

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2006-2010) OF THE NINTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

137TH Sitting

Thursday, 16TH December, 2010

The Assembly convened at 2.21 p.m.

Prayers

[Mr. Speaker in the Chair]

PRESENTATION OF PAPERS AND REPORTS

The following papers were laid:

(1)

- (i) The Ministers, Members of the National Assembly and Special Offices (Emoluments) Order 2010 - No.41 of 2010.
- (ii) The Constitutional Offices (Remuneration of Holders) (No.2) Order 2010 – No. 42 of 2010.
- (iii) Financial Paper No. 3/2010 – Supplementary Estimates (Current and Capital) totalling \$1,918,999,270 for the period 2010-09-30 to 2010-12-31.
- (iv) Financial Paper No. 4/2010 – Supplementary Estimate (Capital) totalling \$4,942,976,930 for the period ending 2010-12-31.

- (v) Sales Contract No. SA 139289 signed on January 1, 2010 between PDVSA Petroleo, S.A. (PDVSA) and the Guyana Energy Agency (GEA) to supply the Government of Guyana with crude oil, refined oil products and LPG of up to 5,200 barrels per day on an annual basis.
- (vi) Loan Contract No. 2270/BL-GY signed on February 17, 2010 between the Government of Guyana and the Inter-American Development Bank for US\$5,000,000 for the Expansion and Integration of the Basic Nutrition Programme.
- (vii) Loan Contract No. 2215/BL-GY signed on March 21, 2010 between the Government of Guyana and the Inter-American Development Bank for US\$24,800,000 for the Road Improvement and Rehabilitation Programme.
- (viii) Loan Contract No. 2326/BL-GY signed on July 26, 2010 between the Government of Guyana and the Inter-American Development Bank for US\$2,000,000 for the Georgetown Solid Waste Management Programme (Supplementary Financing).
- (ix) Loan Contract No. 2441/BL-GY signed on November 9, 2010 between the Government of Guyana and the Inter-American Development Bank for US\$5,000,000 for the Financial Sector Reform Programme III.
- (x) Loan Contract No. 2428/BL-GY signed on December 8, 2010 between the Government of Guyana and the Inter-American Development Bank for US\$9,500,000 for the Georgetown Sanitation Improvement Programme.
- (xi) Loan Contract No. 2454/BL-GY signed on December 8, 2010 between the Government of Guyana and the Inter-American Development Bank for US\$20,000,000 for the East Bank Demerara Four-Lane Extension Project.
- (xii) Government Concessional Loan Agreement signed on May 10, 2010 between the Government of Guyana and the Export–Import Bank of China GCL No. (2009) 46

Total No. (297) No. 1290003052009110756 for Renminbi Yuan ¥270,000,000 for the Guyana Power and Light Infrastructure Development Project.

[The Minister of Finance]

The Minister named Thursday, 23rd December, 2010 as the date for consideration of the Financial Papers in the Committee of Supply.

(2) (i) The Law Revision Order 2010 - No. 37 of 2010.

(ii) The Law Revision (Revision Date) Order 2010 – No. 38 of 2010.

[The Attorney General and Minister of Legal Affairs]

QUESTIONS ON NOTICE [Oral Replies]

CHIEF JUSTICE PENSION ORDER NO. 16/2010

Mrs. Holder: I beg to ask the Hon. Minister of Finance question number one on the Order Paper standing in my name:

Could the Hon. Minister say-

- (i) What was the basis for making the Chief Justice's Pension Order No. 16/2010?

Dr. Singh: The Order being referred to, Order No. 16 of 2010, has its basis in the reasons that I will outline when I answer part (ii) of the question. So with your permission, Sir, I would ask if the Hon. Member would like me to proceed to give a single answer to the two parts, because the basis for the Order is rooted in the reasons that are being sought in part (ii) of the question.

Mr. Speaker: Would you like to ask part (ii), Hon. Member?

Mrs. Holder: If the Member so desire, but I thought that as the Minister who made the Order he would be able to answer the question which was very clear - the rationale for the Order. Anyway, the part (ii) of the question is:

- (ii) Why did the Order place the personal emoluments of the Chief Justice at the same level of the Chancellor of the Judiciary?

[**Mr. Ramson:** Acting.]They are both acting appointments. They are, nonetheless, at the same level, now, as a result of this Order.

Dr. Singh: Let me declare that there is no issue about the ability to answer the first part of the question. I believe that what I said was very clear. The first part asks: What is the basis for the making of the Order? And the second part asks: Why did the Order do certain things? And all that I said was the basis for making the Order lies in the reasons to be provided under part (ii).

Be that as it may, Mr. Speaker, the provision of personally protected emoluments, as articulated in Order No. 16 of 2010, is resorted to highlight and remedy a situation where at no fault of an officer, of the particular officer concerned in this case, the extant rules denied access to reasonable benefits. The extant situation sees a Judicial Officer whose upward advancement in the judiciary is stymied by constitutional gridlock. In essence, non appointment of a substantive Chancellor continues to frustrate this upward mobility and imminent access to superannuation benefits.

Indeed, with the current dispensation, and without the Order, the acting Chief Justice, who is indeed the only Senior Counsel currently sitting on the judicial bench, could leave office as a substantive Justice of Appeal even after providing years of commendable service at a higher level; service that has been, and that continues to be, beyond that is required of a Chief Justice. In the current instance, the acting Chief Justice's reasonable expectations clearly enjoy the support of the administration.

