Bishop Edghill: Thank you very much Mr. Chairman. I believed that the proposal by the Audit Office of Guyana for \$790,077,000 should stand and be provided for. Just to remind the entire Assembly that this particular Constitutional Agency has a special treatment. The budget of the Audit Office of Guyana, having not been formulated independently by the Audit Office of Guyana, must come to the Public Accounts Committee for approval to be sent forward to the National Assembly.

On the Public Accounts Committee the Government has the majority. What we are actually having here, is that a Minister is cutting \$76 million from the proposal of the Audit Office of Guyana having had the Public Accounts Committee, which includes the majority of the Government Members, proposing the sum of \$790,077,000.

The Minister have not yet, said what are the circumstances that exist or what are the specific reasons of why he would want to remove from the proposal \$76 million. The Auditor General and the Audit Office of Guyana had to come to the Public Accounts Committee to give justifications of why they would want us to approve that to send it to the House. In his justification, the Auditor General indicated to us the expanding role of the Audit Office, the demands that are made to enhance accountability and transparency, the need for additional staff and other activities that needed to be done to advance. We want to advance the proposal that the sum stated for the Audit Office of Guyana, as proposed by the Chairman of the Public Accounts Committee be carried Sir. [*Applause*]

Minister of Social Protection [Mrs. Lawrence]: Mr. Chairman, on a Point of Order. I would like to invoke Standing Order 40 (b). I heard the Member indicate that the Public Accounts Committee met and that we had before us the Auditor General who gave explanations with regard to the amounts he was requesting in this present budget being debated here in the House. May I please, Sir, correct the records that the Public Accounts Committee met after the submission by the Audit Office of Guyana to the Ministry of Finance and that the Public

Accounts Committee did not have the opportunity to discuss and to have the Audit Office of Guyana come before it and make presentation on this budget.

Mr. Chairman: Hon. Members we have gone somewhat beyond the time.

Mr. Ali: Under Standing Order 40 (b), Mr. Chairman, I wish to correct two inaccuracies. First of all, the statement by the Hon. Minister would put us in more jeopardy. The Minister is saying that the Audit Office of Guyana submitted its budget to the Minister of Finance. That is a serious issue. If that was the case, it is a violation.

Mr. Chairman: Hon. Member I would ask you to deal with what is inaccurate and not to spend time on comments that do not clarify matters.

Mr. Ali: Mr. Chairman that is the first inaccuracy. The Minister said that the budget was submitted to the Minister of Finance. In all the information before me, the budget was submitted to the Public Accounts Committee (PAC) and the Clerk of the National Assembly. If the Minister is saying that though, I cannot doubt the Hon. Minister. Somewhere along the line, we were misled if this budget was indeed submitted to the Minister of Finance. That is the first inaccuracy.

The second inaccuracy is that the budget came before the PAC and we asked the Members of the PAC to examine it. We all said that we were going to send forward the budget as it was. The Hon. Minister was not present. We said that we were going to proceed in supporting the budget as presented. Thank you very much Mr. Chairman.

Mr. Chairman: Perhaps it is helpful that when we seek leave of the Chairman on a point like that, that the points we wish to clarify are clarified, and then the matter ends. The other speeches can wait.

Hon. Members, we have passed the time allotted to this item. The manner in which I will treat with this is that I will first put the amendment. If the amendment falls, the principle proposal remains.

Audit Office of Guyana – \$790,077,000 as amended to \$714,335,000 agreed to and ordered to stand part of the Estimates.

Chambers of the Director of Public Prosecution – \$234,924,000

Mr. Jordan: Thank you Mr. Chairman. Could I make a quick suggestion? There are about three agencies that are unaltered that we could quickly pass in the interest of time? So, if we could quickly go through those.

Mr. Chairman: The Chairman would benefit from a suggestion which give us more time, so would you perhaps recite to the House the ones which ...

Mr. Jordan: The Guyana Elections Commission – Current and Capital Estimates totalling \$3,574,487,800 for the period ending 31st December, 2016; the Judicial Service Commission – Current Estimates totalling \$10,020,000 for the period ending 31st December, 2016; and the Office of the Ombudsman – Current Estimates totalling \$43,912,000 for the period ending 31st December, 2016.

Mr. Chairman: Hon. Members it had been suggested to the Chairman and the Chairman accepts that suggestion and commends it to the rest of the House, that the Constitutional Agencies; (v) Guyana Elections Commission; (viii) Judicial Service Commission; and (ix) Office of the Ombudsman, attract no change or suggestion of alteration from the Minister of Finance. The suggestion would be that we will take these and pass on them right away. So, if Members would turn to item (v).

Guyana Elections Commission –\$3,574,487,800

7.43 p.m.

Guyana Elections Commission - \$3,574,487,800 agreed to and ordered to stand part of the Estimates.

Current Estimates

Judicial Service Commission - \$10,020,000

Judicial Service Commission - \$10,020,000 - agreed to and ordered to stand part of the Estimates.

Office of the Ombudsman - \$44,756,000

Office of the Ombudsman - \$44,756,000 agreed to and ordered to stand part of the Estimates.

Current and Capital Estimates

Chambers of the Director of Public Prosecutions - \$234,924,000

Mr. Jordan: I recommend a sum of \$160,090,000 for the Office of the Director of Public Prosecutions. This is based on my previous comment that this is the best that we can do in the context of the revenues and expenditure expected for 2016.

Mr. Nandlall: I rise to register my objection to the recommendation offered by the Hon. Minister of Finance. The Minister of Finance is recommending a reduction from a relatively small budget for the Office of the Director of Public Prosecutions. A submission of \$234,924,000 is being reduced to 160,090,000, a reduction of nearly \$75 million.

I want to speak to the new dispensation which the Government introduced into the laws and into the financial process and procedures of our country when it enacted the Fiscal Management and Accountability (Amendment) Act 2015, as well as the Constitutional (Amendment) Act, the forerunner as they called it in the debate.

The mischief identified by the Government, both when it was in Opposition as well as in Government in mid-2015, when the debate was held, was to ensconce, entrench and make a reality the fiscal financial autonomy and independence of these constitutional agencies. That was the policy, the letter and the spirit of this law. We were told that the procedure, extant at that time, was bad and that it undermined independence and autonomy because it resided the power in the Minister of Finance to review and reduce budget estimates that were presented to him. What is the difference? We have moved the place of reduction from Urquhart and Main Streets, the Ministry of Finance, and we have located it in the Public Buildings, the Parliament.

The very Minister of Finance is recommending the cut, but the cut, this time, will be effected by his colleagues in the Parliament. Instead of one executive officer doing the cut, which was the Minister of Finance doing the cutting at the Ministry, he has come to the National Assembly to put forward the cut and then the cut will be effected by a vote of the Executive in the National Assembly. There is a circuitous procedure being employed with the effect being the same, which is the Minister of Finance, effectively, retaining the power to reduce the budget proposals of

these constitutional agencies, thereby rendering feeble and defeating all of the concepts, precepts, policies and arguments that we heard about independence and autonomy. Minister Ashni Singh, in the previous dispensation, would have done the same thing – reduce the budget by \$75 million. That is what the then Opposition had said was wrong and undermined the independence of the Office. Now, they are doing the same thing with the exception that they are doing it here.

They are defeating the policy, the letter and spirit of their own legislation. More importantly, I want to draw attention quickly to the language of the Constitution.

The language of the Constitution that deals with the same provision is very clear. Article 222A, the marginal note reads:

“Overarching clause on financial autonomy.”

That is what they said that they are giving effect to. Then, it states:

“In order to assure...”

These are already independent bodies in the Constitution. They are established in the Constitution. That mere fact makes them independent, functionally. There is a provision in the Constitution that states that the DPP, in the discharge of the functions of the Office, is not subject to the direction or control of any person, body or authority. There is functional autonomy and independence. This clause was intended to assure financial independence and it states that.

In order to assure the independence of the entities listed in the Third Schedule, it states as follows:

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

[**Mr. Williams:** I just read that.] He read it but he did not understand it. It means that once it is a direct charge on the Consolidated Fund, it is not subject to the vote of the National Assembly. The paragraph further states that it will be considered as part of the national estimates, but once it is a direct charge... We do not vote on the salaries of Judges and the Chancellor in the National Assembly. We cannot because it is a direct charge on the

Consolidated Fund. When we give the Minister power to alter the bloc figure, we are not sure how that power will be exercised. Will the Minister cut the salaries of the Judges? Will he cut the salary of the Director of Public Prosecutions, which is a direct charge on the Consolidated Fund? There is no greater way of affecting the independence and function of an officer who is entitled to security of tenure than by interfering with his or her remuneration package.

That is why the power that the Minister of Finance is purporting to exercise is one that is in contravention of the very Act that he is seeking to follow. [Mr. Williams: I do not agree with you.] I do not expect you to understand. I want to refer to the *Hansard* and to the speech of the Hon. Minister when he piloted this Bill.

7.58 p.m.

The Hon. Member read the explanatory memorandum of the Bill. It is not part of the Act, but perhaps I should re-read it so that Members on that side could recall what it states. It states:

“This Bill seeks to amend the Fiscal Management and Accountability Act, Cap. 73:02, to extend the application of the Act to the responsible Minister and (ii) to establish the financial independence...”

That must mean immunity from cuts from a Minister.

“...financial independence of certain Constitutional entities, including Service Commissions principally, to specifically allow for lump sum payment to be made to these Agencies and to free them from the automatic obligations of Budgetary Agencies and the discretionary powers exercised by the Minister of Finance over Budgetary Agencies, which obligations compromise their independence which they are intended to have as contemplated by the Constitution.”

Then, my friend went on to say this:

“What, one may ask, is fiscal autonomy?”

This is the Minister of Finance speaking. This, he answered:

“...is invariably defined as a guarantee given by the Constitution to certain units of Government. In our case it is given expression whenever the Constitution mandates funding to be a direct charge on the Consolidated Fund.”

It was the Minister who said that. How can it be a direct charge on the Consolidated Fund but he reserves a right to alter it? How can it be?

He further stated:

“The principal of fiscal autonomy is full flexibility and autonomy on where to allocate and use resources. It is also freedom from outside control. It is intended as a guarantee of separation of powers and independence from political agencies.”

Here it is that political agencies, in the form of the Minister of Finance, are being able to interfere and, more so, reduce budgetary proposals that were submitted. The whole purpose of not sending it to the Ministry of Finance but sending it to the Clerk is to prevent the Minister of Finance from getting his hands on it. Is that not it? Then, you have fooled the Guyanese people. It is because that is what, Sir, we were told that this legislation was intended to achieve. It was to insulate it from the Executive. It is a very clear line. It must come from the constitutional agencies to the Clerk and then to the National Assembly simply to be part of the national budget. That is all. It is a very clear conduit with the Minister of Finance not being an obstacle in any part of the process. Here, the Minister of Finance is obstructing.

Quite apart from the fact that I dispute that he has the power to reduce, he outlines the procedure in his speech, and nowhere in the procedure outlined in his speech did he say that he has a power of reduction; nowhere. He said that he can recommend, but the word recommendation must be interpreted against the policy of the statute. What is the policy of this Bill? The policy of the Bill is to guarantee independence to insulate the Minister of Finance from interfering with the Bill. How can recommendation, in that sense, be interpreted as a power to reduce the budgetary proposals? It cannot be. He is reducing the Office of the Director of Prosecution budget proposal by \$75 million by making a recommendation. I am saying that the term recommendation, in that context, could not have meant that. He has had no interaction with the Director of Public Prosecutions.

A cut is being placed on the Office of the DPP without that officer being afforded the opportunity to respond to say how the official functions of the Office are going to be affected.

The DPP did not wake up one morning and decide that she wants \$234 million from the national Treasury. We cannot insult our public officers in that way. We have to assume that she came up with a reasoned budget proposal, that every cent of this money will be spent in the advancement of the welfare of our justice system and our people. Without the courtesy of extending an opportunity for the DPP to be heard, \$75 million is slashed out of her budget. How do we know that this amount will not materially affect her Office? How do we know what are the important strategies she may have wanted to embark upon this year which, as a result of this \$75 million reduction, she will not be able to do? When that is done to a constitutional agency, then the agency is not, effectively, independent. It is paper independence. It is a sham. It is an act in cosmetology, as I said the other day. But the Hon. Member, Mr. Ramjattan, did say that it is a fiction; it is a legal fiction.

I object to the recommendation of the Minister on two grounds. Firstly, it is contrary to the letter and spirit of the Act. Secondly, it is capricious, it is arbitrary, it is non-transparent and it is unaccountable because the DPP has not been given a hearing and we are unaware of how this will affect the DPP in the discharge of her constitutional responsibilities to the people of this country.

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

Mr. Ramjattan: Mr. Chairman, I just want to continue reading the article's provision after the words that my Learned Friend stopped at, so that we can ensure that the full picture is gotten. Article 222A states:

“(a) the expenditure of each of the 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 as a part of the process of the determination of the national budget;”

I wish to refer to 2001 when we debated – I was a Member of this House – the constitutional amendment in relation to this overarching clause and financial autonomy for the Supreme Court.

We were indicating that in order to enhance the functional independence of the Supreme Court or the constitutional offices, there needed to be financial independence. But how far must financial independence go? Is it simply because the DPP makes a request for \$3 billion from a previous amount of \$300 million that we have to approve it? It was never in the contemplation of this constitutional provision that we are going to accept what the DPP requested. We must not get ridiculous. It was totally for the approval of this National Assembly, which is represented by all of the lawmakers.

What we have and what is going to be passed in the Committee of Supply is a request from the Hon. Minister of Finance for a reduction as to what is in keeping with the process of determination of the national budget; the very last qualification. Not because \$100 million more is asked for, we are going to approve of it. Indeed, we would like to see the request coming from the DPP.

By the way, never before 2016 had there been a provision of this nature asked of the People's Progressive Party/Civic (PPP/C) Government for all of those years. If it is ever checked, one would see how they cut it all of the time. [Mr. Nandlall: Did the law not require us to do that?] That is fine. But the law requires us in this National Assembly to approve it today. Approve means that we in this National Assembly must approve. To approve means, also, as the Chief Justice said, that the National Assembly could reduce and disapprove. You do not understand this; you read half the sentence and you left out the other half. It is important that this be understood.

We feel that this approach is also fundamentally advanced to what there was before. I wish to make this point. A direct charge on the Consolidated Fund has a special meaning. It does not have the meaning that was misrepresented here. It means that when we agree to whatever it is, whether we agree to the DPP's amount of \$234 million or the amount proposed by the Minister of Finance, once that is approved, the Minister of Finance cannot block it, encumber it, and interfere with it the way that the previous Government used to. It is a direct charge and for that purpose it could be released and must be released to the DPP.

This representation by the Members over there that a direct charge means we are going to interfere with salaries, *et cetera*... Salaries of these officers - Judges, the DPP, the Auditor

General – are determined by the Ministers, Members of the National Assembly and Special Offices (Emoluments) Act.

Once the moneys are released to the Office of the DPP and its accounting officers, it cannot be interfered with. That is what a direct charge means. But approval of this Assembly...otherwise, this Assembly will be made impotent. It cannot say anything about a request if what is being interpreted by the Hon. Member, Mr. Anil Nandlall, is correct. There would be no point in having this House. That is why earlier today I said that this House has to scrutinise all these requests. [Mr. Nandlall: What about the sovereignty of the House?] We are acting in accordance with the law that we passed, but they want to be *confusionists* to the extent of saying that that is not the law that we passed. They are trying to give the impression that it is something else. Exactly what we are doing here is what we passed.

In 2001, when the amendment to the Constitution was made, it was exactly like this. Anybody can go back to that *Hansard*. Even the Leader of the Opposition who spoke on it at that time indicated as much. We will bring it to the attention of the Hon. Members later on.

Thank you very much, Chairman. [Applause]

Mr. Speaker: Hon. Members, we have six minutes and 20 seconds remaining of the 30 minutes that has been allotted.

8.13 p.m.

Mr. Ramson: Unfortunately it seems like I am always on the shorter end of the stick when it comes to speaking, but I will try to be brief. I will try also not to rehash any of the arguments that my learned friends and Hon. Members on our side have advanced in the case of arguing that the sum recommended by the Chambers of the Director of Public Prosecutions (DPP), and the sum requested, ought to be the sum that is approved.

