Official Report

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

48TH Sitting — Monday, 15TH April, 2013

Assembly convened at 2.26 p.m.

Prayers

[Mr. Speaker in the Chair]

ANNOUNCEMENTS

Visiting students

Mr. Speaker: Hon. Members, just one announcement. Today we have visiting with us students from Region No. 2. The visit was arranged by the Hon. Member Mr. Damon. There are students from the Charity Secondary School, 8th of May Secondary School, Cotton Field Secondary, Johanna Cecilia Secondary and the Aurora Secondary School. Welcome. Thank you Mr. Damon for the initiative.

PUBLIC BUSINESS

GOVERNMENT'S BUSINESS

BUDGET SPEECH 2013 - MOTION FOR THE APPROVAL OF THE ESTIMATES OF EXPENDITURE FOR 2013

"WHEREAS the Constitution of Guyana requires that Estimates of the Revenue and Expenditure of Guyana for any financial year should be laid before the National Assembly;

AND WHERAS the Constitution also provides that when the Estimates of Expenditure have been approved by the Assembly an Appropriation Bill shall be introduced in the Assembly providing for the issue from the Consolidated Fund of the sums necessary to meet that expenditure;

AND WHEREAS Estimates of Revenue and Expenditure of Guyana for the financial year 2013 have been prepared and laid before the Assembly on 2013-03-25

NOW, THEREFORE BE IT RESOLVED:

That this National Assembly approves the Estimates of Expenditure for the financial year 2013, of a total sum of **one hundred and ninety four billion, three hundred and forty three million, seven hundred and sixty four thousand, eight hundred and seventy three dollars ($194,343,764,873), excluding fourteen billion, and four hundred and ninety six million, six hundred and seventy nine thousand, one hundred and twenty seven dollars ($14,496,679,127)** which is chargeable by law, as detailed therein and summarised in the undermentioned schedule, and agree that it is expedient to amend the law and to make further provision in respect of finance." *[Minister of Finance]*

Assembly resumed budget debate.

Mr. Speaker: Hon. Members we will proceed to resolve ourselves into Committee of Supply to consider the Estimates of Expenditure for the year 2013.

I have noted that on Friday afternoon, as the Clerk advised, that Mr. Ramjattan, the Hon. Member, submitted a list of proposed amendments to these Estimates. I have noted as well the position articulated by the Hon. Attorney General and others before and after Friday. By way of perhaps gaining some assistance from the House, I would wish to be advised. Mr. Ramjattan will you be proceeding to ask this House to consider these amendments?

Mr. Ramjattan: That is correct Mr. Speaker, I will be. As the procedure is, and as we did last year, it will largely be asking certain questions and although they are merely proposed cuts for which there is a parliamentary requirement of 24 hours notice, I would want to tell the House that depending on the threshold and satisfaction of the Alliance For Change as to the answers

given, we will then decide whether the cuts will be made or not. It is just like what happened the last time.

Mr. Speaker: What I needed to find out is whether or not you were proceeding to have the House deal with your motion.

Mr. Ramjattan: Yes I will.

Mr. Speaker: Is there any formal objection to the motion coming before the House. I ask this because if there is going to be an objection; I would wish to have arguments presented on it. Based on all I have read and heard I anticipate there is going to be an objection and I do not wish us to start the Estimates and when we get to a particular point we stop, have arguments and then resume. I prefer to deal with these issues at the beginning so we know clearly, one way or the other, where we stand. I needed some guidance as to whether there is likely to be a formal objection to the motion being before this House.

Attorney General and Minister of Legal affairs [Mr. Nandlall]: Yes, Sir, there will be.

Mr. Speaker: Five minutes ago, and the Clerk just came to me as well, I received a letter from the Hon. Member Mr. Carl Greenidge which, to be frank, I have not had a chance to even read and consider. However, I believe it pertains to the procedures we intend to adopt within the Committee and the Sub-Committee as well. Mr. Greenidge could you give some idea, in a succinct manner, of the nature of your point so that the Government may hear it and then we can decide on that as well whether it is something we could defer or we need to deal with; deal with earlier than later.

Mr. Greenidge: Mr. Speaker, thank you very much for receiving the letter. In essence you will recall that we have had, in terms of substance I am now pointing to, two motions followed by resolutions as well as three bills presented before this House on the question of the treatment of constitutional offices and the requirements of Article 222(A) of the Constitution. In this letter, I am drawing to your attention the fact that the Estimates as currently formulated are not consistent with the requirements of Article 222(A) of the Constitution, more specifically the Estimates as presented to us do not allow us to approve for a number of entities, the most important, if I might be a little invidious, would be the Courts as mentioned in Schedule 3(a) to

Article 222(A). You will recall that that schedule requires that the provisions for the specified agencies be set out in the Estimates as lump sum payments on an annual basis.

Just to say to you, one more point, that for the Office of the Auditor General and for the Ethnic Relations Commission the Ministry of Finance in setting out the Estimates confirmed to the requirements of the Constitution. It is not clear as to why none of the others have that characteristic. So in view of that we want to suggest that this particular matter be considered at another time with the Minister having made the requisite amendments. The details of the objection are set out in here but as far as I am concerned the Estimates for these agencies, the service commissions, the courts and so forth are not properly before us.

Thank you very much.

Mr. Speaker: Mr. Greenidge would you have an objection to me sharing your letter with the Government because I think that they are entitled to make a response.

Mr. Greenidge: Not at all, Mr. Speaker.

Mr. Speaker: Hon. Members in view of the notification by Mr. Ramjattan that he intends to continue to have his motion be considered by the House and in view of the fact that the Hon. Attorney General has noted the Government's position that they intend to formally object to the motion being properly before this House for reasons that will be advanced, I propose that we entertain arguments as to whether or not the House can entertain the motion in the name of Mr. Ramjattan before we begin consideration of the Estimates because that motion will have an effect on how we proceed with the Estimates. That is my proposition; that we do so at the earliest possible time which is now. I do not know whether Members need time to proper, but I would wish to have us commence today on the point as to whether or not a motion to amend Estimates is a motion this House can entertain.

Mr. Ramjattan are you in a position to address me on that today, now? Do you need an hour's time? I do not know who would be…

Mr. Ramjattan: I rather suspect if my motion is being objected to and you would like to hear arguments the Attorney General ought to start the arguments as to why it should not be allowed.

Mr. Nandlall: Sir, I have a slightly different view. The court has already ruled, and that is a matter of public notoriety, that the National Assembly has no power to amend or cut the Estimates, but there is still a motion notwithstanding that to cut the Estimates. Therefore, I believe Your Honour should invite my friend to show how in face of the court ruling it is still permissible for the National Assembly to entertain the motion. In any event, it is his motion and he has to prosecute his motion. Whatever objections I have will come after. He has to present his motion and convince us of the propriety of the motion. It is not automatic that any motion presented to the Assembly is proper.

Mr. Speaker: Thank you. Hon. Members, yes, a court has made a ruling, but I do not believe as I consequence, it should interrupt or interfere with our rhythm in terms of how we do things. Mr. Ramjattan, I would prefer for you to address us first as to the basis on which your motion is before the House. I do not know if the A Partnership for National Unity (APNU) wishes to be heard. What I am thinking is in the interest of time, I would not want to limit the debate. If I could have an indication from the Whips of how many Members would wish to speak. I was thinking two Members from each party, but if there is a request for more, of course, I would entertain it, but I was thinking two Members for each party, but then I would like to give those arguments some consideration and then I could rule, or we could have one from APNU, one from Alliance For Change (AFC) two from the Government. At the end of the day, it is to be able to get all the arguments presented.

Mr. Williams do you wish to indicate you will be speaking on behalf of the APNU?

Mr. B. Williams: Yes, please, Mr. Speaker. I had hoped to address you on the earlier point. As you are aware he who alleges must prove. We are going to put motions to this Hon. House and when we put the motions who wants to object they would have to take their objections. It means that the Hon. Attorney General has to start his submissions in this Hon. House.

Secondly, let me reject out of hand and I am happy now I have him on record in this Hon. House saying…

Mr. Speaker: We are not starting the arguments now.

Mr. B. Williams: No, Sir, I am rejecting his contention that the Hon. Chief Justice ruled that you cannot cut in this House any items of expenditure.

Mr. Speaker: Very well. Hon. Members we are entering again into unprecedented, unchartered waters. I have worked out for my benefit that I would need Mr. Ramjattan - even though that view may not be comfortable with everyone – to open in terms to say why his motion should be entertained and then I think we go in that order.

If we were to start the consideration of the Estimates and then wait for a formal objection it may be some time; I do not know. I prefer we clear this early rather than to start. Quite frankly, despite or apart from all those gathered here today the Nation is waiting and needs some direction, one way or another, as to where we are going. So it is not just a matter of those of us seated here. I prefer to have this matter dealt with early and upfront so the parties and the Nation could have a sense as to exactly where things are heading.

Mr. Ramjattan I do not think you would have any objection, so I would ask that you formally address me on this motion that is before the House.

Mr. Ramjattan: Thank you very much Mr. Speaker. The right of the parliamentarians in any Westminster democracy to propose amendments and even to effectuate amendments, is an inherent right of every National Assembly. To degut the National Assembly of that right is literally to take away the heart, if we were to compare the National Assembly to a human being. That is what gives the National Assembly that power of scrutiny and of supervision of the public moneys. What we had was a provisional judgement of Hon. Chief Justice Mr. Chang, though in the context of a variety of interpretations, I urge you as Mr. Speaker here to come to the conclusion that notwithstanding certain interpretations given to his ruling, we cannot cut, that indeed we can. The Constitution of Guyana gives us that right.

I refer to the material and relevant portion of Article 218(A) of the Constitution. It provides, and I have some notes here:

> "The Minister responsible for Finance or any other Minister designated by the President shall cause to be prepared and laid before the National Assembly before or within ninety days after the commencement of each financial year estimates…

> When the Estimates of expenditure have been approved by the Assembly a Bill, to be known as an Appropriation Bill, shall be introduced in the Assembly , providing for the issue from the Consolidated Fund of the sums necessary to meet that expenditure…"

We have two points here. Firstly, after laying his Estimates in the National Assembly the Minister of Finance seeks the approval of that Assembly. And generally, the approval comes with the motion that he lays before us, that he would like to see $208 billion expended for the year 2013. We have a motion to that effect laid here with his Budget speech.

Secondly, he has to come also for support from this National Assembly for what is called the Appropriation Bill to be approved so that expenditure can then be spent. It will, of course, have to be assented to by the President. However, what we have first of all is the submissions from the Attorney General and then a provisional ruling – and I use the word provisional ruling because it has never been made final and the Attorney General would like us to be bound by that. The arguments goes thus that the National Assembly, by the words approved in the Constitution, the National Assembly is being told in the form of submissions by the Attorney General that it can only approve or disapprove, it cannot reduce, amend or alter the expenditures. I am saying and making this submission that that is totally flawed. This power to approve obviously must mean to amend. It is strange that we in the National Assembly, it is being argued by the Hon. Attorney General, can disapprove all $208 billion of expenditure or we can approve all but we cannot reduce even by $1. That has to be a most notorious interpretation of our Constitution. To conceive that kind of argument is nothing more reckless and misconceived.

I want to bring to the attention of this National Assembly that our Constitution provides that any Member can seek a reduction of the expenditures and the estimates. Article 171(2) of the Constitution provides this:

> "except on the recommendation with the consent of the Cabinet signified by a Minister the Assembly shall not -
>
> (a) proceed upon any Bill which, in the opinion of the person presiding, makes provision for the following purposes
>
> (i) (this does not apply)

(ii) for imposing any charge upon the Consolidated Fund or any other public fund of Guyana or for altering any such charge (and these are the very significant words) otherwise than by reducing it."

What that is saying clearly is only for the increase it has to be done by a Cabinet Minister. If we wanted to increase the budgetary allocation from $208 billion to $280 billion, it has to come from some Minister over there. However, for imposing any charge upon the Consolidated Fund or any other public fund or for altering any such charge otherwise than by reducing it, it has to come and can come from any Member. The Constitution is clear. This Article was not addressed in the decision of the learned Chief Justice; provisional decision.

Moreover, Article 171 (2) (B) talks about a motion that must be brought here; that motion was brought here. In the Committee of Supply, that committee has the power to make revisions thereon once, of course, a person gives notice of what the amendment should be.

I want to state that in this Parliament we are governed by certain Standing Orders and the Standing Orders state very clearly what we can do in relation to amending a budget. Before I go to the Standing Orders, I want to indicate what the practice is in England because it is from them that we got our practice in relation to budget and alterations thereof. It is clear in Parliamentary Practice by Erskine May – I had an older edition and I quoted from it. This is what chapters 26 and 27 of the 21st Edition states:

"Firstly it is the executive branch which demands money and the House of Commons that grants it."

Similarly, here the Minister of Finance demands $208 million and it is this National Assembly that has to grant it. I want to make it quite clear as Erskine May makes it clear, the point must be made that this does not mean what is demanded must necessarily be granted. This is where the Hon. Attorney General and the learned Chief Justice in my view erred.

"Two, that a charge on the Consolidated Fund must be first considered in the form of a resolution or a motion."

This is what Erskine May is saying.

> "And when agreed to by the House of Commons in its Committee of Supply state then that charge could be authorised through an Appropriation Act."

That is exactly the position here. When the learned Minister of Finance indicated that his motion is to seek $208 billion in expenditure he was doing exactly as what happens in England. So it is the rule that expenditure then must be authorised by this resolution or motion we have, and then later on by that Appropriation Bill that will soon come to the House.

Thirdly, in England the practice continues:

> "The contents of the Estimates are designed to correspond to a variety of programmes coming under a particular government department, each of which is subdivided into subheads.

That is exactly what we have here; these very thick books - three volumes - all under subhead, agencies and line items. What is done in relation to each in the Committee of Supply stage is approve, revise or disapprove of them. That upon the voting on an individual estimate if an amendment is to be carried the subsequent question will be put by the Chair that is you Mr. Speaker. Then you can ask the question once, of course, there is the need for a cut to be made but, of course, again, we have to do the proposed cuts with 24 hours notice. That is in accordance with the laws.

If I may continue just with another one, the final practice. There must be legislative authorisation in the form of an Appropriation Bill after you would have done whatever the cuts or revision to the estimates are, and generally the Committee of Supply will see the Minister making the report to the National Assembly that the Committee of Supply has gone through the Estimates, and let us say there are cuts as we did last year, he will then report that there have been cuts and it is now an estimate as amended. Last year that is what was said. I am absolutely certain this year it is also going to be said as amended depending on if we do not get the answers and we have to do the cuts. It is important to understand that it is the Committee of Supply that will make the report to the National Assembly, which is the same thing, stating whether indeed, indeed we have an amended Estimates or not.

2.56 p.m.

The practice in Guyana is also similar to England by virtue of what we had placed in the Financial Management and Accountability Act (FMAA). Also, what are certain other Articles of the Constitution like Article 217, which says:

> "(1) No money shall be withdraw from the Consolidated Fund except –
>
> (a) to meet expenditure that is charged upon the Fund by this Constitution or by any Act of Parliament; or..."

It goes on it sub-articles (2), (3) and:

> "(4) Parliament may prescribe the manner in which withdrawals may be made from the Consolidated Fund or any other public fund."

All these Articles gives quite clearly because Parliament means the National Assembly and the President; they are saying that Parliament has the power to do all of these things. An integral component of the Parliament is this National Assembly. If all these Articles are giving Parliament or even if the word National Assembly is used, then it obviously means that we in this National Assembly have the power to make these cuts or amendments or alterations which is a better terms to use.

I want to go now to our Standing Orders, which surprisingly was held by the Chief Justice as not being law. Well, as I have argued before that learned Chief Justice, it is but the law of Parliament, that special branch called *lex Parliamenti*. Of course, I did not see in his decision anything mentioned about it again, but the law of this Parliament is governed by the Standing Orders. The financial procedures are stated quite clearly in Standing Order No.71 and thereafter. This is very important because this is what Standing Order No.71 says"

> "Estimates of Expenditure
>
> (1) The Estimates of revenues and expenditure for a financial year shall be laid before the Assembly by a Minister..."

And so on, within that certain time period.

> "...after signifying the recommendation or the consent of the Cabinet may, without notice, move a motion for the approval of the Estimates of expenditure. Such motion shall be the occasion for the Minister to make the Annual Financial Statement or Budget Speech."

We had that and we had the budget speech in print and attached therein was the motion of Minister Singh.

> "(2) After the motion has been proposed the debate thereon shall be adjourned..."

To a day later; that of course, we did already. It is very much in keeping with what we have done so far.

This is the very important one under Standing Order No.71 (5):

> "The motion for the approval of the Estimates..."

In that Committee of Supply:

> "...shall be amended if necessary, and put, without further debate, as moved or as amended, as the case may be."

That is what it says. Standing Order No.71says, that that motion that the Minister has brought here, shall be amended. The motion that he has brought here is that he spends $208 Billion. We have the power under the Standing Orders to make it clear that we can amend, if necessary and put without further, debate as moved or as amended, as the case may be.

Also, we have what is the work of the Committee of Supply. Under Standing Order No.72, it states it quite clearly that the Committee of Supply is to consider the Estimates. Later on at Standing Order No.76, we have this:

> "Amendments to the Heads of Estimates of Committee of Supply"

This is what Standing Order No.76 (1) says, just to give the significance of the argument that we can propose amendments:

> "(1) No amendment shall be moved in the Committee of Supply under this Standing Order until one day after that on which it was published in the Notice Paper."

No amendment to this motion, that is, that they sent $208 Billion shall be moved in the Committee of Supply under this Standing Order, until one day after that on which it was published. It is conceptualising amendments, but the amendments must come when we give a 24 hour notice. It could not be that it never contemplated that we have to either approve or disapprove; we can amend.

Look what Standing Order No.76 (4) says:

> "An amendment to any Head of Expenditure to reduce the sum allotted thereto in respect of any item therein may be moved by any Member, and shall take the form of a motion 'That Head..... be reduced by $..... in respect of (or by leaving out) Sub-Head..... item .....".

There is what is called some blanks. It has it quite clear. In our Standing Orders it has the blanks as to how you will full them up; take a look at it, Standing Order No.76 (4).

> "An amendment to any Head of Expenditure to reduce the sum allotted thereto in respect of any item therein may be moved by any Member..."

I am not a Minister; I am any Member here and I have asked to reduce it. I have given that 24 hours notice. I am going to state in relations to the line items, as I have done, how much we want it reduced by. We can do it because it is in accordance with the Standing Order.

There can be no clearer position from any reading of these Standing Orders that reductions were contemplated by the Committee of Supply. What I also want to state is that it is explicitly stated in our Constitution, in our Financial Management and Accountability Act and moreover, in our Standing Orders.