Mrs. Holder: Supplementary, if I may?

Mr. Speaker: Yes. Proceed Hon. Member.

Mrs. Holder: Hon. Member your explanation, I assume and conclude, is also applicable to the Chancellor whose salary now is equated to that of the Chief Justice. Is not that position applicable to him and why is his salary not paid as acting Chancellor? Why are these benefits also accruing to the Chancellor? Surely, his responsibilities are different from those of the Chief Justice. Why then are the salaries equated?

Dr. Singh: To the best of my knowledge, the acting Chancellor is being paid emoluments to which he is currently entitled. I am not sure that I can add much more in response to the question which is asked.

Mrs. Holder: Supplementary: Is he paid the Chancellor's salary? Are the salaries of the acting Chancellor and the Chief Justice at the same level?

Dr. Singh: My information is that the acting Chancellor is being paid the Chancellor's salary.

Mrs. Holder: The question has not been answered, Sir, if I may. Are the salaries of the two acting positions of Chancellor and Chief Justice at the same level - yes or no? Are they at the same level?

Mr. Speaker: As far as I understand the answers to the questions is that the acting Chancellor is being paid the salary of a substantive Chancellor and the acting Chief Justice's salary has now been upgraded to the salary of the Chancellor. Therefore they are receiving the identical sum of money. Am I correct, Hon. Member? Have I interpreted you correctly?

Dr. Singh: Mr. Speaker thank you very much for your pellucid elucidation. I must confess, Sir, that I did think that that was reasonably clear even without your elucidation. But thank you very much for offering it.

Mr. Trotman: On a Point of Order, Mr. Speaker. If, indeed, Mr. Speaker, with respect, you did give a certain interpretation, could we now hear from the subject Minister what is his interpretation?

Mr. Speaker: He just agreed with me.

Mr. Trotman: Well I have not heard. He may have agreed with you but we have not understood him to be saying anything really of substance. So could we hear exactly what is the position, Mr. Speaker?

Mr. Speaker: The Hon. Minister has just agreed with me.

Mr. Trotman: He may have agreed with you, but the question was posed to the Minister, not to be answered by the Speaker, with the greatest of respect. So could we hear from the subject Minister what is his answer to that specific question?

Mr. Speaker: Hon. Member, you have things a bit topsy-turvy here. A question was asked of the Hon. Minister and several supplementary questions relating to one issue. I believe I understood what the Minister said, and I explained what I believe I understood him to be saying. The Minister then said that I was correct. Unless you did not understand what I said then I can call on the Minister...

Mr. Trotman: Well, in that case, I did not understand what you said, Sir, so I therefore ask that the Minister explain it in his language.

Mr. Speaker: Well it is up to the Minister. The Minister has answered the question; it is a matter for him if he wants to elucidate.

Mr. Corbin: Supplementary Question: Would the Minister agree that superannuation, pension and all these facilities are related one's remuneration? Whether the Minister would agree that the recent legislation which seeks to make pensionable the salary of the acting Chief Justice be applicable for computation for pension rights. While no one has objections to it, whether it is not setting a colossal precedent which affects other categories of acting persons, including the former acting Chief Education Officer whose pension rights would be calculated on her old salary, and he is now creating a precedent where he is passing the legislation for the Chief Justice to have his pension calculated on his acting salary. Why not make this, in the interest of justice, a standard principle across the Public Service, than discriminate in this way?

Mr. Speaker: It is not related to the issue, Hon. Member, but you may or may not wish to comment.

Mr. Corbin: It is justice we are talking about, and it is the Chief Justice.

Dr. Singh: Mr. Speaker, I share your assessment that the question posed is not related to the substantive issue, and I will say that I do not agree with the assertion made by the Hon. Leader of the Opposition.

Mrs. Holder: I would like to ask the Hon. Member whether then it would be reasonable for me to conclude that the responsibilities of the acting Chancellor and that of the acting Chief Justice are now perceived by him as being equal.

Mr. Corbin: The Constitution guarantees equality under the law.

Mr. Speaker: I do not want to rule the question out of order, Hon. Member, but if you wish to make any comments...

Dr. Singh: As the Hon. Member well knows the responsibilities of the offices of Chancellor and Chief Justice are determined by the Constitution.

Mrs. Holder: Another Supplementary, Sir: Could the Hon. Member give us the context of the policy that arrived at this position? Is this likely to be applicable to other positions in the judiciary? Is there a policy that he either can bring here to give us a sense of what to expect in the future?

Mr. Speaker: The Hon. Minister, and I agree with him, I do not believe thinks that the question follows from the original. It is not a Supplementary question.

ADJOURNMENT

Mr. Speaker: Yes Hon. Members, can we move on? We can move on by my inviting Hon. Members to join with me in adjourning the National Assembly for the day, as this brings us to the end of our business. Before I seek the formal adjournment of the House I would like to invite Hon. Members to tarry for a while longer, as is the saying in certain places, and join in some beverages along with their tea.

Mr. Rohee: Mr. Speaker, I wish to move that the House stands adjourned until the 23rd of December, 2010.

Mr. Speaker: The House is adjourned until the 23rd of December, 2010.

Adjourned accordingly at 2.42 p.m.