I would like to say, at the outset, if you will allow me a moment to do so, that I speak from a relatively special position being a practising attorney - other than maybe Mr. Williams on the other side, the Hon. Minister of Legal Affairs and Attorney General - having quite some degree of experience in the criminal field. I listened a moment ago to the Hon. Member and Minister Mr. Carl Greenidge, who expatiated with reference to transparency. As a new Member, dealing

with what seems to be an area that is also new for the entire House, we are left in a nebulous area where we actually do not know how to deal with the new legislation that has been passed. If the Hon. Member and Minister Mr. Carl Greenidge is indeed correct, that the Members on that side of the House, the Government are indeed interested in transparency they would first of all let this Assembly and this nation know exactly how they got to figure, which the recommended, and it is the one that is opposite or different from the figure that was requested by the DPP's Chambers. That has not been done. I will like to direct the Hon. Chairman's attention to the document that was circulated to everyone in this honourable House. It is a specific, itemised breakdown on how each constitutional agency arrived at its figures. **[Mr. Greenidge:** It does not have that. It has the request...*[inaudible]*] That is not true. It has what the amount is and how it was increased. I am not going to engage in a crosstalk with the Hon. Member.

Mr. Chairman: Hon. Members, we will allow a Member to make his statement and we will ask all other Hon. Members to be polite. It is a very good thing. The Hon. Member has just lost 20 seconds which I have restored. You may proceed. You have four minutes remaining, Sir.

Mr. Ramson: I am most grateful. The document, which is circulated by the Government, is the Minister's recommendation which juxtaposes in a matrix the requested figure by the constitutional agency with the recommended figure. There was no explanation or even the courtesy to submit a document of a similar nature that would allow us to determine, analyse or inform ourselves and our constituencies of how the cuts to the requested figure had been made. In not doing so, the Government has done this Parliament and the people of this nation an extreme injustice.

Now when we get to the point of procedure, which I consider to be in-transparent, we will end up reaching to the stage where the approved figure ends up in the budget for appropriation without us having the explanation from the requested agency, and it will just be the questions that will be put at the time of Estimates as to how that figure was arrived at and we will not be able to get clarity on the subject. I take extreme umbrage to that point.

I also heard the point made by Members on the other side, including Hon. Minister Carl Greenidge, who said it was that Members on this side who voted against the idea, the concept, of constitutional agencies being fiscally autonomous. We have passed that point. We are not at the

point where your case was advanced and your majority in Parliament made that the law. It makes no sense for us to even go back to that point as to who voted against it. Why? It is because we are all in this together; we are part of a collective responsibility to this nation. When you attempt to denigrate one side by saying this is not the case you advanced, you are not moving the process forward.

Allow me Mr. Chairman, before I conclude...

Mr. Chairman: Hon. Member, you have two minutes to do that.

Mr. Ramson: Thank you Sir. There are just a couple of points the Hon. Member Mr. Ramjattan, the Minister of Public Security, made that I want to address very quickly. The first is in relation to what the former Honourable Chief Justice Mr. Ian Chang said in his judgement: "It was never the ability to reduce. It was always the ability to approve and disapprove." I do not believe that it could ever be an acceptable state of affairs where an Honourable Minister, who was a practising attorney at the time, can mislead this Assembly as to the decision of the Honourable Chief Justice.

Mr. Chairman: Hon. Member, I think we should be focusing on the point you want to make which is a central point.

Mr. Ramson: The central point, Mr. Chairman, is that the Honourable Chief Justice has ruled that the Assembly could only approve or disapprove. While it is true that whenever there are lacunas, which are created as a result of grey areas, the Hon. Member said that legal fictions are created.

Mr. Chairman: Hon. Member, you have one minute.

Mr. Ramson: When dealing with the public finances of the state we are not dealing with fiction. We are dealing with the state's resources, fungible resources that we are held accountable for.

I will conclude by saying this: While we are doing a disservice to those constitutional agencies, I am not surprised by the Government's intention to cut the requested amount that the constitutional agencies had made because that is exactly what the Members did in the

Opposition. That is exactly what they are doing now. They cut over here and they are cutting over there. They have never been interested in advancing the causes of this nation.

Thank you very much. [*Applause*]

Chambers of the Director of Public Prosecution - \$234,924,000, as amended to \$160,090,000, agreed to and ordered to stand part of the Estimates.

Constitutional Office of the Leader of the Opposition, \$20,137,000 & Parliament Office, \$1,395,865,000 - \$1, 416, 596,000

Mr. Chairman: I would suggest Hon. Members that item (iii), which deals with the Constitutional Office of the Leader of the Opposition, should be taken together with item (x). Hon. Members, I crave your indulgence so that you can follow what I am proposing. I am proposing that item (iii), Constitutional Office of the Leader of the Opposition, and item (x), Parliament Office, be considered at the same time since item (iii) falls under the purview of Parliament Office.

8.28 p.m.

Hon. Members, the Constitutional Office of Leader of the Opposition is reflected in the Parliament Office and though the two items are mentioned separately I will propose to the Assembly that a combined figure of \$1,416,596,000 representing the sum of \$20,137,000 with respect to the Constitutional Office of the Leader of the Opposition and \$1,395,865,000 with respect to the Parliament Office. That these two totals be combined and considered together and the proposal as follows that sum of \$1,416,596,000 be approved for the Constitutional Office of Leader of the Opposition and the Parliament Office combined and that the figure stands part of the Estimates for the period 31st December, 2016. The Minister of Finance wishes to speak.

Mr. Jordan: Mr. Chairman, I recommend a sum of \$1,373,759,000 as the affordable amount at this time.

Mr. Chairman: Would the Hon. Minister repeat that amount please?

Mr. Jordan: It is the sum of \$1,373,759,000.

Ms. Teixeira: I would like to ask the Hon. Minister of Finance, when he cut the Parliament Office, what were the reasons behind the cut? What were his considerations and in what way will this impact on the Parliament Office? It is because this carries a lot of weight. It is an important institution as we know. Although we know that we have not been meeting very often as in the past. Nevertheless, we are in full support of Parliament Office proposed support, including the proposed budget for the Office of Leader of the Opposition. Before we ask further questions to we would to understand what were the considerations of the Minister when he cut the most important law-making body in the entire country.

Mr. Speaker: Hon Minister a question is posed.

Mr. Jordan: Mr. Chairman, I would just like to refer the Hon. Member to the Fiscal Management and Accountability (Amendment) Act 2015 at section 80 B (2) which reads -

“The Minister of Finance shall submit to the National 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.”

I have limited my recommendations to the overall sum and I have fulfilled my duty as Minister.

Ms. Teixeira: Mr. Chairman, in terms of transparency I could read the law and I know it to be rather well. I am not a lawyer as some people are claiming in this Assembly. However, I ask the Hon. Minister a simple question: What were his concerns and considerations which led him to cut the Parliament Office by almost \$100 million. That is all I am asking. I did not ask for line item, Sir. I asked for what were the imperatives affecting the Minister. Thank you Sir, I think you understand my question very well.

Mr. Jordan: I think when we began this exercise I made reference to the overarching position of the revenues we think that we can assemble and the expenditure we think that we can engage in 2016. This budget of the Parliament Office, in spite of what is being said, is being increased by over \$400 million.

Mr. Ali: I am very delighted and heartened at the first response from the Minister of Finance when he said that the major and overriding consideration is affordability. When the Minister of

Finance makes a statement like that, that we are looking at affordability in cutting an important institution such as the Parliament Office, I think that we should be concerned. I do not think this is a simple matter and as we proceed to a national budget I would like the Hon. Minister to point me to the study, the economic indicators at the projected revenue and expenditure that would have allowed him to conclude, that we will not be able to afford the budget as proposed by this important institution.

I say this to highlight this point. We were invited to consultations by the Hon. Minister of Finance on the preparation of the budget and we made a list outlining some important to essential documents, including the state of the economy, including projections on income and expenditure and the Bank of Guyana statistically bulletin. We did not get a response to that, but we are hearing tonight in this National Assembly that the Minister of Finance is saying that as a result of affordability, which must have been derived from a set of documents that outlines the projection for expenditure on revenue, that we cannot afford it.

I am asking the Hon. Minister if he would be kind enough - he was very kind to admit we have an affordability problem - to present to this National Assembly, to share with us, the study and document that led to this conclusion, and what deficit he is targeting for the year 2016.

Mr. Seeraj: In looking at the recommended cut for the Parliament Office, the Hon. Minister, in his comments, spoke about catering for the *annualisation* of salary increases and also about charges and capital expenditure. He said that there has been an increase by 45% and 49% respectively. I am reading this along the line that there has been a 45% increase in the annualisation of salary. Sir, I am not aware that the staff of the Parliament receives increases of 45%. I would kindly ask the Minister of Finance if he could kindly clarify this matter in trying to justify the move at the recommendation that he is making to reduce the budget proposed by the Parliament Office.

Bishop Edghill: The Minister, in a response to the Hon. Member Mr. Irfaan Ali, indicted that there is an increase, over last year, of about \$400 million. I would want to ask two things. We are considering the Constitutional Office of the Leader of the Opposition's budget inclusive in the Parliament Office's budget which is \$20-plus million. His proposal is \$1,375,759,000 which would indicate an increase of just about \$260-plus million, and not \$400 million. Even if we look

at it, of what was requested by the Parliament Office, the Parliament Office requested \$1,425,059,000 which we are in support of, and that was not \$400 million either, Sir. It was \$316 million. I would like the Minister to explain his figure.

Secondly, it is to indicate if, in this \$1,373,759,000, which he is proposing, he took into consideration the fact that the Leader of the Opposition's Office is placed in conjunction with the Parliament Office and it is if he would like to change his proposal.

Mr. Chairman: Is the Hon. Minister in a position to provide an answer to any of the questions posed?

Mr. Jordan: No. I think, in accordance with the requirements plus my overarching statements, I have answered every question that might have been put to me already.

Mr. Chairman: Hon. Minister, the Speaker may wonder, if that is the case, perhaps, then there should be no other question on any other item, but that could not be. I know that the Hon. Minister would not be telling this Assembly that there is no question that he wishes to answer.

Mr. Jordan: Mr. Chairman, I am saying, and I am saying again, these figures have been carefully looked at by my office and in the absence of anyone of the agencies, which is by right in accordance to the law, coming as per normal and discussing, and so on, the law just gives me the opportunity to make a recommendation on a lump sum. As to whether you want to argue, if this is right or wrong, that is the law and I have done so. Maybe, it has to be improved down the road, but as it exists at the moment, I have complied with the law and we should move on and go to a number.

8.43 p.m.

Mr. Jagdeo: I have not heard a single request for disaggregated sums to be given to the National Assembly. There must be some rational considerations that led the Minister to conclude that these lump sum recommendations, which he has made, are important. What we are seeking to get in this Assembly is those assumptions that led him to come up with these lump sum figures. We are not asking him to go line by line and explain or give the disaggregated explanations, as to where the cuts would be effected, but it is to give us an explanation. I think he owes this Assembly, he owes the people of this country, and he owes his colleagues, even his colleagues

on the other side, an explanation as to why this is being done, but particularly the people of this country.

We would have been better off with the old system; it was more transparent. We would have been better off because at least then, at that time, we would have had explanations line by line as to why cuts were effected and questions could have been posted. If we are going to get blanket explanations from the Minister, hiding behind the law, then this country, and this Assembly, has retrograded. We have not advanced transparency.

Mr. Trotman: Mr. Speaker, may I crave your indulgence, Sir?

Sir, I believe that it is important that there be a response to the last statement made in this Assembly. We have come full circle. It was recommended, Sir, that there will be something known as the Business Supply Sub-Committee where the matters raised would have been distilled, where the heads of the agencies would have answered the questions. The Members of the Opposition most vociferously, led by the Leader of the Opposition, argued for the right to come to the full House in the Committee of Supply and have a debate, knowing very well that the subject Ministers, who have responsibilities for these various agencies, would not be the ones. They insisted, the Opposition, that the Minister of Finance be the one to answer the questions on behalf of agencies because they were constitutional agencies, knowing that he was bereft of the details. Had we chosen the preferred route of the Government of having the Business Sub-Committee goes through the figures with the heads of the agencies present, all the answers would have been given.

It is unfair, it is unreasonable and it is wrong and I will stop there, for the Leader of the Opposition to come and say that the old way worked. It is the old way that we tried to introduced, which was objected to this evening that caused us to be in your Chambers for over one hour. It is wrong for him to come here and make such a statement knowing that this other way was forced upon us, and now we are reaping the bitter fruit of what he requested.

Mr. Jagdeo: Mr. Speaker, you were in that meeting, all of us were there. When we started the discussion I was in favour of us going to the Business Sub-Committee of the House, prior to us coming here. There was a disagreement as to the mandate of whether the Business Sub-Committee had the mandate to discuss this issue, since it was a new issue. We proposed, I

proposed, that we come to the Assembly and expand the mandate of the Business Sub-Committee. I said that, given our philosophical position our difference with the Government, these proposals can be subjected to cuts and our view or that they should come to the Assembly unaltered, and be approved unaltered, that should we not have agreement in the Business Sub-Committee of the House. We will not cede the right to have an open debate in the House, only in those circumstances where we could not reach agreement in the Business Sub-Committee. I was unprepared to allow the right to come in the public to have this nation see us debate issues that are of importance to it. When it was said that should we go to the Business Sub-Committee then we may cede this right to have a public debate, only then did we say let us come directly to the House, so that if there is a disagreement we will have the public debate.

What the Hon. Member Trotman has just said he made it looked as if I was in Opposition to the Business Sub-Committee. In fact, I proposed that route at the beginning, but I was unwilling to give up the right on our side to debate this issue fully and to muzzle us. They seem to want to muzzle us on the other side.

Mr. Chairman: Hon. Member, I do believe that muzzling is not a word appropriate to our meeting there. I do believe that it is not a matter of dialogue. As the Chairman of that meeting, I have expressed a view. I think we should try to avoid this impression given that one side is clearly after the other side. I think the discussion, and the Speaker is not going beyond this, was one in which everyone spoke frankly, which was a good thing. We did not reach to the point where we could tell this Assembly that we have found our way through the morass, which we have all created. What I would suggest is that we try to avoid language, which would cause emotions to rise.

Mr. Nagamootoo: I just want on this head on the Parliament Office that incorporates the massive sum of \$20 million for the Leader of the Opposition who started the last Parliament, after the elections, with boycotting the House... He did not attend the National Assembly. I believe the sum that was included very...

Mr. Chairman: Hon. Prime Minister, forgive me for interrupting, but I must tell you that what we have done is not a disaggregation, it is to provide a lump sum, and that lump sum contemplates both Parliament Office and the Constitutional Office of the Leader of the

Opposition. I would want to suggest that the debate stays close to the idea of a lump sum of discussion.

Mr. Nagamootoo: I noted in that in three (iii), although we are dealing with the lump sum, that a specific lump sum has been stated and incorporated into the bigger request of Parliament Office, and the figure that has been quoted was this massive sum of \$20 million. I can read it: “\$137,000 for the Constitutional Office of the Leader of the Opposition.” I feel that has been a generous request and I believe every single cent of it, according to the Minister of Finance, I think, worth his recommendation to support that. What is important here is the level of ingenious misrepresentation that has taken place and I will say that in regard to the Parliament Office, the amount that was spent in 2015 was \$1,109,982,000. The amount, which is recommended by the Hon. Minister of Finance, in keeping with his mandate given to him by law, is \$1,373,759,000, an increase of \$283,777,000. It is an increase over last year’s expenditure by 24%. I believe it is erroneous and misleading and downright mischievous for anyone to look at the recommendation of the Minister of Finance and say that the figure suggested here as the amount, which is prudent, was a cut or intended to be a cut.

When the Constitution states that these amounts requested should be brought as a lump sum to the Parliament, it has always been the assumption of reasonable minded people that the approval, which will be given by the National Assembly, must be in keeping with financial prudence. It is the responsibility of the National Assembly to be able to spend the people’s money in a way that is prudent and responsible. When the Finance Minister makes a recommendation, in keeping with what he should do, or ought to do under law, he is doing so in a responsible manner. In this regard, increasing the amount by a whopping \$283 million over last year was, for me, financially responsible, because I believe that much has been done to improve the quality of this National Assembly and the institution of Parliament to restore its respect, to restore its image of respectability.

We have had reports coming here, the Davies Commission Report, asking us to improve the way this Parliament functions, to have the Branford Report, and to have the Committees meet regularly. We had all of those having brought on board and in addition to making our Parliament a better institution. The money, which is recommended here by the Ministry of Finance, an increase, is in keeping with this trend of this coalition Government to treat this institution with

respect, and to restore its image as an institution that is the supreme law making authority. I commend the figure cited by the Minister of Finance and ask that the question be put.

