

National Assembly Debates

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF
THE SECOND SESSION (2002-2006) OF THE EIGHTH PARLIAMENT
OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE
REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

90TH SITTING

2.05 PM

Thursday, 16 March 2006

MEMBERS OF THE NATIONAL ASSEMBLY (69)

Speaker (1)

The Hon. Hari N. Ramkarran, S. C., M. P. - *Speaker of the National Assembly*

Members of the Government (38)

People's Progressive Party/Civic (34)

Non-elected Ministers (3)

The United Force (1)

The Hon. Samuel A.A. Hinds, M.P.

*- Prime Minister and Minister
of Public Works and Communications*

The Hon. Reepu Daman Persaud, O.R., J.P., M.P.

- Minister of Parliamentary Affairs

The Hon. Clement J. Rohee, M.P.

*- Minister of Foreign Trade and
International Co-operation*

The Hon. Harripersaud Nokta, M.P.

*- Minister of Local Government
and Regional Development*

The Hon. Gail Teixeira, M.P.

- Minister of Home Affairs

The Hon. Dr. Henry B. Jeffrey, M.P.

- Minister of Education (Absent)

The Hon. Saisnarine Kowlessar, M.P.

- Minister of Finance

The Hon. Shaik K.Z. Baksh, M.P.

- Minister of Housing and Water

The Hon. Rev. Dr. Ramnauth D.A. Bisnauth, M.P.

*- Minister of Labour, Human Services and
Social Security (Absent)*

The Hon. Clinton C. Collymore, M.P.

*- Minister in the Ministry of Local
Government and Regional Development*

The Hon. Satyadeow Sawh, M.P.

*Minister of Fisheries, Other Crops and Livestock
(Region No. 5-Mahaica/Berbice)*

*The Hon. S. Rudolph Insarally, O.R, C.C.H, M.P.

*- Minister in the Office of the President
with responsibility for Foreign Affairs*

*The Hon. Doodnauth Singh, S.C., M.P.

*- Attorney General and Minister
of Legal Affairs*

The Hon. Dr. Jennifer R.A. Westford, M.P.	- Minister of the Public Service (Absent)
The Hon. C. Anthony Xavier, M.P.	- Minister of Culture, Youth and Sport (Absent)
The Hon. Bibi S. Shadick, M.P.	- Minister in the Ministry of Labour, Human Services and Social Security (Region No. 3 - Essequibo Islands/ West Demerara)
**The Hon. Manzoor Nadir, M.P.	- Minister of Tourism, Industry and Commerce
The Hon. Carolyn Rodrigues, M.P.	- Minister of Amerindian Affairs (Absent)
*The Hon. Harry Narine Nawbatt, M.P.	- Minister of Transport and Hydraulics
The Hon. Dr. Leslie S. Ramsammy, M.P.	- Minister of Health
Mr S. Feroze Mohamed, M.P.	- Chief Whip
Mr Cyril C. Belgrave, C.C.H., J.P., M.P.	- (Region No. 4 - Demerara/Mahaica)
Mr. Donald R. Ramotar, M.P.	
Mr Husman Alli, J.P., M.P.	- (Region No. 7 - Cuyuni/Mazaruni)
Mr. Komal Chand, C.C.H., J.P., M.P.	
Mrs Indranie Chandarpal, M.P.	
Mr Bernard C. DeSantos, S.C., M.P.	- (Region No. 4 - Demerara/Mahaica)
Mrs Shirley V. Edwards, J.P. M.P.	
Mr Odinga N. Lumumba, M.P.	
Mr Heeralall Mohan, J.P., M.P.	- (Region No. 2 - Pomeroon/Supenaam)
Mr Ramesh C. Rajkumar, M.P.	- (Region No. 6 - East Berbice/Corentyne)
Dr Bheri S. Ramsaran, M.D., M.P.	
Mrs Philomena Sahoye-Shury, C.C.H., J.P., M.P.	- Parliamentary Secretary, Ministry of Housing and Water - (Region No. 1 - Barima/Waini)
Mrs Pauline R. Sukhai, M.P.	
Dr. Moti Lall, C.C.H., M.P.	- (Region No. 3 - Essequibo Islands/ West Demerara)
Mr Zulfikar Mustapha, M.P.	
Mr Neendkumar, M.P.	- (Region No. 4 - Demerara/Mahaica)
Mr Khemraj Ramjattan, M.P.	- (Region No. 6 - East Berbice/Corentyne) (Absent)

* Non-Elected Minister

** Elected Member from The United Force

Members of the Opposition (30)

(i) People's National Congress/Reform (27)

Mr. Robert H. O. Corbin, M.P.	- <i>Leader of the Opposition</i>
Mr. Winston S. Murray, C.C.H., M.P.	
Mrs Clarissa S. Riehl, M.P.	- <i>Deputy Speaker of the N.A</i>
Mr. E. Lance Carberry, M.P.	- <i>Chief Whip</i>
Mr. Ivor Allen, M.P.	- <i>(Region No.2-Pomeroon/Supenaam)</i>
Mrs. Deborah J. Backer, M.P.	
Mr. Deryck M. A. Bernard, M.P.	
Mr. C. Stanley Ming, M.P.	- <i>(Absent)</i>
Mr. Vincent L. Alexander, M.P.	- <i>(Region No.4-Demerara/Mahaica) (AOL)</i>
Mr. Basil Williams, M.P.	
Mrs. Volda A. Lawrence, M.P.	
Dr Dagleish Joseph, M.D., M.P.	- <i>(Absent)</i>
Miss Anna Ally, M.P.	- <i>(Region No.5-Mahaica/Berbice)</i>
Miss Sandra M. Adams, M.P.	- <i>(Region No.10-Upper Demerara Berbice) (AOL)</i>
Mr. Jerome Khan, M.P.	- <i>(AOL)</i>
Dr George A. Norton, M.P.	
Miss Myrna E. N. Peterkin, M.P.	- <i>(Region No.4-Demerara/Mahaica) (AOL)</i>
Mr. James K. McAllister, M.P.	- <i>(Region No.3-Essequibo Islands West Demerara)</i>
Dr Carl Max Hanoman, M.P.	
Mr Joseph Hamilton	
Mr Abdul Kadir, J.P., M.P.	- <i>(Region No.10-Upper Demerara/Berbice)</i>
Mr Ricky Khan, M.P.	- <i>(Region No.1-Barima/Waini)</i>
Mr Dave Danny, M.P.	- <i>(Region No.4-Demerara/Mahaica)</i>
Mrs. Rajcoomarie Bancroft, M.P.	- <i>(Region No.8- Potaro/Siparuni)</i>
Mr Nasir Ally, J.P., M.P.	- <i>(Region No.6-East Berbice/Corentyne)</i>
Miss Judith David, M.P.	- <i>(Region No.7-Cuyuni/Mazaruni)</i>
Miss Genevieve Allen, M.P.	- <i>(Region No.4-Demerara/Mahaica)</i>

(ii) Guyana Action Party/Working People's Alliance Party (2)

Mrs Sheila V.A. Holder, M.P.	
Mrs Shirley J. Melville, M.P.	- <i>(Region No. 9 -Upper Takutu/Upper Essequibo)</i>

(iii) Rise, Organise and Rebuild Party (1)

Mr Ravindra Dev, M.P. *(Absent)*

OFFICERS

Mr Sherlock E. Isaacs, *Clerk of the National Assembly*

Mrs Lilawtie Coonjah, *Deputy Clerk of the National Assembly*

PRAYERS

The Clerk reads the Prayers.

PRESENTATION OF PAPERS AND REPORTS ETC

By the Speaker of the National Assembly:

Report of the Auditor General on the Public Accounts of Guyana and on the Accounts of the Ministries, Departments and Regions for the fiscal year ended 31 December 2004

By the Minister of Labour, Human Services and Social Security:

The Sugar Industry Labour Welfare Fund Committee Annual Review for 2004

[Deferred]

By Mr Winston Murray on behalf of Mr James K McAllister (Chairman of the Parliamentary Sectoral Committee on Economic Services):

First Periodic Report of the Parliamentary Sectoral Committee on Economic Services

QUESTIONS TO MINISTERS

The Speaker: Honourable Members, there are three questions on the Order Paper by Honourable Members Mr Abdul Kadir and Mrs Shirley Melville. Question No. 1 is for a written reply and questions Nos. 2 and 3 are for oral replies.

Question No. 1 is for written reply by Honourable Minister of Public Works and Communications. The answers have therefore, in accordance with our Standing Orders, been circulated. Questions Nos. 2 and 3 are for oral replies and are for the Minister of Health.

For Written Reply

1. ROAD REPAIRS FROM WISROC JUNCTION TO THE BLOCK 22 AREA

By Mr Abdul Kadir

Will the Minister of Public Works and Communications state, how soon would the road repairs from Wisroc junction going North to the one mile extension area and south to the Block 22 area be undertaken?

Written reply submitted by the Minister of Public Works and Communications

Road repairs from Wisroc junction going North to the one mile extension area and South to the Block 22 area will be included in the work programme of the Ministry of Public Works and Communications in 2006.

For Oral Replies

2. PURCHASE OF DRUGS TO FIGHT HIV/AIDS IN GUYANA

By Mrs Shirley J Melville

What was the amount of financial assistance received by the Government of Guyana to date from the Government

of the United States of America for the purchase of drugs to fight HIV/AIDS in Guyana? And would the Minister provide details pertaining to the distribution of these drugs by region?

The Speaker: The Honourable Minister of Health, you may proceed.

Hon Dr Lelsie S Ramsammy: Mr Speaker, the first question from the Honourable Member Mrs Melville was what was the amount of financial assistance received by the Government of Guyana to date from the Government of the United States of America for the purchase of drugs to fight HIV/AIDS in Guyana? And would the Minister provide details pertaining to the distribution of these drugs by region?

In 2005, the Government spent \$379,443,000 on the purchase of ARVs. Of that amount \$151.2 million was received through a grant from the US Government in the PETFAR Programme. There are currently nine fixed treatment sites:

- Suddie Hospital;
- West Demerara Regional Hospital;
- the Gum Clinic in Georgetown;
- St Josephs Mercy Hospital;
- Campbellville Health Centre;
- New Amsterdam Family Clinic;
- Skeldon Hospital;
- Bartica Hospital; and
- Linden Hospital.