I have here, the suggestion, as I started off with, that if we are to degut this National Assembly of that power and authority, we are literally going to make this National Assembly the *de minimis*. We must never allow this. This power of National Assembly as especially taken out of West Minister democracies was a power that saw first of all huge fights in England, 400 years ago,

between the king and the parliamentarians. If anyone was to read Tudor's Constitutional history, they would come to the realisation that to become Parliament it had to have this power of supervision over the public's purse. To take away that power then is to denude us of the entirety of the powers that we have to ensure Government's money are spent properly. It is the people's money and the people's representative is that first authority to ensure that it be spent properly.

Mr. Speaker, I am going to give the arguments, if you would like to have it because I was more or less quoting from the extended arguments that I had written out, but it is quite clearly the position that this National Assembly has that power.

I want to make this point because it is very important that in matters to do with financial revisions and so on. When Parliamentarians are going to vote, very many people out there might feels that what they did was wrong. It was politically immoral what they did, to cut, let us say National Drainage and Irrigation Authority or the Cheddi Jagan International Airport (CJIA) or the Speciality Hospital Project, et cetera. They might very well feel that way. Whatever they feel, the authority to revise...

Mr. Speaker: Let us avoid the political arguments and focus on the legal or procedural. People will talk.

Mr. Ramjattan: Very well. That is right. That must not then be the abhorrent argument to hold that we cannot cut. That was the point I was trying to make because it was this and that, we must not do that. We are the final authority here and this kind of controversy then ought to be determined that way.

There is a very important thing that I would wish to mention to this Hon. House. It is coming from the Hon. Minister of Finance when he rebutted largely what I was saying last year with a set of remarks, which he made. We are talking about an extremely qualified person. I understand that he got good fantastic A Grades and all of that in his Degree in Accountancy and there is absolutely no way he would not know that we can make our reductions here. He knows it and on the 17th of April last year, 2012, this was what he said:

"Over the next six days..."

I am quoting him from the Hansard...

Mr. Speaker: Can you give the number because I may have to have a copy of that.

Mr. Ramjattan: It is Hansard, Part 2 of the 12th Sitting, Tuesday, 17th April, 2012, it had started sometime at 3.04 p.m. I will give you a copy Mr. Speaker. This is what he said:

> "...Hon. Members brandish numbers that they pluck out of thin air even when they deliberately, and otherwise, multiply them incorrectly - to brandish the imaginary scissors in the air as if to drive fear in anyone."

That was his introduction there before he came to the important point. Then he goes on to say:

> "Over the next six days we will be considering the national Estimates and it is the legitimate right of the Opposition to ask any questions it wishes, within the Standing Orders, in relation to those numbers. It is, indeed, the legitimate right of the Opposition to propose any change, within the boundaries of the Standing Orders..."

[Mr. Nagamootoo: Who said that?] He said that.

> "...to any of those numbers."

That is what he said. It is the legitimate right of the Opposition to propose any change within the boundaries of the Standing Orders to any of those numbers.

> "We, in the People's Progressive Party/Civic, will always defend that right. Our laws provide for it; our Standing Orders provide for it, and we will defend that right."

That is what he was saying last year. I want to give him a loud round of applause. ***[Interruption]***

He was conceding that we had that right.

Mr. Speaker: The Hon. Member.

Mr. Ramjattan: The Hon. Member sorry.

> "But I will say this: that that right shall have to be wielded and exercised responsibly because the people of Guyana are watching."

It is in the contemplation of even the Minister of Finance. Bright person as he is, with all the readings that he has done, that indeed we can cut, indeed we can make our amendments. We agree with him that we are not going to be wielded and irresponsible. No, we are going to be very rational like we were last year. It is important that what he is asking us to be that we will provide that. I want it to be known that in this Parliament, this Hon. Minister did concede, rightfully that we have the authority to reduce and amend the Budget.

There are lots of other things that he mentioned in here, when he said that he was hoping that we are having the right to cut, make judicious cuts. He was asking us to be judicious. He was saying, yes we can cut. Then of course he goes on.

> "I hear Mr. Nagamootoo is threatening by saying "judicious cuts".
>
> I will say this, that it is incumbent on all of us to ensure that we do not use this tyranny of one...to cut solely for the purpose of cutting."

Again, he was, by virtue of stating that, alluding to the fact that we can make this cut. When you read that very latter part, especially... we have also a number of cases all across the world where there are Elective Representative Assembly, through the deliberate process that their Standing Orders would provide for to make amendments to the country's Estimates. It has happened in Sweden recently, it has happened in Australia, it is happening in America right now. Mr. Obama, the President of America is having huge problems with the House of Representatives saying that they would like to see cuts in certain pork barrel projects. In Jamaica, we have seen it and all of that.

It is not that we are alone. We have seen it all across the world where National Assemblies have that power. Especially this, what the Minister has said:

> "It is ...the legitimate right of the Opposition to propose any change, within the boundaries of the Standing Orders."

The Standing Orders are saying we can make amendments. How come now he is going to say that we cannot? I am certain that he understood what he was saying her and he not going to now renege or retract on this. He did say this,

"We, in the People's Progress Party/Civic will defend that right of the Opposition."

Well I hope that he does.

Unless there is any other thing you would like to hear me on, I would like to end. [*Applause*]

Mr. Speaker: If there is any material that you would like to share with me I would be most willing to receive it.

Mr. Ramjattan: Thank you very much I will.

Mr. Speaker: Is there anyone who wishes to add to what Mr. Ramjattan has said? Mr. Attorney General, seeing that Mr. Ramjattan proposed, had it been the case where you had started first it would have gone, so I think, you would have to respond, if you are ready now or anyone else who wishes to. The Hon. Member, Dr. Singh.

Minister of Finance [Dr. Singh]: Mr. Speaker, I rise to offer brief arguments on the matter currently before this Hon. House. That is to say the House's consideration of the question of whether we are authorised in this Assembly, to make amendments to or to effect cuts to the Estimates submitted for consideration by the House, by the Executive.

Let me, at the very onset respond to the quotation of my words and contributions to last year's Budget Debate. Indeed, I suppose one is to be complimented when one is quoted so extensively by the Hon. Member Mr. Ramjattan. By drawing his attention to one of the earliest paragraphs, in Budget 2012 - Budget 2012, it would be recalled was the first budget presented in this Hon. House under this unprecedented parliamentary configuration; unprecedented in our country - it would be recalled that I said within the first few minutes of rising to present Budget 2012 and I am generally loath to quote my own words, but I believe, on this occasion, they are appropriate, so I beg the forgiveness of the House for doing this, I said that, I am on public record as describing the country's current position as uncharted waters. Not to the slightest reasons for trepidation whatsoever, but instead to signal the need for us to collectively determine a clear passage through what will inevitability be situations uncontemplated by the architects of our extant Constitutional and legislative framework.

I further exerted and I quote, "I would exert all of my colleagues in this Hon. House, never to lose sight of the need for good sense and practical answers, guided always by that which is fair and just and with but one aim constantly in mind and that is to ensure the uninterrupted daily advancement of our beloved country.

The operative words and references there are those that allude to the fact that we will inevitably in this House have to confront situations uncontemplated by the architects of our current legislative framework. I do not believe that those words should have come as a surprise to any Member of this House and I do not believe that they came as such. I do not believe that they surprised any Member of this Hon. House in any manner or form.

Whatever words I may have utter, at the end of Budget 2012, would have been words uttered without the benefit of our collective experience confronting, challenging and putting to the test, including the ultimate test, scrutiny by the courts of law.

This should not in any way be construed as a shifting of Government's position. The fact of the matter is, the Opposition, having exercised what it believed its right at that point in time and indeed, what many of us on this side of the House may have believe to be its rights at that point in time. The matter having been placed before the courts of law, the courts have now pronounced in a definitive an unequivocal manner.

Notwithstanding that those on that side of the House would appear wanting to ascribe some kind of infallibility to me, I would be the first to eschew any such assignment. Indeed, this Finance Minister respects the court of law and will always be guided by decisions handed down by the court of law. [**Mr. Ramjattan:** The court is not infallible.] But we will be guided by the court.

The fact of the matter is that Article...

Mr. Speaker: Allow me please to hear the Hon. Minister.

Dr. Singh: The fact of the matter is that Article 218, to which the Hon. Member referred, is in fact quite clear. The Article speaks of the Minister responsible for finance preparing and laying before this Assembly, Estimates of the revenues and expenditure of Guyana. The Article in paragraph two, goes on to say very clearly:

"(2) When these estimates of expenditure ...have been approved by the Assembly a Bill, to be known as an Appropriation Bill, shall be introduced in the Assembly."

The Constitution makes absolutely no provision for if the Estimates are not approved, what course of action would flow. It makes no provision for the option of Estimates that are either not approved or reduced and it makes no provision for Estimates to be submitted by any authority other than the Minister responsible for finance.

In fact, it is precisely this point that the distinguish Hon. Chief Justice ruled on. The Chief Justice said very clearly in his ruling...

Mr. Speaker: Which page is that please Hon. Minister?

Dr. Singh: Sir, I will start initially with page 13, the Hon. Chief Justice, having referred to Article 218, he said as followed: [**Mr. Nagamootoo:** Read the entire thing.]

> "It can readily be seen that it is the Minister of Finance or other designated Ministers who bear the Constitutional responsibility and duty of preparing and laying before the Assembly, the Estimates of both revenues and expenditures."

He goes on to say:

> "It is the Executive who have the Constitutional responsibility of managing and piloting the ship of State and as a matter of practical reality, the administrative machinery for preparing such estimates."

The Hon. Chief Justice goes on to say:

> "Unsurprisingly, the Constitutional does not address or speak to a negative state of affairs, such as non approval by the National Assembly, but speaks..."

[**Mrs. Backer:** You left out an entire paragraph.] I did not indicate that I would be reading the entire... notwithstanding Mr. Nagamootoo's very kind invitation. I did not accept nor acquiesce his invitation. I did jump forward to the middle of page 14. The paragraph regrettably are not numbered, or else I would have provided the number with the numbered paragraph, but the text in the interregnum do not in any way negate or conflict with the proceeding or succeeding text.

3.26 p.m.

On page 14, the Hon. Chief Justice continues. He says:

> "Unsurprisingly the Constitution does not address or speak to a negative state of affairs, such as non-approval by the National Assembly but speaks to a positive state of affairs, i.e. [that is] approval."

He repeats with added emphasis of his own. He says:

> "When the estimates of expenditure... have been approved..."

And he emphasises by underlining the words "when the estimates of expenditure", "have been approved". He goes on to say:

> "This is so [This constitutional formulation and its attendant implications are so] because it is inconceivable that the National Assembly, as a national institution, would cripple executive governance by non-approval of any estimates of expenditure."

That is a direct quotation and I will repeat:

> "This is so because it is inconceivable that the National Assembly, as a national institution, would cripple executive governance by non-approval of any estimates of expenditure."

I continue from page 14 of the Chief Justice's ruling:

> "Thus even though the power of approval necessarily has as its corollary the power of non-approval, Article 218 (2) was drafted on the assumption that the National Assembly would eventually approve the estimates of expenditure. Final non-approval of the estimates of expenditure by the National Assembly does not appear to be an option contemplated by the Constitution."

On page 16 of the Chief Justice's ruling he says:

> "If the National Assembly were to cut or reduce the estimates of expenditure this would mean that the estimates of expenditure would be as determined by the National

> Assembly, rather than by the Minister. The estimates would be as determined and approved [words highlighted] by the National Assembly rather than as determined by the Minister and approved by the National Assembly."

The Chief Justice continues:

> "Article 218 clearly does not give the National Assembly the power to determine the estimates for its own approval."

On page 17, the Chief Justice reverts to the core and crux of this matter because, indeed, this matter has its roots in our constitutional architecture, in the division of powers between the executive and legislative arms of the state and the fact of the matter is that we ultimately have to be guided by what is written in our Constitution. On page 17 the Chief Justice goes back to the root, as I said, of this matter. He says I am in fact making an insertion to abbreviate my quotation so my quotation now follows because he says, "applying that doctrine" in respect of which he is referring to the doctrine of separation of powers which he had just elaborated on.

> "Applying (the doctrine of separation of powers) to the interpretation of Article 218 [and here are the critical words of this paragraph] it does appear to the court that it was not permissible to the National Assembly to cut or reduce the estimates of expenditure to any particular figure since in doing so the National Assembly was both determining and approving such estimates. If the drafters of the Constitution had wanted the National Assembly to exercise such a power they could have easily conferred such a power on it in the Constitution in express terms as indeed was done in India..."

And he refers to Article 113 (2) of the Constitution of India.

The Chief Justices ruling concluding, including, I hasten to add, by an explicit reference to the very Article 171 to which Mr. Ramjattan refers. This is the second main constitutional article upon which Mr. Ramjattan rested his arguments; page 22 and it continues on page 23. Mr. Ramjattan, it will be recalled, rested his arguments on the pillars of Articles 218 and 171 (2) and he, in particular referred to Article 171 (2) that speaks about the constitutional restriction on matters that may be brought to this House without prior Cabinet approval – one of those matters, of course, begin incurrence of expenditure – an article that is well known to those of us in this

House. It would be recalled that before a number of matters I am required to signify the prior consent of the Cabinet before proceeding to consider the specified matters. Indeed it is for that reason that in the first paragraph of every budget speech, since time immemorial, reference has been made to Article 171, Paragraph 2. This was the second pillar or leg on which Mr. Ramjattan arrested his arguments.

The Chief Justice anticipated in his ruling such arguments or indeed responded to them where they were made in the court so in fact it is not that these arguments were not contemplated by the court. These arguments were in fact presented before the court and having listened to those arguments the Chief Justice said as follows. He said, and I am quoting now from the last sentence of page 22 continuing to page 23:

> "While Article 171 (2) (a) (ii) speaks directly to a bill for the imposition of an additional charge of the increase in amount of an existing charge on the Consolidated Fund it recognises only by implication that an existing charge [He underlines for emphasis the word "existing"] can be reduced in amount without the consent or recommendation of the Cabinet. Article 171 (2) (a) (ii) cannot therefore be construed as recognising that the National Assembly can proceed to effect a reduction on an existing charge without the introduction of a bill; after all a charge could have been created only by the passing of an appropriation act reflecting the amounts which have received the approval of the National Assembly. To reduce the amount of such a charge would require an amending act. A mere resolution..."

These are the words of the Chief Justice:

> "...after all a charge could have been created only by the passing of an appropriation act reflecting the amounts which have received the approval of the National Assembly. To reduce the amount of such a charge would require an amending act. A mere resolution cannot amend an act which creates a charge. In the instant case the issue is not at all the reduction of existing charges on the Consolidated Fund but a reduction of the estimates of expenditure as prepared and introduced by the Minister of Finance when there is as yet no charge upon the Consolidated Fund by way of an appropriation act."

I hear Mr. Ramjattan describing the Chief Justice's rulings as utter madness. That might be an opinion that he might have. I do not enjoy the latitude of describing rulings of the court in that matter and I would not dare so to do. Suffice it to say that there is a written decision, a written ruling, handed down by the Chief Justice of the courts of Guyana and we on this side of this House will be guided by this ruling, by statues enacted by this Parliament and ultimately by the supreme law of the land.

Mr. Speaker: One second, Minister. The page to which you referred that the Chief Justice dealt with, Article 171 (2) (A)...

Dr. Singh: Pages 22 to 23, Sir.

Mr. Speaker: Thank you.

Dr. Singh: At the bottom of page 22. Let me just double check that to make sure that I do not... It starts in the last sentence of page 22 and continues onto 23. As I was saying, we on this side of this honourable House will be guided by decisions handed down by the courts of law as in the current case of the decision handed down by our distinguished and erudite Chief Justice. Statues enacted by this honourable House, specifically the Fiscal Management and Accountability Act, and ultimately by the supreme law of our land, the Constitution of Guyana. Those are the pillars by which we, on this side of the House, will be guided and, so guided, we submit that the motion for an amendment to the estimates submitted by the Hon. Member, Mr. Ramjattan, and any similar such motion that might be contemplated for submission should not be entertained in this honourable House. Thank you very much. [*Applause*]

Mr. Speaker: Does anyone else wish to rise to rebut that?

Mr. Greenidge: Thank you very much, Mr. Speaker. I would like to address some specific issues in relation to this motion before us and more importantly I would like to draw your attention to a number of precedents in the countries that operate under the Westminster system.

The first point that I would like to make is that the power that any Parliament has in the modified or original Westminster system lies in the capacity to control the purse. No one, and in this particular instance I listened to the distinguished Minister address the issue of the Executive and its role and so forth... It is the Executive that had brought to this House a set of estimates. The

job of the Parliament has evolved over centuries and that evolution started from an arrangement under which the legislature was approached for funding to finance vitals, materials and the payments of persons and that is how the term, the language, supply originated.

In the United Kingdom, they spoke of the Committee of Ways and Means, which is the committee that exercised their minds over how taxes, the ways and means, would be raised to fund the activities. I mention that so that we understand that traditionally the Executive has a whole range of things to do during the course of the year. However, there has been many instances where it carries out those activities particularly placing imposts on the citizens without the approval of those citizens and in the case of this entire Region, including the North Americas, there were movements, even agitation in Guyana, which arose again in 1928 when our Constitution was first, if you like, overthrown resulting from the fact that the Executive, which was often at those times not elected, sought to raise taxes at a time or in circumstances where the representatives of the majority did not have a say in how those taxes would be raise. They ranged over a range of things. When the English did not want to Americans to trade with the Portuguese or with the Spaniards in the Region they would impose tariffs and those tariffs would force citizens to purchase what would be cheaper options. If you would stop and listen then you would not bring silly motions to the House. It would allow the citizens to exercise what was ostensibly a free option but it was not free because in effect you had stacked the cards by imposing taxes on commodities that came from outside of the United Kingdom itself. It is this concern over a minority and non-elected minority to determine the fiscal burdens of the populace that gave rise to the cry "No taxation without representation". There is logic to that; namely that the Legislature is the place where the taxes to fund the supplies, the purchase of equipment, the purchase of materials, the funding of officials, that is where the Legislature actually exercises it functions because on a day to day basis the operational things, such as the purchases and so forth are done by the Executive.

The idea therefore that the Executive would have the powers both to present an appropriation bill and to have it passed without modification, as Mr. Ramjattan pointed out, would actually degut the powers of the Legislature and there is no basis to argue that that actually exists anywhere in the Westminster system.

I had addressed this problem before, Mr. Speaker, I remind you. We receive estimates, proposals, for both expenditures and revenues from the Executive. The Executive brings those proposals and there are certain constraints on it already; they are already specified. We, as indicated, cannot raise taxes. We cannot add to the expenditures that are to be undertaken. These are the constraints. There are specific constraints drawn into all of those Constitutions and none of them includes an inability to amend the estimates other than in the manner that I have specified.

Now the case...

Mr. Speaker: The Hon. Member is asking how many speakers... I had suggested that we have two from each party then two each... but no one really indicated so I believe that the matter is sufficiently of import that we will allow some latitude on it. I do not anticipate that we will go on forever. I will allow persons who wish to speak to speak. I do not expect that we will have a filibuster but we will have... There seems to be something where Mr. Williams and Mr. Nandlall are waiting each other out but, Hon. Member, please proceed; my apologies. Go ahead. Sorry.