Bishop Edghill: Mr. Chairman, I did bring to the attention of the Committee that we are dealing with both the Parliament Office and the Constitutional Office of the Leader of the Opposition, as combined. The Minister's proposal of \$1,373,759,000 I ask if he would be prepared to amend it to include the \$20 million that was separately put for the Parliament Office.

Mr. Chairman: Hon. Member, we are dealing with a lump sum here. This is what the Chairman presented. I must confess, to some difficulty in understanding, why you would insist on asking questions on a disaggregated sum.

Bishop Edghill: Sir, respectfully, I was just seeking the clarification because in the presentation... I would not like to sit here and see something go wrong and then we have to come and correct it. In the documents circulated the sums were separated, separately. Well, then the figures are not correct...

8.58 p.m.

Mr. Ali: Mr. Chairman, the Hon. Prime Minister said that the whopping \$200 million plus increase is to improve the functioning of Parliament. May I guide the Hon. Prime Minister, to the explanation of the Minister of Finance and let me read it:

“...caters for the annualisation of the whopping salary increases in 2015”

The only thing whopping is...

Mr. Chairman: Hon. Member, have you misquoted anything from the Minister?

Mr. Ali: I would like to withdraw the word “whopping” from the Minister's quote.

Mr. Chairman: Hon. Member, do you wish to read that again?

Mr. Ali: Yes, I wish to read that.

Mr. Chairman: Well please do so and try to stick to the wording.

Mr. Ali: “...caters for the annualisation of salary increases granted for 2015.”

Mr. Chairman, this is what the Minister of Finance said and this is what is whopping. This is what the people of Guyana have to endure, \$200 plus million.

Mr. Chairman: Hon. Member, may I interrupt? Hon. Member, I suspect that you were speaking about something very different from the item here. Please proceed.

Mr. Ali: Thank you, Mr. Chairman. I was just highlighting a point of where the increase was as, against what the Prime Minister would have said. I was using what the Minister of Finance said as the basis for my explanation and this has been circulated.

The Hon. Prime Minister sought to make it out that somehow and I would not go...

Mr. Chairman: This debate has two minutes to end and I am saying to Hon. Members *to end*.

Mr. Ali: Thank you Sir. The Hon. Prime Minister tried to make it out that somehow or the other, the Office of the Leader of the Opposition would be a huge beneficiary. There is no massive difference between what the Leader of the Opposition would get today as against what the Leader of the Opposition received last year.

I would say that we respected the Office of Leader of the Opposition. The largest single beneficiary of this increase would be the Prime Minister. His increase...

Mr. Chairman hit gavel.

Mr. Chairman: Hon. Member, what we are discussing here is the sum attached to two areas. As I understand it, from the documents that I have, there are no individual disaggregation here. I would suggest that you stay very close to what is here.

Mr. Ali: The lump sum that is provided under the Parliament Office would cater for the massive increases of salaries of which the Prime Minister is the prime beneficiary.

Mr. Chairman: Clearly the Hon. Member believes that what he just said pays attention to my suggestion. It does not pay attention.

Mr. Ali: My apologies Mr. Chairman.

Mr. Chairman: Hon. Member, you have one minute to conclude this debate.

Mr. Ali: Mr. Chairman, I conclude by saying that the proposal by the Parliament Office is fully supported by this side of the House and we ask the Government to understand the importance of this legislative arm of Government, to understand the importance of the Parliament and the role we play here in protecting the interests of the people, and not to deny this institution, that is the bosom of democracy, the resources that is key and needed so badly. Thank you. [Applause]

Constitutional Office of the Leader of the Opposition, \$20,137,000 & Parliament Office, \$1,395,865,000 – \$1,425,059,000 as amended to \$1,373,759 agreed to and ordered to stand part of the Estimates.

Mr. Chairman: Hon. Members, I would have liked to say that we have completed consideration of most of the agencies, but we have not. I know that Members share my view that we should complete it this evening. Perhaps, we should have a break now.

Assembly resumed.

Assembly suspended at 9.00.p.m.

Assembly resumed at 9.38 p.m.

Assembly in Committee of Supply.

Ethnic Relations Commission – \$131,558,000

Mr. Chairman: Hon. Minister, is there a comment there?

Mr. Jordon: I recommend an amount of \$81,446,000 for the Ethnic Relations Commission (ERC), as their total budget for 2016, on the same basis that I have outlined earlier.

Mrs. Chandarpal: Mr. Chairman, the Ethnic Relations Commission is a very critical Commission to the people of this country. It was a Commission that came into being in 2000. Their mandate constitutes 24 lofty ideas. Unfortunately, since 2011, the work of this Commission was stymied. I would like to encourage the Government to support the proposal of the ERC so that it can undertake the important task of promoting harmony and good relations, which is just one of the lofty mandates of the ERC.

The sum proposed by the ERC, as I said before, is intended to execute the 24 mandates with the Constitution, given the new Government's ethnic relations policy in relation to hiring and firing.

We expect to see more citizens coming forward to seek redress, hence there is need to hire 15 more staff members to supplement the present staff of 15. Therefore, I would like to urge the Government to please give consideration to the hiring of more staff and thus, supporting the request of the ERC, so that the sum of \$131,558,000 can be voted in favour of this Commission, which has a lot of important work to do. As I said before, since 2011, the work has been stymied. Thank you. [*Applause*]

9. 47 p.m.

Bishop Edghill: Mr. Chairman, the Minister's recommendation represents a cut of \$50 million from the Ethnic Relation Commissions. My Colleague indicated the important work and function of this Commission. We are aware that this Commission has been without commissioners for a while, and it is being anticipated, based upon the work of the Committee on Appointments that very soon or sometime within this year the commissioners will be sworn in and there will be accelerated movement, as it relates to the work of this Commission. Could the Hon. Member indicate to this Hon. House, if in his recommendations consideration was taken as it relates to getting the commissioners in place and what it would cost as it relates to their work programme and activities throughout the country? Could the Minister indicate to us, in his recommendations of a \$50 million cut, how will this affect or impact on the deliverables, as outlined in the Constitution as it relates this Commission, Sir?

Mr. Chairman: Hon. Minister the question is directed to you. Are you in a position to answer the question?

Mr. Jordan: Only in the context of how I have answered with the same, Mr. Chairman.

Mr. Chairman: Hon. Member, what would that answer be?

Mr. Jordan: It would be in the context of our Estimates for revenues and expenses nationally. This is about the best we can do at this time.

Mr. Chairman: Thank you Hon. Minister.

Bishop Edghill: Mr. Chairman, just as a follow-up. In the Minister's explanation he caters for the *annualisation* of salary increases which was granted in 2015 within the employment cost, along with 12% increase on other charges. It is out of that explanation that I am seeking to determine if we will have sufficient funding for this Commission, in light of the work that this Parliament is undertaking to ensure that commissioners are appointed and functioning in the Ethnic Relations Commissions? That is a specific question Sir.

Mr. Jordan: Let us see if we understand this very clearly. A set of agencies are putting up budgets. They are somewhere in their offices preparing these budgets without any guidance from a particular sector Minister, certainly not from the Ministry of Finance or so on. These budgets are prepared and they would come in for \$400 million, \$1 billion or whatever. The budgets would come straight to the Speaker, the Speaker puts it to the floor and we are expected to approve these budgets without any consideration of the revenues that can be garnered by this country; without any consideration of the expenditure nationally; without any consideration of the debt that we may incur; and so on. I am saying this Mr. Chairman and perhaps I will get up and say it every time, in the context of what we estimate this year for revenues and expenditure, this is the best we can do. I urge that we put the motion to the floor. [*Applause*]

Mr. Chairman: Hon. Member, Gail Teixeira, you have the floor.

Ms. Teixeira: Thank you Chairman. I was hoping, when the Minister responded, that there would be some appreciation on his part to the fact that these are Rights Commissions and in particular, the Ethnic Relations Commission, in a multi-ethnic and multi religious society. Some agencies asked for a billion dollars and in what some agencies asked for there was an indication that their requests were unreasonable.

The Ethnic Relation Commission's request is \$131 million. The agency has to work within Guyana in all the communities and be accessible. The Constitution devises there mandate. As the commissions develop, their workload and their capacity also have to do develop.

I take umbrage Sir that the Minister would give an impression that this Commission because it is when we are talking about this Commission, he said that some agencies ask for a billion dollars. There is nothing in the budget of the ERC that appears to be frivolous, extravagant, or unreasonable. I believe at this time, with the things that have happened in our country, with the

dismissal of people, of ethnic discrimination and political affiliation that the Ethnic Relation Commission not only has to be quickly setup, but also the Commission still has to continue functioning. People have to have a place to go. I am therefore saying that the Minister's explanation or response to what I, in my view, is an arbitrary and insensitive response to a proposal by the Ethnic Relation Commission.

Ironically, three constitutional agencies were not cut: The Guyana Elections Commission (GECOM) for understandable reasons because we have Local Government Elections; the Judicial Service Commission is a paltry sum of \$10 million; and then the Office of the Ombudsman which only begun two years ago, has also had a small staff, has suddenly been able to increase their amount and we support that. Why not the Ethnic Relations Commission? It is through all the Rights Commissions these have been cut.

Certainly, I feel this is a real injustice that has been done to Rights Commission that came under the Constitution Reform Commission process in this same House. I am begging the Minister to please reconsider and to abide by all of the Rights Commission, including the Ethnic Relations Commission to have their budget as requested and as proposed by them. *[Applause]*

Mr. Greenidge: I would like to draw the House's attention to the contrast between the positions, the emotive, and in many ways the misleading positions being made by Colleagues on the other side of the House, as it concerns the recommendations of the Ministry in general and as it concerns the performance of the agencies before us.

Our Colleagues for example, the distinguish Mdm. Gail Teixeira, speaks to the importance of the Ethnic Relations Commission; a Commission which has never really functioned and has never really been properly composed and the fact that the amount that they have asked for has not been approved. Let me just remind the House, Mr. Chairman, that if they look at the Estimates as to what happened in the past, they would find that the Ethnic Relations Commission, in particular, is in the habit of asking for, being assigned sums and then spending far less than they had been assigned. Let me give the House an example, in the case and I am looking at the 2014 Estimates which is the one that I have at hand, it speaks to the Ethnic Relations Commission. The Ethnic Relations Commission was requesting in 2013, \$83 million, as a round figure. It actually spent

\$49 million. [Ms. Teixeira: *Inaudible*] ...the Budget.] You are obviously not listening.

The amount approved in the budget was \$83 million and the amount spent was \$49 million. For the Budget of 2014, the amount that was budgeted was \$61.9 million. So, there is no reason as far as I am concerned for the speakers on the other side to be asserting that an agency, with that level of shortfall and inability to absorb funds, can be justifiably asking for more than twice the amount that they spent in 2014. What is going on?

So, please Mr. Chairman, we are in a situation where our Colleagues are playing with words. A request is made for a figure. The Ministry of Finance makes a recommendation and people are delivering speeches to this House as though an amount that had actually been spent in the previous year is cut in the current year. Nothing of the sort is taking place. It is a request that is being considered, and the request is being modified in the light of past experience and a number of things. So, my Colleague is very is right not to take them on and not to take any notice. The increase over last year was \$11.6 million. So, please do not misrepresent the facts and play with words. [*Applause*]

Mr. Jagdeo: We have heard from the Minister of Finance some reasons why he has considered the cuts that he is recommending to the House, to the proposals made by these constitutional bodies. It is a cut if it is a reduction. The Minister of Finance has given us several reasons, including prudent financial management, revenue and the need to have a macro-frame-work. We have also heard another explanation now, that past experiences, especially in terms of spending, is another reason for effecting cuts to the proposal. So, where is the difference? When are we going to trust these constitutional bodies to do their mandate; to do their renewed activity? I thought now that we have the Ministry of Social Cohesion, unless we intend to replace the Ethnic Relations Commission with the Ministry of Social Cohesion; but I thought with an expanded mandate, we should examine these proposals on their merits, on their programmes that are before us here and not on the basis of past experience. The Minister of Finance never gave that as a reason. [*Interruption*]

Their implementation rate was a decline of 45% of a \$3 billion budget Mr. Vice-President. Now, we have a \$140 billion budget and the implementation rate is as high as 90%. I know what it

used to be. We had to bring in external consultants to help us to improve our implementation rate. I am very familiar with that.

If we are told that the exigencies of the budget and the prudent financial management are the factors that have led to the reduction in these proposals, then we must be given the courtesy of an expanded explanation about what the revenue base would. This is poorly at the discretion of the Minister of Finance. The budget deficit could be 5% of Gross Domestic Product (GDP), 8% of GDP or 3% of GDP. Every proposal here could be accommodated, regardless of the revenue that we collect. What it means simply is that it would be an expanded fiscal deficit. Would that be inflationary? Would it affect our monetary targets? These are some issues, but it is purely at the discussion of the Minister of Finance to claim that he has some macro-framework, and that all of these proposed cuts, fit into that macro-framework and we are not aware of the macro-framework. I say that this is not a transparent way of explaining budgetary processes *et cetera*. Mr. Chairman, thank you. [*Applause*]

10.02 p.m.

Mr. Trotman: Mr. Chairman, I rise with your leave to answer the queries raised about the Ethnic Relations Commission in particular. We know, those of us who had been in this House for 1, 2, 3 or more Parliaments that the Ethnic Relations Commission has been incapacitated for over five or more years. At present, and I am looking into the future I am not going into the past, it is unlikely that before mid-year or even into the end of this year, the commissioners would be appointed because the process that is on-going in this House by the Committee on Appointments would not allow...

Mr. Chairman: Hon. Member, I must interrupt to point to Hon. Members that the hour is at hand when the Chairman must receive a motion for suspension of Standing Orders.

Assembly resumed.

SUSPENSION OF STANDING ORDER 10(1)

Mr. Nagamootoo: Mr. Speaker, I do not know if we have resumed the House, but I move that, the Sitting of the House should continue until the end of the Consideration of the 2016 Current

and Capital Estimates of the Constitutional Agencies and that all other matters on the Order Paper should be held over to the next Sitting of the National Assembly.

Question put and agreed to.

Standing Order suspended.

Assembly in Committee of Supply.

Mr. Trotman: Mr. Chairman, for a Member of this House, who is very familiar with the work of the Committee on Appointments to come to say that the Government do not show or have any interest in ethnic relations, is insensitive. That is the word used - that we are being insensitive. That is palpably wrong. I pause at words like “wrong” because I may find myself in some danger tonight. We know that, even the amounts voted, as pointed out by the Hon. Mr. Greenidge, even the amount in one hundred plus million dollars voted would not be spent by the Ethnic Relations Commission, so the Minister of Finance is within his rights.

And, as to the question, who gave him the right? The people gave him the right and the President gave him the right to be Minister of Finance to oversee the Treasury of this this nation and to make the decisions on behalf of the people.

We are quite amazed, at this late hour, the grand standing that is taking place, knowing that all of these questions could have been answered within the Business Sub-Committee. So, we want to see an Ethnic Relations Committee and had the Opposition agreed with our request to have the President appoint those people and persons who had been approved in the Tenth Parliament, we would not be in the position that we are in today. But, they said no and that they wanted to start all over, so it will be months before we have that Commission in place because of your fault. Thank you Mr. Chairman. [*Applause*]

Mr. Gill: Mr. Chairman, I did not intend to speak on this subject tonight, but I think that it is imperative that I do. Guyana, for the longest while has been divided along racial and ethnic lines. The progress of this country has been stagnated because of racial division and the division between ethnic cultures. We cannot afford to continue like this.

If we are to progress as a nation, we have to start the healing process now, we cannot reduce the budget on the condition that it was not being utilised before. We have to make sure that the Ethnic Relations Commission functions in the capacity in which it should function. We have to heal this nation.

For the longest while, if one looks at Guyana history, we have not been progressing the way we ought to progress. Look at Trinidad, Barbados and all those countries, they are making more progress than us because we are divided as a nation. We cannot continue like this, we have to allow the Ethnic Relations Commission to function; we have made sure that they are given the resources in which to do so; we have to trust that they perform the way they ought to perform; and we have to start healing this nation.