There are also two satellite centres at Charity that are operated by staff from the Suddie Hospital and the Georgetown Prisons operated by the Gum Clinic. There is a specialist for HIV treatment who travels to various areas including Mabaruma, Moruka, Matthews Ridge, Port Kaituma, Lethem, Annai, Karasabai, and Madhai providing treatment and all the ARVs are available at these centres. The ARVs available include first-line drugs lamivudine, stavudine, nevirapine and AZT. The lamivudine/stavudine/nevirapine combination is a single pill. The efavirenz/dinune, which is a single pill with AZT, lamivudine and indinavir and we have added tenofovir and Truvada to the first-line drugs. The second-line medications at these sites include kaletra and abacavir. There are currently over 3,500 people on treatment and care. Of these over 1,300 are on anti-retroviral treatment. Thank you.

3. FUNDS RECEIVED BY THE GOVERNMENT OF GUYANA TO FIGHT MALARIA

By Mrs Shirley J Melville

What was the amount of funds donated and allocated through loans to the Government of Guyana to fight Malaria and would the Minister provide details about how the funds were spent and how these drugs were distributed to the various regions?

Oral reply by the Minister of Health

Hon Dr Leslie S Ramsammy: Mr Speaker, the second question from the Honourable Member Mrs Shirley Melville is,

What was the amount of funds donated and allocated through loans to the government of Guyana to fight Malaria and would the Minister provide details about how

the funds were spent and how these drugs were distributed to the various regions?

The amount of money that was expended in 2005 was as follows:

- The Ministry of Health Malaria Programme - \$153.3 million;
- Through the Pan American Health Organisation RAVREDA Project there was a grant of \$68.9 million;
- Through the Global Fund - \$185 million; and
- Through the roll-back Malaria Programme of WHO - \$6.1 million

So there is a total of \$413.3 million in the programme.

The amount of money spent on Malaria drugs was \$87,974,000.

The drugs that were purchased included quaterm which is a new fixed dose combination drug, chloroquine, mefloquine, primaquine, quinine, artesunate and doxycycline. These are the drugs that are used in the programme.

Mr Speaker, recently the WHO had advised that countries should terminate the practice of single-drug regimen. Guyana had already moved to fixed dose combination three years ago.

Mrs Shirley J Melville: Mr Speaker, a supplementary to the third question ... The third question came second, with regard to Malaria.

Could the Honourable Minister say how the funds were spent and the drugs distributed to the various regions? For example, at the moment Region 9 is short of drugs. So we would just like to know how these drugs were distributed to the various regions?

Hon Dr Leslie S Ramsammy: Mr Speaker, I have said how the funds were spent. The funds were spent on employment costs, on ma-

terials and supplies, which include drugs, fuels and lubricants and I can go through the list. I have a distribution of drugs to all the different regions, but they are a long list of drugs and I can provide ... For example Region 9 received:

- 8,000 chloroquine;
- 3,000 quinine capsules of 300mg;
- 3,000 quinine tablets in 2005;
- 32,000 quaterm;
- 15,000 primaquine (15mg); and
- 2,000 primaquine (7.5mg).

So Region 9 received 125,340 pills for 2005.

I have received reports from various persons, including Honourable Member Mrs Melville about shortages, but we have not been able to verify the shortages and in fact this morning, I was in contact with the Region 9 Health Authorities - Region 9 supervised them. Region 9 indicated to me that they do not have any shortage, so I will be happy to supply them with additional drugs.

Mrs Shirley J Melville: Mr Speaker, just to update our Honourable Minister that there is a shortage because patients from Patanow Village were turned back earlier this week

Hon Dr Leslie S Ramsammy: I am going to follow up, but as I said this morning, I have spoken with Region 9. That was not the information I received.

STATEMENTS BY MINISTERS

The Speaker: The Honourable Minister of Foreign Trade and International Cooperation.

Hon Clement J Rohee: Mr Speaker, the European Union Agricultural Council reached a political agreement last November on the reform of the European Union Sugar regime. The new regime, which will take effect on 1 July 2006, will see the price of raw sugar supplied by Guyana and its CARICOM and ACP partners reduced by a cumulative total of 36 percent over four years. The price will drop from the current €523.7 per tonne to 5.1 percent to €496.8 in 2006/2007 and 2007/2008 and then by 14.3 percent to €448.8 in 2008/2009 and finally to €335.2 in 2009/2010. We face a potential loss in export earnings of some US \$40 million per annum when the full cuts take effect in 2009/2010.

Vigorous lobbying by Guyana, the ACP and EU member states opposed to the European Commission's original proposal of a 39 percent cut over two years, resulted in a reduction in the proposed cut by a mere 3 percent. This is admittedly not a source of great satisfaction, but it helps to keep in view the fact that the total cut has also been attenuated somewhat by the delay in its implementation from the original date proposed of 1 July 2005. Moreover, the less severe reduction, in the first two years of the new regime, affords us some valuable breathing space for adjustment in order to guarantee, not only the survival of the sugar industry, but also the livelihoods of the thousands of Guyanese who depend on it.

With the decision having been taken on EU reform, the focus of CARICOM and our ACP partners has since been on the so-called *Accompanying Measures* and the need for adequate and front-loaded financial resources to help offset the impact of the price cuts on our economies and to facilitate the adjustment process.

The final determination of the budget for Accompanying Measures rests on a core decision of the European Council and the European

Parliament, expected in April. A process of inter-institutional consultation is currently on the way in Brussels between the EU Presidency, the Parliament's Budget Committee and the Commission on the overall EU budget for 2007 to 2013, which will determine the sum to be allocated to the ACP.

Mr Speaker, CARICOM sugar stakeholders met on 6 February 2006 in Port of Spain to consider development since the EU's November decision and arrived at a number of important conclusions and recommendations, which were presented to the 17th Intercessional Meeting of the Conference of Heads of Government of CARICOM, through the good offices of His Excellency, the President, in his capacity as Lead Head for Agriculture.

In light of the Stakeholders' recommendation at the ensuing discussions, CARICOM heads were of the view that the EU Sugar Regime reform, with its unilateral imposition of a 36 percent price cut for the ACP sugar exported to the EU, was a breach of the Sugar Protocol. This decision occasioned, furthermore, a sense of betrayal on the part of CARICOM and in the view of Heads, placed an obligation on the EU to provide commensurate compensation. They also noted that St Kitts/Nevis have been forced to cease sugar production, giving rise to the urgent need for assistance to prepare national adaptation strategies and financial resources for the implementation under the Accompanying Measures as proposed by the EU.

Mr Speaker, in this respect CARICOM heads agreed that:

- His Excellency the President, Bharrat Jadgeo and Honourable Denzil Douglas, Prime Minister of St Kitts/Nevis, should lead a lobbying mission to key EU capitals, the European Parliament and the European Commission to present the Region's position with regard to the proposed accompanying measures;

- *Options in relation to legal redress should be further pursued;*
- *The Region should pursue a twin-track approach, whereby the Sugar Protocol and its benefits are maintained as a discrete arrangement;*
- *Individual sugar-producing countries should advise the CARICOM Secretariat of their respective positions, with respect to the future of the sugar industry in their respective countries;*
- *The strategy proposed by the stakeholders of the recent retention, within the CSME, of individual Sugar Protocol quota shortfall should be pursued by CARICOM's diplomatic representative in Brussels*

Mr Speaker, in the meantime we in Guyana have not been idle. Anticipating a price reduction the Guyana Sugar Corporation (GUYSUCO) has already articulated and began to implement, a forward-looking business plan that aims to cut production costs, expand production and diversify into value-added products. Just over a year ago, speaking on the occasion of the official commencement ceremony of the Skeldon Sugar Modernization Project (SSMP), I spoke about the future of sugar in Guyana. At that time, I had said that the decision to modernise the sugar industry signalled the shared vision of the Government of Guyana and GUYSUCO regarding the future of sugar in this country.

Mr Speaker, I am also pleased to state that, in the wake of the reform, a National Action Plan on accompanying measures has been prepared against the backdrop of bipartisan support for sugar and its place in Guyana's development. In this respect, it would be recalled that the EU sugar reform was debated in the National Assembly last year, leading to the passing of a Resolution on sugar on 21 July 2005. The National action plan is the result of a consultative process involving a

wide range of stakeholders, including Government, GUYSUCO, trade unions, private cane farmers, the private sector as a whole and the general public, culminating in two public consultations, held in Georgetown and Port Mourant last month.

The Action Plan is therefore a nationally-owned strategy, which is intended to accelerate the implementation of the restructuring and modernisation programmes at GUYSUCO, with a view to increasing its productivity and production. It is also aimed at addressing other aspects of national development and national competitiveness.

Mr Speaker, the EU has recently approved the sum of \$40 million for the ACP in 2006 to kick-start the process of adaptation. Generally, the Caribbean seems to have been treated favourably in their indicative allocation and it appears that Guyana should get around €5million, second only to Mauritius. Comparatively speaking, our lobbying efforts have made some impact, as the sums being allocated to Guyana and the Caribbean reflects the importance of the sugar sector in the Region.

The Government of Guyana and our ACP partners have noted the European Commission's proposal to provide, during 2007 to 2013, €190 million annually to the ACP and the recent European Parliament's resolution, calling for at least €200million Euros per annum. We are, however, disappointed that these sums are not only less than half of what it is estimated is needed by the ACP as a whole, but are also in doubt, in light of the wrangling over the EU budget for the period ahead.

Mr Speaker, I have just returned from Europe, where I participated in the high-level CARICOM Mission to the EU, led by the Honourable Prime Minister of St Kitts and Nevis. His Excellency, the President, was unable to travel at the time of the mission because of pressing domestic considerations. We were received with a great deal of courtesy by the current President of the EU, the Austrian Chancellor and the President of the European Commission. We also had encouraging meet-

ings with the Finnish Prime Minister as Finland will chair the EU from July 2006 and with the British Minister responsible for development assistance in the context of sugar reform. We lobbied strongly for an appropriate package to be made available to the Caribbean and ACP sugar-producing countries affected by the reform. It is, however, a matter of deep regret that EU Member-States have since suggested that the fund for accompanying measures should start with €130 million in 2007 and peak at €170 million in 2013. This is back-loading, not the front loading we are seeking. We continue to be the collateral damage in the internal conflicts of the EU over its budget.

Mr Speaker, efforts are now on the way in the ACP to launch a mission, perhaps in April, to push for a comprehensive package, which would assist the ACP to cushion the adverse impacts of the sugar reform on our economies and achieve our Millennium Development Goals. We are deeply concerned at the lack of coherence in the EU's development, trade and agriculture policies and the glaring gaps in the rhetoric and promises emanating from the EU, with regard to adequate developmental assistance to sugar-protocol countries.

Mr Speaker, I look forward to the continued support of the National Assembly as we continue to fight for the survival of our national sugar industry. I thank you. *[Applause]*

The Speaker: Thank you, Honourable Member.