Mr. Greenidge: Thank you very much, Mr. Speaker. The process that I mentioned involving the Committee of Ways and Means, which we now call the Committee of Supply, is one that enables the Legislature to interrogate the proposals of the Executive. We did that. The proposals come and, at the level of the Committee of Supply, we asked questions that are intended to satisfy us that the requests are justified. In the event that they are not justified we then have an option and it cannot be the option with a budget that is so large that for want of a particularly small element of it one rejects the entire budget. In effect that is blackmail; if one is saying, "You have a budget of $208 billion but in there is an element that is illegal or improper and if you do not like it you have to bring the whole thing crashing down and, perhaps, trigger an election". This is not the intent of this system. Mr. Speaker, let me just remind you and for those that do not understand let me remind them, the only place – this is not on a national level – where a legislature in this Westminster system is not given the option to amend the estimates when they are presented is within a system where, prior to the consideration by the Committee of Supply – which actually operates as a committee of the whole – there is another committee which considers the matter which is a subcommittee of the House, which now exists in quite a number of countries. A subcommittee of the House looks at the matter and attempts to resolve the areas of difficulty. It is like arbitration. In the case of arbitration, therefore, if the sides have difficulty over elements in

the estimate they sit and hammer those difficulties out. They resolve the differences and then they bring an agreed package to the House as a whole. When the House, meeting as the Committee of Supply, looks at the matter the circumstances there would be "Look, a lot of time was spent resolving these issues. They have now been resolved as in the case of arbitration." If the House does not like it, the Houses options are either to accept the changes because they are not big enough to break a lance over or to reject them on the ground that they breach fundamental objections that arose on one side or the other. That means that the power of the House to examine and amend budgets is not removed. It is carried out at a stage prior to the Committee of Supply and a resolved package then comes to the House and the House is not given the chance to consider the matter twice in terms of opening a matter that is already resolved. As far as I am concerned those persons who argue, including the Attorney General, that this issue somewhere exists in the Westminster system whereby a House is not empowered to modify the estimates that come before it is ill informed. It does not take into account that in the one case, where that exists, it exists because there is a stage where we do not enjoy. We do not enjoy that prior stage and if one were to say that this House cannot amend the estimates we may as well go Home. We may as well say to the House...

Mr. Speaker: Mr. Greenidge, where is that one instance that you refer to?

Mr. Greenidge: I will find it and send it to you, Mr. Speaker. I believe that is in one of the states of Australia. It is not a national piece of legislation; it is a state legislation. What I am saying is that in that instance it provides an additional stage which that Legislature enjoys which we do not enjoy. If one removes that right from us then we have only a talking shop here. We are only being prevailed up on to discuss the matter even if we think a significant part of the proposal is unacceptable we are not at liberty to modify it. That makes no sense whatsoever.

Secondly, the distinguished Minister made reference to the fact that the process in 2012, to which the Attorney General objected, was involved or akin to his interpretation of the Chief Justice was akin to this House making the submission itself. In fact, as you are aware, the estimates came to this House. The Estimates were examined and amended. We then considered the Appropriation Bill. The Minister reported to the House that the Appropriation Bill was considered and amended. Not only was it passes as amended, there was no division. There was no division on that bill.

We have two sets of things we consider in this House, if I am correct. One has motions and one has the formal legislation. As regards both, this House has always exercised the power which exists in the Westminster system to modify bills which come before it. Whether they be bills in relation to those originating on the side of the Government or whether they are bills arising in relation to private members. We have always had the option of modifying them and we have amended them where necessary especially when, of course, the bills are submitted in recent times by the Government and they did not meet the approval of the majority. That is the principle. That is the principle of democracy in these Legislatures. It is a majority that considers the submission and they are at liberty to modify those submissions and that is what we have done.

Hence, when the Minister reported to the House that the bill had been approved as amended, having been considered by the Cabinet and having reached us via the Cabinet, it is to me astonishing that the Attorney General could have brought a case against the Minister and the Cabinet and the Speaker for carrying out a democratic process which they embraced at the time. He is now seeking to overturn and create unsustainable practice...

Mr. Speaker: We did have a precedent of *Esther Perreira* where this House had unanimously passed a bill asking that identification cards be made part of the framework for voting and then Mr. Hoyte, who was then Leader of the Opposition, responded to that matter. Through his council Mr. Keith Messiah advanced the argument that that act was unconstitutional and on that basis the elections were officiated. We do have precedence for something like that.

Mr. Greenidge: Mr. Speaker, in the absence of any clear understanding on my term, I simply want to say to you that to me...

Mr. Speaker: It does cause laypersons, especially, to look on the law less favourably. Let me put it that way. There is a terminology that I would not repeat here.

Mr. Greenidge: I will say no more but the point, I think, is clear that the parties on the other side... [**Mr. Nandlall:** The outsiders were in debt.] You were in the debt and you are still downing. They were part and parcel of the process. They followed the entire process, embraced it and now, afterwards, seek conveniently to resile from it. That is the point I am making here.

It is often assumed by people who are arguing these cases, rather ill informedly, that the examples and precedence of the modification of budgets in the Westminster system, and especially in the United Kingdom, do not exist. I beg to differ and I want to draw your attention, Mr. Speaker, to the fact that traditionally when British constitutionalists taught in the English schools they normally site two cases in which the budgets presented by the Cabinet were overturned by the English Parliament. One was in the case of the House of Commons, but the other one was in the House of Lords which lead to the abolition of the power of the House of Lords to remove that power.

I am glad to hear colleagues on the other side embracing. I hope that they will embrace when I have finished because they listen to half a statement and... [**Mr. Nadir:** We would take the garbage out.] Mr. Nadir, you should not speak about garbage. You of all people should not speak about garbage.

Mr. Speaker: We are doing well. Let us not go there. Proceed, Mr. Greenidge. Hon. Member, Mr. Nadir, let us refrain from referring to each other's arguments as garbage. I would like to say something as well. Whenever there is going to be a reference to the Chief Justice of this country let us make that reference with respect whether in a heckling manner or otherwise. He is the Chief Justice of this republic and no disparaging comments should be made of him or of any member of the court of this country. Let us bear that in mind. Go ahead, Mr. Greenidge.

Mr. Greenidge: Thank you very much, Mr. Speaker. I have no reference to make to the Chief Justice.

3.56 p.m.

I want to say that the examples to which I was making reference, first of all, in the year 1919 when the UK Parliament cut the budget submitted by the Government, and more specifically the allocation requested for the Lord Chancellor, that is the equivalent,... The point is that it was cut and the House had to live with it.

Subsequently in the year 1921, again, the travelling expenses of Members were cut by the House. These are the two examples often cited. Let me say, that, as far as I have been able to ascertain, at least 128 cases of division have led to defeats by British Governments in Parliament over

financial Bills or budget themselves. The idea that it is unprecedented, that the House does not have the power to amend these Bills, is untrue. The evidence is to the contrary. I can give the references.

What I found is that the occasions, after the year 1918,... It is interesting for us to understand because when we hear about tyranny of the majority and a majority of one, we must understand that this is silly. A majority is a majority. Elsewhere, majorities of one overthrow governments. Governments have resigned as a result of losses of only one vote. Democracy only requires only that, a majority. The issue is this, that since the year 1918 there were defeats on financial Bills, arising mostly in periods 1974 to 1979, when there was Callaghan's Government. I do not know whether you were old enough to remember that, Mr. Speaker, but it was a very unstable time within the United Kingdom and many defeats were suffered by the Government. The important thing is that the Government's loss...

I am making this point because it needs to be understood that the absence of amendments to financial Bills and budgets arises, not as a result of an inbred principle in the British Constitutions and the Westminster Constitutions but as a result of the exercise of the whip, in relation to party powers in these countries. The whip enforces the rule, whether or not Members of Parliament agree with them. You will recall, Mr. Speaker, even in recent times, that the experience of a number of governments, including the Thatcher and the post Thatcher Government, has been that there were backbench rebellions. The backbench rebellions in which the Government Members of Parliaments themselves objected to the contents and substance of the Bill presented by the Government. Fortunately, for the country there, the Government had been wise enough, in most instances, to suspend the considerations of the Bill, modified them, taking into account the demands of their backbenches.

What I am saying is that there are a number of circumstances. One is that the backbenchers may rebel; there may be unanticipated absences, in relation to the two sides of the House, and a number of other things. Those factors have led to at least 128 cases of amendments to financial Bills, including budgets, tax measures, expenditure measures, and the likes. Our colleagues must not come here and tell us that that does not happen or it is not permitted under the dispensation which we operate because it is inaccurate.

As far as I am aware the Lord Chancellor, as I mentioned earlier, is an office within the United Kingdom. It is the most senior legal offices there. If the Attorney General is not aware of that, then I hope he now knows. What I am saying is that we have the power, as a House, to amend Bills that come to us. We have the power to amend an Appropriation Bill because it is another Bill. It is just the character of the Bill, but it is as any other Bill and we have the power to amend it. Without the power to amend those Bills, which come to us, we have practically no powers at all. As I mentioned earlier, we may as well send out an email and ask Members to respond by a round robin because they have no decision to make. The idea of a debate here is to enable us to make any changes that we have in mind. It is not whether or not the Member voted.

These are the points I want to bring to the House's attention; mainly that there is precedent for it; mainly that the executive itself was party to the process. It was the representative of the Government, by way of the Minister of Finance, who submitted to the House, on the House's behalf, the Appropriation Bill approved, as amended, without a division and therefore it is quite out of order for the Members to come now and suggest that in principle this was a problem.

Thank you very much. [*Applause*]

Mr. Speaker: Hon. Members, ordinarily, if we were in the Committee of Supply, we would have gone from 2 p.m. to 5 p.m. We are still in the Assembly state. I do not know how many others wish to speak, but I am mindfully for us to continue, but we will take a break at sometime. If there is anyone else who...

Mr. Ramjattan: If there is no other I...

Mr. Speaker: I suspect there are others, Mr. Ramjattan. I notice the Government's Chief Whip rising. Do you wish to address the House, Ms. Teixeira?

Ms. Teixeira: First of all, could we, as a House, welcome Mr. Allen who is in our midst? We wish him the best of health. We will miss you being in this House, Sir. You were quite a gentleman. [*Applause*]

I am not a lawyer, as it is known, and I am not an economist or an accountant, but I believe that a number of things being discussed here today fall on politics, political systems, governance, which are part of what we are talking about.

I have heard reference about the issues relating to the British Parliament and in all honesty when the Constitutional Reform Commission met and amended section of the Constitution there were sections of the Standing Orders that were not changed. To tell you the truth, Sir, we did not recognise this, as a Parliament, even though we had two Special Select Committees and a consultant from the Trinidadian Parliament, because I believe no one anticipated there would be such a situation where cuts would have actually happened. We learned as we go forward. The British Parliament started in the year 1100, it is now over a 1,000 years old, and the House of Commons is replete with the many experiences and changes it had to make as time has gone on.

Our Parliament is a young one. I believe that I saw something in the newspapers about this. There are some things, I think, we have to underline in this discussion.

- One, the British system of the "first past the post" system is distinct from a Proportional Representation (PR) system.

- Secondly, we have a hybrid of the Westminster and Republican systems. It is not a Westminster system. There is a hybrid system that has many aspects of the Republican system in it.

- Thirdly we are governed by a Constitution and that Constitution is the supreme law of the land.

Therefore we are different from a number of countries that either do not have Constitutions or have given the Parliament that supremacy.

In the discussions here, today, the underlying issue of all Parliaments, of all Governments, of all Oppositions, is that it is the constitutional prerogative of the executive, whether in the form of the Crown, as in the British Parliament, in the Canadian Parliament of, again, the Crown and the instrument of the Prime Minister in Canada, or whether it is Australia or India, to bring the Estimates, bring the budget, request moneys, based on its overriding responsibility and duty to manage and guide the finances and the management of the country. No one disputes that. However, budgets are not created by just putting a bunch of numbers together; they are interlinked and interlocked.

The Chief Justice ruling - just let me pause for a minute – when it is read is a very interesting document and a very enlightening document because he makes the difference between parliaments and constitutions that have allowed for parliaments to determine and to approve or disapprove and parliaments which have not. He pointed to the Australian Parliament where such powers have not been conferred and he quotes from the Australian case. We talked about the power to cut; the Chief Justice talked about to approve or to disapprove. The Standing Order 76 (7), which the Hon. Member Ramjattan and the Hon. Member Mr. Greenidge quoted from, states that the "amendment to leave out a Head shall not be in order and shall not be placed on the Notice Paper."

In the motion submitted by the Hon. Member, there were submissions to cut Heads, to reduce Heads to zero. Therefore those particular submissions by the Members need to be segregated. That is why I believe the Standing Order states this. When you go to Erskine May, Mr. Speaker, and to the Constitutional Unit of the Commonwealth - you and I have shared that document - from the University of College of London -- the study of minority governments in a number of countries, in which there is this rule of thumb, has to do with the prerogative of the executive to bring the budget and the prerogative of the Opposition to scrutinise, to challenge, to question, to interrogate the Government on the use of funds and on its proposals, but it does not mean that it is given the power to reduce. It is given the power to approve or disapprove. We are talking about Mr. Ramjattan's motions. Some of these motions are actually irrelevant because they are Heads and when they come to the vote the person, whom I believe is moving, may want to object and, therefore, disapprove. The point is that these are Heads in which money would have been disapproved entirely and come to zero.

What the Hon. Member Mr. Ramjattan is saying is that we really do not want to reduce to zero in some cases, but we want to cut. The Chief Justice's ruling is that this Parliament, this Opposition, as guided by the Constitution, does not have such powers. If we want to go in that direction we have to amend the Constitution, but it cannot be done by a sleight of hand, by bringing a motion to reduce the Head or Sub-head under the budget.

I remember in the year 2012, we started some of these discussions and there were very strong views, and the Government decided to approach the courts. It is rather facile, I believe, and a bit mean-spirited. It is scoring points, but we are in Parliament so we will try to score points. In

2012 on April 17th, 18th, 19th to the 26th, we were in uncharted waters as we are now. The cuts that came about and the reduction of the budget by $19 or almost $20 billion was totally new. It never happened in this Parliament from the time in which it was formed. It never has happed since there is Cabinet. I saw in the newspaper, in the *Guyana Review*, about the Cabinet system being introduced and the anniversary of it. We were confronted with a new situation in which the only guide we had was the Constitution. The Standing Orders have not been amended by our own fault, by human error of not bringing the Standing Orders into compliance with the constitutional amendments and the Constitution.

The comments made by Members, on the other side, are that we are taking away powers. It is always, in very common parlance, the prerogative of the Government to propose and the prerogative of the Opposition to oppose. That, it has been and was said over and over, *ad nauseam*. We will not get into the specificities of the motion and the proposed cuts, *per se.* We will leave that to the way in which this matter will be finalised. The Constitution and this Parliament have to recognise that the Government determines the Estimates, the Opposition can say "no" or oppose, under each Estimate, reject or abstain and it can question and interrogate anyone for a long time, but, Sir... ***[Interruption]***

Mr. Speaker: Allow the Chief Whip to speak please.

Ms. Teixeira: Mr. Speaker, the Deputy Speaker has a problem sometimes. Therefore, Mr. Speaker, by cutting many times, one is reducing the budget and what the Opposition wants this House to do, it is not allowed under the Constitution; it is not being supported by no less a person than the Chief Justice. The Constitution is saying, at this point, in this Parliament on April 15, 2013, that the Opposition has a right to say yea, or nay, or decline, or stay silent on the vote, but it cannot, at this point, cut or reduce the budget.

Thank you Sir. [*Applause*]

Mr. Speaker: Hon. Members, I believe, we will take... Were you rising, Mdm. Deputy Speaker?

Mdm. Deputy Speaker [Mrs. Backer]: I would like to, Sir, but I can wait until after the break.

Mr. Speaker: I am relishing hearing from the Attorney General and Mr. Williams.

Hon. Members, we will rise for one hour.

Sitting suspended at 4.07 p.m.

Sitting resumed at 5.42 p.m.

Mr. Speaker: Hon. Members, at the time that we took the suspension the Hon. Deputy Speaker was getting ready to address us, so I invite her to do so. I anticipate that after the Deputy Speaker speaks that we will just have two speakers unless, of course, Members would like to go on and on. I would like to say as well that I will be seeking the House's indulgence to afford me some time to consider the arguments before I make any rulings or statements. I may not, depending on how we go this evening, be able to do so tonight and may ask for us to resume tomorrow. It depends on how late we go tonight because I will need some time to consider all of the arguments and to read. I have read some, but I will need to reread.

Mrs. Backer: My rising here can almost be said to be fluff in the sense... [***Interruption***] I am going to say this before the Hon. Member Mdm. Teixeira says so, because after Mr. Nandlall speaks and Mr. Williams and the mover of the motion destroy him, in terms of the presentation it will be, in that sense, fluff. But for the few minutes that I will be standing here..., because I do not want to stand in the way as you have rightly said, Mr. Speaker, the impending duel between the Attorney General and his senior. I would not say his shadow. I understand that during the extended recess that daggers and swords have been sharpened, face masks have been sent for, from France with the help of Mr. Greenidge. I do not want to stand between that and I know that the press is anxious.

I want say to one or two things about governance because in my opinion this comes down to governance to an extent. I remembered the first time I entered Parliament, somewhat younger then, Mr. Nadir sat somewhere at the back there, on this side - I do not know if people could remember that. He is still at the back, but he was at the back over here - and he came, as it is known I am prone to drama, with an entire windscreen because... [**Mr. Greenidge:** Was he selling, again?] He was not selling... he was wanting to make the point in a very visual way as to how unreasonable the Government was. It was to do with tint and how deep it could be tinted, and so. Mr. Nadir brought the entire windscreen. [**Dr. Norton:** Which Government?] It was

the PPP Government. He said it was so blind that he had to bring the entire windscreen to show the Members. The next Parliament Mr. Nadir was sent to the eastern side of the House.

That is why I want to make the point with governance. Mr. Winston Murray got up and made an outstanding presentation, if I say so, myself. I am glad my colleague is saying that he invariably did. Do you know what, Mr. Nadir said, about this Government which boasts about governance and boasts about democracy? He took a $100 bill, a blue $100 bill, out of his pocket and said, "I do not see Murray's name here." At that time it was Mr. Kowlessar. He said, "Do you know whose name is here? It is Mr. Kowlessar's. You all could have your say but with our majority..." - I am paraphrasing - "...we will have our way. You could have your say, but it is Kowlessar's name that is here. Mr. Winston Murray, it is not your name. We will have our way."

That is the democracy that the PPP understands, and practised in the Eight Parliament, at least when he was here, and it continues to do that. A sensible Government, which is wedded to the idea,... Remember this is a Government that does not believe in shared governance; this is a Government which says that if there is one more than the Opposition... [**Mr. Greenidge:** We are kings.] We are kings. It is must be able to decide everything without reference to the Opposition. That is what the PPP stands for, as we stand here today. If the Members do not stand for that let them get up and say they do not. They are quiet. The point is that...