I think, on the Government side, they have demonstrated that they have an intention by setting up the Ministry of Social Cohesion, but that is not good enough. They need to put everything in place to make sure that this country heals as a nation. So I am appealing to the Minister of Finance to reconsider this allocation for the Ethnic Relations Commission and to fully finance this Commission, so that it could function the way it ought to, to start the healing progress now, Mr. Chairman. [*Applause*]

Bishop Edghill: Mr. Chairman, I would ask if the Hon. Minister could confirm for this House, what role, if any, the Ministry of Finance played in arriving at the ERC's proposals. I would want to have a confirmation of whether there were any roles or guidelines given to the Commission. Was there any budget circular sent to the constitutional bodies to guide them in the preparation of their budget? I think it is a specific and important question that should be answered because this will determine if we agree with the Minister's recommendation or not.

Mr. Chairman: A question was raised by the Hon. Bishop Edghill, is the Hon. Minister of Finance in a position to answer that question.

Mr. Trotman: Mr. Chairman, on a point of order. Standing Order 75 (2) says that the debate shall be confined to the policy of the services for which the money is being provided. So the general questions that the Government is getting about what goes on in the Ministry of Finance cannot, by virtue of these Standing Orders, be entertained. That is why the Hon. Minister is not, with the greatest of respect, obliged to answer those questions. The standing Orders say the

manner in which the questions may be put and what types of questions he is required to be asked and to answer.

Mr. Chairman: I thank the Hon. Member for his statement. The Chairman will however observe that the Standing Orders apply continuously to all Members, and not in a selective manner. I agree that that is what the Standing Orders provide, but across the room we choose to interpret it a different way. I thank you for bringing it to the attention of Hon. Members and hope that we would be guided in that way.

Ethnic Relations Commission – \$131,558,000 as amended to \$81,446,000 agreed to and ordered to stand part of the Estimates.

Human Rights Commission – \$53,141,200

Mr. Jordan: Thank you Mr. Chairman. I recommend a sum of \$28,342,000 for the Human Rights Commission. I daresay that, compared against the revised budget, this is over one hundred per cent increase in anticipation that this Commission would do work.

Dr. Persaud: The Human Rights Commission is perhaps one of the most key and critical commissions listed here. Around the world human rights would occupy the attention of everyone. It should be no different in our country. Today, we hear about surveillance of private citizens, we hear of all sorts of things happening in the country that warrants concern and warrants us, as citizens of this country, to be disturbed. When I see the conservative figure of \$53,142,000 being slashed, chopped, and lopped, whatever word you would like to use, to \$28,432,000, a whole \$24,800,000 being lost.

Mr. Chairman, the thing about it is, we are talking about here and now. Why would you want to justify your action using the past? We are talking about an important Commission, a Commission that is integrally bound... [*Interruption*]

Mr. Chairman hit gavel.

Mr. Chairman: Hon. Members, please allow the speaker to make her presentation. Thank you.

Dr. Persaud: ...to four other commissions, which its secretariat serves, namely the Indigenous Peoples' Commission, the Rights of the Child Commission, the Ethnic Relations Commission,

the Women and Gender Equality Commission. If we look at the figures of those commissions, they also have been slashed. Is it the proverbial scissors that we see being wielded here?

10.17 p.m.

I would like to bring to the attention of the Assembly and to remind everyone of how important this Commission is. If we read our Constitution we would know that article 212O states:

“(a) monitor the observance of the international instruments to which the Government accedes from time to time...;”

(c) educate the public regarding the nature and content of the rights;

(d) make recommendations to any person or any entity, including a ministry or government department, relating to matters affecting compliance with and adoption of measures for the promotion of rights;”

Is the Government afraid of scrutiny and transparency? Is it afraid of a watchdog body? Why is it afraid of these things? It states further:

“(g) investigate complaints of, or initiate investigations into, violations of the rights;”

Today, there are many violations of rights. Let us not be blinkered, Mr. Chairman . It states further:

“(i) liaise with governmental and non-governmental organisation, and other relevant bodies to address the complaints and concerns of persons regarding matters under its purview;”

This is a very important Commission. I would like to reiterate that point. All of these should occupy our attention. By cutting this, the Government is denying our citizens their protection. It is eroding the very fabric of democracy. We have been put here by the public to look after their human rights and their welfare. What are we doing to these people? We are not aware of what would be short-changed by the cut that has occurred or that is being proposed. Why I said ‘has occurred’ is because all of the cuts seem to be going through tonight. Do our words have no weight? Do the voices of the people out there have no weight?

I am not interested in hearing what obtained in the past. I am interested in what is happening now. I am interested in the people's welfare right now. I am interested in the rights of people. I am reminded of a line from my Scripture; *Praan Jaye Par Vachan Na Jayi*. I do not need to translate it; maybe the erudite Hindu scholar on the other side can do that for us today.

In fact, even our religious and cultural freedoms are under the purview of the Human Rights Commission and that is why I am concerned. There are too many things of importance under this Commission. I am asking: what impacts will this cut have, not only on the Human Rights Commission but also on all of the other Commissions which the secretariat serves?

We are not being afforded any answers and explanations tonight. I heard mention of independence being quantified. Independence cannot be quantified; there is either independence or there is not. What do we say? Have we been reduced to this, where people's rights and our country's democracy have been reduced to mere dismissive statements? I do not think that it augurs well for our country, this Assembly or the relationship between both sides. In my estimation, the amount which was requested by the Commission was conservative. It should have been much more than that.

I would like to say that we, as an Assembly, should enable all of these Commissions to function to their optimum. If one looks at the Rights of the Child Commission, which we will soon consider, there is a significant cut. Cases of sexual abuse, violent acts of abuse and abuse of children all fall under the purview of the Human Rights Commission. There are the Human Rights Reports. Read the report of 2013 or any other one and one will see how many indicators there are to be measured and to be dealt with under this Commission. Are we saying that none of these things are important? Are we saying that under the constitutional independent bodies we do not want to tackle the problems that exist in this country? Could the Minister of Finance tell me, tell this Assembly, and tell the country if this provision is adequate to address all of the issues that are cropping up in the country? They are disturbing issues. I would not like to be chased in a car, I can tell you this, and fear for my life. That is just one of the violations of which I speak.

Thank you. [*Applause*]

Mr. Trotman: A while ago I stopped with the words 'palpably wrong' but I now have to recalibrate my vocabulary. I am flabbergasted by what I just heard.

Firstly, there is no Human Rights Commission in existence, except on paper as in the Constitution. The fact that the Minister of Finance has, for the first time in 15 years, put in the budget sufficient moneys to ensure that the Commission would be constituted shows the intention of this Government in ensuring that, by the end of 2016, there shall be, for the first time in the history of the Cooperative Republic of Guyana, a Human Rights Commission. The fact that the budgeted amount has gone up by 100 % is fact in itself that the Government intends to do something about it. There is no cut. There is an increase. And it shows that we care. Thank you.

Ms. Teixeira: I heard a number of things that was said by Minister Trotman. It is regrettable that some people's institutional memory is, sometimes, faulty. In the budget documents, moneys were allocated for the Human Rights Commission and all of the Commissions as subvention agencies under the Ministry of Finance, prior to the amendments that were brought in 2015.

However, there is an important aspect of the Human Rights Commission which the Hon. Member seems to have forgotten about. The Human Rights Commission is made up of the Chairpersons of the Ethnic Relations Commission (ERC), the Rights of the Child Commission, the Women and Gender Equality Commission, and the Indigenous People's Commission (IPC). In addition, the Chairperson is elected by the President after having received six names to be submitted by the Leader of the Opposition which are acceptable.

As a former employee of the Office of the President, I am cognisant of the number of letters that were sent to the then Leaders of the Opposition, Mr. Corbin and Mr. Granger. I have electronic copies of the letters that show the attempts that were made over and over. [Mr. Ali: They will search your house.] Let them come and search my house. The Hon. Member spoke about the Commission not working over ten years. The letters and the meetings between the then Presidents and the then Leaders of the Opposition appealed to the then Leaders of the Opposition to provide the six names. The Hon. Member is flabbergasted at this hour. There is documentary proof. I sure that Mr. Harmon, now the mega Minister, the Minister of State in the Ministry of the Presidency, has access to all of those letters that were sent, in appeal, by the then Head of the Presidential Secretariat (HPS) and by the then President Jagdeo and President Ramotar.

In fact, I sat in a meeting in February, 2012 with His Excellency President Ramotar at which the letters of all the constitutional appointments that required the meaningful consultation with the Leader of the Opposition were presented. Number one on that list was the nomination of the Chairperson of the Human Rights Commission.

The question that begs, following Mr. Trotman's *flabergastation*, is: as a result of the hiatus is, could the Hon. Minister of Finance, who is the Minister in charge of constitutional bodies, say how soon the new President, His Excellency President Granger, will be formally and officially approaching the new Leader of the Opposition and asking him for the six names, from which he will select one, for the appointment of the Chairperson of the Human Rights Commission? Until that is done, the Human Rights Commission continues to be operational as a Secretariat.

The Government has to be extraordinarily careful. The ERC has had such a rocky road. We want to remind this House that, in 2011, the then leader of the Opposition went to the court and obtained an injunction on the Commissioners of the ERC. The work of that Commission was stymied by an injunction in the Court that was only lifted in 2013 when the case was dismissed. That meant that nothing could have happened. You must forgive us, dear Members on the other side, if we are passionate about these issues. We are passionate and when the Minister accuses some of us of being... as if passion is a wrong thing. You are all getting too old if you think that passion is a bad thing. Passion is a great thing. My friend is talking about us being passionate about these issues. He makes it seem as if it is something bad.

Because we are a poor country, when the Human Rights Commission was designed, it was designed to have a secretariat, as the Hon. Member Dr. Persaud said, with four core areas - legal services, secretariat, accounting and transportation. Therefore, the other Commissions did not have to have the same thing. That is why they cannot share the same building.

When the requests of the Rights Commissions are looked at, they are asking for some air conditioners because the ones currently there are leaking. They want some printers. They are not asking for rocket science. They are not asking for salary increases of 50%. They are asking for basic things.

The issue of human rights is critical at all times. The ERC has a mandate. The Indigenous People's Commission has a mandate. The Rights of the Child Commission has a mandate. The

Women and Gender Equality Commission has a mandate, and the Human Rights Commission takes care of all of the other issues of civil and political rights that are not mentioned under the specificities of the other Commissions. Who do people who have issues with their political or civil rights go to? It may not fall under any of the other four categories but it falls under human rights.

Is the Minister aware that under the Constitution and the Standing Orders, the Sectoral Committee on Social Services, which now has a lot of Ministers on it, is assigned by the Constitution to deal with the salaries, emoluments and allowances of the staff of the agencies? It is not the Minister of Finance but it is a parliamentary sectoral Committee. In what way was the Committee involved in this process and were they involved in terms of the cuts proposed?

The Minister is talking about revenue and affordability. I appreciate that the Minister of Finance and the Government have to make judicious decision about where they will put their moneys. I understand that. I am not stupid. I was in Government for a while and I know that the Government has to make choices.

10.32 p.m.

However, when the Government makes choices, it has to live with the choice. If the Government has to choose to reduce the allocation for constitutional bodies, that is not the way to go. Cut your salaries. Do not cut the allocation to the Commissions.

Am I passionate? I accept the accusation. The Hon. Member would have to deal with the *flabbergastation*. I am not responsible for that. Mr. Chairman, I hope that I have clarified some of the statements made by the Minister with regards to the Human Rights Commission.

Mr. Trotman: Sir, I crave your indulgence on a matter of clarification. A few minutes ago, I may have said that no Government in the past had ever made provision for the Ethnic Relations Commission (ERC). If I did say so, that would have been erroneous of me, Sir. What I meant to say is that this Minister is making provision for its constitution. In the past, just the staff of the Secretariat was taken care. I just want to clarify that, if that was what I did say, it was not correct for me to say that.

Bishop Edghill: I want to just add to this discussion a matter that is being overlooked and to remind the Minister of the responsibilities of the Human Rights Commission and the expenditure that it will incur. Apart from the work of the Human Rights Commission, article 212I states that the Human Rights Commission shall be the Secretariat for all the other Commissions listed under article 212G – the four Rights Commissions which were named by the Hon. Member, Ms. Gail Teixeira. [Mr. Ramjattan: She explained all of that already.] I would not be silenced in this House; I have the right to speak. Article 212P (2) states:

“The Human Rights Commission shall be responsible for the efficient functioning of the Secretariat of the Commissions which shall comprise –

(a) the Chief Executive Officers of the Commissions who shall be Directors of the Secretariat;”

While there is the composition of the Commission, the Chairpersons of the various Rights Commissions, along with the person to be named by the President after the submission by the Leader of the Opposition, there is an operational arm. It is that Secretariat that provides for the drivers, the cleaners and the accounting staff. It is that arm that provides the auxiliary services to all of the other Commissions. If the Human Rights Secretariat is starved of funding, the operationalisation and the efficient discharge of functions to be given to the other Rights Commissions will be stymied. It is because of that consideration that I am asking that the Hon. Minister reconsiders his recommendation and give to the Human Rights Commission the moneys requested. In giving them, he is actually giving efficiency to all of the other Rights Commissions in that milieu. Just to indicate, the increase, as was stated, is not a 100% increase.

Mr. Nagamootoo: This issue of the Human Rights Commission, as well as the other Rights Commissions, has raised a very important genesis that, while we speak to the issue of a request for an allocation for this Commission, it cannot be said that Members on the other side are not trying to make a political case that an attempt is being made to stymie the work of the Human Rights Commission. We have heard all manner of allegations and speculations being hurled, as if there is an attempt to stymie the work to such an extent that human rights in Guyana would be violated. I know that Your Honour is mindful of what is before us, but I have heard the other speakers and the people of Guyana and the wider world have heard them as well. An attempt is being made to portray that there are human rights violations of the nature specified by some Hon.

Members of the other side without having gone back to the antecedent that, prior to 2001, there had been no Human Rights Commission.

The Human Rights Commission had been spawned by a constitutional reform process in which I had played a part and in which I had caused a report to be spawned in this House. It was tabled in my absence by the late Hon Reepu Daman Persaud. The point I am making is if it had come at a time when things like death squads were functioning in Guyana....No one had thought of activating the Human Rights Commission and elevating it to a constitutional agency. We, on this side, when we were in the Opposition, decided to amend the Constitution to make Human Rights Commission a constitutional agency. We have had disappearances in Guyana; we have had violation of press freedoms; and we have had torture of children - burning of genitalia of a child. We have had notorious cases of violation of human rights. What had happened in the past? There had been token attention paid to the allocation to the Human Rights Commission Secretariat.

When one looks at the recommended allocation of \$28,342,000, it is \$7,914,000 more than was spent in 2015 and was allocated previously by the People's Progressive Party/Civic (PPP/C). There is no Human Rights Commission *per se*. We were told by the other side and were given the factual matrix as to why there is no Chairperson of the Human Rights Commission. We were told that there is a secretariat. Giving a body that had spent \$20 million in 2015 an additional \$8 million, for me, is not a cut; it is a golden handshake. In terms of what the scope of this organisation is in the increasingly improved human rights landscape in Guyana for respect for the peoples of this country, I believe that this is a generous recommendation that has been made.

Additionally, we on this side had campaigned vociferously and consistently for the setting up of a Public Procurement Commission. I had struggled in the PPP for the setting up of the Public Procurement Commission. It is one of the reasons that I left. One of the gravest areas of human rights discrimination in this country has been the discrimination in the area of the award of contracts – the discriminatory allocation, based on ethnicity, of contracts done by a Cabinet and by a political directorate. We on this side are committed to setting up the Public Procurement Commission. A lot of the work of the Human Rights Commission will then be handled where it should be handled and that is by the Public Procurement Commission.

When my Colleagues on the other side say that there is so much solicitude for human rights, let me show this House...because it needs to be answered. In 2013, the National Commission for Women was allocated \$1 million; the National Commission on the Elderly was not allocated a cent in 2013; the National Commission on the Family was allocated \$500,000 – those of us who have families would know how important families are to our nation; the National Commission on the Rights of the Child was allocated \$750,000 - those of us who have children and grandchildren...

This solicitation and solicitude being mentioned for the welfare of the people is pathetic, in my view. It is not genuine. It is a political ploy. It must be answered in the way I that I am answering it. I can go on, Sir. Sir, the David Rose Centre, in 2013, received \$200,000. These are Non-Governmental Organisations (NGOs). I know they are NGOs but I can go on to show that this love of the people that has been pleaded here this evening is nothing but a pious expression of emptiness and it has no meaning whatsoever.

Sir, I commend the Minister of Finance for his recommendation and I ask that the question be now put.