PUBLIC BUSINESS

BILL - Second Reading

- 1. MUTUALASSISTANCE IN CRIMINAL MATTERS**
BILL 2006 -- Bill No. 4/2006 published on 2006-01-16

A BILL intituled, an Act to give effect to the scheme relating to Mutual Assistance in Criminal Matters within

the Commonwealth; and to provide for mutual assistance in criminal matters between Guyana and countries that have a treaty with concerning such assistance.

Hon Attorney General and Minister of Legal Affairs

Hon Doodnauth Singh: May it please you, Mr Speaker, the Mutual Assistance in Criminal Matters Bill No. 4/2006 is a concrete step by the Government to provide for increase cooperation between Guyana and other countries to tackle the growing problems of crime within Guyana and in those countries.

In our increasingly globalized world, it is essential that States cooperate with each other in the suppression, investigation and punishment of crime and in bringing criminals to justice.

The Bill is based on the scheme relating to mutual assistance in criminal matters within the Commonwealth, but has been adapted to the needs of CARICOM and in particular Guyana.

The Bill provides for cooperation with Commonwealth countries and with other countries that have signed a treaty with Guyana, concerning mutual assistance in criminal matters.

As regards the CARICOM countries, they have signed the Caribbean Treaty on Mutual Legal Assistance in Serious Criminal Matters.

If you compare the Treaty against the Bill, you will observe many similarities in the language and provisions of the two documents. This is because the Bill has been crafted to give full effect to the Treaty, thus meeting one of the mandatory requirements of CSME.

The Bill also brings Guyana into line with Commonwealth countries all around the world that have enacted legislation to provide for mutual cooperation between States in criminal matters.

RT 1 of the Bill designates the Attorney General or his nominee, as the central authority. The central authority will be responsible for receiving and transmitting requests for assistance on behalf of Guyana. Part I makes it clear that the Bill does not cover extradition and does not detract from any other form of cooperation in criminal matters between States.

PARTS 2 and 3 of the Bill are the operational parts. PART 2 provides for Guyana to make request for assistance from the countries covered by the Bill, while Part 3 provides for Guyana to receive and process request for assistance from countries.

The form and content of their request for assistance made to Guyana, must comply with the requirements in the Schedule. Assistance can be sought or given in a wide range of matters including obtaining evidence and information; locating and identifying persons or things; obtaining things by search and seizure; serving documents; transferring prisoners temporarily and tracing, freezing, seizing or confiscating proceeds of crime subject to the laws of Guyana.

When the Central Authority for Guyana receives a request for assistance, it must accept and carry out that request unless a ground specified in the Bill applies. Certain types of request must be reviewed for example:

- requests relating to the offence of a political character;
- requests that would prejudice the security or international relations of Guyana; or
- requests made for the purpose of prosecuting someone for that person's race, sex, religion, nationality, place of origin or political opinions.

The Central Authority can refuse request on a number of other grounds for example:

- when carrying out a request would prejudice an ongoing investigation in Guyana;
- when the request does not meet the requirements of the schedule; or
- where the request relates to an offence against military laws of the requesting country that is not an offence against the ordinary criminal law of the country.

Generally, the central authority for Guyana must notify the requesting country of any refusal and the reasons for it. When the central authority accepts a request, it must use its best efforts to carry out the request and must notify the requesting country of the outcome.

To carry out a request magistrates or courts in Guyana will be empowered to -

- (a) *Subpoena persons to obtain evidence requested;*
- (b) *Issue a search warrant to search for and obtain a thing as requested;*
- (c) *Register a confiscation order, forfeiture order or restraining order, in relation to property in Guyana; and*
- (d) *Issue a restraining order, in respect of property in Guyana.*

To protect the integrity of the request, the Bill requires all requests for assistance sent or received to be kept confidential. It also restricts the use of evidence or information, obtained as the result of a request.

PART 4 extends the application of the Bill to any country that has a bilateral or multilateral treaty with Guyana in respect of mutual assistance in criminal matters and any country that is a party to the United Nations Convention against illicit traffic in narcotic drugs and psycho-

tropic substances 1988, as if the country was a Commonwealth country.

PART5 deals with certificates issued by the Attorney General and with authentication of documents. It provides for transit of prisoners through Guyana as a result of a request for assistance.

Finally, it allows the Attorney General to make regulations that will be subject to negative resolution of the National Assembly.

In conclusion, the Bill, if enacted, would go a long way towards enhancing cooperation in criminal matters between Guyana and other countries. It has the potential to effectively contribute to the suppression, investigation and punishment of crime globally.

Mr Speaker, when I looked at Part 5 of the Bill, in which it is stated that the Attorney General will be empowered to make regulations which will be subject to negative resolutions of the National Assembly, I discussed with my drafting personnel the likelihood of changing that provision, because I am aware of some of the comments that have been made by some of my colleagues from the opposition benches. However, that provision remains as it is. Another issue that arises is the discussion as to whether the Bill as crafted by us, is compatible with the Commonwealth, as well as the CARICOM Treaty. My friend the Minister of Foreign Affairs, on a previous occasion, moved the Motion with respect to the CARICOM Treaty on Mutual Legal and Assistance in Criminal Matters and notified the National Assembly that the National Assembly be aware of the fact that Guyana has the intention to ratify the said treaty and that the Government of Guyana will formally ratify the said Treaty by depositing the instrument of ratification.

My Chambers has prepared a Schedule or a Table, which seeks to summarize the position in which we state that the Bill seeks to deal with both the CARICOM Treaty as well as the Commonwealth Treaty. If it becomes necessary I will circulate that Table or Schedule.

Mr Speaker, I now request that the Bill be read for the second time.

The Speaker: Thank you very much Honourable Member

Question proposed.

The Honourable Member Mrs Backer

Mrs Deborah J Backer: Mr Speaker and Members of the National Assembly, I agree entirely with the Honourable Attorney General when he spoke about the fact that ... well to paraphrase him *we live in a global village*. In fact, advances in technology have now made it possible for us to be here today and in Barbados tonight. Technology has made it possible for the Honourable Minister or any of the ministers to have a million US dollars here today. I am just using an example - all our Members from this side of the House to have it in Barbados tonight - lest I am being seen as biased.

The point is that indeed we live in a globalized world. I suspect that it is with that reality and a further reality that the most serious crimes that affect us now in the 21st century are called the transnational and international crimes. That having been said, Sir, it is not surprising that those treaties such as the Caribbean Treaty on Mutual Legal Assistance on Serious Criminal Matters and the Bill that is now before us for passage, have now become necessary.

Guyana is not the first CARICOM country to pass such legislation. In fact, Trinidad did so in 1997, an Act by the very same name - Act No. 39 of 1997; the Bahamas did it since 1998 and I think the same year that they signed what is loosely called the Drug Convention, which we have also signed. Barbados has also passed legislation and so has Belize.

Sir, the PNC/R would like to state very clearly that we support this Bill. That said, Sir, in normal circumstances, being a woman of few words, I would usually sit; [*Laughter*] being a non-contentious woman of few words, I would usually sit, but I think that I owe it to the National Assembly and to the Guyanese public at large to state some concerns

that we have.

Mr Speaker, we are aware that on some occasions, the Government has thought it necessary to pass legislations because of things that have been dangled either over them, before them or behind them.

Sir, an example of that would be the Trafficking in Persons Bill, which was passed in 2005 - think it was the first Act in 2005, after Guyana was faced with the possibility of US sanctions over human trafficking and had sixty days to crack down on forced prostitution and take other steps. In fact, at that time, we were a tier-three country and that, Sir, can be substantiated by Wednesday 16 June, *Stabroek News* report. Mr Speaker, you would recall that shortly after that we rushed to pass the Bill. Whatever it is, the reality is that the Bill is before us. Sir, getting a Bill laid before the House and its passage through the House, is important. No one can deny that, but we would want to suggest that that is only the beginning of the journey.

Sir, with your leave, if I can refer to the Money Laundering Prevention Act of 2000, we would understand that we commenced that journey in 2000 and six years after we are still commencing that journey. I know we should not be able to commence two times, but this Government has shown that that is possible. In those six years, one person has been charged under the Money Laundering Prevention Act.

Sir, we sincerely hope that this Mutual Assistance in Criminal Matters Bill will not become a white elephant. That is our hope.

Sir, both the Money Laundering Prevention Act 2000 and its predecessor of some years - the Narcotic Drugs and Psychotropic Substances Act 1988, have substantial provisions for forfeiture of property - for confiscation. I noticed the learned Attorney General spoke about freezing, seizing and confiscating and those two Acts have those provisions, yet nothing substantial has happened under those Acts. I would respectfully submit that that is because of the weak will and I repeat for emphasis, the weak will of this Government.

Sir, this is not only the PNC/R speaking about a weak will. The US Government in their recently-released International Narcotics Control Strategy Report also spoke of the weak will and I will quote from the section that deals with money laundering:

The Government of Guyana ... It is right in the first paragraph under the country's report. ...made no arrest or prosecution for money laundering in 2005, due to lack of adequate legislations, regulations and resources, as well as the apparent lack of political resolve to tackle money laundering as a serious crime.

The legislation is good. We support it, but as I said, our concern is, will it become a white elephant?

Sir, the PPP/C seems to feel that their responsibility ends with the birth of a Bill. If I may, they seem to think that they are a midwife and once they brought this Bill into the world, their responsibility finishes, but they have to understand that they are also the parents. They have to give the Bill life. They have to give the baby life.

Even as a midwife, they are not the best midwives, because many times, the regulations that should accompany the Bill to give it full life are never passed or take years to pass. I was about to begin my presentation by complimenting the Honourable Attorney General, when he mentioned that there are some concerns, on this side, about regulations and about being subjected to a negative resolution of the Parliament and I actually was going to compliment him, because I thought that he was going to say *and because of this, the draftsmen would change it*, but Sir, I lived in hope, but my hopes were shattered.

We have many paper rights and many paper Acts in this country and this is another one and we support it. However, we cannot overemphasize the fact that we are worried and not without justification, even if I say so myself. We are worried that this Bill will not be implemented, that the government, because of their track-record, has not

shown the will to implement these types of legislation which necessitate them going after people who, for some reason, they may not want to go after.

In addition to the concept of midwifery to which the government is bedded, the Government also seems to be wedded to the position that if they say something enough, it becomes the truth. This is relevant, because we are speaking about the Bill that gives us the right to ask another state party, who has similar legislation, to follow money, to follow things, to follow people and where necessary to transfer them here, where hopefully we would be able to seek conviction.

The recent US Report that came out spoke about, as I said, this lack of will. We do not know why, but there is an undisputed lack of will. I was forced to buy the Sunday Chronicle. Usually you would know that I would quote from the Stabroek News, but the Sunday Chronicle of 12 March said ... they tried to counteract what the US Report said and everybody should have a copy and the headline was:

WHAT THE US REPORT REALLY SAID?