Prime Minister and Minister of Parliamentary Affairs [Mr. Hinds]: I would like to get up and say that the PPP/C has always been for shared governance. We have made many an attempt; we have spoken about our trial at the Mayor and City Council (M&CC) to have an experience that would have created the trust which might have led to other things, but that was frustrated so I do object. I maintain that we, the PPP/C, have always been for shared governance and we have issued a paper on building trust for political cooperation.

Mr. Speaker: Hon. Members, only last week when the Hon. Prime Minister spoke, he did say that the PPP/C was committed to shared governance, but it must rest on a foundation of trust. Being that as it may Hon. Prime Minister, I understood that and I know that you did make reference to Mayor and City Council and to the paper that had been circulated many years ago. On that point of clarification, it is allowed.

Mrs. Backer: Mr. Speaker, I am very happy to hear that. I hope that the press has heard that too because, if that is so, then the suggestion that will follow immediately hereafter should be easily embraced and will give us the honour to build trust. The point I was making was that if the Government - I nearly said a sensible Government, but I do not want to say that - is understanding the reality of numbers and now committed to shared governance one would have thought that there would have been a conversation, " Look, what is it that you all want?" It is a genuine conversation. It is not just a little thing that we are ready when you are ready. It is a genuine conversation as to how we can sit down together, as Guyanese, and craft a budget that could have the support of the vast majority of Guyanese. The proof is in the eating. Do not just come and tell us that you are wedded to this or you are unwedded to that. We know that many people who are wedded commit adultery, so the wedding is not the important thing, it has to be the commitment.

I want to say that that is how any government, which is forward-looking, would have approached this budget, but it has sound the one-seat dictatorship so much, both locally and overseas, that it is now beginning to believe this song, but the song is an... [**Ms. Teixeira:** What does it have to do with the motion on the floor?] What it has to do with the motion? I remember that I was going to ignore you completely, so speak on.

I want to say that if the Government was serious, we may not have been here even debating this, because we would have come to compromise. While neither side would have not got everything that it wanted, we would have been able to say to our people, the majority of people, who that we represent, that, "Look, we could not get everything for you but we have got A, B and C. The Government could have said the same thing; the AFC could have said the same thing and we would have all left here as winners, no losers, and Guyana would have also won.

I want, having said that, to briefly reaffirm what Mr. Ramjattan has said. The Constitution is not this. The Constitution is a living thing. The Constitution is not this 200 and something articles. Anybody who feels that all of the answers to the Constitution could be found in here that person has missed the boat. That person has completely missed the boat. Even when the Constitution is looked within ... Mr. Ramjattan spoke about article 171 (2) (a) (ii) and it is very clear. It states:

> "For imposing any charge upon the Consolidated Fund or any other public fund of Guyana or for altering any such charge otherwise than by reducing it;"

That is the exception. Mr. Ramjattan was very clear. The words are very clear.

I do not know if it is because of his height because we are both short people. I do not know if anyone would dispute that. That is the... [**Mr. Greenidge:** It is vertically challenged.] It is vertically challenged I understand, and that is the Hon. Dr. Singh, and also my colleague here. I do not want to exclude anyone. Article 218 (2), Sir, we are talking about shared governance and I want to be fair to every side, states:

> "When the estimates of expenditure (other than expenditure charged upon the Consolidated Fund by this Constitution or any Act of Parliament) have been approved by the Assembly a Bill, to be known as an Appropriation Bill…"

5.53 p.m.

If the Hon. Minister of Finance or the Hon. Attorney General was saying that we, in this National Assembly, cannot amend a Bill, but that is what comes to the House. We have the Estimates and then when they are finished a Bill is proposed and I think it was Mr. Greenidge, the Hon. Member, who said that very correctly. The Hon. Dr. Singh got up quite proudly, and he should have been proud, to say to this National Assembly… The Bill was passed as amended. Bills are amended at almost every sitting. What is so special about the Appropriation Bill is that it cannot be amended? It was amended by this House. The Estimates were amended and they were agreed as amended. That is something that happens on a regular basis. It is not rocket science. I know the Hon. Attorney General is going to come. I understand he anticipates he would speak for an hour, Sir. I hope you are ready for that.

The other issue I want to mention is this question of where has it been done - where has it been tried? Amendments to Estimates have been tried throughout the Caribbean, but they have not passed because the Opposition has not had the numbers. It is not that is has not been tried. For example, there was a no confidence motion. When we were in the minority, in terms of seats, a no confidence motion was moved against the Hon. Members Mr. Nadir by the Hon. Member Mr.

Basil Williams and it was defeated. It was not that it was not moved. The last one we had was passed because we have the numbers.

Recently the Opposition moved a motion of no confidence against the Hon. Prime Minister of Trinidad. There was a banned on Ministers' travelling and Members of Parliament and they are at full strength, quite rightly, and that motion was defeated. In the same way there have been attempts, in CARICOM, to amend Estimates, but they were unsuccessful because they did not have the numbers. Mr. Speaker, you yourself have said - I think everyone in this House has said - that this is a unique situation that we are in, in which the Opposition has the majority. As I said, I am very happy to hear about the Prime Minister and his commitment with the PPP. Sir, this is an opportunity that we should not lose.

I want to say that I join my colleague, who spoke on this side of the House, and my colleague that will come after me, to say that I believe that legally we can cut; we can amend. I believe also, that, on another level, in terms of governance, in terms of moving this country forward, we have a responsibility to all our electorate to sit together and come up with the budget. While it will not make any party completely happy, it will make it happy enough to be able to go out there and sell it to the people, who are not our servants, but our masters, who have sent us here to do their work and their work is to get a budget that makes space for everyone; get a budget that will help to close the disparity between the rich and the poor, between the haves and the have-nots. That is the mandate that, at least, APNU has. It is to get a budget where the public servants will get some more money. That is the kind of mandate that we have.

As I close, I want to remind you, Sir, of the quote from *Julius Caesar*. I know the Hon. Prime Minister went to Queens College in the days when Shakespeare was compulsory, and of course the Hon. Member Dr. Rupert Roopnarine.

> "There is a tide in the affairs of men.
>
> Which, taken at the flood, leads on to fortune;
>
> Omitted, all the voyage of their life
>
> Is bound in shallows and in miseries."

If we do not grasp this opportunity now that is where we will end.

I thank you. [*Applause*]

Mr. Speaker: I notice a tear welled up in the eyes of Hon. Member Dr. Roopnarine when you said that quote.

Mr. Nandlall: I wish to begin by assuring Members on the other side that I am not at all oblivious of the powers of a majority in this National Assembly. What I have been relentlessly trying to do is to ensure that that majority stays within the four corners of our Constitution. We are big people in this House; we are educated people and we are leaders of our country. We have to accept and send a strong signal to our people, and possibly to the world, whether we are going to accept fundamental truths and fundamental constitutional realities by which we are bound.

The exercise, in which we are largely engaged in here, is essentially trying to interpret a ruling of the Chief Justice of this country and which is written, by the way, in clear English language, and we are trying to twist it to suit our political respective ends. That is an affront to the judiciary of our country. We have to accept whether we are going to continue, as a civilised nation, to be bound by certain foundational principles that our legal system embraces. Those principles are that there is a Constitution that creates this Parliament and that creates a number of institutions which regulate and distribute governmental power among sectors of this country. If we are not going to subscribe to then we must say so. The Constitution of our country declares itself to be the supreme law of this land and all of us, irrespective of whether we are minority or majority, we owe allegiance to that document, and the supremacy and sovereignty of that document, and nothing else.

I begin therefore by revisiting certain foundational principles. Principles, which I consider to be trite, axiomatic, rudimentary, elementary, but seem to have been eluding us, whether seemingly, whether wittingly or whether deliberately. We begin by dealing with the Constitution itself. My learned friend, Mrs. Backer, perhaps was being metaphoric and engaging in linguistic imagery when she said this is not the Constitution. This is the Constitution of the Republic of Guyana and this is the document that creates this Parliament. This document, by article 8, states that it is supreme. Now this document is not different or unique, in that respect, from Constitutions which have been passed down by Westminster when each of the Commonwealth countries obtained

independence, beginning with India, most of Africa, South Africa, Australia, Ceylon, now Sri Lanka, and the entire English Commonwealth.

Mr. Speaker: One word of caution, New Zealand does not have a written Constitution.

Mr. Nandlall: It is with the exception of New Zealand and Canada. All of us, we share a document that has a common document. That document has been, and the powers of that document *vis*-à-*vis a parliament* created by that document, the subject of repeated judicial analysis and pronouncements. It is recognised in Commonwealth jurisprudence that India leads the way, by far, in terms of constitutional jurisprudence of the Commonwealth. Perhaps the foremost authority of constitutional law in the Commonwealth is Dr. Durga Basu and his work is titled, *Commentary on the Constitution of India*, the 8th edition. It states this, at page 5492:

> "A legislature created by a written Constitution must act within the ambits of its power as defined and subject to the limitation prescribed by the Constitution. Any act or action of parliament, contrary to the constitutional limitation, will be voided. The Parliament or state legislature cannot claim total immunity. Parliament, like other organs of the state, is subject to other provisions of the Constitution. Under our Constitution every action of every authority is subject to law, as nobody is above the law. Parliament is not an exception to this universal rule. In that case the court has held that the claim of absolute immunity cannot be accepted."

This position obtains in India as it obtains absolutely without any modification, whatsoever, to Guyana. That is the position of India.

I turn now to closer to home. In the case of *Jaundoo and the Attorney General of Guyana*, 1968, *12 West Indians Report*, at page 221, Chancellor Stoby speaking about the Constitution of Guyana, *vis-à-vis* its supreme status. Obviously, the Honourable Chancellor is speaking of the independent Constitution. The Constitution has changed but the structure has remained the same, and the feature, in particular of its supreme status, has remained unaltered. This is what Chancellor Stoby said:

> "When internal self-government was introduced and when independence was achieved all those safeguards, which had protected colonial people from oppression, were engrafted

into the Constitution and are all fundamental rights. By inserting them in the Constitution, the result which flowed was that Parliament became subject to the Constitution."

I repeat for emphasis.

> "By inserting them in the Constitution, the result which flowed was that Parliament became subject to the Constitution. It was supreme and yet not supreme. Parliament can alter the Constitution in the manner prescribed by the Constitution. But until it is altered no legislation can be enacted which infringes a fundamental right. Returning to the illustration already given should Parliament legislate to provide that in all criminal trials an accused is presumed to be guilty the Courts can strike down the this legislation as being *ultra vires* the Constitution. Where, however, Parliament as enacted no such legislation and a judge or a magistrate conducts a criminal trial on the assumption that an accused is presume guilty it is not the State which is infringed a fundamental rights but the functionary concern has ignored the common law of the land."

Substitute there the judge or magistrate and put in the parliament and the position applies, *mutatis mutandis.*

In similar vein, I move to Trinidad and Tobago in the case of *Collymore and the Attorney General*, 1967, *12 West Indian Report*, at page 5, Mr. Wooding, Chief Justice, perhaps one of our more pre-eminent jurists in this part of the world, speaking of the Trinidad Constitution, said:

> "Section 36 of the Constitution provides, subject to the provisions of this Constitution, parliament may make laws for peace, order and good government of Trinidad and Tobago."

In my judgement the section means what it states and what it states very clearly is that the power and authority of the parliament to make laws are subject to it provisions. "It" means the Constitution. Parliament may be therefore sovereign within limits there by set, but if and wherever should it seek to make any laws, as the Constitution forbids, it will be acting *ultra vires.*

Then there is another quote from Mr. Phillips, Justice of Appeal, in the same case. Mr. Phillip is quoting now from Professor de Smith and he had this to say, speaking of Constitutions in the Commonwealth:

> "Among the characteristic features of modern Commonwealth Constitutions are the limitations of parliamentary sovereignty guarantee of fundamental rights, judicial review of constitutionality legislation. The aim of many of these provisions is to capture the spirit and practice of British institutions. The method of approach involved the rejection of British devices and the imposition of un-British fetters on the legislative and executive discretion."

Obviously the author here is speaking about the difference between the position which obtains in Great Britain, which is a position that Parliament is sovereign and supreme, compared to the position which exists in the Commonwealth where the Constitution is supreme.

I wish Sir, also… [**Mr. B. Williams:** Talk about the cuts.] I am dealing with cuts.

Mr. Speaker: I am actually - I do not want to say enjoying - interested. I do not want the Minister to feel rushed or fettered or circumscribed in anyway.

Mr. Nandlall: Thank you very much Sir. Let me at this juncture congratulate Your Honour for the agility of intellect demonstrated when Your Honour swiftly pointed out that in the case of Esther Pereira the Honourable Justice *Claudette* Singh, who was within the precinct of this House, ruled that an Act, which was unanimously passed by this House, a unanimously passed law by this House, collided with the Constitution. The argument advanced by the attorneys-at-law for the respondent in that matter - I speak of former Attorney General, Mr. Doodnauth Singh; I speak of former Speaker, Mr. Ralph Ramkarran, and I speak of my learned friend, who was on this side then - all argued that there was an agreement, between the parties in the House, that culminated in the enactment of that provision. The judge did not entertained it. She said that there is no power in this Parliament to arrive at any form of pact or agreement that will violates the Constitution.

The judge ruled that articles 159 and 59 of this Constitution state that once a citizen is 18 years and upwards, he or she is resident in Guyana and is registered to vote, he or she has a

constitutional right to vote and no law, passed by this Parliament, unanimous or majority, can add an additional requirement without meeting that constitutional litmus test. The judge struck the legislation. [*Interruption from the Members of the Opposition*] Sir, can I get your protection?

Mr. Speaker: Hon. Members, the Attorney General is under the protection of the Speaker.

Mr. Nandlall: In our system the judiciary is reposed with the power of being the guardian of our Constitution, to look at the conduct of the executive, to look at the conduct of the Parliament and to ensure that there is no violation of that Constitution by any agency of the State. That is why everyday - I have said it before - this Attorney General is sued twice per day. Each time I am named a respondent it is the executive being taken to court and it is the court that has to determine whether the executive has violated this document. The Parliament, in that constitutional matrix, is no different. If this Parliament acts in a manner, which it is believed to have violated the Constitution, then that place called the judiciary is the place that we have to go and that is the point Mr. Wooding, Chief Justice, made in the case of *Collymore and the Attorney General.*

He said this at page 9:

> "I am accordingly in no doubt that our Supreme Court has been constituted and is the guardian of the Constitution, so it is only within its competence…"

It is only that place has the competence.

> "…but also its right and duty to make binding declarations and if and whenever warranted that an enactment passed by this Parliament is *ultra vires* and therefore void and has no effect because it abrogates or abridges or infringes or authorises the abrogation abridgement or infringement of one or more provisions of the Constitution."

There is no other authority, which has the power under our system, that can second-guess the rulings of that court when it comes to the Constitution. That puts Your Honour in a very precarious position. I say it with the greatest of respect, Sir, because Your Honour suffers from being in the invidious position of being asked now to essentially review the ruling from a tribunal, which the Constitution has appointed, as the sole arbiter of whether it is breached or not. I do not how your honour will extricate yourself from this conundrum.

Mr. Speaker: Does the High Court have a supervisory jurisdiction over the National Assembly of Guyana?

Mr. Nandlall: That is correct.

Mr. Speaker: I need you to address me on that.

Mr. Nandlall: But once that supervisory jurisdiction has been invoked…

Mr. Speaker: You are saying that it does have a supervisory jurisdiction over this House.

Mr. Nandlall: Yes Sir. That is what all the authorities… I will go on to quote more. When that supervisory jurisdiction is activated and a ruling emanates, it is not opened to any institution in this land to second-guess it. Hence that system, the judicial system, has in it a system hierarchically structured to allow for challenges to be made against its own ruling. We can go from the Magistrate's Court all the way to Port of Spain, Trinidad and the Caribbean Court of Justice. I will deal with the appealing later, but I just want to make that fundamental point and no appeal, no form of challenge, was filed against the Chief Justice's ruling. I heard it was being said. [*Interruption from the Members of the Opposition*.] Let me deal with that. [**Mr. B. Williams:** You all do not talk too much because he will want to start dealing with what we say.] That is correct.

The Chief Justice made an interlocutory ruling; I filed the application. I filed a ten-day writ and I went *ex parte* for certain interlocutory orders and a ruling was made. Therefore that ruling was an interlocutory ruling and it is appealable to the Full Court of the High Court of the Supreme Court of Judicature. That is basic law, Sir, and you know that, but I am saying it for the Leader of the Opposition, because I do not think that he was so informed, that the decision of Justice Chang was appealable to a court called the Full Court of the Supreme Court of Judicature, which is a court within the High Court comprising two or more judges, who are specifically empowered, to deal with the non final ruling of a single judge. When the Honourable Chief Justice sat, he sat as a single judge in an interlocutory matter, meaning it was not a final matter. So the argument, which is being peddled, that this is a preliminary ruling and therefore it cannot be appealed, is one that is frivolous, vexatious and puerile.

The second argument, which I have heard, is that because of the preliminary nature of that ruling, somehow by some jurisprudential gymnastic, has lost its potency. I do not want to get too figurative in my speech. Every first year law student knows, and most laymen know, that a preliminary ruling normally manifests itself in the ordinary course of things as an injunction. Every time an injunction is obtained it is a preliminary ruling. Seriously, can one argue sensibly that that injunction is unenforceable because it is preliminary? Could one argue that? But that is the type of arguments that I have heard emanating from the other side. I will not leave it there. I will refer to this honourable House a case which deals with the nature of a court ruling.

The case is *Isaacs and Robertson*. This case is reported… [**An Hon. Member:** It is China we are going to.] I have not reached China. I am going there. We are now in the Privy Council Sir. This is a case emanating from the Court of Appeal of the Eastern Caribbean States. *Isaacs and Robertson*, it is reported at *43 West Indian Report*, at page 126, and the Privy Council quoted a case from England, the judgement of Lord Justice Romer in a case called *Hadkinson and Hadkinson*. The issue was that, in that case, a preliminary order was granted and the lawyer in the matter took it upon himself to advise his client that that order was irregular - "Do not bother with it." That was the issue and contempt of court proceedings was filed. The Privy Council, following the House of Lords in *Hadkinson and Hadkinson*, 1952, House of Lord's case, at page 228, said:

> "It is the plain and unqualified obligation of every person against or in respect of whom an order is made by a court of competent jurisdiction to obey it unless and until that order is discharged. "

6.23 p.m.

The uncompromising nature of this obligation is shown by the fact that it extends even to cases where the person affected by an Order believes it whether null and void, regular or irregular, cannot be permitted to disobey it. It would be most dangerous to hold that suitors or their solicitors could, themselves, judge whether an Order was null and void or whether it was regular or irregular. They should come to the Court and not take it upon themselves to determine such question. The course of a party knowing of an Order which was null and irregular and who might be affected by it was plain. He should apply to the Court that it be discharged. As long as it

exists, it must not be disobeyed. Such being the nature of this obligation, two consequences would generally flow from its breach. The first is that anyone who disobeys an order of Court is in contempt and may be punishable by committal, attachment or otherwise.