Mr. Chairman: I take it that the Hon. Gail Teixeira no longer wishes the floor.

Ms. Teixeira: I was going to rise on a point of order but I will withdraw it.

Mr. Chairman: If you are withdrawing it, you do not have to tell me what it is.

Ms. Teixeira: Thank you. Actually, Sir, I have changed my mind.

The Hon. Prime Minister referred to line items in the Estimates. I thought that there was an understanding that we were not going to do that in the debate. Thank you very much.

Mr. Chairman: Does the Hon. Bharat Jagdeo wishes the floor? Hon. Member, I will only say that 30 minutes and 26 seconds have not elapsed. I will allow five minutes and no more.

Mr. Jagdeo: Mr. Chairman, I would probably use just one minute of your time. I do not propose to respond to any of the vacuous statements that were made by the Hon. Prime Minister. He has a tendency to obfuscate the issues. We are debating a specific matter and he went into great detail

about his own contribution. He mentioned it and so I think I have a right to reply to some of the issues that the Prime Minister made.

Mr. Chairman: The Chairman is seeking clarifications.

Mr. Jagdeo: Yes.

Mr. Chairman: You said you would not be replying, but you are replying.

Mr. Jagdeo: No, no I am not. There is one issue that I wish to clarify because I believe that the Prime Minister misled this House when he said that he left the PPP because of corruption, *et cetera*. The Prime Minister sought to be the presidential candidate of the corrupt PPP. He did not get it. That is the reason why he left. It was nothing else. [*Interruption*]

10.47 p.m.

Mr. Chairman: Hon. Members, I waited on you and hope the exuberance is over so that we can return to the item before us... [*Interruption*] Hon. Members, I was waiting for the crosstalk to subside. The Chairman will not address the Assembly when there is that amount of crosstalk. It is going beyond the acceptable level.

Human Rights Commission - \$53,141,200, as amended to \$28,342,000, agreed to and ordered to stand part of the Estimates.

Current Estimates

Indigenous Peoples' Commission - \$66,364,430

Mr. Chairman: It was the agreement, and I announced it here, that thirty minutes would be allowed to each agency to be considered. We will now reduce that to twenty-five minutes.

Mr. Jordan: Mr. Chairman, I recommend a sum of \$23,346,000 for the Indigenous Peoples' Commission for 2016.

Ms. Campbell-Sukhai: I stand here tonight to register my concern about this drastic reduction of the proposed budget by the Indigenous Peoples' Commission (IPC) of \$66,346,430 to a mere \$23,346,000. This reduction reminds me very vividly of the budget cuts or the disapproval of the

budgets of Indigenous Peoples of 2014 and 2015 in this very House. What is of more concern is the fact that the Government campaigned on a platform to ensure the rights and the entitlements of Indigenous Peoples, who contribute to this country and who are the first people of this country, it seems the priority has shifted now that they are in the seat of Government.

All of us in this Assembly are aware that the IPC has a very expansive mandate, constitutional mandate. The IPC has the function to represent and to ensure the protection of Indigenous people. The IPC also has the responsibility to ensure that it highlights the contributions and problems facing the Indigenous Peoples of our country. The IPC and its Commissioners, we are all aware, comprise members who do not all reside in Region 4 but they are scattered in various regions. We are also very aware that the IPC's expansive mandate covers more than 187 villages, communities and settlements scattered in all ten of our administrative regions. Therefore the sum of \$66,346,430, as proposed by the IPC, I believe, it is justifiable that we grant to it this amount for it to effectively and efficiently conduct and achieve its mandate and objectives as recorded in the Constitution.

I wish to say that as Members in this Assembly, as representatives of people of this nation, and for us on this side we would appeal to the Assembly to ensure that we do not back pedal on the commitments we made to the Indigenous Peoples of our country and that we will surely and sincerely be able to assist the Indigenous community to shorten and minimise the divide, including to reduce the gaps that we recognise still exist, with respect to human rights and rights of Indigenous Peoples in this country. I do not believe that as Members of Parliament in this Assembly that we will continue to deprioritise the Indigenous Peoples' issues, lives, livelihood and rights. I believe it is high time that we all stand together to approve the sum that will provide the IPC with enough funding to deal very effectively with the problems that come before it. Imagine the IPC having to serve all ten administrative regions where Indigenous Peoples are found, particularly in the hinterland regions where, up to today, many of the cost and expenditure remain very high for them to execute and serve the people which they are mandated to represent, to protect their rights.

The IPC also has to conduct awareness programmes and it also has to be able to enlighten and empower Indigenous people about their rights. I, therefore, put my support, with respect to the amounts proposed by the IPC and ask that this Assembly be generous, not for the sake of being

generous, but for truly believing that this amount is not the end but an amount that is adequate enough, at this point in time, to ensure that the Indigenous Peoples receive the level of prioritised treatment and consideration with respect to their rights.

I thank you. [*Applause*]

Mrs. Pearson-Fredericks: I rise to make my contribution with regard to the request by the Indigenous Peoples' Commission for the amount of \$66,363,430. We are the Indigenous Peoples, the first peoples of this country. I wish to say this to the Hon. Minister of Finance, please take into consideration our geographic setting, where we live - on the mountains, in the creeks, up the rivers – and it is difficult to reach out to the Indigenous Peoples of this country. Therefore, this amount that is requested by the Commission is just a small token I would want to say.

Mr. Chairman, I wish to remind this honourable Assembly, and please permit me to read paragraph 4 of the manifesto of APNU/AFC:

“APNU+AFC in government will:

- Celebrate and preserve our Indigenous heritage and work to ensure that Indigenous citizens enjoy their full rights under our Constitution.”

That is the Constitution of Guyana.

I wish to read article 212S (1), Indigenous Peoples' Commission:

“The Indigenous People's Commission shall establish mechanism to enhance the status of indigenous peoples and to respond to their legitimate demands and needs.”

This is our Constitution, the Constitution of Guyana, that recognises the right of our Indigenous Peoples. Therefore I am reminding this honourable Assembly - do not let to live in the past. We the Indigenous Peoples are looking forward for a bright future. We are also looking forward to a good life as was promised to all Guyanese. Therefore the request made by the Indigenous Peoples' Commission, we on this side of the Assembly fully support that the Minister of Finance seriously considers the amount of \$66,346,430 be made available so that the commission can carry out its work in keeping with the Constitution.

Mr. Chairman, permit me to remind this honourable Assembly that the Indigenous Peoples of Guyana, the first peoples of this country, are a proud people who make up 10% of this population. The preamble of our Constitution states:

“WE, THE GUYANESE PEOPLE,

Value a special place in our nation of indigenous peoples and recognise their right as citizens to land and security and to their promulgation of policies for their communities.”

“We the Guyanese people value a special place in our nation for our indigenous peoples.” Show us at this time that the Indigenous Peoples have value in this nation.

I thank you. [*Applause*]

11.02 p.m.

Mr. Charlie: The Indigenous Peoples of this country must be respected at all times and must be given their due, and that is the \$66,346,000, give us. Could the Hon. Minister of Finance inform this Assembly whether the IPC Strategic Plan 2011-2016 guided the preparation of the 2016 budget and is the Hon. Minister of Finance not aware that the recommended sum of the reduced IPC proposed budget will impact the implementation of the IPC’s strategic plan?

Mr. Dharamlall: Mr. Chairman, I would like to wish all the Members, including yourself, a Happy New Year. As we are proceeding into a new year, I would just like to remind Members of this Assembly that a lot of suffering is going on in our country. I just recently came from Bath Settlement where a family is destroyed; a mother was burnt to death in her house by criminals. I would like to also remind, especially Members of the Government, that a young businessman, not much older than I am, got killed last night on the Corentyne in his home.

Even whilst we are, here profligate in our language, and being excessive in our contributions, and moving about as though the world surrounds us, I would like Mr. Chairman to borrow the words that you implored earlier when you said that both sides of this Assembly seem to be at each other. The reason I stand here is because I would like to be on the side of those vulnerable people who live in our country and one of those sets of people are our Indigenous Peoples.

You would recall very well, Mr. Chairman, that and my colleague and Member of Parliament Ms. Sukhai said that there are at least a 187 Amerindian villages, communities and settlements across Guyana and the Hon. Member Mrs. Pearson said that the Amerindian people represent or comprises as much as 10 % of the population. I would like to take it further than that. Of the reasons the IPC was enshrined in the Constitution, and for those of you, especially our learnt lawyers who happen to be versed in the Constitution, there are 19 function, ten general functions in 212J and nine specific functions in 212T that speaks to Indigenous Peoples and the functioning of the Indigenous Peoples' Commission, and so the investment that we make is very important.

When the Hon. Minister of Finance defended the extravagant salary increases to Members of the Cabinet a few weeks ago, the Minister, for want of a better description, Mr. Chairman, if I could borrow those terms that he used, I stand corrected, "we would be flogging a dead horse." I hope this evening that the Minister with whatever methodology, with whatever counsel, that he used, whether it is through clairvoyance, or *moon-gazing*, or whatever it is, that the Minister reconsiders his recommendation that he reduces the request of the Indigenous Peoples' Commission secretariat by as much as 65%.

The Indigenous Peoples of this country need much more than we are providing for them right now. It is very important that all of us stand on the side of the Indigenous Peoples. Our country, our nation, signed on to an important charter. We signed on to an international covenant called the Principle of Free, Prior and Informed Consent. It is one of the things I hope the Hon. Minister of Finance considered when he made recommendation to reduce the budget of the IPC by as much as 65%. It is, I think, unconscionable the proposal of the Hon. Minister of Finance, unconscionable in the sense that this Government, which we now have before us, came on a bandwagon of change that requires us to live in harmony with each other.

We cannot have harmony, we cannot have cohesion, if you do not invest in the mechanisms that drive those things, and so far what I am seeing in this Parliament is total dissatisfaction of what I going to happen on the outside. They are here - well may I use Mr. Trotman's term or is it Hon. Member Ms Manickchand? - to *merrymise*. To borrow Hon. Member Gail Teixeira's term, I am in a state of *flabbergastation*, meaning that I am flabbergasted as much as the Hon. Raphael Trotman is flabbergasted with the proposal of the Hon. Minister of Finance to only grant 35% of

the request that the IPC is making to this Assembly. I am flabbergasted because it is okay for us to speak about the past but what about the future. That 35%, which is now proposed here or is recommended here, is not much different from the previous year. Does it now mean that this Government is refusing to do anything new, anything meaningful, to enhance the lives of the Indigenous Peoples of Guyana? The Hon. Carl Greenidge was recently in Kaikan. I certain he is aware of how much it cost to fly to Kaikan and back to Georgetown. The Hon. Vice President and Minister of Indigenous Peoples' Affairs I am sure he visited Gunns, Masakanari and he could tell you, Mr. Chairman, that it cost over GY\$1 million to get there and back.

The championing of change that is taking place \$20-plus million is not enough to run a secretariat and to move a commission forward in support of the 19 functions. If I am to do the maths that some people on the other side do, 19 into \$23 million is just over one point something million dollars per function. That is not good enough.

Mr. Chairman, you would recall that as soon as this Government took office it removed the employment of 1,972 young Amerindian people in this country. The IPC has the mandate to investigate and to treat with the rights of our Amerindian people.

I would like, and in support of those who have already spoken before me to call upon the Hon. Minister of Finance, to call upon the Government to review its recommendation and to increase the Estimate to the amount which the IPC requested.

Thank you very much. [*Applause*]

Mr. Ramson: I only rise very quickly to make one short point that I am indeed surprised as a representative of all the people in this nation, but in particular in dealing with the Amerindian people that the Government would allocate a sum that is almost exactly the sum that has been allocated for the Prime Minister's vehicle. For the entire Indigenous Peoples' Commission, the Government has allocated the exactly for the Prime Minister's capital expenditure for a vehicle and that is all I want to say about that.

Ms. Teixeira: When the increase is looked at, that the Ministry of Finance is so-called giving to the Indigenous Peoples' Commission, it got \$20 million last year and according to the Minister's

figures it is \$23 million, \$3.4 million more for the entire year versus the request of the Indigenous Peoples' Commission of an amount of \$66 million and more.

I have to ask the Assembly if this is a pattern with respect to Indigenous Peoples' in this country. Of all the issues of all the Commissions to cut this is probably the worst one to have chosen. In the light of the cuts that came in 2012 of all the Rights Commissions in this Assembly, and when our friends on that side were on this side, that at the same time, last year 1,972 people lost their jobs who were Amerindian Community Services Officers (CSOs). I do not believe this Assembly recognises the impact of that. I am only going back to last year. Some of you go back 30 years ago in this discussion, in this Assembly. Mr. Chairman, the 1,972 people were dismissed and there was only \$30,000 a month, 12 months a year. If the calculations are done, the \$720 million was removed from the Amerindian communities just by the dismissal of 1,972 Amerindian service officers receiving \$30,000 a month. Therefore when there is this approach by the Hon. Minister of Finance of not even appearing to have a conscience to be able, to say to this Assembly we cannot afford it or I do not have to explain anything, the act gives me the power and I can do it so what. [Mr. Greenidge: Is it that is what he said?] That is what he said in this Assembly before the break.

I am appealing to this Assembly, to the Minister, who I believe has the power, to give the commission the money that it has asked for and make the requisites cuts and adjustments in somebody else's budget. You have time, Sir; we have not brought the national budget as yet.

Of the 16 agencies here the total request of all the agencies is \$8.6 billion. The Minister has his recommendations which will go through the Assembly and we know that you have the majority and we do not fool ourselves. With \$7.8 billion therefore around \$900 million has been extracted from the constitutional bodies and I am appealing that a \$20 million to \$23 million is so paltry. You are the ones that are there and you can prove that you are so magnanimous, you can show and you are there now stop behaving as though you are still in Opposition. The issue is that you are in Government, you are running the show, and you can make the decisions to increase...

Mr. Chairman: Hon. Member, it would be good if you could address the issue and not give the impression that you are speaking elsewhere. The Speaker is here.

Ms. Teixeira: Thank you Sir. As I was saying you in the plural and I apologise. I should have addressed you.

11.17 p.m.

Therefore I am again appealing to the Minister to increase and give the Indigenous Peoples' Commission the \$66,346,430 it asked for and make a requisite cut in some other agency of the Government of \$40 million to allow the Indigenous Peoples' Commission to do its work. It is a very important commission that we need to get done.

Indigenous People's Commission – \$66,364,430, as amended to \$23,346,000, agreed to and ordered to stand part of the Estimates.

Rights of the Child Commission – \$84,067,682

Mr. Jordan: Mr. Chairman, I recommend a sum of \$31,134,000 for the Rights of the Child Commission for the budget of 2016.

Mr. Chairman: I thank the Hon. Minister. Is it \$31,134,000?

Mr. Jordan: Yes Mr. Chairman.

Mr. Chairman: Thank you.

Mrs. Persaud: The sum of \$84,067,682 has been allocated for the Rights of the Child Commission. This is the amount that has been estimated and requested by this commission for its work for the year of 2016. However, when I perused the list of agencies here, before us, and the sums requested, and I looked at the amounts that have been proposed by the Minister of Finance, I realised that this agency has been the one earmarked to have the largest cuts. A cut of \$52,933,682 and I am very much disheartened by that. The fact being that this commission represents one of the most vulnerable and violated groups in our country – our children. We know that there are many cases of which our children's rights have been violated and that the work of the commission is very much important at this point in time.

I turn to the laws of Guyana, at article 212U which spells out:

“(1) The Rights of the Child Commission shall promote initiatives that reflect and enhance the well-being and rights of the child.”

That in a synopsis tells us of some of the work that this commission has to do.

When we seek, as leaders in our country that we represent our citizens, whether they be elderly, youths, men or women, and our children, to marginalise them in such a way by not putting sufficient money towards the commission that has to be able to do the work of drafting and crafting policies that will protect them and seek to have laws that will protect them, we are sending a very serious message to our people out there; we are sending a very serious message to the world. It is not just a few dollars that has been cut from this budget. It is \$52 million odd. Of all the agencies, this is the agency that has the largest cut given to it. I am wondering, in previous budgets, there were a lot of cuts - the scissor was used to cut a lot of budgets - my colleagues on the other side of the Assembly, if that has become their mindset. Now even in Government, they are still in that mode of cutting their own budgets.

They will try to say that the money given is even more than what was given by this side of the Assembly while in Government. I am not interested in that I am interested in now. Now that we have issues. Now that these persons are in Government and they would have made promises on the campaign trail to protect the rights of each and every citizen of this country. They would have seen it important to marginalise a commission, such as the Rights of the Child Commission.