I want to add, What the US Report Really, Really Said, because let us use an example. The new Minister of Home Affairs ... and I presume they are speaking about my friend, has shown greater commitment to fighting drug trafficking and corruption and Sir, I do not know if they anticipated ... and we also wait with bated breath, to have that list released, that list that would tell us where to go and where not to go... *[Interruption]*

The Speaker: Honourable Member, what does the US Report on drugs have to do with the Bill?

Mrs Deborah J Backer: Let me quote for you:

Matters relating to the mutual assistance in criminal matters within the Commonwealth and mutual assistance in criminal matters between Guyana and countries that have

a treaty with Guyana concerning such assistance?

[Interruption: 'It is relevant, because we want to know.']

The Speaker: I was not speaking to you Mr Corbin, I was speaking to Mrs Backer. *[Laughter]*

Mr Robert HO Corbin: I was not speaking to you. I was speaking to Mr Murray.

Mrs Deborah J Backer: Sir, the relevance is that while we support the Bill, our overriding concern is the lack of will of the Government to implement these sections where we already ... I am using that to show that we already have forfeiture sections in relevant legislation and they have done nothing.

The Speaker: Thank you very much, Mrs Backer, but the report you are reading from has no relevance to the matter under discussion.

Mrs Deborah J Backer: Thank you, Sir. I will move on. I think that my point has been made. I see the Minister is now fully awake and is preparing her list. *[Laughter]*

Sir, I want to turn briefly to the regulations in the Mutual Assistance in Criminal Matters Bill, the regulations are here, Sir.

There are four clauses that deal with regulations 36 (8) ... *[Interruption]*

The Speaker: Are those regulations separate from the Bill?

Mrs Deborah J Backer: No, I am speaking about the Bill, Sir and I am saying that it is within the Bill - four clauses within the Bill refer to regulations. Clause 36(8), Clause 34(7), 35(3) and there is a general Clause -- 44, which has four sub-sections and 44(1) says:

All regulations made under this Act shall be subject to negative resolution of the National Assembly.

I do not think it is too late, because I sensed from the Honourable Minister of Legal Affairs that he was not unmoved by our repeated contentions that it would be much better, in view of transparency and all those positive things we speak about, that rather than regulations being subject to negative resolutions, they should be subject to affirmative resolutions, where they are placed before the House and they are debated if necessary, rather than just being laid and then within thirty days you can, if you need to do that. So again I would not go to the US Report. I would go to many others lists of legislation that we have:

- the Medical Councils Act;
- the Medical Termination of Pregnancy Act;
- the Domestic Violence Act;
- the Money Laundering Act;
- the Narcotics Drugs Act; and
- this one that has a Clause about regulations.

Sir, to ask that as a matter of practice, we should make regulations subject to an affirmative resolution and also in some cases ... and I would want to think that this Act would fit smoothly into that, that a timeframe be put, because we are seeing in the Money Laundering Act - what has prevented the State from forfeiting, confiscating and freezing the same things that this Mutual Assistance in Criminal Matters is anticipating we ask another country to do. This Bill says, the Honourable Minister could write the competent authority in Barbados and ask them to freeze or to confiscate or identify. Yet, Sir, within our own country we are not doing it and that is largely because ... to an extent, the regulations are now six years old. So in addition to regulations being by an affirmative resolution, we would want to respectfully suggest that a time limit be placed on when regulations should come into force.

This is not only in regards to this Act. I am speaking about this Act.

In conclusion, we have no problem, in principle, with the Act. We support the Act, but our greatest fear . . . and we want to flag this very seriously that it does not just become another Bill that we can hold up at elections time and say, the Government passed this, the Government passed that without fully operationalizing the Bill, because if it is, then it can well see the beginning of serious deterrence being put to criminals who now move their persons, move their goods, move their assets, not only in the Caribbean, but within the Commonwealth generally. I thank you, sir. *[Laughter]*

[Mr Basil Williams rises]

The Speaker: Not yet, Mr Williams.

Thank you very much Mrs Backer and may I mention to you that on the issue of regulations, the draft Standing Orders as Honourable Members Mr Murray and Mr Carberry can tell you (I do not know who else is in the committee) contains a very important section on the establishment of a permanent Standing Committee of the National Assembly to deal with regulations. And these include, not specifically, but they obviously would relate especially to regulations which are subject to negative resolution only, because affirmative resolution has to go by Motion and Members deal with them, but that Committee has extensive powers in relation to these types of regulations and when to bring them to the attention of the National Assembly. I am not saying that is a substitute for what you are saying; but I am saying it is a substantial advance to what the situation is at present and Members would be well-advised to have a look at those drafts and I hope that they will be eventually adopted in the not too distant future..

Honourable Member, Mr De Santos

Mr Bernard C DeSantos: Mr Speaker, I rise to give my support to this Bill. It is said that *no man is an island* and indeed that is a truism which applies also to nations, because no matter how powerful, how rich they are, we all need as a community of nations the reciprocal as-

sistance and support of each other, so that our affairs may be run in a smooth and efficient manner.

The recent trend in the major CARICOM States has made this legislation both necessary and time, because I think it is common knowledge that in Guyana, Trinidad and Jamaica recently, there has been a tremendous upsurge in criminal activity and since criminals realise that when the long arms of the law of one country is seeking to finger them, they will move their activities, their resources, their assets, their ill-gotten gains elsewhere. It behoves us in the Caribbean to pool our resources by reciprocal arrangements to treat each other's interests as our own. This legislation seeks to assist in that behalf and what it does is merely to say, look, you after me and I will look after you. That is basically what it does. I will ask your assistance when it is necessary to protect my own national interests and when yours are threatened we will also come to your assistance. Of course, there are limitations, because many of these things collide with our own national interest and that is why the Honourable Attorney General, as the competent authority under the Act, has the power to limit any particular request and impose conditions.

It does not behove me, Mr Speaker, to belabour, section by section, all of these 40-odd clauses of this Bill. But I think the comments of my learned friend on the other side, whilst basically somewhat worthy of note, some of them are a little misleading and even misguided.

This legislation can only become operative if you can produce evidence. This is not a Bill to use willy-nilly against anyone, no matter how wicked they are. It recognises the actions of a democratic State. It recognises that it must act within the framework of fairness and therefore, for it to operate, a request to another State, be it Commonwealth or otherwise, the Bill has provisions which extends it outside of the CARICOM to Commonwealth States and also outside of that to States where, prior to now, we had bilateral arrangements of the like kind. This is nothing new and it seems to me that my friends on the other side likes to point out that other CARICOM peoples – nations, have passed legislation ten years ago.

The truth is, if you follow, particularly many of the smaller CARICOM nations, they have their national interest to deal with and they should not be bound to dealing with this Act, but I find that some of them are just copycats. The minute something happens, they pass a law. Particularly the one that the Honourable Member Mrs Backer mentioned about drugs and she was right when she said that we are not operating on our own free will and that we sometimes have to dance to somebody else's tune, but that is a misfortune which smaller nations have to live with. We must not allow it to rule us, but at the same time, we are bound by some other considerations - political considerations, to act in a certain way, even sometimes when we feel it is not quite opportune.

So, Mr Speaker, the Bill is a good Bill. It would be a good Act and the Government will pursue it when it is appropriate to do so - not willy-nilly and no amount of talking by the other side of what is happening to the Money Laundering Act. My learned friend has the good fortune to be a lawyer, so therefore she should know the difficulties in the legislation which exists now in executing forfeiture.

At one time, the Honourable Member Mrs Riehl found herself bogged down to the nose. I think she was on the government side then, not in this legislature of course, but she could not just get going. When you have a constitutional provision, which protects people's property and then you have another provision, which seeks to take it away, you are bound to find that there is a collision there, which makes it extremely difficult to get past that constitutional provision and that is what is happening. It is not weakness of will, but it is with reluctance on the part of the Government to act illegally or act unlawfully. It is with reluctance on the part of the Government to pursue the matter in a manner that is in any way inconsistent with the Constitution and with other rights. In other words, it is a situation in which you have to tread extremely carefully. It is as simple as that.

Mr Speaker, there is not much more I would wish to say, except to point out as the Attorney General did, that it is an important provision for confidentiality, because documents on all information given, in rela-

tion to this matter are strictly confidential and this will assist the process so that information can be given and can only be used for the purpose of criminal matters. They cannot be used for any other purpose. I thank you. [Applause]

The Speaker: Thank you, Honourable Member.

Honourable Member, Mr Basil Williams.

Mr Basil Williams: If it pleases you, Mr Speaker, like my honourable sister, Mrs Backer, I rise to indicate support for the Bill on behalf of the People's National Congress/Reform.

I must commend the learned Senior Counsel, the Honourable Member Mr DeSantos, for that lovely excuse he just gave for non-implementation of legislation passed by this Honourable House after due deliberation.

Mr Speaker, the promulgation of this Bill before this Honourable House is intended to combat the transnational nature of crime or to put it another way - the changing nature of crime in an ethos of globalization.

Global crime presents challenges that are beyond the capacity of individual States and behoves them to coordinate and to co-operate in their strategies to combat this changing nature of crime. Moses Naim, in his work *The Five Wars of Globalization* posited these wars as:

- (i) The illegal trade in narco-drugs;
 - (ii) The illegal trade in arms;
 - (iii) The illegal trade in people;
 - (iv) The illegal trade in money, in terms of money-laundering;
- and
- (v) The illegal trade in intellectual property.

Naim contends that illegal trade in drugs, arms, intellectual property in people and money are booming. Like the war in terrorism, the fighter controls these illicit markets and pits Governments against agile, stateless and resourceful networks empowered by globalization.

He contends that governments will continue to lose these wars until they adopt new strategies to deal with a larger, unprecedented struggle that now shapes the world, as much as confrontations between nation States once did in the past.

Globalization has not only expanded in illegal markets and boosted the size and resources of criminal networks, it has also imposed burdens on Governments. For example, tighter public budgets, decentralization, privatization, deregulation and a more open environment for international trade and investments - all of these make the task of fighting global criminals more difficult.

On the other hand, governments consist of cumbersome bureaucracy and generally co-operate with difficulty, but drug traffickers, arms dealers, alien smugglers, counterfeiters and money launderers, have refined networks to a high science; entering into complex and improbable strategic alliances that span cultures and continents. To achieve an improbable victory over criminals, governments must recognize the fundamental similarities among these five wars and they must treat these conflicts, not as law-enforcement problems, but as the new global trends that shape the world, as much as confrontations between nation states once did in the past.

Mr Speaker, Mr Naim contends that drugs and arms go together.