The obligation to obey a Court Order and a Court ruling is plain, unqualified and unconditional. We cannot seek refuge in conjured up arguments that it is preliminary. It is embarrassing for lawyers to say that, really embarrassing, but I go back to my original journey.

We continue to speak of the Court's role vis-à-vis the Constitution. The next case I wish to cite is the Methodist Church in the Caribbean and the Americas v Symonette 2000/59 West Indian Report at page 13 where their Lordship, Her Majesty's Privy Council, rendered the following advice, "Article 2 of its Constitution…", speaking of course of the Constitution of the Bahamas – so I am moving across to the Bahamas now, I just left England – "…provides,

> "This Constitution is the supreme law of the commonwealth of Bahamas…"

This is similar to our Article 8. Article 2 further provided:

> "Subject to the provisions of this Constitution, if any law is inconsistent with this Constitution, this Constitution shall prevail and the other law shall, to the extent of the inconsistency, be void."

This is identical to the position in Guyana. Chapter IV of the Constitution made provision for a Parliament of Bahamas, just like our Constitution, comprising Her Majesty, a Senate and a House of Assembly. Our Parliament is differently structured.

Article 52 provided:

> "Subject to the provisions of this Constitution, Parliament may make laws for the peace order and good government of Bahamas, identical powers imbued by our Constitution to this National Assembly. Thus, in Bahamas, the first general principle mentioned above is displaced to the extent necessary to give effect to the supremacy of the Constitution.
>
> Importantly, the Courts have the right and duty to interpret and apply the Constitution as the supreme law of the Bahamas. In discharging that function, the Court will, if

necessary, declare that an Act of Parliament inconsistent with constitutional provisions is to the extent of that inconsistency void."

I come now to the Commonwealth of Dominica. I am coming closer and closer to home. In this case, the question was frontally raised as to what powers the Court has vis-à-vis the proceedings of Parliament. Your Honour expressed your own views on this matter, but permit me, Sir, to refer Your Honour to the judgement in Sabaroche v the Speaker of the House of Assembly and the Attorney General of the Commonwealth of Dominica, 1999/3, Law Reports of the Commonwealth, Page 584. In that case, a question arose as to whether the Court has jurisdiction to enquire into the existence an extent of alleged privilege. The appellant was substantially dismissed. I would go back the quotation itself which I want to refer Your Honour to, respectfully. This is the Court of Appeal of Dominica speaking:

> "I now address the question of whether the Court has jurisdiction to enquire into the affairs of the House of Assembly. Mr. Astafan, Learned Counsel for the appellant, in his skeletal argument, said that the Courts have a responsibility and a duty to ensure that every authority, inclusive of the House of the Assembly, act in accordance with legislation, statutory rules and laws. He submitted that if the House of Assembly purports to suspend a Member for an alleged breach of privilege which does not exist in law, but purports to do so in complete disregard of the very Standing Orders made by the House, the Court is obliged to act and afford the aggrieved Member appropriate relief. With this I am in full agreement.
>
> I shall go further and say that the Constitution of the Commonwealth of Dominica is the supreme law of the land. The House of Assembly gets its authority from the Constitution. The Court, being the sentinel of the Constitution, must act and has a duty to act when any authority acts in nonconformity with any rules or law which it derives under the very Constitution."

Sir, we do not want clearer language than that.

I move now, Sir, to Hong Kong. I am getting closer to China. In the case of Rediffusion, Hong Kong vs. the Attorney General of Hong Kong, 1970, Appeal Cases, page 437, Lord Diplock, one of the more pre-eminent law lords said this at page 1155:

> "Although the argument that a Court of justice had no jurisdiction to enquire as to what is done within the walls of Parliament had been advanced at the hearing in the Supreme Court, it received no mention in the judgment. Both that Court and the Judicial Committee of the Privy Council treated it as automatic that the Court had jurisdiction to enquire into and grant relief for unlawful conduct by members of a legislative assembly in the course of proceedings in the Chambers."

I move now, Sir, to the High Court of South Africa. In De Lille and another vs. the Speaker of the National Assembly, a 1998 case, reported at BCLR page 916. It states, quoting the relevant section of the South African Constitution:

> "The House may regulate its own procedure and may, in particular, make rules for orderly conduct of its own proceedings."

It is very similar to our Article 165. The Judge is now speaking at page 398:

> "It does not however follow that the Assembly can do so in a manner inconsistent with the Constitution."

Those who are relying on Standing Orders, I ask to bear this in mind because I am going to deal a little more expansively when I get to deal with the Standing Orders which are relied upon. But the case is saying that if those in the exercise of the power conferred on the Assembly, those powers to make rules remain subject to the Constitution and subject to constitutional review by the Courts. So, whenever this Parliament acts, albeit may be acting in conformity with some Standing Orders, but in so doing it violates the Constitution of land, the Court remains that authority that has an overarching arm to come in and review, though it may be internal proceedings, to ensure that this document, the Constitution, is not violated.

Let me speak to one, at the same time, about Standing Orders because my Friend has made great issues of Standing Orders. I now move to the jurisdiction of Malawi. I am leaving South Africa, Sir, and going to Central Africa. In the Attorney General vs. Chipita, 1996/1, Law Report of the Commonwealth (LRC), the Court of Appeal of Malawi held at page 460, letters 'e' to 'f' that Parliamentary Standing Orders are merely internal rules to regulate the internal procedure of the National Assembly and not subsidiary legislation under the Constitution, and that their validity

was not derived from legislation. So that the National Assembly was free to amend and modify its procedure with any recourse to any statute. The Court further opined that while it is true that the Constitution gives powers to the National Assembly to make rules to regulate its internal procedures, and, of course, our Article 165 does so, that did not make Standing Orders subsidiary legislation under the Constitution. They are not legal rules, but are merely internal rules to regulate the internal procedure of the National Assembly. Whenever they are inconsistent with the Constitution, they are void.

If we pass laws here, as we did, unanimously when we amended the electoral laws of this country...unanimously we passed a law at the High Court of the Supreme Court of Judicature and declared it to be inconsistent and null and void because it collided with the Constitution...and that is a law, clearly and logically the argument applies *a fortiori* to an internal rule, which is what Standing Orders are. Standing Orders do not have to be advertised in the Official Gazette, et cetera. It is not law; it is simply a procedural rule of regulating our conduct in the Assembly.

Mr. Speaker: On a Point of Order, in the Ninth Parliament, as you know, Mr. Nandlall, on an objection raised by you, Mr. Ramkarran found, in a ruling, otherwise that the Standing Orders are written law. That is a ruling of this House.

Mr. Nandlall: I am unaware.

Mr. Speaker: It is a ruling in which you rose… I just thought I should advise you on a ruling given on the very subject by my predecessor. When the Trade Union Recognition Bill was being introduced, Mr. Robert Corbin, then Leader of the Opposition, objected to the Bill being read a second time. He said that the requisite six days required had not been met as per our Standing Orders. You then countered by saying that Standing Orders are not law. Mr. Ramkarran felt that Standing Orders qualified within the meaning of written law under our Interpretation and General Clauses Act. I will get a copy of it for you.

Mr. Nandlall: I respectfully say, Sir, that if that is the ruling of Mr. Ramkarran, he is wrong and, secondly, assuming... ***[Interruption]***

Mr. Speaker: Hon. Members, Mr. Nandlall is entitled to disagree with a previous ruling in the same way we are entitled to disagree with a ruling of the High Court or any other Speaker for

that matter. That is his right and I do not think he is in contempt. He should not be threatened in that manner. He is entitled to that view. In fact, he is consistent with his opinion, which he had then, that Standing Orders are not written law. I would be surprised if, in fact, his view changed.

Mr. Nandlall: That is correct. Thank you very much, Sir. The fundamental point that I want to make is: assuming that Standing Orders are law, they cannot collide with the Constitution. We must have common ground on that.

Sir, I wish to now, having established that the Court has jurisdiction with all the authorities that I have cited, to rule on matters of alleged violation of the Constitution and the Court, having so ruled, let us now examine what it is that the Court said. Perhaps I should begin by recognising and congratulating the Hon. Dr. Ashni Singh for a remarkable analysis of the Chief Justice's judgement. As I said, the Chief Justice's judgement is written not in Chinese, but in English. One would expect that a Parliament would not engage in the type of exercise where we are really disputing what is written here. The system to which we subscribe, the system which forms part of the rule of law and democracy of our country, allows us who feel aggrieved by this ruling or any other ruling to challenge it outside, but not to stand up and argue that I am saying this and another person saying the same thing means another thing.

I believe, Sir, with the greatest of respect, that this is an exercise that is very unfortunate. But it is my duty to be part of this exercise, so I will do so. The Chief Justice began by analysing Article 218 which is the key to unlock the door in determining what is the role and function of the National Assembly in the Committee of Supply. It really lies in Article 218. It states this:

> "(1) The Minister responsible for Finance or any other Minister…"

I pause here to say, Sir, that right away the framers of this Constitution intended to demarcate, in a constitutional matrix, where the power lies. The power does not lie with Dr. Ashni Singh, the Hon. Member; it lies with his Excellency the President, the fountain head of executive power in the constitutional matrix of Guyana. That is where that power lies. Dr. Ashni Singh, the Minister of Finance, is simply a delegate of the President. That is why the Constitution itself states, "The Minister responsible for Finance or any other Minister…". So I can do it too. It means that it is an executive power. That is first thing.

"…designated by the President…"

So it is designated by the fountain head of executive power.

"…shall cause to be prepared…"

He prepares it.

"…and laid before the National Assembly before or within ninety days after the commencement of each financial year estimates of the revenues and expenditure of Guyana for that year."

(2) When the estimates of expenditure…"

And I skip the irrelevant part.

"…have been approved…"

I pause here to say that we are asked to accept that the word 'approve' means amend. The resort to an Oxford Pocket Dictionary should clear that delusion. [**Mr. Greenidge:** Why use a pocket dictionary?] Because a pocket dictionary ought to clear that delusion and illusion under which some are labouring in this House. 'Approve' by no stretch of the imagination in the English language can ever mean amend or reduce – never! Dr. Roopnarine, the Hon. Member, is a renowned linguist. Let him stand up and say by what linguistic gymnastic or linguistic acrobatic can the word 'approve' be synonymous with, equal to or be a substitute of 'reduce', 'cut' or 'miniaturising'.

"…have been approved by the National Assembly a Bill..."

I go back again.

"When the estimates of expenditure have been approved…"

It is not if it has been approved; it is when it has been approved. Do you know why the Constitution states "when" as opposed to 'if'? It is because it does not contemplate disapproval.

Mr. Speaker: With respect, the Chief Justice does though.

Mr. Nandlall: We will deal with how the Chief Justice dealt with it. I intend to go on to say what he said.

When it has been approved by the National Assembly a Bill, to be known as the Appropriation Bill, shall be introduced in the Assembly, et cetera. We have not reached the stage of the introduction of the Bill as yet. I believe my honourable, distinguished and noble friends on that side are premature in their arguments when they speak about power to amend a bill, power to amend the Appropriation Bill. The Appropriation Bill is not before you. You cannot amend. That is not an issue here. What the Minister has presented to this House is the Estimates; no bill has come. [**Mrs. Backer:** Well what will happen when the bill comes here?] We have to be precise; we have to be mentally lucid and we must have specificity and clarity of thought or else we will get confused in the maze and the legal intricacies that are unfolding here. What are before this House are simply estimates that are going to be presented. We do not know what will happen to them. So, to articulate the argument of an Appropriation Bill at this stage is wholly premature.

Let us go on to what the Chief Justice said:

> "It can readily be seen that it is the Minister of Finance (or other designated Minister) who bears the constitutional responsibility and duty of preparing and laying before the National Assembly the estimates of both revenues and expenditure. This is so because it is the executive who has the constitutional responsibility of managing and piloting the ship of State and, as a matter of practical reality, the administrative machinery for preparing such estimates."

[**Mr. B. Williams:** What page are you reading from?] For your guidance, Sir, I am reading from page 14.

> "It can also readily be seen that, in respect of expenditure, it is the National Assembly which bears the constitutional responsibility of performing an oversight…"

I pause.

> "...an oversight..."

I do not want to sell the National Assembly short. This is what the Chief Justice said. Who has a problem with it, we cannot stand in the Parliament, as Isaacs and Robertson, and Hadkinson and Hadkinson said, and toss it aside. We cannot do so. You have to go to the Court to challenge it. A year has passed and no challenge has been filed, although it is challengeable. So, it is not open to Members of this House to argue that the Chief Justice's decision is wrong and that we are not going to be bound by it. That is simply not an option if we want to remain among civilised nations.

> "It can also be readily seen that, in respect of expenditure, it is the National Assembly which bears the constitutional responsibility of performing an oversight or a gate-keeping function of approval or non approval over the estimates of expenditure to ensure that they are in consonance with what will be necessary to fuel the implementation of the plans, programmes and policies of the executive government."

The Chief Justice makes this emphatic point that seems to have eluded my Friends:

> "This is not a power of making estimates of expenditure (which is for the Minister). The power of approval must therefore be distinguished from a power of determination of estimates of expenditure."

These are extremely important, fundamental words that carry different meanings, implications, impacts and effects. We cannot mix them up. Law is about language. Every single word has a meaning. We have, if we are going to ascribe to ourselves the power to interpret it, to ensure that we subscribe to the cannons that govern the interpretation of law. Those cannons essentially say that when the language is clear, you give it its literal meaning. So, the power of approval must be distinguished from the power of determination of the estimates.

The Chief Justice continued:

> "Unsurprisingly, the Constitution does not address or speak to a negative state of affairs…"

Coming to Your Honour's query

> "… the Constitution does not address or speak to a negative state of affairs such as non-approval by the National Assembly but speaks to a positive state of affairs i.e. approval. Article 218 (2) provides:"

And the Chief Justice quotes it again for emphasis.

> ""When the estimates of expenditure…have been approved..."

It is not 'disapproved'; it does not contemplate a non-approval, and that is what the Chief Justice said. I am saying that if it is that this National Assembly has a problem with that then it is not open for this National Assembly. I am going to quote some other cases to disagree with the Chief Justice's ruling.

> "This is so because it is inconceivable…"

The Chief Justice did not leave it as bald as that. He went on to explain the rationale, hence the reason whenever I speak about this ruling I always ensure that I quote the length of it. I always say, "In a 34-page ruling..." because the Chief Justice was careful in explain in every conceivable way what he ruled. He said this:

> "This is so because it is inconceivable that the National Assembly as a national institution would cripple executive governance by non-approval of any estimates of expenditure."

So, he went logically, constitutionally and even feasibly as to why, and he concluded. He was saying why there is no power to disapprove.

6.53 p.m.

Mr. Speaker: Mr. Nandlall, what if a House wants the power not to cripple, but to contain. Why should it have the power to cripple but not to contain?

Mr. Nandlall: It does not have the power to cripple.

Mr. Speaker: It states here, "It is inconceivable that the National Assembly would cripple…"

Mr. Nandlall: …would cripple the executive by the non-approval of any Estimates - any!

Mr. Speaker: The point I am making is why is it that the House must move to a stage of shutting out all as against some? What if I do not want to cripple, but I want to contain?

Mr. Nandlall: I am not advocating that the Opposition has a power to even take a dollar. I will go on to show what the Chief Justice has said in relation. We are dealing with concepts and I always knew that there was a conceptual difficulty.

In principle, Sir, if the Opposition has a power to reduce by a dollar, it has a power to reduce to a dollar. The Opposition has no power of reduction. That is the essence of this ruling and I will go through it. The Opposition can disagree with it. I do not want my Friends to believe that I am saying that they must agree with it. What I am saying is that they are bound by it. That is what I am saying. ***[Interruption]*** If you do not want to accept rulings of the court, the camera is rolling; the nation will see that this is an Opposition that is saying to the country and to the world that they are no longer bound by the rulings of the Supreme Court of Judicature of the country. There is nothing wrong with that. You do so at your own peril.

> "Thus, even though the power of approval necessarily has as its corollary the power of non-approval, Article 218 (2) was drafted on the assumption that the National Assembly would eventually approve the estimates of expenditure. Final non-approval of the estimates of expenditure by the National Assembly does not appear to be an option contemplated by the Constitution."

You may disagree with it, but you are bound by it.

Mr. Speaker: Mr. Nandlall, you have been speaking for 55 minutes, approximately. While we are in the Point of Order mode and not motions, the strict time limits do not apply. It is just to give you an idea of where you are. It is interesting for me, but I know that some others may not find it…

Mr. Nandlall: Sir, we are dealing here with the national Estimates of this country.

Mr. Speaker: I agree and that is why I am prepared to give as much time as is needed. I just thought that I should let you know.

Mr. Nandlall: I do not know of any other significant event in the 83,000 square miles of this country that is more important than this. You are presiding, Sir. If they withdraw the motion, I will sit. [**Ms. Ally:** Withdraw which motion?] The motion to cut. If you withdraw it, I will sit down. I am entitled, as the Attorney General and as the legal advisor to the Government... [**Mrs. Backer:** You cannot speak forever] The length of my speech, Sir, is at your discretion, the House's discretion. And to your discretion, Sir, I will bend and bow.

Mr. Speaker: What I wanted, really, was an idea of how long more you think you have.

Mr. Nandlall: I have about 30 minutes more. I will abridge what I have to say quickly. I am at page 15 of the ruling, Sir.

> "Clearly, it is the Minister of Finance on whom the Constitution has reposed the responsibility of preparing estimates of both revenues and expenditure, it is the Minister who must go back to the drawing board and revise his estimates…"

This is the important part. It is on page 15:

> "…it does appear to the court that it is the Minister of Finance who must revise the estimates and not for the National Assembly to cut or reduce the estimates of expenditure – thereby pre-empting the Minister from revising…"

Page 16:

> "If the National Assembly were to reduce or cut the estimates of expenditure, this would mean that the estimate of expenditure would be as determined by the National Assembly rather than by the Minister."

So, the allocation to buy pumps, for example, will not be determined by Dr. Ashni Singh, but will be determined by Mr. Ramjattan. The Estimates would be determined and approved by the National Assembly rather than as determined by the Minister and approved by the National Assembly.

Article 218 clearly does not give the National Assembly the power to determine the Estimates for its own approval. Members do not have that power.

Mr. Speaker: I have a little note on my own hand. To me, it is also reducing the Committee of Supply to a mere rubber stamp. That is a contradiction that I need resolved because if I am to accept this, what then is the time-honoured role of the Committees of Supply and ways and means committees as they have evolved since the 17th Century?