In article 212V some of the work continues to be:

“(a) promote the rights and interests of, and respect for views of children;

(d) consult on and participate in the preparation of the Annual Report on the Rights of the Child to be submitted by the Government to the United Nations Committee on the Rights of the Child;

(e) ensure that children have effective means of redress if their rights are being violated;”

I am saying that the Rights of the Child Commission, has a strategic plan of development with the United Nations Children’s Fund (UNICEF) body. I am wondering if the Minister of Finance could say... What will be the effect on the mandate of that commission to carry out its work now

that this humongous cut has happened? I am saying, our children have a place in our society. They have rights that are enshrined in the laws of our country, and at this point in time they are very vulnerable. Far too many of them are being violated in and out of their homes. We are going to say, as leaders of this country, that we do not find it important enough to ensure that there is adequate finances, and I do not think that that commission would have come up just like that with a figure. It would have had to weigh and measure what would have been their mandate. It would have had to look at costing, what would have been the required amounts to help them to carry out that mandate.

Now that it is cut, what are we saying to our children that they are not important? Or am I to assume that this is the “fresh approach” to the way we treat our children in this country.

Thank you Mr. Chairman. [*Applause*]

Minister within the Ministry of Public Infrastructure [Ms. Ferguson]: As I am on my feet let me take this opportunity to extend to this august House a prosperous and blessed 2016, and I trust that whatever we endeavour to do in this Assembly, we do it with the focus of our people in mind for the year 2016. May God richly bless us all.

I have been sitting here all evening, listening to the previous speakers on the other side of the Assembly and I am continuously hearing about cuts and cuts. The last speaker made reference to marginalised and humongous cuts. If we are to look at the Rights of the Child Commission, in 2015, the very Opposition Members on the side of the Assembly there, when they were in Government, would have given some \$26,000,371. We now see that in 2016 the Minister of Finance would have made it clear that he is willing to pay \$31,134,000, but if we are to do the calculations, it is getting \$4.7 million more than what they received in 2015, as against what is now being requested. For the other Members, in this Assembly, talking about cuts and cuts, it is not that we are cutting, it is just that the Minister of Finance would have made it clear that this is what we intends, or this is what our Government can afford to give these commissions at this point in time.

I just want to rest my case and I trust that the speakers coming after me will avoid using the term “cuts and cuts.” [*Applause*]

Ms. Manickchand: I do wish to also extend the warmest New Year greetings to everybody in the House, and to you and your family, Mr. Chairman. To congratulate what will now be Guyana's twenty-seventh Minister in the new Government, the Hon. Valarie Patterson. Guyana is topping in some regard, we have the most Ministers *per capita* compared to most countries in the world and that is something we should be proud of, in some way. I am not sure.

Your Honour, when the Rights of the Child Commission came into being, or when it was conceived, we were at an exciting time in Guyana's history. We were thinking of how we can make our Parliament and then bodies, which were born of consultation in the Parliament, independent. We moved from putting the requirement for those bodies in the Constitution, the supreme law of Guyana, to actually nominating persons and getting members for the various Rights Commissions, but I am speaking here particularly on the Rights of the Child Commission. That Commission comprises persons that were nominated by both sides of this House.

11.32 p.m.

It is unfortunate that we think of ourselves as sides or combatants, but every political party that was in the House at the time, sat on the Committee on Appointments and determined how we were going to get the best of Guyana to represent our most vulnerable and this country's future – our children. All of the political parties sat down in this Parliament, in fact, it was done right here and was chaired by Cde. Gail Teixeira and we came up with ways where bodies, large representative bodies, could be consulted. For example, if we wanted a religious representative on the Commission, that we should go to the Inter-Religious Organisation (IRO); if we wanted somebody from the legal community, that we should consult the Guyana Bar Association, the Women Lawyers Association and the Berbice Bar Association.

We came up with, I believe, what we thought was the best representation that Guyana could get at this point for our children. Those people have sat around the table, presumably. They have a five-year strategic plan, which I know was launched two or so years ago. It was published with the help of one of our international funders. They came up with what they believe they needed to do, to make real our promise - this House's promise, to keep our children safe. I can imagine that they are even more worried now, when they discover that peoples' children are being tracked and chased by fast cars because they were under illegal surveillance.

They are worried more now when they consider that one of the persons in that high speed chase has now left two orphaned children, who I understand were still breast-feeding. This Commission now has more to do I believe, than even before. Guyana is wider, more intelligent and benefits now from more research conducted around the world relating to what would be best and in the best interest of our children.

That Commission must have been extremely excited when the new Government, promising *A good life for all*, and promising change, came into the Government and passed their first Act – the Fiscal Amendment Act 2015 that we have before us, which told them that they are going to be independent. One can now, within reason, because we pick sensible people who will not come here and ask this House for a \$1 billion, ask for enough money to be able to meet those goals that we have in our 5-year strategic plan, and of course, the new goals and threats that are rising up now.

They came up with a budget where they were asking for a modest \$84 million. That budget is being cut. There is a proposed slash to the budget and it is being slashed, not by half, they did not go to \$42 million, they have slashed it so that they are now going down to \$31 million.

Mr. Chairman, there is an old adage that says, if bail is so high that it amounts to no bail for a particular person, then the court should not rule or ought not have bothered to rule. In this case it is the same thing. If the Government is going to give them so much less than they asked for, then they better shut down because they would not be able to do anything or even barely function. This argument about what we gave them or what *Ya'll gave them* or *Allya gave them*” or whatever is the common parlance that we are hearing. This common question cannot be asked now for two reasons: This is the Government - these Members here - that campaigned and said they were going to bring change; they were going to do it differently from the People's Progressive Party (PPP). That is what they promised to the nation. Secondly, we did not have this law that you told people would make them independent as a commission. So stop relying on vacuous arguments.

I am asking a straight forward question and it is not in relation to a line item and I would be disappointed if I did not get an answer. Do you believe, Hon. Minister of Finance, that this

proposed sum of \$31 million is going to advance with the speed and at the depth that the five-year strategic plan that the Rights of the Child Commission has published? *[Applause]*

Mr. Chairman: Hon. Member, do you wish to have the floor?

Ms. Manickchand: Mr. Chairman, is my question not going to be answered? I had a question for the Minister of Finance?

Mr. Chairman: Hon. Minister of Finance, a question is being put by the Hon. Member, Ms. Manickchand. Are you in a position to answer?

Mr. Jordan: I know the question has been asked in earnest as opposed to in jest. I suggest that an amount is never enough, even perhaps the amount that has been requested. At the end of the day, with what is made available, one has to re-examine one's priorities and then determine which one will be a go and which one will be delayed.

To answer the Hon. Member's question, I believe that this amount can be a start of the very five-year plan that the Hon. Member mentioned. As we progress into our five-year term, more can be made available when more is available.

Mr. Chairman: I thank the Hon. Minister.

You have the floor Mr. Damon.

Mr. Damon: Mr. Chairman, let me try to be plausible and eloquent.

Mr. Chairman: Hon. Member, we have six minutes remaining.

Mr. Damon: The function of the Rights of the Child Commission - indeed we are part of the United Nations Charter on this issue, and as such I must remind our Colleagues on that side of the House about six points that we signed up to where the United Nations Charter is concerned on the Rights of the Child:

- to promote the rights and interests of, and respect for the views of children;

- to ensure that the rights and interests of children are taken into account at all levels of government, other public bodies and private organisations when decisions and policies affecting children are taken;
- to monitor compliance and make recommendations for the compliance with the international instruments to which the government accedes from time to time, including those already acceded to and which relate to the purpose of the commission;
- to consult on the participate in the preparation of the Annual Report on the Rights of the Child to be submitted by the government to the United Nations Committee on the Rights of the Child;
- to ensure that children have effective means of redress if their rights are being violated:
- to monitor, evaluate and make recommendations on policies, procedures and practices of organisations, bodies and institutions in order to promote the rights of the child.

Mr. Chairman, having made mention of these points let me remind this House that, our children are being plundered all over this country. Children are being eloped and taken to the interior and end up in shops or in some dredge camps as prostitutes. If anyone wants to disagree with me, ask the Hon. Member, Simona Charles-Broomes. She went into the interior on several occasions bringing young children out of those sex and slave camps.

Teenage pregnancy is on the increase and is very alarming in all 10 regions of Guyana. Moneys were taken away by this A Partnership for National Unity/Alliance for Change (APNU/AFC) Administration from the Rights of the Child Commission. The Rights of the Child Commission will not be able to proceed successfully and to carry out their mandate. The fact remains and we must understand that Guyana is 83,000 square miles and we have children all over Guyana.

Only two weeks ago, I went into Wakapoa, where there were six teenaged pregnancies. Throughout the coast in Region 2, teenaged pregnancy is raising its ugly head. We must leave the moneys allocated for the Rights of the Child Commission to the organisations so that they can carry out their functions successfully.

I now call on the Minister of Finance and his Colleagues, at this moment, to look at the magnanimity of the effect, and I hope you will not continue to behave in a loquacious manner by removing the moneys from the Rights of the Child Commission. Thank you. [*Applause*]

Rights of the Child Commission –\$84,068,000 as amended to \$31,134,000 agreed to and ordered to stand part of the Estimates.

11.47 p.m.

Current and Capital Estimates

Public/Police Service Commission – \$113,993,000

Mr. Jordan: Mr. Chairman, I recommend a sum of \$87,957,000 for the Public/Police Service Commission for their Budget for 2016.

Mr. Chairman: Thank you Hon. Minister. Am I correct in saying that the amount is \$87,957,000?

Mr. Jordan: Correct.

Mr. Chairman: Thank you very much. Mr. Ganga Persaud, do you wish the floor?

Mr. G. Persaud: Yes Mr. Chairman.

Mr. Chairman: You have the floor Sir.

Mr. G. Persaud: Thank you very much, Mr. Chairman. The roles and functions of the Public/Police Service Commission are clearly documented in Articles 200, 206, 210 and 212 (i) in the Constitution of Guyana. So, we are here because of legislation that came into being in 2015. The process in which we are involved with here has no comparator. I am sorry to repeat this because the statement was made earlier, but somehow or the other, I believe it is the hour that is causing some of us not to focus enough and we miss that reality, that there is comparator with this present situation here because it is now based on the present legal framework, which came into being in 2015. What that legal framework would have caused? It would have signalled to the constitutional agencies present here that the Government and the National Assembly have full trust and confidence in them to come up with work programmes, work plans and a

concomitant budget that is real, which they could implement within a specify timeframe that is called a year, and that the resources would be provided. That is the kind of signal that came from that changed legal framework. It is for that reason, I think, the budget presented to us by the Public/Police Service Commission of \$113,993,000 is presented to this House today.

It is sad that the Minister of Finance, acting on behalf of the Government, would have reduced that request by \$26,036,000, a 29.6% reduction, by recommending \$87,957,000. What is the signal we are sending to these constitutional bodies, who we moved with so much haste, not thinking out anything, not listening to caution, not understanding why certain things were not done, but we were grand standing, Sir. My mother would always say: “What goes around comes around” and *Moon does run til day ketch um*. Well it has caught us here and we much face this reality. We cannot show the kinds of disrespect we are showing here to the representatives of the constitutional agencies present here, particularly, the Public/Police Service Commission.

We talked about enhancing, efficiency and effectiveness, strong words and statements within the Public Services; we talked about having a support system at the Police Service Commission that could motivate members of the Guyana Police Force (GPF) to go after elements that are disrupting our society with much more figure and vitality. Yet, we come here to this House and are saying to the people: We were playing politics with you; we had made a mockery of what we said to you; our legalisation does not have the interpretation which you are using now; we do not have that trust and confidence repose in you; we do not have it; we only caused you to believe that we have it because what you have given us is inadequate; it is irresponsible we do not trust your ability; you do not know financial management, only the Ministry of Finance, apparently understands that.

I am saying at this hour that this present state that we are in, I am hoping that this National Assembly would sit, after we would have completed this exercise and reflect that we cannot have a similar situation confronting us in 2017.

There is a need for clear guidance at our level and to the constitutional agencies. I wish on my own behalf to apologise to the constitutional agencies present here, particularly those representing the Public/Police Service Commission, for misguiding and giving you that feeling

that we would allow you to plan programmes that you could implement and we would give you the resources in ensuring that you implement those programmes.

So I am hoping that the Government side will listen to all the urgings that were shared by this side of the House, and that we do what is right by this House and restore all that we would have cut from all the agencies that we had discussed so far, in particular, for the Public/Police Service Commission and let us give the people what they had asked us for, so they can give us in return their efficiency and effectiveness we are so much boasting about. Thank you Mr. Chairman.
[Applause]

Mr. Rohee: I have sat through the entire afternoon and late evening, listening to the contributions to the various bodies that are before this House for consideration with respect to the lump sums. The Hon. Members sitting on that side of the House, on the eastern wing so to speak, when they were on the western wing of the House were well known to accuse us who were then in the Government of what the Hon. Member, Mr. Ramjattan, coined as *control freakism*. Well *the chickens have come home to roost*. [Interruption]

But, Mr. Chairman, the Government benches seem to want to have their cake and eat it. On the one hand, they pass legislation seeking to exercise, so to speak, these constitutional bodies from Executive authority and control, but on the other, now that the shoe is on the other of the foot, they now seek to articulate a hold host of arguments, claiming that that was not the intent of the legislation that was passed. Well that is open for any interpretation. What was the intent behind the framers of the amendment at the time?

The Hon. Member, Mr. Nagamootoo, when he was in the People's Progressive Party Civic (PPP/C), may his soul rest in peace, used to say and was an ardent believer in what was called the concept of full disclosure. But now it seems that the concept of full disclosure is now out of the window because, when we on this side of the House request answers to certain questions, there is not full disclosure, there is partial disclosure, or even no disclosure whatsoever.

I have sat here and I have listened to the questions that were asked, the arguments that had been made, but the Hon. Minister of Finance is an intransigent. He is holding on to a position that nothing can change. Everything here is cast in stone. He probably has the mandate of his Cabinet; he probably has the mandate of His Excellency, the President, and we know the politics

of Cabinet. So the explanation as to why the Minister had not budged one iota on any of the representations made by the Opposition is quite obvious to us. But, we need to point out one important factor that, notwithstanding the Minister of Finance not budging one inch or not acceding an inch to the Opposition's entreaties, it is important for us to make the point, and I believe that the Government benches ought to understand it, that we have constituencies out there. It is important for us to speak on behalf of those constituencies. So notwithstanding the Minister of Finance's position, we believe that we need to speak to our constituents on this matter.

I think that the struggle in this House have been on how to reconcile the laws with respect of the constitutional bodies and what ought to be given to the constitutional bodies and how it is given to the Constitutional bodies verses what the Ministry of Finance or the Minister of Finance's authority is. Is there a balance that could be struck in reconciling these two responsibilities? It seems to me that if there is any balance that ought to be struck it must be struck in favour of the Constitutional bodies. That, in my view, is where the reconciliation ought to sit.

I want to conclude, I do not want to speak very much on this matter because we are not going to get very far on it. I simply want to say that the cut in the sum from \$113,993,000, which the Public/ Police Service Commission has requested, down to \$87,957,000, which is a cut of \$11.5 million, a 34% decrease in the allocation, the same question has to be answered and that is, in what way will this impact on the work of the Public/Police Service Commission? I think it is a well-established fact. Recently, this has become an issue in the press that the Police Service Commission is saddled with a whole host of battles that have been drifting for a considerable among of time because the resources have not been allocated to them.

12.02 a.m.

The Hon. Member is asking about time Mr. Chairman, that is irrelevant because as the Hon. Member has already said, better late than never. You are in the driver seat now. It is your responsibility to take on this job. [Mr. Greenidge: We are doing it.] I do not know that you are doing it.

Let me not be distracted by the Hon. Minister of Foreign Affairs. I simply want to say that I believe that this cut will impact negatively on the work of, specifically, the Police Service

Commission having regard to the fact that there is a backlog of cases that must be heard by it, which have been left to languish. I believe that this cut is inimical to the interest of the Police Service Commission and the Public Service Commission. Thank you Mr. Chairman. [Applause]

Mr. Ramjattan: I would not repeat myself here, in indicating to the Assembly, what this amendment to the Constitution in 2001 was all about. In 2001, when we were supposed to give financial autonomy to certain Constitutional Offices, which included, as of 2015, all these that we are now talking about. It could never have meant and I have indicated that, or contemplated by the Constitution that there were going to be drastic increases in expenditure to constitutional offices, especially when the work each year is going to be almost identical.