In 1999, the Peruvian military parachuted 10,000 AK47 weapons to the revolutionary armed forces of Colombia - a guerrilla group closely allied to drug lords and traffickers. The group purchased the weapons in Jordan. This is just to show you the transnational nature of such transactions.

Thursday, 16 March 2006

Mr Speaker, most of the roughly 80 million AK47 weapons in circulation are in the wrong hands. According to the United Nations, only 18 million or about 3 percent of the 550 million small and light weapons in circulation today are used by Government Military and Police forces. The illicit trade in arms generates more than US \$1 billion per year.

Small arms helped to fuel 46 of the 49 largest conflicts of the last decade and in 2001 were estimated to be responsible for 1,000 deaths a day.

Coordination and information sharing among government agencies in different countries are vital, even as these agile criminal organisations, designed to exploit every nook and cranny of an evolving but imperfect body of international law and multilateral treaty.

CARICOM countries have recognised the need to co-ordinate their activities to combat these transnational crimes. The Regional Security System (the RSS) for example, comprising of several CARICOM countries and established by treaty in 1982, includes in its remit anti-drugs operation.

However, the RSS ought to be widened to include all members of CARICOM to present a broader front in the war against international crimes. CARICOM States also co-operate and co-ordinate in the matter of extradition of fugitives in INTERPOL, in the Regional Committee of Commissioners of Police, the Regional Committee of Chiefs-of-staff and also in relation to the Ship-Rider Agreements.

According to Miss Louise Shelley, transnational organised crime will be a defining issue of the 21st century for policy makers, as defining as the cold war was for the 20th century and colonialisms for the 19th century.

Terrorists and transnational crime groups will proliferate, because these crime groups are major beneficiaries of globalization. They take advantage of increased travel, trade, rapid money movement, as my

Honourable friend Mrs Backer described just now, telecommunications and computer links and are well-positioned for growth.

R James Woolsey posits:

While organized crime is not a new phenomenon, today some governments find their authority besieged at home and their foreign policy interests imperilled abroad. Drug trafficking, links between drug traffickers and terrorists, smuggling of illegal aliens, massive financial and bank fraud, arms smuggling, potential involvement in the theft and sale of nuclear material, political intimidation and corruption all constitute a poisonous brew - a mixture potentially as deadly as what we faced during the cold war.

Regional and international co-operation re: organised transnational crime, will allow information-sharing, consultation, linking of plans and synchronisation of actions by countries.

Mr Speaker, countries at the eleventh United Nations Congress and Crime Prevention and Criminal Justice in April 2005, unanimously adopted the Bangkok Declaration - being greatly concerned by the expansion and dimension of transnational organised crime and terrorism and any existing link between them and by the increasing sophistication and diversification of the activities of organised criminal groups, as well as issues such as trafficking in human beings, money-laundering; corruption; cyber crimes, restorative justice and the root causes of crime.

Mr Speaker, it is in this context that we must address this Bill before us, to see whether it confirms and addresses the issue of fighting transnational crime. The provisions of this Bill are designed to foster Regional and International co-operation of nation States, including Commonwealth countries in the main and other countries that have a treaty with Guyana in fighting these transnational crimes. The provisions of this Bill seek *inter alia* to have country A bolster the criminal prosecutions in

country B and vice versa in the following matters:

- (a) Identify and locating persons and objects;
- (b) Taking evidence and statements from witnesses;
- (c) Obtaining the production of judicial or other documents;
- (d) Serving judicial documents;
- (e) Examining objects, sites and premises;
- (f) Providing any information and relevant exhibits;
- (g) Providing originals and certified copies of any documents and records;
- (h) Facilitating the personal appearances of witnesses;
- (i) Effecting the temporary transfer of persons in custody to appear as witnesses;
- (j) Executing searches and seizures;
- (k) Tracing, seizure and confiscating the proceeds and instrumentalities of crime; and
- (l) Providing other assistance consistent with objectives of this treaty, as agreed to by nation States

Mr Speaker, it is apposite that such mutual legal assistance is limited to the extent permitted by the law of the requested State. If I might respectfully refer you and Honourable Members to Part 2 of the Bill, which treats with *request by Guyana to Commonwealth countries for assistance*, we find that the various headings I had just outlined are reproduced under this part, especially in Clause 7 and then there is this question in Clause 8 which speaks to *assisting and locating and identifying accused persons suspected of crime and also witnesses*.

Thursday, 16 March 2006

Clause 10 speaks about search and seizure - which is very important and arranging the attendance of persons. Now arranging for person's attendance in Guyana, to facilitate a criminal prosecution would be optional. It appears that the transferral of a prisoner to Guyana for that purpose is not and that we could commandeer a prisoner and bring him to Guyana, to testify under this Act.

One important provision here is the assistance in tracing property, because as I stated earlier, in transnational crime, assets will be scattered all over the globe in different countries and along with Clause 14 these provisions are designed to directly combat transnational crime, where they make provisions for tracing and for also impugning the proceeds of the activities of transnational criminals.

Clause 15 makes provisions which would enable property to be identified in another Commonwealth country and incidentally the Commonwealth countries are listed in our Constitution - over 157 of them.

Section 16 *provides assistances in obtaining order in nature of restraining order* is where you have someone whom you suspect of crime and you suspect they have proceeds aboard; so you take preemptive action to prevent them from being able to dispose of their assets.

Mr Speaker, these provisions are excellent provisions if executed and implemented in this fight against global crime.

If we could have recourse to PART 3 of this Bill, I notice under this part that there are limitations to mutual assistance and these limitations are highlighted. One wonders if they might not prove to be a fetter in realising the vision of Regional and International co-ordination in fighting transnational crime.

Clauses 23 to 26 illustrate the difficulty of satisfying certain requests, as it shows you certain restraints in relation to obtaining what you request for, in certain countries and when certain countries request of Guyana the assistance in relation to those items listed earlier.

Clause 29 - *assistance to country in obtaining thing by search and seizure if necessary*. I suspect this might not present any difficult in Guyana, if we are being requested to search and seize in order to find a thing. This is what we have been doing all these years. I am not sure why they make provisions for the Attorney General to give the Commissioner of Police written authorisation to apply to a magistrate for a search warrant, because we do not practice that. That does not happen in Guyana. We have a custom of people just turning up at citizens' premises and entering without warrant, so Commonwealth countries ought not to worry whether they will get our assistance in these areas.

Clause 30 speaks about arranging the attendance of persons also, but that person is given the option to decide whether he wants to go or not and the prisoner does not have that option. Apparently he could be brought here as he likes.

Now even in Guyana, this question of seizing property ... it might be alright for us to send out to other countries - Commonwealth and other countries - that we have treaty with and make this request, but when these persons make this request of us, we are going to have some difficulty, for example, in getting these subpoenas that they need. We are going to have difficulties in getting confiscation orders in Guyana, as my Honourable sister was speaking about just now, because these things just do not happen in Guyana. You do not get forfeiture orders that relate to the proceeds of the nefarious activities of criminals. You do not get confiscation orders. You do not get freezing orders and tracing orders in this country - never had. I do not know of any case and I am practicing long in the criminal realm where this has never been done. Therefore Commonwealth countries that make such requests will be surely disappointed in this area if they have any hope of finding any proceeds from the ill-gotten gains of transnational crime.

Mr Speaker, I merely attempted to highlight some of the provisions in the Bill, but largely, I wish to confirm that the provisions in the Bill do tend to speak to what is contemplated, not only in this Treaty that we are going to deal with just now - this CARICOM Regional Treaty -

Thursday, 16 March 2006

but also in the scheme relating to Mutual Assistance in Criminal Matters within the Commonwealth, which was adopted by the Commonwealth law ministers at their meeting in Harare in July to August 1986 and endorsed by the Commonwealth Heads of Government at their meeting in Vancouver in October 1987.

Mr Speaker, we would appreciate that these dates 1986 to 1987, were dates coincident with the period when our Government - the People's National Congress/ Reform Government was in power. We had the foresight since then to recognize the importance of coordinating and co-operating internationally to fight transnational crime.

In conclusion, I will say that this Bill passes the test. It is only left now for implementation and the political will that is needed and I would not go into the United States Government Strategy Report, Mr Speaker. I thank you very much. *[Applause]*

The Speaker: Thank you very much, Honourable Member.

The Honourable Member Mrs Holder

Mrs Sheila VA Holder: Mr Speaker, I rise merely to give my full support to the Bill and since it is not my inclination to be repetitive, I will merely put on record that what the Bill does is significant, in that it transmits a very powerful message to transnational criminals, that the CARICOM Governments are prepared to collaborate in bringing criminals who are determined to continue to wreck our countries, determined to bring them to justice; hence to that, Mr Speaker, I share the opinions of the others before me that the Bill is deserving of our support. Thank you. *[Applause]*

The Speaker: Thank you, Honourable Member.

The Honourable Attorney General and Minister of Legal Affairs.

Hon Doodnauth Singh: May it please you, Mr Speaker, if I might, I just wish to make a brief comment about some of the observations which

have been made.

With respect to the freezing of assets and the point which was made by Mr DeSantos, with respect to the dichotomy between the Constitution and some occasions on the laws that entitles the person to freeze assets. The dilemma had arisen ... and it was dealt with in the Bahamas, when there was an order made by the court, with respect to the freezing of assets of a person who was being investigated. That dilemma was ultimately determined by the Privy Council.

The other matter on which I wish to advert to was raised by Mrs Backer and it is whether the Government of Guyana is serious about carrying out a request that has been made to ensure that criminals are brought to justice. I wish to advise this National Assembly that I recall an occasion when lawyers from the United States of America had visited the Chambers, together with investigators and advised me that they were going to indict fourteen Guyanese. In fact, sealed indictments had been made and that extradition request would be forthcoming. I am still waiting for the extradition requests to be made. They have not be made. So the issue about whether the Guyana Government is serious about taking steps is dependent on several matters. I do not wish to go into those matters and make comments.

With respect to Mr Basil Williams' comment on the freezing of assets has taken place. In Guyana, I know of two cases where it has been done and I wish to advise Mrs Backer that I have discussed the provision of the negative resolution and that at the appropriate time I will have an amendment made that will ensure that it is an affirmative resolution which will be brought to the House. *[Applause]*

Mr Speaker, I ask that the Bill be read for the second time.

Question put and agreed to

Bill read a Second time

IN COMMITTEE

The Chairman: Honourable Attorney General, can you indicate which clause is going to be amended, because unless there are amendments to any other clause, I would like to put the Clauses together.

Hon. Doodnauth Singh: It is Clause 44, Sir.

The Chairman: Honourable Members, is there any other amendment proposed?

Hon Doodnauth Singh: The deletion of negative and affirmative, Sir.