Mr. Nandlall: The Chief Justice seems to be saying that the Minister must go back and revise his Estimates. But, Sir, what we have to recognise though… ***[Interruption]*** I am dealing with concepts that fly far above your head and the concepts are that it is not open to the National Assembly not to be guided by the pronouncements of the Chief Justice. I continue:

> "Moreover, if the National Assembly had the constitutional power to cut or reduce the estimates of expenditure, it would legally be able to cut such estimates by $1 as well as up to $1."

The National Assembly has no such power. And then the Chief Justice gave the rationale and he explained the doctrine of Separation of Powers. Then he said this:

> "Applying that doctrine of separation of powers…"

And I do not think that even Mr. Greenidge… [**Mrs. Lawrence:** Hon. Member.] Hon. Member, of course; Mr. Greenidge is a most distinguished, noble and honourable Member in my esteem. Even the honourable, esteemed Member would not dispute that the doctrine of Separation of Power applies to the Constitution, so I can move on.

The Chief Justice continued:

> "Applying that doctrine to the interpretation of Article 218, it does appear to the court that it was not permissible for the National Assembly to cut or reduce the estimates of expenditure to any particular figure."

I have to repeat this because one listening to my Friends over the last year or whenever they speak on this matter, one would get the impression that either they read this, they did not understand, which is quite a possibility, or they forgot, which, again, is a possibility or they did not read it but told us that they read it. There are three options.

Sir, last night I was looking at this ruling and I was wondering which one of the words – I looked at "…applying the doctrine…", "…does appear to the court that it was not permissible…" – could have been confusing to my friends and I cannot find it. Hopefully, when my learned Friend stands up, he will edify me. But I will read on:

> "Applying that doctrine to the interpretation of Article 218, it does appear to the court that it was not permissible for the National Assembly to cut or reduce the estimates of expenditure to any particular figure…"

And zero is a figure.

> "…since, in so doing, the National Assembly was both determining and approving such estimates."

There is not a single word with more than six syllables in this sentence, but yet my Friends find it elusive. I continue:

> "If the drafters of the Constitution had wanted the National Assembly to exercise such power…"

If there is a person who does not understand, please, I can explain. Which word do you have a problem with?

> "If the drafters of the Constitution had wanted the National Assembly to exercise such power, they could have easily conferred such power on it in the Constitution in express terms – as was done in India. (see Article 113(2) of the Constitution of India)."

What more can I do?

Mr. Speaker: One second, Hon. Attorney General. I did take the liberty of getting Article 113 (2) after it was mentioned this afternoon. Article 113 (2) states:

> "…the House of the People shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein."

In other words, they have presented three scenarios: refuse, assent, or assent with reduction. From my reading…

Mr. Nandlall: Which article is that, Sir?

Mr. Speaker: Article 113 (2) of the *Lok Sabha* has presented three options.

Mr. Nandlall: That is what the Chief Justice said.

Mr. Speaker: Yes, but, in other words, he is saying that the National Assembly can either assent *in toto,* reject *in toto,* or assent with reductions. That is in India.

Mr. Nandlall: That is correct. That does not obtain in Guyana. [**Mr. Greenidge:** Why are you quoting it then?] [**Dr. Singh:** The Chief Justice referred to it.] The Chief justice said… My Friend is having problems. Sir, I will ask for an extension of the 30 minutes because, obviously... Let me walk you through it. Let me start again. ***[Interruption]***

Mr. Speaker: Allow Mr. Nandlall to speak. Hon. Attorney General, take your time.

Mr. Nandlall: Yes, Sir.

> "If the drafters of the Constitution had wanted the National Assembly to exercise such power, they could have easily conferred such power on it in the Constitution in express terms – as was done in India. (see Article 113(2) of the Constitution of India)".

I move now to deal with my Friend, Mr. Ramjattan. I have one more quotation on the issue of power to cut and then, I believe, I will move to the other issue. [**Mr. B. Williams:** Are there more issues? I thought it was one issue.] No, it is not the cuts alone.

Let me deal with article 171. Mr. Ramjattan said, with a straight face and very emphatically to this House, that the Chief Justice never dealt with article 171 of the Constitution and the Chief Justice, at page 22, dealt, specifically, with article 171(2)(a). Mr. Ramjattan used article 171(2)(a) and he quoted it and tried to argue that it is applicable. This is what the article states. I will read it for the record:

> "Except on the recommendation or with the consent of Cabinet signified by a Minister, the Assembly shall not-

"(a) proceed upon any Bill…"

Mr. Ramjattan does not have a Bill before the House; he has a motion. All of this reliance on article 171 is completely premature. Where is the Bill that you have, Mr. Ramjattan? [**Mr. Ramjattan:** Article 171 (2) (b) talks about the motion.] I now understand him to be saying that he is relying on 171(2) [**Mr. Ramjattan:** Article 171 (2) (b).] Now he is saying "(b)". You have to tell us what you are doing. You have me being longer on the floor. **[Mr. Ramjattan:** Go to article 171 (2) (b). It states, "…proceed upon any motion…"] "…for any of the purposes…" Which one of the purposes stated there allows you to reduce?

The Chief Justice examined article 171. The power of reduction by way of a statute comes by way of an implication. It is not one of the purposes for which a motion can be filed. Let us deal with the Standing Orders as well because my Friend is relying on the Standing Orders. The Chief Justice dealt with it at page 24 of his ruling. It states:

> "The legal truth does appear to be that it is the Minister of Finance (the executive) which is responsible for preparing and laying the estimates of expenditure before the National Assembly for its approval."

This is about the tenth time that the Chief Justice is making this point, yet it is illusory.

> "The National Assembly in the performance of its gate-keeping function may approve or not approve those estimates. If the Minister is not able to satisfy the Assembly, it does not approve. But this is a far cry from saying that, as gatekeeper, the National Assembly is entitled to cut or reduce the Minister's estimates to any particular figure or figures. To do so would be determining and fixing the estimates for its own approval."

The Chief Justice continued:

> "If the National Assembly can cut and reduce by $1, by the same token, it can cut and reduce to $1. This court has great difficulty in making a finding that the framers of the Constitution could have given the National Assembly such far-reaching power without saying so expressly or by clear implication."

Mr. Speaker: Pause please, Mr. Attorney General.

Mr. Nandlall: Yes, Sir.

Mr. Speaker: Before the House is a motion moved by the Minister responsible for finance for the adoption of Estimates. The procedure is that when the motion is proposed, at the end of the debate, we move into a committee known as the Committee of Supply, but the motion is extant; it is before us. Does article 171 (2) (b) speak to that at all?

Mr. Nandlall: Sir, I have two answers to that. Firstly, the Constitution deals with finance at a different part of it.

Mr. Speaker: Before you go forward, article 171 (2) (a) (ii) speaks of any charge on the Consolidated Fund or any other public fund or for altering any such charge otherwise than by reducing it. (b) states:

> "…in the opinion of the person presiding, makes provision for any of the following purposes…"

In other words, when it deals with a motion, it brings in what is referred to above – charge on the public fund. Before you go to article 218, article 171 (2) (a) deals with Bills, (b) deals with motions and what (b) states is *mutatis mutandis*: what applies in (a), insofar as Bills are concerned, applies to motions as well.

Mr. Nandlall: The simple answer to that is that that is not addressed in the ruling. I cannot remember my Friend even arguing that.

Mr. Ramjattan: On a Point of Order, my written submissions to the Chief Justice …

Mr. Speaker: Mr. Ramjattan, you will have your chance. As the person who introduced this motion and started the debate, I will give you some minutes to proceed.

Hon. Members, it is ten minutes past seven o'clock. I know that a number of officers have gathered today with the expectation that we would have commenced consideration of the Estimates of Expenditure. I am suggesting that the relevant Ministers excuse them. I do not have the authority to excuse anyone. It would have to be that the relevant Ministers for the estimates that we were to cover today excuse their officers. I believe that we were to cover the Ministry of Foreign Affairs and Ministry of Legal Affairs. It is in the judgment of the Ministers to determine

whether or not they wish to have…I doubt because I would need time to consider these very good arguments that I am hearing here this evening and we have not yet heard Mr. Basil Williams. I am suggesting, out of courtesy, that... We have the Director General of the Ministry of Foreign Affairs here. I have noticed that senior officials of the High Court and judicial system are here as well. The relevant Ministers may wish to excuse those officers. That is for them to determine. I doubt, as I said, that we would be in a position to start deliberation on any Estimates of Expenditure. But you are free to sit in and take in the debate.

This is historic and nothing that is happening here has ever happened in any other jurisdiction in the Caribbean. I can assure you of that. You can write about it. Thank you. Sorry about that intervention. Go ahead please, Hon. Attorney General.

Mr. Nandlall: To answer your question, article 171 was crafted and predicated to deal with the situation of existing charges. Hence, my objection, for example, to Hon. Member Mrs. Volda Lawrence's Bill for the Clerk of the National Assembly because that Bill created a charge, an existing charge; it modified by increasing an existing charge. What are before this House are not yet charges upon the Consolidated Fund. These are estimates for consideration. That is why article 171 is wholly irrelevant, and the Chief Justice dealt with it, Sir, at page 22 of his judgment. [**Mr. Ramjattan:** There is nowhere that 'existing' is in this Constitution.] Existing! You have to read it for it to make sense.

> "…for imposing any charge upon the Consolidated Fund or any other public fund of Guyana or for altering any such charge otherwise than by reducing it;"

There is no charge as yet. It will become a charge at some point in time. It is not a charge and, therefore, Sir, article 171 has no applicability to the Committee of Supply and that is what the Chief Justice said at page 22. He rejected out of hand article 171 (2) (b) that Mr. Ramjattan mentioned. It was wholly irrelevant. He dealt with it when he dealt with the first part because, as you said correctly, what applies to the Bill, the same applies to the motion. The Chief Justice explained that the Bill, which the article refers to, speaks to an extant, current, existing charge and, therefore, the motion would also speak to a charge that is in being, that is *in esse*. We do not have that charge as yet. We are getting there, but these are merely estimates.

> "This court has great difficulty in making a finding that the framers of the Constitution could have given the Assembly such far-reaching power [that is the power to cut] without saying so expressly or by clear implication. Such a power would mean that the National Assembly would be authorized to render the Minister's estimates of expenditure redundant. The court does not deny that the Constitution as the supreme law can so do but, should it do so, it must be express or by clear implication. In this court's view, such a power cannot be implied by the conferment of the power merely of approval."

My Friend spoke about the Standing Orders and the Chief Justice dealt with it. He has dealt with it in every case in which he has ruled. This is what he said in relation to Standing Orders, because of the very argument advanced by my learned Friend that the Standing Orders permit the cut.

Recall, Sir, the Standing Committee on Standing Orders of which Your Honour is the Chairman, at our very first meeting, I indicated to Your Honour that, at some stage, we will have to engage in an examination of these Standing Orders to ensure that they comply with the Constitution. And I indicated to you that in the case which was ongoing – at that time we were arguing the case – there are Standing Orders which are in violent conflict with the Constitution.

Let us deal with article 165.

> "It is true that Article 165 (1) enables the National Assembly to regulate its own procedure and to make rules in regulation of its own procedure. However, Article 165 (1) has conferred no power in the National Assembly to expand or enlarge the scope of its substantive powers under the Constitution."

Clearly, only the Constitution can do so. No internal rule of procedure can have that kind of impact and that is the point that the Chief Justice was making. However:

> "The power to cut or reduce the ministerial estimates of expenditure can be created under the guise of making procedural rules of self-regulation. Like the power to approve or not approve the estimates of expenditure, the power to effect a reduction thereto is a substantive and not a procedural power. Therefore, the National Assembly under the guise of making procedural rules of self-regulation, cannot confer on itself that

substantive power to reduce such estimates. The same applies to Article 74 (1) of the 1966 Constitution which was in ***ipsisimis verbis*** with Article 165 (1) of the 1980 Constitution."

The argument that there is a Standing Order that authorises this National Assembly to cut or reduce is an argument that must be rejected. And the Chief Justice did not only deal with Standing Orders in this matter. In Minister Rohee's case, the Chief Justice made copious references to the powers of the National Assembly to regulate its own affairs because one of the issues was whether the National Assembly, by votes – because the majority…the argument came on whether the majority can gag Minister Rohee. He said, again, that Standing Orders, irrespective of the latitude, the jurisdictional freedom which the National Assembly enjoys to make internal rules for the regulation of its process and procedures, all of that sovereign power is subject to a singular caveat and that is that it must subscribe and comply with the four corners of the Constitution.

In the first ruling on Minister Rohee, the Chief Justice made that point. In the second ruling on Minister Rohee, he expanded on the point. He said this:

7.24 p.m.

> "I had also mentioned in my ruling (referring to the previous ruling) that the right of Mr. Rohee to speak in the National Assembly was not at all created by Standing Orders since Standing Orders as procedural rules of the Assembly do not create substantive legal rights and privileges, but rather regulate the exercise of such pre-existing legal rights..."

You can regulate how a Member can speak, but once he has the power to speak which is grounded in the Constitution you cannot take that away from him. If you have a power to cut then the Standing Orders can regulate how you will cut. If you do not have a power to cut then the Standing Orders cannot confer you with such a power.

> "…having been made by the National Assembly itself for regulation and conduct of its own affairs they are not law and do not per se have the force of law."

That is the chief justice speaking of Standing Orders.

> "It is therefore crucially important between the creation of legal rights and privileges by the Constitution and the exercise of such pre-existing rights and privileges in accordance with the Standing Orders (rules and procedures) made by the National Assembly."

He continues:

> "The National Assembly cannot by making standing orders confer upon itself the power to deprive one or more of its Members of his or her constitutional right to speak although it can make procedural rules on how to regulate that right pursuant to Article 165."

This is the rational. And, Mr. Ramjattan, please read the second ruling of Justice Chang. This is where the case from Africa draws the distinction that it is not law and gives the reason. It is not even subsidiary legislation. It is not in the *Official Gazette*. This is the Chief Justice's rulings.

> "Since the National Assembly is not Parliament…"

It is not the Parliament that makes Standing Orders, it is the National Assembly; Parliament makes laws.

> "…the Standing Orders as rules made pursuant to Article 165 are not law but are administrative rules made by the Assembly for the regulation of its own procedure. As regulatory rules and procedures they cannot be interpreted or applied by the Speaker in such a way as to negative any substantive legal right or privilege of any member of the Assembly. They may regulate the exercise of such a right but they cannot negate it."

Clear emphatic language.

Where does the jurisdiction of the court, leave us? This is what the Chief Justice said, and he addressed this issue on every occasion I approached the court in relation to matters arising out of Parliament. Mr. Williams, my learned Friend, Mr. Ramjattan and your Honour, your own lawyers have repeatedly raised the jurisdictional issue, even in the parliamentary committee case, the first issue raised by Mr. Williams, that the court had no jurisdiction in dealing with parliamentary internal proceedings.

The Nation is watching. When the court ruled it ruled against the Government in that matter; the parliamentary select committee matter. This Government never one day questioned the Chief

Justice's ruling. We never said we disagreed with it publicly. We never said that we are not going to abide by it. The court ruled and everything fell into place. How is it that the Chief Justice was right then, he had the power then, he was respected then, he was venerated then, and he was revered then. Now, in the Budget cut case, he has lost all that veneration; he has lost all that glory. He has lost all that respect. He was right then and wrong now they are saying. Here is where we have the problem. My friends still believe, trained lawyers as they are that they can sit in the Parliament and say the Chief Justice is wrong and therefore they shall disregard his ruling. ***[Interruption]*** I am only reading what the Chief Justice has said. It is beyond your comprehension to understand. This is what the Chief Justice said:

> "While it is not the function of the court to intervene in or to interfere with the workings and operations of the National Assembly. The court as the guardian of the Constitution and of the law has the jurisdiction to determine whether the National Assembly is acting or has acted in contravention of the Constitution of the land. The court has that jurisdiction to determine the existence and the extent of the rights of privileges of its Members since the determination of such questions are issues of law."
>
> This is not at all to say that the National Assembly cannot seek to determine such legal issues itself. Indeed, there is every reason why it should seek to do so. However, on questions of law…"

What we are dealing with here are questions of law.

> "…it is the determination of the court and not the Assembly which is final and binding. But the court will not inquire into the operations and workings of the Assembly except for the purpose of determining legal questions, whether the Assembly has acted or is acting contrary to…" ***[Interruption]***

I am not jumping, I am reading. Let me start all over again. I am reading one sentence after another. I marked it off.

Mr. Speaker: Do not. We have gone on for one hour and 22 minutes and I think. ***[Interruption]*** It is not an abuse; it has been quite interesting. You need to start winding it down.

Mr. Nandlall: I am going to conclude not because I am hearing utterances from the north-western side of the House. ***[Interruption]*** I respect age, so I will not respond. The point is that I have said a lot, and I thank you very much for indulging me, and I thank my colleagues on that side and, of course, on this side for indulging me for such a long time. I will conclude the way I begun. We have to decide in this House whether we are going to be bound by the rule of law, whether we are going to be bound by the Constitution, whether we are going to continue to ascribe respect to the Constitution, whether we will allow the constitutional organs to perform their constitutionally ascribed functions. We in this House have tremendous power; nobody interferes with our power. The Chief Justice in his last ruling said he will not make coercive orders against this House. Out of committee, out of veneration for this House, I ask this House to reciprocate. The Chief Justice has ruled; it is the final arbiter of law in this land. The court is the guardian of the Constitution. What we have been engaging in here, I believe, is unnecessary because the court has finally pronounced. And unless and until that ruling is set aside by the law of this land we are bound by it. Therefore, we have an opportunity, and Your Honour as I said, is placed in this very delicate conundrum in that you are essentially being asked to exercise an almost appellate jurisdiction over issues that have been conclusively pronounced upon, not finally. As I said, the fact that it has not been finally done does not cause it to lose its potency in any form or fashion. But there is a pronouncement from the court and no one has challenged it though it was challengeable within certain time frames; the rules of court allow that. But my honourable friends did not challenge it. Today, Sir, you are placed in that precarious position of presiding over and to render an opinion that may be contrary or may be consistent with what the Chief justice said. In my humble view Your Honour has no jurisdiction, no power, either on the laws of this land or the Constitution, to depart in any form or fashion from what the Chief Justice has ruled.

I thank you very much. [*Applause*]

Mr. Speaker: Hon. Attorney General, the last words of the Chief Justice's ruling says:

> "Since this matter is merely in its preliminary stage…"

Let us stop there. As a lawyer understand that there can be a ruling in an interlocutory matter. I accept that. He says, however, because it is in the preliminary stage there is no final determination. I accept that, but he goes on to say:

> "…the views expressed at this juncture are not final."

There is to me a big difference between an interlocutory ruling where the views on that ruling are final and where a person is himself saying my own views on this matter are not final. There is a big distinction to me. I bring that distinction to your attention which is something that will be uppermost in my mind later on – the difference between a ruling in an interlocutory matter per se, or *simplicita,* and an expression that even my words expressed in this instance are not final.

I invite the Hon. Member Mr. Basil Williams to address us.

Do members prefer to have a break?