I want to give the figures from 2012 of what was given by the Administration that is now the Opposition. In 2012, it was \$61 million given to the Public and Police Service Commission; in 2013, it was \$59 million; in 2014, it was \$67 million; in 2015, it was \$76 million. We are increasing the figure by \$11 million knowing very well that we have to and they are considering that as a cut. When the Constitution spoke about having this financial autonomy, it also spoke about, as I am quoting so that we could get the fuller picture, that it must include determining the amounts of what were past practices and what is financially prudent. So, not simply because the request is made, the request is mandatory.

I understand from members of the Commission that, in prior years, they always used to request a lot more but they were never given it. They were given the \$61 million, the \$59 million, and the \$63 million. Their independence has nothing to do with making the request. Requests will always be made. It is when it is a lump sum that the Minister of Finance cannot interfere, hamper and encumber. That is what it is all about.

So, we will have to understand the interpretation of the laws passed since 2001. They do not want to get there. They do not want to go back and ask what the meaning of the 2001 Constitutional Amendment was. Members will see in the *Hansard* then that it never meant that that which is requested by the constitutional agencies would be the figure that the Minister of Finance will have to put in as the Estimates. It did not say that.

So, this confusion of the minds of Members over there, stating that the Government is cutting the budget, it is not so. As a matter of fact, we are having a lot more transparency now because we

can see what the people are requesting; what the Police and the Public Service Commission are requesting. They are requesting \$113 million. We have to understand, as the Minister is at pains to inform, that not because it is so requested it necessarily means... and that is going down as pretty much a bad thing for this Assembly, when serious Members over there are going to give that misrepresentation as if it has to be.

I want to make this point because it was not made earlier. The point is, the Executive branch, as it was argued even at the High Court level, is always, like the crown of England, the body that will propose mainly what the amounts should be at a budget level. Generally, the unit or the institution would put up what is called a budgetary allocation for itself, stating that they would want for refreshments, salaries, *et cetera*. Ultimately, it comes down to, by virtue of the constitutional amendment and all that we have amended since then, to this National Assembly supporting it.

So, not because the Public Service and the Police Service Commissions want \$113 million necessarily follows that they would have that. It is what we will approve here and that is the interpretation of the law. We are cutting \$113 million to \$87 million. We must look at it in the context of what was the previous year, the prudent financial arrangements and, in our opinion at this level find the money for that, it is \$12 million more that we are giving; from \$61 million to \$60 million to \$67 million to \$76 million. We are now giving \$12 million more. I think that is reasonable and prudent in the context of the work that both the Public Service and the Police Service Commissions have to do.

Now a point was mentioned, as if we were blocking a lot of work of the Police Service Commission. I want to address that issue just for a short moment. Indeed, there has been some difficulty in relations that matter. That is because of a certain appointment that was made, Mr. Chairman; an appointment that was made unconstitutionally. The member that is supposed to decide cases, after having that being delegated to him, must be a member of the Guyana Police Force in accordance to Article 212 (2). Let me read the article for Members:

“The Police Service Commission may ...delegate any of its powers... to any one or more of its members or... to the Commissioner of Police...”

In relation to appointments or disciplinary matters, "...or, in the case of the power to exercise disciplinary control, to any other member of the Police Force".

It was something that had problems with the Constitution. I indicated to the Commission that, it being unconstitutional, it had to be withdrawn. That is why we are now making the arrangements to get a senior superintendent in the Guyana Police Force who could be delegated that function that was originally given to that person, was withdrawn. I thank you very much. [Applause]

Mr. Chairman: I would like to thank the Hon. Members. The time is 24 minutes and two seconds. You have one minute to speak Ma'am.

Ms. Manickchand: Thank you very much Mr. Chairman. Mr. Chairman, I would make it very quick. Mr. Ramjattan said something; he said that the work continues to be the same from year to year. That may not be the true. We did not have Special Organised Crime Unit (SOCU) three to four years ago. I am curious, because we have seen all sorts of speculations, as to what kind of mandate SOCU has. Is it a mandate of the Guyana Police Force? If so, I rather anticipate that there is going to be a lot more complaints made against them for ransacking peoples' houses, tracking people, spying on them and staking them out...

Mr. Chairman: Hon. Member, are you speaking on the Estimates?

Ms. Manickchand: Yes, Mr. Chairman. The Hon. Mr. Ramjattan made a specific statement. He said there the same work was happening from year to year. I am saying with the new activation of a unit of which the nation remains unclear about, which mandate the nation remains unclear about, but we are told that they are a creature of the Guyana Police Force and the members of that unit...

Mr. Chairman: Hon. Member your time is up.

Public/Police Service Commission- \$113,993,000 as amended to \$87,957,000 agreed to and ordered to stand part of the Estimates.

Public Service Appellate Tribunal - \$20,219,000

Mr. Jordan: Mr. Chairman, I recommend a sum of \$12,499,000 as the budget for the Public Service Appellate Tribunal for 2016.

Mr. Chairman: I thank you Minister. Would you like the floor Sir?

Mr. Nandlall: Yes Sir.

Mr. Chairman: You may proceed.

Mr. Nandlall: Mr. Chairman, the request from the constitutional agency is \$20,219,000 and the Hon. Minister is recommending only \$12,499,000, a reduction of some \$7.7 million or a reduction of about 40% of what is being proposed. In the Ministry of Finance comments, in the next column of the document, it says:

12.17 a.m.

“Caters for annualisation of salary increases granted in 2015.”

More significantly, and given the past trend of the execution of work programme, other charges were reduced.

I highlight that to make a few observations. I begin by noting that the 2015 budget was \$15,470,000. My Colleagues on the other side keep referring to what obtained before. This year, their proposal is less than what the budget was in 2015. By whatever language or linguistic formula we want to engage to describe it, it is a reduction. It is a reduction from what the previous Government had proposed and certainly a reduction from what the constitutional bodies had proposed.

What is significant is that I had the privilege, when I was Attorney General, to attend more than one meetings with His Excellency President Ramotar and the then Opposition Leader, Mr. David Granger. My Learned Friend, Mr. Harmon was present at most of the meetings. One of the issues that were always canvassed by the Opposition Leader, now His Excellency President David Granger, was a resuscitation of the Public Service Appellate Tribunal. It is public knowledge that it has not been functioning for a while and almost at every engagement at which I was present, there was a fixed set of issues, and among those issues was the resuscitation, the revitalisation and the bringing back into operation of the Public Service Appellate Tribunal.

One of the questions that I want to pose to the Hon. Minister of Finance is: is it that the Public Service Appellate Tribunal would not become operational in the year 2016? Based on what the

Minister's comments in the document to which I am referring are, he stated that given past trends - and past trend must obviously refer to the years when the Tribunal was not sitting and operating - and the execution of a work programme – there was hardly any work programme because there was no sitting – the charges were reduced.

If I am to read that literally, I will come to the conclusion that there is no intention of this Government to resuscitate the Public Service Appellate Tribunal. If that is so, I would like the Hon. Minister to explain that. Then I can, perhaps, ask a follow-up question.

Mr. Williams: I came in on the tail end of the presentation of the Hon. Member Nandlall. Even as he was posing that question, I was trying to figure out how many years I have been calling for the establishment and the reconstitution of the Public Service Appellate Tribunal. As I have said, we have a predisposition towards democracy and we have every intention of constituting all of the relevant constitutional bodies. In fact, we have already started scoping for persons to fill those positions.

The practice has been to use retired appellate judges and they are not many. There is Justice of Appeal Claudette Singh and others but we will have to explore the option of using a retired Puisne Judge too. These are things that are being looked at. That is not the only constitutional body that we are looking at. There are many others. In due course, there is no doubt that the Public Service Appellate Tribunal will be constituted. It certainly would not be in the wilderness for ten to 15 years. We have given that commitment to the workers of Guyana.

Mr. Nandlall: Mr. Chairman, please permit me a follow-up question. In light of the Attorney General's statement and commitment to us, which I commend, that the Tribunal will become operational - I concede that it was not operational and I am enlightened and enthused by the commitment given that it will be operational...The Attorney General went as far to volunteer more information than I requested by stating that past judges will be looked at to compose the Tribunal. However, I am met here with the stark anomaly that the Commission will be made functional but the budget is being reduced to \$12 million when the proposal was \$20 million. My Learned Friend did not hear me. When it was defunct under the Peoples Progressive Party Civic (PPP/C) Government...

Mr. Chairman: Hon. Member, you must get to the question.

Mr. Nandlall: The question is: now that we know that the body will become operational, would the reduction from \$20 million to \$12 million be sufficient to finance this body becoming operational as the Hon. Minister of Legal Affairs has promised? An allocation of \$12 million is being recommended for a Tribunal that has to sit to hear appellate matters. There is more than one member, a secretariat, staff, *et cetera*. I am asking whether \$1 million per month would be sufficient.

Mr Williams: As my Hon. Friend on the other side, the General Secretary, likes to say, it is a tempest in a teapot. If we constitute the Tribunal and additional moneys are needed, all we have to do is bring supplemental request or something of that nature to the House. We do not know the cost but we know that the intention is to try to constitute the bodies that were in desuetude for years under the last Administration.

Public Service Appellate Tribunal – \$20,219,000 amended to \$12,499,000 agreed to and ordered to stand part of the Estimates.

Supreme Court of Judicature - \$1,967,243,835

Mr. Jordan: I recommend the sum of \$1,532,287,000 for the budget of the Supreme Court of Judicature for 2016. I add that this represents an over \$300 million increase on the revised expenditure for 2015.

Mr. Nandlall: With the enactment of this new law and the promulgation of a new financial architecture and procedure designed, ultimately, to assure the independence and autonomy of constitutional agencies, I do not believe that there is any other agency whose independence ought to be greater assured than that of the Judiciary.

While the title of the agency is the Supreme Court of Judicature, it is, indeed, the entire Judiciary as an arm of Government under the Constitution whose budget we are considering. We were told and lectured to about the importance of the doctrine of separation of powers and the importance of the independence of each of these different branches, the Judiciary more than any other simply because it exercises oversight on both the conduct of the Legislature as well as the conduct of the Executive. If there is one institution in this land whose autonomy and whose independence should be assured and doubly assured, it is the Judiciary.

12.32 a.m.

I do not think that anyone can sensibly question that. We passed an entire new arrangement as part of our laws to ensure that that which the Judiciary should enjoy should extend to other agencies as well. But the Judiciary was cited specifically because we were told that judges' independence can be questioned, compromised and undermined if their financial autonomy is not assured. That is what we were told in this House. Therefore, this new infrastructure was created. The Judiciary was told to prepare its budget and not send it to the Executive, but send it to the Clerk of the National Assembly. Lo and behold, now that it has reached the Clerk of the National Assembly, we see that it is being subjected to a process in which the Minister of Finance is proposing a \$500 million reduction.

Sir, it makes the independence which we are agitating for and which we are seeking to secure elusory. It makes it self-defeating. What makes it worse is the fact that when one compares the budgetary allocations for the three branches of Government, if one may look at it from that perspective, the budget of the Legislature has already been reduced, but, in terms of the Executive, there has been increased expenditure. In terms of salary alone, there has been a 50% increase. It is important that I make that comparison.

Mr. Chairman: Hon. Member, I have been very lenient. Members are meandering, forgive the term, and are failing to stay on point. I must confess to some difficulty in following some Hon. Members when they speak. You are fast getting to that category, Hon. Member. I will enjoy you to try your best to stay close to the point you are making.

Mr. Nandlall: Yes, Sir. I was speaking about the importance of the independence of the Judiciary because that seemed to have been the principal object of this new procedure.

Mr. Chairman: I understand that the issue is the difference in number from the amount that was proposed to the amount that was recommended. I was hoping that you would speak to that.

Mr. Nandlall: Yes, Sir. I am going to speak to that, but I want to deal with the principal and the concept first. It is obvious that the Hon. Minister of Finance did not engage the Judiciary and reduced the sum proposed by some \$500 million.

I know that the Hon. Attorney General, in his budget presentation, spoke, very optimistically, about what the Judiciary's achievements are going to be. I remember him clearly saying that the Judiciary is going to reduce the backlog and embark upon a series of new initiatives including, having more judges, and a whole set of other things that are good. It sounded very, very well when he articulated them. My concern is that the Judiciary would have listened to those presentations. Knowing the constitutional relationship that must exist among the Judiciary, the Legislature and the Executive – there must be very gauged interaction – I am sure that the Judiciary would have taken into account the public pronouncements of the Attorney General as expectations that it would have to meet when it crafted a budget and arrived at a lump sum figure that it has presented to this House for its approval. The Minister of Finance is recommending a reduction by half of a billion dollars, a substantial reduction.

I, therefore, ask the Hon. Minister: how did you arrive at this sum? Why was it not \$300 million? Why was it not \$600 million? How did he arrive at a very specific figure? His recommendation is \$1,532,287,000. It is not a strange figure but it is a very specific figure. It is not a whole number nor is it a round number. I just want to know how he arrived at it. I refuse to believe that the Minister of Finance capriciously assembled a set of numbers and arrived at this figure. I would not attribute to the Hon. Minister that degree of arbitrariness or irrationality, to use a harsher word. I am asking: what process was embarked upon that led to the conclusion that the budget of the Judiciary should be reduced to this sum or why is the Hon. Member recommending such a specific figure for the Judiciary?

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

Mr. Nagamootoo: The allocation, in 2015, for the Supreme Court, was \$1,413,645,000. The Hon. Member of the Opposition, who spoke last, asked why the amount now being recommended is \$1,532,287,000. The answer to that, I am informed and instructed, is that, though the Judiciary had been allocated \$1.4 billion in 2015, it actually spent \$1.2 billion. That figure has been revised down. It does not need a financial wizard to explain that if the Judiciary did not have the capacity to spend \$1.4 billion, it would not, as I had earlier said, be financial prudence to allocate way above the \$1.4 billion. The Hon. Minister of Finance has said that giving the Judiciary \$1.5 billion is, in his considered view, an adequate amount, based on the

performance of the Judiciary. He had given the figures that it was actually an increase over the original amount of \$118 million, thereof.

Sir, what is happening under every head, in particular if I limit myself to this head, is that there has been the shedding of crocodile tears. On one hand, the Opposition is talking about if there is any institution, as if this is the Theatre Guild, the theatrics, that would warrant the attention of the Parliament to protect its independence and autonomy, it has to be the judiciary. We had recognised that so long ago that when the constitutional amendments were introduced in 2001, article 222A and some other related amendments had anticipated the autonomy and the independence of the Judiciary.

I have the transcript of the *Hansard* which quoted the then late Minister of Parliamentary Affairs, Reepu Daman Persaud, in which he had said how welcomed this was in 2001 and that the independence of the Judiciary would have been guaranteed. [Ms. Teixeira: You were on our side of the House then.] In fact, it was my report that sparked the amendments. You tickle me and I will give you the truth – the parliamentary truth. After all of the years of talk about the autonomy of the Judiciary, it did not flower. It was not allowed to blossom. It was not allowed to see the bright daylight of democracy. It was kept a prisoner within the Ministry of Finance as a budget agency and it was characterised in the schedule of the Fiscal Management and Accountability Act as a budget agency.

When we see this chest beating here, we must recognise what it is all about. It is political theatrics being played out in this National Assembly to hoodwink the Guyanese people into believing that my friends on the other side are really concerned about the independence of the Judiciary. When we came here, as late as 2013, with what I will call “the Carl Greenidge amendment” to the Constitution, the Opposition was in the Government and refused to support an amendment to guarantee the autonomy of the Judiciary. They refused to release the captive that was the Judiciary from the dungeons of the Ministry of Finance where it was listed as a budget agency. More than that, when we, with majority on in the Opposition, approved the constitutional amendment, the then Attorney General, who has just spoken as a Member of the Opposition, advised the President that it was unconstitutional because he invoked a fiction that it had required a two-thirds majority to pass that amendment. That argument was so specious and groundless that it was smashed to smithereens. He could not have gone to a court to question the

sanctity of the decision of this National Assembly. They had done everything to sabotage the process of making the Judiciary autonomous and independent. That is the truth and that is the record we speak to in this House. I will never allow them to make this type of propaganda and get away with it.

Beyond that, when this side of the House approved the constitutional amendment, the then President, His Excellency Donald Ramotar, refused to give assent to a Bill that was passed in this House.

12.47 a.m.