The Chairman: That is in 44?

Hon Doodnauth Singh: Yes Sir.

The Chairman: Okay. Is there any other Amendment being proposed, Mrs Backer?

Mrs Deborah J Backer: Sir, it is not an amendment, but in Clause 7 – the *if* – I think is typo or something like that.

The Chairman: Well we need not proposed an amendment to that. The Clerk is authorised to correct typographical errors. Thank you very much.

Clauses 1 to 43

Question proposed, put and agreed to

Clauses 1 to 43, as printed, as agreed to and ordered to stand part of the Bill.

Clause 44

Sub-Clause (4)

The Chairman: Honourable Attorney General

Hon Doodnauth Singh: I ask that there be a deletion of *negative*, Sir.

The Chairman: Where would that be?

Hon Doodnauth Singh: **Sub clause 44(4) - All regulations made under this Act shall be subject to negative resolution.**

Amendment -

Delete the word *negative* in line 1 and substitute with the word *affirmative*.

Question proposed, put and agreed to

Amendment carried

Clause 44, as amended, agreed to and ordered to stand part of the Bill

SCHEDULE, inclusive of Clauses 1 to 10

Question proposed, put and agreed

The SCHEDULE, inclusive of Clauses 1 to 10, as printed, agreed to and ordered to stand part of the Bill

ASSEMBLY RESUMED

Bill reported with an amendment, as amended considered, read the Third time and passed as amended

MOTIONS

ITEM 2 - RATIFICATION OF THE CARIBBEAN TREATY ON MUTUAL LEGAL ASSISTANCE IN SERIOUS CRIMINAL MATTERS

WHEREAS the Caribbean Treaty on Mutual Legal Assistance in Serious Criminal Matters was signed at Georgetown on January 5, 2006;

AND WHEREAS the Treaty was signed by the Minister of Foreign Affairs on behalf of the Government of the Republic of Guyana;

AND WHEREAS Article 27 of the said Treaty of the Instruments of Ratification with the Secretary General of the Caribbean Community;

NOW THEREFORE the Government of Guyana having considered the Treaty hereby confirms and ratifies the same and undertakes faithfully to perform and carry out all the stipulations therein;

BE IT RESOLVED:

That the National Assembly hereby agrees to the Secretary General of the Caribbean Community being informed of Guyana's intention to ratify the said Treaty and for the Government of Guyana to formally ratify the said Treaty by depositing the Instrument of Ratification.

The Speaker: Honourable Minister of Foreign Affairs, I understand that the Motion is in your name. You are asking that it be deferred?

So that Motion is deferred. Honourable Mr Murray. Where did

he escape to? Could you get Mr Murray please?

Honourable Member Mr Insanally

Hon S Rudolph Insanally: Mr Speaker, I would wish to be guided by you on how I proceed at this stage with regard to the Motion standing in my name. I have been advised that since I presented it at the last sitting and since we now contemplate that this Caribbean Treaty on Mutual Legal Assistance in Serious Criminal Matters would be subsumed under the Bill just presented by my Honourable colleague, it will not be dealt with.

The Speaker: You can do one of two things, Honourable Member. You can defer the Bill and when the Assembly dissolves, it lapses, or you can withdraw it.

Hon S Rudolph Insanally: Yes, I will withdraw it.

[Motion withdrawn]

ITEM 3 - ADOPTION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE FOR THE YEARS 2000 AND 2001

BE IT RESOLVED:

That this National Assembly adopts the Report of the Public Accounts Committee on its examination of the Public Accounts of Guyana for the years 2000 and 2001 and refers the Report to the Government for consideration.

The Speaker: Mr Murray.

Mr Winston S Murray: Mr Speaker, I rise to move the Motion standing in my name - namely *that this National Assembly adopts the*

Report of the Public Accounts Committee, on its examination on the Public Accounts of Guyana for the years 2000 and 2001 and refer the Report to the government for consideration.

Mr Speaker, since the years 2000 and 2001, the framework for the management of Guyana Accounts has changed significantly and so whatever I say with respect of 2000 and 2001 Accounts, will have to bear in mind that background and that change. For example, since then, we have had the introduction of IFMAS, which is the International Financial Management and Accounting System, which is going to affect ... and I believe in a positive way, the ability of Ministries and other Government Agencies from running things like overdrafts, because the control of these will be centrally-directed and will not be left in the hands of the ministries. So when I refer to sections of these Reports, which will talk about those situations, one has to bear that in mind.

We also have to bear in mind that the Financial Administration and Audit Act has been repealed by two Acts which have come into being in recent years - one being the Fiscal Management and Accountability Act and the other being the Audit Act. So references again to the FAA in these two Reports will in fact be outdated, but I did not have the time, nor could I properly refer to the new sections of the relevant Acts which replaces the FAA, since these accounts refers to particular years when these new Acts were not in operation. We will also have to bear in mind, when one talks of the non-compliance to the Central Tender Board Regulations, that we now have in place a National Tender Administration and again, therefore, the relationships would not be with the Central Tender Board, but with the National Tender Administration.

We also have to bear in mind that, since 2000 and 2001, we have a situation in which the Government has agreed that they will submit Treasury Memoranda in response to the recommendations emanating from the Public Accounts Committee, so that the House and the Nation, could know what the Government's response to those recommendations is.

Thursday, 16 March 2006

Subject to that, Sir, I will now have something to say, in respect of the Motion standing in my name.

As it is obvious, we have brought two years' accounts to the House and that was very deliberate. We could have brought 2000 and 2001 as separate reports, but we believe that since the accounts for 2001 became available to us towards the end of our consideration of the accounts of 2002, that we could, for those agencies that had not yet been interviewed, we could take the years together and revisit the ones we had covered for the year 2001 so that we can consolidate the report.

I say that to say that we have no intention, certainly as the Public Accounts Committee, to be contentious and to come here simply to bash the Government or anything like that. We have the national interest at heart and our role as we see it, is to give guidance in the conduct of transactions and to ensure that these transactions are consistent with the laws and in the way in which they are applied by accounting officers.

This Committee met on forty-nine occasions and given that we meet weekly, this is almost a period of one year. We did not meet continually. There were weeks when we did not meet, but we met over the period 2001 to 2004, to cover those forty-nine occasions.

We had before us forty accounting officers, along with their support staff, who appeared to give evidence and I must say that every accounting officer who came before us cooperated with the Committee so that we were able to elicit the information that we required.

The one regret we have is that it seems as though accounting officers, by the time we got to the accounts for their respective agencies, had changed and very often the accounting officers who appeared before the Committee were not in a position to really deal with the accounts in any authoritative manner in our presence.

We have attempted to make accounting officers, who have been there before, aware of the fact that under a law, we can summon them to

Thursday, 16 March 2006

be there to give an account of their stewardship during that period and we have exercised that option. The point that we also want to make is that the simple turnaround of officers, and we found that the new ones did not come with any knowledge or very little knowledge of the areas in which they are expected to account and to be accounting officers and we urge that there should be kinds of induction courses that would ensure that before they take their role and their offices, that they are adequately briefed on what it is they are supposed to be doing and the various laws and regulations with which they are required to comply.

Sir, the years 2000 and 2001 have being very little different from the year 1999 for which we, not so long ago, laid the Report in the National Assembly. Many of the same problems remain and continue to manifest themselves and I will perforce have to refer to some of them, especially the more obvious and worrying ones, because unless those are fixed over time, we will continue to face the problem of leakages, bad management and cost to the tax payers and to the people of Guyana generally.

So what I say, Sir, I hope will be taken in the spirit in which it is intended, which is to highlight the weaknesses so that the Government could take note of them and the Minister of Finance, in his Treasury Memorandum, could in fact respond to these weaknesses and to the recommendations that we have put forth to strengthen the accountability process in the administration of the financial affairs of our country.

Sir, may I also say that one of the general problems we have found is the unavailability of skilled accounting personnel and we found that, very often, it is pennywise and pound foolish in not manning these positions in the accounting sections of budget agencies, because what we have found is that, because of a lack of accounting staff in these agencies, cashbooks have left un-reconciled, bank accounts are left un-reconciled and these open enormous opportunities for wrong doing. In fact there are cases that have come to our attention where the police have been called in and where matters were laid before the court. That does not bring us any joy and certainly, that does not bring the taxpayers any

joy, because the most you get out of it is a criminal penalty, which puts the person in jail, but that does not necessarily recover the monies that have been lost. So we urge a re-look to the policy, which appears to be in place, of freezing staff or allowing attrition, not replacing staff when attrition takes place. We therefore ask that a special focus be placed on accounting sections in agencies, because we believe that, as I said, it may be pennywise and pound foolish to skimp on spending the resources to employ proficient people to look at these accounts and when subsequently we would be faced with lots of leakages and there is evidence of quite a significant amount of leakages.

Sir, the use and abuse of bank accounts is something that concerns us. We hope that this will be minimized, if not eliminated by the introduction of the IFMAS System, but I believe that we nevertheless need to draw attention to the situation, as it existed in 2000 and 2001. In fact, if you look at the table at the back of our Report, you will see it continued to occur and as recently as 2004 ... I know we have the accounts now for 2004, you will see that there continues to be a worrying situation of accounts being overdrawn and not being reconciled. We believe those are the reasons why these accounts can go into an overdraft, because if they are not being reconciled, then there is no signal to say that we are running into problems with these accounts.

There are two problems about it:

- (i) overdrafts are not usually authorised, and
- (ii) there is the question of impropriety which could occur if these accounts are not reconciled.

We urge that, to the extent that there are still accounts that will relate to years up to 2004, for sure, that attention needs to be paid to the reconciliation of these accounts. Now, Sir, there is a number of subvention agencies, which receive significant sums of money from the Government and there is a large number of them which have not been complying with the law over a great number of years by way of submitting their

audited financial statements as is required by law.

I do not want to name any of these institutions, but I want to draw attention to the fact that we have many institutions whose last years of financial accounts to this National Assembly are way back in 1998, 1999 and 2000, perhaps at best.

Of course, to be fair, there are others that are near to up-to-date - not many are up to date, but near to up-to-date. However, a large number have not been complying with the law and we would urge, as the Public Accounts Committee that these agencies be made to comply with the legal requirements and that the Minister in his Treasury Memorandum should address this particular matter, so that the House and the Nation could be informed as to what steps are going to be taken to correct this unacceptable situation.