Mr. B. Williams: No, we prefer to finish for you to render your decision. ***[Interruption]***

Mr. Speaker: One second, the Hon. Attorney General has asked to be excused for a few minutes to speak to the staff from the judicial department.

Mr. B. Williams: He does not want them to hear the response.

Mrs. Backer: Sir, they have already left. And he knows that.

Mr. Speaker: I was just told they have not left.

Mr. B. Williams: If I pleases you Mr. Speaker, I would like to say that I concur with the submissions on this side of the House. I support the submissions of the Hon. Member Mr. Khemraj Ramjattan, Mrs. Deborah Backer, and the Hon. Member Carl Barrington Greenidge. We believe that we ought to reject out of hand the contentions coming from that side of the House, that this August House does not have the ability to reduce a line item in a budget but must disapprove the entire budget. I have never heard anything like that in life before, and I am going to show you why it is ludicrous.

One would want to believe, if we are going to refer to the judgement of the learned Chief Justice that, obviously, it will be done in the manner in which the lawyers do it in the court. However,

my learned Friend, the Hon. Attorney General, just said that the ruling, all 34 pages of the ruling… let me disabuse the minds of this Hon. Assembly. If you see a report that is copious it does not mean that everything in that report is the ruling of the court. And why am I saying that? There are rules; one looks for the decision of the court and then one looks for the *ratio decidendi*. I do not know what my learned Friend is saying to this Assembly. Let me show you why I am saying that.

The Hon. Member filed a Writ of Summons and sought several declarations in that writ; that the cuts were unconstitutional, et cetera. Mr. Speaker, you know that a Writ of Summons involves pleadings before it becomes right for hearing. So those substantive items my learned Friend has in his endorsement of claim in the Writ of Summons cannot come up for hearing until the pleadings are closed and the matter is right for hearing. Why am I saying that? Mr. Nandlall has to file a statement of claim; this is not an originating motion. That is why since that case he has been attempting to file originating notice of motion which is also wrong because that procedure is related only to breaches of the fundamental right provisions of our Constitution. We have to file a defence in response to his statement of claim. He could file a reply if he wishes and at the end of that a request for hearing would be filed. That is the only time those substantive issues will come up. But in the interim what did he do? He filed an *ex-parte* application to the court which I have here. In that ex-parte application he approached the court asking one question and that is the only ruling the court has in this matter, on the one question he sought their ruling from the court for.

This is what he said at page 11 of his ex-parte application, paragraph 39:

> "The Plaintiff therefore now seeks the following interim order, that the third named defendant be at liberty to make advances or withdrawals from the Contingencies Fund pursuant to Article 220 of the Constitution for the purpose of restoring the funds to the agencies listed in Schedule A hereto attached as originally budgeted in the Estimates of Revenues and Expenditure for Guyana for the year 2012."

That is the only issue that my learned Friend went to the court on, because the matter has not been right for hearing, and right now is not right for hearing because he never filed a statement of claim. So let us see what is the position of the Hon. Chief justice.

On page 7 of the judgement the Hon. Chief Justice said this:

> "The Attorney General further by way of an ex-parte application by way of affidavit sought the following interim order, "That the third-named defendant be at liberty to make advances/withdrawals from the Contingencies Fund…"

As I just read. This is what he said:

> "It is this *ex-parte* application for the above interim order with which this court is now concerned."

This is the only issue that the Hon. Chief Justice had to determine at that interim stage. And Your Honour knows this. Mr. Speaker, you are well aware of this. The Hon. Chief Justice has to answer the question posed by the Attorney General, whether he would allow the Minister of Finance to make advances or withdraws from the Contingencies Fund. All of us who participated in that case know he sought during the hearing to include Consolidated Fund recognising that his whole application would have failed *ab initio* in the first place. We opposed that application but the Hon. Chief Justice allowed him to add Consolidated Fund also. That was the issue. What was the decision of the Hon. Chief Justice in answer to that question? Might I respectfully refer you to page 31 of the judgement; and, Sir, you notice all these things were avoided by the Hon. Member. He asked the question could the Minister of Finance made advances and withdrawals. This is what the Hon. Chief Justice said at page 3:

> "…the court must decline to order any interim relief in relation to reductions or cuts to those line items to which the Appropriation Act applies."

Mr. Speaker: Mr. Williams, which line are you reading from?

Mr. B. Williams: Page 31 at the bottom, Sir.

> "…the court must decline to order any interim relief in relation to reductions or cuts to those line items to which the Appropriation Act applies."

That is the decision in the interim ruling of the Hon. Chief Justice which cannot be contradicted.

As lawyers we have now to seek what were the reasons for that decision and I respectfully refer you to page 25 of the judgement. The reasoning by the Hon. Chief justice was this:

> "That Cabinet (and this is what is important) had decided to accept the estimates of expenditure as reduced by the Assembly. Thereafter the accompanying Appropriation Bill was amended and reintroduced and laid before the National Assembly."

Mr. Speaker: What page is this?

Mr. B. Williams: Page 25. Everything I am going to relate to the judgement. These pages were not inside the ruling my learned Friend had. It continues:

> "As amended to conform with the cuts made by the National Assembly, that bill was passed by the Assembly."

That is the reason for the decision of the chief justice at the interim stage. There was nothing to do with you cannot cut. Everything thing Mr. Nandlall talked about is what lawyers call *orbiter dicta* or what the ordinary people in Guyana would call gaff.

Mr. Speaker: In fairness to both the Chief Justice and the Hon. Attorney General, the paragraph above on page 25, I do not think you could avoid that.

Mr. B. Williams: Sir, that is not relevant to his decision. I am reading his decision and the reasoning. ***[Interruption]*** I am coming to that. He is saying the cuts were proposed, the Minister of Finance went back to the Cabinet, the Cabinet then agreed to accept the cuts and the Bill they had originally moved in this House to initiate the estimates and expenditure discussion in the Committee of the Assembly they amended it to reflect the cuts and then they came and relayed it in the Parliament and the Hon. Minister of Finance said that it be accepted as amended. In other words the entire recourse to the high court was a waste of judicial time because the issue had already been determined by the Minister of Finance, the Cabinet and the Government of Guyana.

The Hon Prime Minister is saying it was by duress. In fact, the Hon Attorney General put that to the Hon. Chief justice and this is what he said on page 26:

> "Counsel for the applicant (that is the Hon Attorney General) submitted that the unconstitutional act of the National Assembly in cutting or reducing the estimates of expenditure…"

He is not talking about cutting the Appropriation Bill he is talking about cutting the estimates of expenditure. This is what the Hon Attorney General is telling the learned Chief Justice.

> "…that the unconstitutional act of the National assembly in cutting or reducing the estimates of expenditure rendered the Appropriation Act *pro tanto* void."

In other words, knowing that the Cabinet, which includes him, decided to accept the reduction and amend the Appropriation Bill and relay it in Parliament and pass it without demur he is now going to the Hon. Chief Justice to tell him we did it under duress and so it is void *pro tanto* or *ab initio*. That is what he is saying. Let us see what the Hon Chief Justice said. You would realise, Sir, the Hon. Attorney General avoided all these pages. I am at page 26. This is what the Hon. Chief justice said in response to him.

> "No doubt, in accepting the reductions to certain line items in the estimates of expenditure, the Minister of Finance acted under the constraining circumstances which then obtained in the National Assembly, that is, unless the Bill was amended to conform with the cuts inflicted by the National Assembly, the National Assembly could not pass the Bill."

And he continues, so those are the arguments that you just made Hon. Prime Minister.

He continued:

> "However, the passing of the Bill was snot the act of the Minister by the act of the National Assembly. It is irrelevant what has motivated the Minister to amend and lay before the National Assembly the Bill. What is important is that the National Assembly did pass the Bill, which was laid before it. Any duress (as they are contending here) of circumstances which has operated to cause the introduction of the bill by the Minister could not operate to vitiate the act of the National Assembly in passing the Bill.

The court continued:

> "As such, its act of passing the Bill could not be invalidated on the plea of duress of circumstances. The court finds no basis for finding that the presumption of constitutionality has been rebutted and accordingly views the Appropriation Act as not invalidated for unconstitutionality."

This was very important. As you mentioned your predecessor the Hon. Ralph Ramkarran made a decision about Standing Orders.

7.53 p.m.

There are some Members in this Hon. House who would want us to operate as though we were in a circus; that we make a decision today and then run from it tomorrow. In fact, the House of Commons Procedure and Practice, second edition, 2009, from Parliament, tells us clearly:

> "Just as case law (the body of judge made law) is an important part of the common law system, rulings – the body of Speaker made parliamentary law, are an important part of our parliamentary system."

They would have you one day make a ruling, then the next day run away from it. We cannot operate like that; we have to have order in this hallowed Assembly. We must have certainty in our dealings in this Hon. House. We cannot whimsically or capriciously to fix an argument, go and rebut previously decisions of the Hon. House. We cannot do that; we must operate as a matured Parliament and a matured Assembly. We have to take our cases *talem qualem* as we find them. You do not have to twist it and turn it just to get your way. In fact, as I said, this is the only relevant ruling of the learned Chief Justice because it was the question that was asked of him and he said that was the only issue we were dealing with at the time.

In terms of the actual request to allow the Minister of Finance to be at liberty to withdraw from the funds - the Contingency and Consolidated Funds - and to make advances, he continued on that too. Mr. Speaker, might I respectfully refer you to page 28 of the judgement. ***[Interruption]***

Mr. Speaker: Hon. Members, one second. The Hon. Attorney General spoke for one and a half hours, not that I expect Mr. Williams to do the same, but he is entitled to take his time and to be heard because this is important and I need to hear all the arguments. Please allow Mr. Williams to speak; proceed please.

Mr. B. Williams: I will not. At page 28, the Hon. Chief Justice continues:

> "It is therefore constitutionally prohibited..."

Remember that the Attorney General is asking the Chief Justice to allow the Minister of Finance to take out moneys from the Consolidated and Contingency Funds and to restore the cuts. He says this:

> "It is therefore constitutionally prohibited to withdraw moneys from the Consolidated Fund, unless authorised under Article 217 (A) and (B). Likewise it is constitutionally prohibited to withdraw moneys from any other public fund with the authorisation of an act of Parliament."

Mr. Speaker, who passes an Act of Parliament? Is it the court, the Executive or is it the Parliament? I would like to say I rest my case, but I will continue. I am not going to regale for hours. The Hon. Member, felt that he could put me in a boat and row me to China and distract me, but I am too experienced for that.

Another aspect of his reasoning for his decision is found at page 31. [**Mr. Nandlall:** ...cannot come to the front of the judgement...] Is it the front of the judgement? What does the front of the judgement has to do with it? I was at the front of the judgement when you were outside. We are making progress here you know. At page 31 of the judgement, the court said:

> "Since the court cannot substitute itself for the Minister for the purposes of the 218..."

As my learned friend was advancing:

> "...the court must decline to give interim relief."

That is what he ruled. He said:

> "Since the court cannot substitute itself for the Minister..."

In other words, he is saying, what are you coming to me for? When you come to me and ask me to let you make advances from the funds, you are telling me I must usurp the law and impose myself on the National Assembly. That is what you are saying. The decision of the Hon. Chief Justice was laid bare, it is very clear and that this Hon. House has to deal with. It is not that you

cannot cut and what could be reduced and all these things that my learned friend regaled us about. In fact, let me show you, the Hon. Chief Justice described all of that. Do you know what he described them as? Views; he said those where his views and he was not even settled in his views at that point in time. That is what they were; they were not his decision.

Mr. Speaker: Mr. Williams, are you then conceding that if it was a substantive ruling or order, it would have a different weight than if it were merely views?

Mr. B. Williams: Sir, even if it was a final order; if the order was made, it was an normal interlocutory order. You still have to go through the analysis. We are dealing with any first... I mean, I do not understand this. An emergent lawyer coming through the training would know this. In fact, in legal working, as we call it – legal writing, you are told to brief a case and you have to put out the factual matrix, you have raise the issues of the facts allocate to that matrix and then you have to come up with the decision. Sir, you know that we went through volumes thick like those things to find the decision and even more, to find the *ratio decidendi,* the reason for the decision. Any law student must know that. If they do not know that they are, in fact, the thing about this whole legal profession is that the person who comes last in law school is still called a lawyer.

I am respectfully submitting that that is the only relevant ruling of the Hon. Chief Justice before you. Sir, I would like to refer you to page 7 of the judgement in 94/12 of 2012. That is the matter which the Hon. Member took to the court, asking whether the Hon. Member Rohee could speak as Minister; that is the case. He was reading from page 7 of that judgement. Basically he was trying to attack the status of the National Assembly and he was trying to subordinate us to the courts; that is what he was trying to do. I am respectfully submitting that our National Assembly is not subordinated to the courts.

Mr. Speaker: I am very interested in that line of argument.

Mr. B. Williams: Yes, I am coming to it. I will show you where he omitted to speak on. At page 7, this is what the Hon. Chief Justice said and my learned friend started reading from here and then he skipped:

> "The court also has the jurisdiction to determine the existence and the extent of the rights and privileges of the Assembly and its Members, since the determination of such questions involve the determination of issues of law."

My learned Friend read up to there and then he jumped, but if he had continued, this is what he would have read to you:

> "This is not at all to say that the National Assembly cannot seek to determine such legal issues itself."

Which is the most important statement in that ruling and he jumped that. [**Mr. Nandlall:** I read that!] He did not.

Under the "Separation of powers", the court's jurisdiction is not to examine our conduct. No! The court's jurisdiction is to interpret the law. That is the court's jurisdiction. If the court has a Bill passing through it, the court cannot interrupt us in our internal proceedings to pass that Bill, even if it is unlawful. That is what the high court case in Hong Kong said. My learned Friend did not read that. It is not unlawful to us, proceeding in our domain, the internal proceedings of a National Assembly of Parliament, to proceed on any motion, bill or petition, even if, they believe that it affects some rule. It is not unlawful. [**Member:** ...] Nothing is here, I do not know why he does this when important points are about to be made. I have to look and see if the Hon. Member Mr. Nandlall has a debugger. Sir, they like equipment over there you know. ***[Interruption]***

Mr. Speaker, can I continue? I am trying to get your undivided attention so that you can appreciate your powers. Sir, if I may continue.

As I said, it says:

> "This is not at all to say that the National Assembly cannot seek to determine such legal issues itself..."

And this is what it continues"

> "Indeed, there is every reason why it should seek to do so."

So I do not know what the Hon. Member was trying to tell you. [**Mr. Nandlall:** Read the next side.] Should I read the next side? I am reading the next side. He continues:

> "Since it is not the function of the court, to intervene in or to interfere with the Assembly in the conduct of its affairs or business the court has no jurisdiction to issue coercive orders to this Assembly..."

[Interruption] Do you want me to read more? At page 8... Mr. Speaker, I see a lot of people are... I am trying to get your attention.

Mr. Speaker: There was a reference that this is like the *Link Show*.

Mr. B. Williams: Yes Sir. We do not mind, but it is a serious link.

Mr. Speaker: Very important. Go ahead.

Mr. B. Williams: Page 8 - I think they should finally rest this question of the status and stature...

Mr. Speaker: What was the page again? Is that number 94 of 2012?

Mr. B. Williams: Yes, this is the action, by way of motion, inquiring from the learned Chief Justice, whether Mr. Rohee could speak as a Minister. He said, "No" he could not speak as a Minister there too. That was the decision of that case.

Let us put this thing to rest finally; this is my last word on it; that we have every right to proceed independently in the internal affairs of our business.

> "Since the court does not see it as part of its judicial function to direct the Speaker or the National Assembly as to the future conduct of the affairs of the Assembly..."

That is the end of the matter. In other words he is saying to you, he cannot tell you how you must go about the business of the National Assembly nor can he tell the National Assembly and he gives an illustration, since the Prime Minister is saying something. He says this:

> "If the National Assembly is debating a Bill for passing, it is open to the court to make a declaration that the Bill, if pass, in its existing form and accented to by the President

would result in an Act which would be void for unconstitutionality. The declaratory judgement of the court would be final and binding, even though not enforceable."

That is the point we wish to make; you cannot enforce orders against the National Assembly. That is keeping with the "Separation of Powers" that my learned Friend spent nearly two hours talking about. He continues: ***[Interruption]***

"But the court would not and cannot injunct the National Assembly from continuing to debate or to pass the Bill, since it is not the function of the court to intervene in or to interfere with the Assembly in the conduct of its affairs or its business."

How many more times do we have to have this? This is what he said; which was a point I was making earlier:

"It is only after the Bill has been passed by the Assembly..."

That is, when we are finished doing our business.

"...and assented to by the President, that it will be open to the court to declare that the Act..."

Because it is now an Act:

"...to be void for unconstitutionality and seek to set it aside for that reason."

But, while we are passing it through this House "nobody moves, nobody gets hurt".

There are other things where my learned Friend took us out, but one of things, *Ms. Esther Perreira*. *Ms. Esther Perreira* cannot be used against us because we are making our decisions. *Ms. Esther Perreira* was a decision of this Hon. House. It was not this Hon. House which overruled itself the next day on it, it was the court. That is the court's business, but this House passed the relevant legislation. Sir, in this case that is our business also. What I am saying is that we cannot keep receding from decisions made. What is the import of that decision on what happened last year in this honourable Parliament, when the reduction was accepted by the Hon. Minister of Finance and by the Cabinet/Government? They amend the Bill that they originally laid to coincide with the cuts and then they passed it as amended. What is the implication of that?

It is clear that since the appropriation aspect of the proceedings were declared to be constitutional by the learned Chief Justice, it means this... ***[Interruption]*** Is the Attorney General disobeying with the Chief Justice's rulings now?

1. That decision tells us that we can cut and reduce the Estimates and the options the Government has ...

Mr. Speaker: One second Mr. Williams, just so that I get it. Because the learned Chief Justice did not vacate the Act, it means that he left standing the decision of this House.

Mr. B. Williams: Exactly. Sir, what they did, was to subsequently adopt the cuts in the Committee of Supply when they went with the Appropriation Bill, as amended, and passed it in this Hon. House.

It cannot be that there is no right to cut because if we could not cut, the Chief Justice could not predicate an Appropriation Bill on such cuts because as the Latin maxim goes *Nihil nil fit*; out of nothing cometh nothing. So it means that we could cut in the Committee of Supply and we could reduce.

What are the options of the Government? When we cut in the Committee of Supply the Government has two options; it could do as it did last year and Cabinet agrees, accept the reductions, amend the Appropriation Bill accordingly, and past it as amended. The other option it has is not to bring the Appropriation Bill. The decision from the Chief Justice said we could cut in the Committee of Supply. If they want to avoid passing the Estimates as amended, all they have to do is not bring the Appropriation Bill, as amended. If they bring the Bill, we could amend the Bill because his own argument is that we could amend the Act, once it is passed. According to the Hon. Attorney General's argument, under Article 171 (2) (A) my learned friend is saying, "Look it must be an existing charge." So the moment the Bill becomes an Act, it is a charge... ***[Interruption]*** Yes, Sir, once he does that it is a charge and there upon, according to Article 171 (2) (A), we can reduce it. According to his argument, we believe that we can reduce the Bill, both in the Committee of Supply and at a later stage. At this point I concur and I adopt the arguments of the Hon. Member, Khemraj Ramjattan on these points about the ability to cut, which he dealt with exhaustively in his presentation in the Committee of Supply.