That is the empty rhetoric about the judiciary being autonomous, independent and sacred. I believe, as I said before, that the recommendation of the Minister of Finance is a rational recommendation. It is based on the evaluation of the performance of the judiciary in so far as the capacity to spend is concerned. The Minister of Finance has exercised that financial prudence and responsibility to give them the amount that was more than the amount in 2015, in excess of what they had actually spent. For these reasons I ask that the question be put, and that we not allow these people to divert us and for the specious arguments to delay this Assembly any further to make cheap political propaganda and to try to defeat the purpose of the allocations.

Mr. Chairman: Hon. Prime Minister, I know that you meant Hon. Members.

Mr. Nagamootoo: I meant these most honourable people, Sir.

Mr. Chairman: Hon. Member Mr. Adrian Anamayah you have the floor.

Mr. Anamayah: Thank you Mr. Chairman for allowing me to address the Assembly. I know the hour is very late and shall not keep you much longer.

I will start by endorsing what my colleague Hon. Member Nandlall has said and I urge that the Hon. Minister of Finance rethinks this cut of \$434,956,000 to the budget request of the Supreme Court of Judicature. It certainly will have far-reaching implications. We cannot and should not assume that the persons who made this request plucked the figure out of thin air. They are responsible individuals. As a user of the court system, for a number of years, I know them. If they are telling this Assembly, telling the Government that \$1.9 billion is what they need to

effectively discharge their functions and dispense justice swiftly to our people, then we have to give them that money. We cannot say that we are giving them autonomy on one hand and on the other hand we are taking away \$434 million from them. They would not be able to function.

We are here in the Assembly and we must be cognisant of what is happening in the judiciary, in the court system. We must be cognisant of what is happening in our country.

Hon. Member Mr. Nandlall spoke of the backlog. There is a great backlog in our civil court and, more importantly, in the criminal court, in the assizes. A number of serious cases are awaiting trial, murder, rape, and the list goes on. These cases need trial and then criminals are going to be put away. Where are they going to be tried? It is in our courts. We know the administration seems to have a propensity for pardoning these criminals, but we on this side of the Assembly believe they must be behind bars. It is the Supreme Court of Judicature that has the responsibility to do that. How else are we going to curb the crime rate?

I live in Berbice and yesterday a client and friend was shot and killed in his home. As we are sitting here in the National Assembly a businessman was stabbed in Rose Hall. Two days ago at Bath, Anita Baichan was burnt alive in her house. The criminals who perpetrated these acts need to be brought to justice. Where are we going to bring them to justice? How are their families going to get justice? It is through our courts. We are now experiencing a crime wave of epic proportions in our country. Now is not the time to be starving the Supreme Court of these resources. I urge the Hon. Minister of Finance to do what is just and right for our people and restore the \$434 million he is seeking to disapprove.

Thank you Mr. Speaker. [*Applause*]

Mr. Williams: I am not sure why we are talking about cutting. My calculations have shown that there is an increase of \$118,642,000 over the figure in 2015 that was allocated to the Supreme Court. The budget for the judiciary, as I said, there was an additional \$118 million, but if there was a proper perusal of the budget we would recognise the inability to spend the full complement last year. This year it is estimated that the Family Court would come on stream so there would be the appointment for some persons there; for the court at Lethem, which is in a magisterial district, some persons would also be employed. There are some capital projects such as the building of four additional court rooms in the Supreme Court compound and the Sparendaam

Magistrate's Court is going to be entirely rebuilt with two more court rooms. All of these things have been estimated and catered for in the budget. In fact, those buildings were in the budget two years ago but there was a big protest that tied it up. It is clear that the Supreme court must be able to absorb the money it is given. The Court was unable to do that last year and there is no way it will be able to absorb \$1.9 billion, projected.

It is contented that the backlog of cases, and the like, would require the additional expenditure that the Hon. Member spoke about. The allocations for the backlog of cases would be within the budget of the Ministry of Legal Affairs. In addition, the jurists' programme, which is funded by the Canadian Government and executed by Caribbean Court of Justice, would be funding a diagnostic study of the backlog of cases in the Supreme Court. That money is paid for, not by what is provided here, but from the grant from the Canadian Government. [Mr. Nandlall: We do not want another study. We know what the thing is. We are paying for another study of the backlog.] I am sure it is already in the public domain, if not the Hon. Member ought to know that the Ministry of Legal Affairs has, for its budget for 2016, proposed expenditure on the backlog of cases for the employment of part-time judges over a six-month period, about four of them, to execute that project. The Inter-American Development Bank (IDB) is proposing favourably view that. It seems to me that the understanding of the role of the Ministry of Legal Affairs as the coordinating agency in the justice sector is not fully appreciated.

Mr. Chairman: Hon. Member, you have one minute to wrap up.

Mr. Williams: The additional allocation of \$118 million is very generous to the judiciary. The Hon. Minister of Finance, in all his wisdom, recognises that the sum is more than sufficient for the agency to execute their vision for 2016. I trust that the Supreme Court will spend the money that has been generously given to them wisely by the Hon. Minister

Thank you very much. [Applause]

Supreme Court of Judicature - \$1,967,243,835, as amended to \$1,532,287,000, agreed to and ordered to stand part of the Estimates.

Teaching Service Commission - \$120,774,000

Mr. Jordan: Mr. Chairman, I recommend a sum of \$109,205,000 as the budget for 2016 for the Teaching Service Commission.

Mr. Chairman: Thank you Hon. Minister. Is it correct that the sum of \$109,205,000?’

Mr. Jordan: Yes Sir.

Mr. Chairman: I thank you.

1.02 p.m.

Mr. G. Persaud: The Teaching Service Commission requested from the National Assembly \$120,774,000. The Government, through the Minister of Finance, has stated that it could only afford \$109,205,000. That is a 10.5% decrease from what was requested. I am certain that the Government is fully aware that the Teaching Service Commission has a number of issues with regard to its work which was stymied by action of the level of the courts. That, in itself, when a decision is made, and I am certain the commission in its planning would have assumed that such, would have been in this year and so its workload would have been double-fold. I think that would have been one of the considerations influencing the request that the Teaching Service Commission would have made to this National Assembly for the year 2016. Unlike the position of the Public Service Commission, I wish to state, once again here, Sir, that it is unfortunate that we are saying to these agencies that we cannot finance their work programme this year, so we are asking them to go back to the drawing table, and to quote what the Hon. Minister of Finance said in an earlier response this evening, it is that they have to know what to prioritise.

That is an untenable situation. I wish to urge the Government, as I did earlier, to look back at its decision with regard to the request from these agencies and to find the resources. It is just as how we found resources to do a lot of unplanned things for ourselves, let us find the resources to do what these agencies are asking so that they could do to make the Government look good and make the nation satisfied. I urge that we should put the people’s interest first, as we have a lot of clichés that we use around and in this “fresh approach”. Let us stop the cutting. Let us restore what we would have stated by the Hon. Minister of Finance that he could afford. Let us hear from him that he could afford all the requests that would have come from these agencies.

Teaching Service Commission - \$120,774,000, as amended to \$109,205,000, agreed to and ordered to stand part of the Estimates.

Women and Gender Equality Commission - \$53,217,339

Mr. Jordan: I recommend a budget of \$38,598,000 for the Women and Gender Equality Commission for the budget year 2016.

Mr. Chairman: Thank you Minister. Is it the sum \$38,598,000?

Mr. Jordan: That is correct, Sir.

Ms. Manickchand: Your Honour this is one those commissions that I think the nation excitedly added to the Constitution as a way of ensuring that women and gender issues could get independent attention, and by independent, I mean independence of political parties and views. I believe that we did very well in this National Assembly in the last Parliament when we sat together, tripartite, because at that time the Alliance For Change (AFC) had not got married to A Partnership for National Unity and it was independent. We had three different parties sitting in this National Assembly at a meeting chaired by the then Ms. Gail Teixeira and we came up with what we believe would be the best nominees to this commission. The women, who were nominated to that commission, all have one thing in common, that when you see them and when you interact with them you see people who are interested in women and gender affairs first before you see their political party, except for elections time when I think everything goes a bit haywire.

I saw some statements coming out from that body that I was very disappointed with. Outside of that I could say with certainty that all of the women who sit on this commission and it is unfortunate that it is only women you see first a common interest in developing Guyana's gender affairs before you see their politics. These are the people the nation believed because to get to their names we consulted widely, religious organisations, labour union, women groups, legal organisations, private sector and indigenous affairs. We consulted widely and we got a collection of women that we said, as a nation, that we trust them to look after gender affairs in this country. Last year when this law was passed this collection of women were told that they were going to...

Did somebody just call them a motley collection? Your Honour, let me address you, Sir. Your Honour, my ears are very sensitive to...

Mr. Chairman: I am about to insist that the Hon. Member gives me her undivided attention.

Ms. Manickchand: I can do that with ease, Sir. After these women came together and after this law was passed they must have been very excited. This is a body that works. In fact, when I came in here today I saw on my desk its report and I believe that it might have been presented by... Was this presented to the National Assembly today? This is the report of this commission I believe presented by the Hon. Volda Lawrence. This is a report that was presented by her or... Your Honour, this is a commission that works, that has a plan on what it wants to do to strengthen gender affairs, to make sure that we treat in particular our women with the kind of respect and equality that is needed to speed up the development Guyana deserves. As I said, these are women who we trust. They came up and sat down and they are reasonable people who have learnt to budget in their homes. As you know, Sir, there is nobody who could do that better than women.

They came up with some numbers that said they need this and they would be very conservative numbers to be able to forward the gender agenda in this country, to advance the gender agenda. Your Honour, all they were asking for is \$53,217,399 and as someone pointed out that would be the car and two tyres for the car of the Hon. Prime Minister. The Hon. Annette Ferguson has asked that we do not use the word cut but what other word could we use when this collection of women has put together a very modest \$53,217,399 and we are being told today that what is being proposed by the Government is \$38 million.

Your Honour, my question to the Hon. Minister of Finance is, in spite of the fact that the nation has noted the limited number of women appointed to positions by the new Government... We are asking if the Hon. Minister of Finance believes that this sum is going to carry out the mandate that has been publicly declared by the Women and Gender Equality Commission.

Mr. Chairman: Hon. Minister of Finance, I believe a question has been addressed to you, are you in a position to answer the question?

Mr. Jordan: Once again I thank the Hon. Member for her contribution. I do not think no male in this Assembly has anything against women and if the numbers are checked the budget of the Women and Gender Equality Commission is actually going up by \$14 million relative to their actual expenditure for last year. There is no cut and it is a sizeable increase relative to the percentage increase of the other commissions and constitutional agencies that we have studied tonight, in recognition of the role women play and their importance in society. As I said, as resources increase all budgets can expect to be increased overtime. Let us see this as a start and this is a very new thing for all of us too. These very agencies themselves do not have the capacity if the entire budget was given to them, that they would like themselves to execute these budgets. Let us start relatively small and then climb the mountain as we go along.

Dr. Anthony: I rise to join with my colleague, on my right, in pleading perhaps with the Minister of Finance to restore..., instead of that \$ 38 million that he is proposing to actually give them what they have asked for. When we look at the Women and Gender Commission and in the Constitution there are perhaps about 14 distinct functions of this Commission and for it to properly fulfil its mandate it would require the resources that it has projected.

1.17 a.m.

This is a body that would have met; the members sat together; they looked at their plans for the upcoming year and by doing that that is how they arrived at this budget.

Now, when at the Constitution is looked, while a lot of the functions of this body focus on women, we also have, we look at what APNU/AFC manifesto would have said. I know my colleague on the other side was prompting, when the Hon. Member Ms. Priya Manickchand was speaking, “where are the men?” In its manifesto, Sir, one of the things that it talked about is “mentoring” and that is looking at the role of men in our society and what can be done. Yet, instead of giving the commission the amount of resources it needs to do this type of work, it is undercutting it.

I would really like to plead with them to perhaps reconsider this because it is a very important commission. If we truly believe that our women would educate the next generation and be able to do so much more in our society, then we should empower them with the resources. We cannot short-change it. Therefore I am really asking the Hon. Minister of Finance to reconsider.

Thank you very much. [*Applause*]

Women and Gender Equality Commission – \$53,217,339, as amended to \$38,598,000, agreed to and ordered to stand part of the Estimates.

Mr. Chairman: Hon. Members, I thank you. We have now concluded consideration of the constitutional agencies.

Question:

“That the sums approved for these agencies, as stated in our discussions, and in the conclusion of the discussion of each agency, stated form part of the Estimates of Revenue and Expenditure for the Public Sector for 2016.”

put, and agreed to.

Assembly resumed.

ADJOURNMENT

Mr. Speaker: Hon. Members, all discussions with respect to the Estimates are concluded. In keeping with a request made I am going to invite the Prime Minister to speak.

Mr. Nagamootoo: Mr. Speaker, move that this House be adjourned to the 14th January, 2016.

Mr. Speaker: Thank you Prime Minister.

Ms. Teixeira: I would like to propose an amendment to the Prime Minister’s motion on meeting on 14th January, 2016. Today, was supposed to be the Private Members’ day and we understand that all the constitutional bodies’ budgets had to be dealt with in advance of that. The agenda for 14th January, 2016 has pushed all our business behind the Government’s business. We are asking for an amendment to the Prime Minister’s motion that we meet on Wednesday, January 13th 2016, to deal with the business of the Opposition, the Private Members, and 14th January, 2016, as the Prime Minister is requesting, to deal with the address or the presence of the President, and the Government’s business. In that way we can deal with matters that have been on the agenda for a while and we are worried that if we go into the budget shortly after, our day will come

sometime in March. Therefore we would not have a day from the time we entered Parliament on August 17th. Thank you Sir.

Mr. Speaker: This is a proposal which I understand is worked out between the Whips. Is there any comment to be made here?

Mr. Nagamootoo: We certainly are not in favour of the amendment to my motion. Yesterday was Private Members' day, not today. Today is Friday and the exigency of the work of this National Assembly had required that the financial matter be treated in the way it was treated, and placed before this honourable House, in what has turned out to be a very exhaustive and long-drawn-out debate. I move on reiterate my motion and unfortunately cannot support the amendment and that this House stand adjourned to the 14th January, 2016.

Mr. Speaker: Hon. Members, we have before us, for consideration, two proposals - a motion by the Prime Minister and an amendment to that motion proposed by the Hon. Gail Teixeira. What we will do is take the amendment first and then we will deal with the motion. As I understand it, it is been proposed that the House stands adjourned to the 14th January, 2016. It has been proposed that instead of the single sitting on the 14th January, there should in fact be a sitting on the 13th January, and another sitting on the 14th January as proposed by the Prime Minister.

Question put.

Mr. Ali: Division.

Bill rang.

Assembly divided: Ayes 27, Noes 33, as follows:

Ayes

Mr. Dharamlall

Mr. Charlie

Mr. Damon

Dr. Mahadeo

Mr. Chand

Mr. Neendkumar

Mrs. Pearson–Fredericks

Mr. G. Persaud

Mr. Mustapha

Ms. Selman

Dr. Westford

Dr. Ramsaran

Mr. Croal

Mr. Hamilton

Mrs. Chandarpal

Dr. V. Persaud

Mr. Seeraj

Bishop Edghill

Mr. Lumumba

Ms. Campbell–Sukhai

Dr. Anthony

Ms. Manickchand

Mr. Nandlall

Mr. Ali

Ms. Teixeira

Mr. Rohee

Mr. Jagdeo

1.32 a.m.

Noes

Mr. Rutherford

Mr. Rajkumar

Mr. C. Persaud

Ms. Patterson

Mr. Figueira

Mr. Carrington

Mr. Allen

Mr. Adams

Ms. Bancroft

Ms. Wade

Ms. Henry

Ms. Charles-Broomes

Dr. Cummings

Mr. Sharma

Mrs. Garrido-Lowe

Ms. Ferguson

Mrs. Hastings-Williams

Mr. Holder

Mr. Gaskin

Mrs. Hughes

Mr. Patterson

Mrs. Lawrence

Mr. Trotman

Mr. Jordan

Dr. Norton

Mr. Bulkan

Dr. Roopnarine

Lt. Col. (Ret.) Harmon

Ms. Ally

Mr. Williams

Mr. Ramjattan

Mr. Greenidge

Mr. Nagamootoo

Amendment put and negatived.

Mr. Speaker: I now put the motion proposed by the Prime Minister, namely that this House stands adjourned to Thursday, 14th January, 2016 at 2.00 p.m.

Adjourned accordingly at 1.36 a.m.