Sir, perhaps the most worrying of the matters that we have had to look at is the continued disregard for the Constitution, in respect of the use of the lotto funds and as I speak to you in 2006, the situation remains the same. We say here now, in 2000 and 2001 accounts that the proceeds from the Guyana Lotteries are not being paid over to the Consolidated Fund; instead they are kept in a special bank account and are used to meet public expenditure. So what is worrying about that is that the Constitution requires that all monies that are paid and payable to the Government must find their way into the Consolidated Fund, except in the case of the exceptions identified in the Constitution and there is no exception made for a fund or for monies such as the lotto funds. So Sir, I do not know why the Government insists on perpetuating this unconstitutionality. However, I want to go on to say that it has, apart from the obvious Constitutional violation, there is the real risk that we do not know on what these funds are spent. There is no accountability to the National Assembly. We have to take it on trust - on somebody's trust.

The Auditor General cannot order these accounts. We do not know, Sir. The law requires that these monies should go into the Con-

Thursday, 16 March 2006

solidated Fund so that, through the budgetary process, Parliament has an opportunity to see in a transparent manner what monies are coming and how these monies are going to be expended and Parliament has a subsequent role and indeed a responsibility, when the matter comes to the Auditor General for him to have a opportunity to pronounce on the priority of those expenditures, in accordance with the law. That is not possible if we continue to have the resources from the lotteries put into a special bank account, managed specially and we know out of where - out of the Office of the President. Now that is wholly unacceptable. I would honestly like to see the Minister of Finance ... after all he is the Nation's main watchperson over the nation's finances, to tell us what steps, if any, are proposed to be taken and to ensure that these monies are dealt with constitutionally and in accordance with the law.

So there is a feed-off mechanism when something like this occurs, because what we also had before us in the Committee was a number of agencies which were retaining revenues and undertaking expenditures that were not part of their budgets. They are retaining revenues. Now in principle this is the same idea. They are not bringing the revenues into the Consolidated Fund, but they are retaining these revenues and sometimes they seek to get approval from the Minister as to what they want to do with it.

There are named institutions but, again, I prefer not to name institutions. There are some regions that indulged in this and there are some budgetary agencies that indulged in this. This is again also unacceptable. These monies have to go into the Consolidated Fund and from the Consolidated Fund any additional resources that the budget agencies need, they then make a request for supplementary provisions to take care of those additional needs; but you see, if the leader does things one way, we should not be surprised that budgetary agencies seem to think that they also could do likewise. So we urge that this matter be addressed.

Sir, another matter that has been of concern to us in the Public Accounts Committee, is the failure of a number of agencies in registering

Thursday, 16 March 2006

employees with the National Insurance Scheme in a timely manner and this is very persistent problem. I have two strong labour advocates in the Committee, Messrs Komal Chand and Cyril Belgrave, who never lets one of these agencies escape without attention, but what is worrying is that the effort is not being seen to be made to minimize the gap between the turning on of employees on new jobs and the registration with the National Insurance Scheme and we have drawn attention to the fact that this could ultimately jeopardize the benefits that these employees should receive and which they are entitled to.

Another matter which is of concern to us, Sir, which is bore out in this report, is the continued abuse of the Contingencies Fund. And if I may, I would like to read what we say here, specifically at Paragraph 3.19 on Page 7:

The abuse of the Contingencies Fund continued unabated, despite comments to this effect in previous PAC Reports. As required by Section 25 of the FAA Act.

which is now be not that act, but another Act.

This Fund should only be used if the proposed expenditure is:

- (a) Unforeseen;
- (b) Urgent;
- (c) No other provision exists; and
- (d) The expenditure cannot be postponed without injury to the public interest.

I have taken the pain, Sir, to check on some of the kinds of contingencies applications that were made to this National Assembly in those respective years. While I do not want to be exhaustive in my identification, in terms of applications, let me give you some of what I do not think measure up to the requirement of those criteria I just made.

Thursday, 16 March 2006

The Ministry of Information which was in existence in the year 2000 - \$10 million was allocated to purchase equipment for GTV and GBC in order to facilitate expansion. Now I am sure that this does not meet those criteria which I just identified for you. They may have being politically expedient, but I do not think political expediency is one of the criteria that I identified in what I read.

And then, Sir, we have here the Ministry of Finance, Accountant General - an additional \$25 million to meet shortfall in expenditure regarding overseas conferences. Now at most, at the particular time at which this occurred there may have been some impending visit that was urgent. Surely the most that would have been necessary were the resources necessary for that particular trip or the next two trips, but not \$25 million. Surely you could bring, by way of supplementary provision a request for this sum of money.

I would regard a dipping into the Fund for the purposes of that as not being consistent with the criteria that we have identified, and so, Sir, I want to repeat that we are concerned that the Contingencies Fund should be used in a way consistent with the criteria that we have identified, again which after criteria that exist elsewhere. They are not only in our report. We have culled them from their source.

The other matter that I wish to draw to the attention of the National Assembly is fact that the Consolidated Fund was overdrawn in both years in 2000 and 2001 by sums \$54 billion and \$63 billion respectively. Now this is alarming and indeed shocking, because side by side with this, one finds in individual accounts in Ministries lots of surplus monies, which should not have been there, which, promptly at the end of the year, should have found their way back into the Consolidated Fund and if that has been done, Sir, the Consolidated Fund would have been in surplus in these years. I am happy to say, however, that, since 2000 and 2001, I am aware that the Accountant General's Department, which is part of the Ministry of Finance, has instituted a policy in which monies that are there in the end of the year are automatically transferred to the Consolidated Fund through a process in which the Ministry of Finance

gets itself involved and that is to be lauded and we hope that will continue and indeed intensify, so that these monies are not left out there while the Consolidated Fund is in deficit, which is an unsatisfactory state of affairs.

The other matter which I believe we need to bring to the attention of this Honourable House is the failure to comply with the Tender Board Regulations. Well, now it would be the Regulations of the National Tender Administration. The abject failure ... you know, I believe I cannot help, but to name the Ministry of Home Affairs in this matter, because it is one of the most recalcitrant agencies in this regard. Everywhere else, over time, one has seen an improvement and I see accounting officers making an effort, but it seems as though, in this particular Ministry, this matter is embedded. Sir, there may be hope, because I do have very high expectations for the person who now occupies this office. I hope that my expectations will be fulfilled. I am also hoping that we will find that this situation changes, but it is not the only agency by any means. There are other agencies that run fowl of these regulations.

Sir, it is insidious because, what we find, is that there is a deliberate splitting of tenders so as to avoid the matter reaching the Central Tender Board or in this case it will be the National Tender Administration, because there are monetary levels which, when you go beyond, they go to the next level of the Tender Board Administration. Therefore, if you keep them within the departmental monetary levels, you are able to take the decisions at the departmental level or at the ministry level, without having to invoke the authority of the Central Tender Board and this is what we believe is part of what it is intended to serve. That is unacceptable.

The other thing is that the Minutes must show, if you do not award a contract to the lowest bidder on the basis on which you have awarded to someone who has a higher bid, be it the second, third or fourth highest. The logic in that is simple. It is that, all things being equal, the person who should win an award is the person who tenders the lowest price. And if, for some reason - maybe because of experience with the par-

ticular contractor - one feels that he should be accepted, because he has a bad record, then the Minutes should so record and by that record in the Minutes, the public is aware, the taxpayer is aware, this House is aware and the relevant agencies are aware that there is a good and proper reason. If such good and proper reason is not stated, then people are left to infer bad motives and we do not want such inferences to be drawn. The way to avoid such inferences being drawn would be to put these matters in the Minutes.

The other thing we find is that awards were given at a certain level and then there are changes that are made. The works are revised on an outgoing basis. Sometimes it is justified, because we have found that if ... it is like a house. You may start out thinking that it is ten pieces of board you have to change and then, as you go to take those ten, you find you have to change twenty or thirty, but that is not always obvious to us. What did we find? We have found occasions where the tender was awarded on a certain level and through a process of continued submission for increases, they are awarded without reference to the Tender Board and you would have done that, in the first instance, to keep it within the department of ministry level and avoid going there and then the addition may be so small again as to not warrant going to the Central Tender Board. In that way you keep control over who gets the project and what is done in respect of the project. This is highly unsatisfactory and should not be encouraged. In fact, we would like to hear the Minister of Finance when he brings his Treasury Memorandum telling us something about that.

Sir, there is one other matter that I believe I need to make reference to and that is the failure to satisfactorily maintain the public debt register. Now that is an extremely worrying thing. The Minister of Finance comes here and tells us in the budget speech about the state of debt and we expect that there will be proper record keeping in that Ministry so that at any time, anyone, any member of public could check that register to find out what is the true state of Guyana's debt and the payments or the owings in respect of those debts. So I will urge that the Minister ... As we say here, the public debt register was not satisfactory

maintained.

Loan agreements were also not tabled in the National Assembly in a timely manner. There has been some improvement of that recently, but I still believe that there is too long a lag between the signature of these agreements and their finding their way into the hands of the Members of Parliament.

Sir, there are one or two other specific recommendations on pages 11 and 12 which may bear being referred to.

First is the question of copies of documents for contracts and for divestment. Now we have had instances where ministries have been burnt and the Auditor General has said that he has been unable to audit particular aspects of the Ministry's affairs because of the non-existence of documents. We have advocated . . . but we have no power of executing this recommendation that at least three copies of such contracts should be made:

- One should reside with the executing agency;
- One should reside with the Ministry of Finance, which is the Ministry that would have signed the loan agreements;

and

- One should reside with the Auditor General so that he is never prevented or he never handicapped in his ability to audit those accounts.

We think this is a very important recommendation and we urge that this be implemented very early.

The last one to which I want to make reference, Sir, is the need for the Finance Secretary to respond to requests of the accounting officers to dispose of unserviceable items. We have continued to be strong against public officers on their failure to dispose of assets which they say are unserviceable; but they have had them there for years and when they

Thursday, 16 March 2006

come to us, they always tell us that the reason for that situation to continue to be so is that the Ministry of Finance fails to respond to their requests to have write-offs. Of course, we understand that it is not simply a letter seeking a write-off, but you also have to justify why you need a write-off, because if you have gone into an overdraft, maybe six, seven or eight years ago and the documents are not available or indeed have been burnt in a fire or whatever, you need to really argue a case to the Accountant General. So I want to say, on the one hand, while we urge a more expeditious consideration of requests for write-offs, we also want to balance that by saying to accounting officers that is not simply a question of making a request for a write-off, but justifying a write-off with the necessary documentation and arguments. The perpetuation of this situation in report after report does not give a good image or does not help in creating a good image of the way in which we run and administer our public accounts system. So we urge that action be taken here to ensure that this situation does not continue.