The Hon. Chief Justice dealt with this issue himself and he said, even if the situation of cutting arose, who is supposed to remedy the Estimates? He said, he believes that it is the Minister of Finance and the Government who should have the opportunity to remedy the Estimates. That they should go back and make the corrections and return to this Hon. House; come back to papa as it were. [**Mr. Speaker:** ...] That is his judgement. I believe that is an option he has.

Mr. Speaker: In Nigeria just last month, the government of Nigeria did just that.

Mr. B. Williams: I believe they could do that.

Mr. Speaker: Where the House did not approve the full budget. The President in Nigeria withdrew and then President Goodluck Jonathan came with an Appropriation Amendment Bill, brought it back. That was only last month in March and this is still ongoing.

Mr. B. Williams: In fact, you are raising a very good point. Why I ruminated on it is that the Government has... ***[Interruption]*** [**Mr. Speaker:** Be careful with ruminated.] Sir, no, it is ruminated. Since the Government has until the end of April to pass the Budget as it were, they therefore have time to go back and to do the necessary corrections and return. In fact, the Hon. Member, the shadow finance minister has written you, a letter that I have seen and he is suggesting to them that they are in breach of the Constitution with which I agree in terms of lump sum payments to Constitutional bodies and that they should go and make their corrections and bring it back in time before the expiration of this exercise in the House is completed.

I do believe that the Hon. Chief Justice also recognises that if they could back and correct it, it means that he is recognising that you could cut it so that they could go and bring it back. He is recognising that. We concur in that view that once we implement cuts, the Government through the Minister of Finance, could go back to Cabinet and they could do the necessary adjustments to bring it in line and in conformity, recognising the one vote majority that we have on this side of the House, that if they do not do, there is a real possibility that it would not be passed.

We believe that this whole thing when you look, I think the last time I spoke in this House I told you about the historical importance of your presiding in this Assembly at this time. These things my learned friends or the Hon. Members on the other side are rising up and making noise about, the only reason these things never occurred before, as my previous presenter said was because of

how the House was configured. This House has been configured from the outset for a majority Government. So it was a non-issue when the Budget is proposed, that they would use their majority and pass it. But what you have now is that the Opposition has the majority and this now really creates a scenario, which really the historical revolution of this whole exercise of levying imposed on the population would be satisfied. This is how this whole process started in England. The king used to levy on the people and he levied on the people for he, his household and for the courts. That is what he used to do and then he started extending it. I would tell you another thing about the English people through the ages; they do not stand for nonsense for long. They said, "Wait what is happening here? You are taxing us to the hilt and we are not getting any benefit in return." So the people decided that whenever they came, through their representatives in Parliament, to ask for revenue that they would impose on them obligations; "Look we have a bridge or a road to fix in our community. We have this building to go up here". That was how it evolved in England. After a time, the people there, representative in Parliament of the people, interfaced with the monarchy and they knew that they had to listen to the wishes of the people in their expenditure of money. Then the Consolidated Fund was evolved. The Consolidated Fund was the anvil upon which the whole financial arrangement that we now have today, in our Parliament in Guyana, arose.

In fact, the Standing Orders which my learned friend is saying the Chief Justice is wanting to say, has no force, they are merely internal rules, Sir, let me respectfully refer you in this Hon. House to the 1980 Constitution Act and the 1980 Constitution. The 1980, the Co-operative Republic of Guyana Act, it says by section 9 of that Act all the Standing Orders that were enforced in Guyana at the time and it said that the Standing Orders enforced in Guyana immediately before the coming into operation of the Constitution would be the Standing Orders for the House of the Assembly under this Constitution. I do not know if you are constituted by an Act of Parliament, which brings into being a Constitution and then you say, "Look in this Constitution these existing Standing Orders must be the Standing Orders".

8.23 p.m.

My learned Friend is confusing the two things. The Hon. Member is confusing the two things. He is saying that under Article 165 one cannot do "this" and one cannot do "that". Article 165 authorises us to make additional Standing Orders but I am saying that the Standing Orders that

were saved and that were in existence at the creation of the Constitution has to have a higher status than some internal rule. We will argue it down the wire, right down to the Caribbean Court of Justice (CCJ) if it comes to that.

I would want to ask the Hon. Member: How did Standing Order Nos. 71 to 76 arrive in our Standing Orders? What are they doing there? Did we just make those Standing Orders? What do we do? Do we disregard those Standing Orders? I thought the Hon. Chief Justice said that the substantive law is one but the regulation of that law within the National Assembly is a matter for the Standing Orders as interpreted by the Hon. Speaker. That is my understanding of it so even if you have a right to speak that right is regulated because you cannot come and speak as you like. The Standing Orders would regulate that right and if the whole financial procedure from England has been adopted in our constitution... Articles 217, 218, all of those Articles refer to the practice and procedure of the British House of Commons and Section 113 (2) also.

This is what I wish to submit: The persons who drafted the 1980 Cooperative Republic Act are the same people who drafted the Constitution of the Republic of Guyana. Why am I saying that, that they were the same drafters? Do you know why I am saying that? I am saying that because the framers of the 1980 Cooperative Republic Act saved the Standing Orders in existence.

Mr. Speaker: I was going to ask you what the purpose and effect of Article 9.

Mr. B. Williams: Article 9 saved those Standing Orders.

Mr. Speaker: What was the intension?

Mr. B. Williams: Do you know what the intension was? The same person who was drafting the Constitution... It was not necessarily necessary for them to put in the regulations in the Constitution because one already got the Standing Orders in the act saying 'these will be the Standing Orders' so the same people who drafted the Constitution put in Articles 217, 218, they put in Article 113. Why would they pack in these same Standing Orders that deal with regulating how one exercises this power of laying estimates and approving estimates? That is what is the crux of the matter so it was unnecessary for the same people, knowing full well that they had saved the existing Standing Orders for the financial procedures, to put it back into the Constitution. Why would one put it back into the Constitution? One has already dealt with it.

One has already inserted them into the Constitution and these are not new orders made under Article 165 so they must have a proper status and we are saying that these Standing Orders are merely to regulate the exercise of the powers under Articles 217 and 218. That is what they simply have to do. How else does one go about regulating it? How else? I am saying that we were on proper ground when we said that we could cut and in fact the decision of the Hon. Chief Justice says that we could cut and it is over to the Cabinet or the Government to decide whether they accept the cuts or not. If they accept the cuts they would amend the Appropriation Act which they brought, accordingly. If they do not accept the cuts then they will go back to the drawing board and then come back to us. That is what I am respectfully submitting.

My learned Friend is asking me to wrap up. I believe that I have made my salient points already. Oh yes! This thing that my learned friend is saying that we cannot disapprove... I would end on that note. He is saying that the Constitution only says that we could approve but we cannot disapprove. The Hon. Attorney General has said in this House that under Article 218 we could only approve; we cannot disapprove but if I refer you to pages 11 and 12 of the judgement, the interim ruling, this is what the Hon. Chief Justice says:

> "It is the submission of the Hon. Attorney General that while the National Assembly has the discretionary power under Article 218 (2) of the Constitution to approve of and [he has in brackets] (by necessary implication) the power to disapprove of the estimates."

Hence, even in that case the Hon. Attorney General had conceded before the Hon. Chief Justice that if one had the power to approve one also had the coronary, the power, to disapprove.

I rest my case way into the night and I am reiterating that we, from the ruling of the Hon. Chief Justice, have the ability to cut the estimates of expenditure and we also have the ability to cut the appropriation bill. Thank you very much, Mr. Speaker. [*Applause*]

Mr. Speaker: Hon. Members, I have heard enough, but I would invite Mr. Ramjattan, if he wishes, very quickly... Is there anything that you, based on all that was said, wish to...

Mr. Ramjattan (replying): I will be pretty short here, Mr. Speaker. First, and very quickly... I had about four points to make. Let me just make one very important one that gives very high regard to the Standing Orders and that is Article 171 (1). In relation to the powers under that

Article this is what that Article says about Standing Orders, just to give the significance of what Standing Orders are and how legal they are:

> "Subject to the provisions of this Constitution and the rules of procedure of the National Assembly, any member of the Assembly may introduce any Bill or propose any motion for debate in... [This Assembly]

Subject to the provisions of this Constitution and the rules of procedure of the National Assembly any member can bring any bill or any motion to be debated here in. The fact that the Constitution can say that the provisions of this constitution, along with Standing Orders are what this Article is subject to means that that is very important.

Secondly, I wish to make this point. The argument was made that when we in the National Assembly amend the estimates that we are proposing the estimates to this Assembly. That is an abrogation of the powers of the Executive Branch.

Mr. Speaker: In the act of proposing an amendment to any line item you are crossing the divide.

Mr. Ramjattan: That is what their argument is.

Mr. Speaker: That is the argument.

Mr. Ramjattan: I am saying that since we have the power to disapprove, as the Chief Justice says... [**Mr. Nandlall:** He did not say anything about...] The Chief Justice said that we have the power to either approve or disapprove and the Attorney General quoted that. When we make our cuts to the estimates we effectively were disapproving that $179 billion they brought last year. What the Minister did... He could have done two things. He could have accepted our proposal or he could have run back to his Ministry knowing then that we were only going to pass a budget of $158 billion, reconfigure his whole budget and come back with $158 billion in here. The Minister did not do that. The Minister, realising that it would have taken another three months or eight months to go reconfigure his budget literally accepted as amended our $158 billion so, in a sense, he went back to his... but it is only symbolic. Figuratively he went back so in a sense when we make our cuts here, to be consistent with...

Mr. Speaker: The Chief Justice has described that as "constraining circumstances".

Mr. Ramjattan: That is right but even if they are constraining circumstances it is because we do have that power to make the cuts and cuts are going to be constraining but the Minister, by virtue of coming, just in Parliament here, and arranging that, "Okay, well, I cannot do anything about it; rather than not have a cent because it will be total disapproval and I cannot go into any charge to expend moneys, I will then adopt what the National Assembly by majority has come up with". Then he comes with his $158 billion, instead of the $179 billion. Effectively then he is approving as amended. Now his approval as amended is literally his 'proposership' still. It is not the 'proposership; of the National Assembly and I want that point to be made; it is still his proposal.

Mr. Speaker: Your argument is: When the Committee of Supply suggests an amendment, once the Minister took it forward as he did last year, the power of repose still stayed in the hands of the Executive.

Mr. Ramjattan: The Executive Branch. That is right. That is the point.

Mr. Speaker: The proposal for an amendment was just a proposal, in a sense. In essence, it is really just a proposal of this House but that the Executive Branch is not obliged...

Mr. Ramjattan: ...to accept it.

Mr. Speaker: ...to accept.

Mr. Ramjattan: That is right and he, by accepting it...

Mr. Speaker: ...carried out the executive function.

Mr. Ramjattan: That is right and by reporting to the National Assembly, as he did, it becomes their proposal still.

Dr. Singh: If I may, Sir.

Mr. Speaker: One second, Mr. Finance Minster. I am just trying to follow Mr. Ramjattan's argument. I have not said that I have accepted it. I am just trying to follow his argument so there is no need for me to hear you. I am just trying to follow the argument as it is coming.

Mr. Ramjattan: Mr. Speaker, that is why when, like last time, we in the Committee of Supply made those cuts the Minister in reporting to the National Assembly after the mace was taken off

– that symbolic act when the Committee of Supply then transforms itself back into the National Assembly – we then say him reporting, "Mr. Speaker, the Committee of Supply having done 'so and so' I now report that, with the estimates as amended..." That is what he did. He wants to say that it will be constraining circumstances.

The main point that I wish to make has to do with Article 171 (2) (b). We, in this Committee of Supply, when we start making our proposals or acceptance with the line items have a power to also amend the motion brought here by the Minister of Finance. Remember that the Minister of Finance has brought the motion. It was stuck into all of the budget debates; a motion that said that he would like, at the Committee of Supply stage, for the budget that he has proposed, $208 billion, be approved. Article 171 (2) (a) says:

> "Except on the recommendation or with the consent of... a Minister, the Assembly shall not-
>
> (a) Proceed upon any bill... [that is (a)]
> (ii) for imposing any charge..."

...except for reducing it. Now Article 171 (2) (b) says:

> "proceed upon any motion..."

I have brought a motion here to proceed with certain alterations for reducing it. His motion is to pass $208 billion. As Article 171 is saying, I can also – any Member – can bring a motion to reduce it because Article 171 (b) applies *mutatis mutandis* to those powers that we have under the bill section in (a) so it is important that the Constitution, itself give the power of this National Assembly through a motion to ensure that we can amend his motion.

Mr. Speaker: How do you reconcile... Article 113 of the Indian Constitution which clearly spells out...

Mr. Ramjattan: Because that Article 113 of the Indian Constitution is literally the equivalent of 171 of our Constitution because our Constitution here is saying that any Member under a motion can reduce it and also, on a bill, we can reduce it. Article 171 (2) (b)...

Mr. Speaker: The Indian Article 113 is, but extrapolation or a refinement of our Article 171?

Mr. Ramjattan: It is far more explicit, but that does not mean that our Constitution did not provide for it. Our Constitution is saying "for imposing any charge upon the Consolidated Fund" for a bill but we know that when we are dealing with financial matters in this Parliament we have to come to a Committee of Supply stage first. We have to come to a Committee of Supply all the time, when it comes to finances, and as a result of coming to the Committee of Supply, which we must come by a motion, we can now have any other Member of this Parliament countering with another motion to reduce it and that is what Article 171 (2) (b) is saying. Article 171 (2) (b) is roughly the equivalent of Article 113 in the Indian Constitution and made these arguments, but the learned Chief Justice did not address Article 171 (2) (b). He did not. He did not even mention it.

Mr. Speaker: This is not an appeal court so do not let us go there.

Mr. Ramjattan: That is true. So it is important that we understand that we in this House do have that power to proceed upon any motion for the reduction of the charge. I want to make this point because it is especially important. Just bear with me, Sir. We in this Parliament having this power under Article 171 (2) (b) must understand that there is a very important argument that should be brought to the fore. In a free and democratic society, those who hold office in Government – that is the Executive – and who are responsible for public administration must be open to criticism. Any attempt to stifle or fetter that criticism will amount to censorship; insidious and dangerous and the legitimate criticisms fired by political opponents in the Executive are to persuade that we could do a better job in the Opposition and that is generally what democracy is all about. When we in this Parliament seek to state that we can do a better job by reducing the spending, it is but part of the democracy that this country allows. Also I wish to make the point that Justice Adrian Saunders in a very important decision – that is a Caribbean Court of Justice Judge – quoted an extensive piece as regards the separation of powers.

> "Our democracy rests on three fundamental pillars, the Legislature, Executive and the Judiciary. All must keep within the bounds of the Constitution. The Judiciary has the task of seeing to it that the Legislative and Executive actions do not stray outside of those boundaries onto forbidden territory. If that occurs for a citizen with standing complaints the court declares the trespass and grants appropriate remedies. Within their constitutional parameters, the Executive and the Legislature are responsible for enacting

> and implementing such policy measures as is in their wisdom considered appropriate for the people. The Judiciary has to be careful that it too does not stray from its function and usurp the authority and role of the Legislative Branch."

This is a Justice of the Caribbean Court of Justice speaking.

> "I reiterate that there is a fine line which the court must tread in these circumstances. On the one hand it must protect the citizens and guarantee the rights and freedoms which the Constitution proclaims; on the other, the court should not intrude into the preserve of the other branches of Government. For our democracy to operate effectively it has been said that it is necessary that a certain comity should exist between these three branches. Each should respect the role and function of the other. The court is subject to and must enforce laws passed by Parliament that are *intra vires* the Constitution. The executive should respect and obey the decisions and accept the intimations of the court. If this comity does not exist then the wheels of democracy will not turn smoothly. A jarring and dangerous note will resonate there from."

"A jarring and dangerous note..." What we saw from the interpretation of Article 171 and 218 by our Chief Justice is in a sense intruding onto the territory of the Legislative Branch and it will create a lot of problems and I am urging that if we were now to get the option as you, yourself, mentioned, Mr. Speaker, only a couple of minutes ago, that we have to either approve the budget, as the learned Chief Justice mentioned, or disapprove it, we will be crippling and making destructive this country if we were to disapprove the thing in its entirety. We can then, as a result, see the sense of making reductions rather than disapproving the whole thing. That is why I am saying that an interpretation of Article 171 (2) (b) and (a) gives us the power to reduce the budget otherwise what could have been the meaning otherwise than reducing it? What could have been the meaning of our Standing Orders? I want to take objection to the argument made by Ms. Gail Teixeira when she indicated that after the Constitutional Reform Process we ought to have amended the Standing Orders. In the Constitutional Reform Process we never touched Article 217, 218 nor 219 and that set of Articles had been there since the Constitution in 1966 and all of those Standing Orders have been there since then so why do we need to ruin the Standing Orders by altering them.

I urge that cuts are permissible and that, in the context of Guyana, it is far better to have cuts than a total disapproval. Thank you very much.

ADJOURNMENT

Mr. Speaker: Hon. Members, thank you very much. That has been an exhaustive but very enlightening and interesting debate. I would like to say that what I have heard this afternoon and this evening makes me feel proud to be a Member of this Assembly and to be associated with some of the Members; I would not want to single out but certainly the primary spokespersons – the Hon. Attorney General, Mr. Basil Williams and Mr. Ramjattan. Though they represent this Assembly as Members here I believe they have earned the right to take silk and I hope at some time... Based on what I heard today, you have argued very well and I hope that the relevant authorities take note.

With that said, I am asking the House's indulgence to be given some time to consider all that I have heard and, as I have said, I am very impressed with what I have heard.

I singled out... The Minister of Finance? You have to be called to the bar first. I singled out the Attorney General, Mr. Basil Williams and Mr. Ramjattan of being worthy of the appointment of silk. That is what I am saying.

Hon. Members, I am asking for the House's indulgence to be given an opportunity to consider all that I have heard so that I may render what I hope to be a proper ruling on this very important matter. Mr. Nandlall has already pointed out that there is no other matter in the 83,000 square miles of this country that is as important as this one right now so I am asking for the concurrence and agreement of the House for us to end our business today and for a motion to that effect to be moved for us to adjourn and reconvene at 2.00 p.m. for the consideration of the estimates.

Mr. Hinds: Mr. Speaker, I so do. I propose that the House be adjourned until tomorrow at 2.00 p.m., Tuesday, 16th April.

Mr. Speaker: Thank you. Hon. Members, we are adjourned until Tuesday, 16th April, at 2.00p.m. Thank you very much for your patience.

Assembly adjourned accordingly at 8.51 p.m.