Finally, in my capacity as Chairman of the PAC, I would like to express my sincere thanks to all the members of that Committee, from whom I have had unstinting cooperation and I wish to place on record that I think we work exceedingly well as a team and I do believe we tried to capture what is the national interest at all times in our deliberations in that Committee. I therefore want to place on record my sincere appreciation to those other Members of the Committee who have helped me in the execution of my duties as Chairman. And finally, Sir, I would like to also express my and the Committee's appreciation to the Auditor General, the Secretary to the Treasury who is now the Finance Secretary and the Accountant General, who are advisors to this Committee and who have given us of their advice very willingly and very fully and to thank Mr Henry and the Clerk of the National Assembly and the staff of the Committees Division for the way in which they have conducted their duties.

I have great pleasure therefore, Sir, in moving this Motion in my name. Thank you. *[Applause]*

The Speaker: Thank you very much, Honourable Member.

If there is no other speaker, I would like a seconder please.

Mr Donald R Ramotar: Mr Speaker ... *[Interruption]*

The Speaker: Are you seconding the Motion, Honourable Member?

Mr Donald R Ramotar: Yes, I rise to second the Motion and in so doing, I would like to make some comments on the Report that has just been presented.

The Speaker: Honourable Member, before you begin to comment on the Report, can I ask how long you will be, because we passed the time when we should suspend. If you are going to be long then, of course, you have to ask that the Standing Orders be suspended and we could continue. Is that what you prefer Honourable Member?

SUSPENSION OF STANDING ORDER No. 9(2)

Hon Reepu Daman Persaud: Mr Speaker, I crave your indulgence, if you are so disposed, I ask that Standing Order No. 9 be suspended to allow the National Assembly to sit continually until the business is disposed of

Question put and agreed to.

The Speaker: Thank you. You may proceed Honourable Member.

Mr Donald R Ramotar: I want to begin by also adding my own thanks to the staff of the various departments for helping us with the work that has been done so far. I also wish to say that I think that this current Report, which represents two years, is yet another step in consolidating Government's progress in strengthening public accountability.

Are you aware this has been thirteen straight years since we have had the Auditor General's Reports laid in the National Assembly and

Thursday, 16 March 2006

made public [*Applause*] and also the period of time when the Public Accounts Committee have had the opportunity to examine these accounts.

Gone are the days when Accounting Officers had no one to account to. At least now, they are sure that they will be grilled on all monies expended by the Public Accounts Committee of this National Assembly.

Mr Speaker, I would also like to point out that last year one of the demands that we have made in the Report of the Public Accounts Committee and by the Public Accounts Committee itself, the issue of Treasury Memorandum and I have noticed that in less than a month after the 1999 Report was made, that the Treasury Memorandum was laid before this National Assembly, which I think was a great step forward. [*Applause*]

I also note that in the document which has been laid in the National Assembly - the Auditor General's Report - the Honourable Member made reference to some of the problems with Tender Board and in particular he named the Ministry of Home Affairs. Again, in the 2004 Report, on Page 226, Paragraph 94 9, it says:

In every case Tender Board Procedures were observed by the Ministry and the lowest bidders had received the awards..

He as speaking here about the Ministry of Home Affairs, which again shows that our work at the level of the Public Accounts Committee, is indeed having an impact on accountability and improving accountability within the country itself.

Moreover Sir, I wish to say that in relation to accountability, which our functions are just a part of, from 1992 to date, there have been very important legislative achievements of the Government in these areas. Resuming the preparation of the public accounts and as I said, we were tabling them all along and then the passing of some important Acts. The

Financial Administration Audit (Amendment) Act of 1993 - this important piece of legislation made the Auditor General the statutory appointed auditor of all public corporations and statutory bodies and gave his Office the authority to subcontract private auditors if he needed to do so, thus ensuring that the work of his Office could not possibly suffer from resource constraints. I am not saying that the Auditor General's Office should not have more resources, but the point I am making is that his Office now has the capacity to ensure that, even if he lacks resources, that he can procure those from outside to help him carry out his functions in auditing Government's and public corporations' accounts.

In 2001, a number of important amendments were made to the Constitution. These included provisions to enhance the independence of the Auditor General. For example, the Auditor General was no longer required to submit his report to the Minister of Finance, but instead to the Speaker of the National Assembly. In addition, his office was placed under the general oversight of the Public Accounts Committee.

In 2004, to operationalise these constitutional amendments and to further enhance the independence and the capacity of the Auditor General's Office, the Audit Act of 2004 was enacted.

In addition, over this period, the Government also enacted a number of other key items of legislation to improve public administration and accountability. These included:

- the Procurement Act;
- the Fiscal Management and Accountability Act; et cetera.

At the same time, the Government continues to exert every effort to ensure that the Auditor General's Office receives adequate resources and is strengthened on an ongoing basis. These efforts included a number of initiatives to source external funding and technical assistance to improve the institutional capacity of that office.

Mr Speaker, I wish also to note that we have had the Treasury Memo-

random here with us and this the first time ever, probably in the whole history of the Parliament ... I might be wrong for those who have been here longer than me, but I think it is the first time ever in the history of our country that a Treasury Memorandum was made in response to the Public Accounts Committee's findings.

Among the other major developments in the public financial management that have been implemented by Government and which are documented in the report, is the computerisation of the Government's accounting functions.

We have been assured and we will be looking forward to look at those in the future. A lot of the issues that we looked at - the bank accounts and other things, we were assured that those things will now be very difficult to do with the introduction of the new computerised, Integrated Financial Management and Accounting System. I think that has the potential to revolutionize Government's accounting and financial management capacity. I think, taken together with all the various laws that have been implemented and with the new development of the computerization process; also with the fact that the Ministry of Finance is now responding to tell us what they are doing about our reports; accountability will be further strengthened in the Government. As you know Sir, accountability being an important part of democracy, I think our whole democracy will be strengthened by this process. I thank you for your attention. *[Applause]*

The Speaker: Is there anything else Mr Murray?

Mr Winston S Murray: Yes please, Sir. May I just have a few minutes? I have in the past and I will do so again if it gives my colleagues on the Government benches a greater deal of satisfaction, congratulate the Government on the submission of the Auditor General's Reports for each year since they have been in office. I have said that before, so congratulations. If you felt that you had to say it to yourself, then so be it, but the important thing to note here, Sir, is what those reports reveal.

Thursday, 16 March 2006

They consistently reveal a failure to comply with systems and procedures and that is what, at the end of the day, is the knob and crux of the problem. The Auditor General's Reports are not an end in themselves. They only manifest what is not right within the system, but I did not choose to put it in that context. I simply laid out, in a bare fashion, what the observations have been, so let us not get the two things mixed up. The Auditor General's Reports are coming here for every year so congratulations, but the fact is that there are still many, many, many things that are not being done in accordance with the financial rules and regulations, which I hope, if you take credit for the report, you will take blame for. *[Laughter]*

Sir, with respect to the Treasury Memorandum, again, we are pleased and heartened that this Memorandum is something that is agreed to, but how was it agreed to? It was at the behest of the international community. Let us palaver all we want about it, but let me put it in its proper context, and if it had not been put as a precondition, it would not have seen the light of day. That is not to say that we do not welcome it. We welcome it and we welcome it most sincerely.

Now, my friend has chosen to repeat all the Acts that I made adequate reference to, I thought, but again he felt he had to do it himself, but there is one which I want to comment on, because I cannot let what he said go without such comment and it is the adequate resourcing of the Office of the Auditor General. It is not true to say that in the wake of the Audit Act of 2004 and the Fiscal Management and Accountability Act, that the Audit Office is being adequately resourced. That is far, far from the truth. In fact, I see the hand of someone, in someplace, trying to restrict the freedom of the Audit Office from getting the resources it needs, so that it can employ the calibre of persons that it needs in order to do its audits in a more efficient manner. That is a matter which the Public Accounts Committee, together with myself, Mr Ramotar, along with the other Members of the Public Accounts Committee, will have to fight to do and I hope that we will fight and do so together.

So Sir, that is all I wish to say by way of response and I wish, therefore,

to ask that the National Assembly supports this Motion.

The Speaker: Thank you very much, Honourable Member Mr Murray.

Question put and agreed to

Motion carried

ITEM 4 - NEEDS ASSESSMENT OF THE GUYANA NATIONAL ASSEMBLY REPORT OF THE COMMONWEALTH SENIOR PARLIAMENTARY STAFF ADVISOR

WHEREAS by Resolution No. 80 dated 27 October 2005, the National Assembly appointed a Special Select Committee to make recommendations to the National Assembly on the implementation of the recommendations of the Needs Assessment of the Guyana National Assembly Report of the Commonwealth Senior Parliamentary Staff Advisor and his Addendum to his Report;

AND WHEREAS by Resolution No. 85 dated 15 December 2005, the National Assembly referred the recommendations of Study 1 of the Guyana Fiduciary Oversight Project Report (The Bradford Report) and the Draft Revised Standing Orders to a Special Select Committee;

AND WHEREAS the National Assembly stipulated that the Special Select Committee must ensure that all recommendations relating to rules, procedures and Standing Orders of the National Assembly were comprehensively considered in the light of the aforesaid reports and reported on to the National Assembly by 31 January 2006;

AND WHEREAS because of the constraint of time and its expanded mandate the Special Select Committee was unable to complete its work by the deadline set at 31 January 2006, and was, therefore, granted an extension of the deadline to 28 February 2006 by Resolution No. 97 dated 8

February 2006, of the National Assembly;

AND WHEREAS the Special Select Committee has submitted three Interim Reports to the National Assembly;

AND WHEREAS the Special Select Committee has found it necessary to seek a further extension of the deadline for the submission of its Final Report to 30 March 2006;

BE IT RESOLVED,

That this National Assembly approves of a further extension of the deadline for the submission of its Report to 30 March 2006.

The Speaker: Honourable Minister of Health, there is a Motion on the Order Paper for you.

Hon Dr Leslie S Ramsammy: Mr Speaker, the Honourable Members will recall that the Needs Assessment Special Select Committee had a deadline of 31 January to submit its report. We are grateful that the National Assembly extended that to 28 February, but we had seventy-nine recommendations, as well as a number of Standing Orders to review, but in spite of our diligent efforts, we have to come to the National Assembly to request an extension to 30 March.

The Speaker: Thank you. Is there any other speaker to this Motion?

Mr Winston S Murray: I want to say, Sir, that we, on this side of the House, support this Motion.

The Speaker: Thank you very much, Mr Murray.

Question put and agreed to

Motion carried

The Speaker: Honourable Members, I think that brings us now to the end of our business for today.

Thursday, 16 March 2006

Hon Reepu Daman Persaud: Mr Speaker, I move that the National Assembly stands adjourned to a date to be fixed.

The Speaker: Thank you, Honourable Minister of Parliamentary Affairs. Honourable Members, before we rise, there is a meeting of the Committee of Selection. Thank you very much.

Adjourned accordingly at 16:26H