

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2012) 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

23RD Sitting

Wednesday, 27TH June, 2012

Assembly convened at 2.12 p.m.

Prayers

[Mr. Speaker in the Chair]

ANNOUNCEMENTS BY THE SPEAKER

Report on the motion of the unaccounted Hansard

Mr. Speaker: Hon. Members, there are just two announcements. The first is that I need to report to the National Assembly that the motion passed by this Hon. House on the 10th of May, in the name of Mr. Greenidge, which pertained to the missing or unaccounted Hansard, that I am in delay. I have only received a report from Mr. Frank Narain a few days ago. I am asking for the patience of the National Assembly and I undertake within a week to lay that report before the House.

Men's Affairs Bureau's march on "Men Against Domestic Violence"

Mr. Speaker: The second announcement is that I have been asked to announce, because I, myself, will be participating, that the Men's Affairs Bureau will be holding a march, "Men Against Domestic Violence", on Saturday morning, at 7.00 a.m., marching from the Umana Yana. I am encouraging all Members of Parliament, particularly the male Members, to consider that event.

Dr. Roopnarine to deliver lecture at Umana Yana

Mr. Speaker: The third announcement is that I notice that our distinguished colleague, Dr. Roopnarine, will be delivering a lecture tomorrow afternoon, himself, at the Umana Yana, I believe, at 5.00 p.m. All Members of Parliament are invited to what, I believe, is going to be a treat. Those are my announcements, Hon. Members.

ORAL QUESTIONS WITHOUT NOTICE

MINISTER OF HOME AFFAIRS TO EXPLAIN STATEMENT ON NATIONAL SECURITY

Mr. Speaker: Hon. Members, I have given permission for the Hon. Member Mr. Winston Felix, to ask a question, in which he conferred with me early in the morning about.

Mr. Felix: My question pertains to an article published in Demerara Waves on Saturday the 23rd of June, 2012 to the Hon. Minister of Home Affairs. The statement is attributed to him and I seek your permission, Mr. Speaker, to quote it from the hard copy, downloaded. The Minister is reported to have said:

“His Ministry has decided to cut the leave into twenty-one days each because of the need to have senior officers on the job during this potentially delicate period of national security.”

My question to the Hon. Minister is to request of him to explain to this honourable House what he means or meant when he used the words “...during this potentially delicate period of national security.”

Mr. Speaker: Thank you very much Hon. Member. I would just preface that with this, that perhaps you need to ask whether the Minister did in fact make such a statement, and if he did, then may he go on to explain its context. So I would preface it. Hon. Member, and Hon. Minister, Mr. Rohee, I do not know if you would wish to... I have always said that you have never been found wanting or caught off guard.

Minister of Home Affairs [Mr. Rohee]: I would have really thought that the Hon. Member, as a former Commissioner of Police who worked and laboured in the security sector for a considerable amount of time, would be aware of what was meant. I did make such a statement. I

would hazard a guess that the Hon. Member would know when such matter is being spoken, or written on, he would have a sense of what is meant, but since he wishes to utilise the National Assembly as forum to clarify what Lurlene Nestor had asked in a letter in the *Stabroek News*, only forty-eight hours ago, then I have absolutely no difficulty in answering both himself and Lurlene Nestor, who is not here in the House, but I will convey my views to her in another forum.

When I said - what is purported to have been said by me - ...

Mr. Speaker: You did just say that you said it. You will move beyond the realms of purported now. Go ahead.

Mr. Rohee: It has to be taken in a particular context. Everything has a contextual framework in which it appears to be said, or which it has been said.

Our task at the Ministry of Home Affairs is to keep a close watch, what may be described as a nation watch, on behalf of the Guyanese people. At no time should we be found wanting in this respect, because if we are, then the consequences, I believe, could be disastrous. I do not believe any fair-minded Guyanese would like to see a situation of that type in Guyana, or in any part of Guyana for that matter.

If we are to do a tour on the horizon in respect of what personalities are saying in Guyana, we would find that on Monday, June 18, in the *Stabroek News*, a mister David Hinds, speaking at a Walter Rodney Memorial Lecture, held at the Demerara Mutual Life Insurance Company's building on Robb Street, on Friday evening - that would be Friday the 15th - had this to say, and I quote from the *Stabroek News*:

‘...if within six months a dent is not made in the current situation of things and things do not move beyond what is happening in the National Assembly, “we may come to a situation where people take things in their own hands.”’

From a security perspective, this is indeed a very serious statement. When you are at a public forum, saying that if within the six months that things do not move beyond where they are now we may come to a situation where people will have to take things in their own hands, we obviously have to take that under advisement.

In addition to that, in the *Stabroek News* of Friday, June 22, Mr. Khemraj Ramjattan, in an interview in respect to the development in Linden, had this to say, that if the electricity rates are to be increased in Linden, he warned, it could fuel national unrest. [*Interruption*]

Mr. Speaker: Hon. Members, the Minister was asked a question and he is attempting to answer his question. He has a right to answer.

Mr. Rohee: He went on to say that if there is an increase it could create a crisis in Linden and could create demonstrations in Linden.

That is Mr. Ramjattan from the AFC. Later on, Mr. Speaker, on the 25th of June...

Mr. Speaker: Could I enquire, how many more references do you have to this answer?

Mr. Rohee: It is quite a few, Mr. Speaker. This is a serious matter.

Mr. Speaker: It is serious enough for me.

Mr. Rohee: ...Dr. Rupert Roopnarine, in the *Kaieteur News*, had this to say:

“Guyana’s Parliament is clearly at a ‘deadlock’ and it is time to bring the people back into the fray, en masse.”

He went on further to say that:

“...the accumulation of demands will soon take its toll on the administration but stressed that this will be done in conjunction with extra-parliamentary action.”

“...that with the masses working in conjunction with the parliamentary opposition, then will work...” (to ensure that the demands are accelerated.)

During a protest march in Linden on the 25th of April the Hon. Member Ms. Vanessa Kisoona was quoted as saying, “Demonstrations will continue against the electricity rate and each person must walk along with ten persons.”

Mr. Christopher Jones, on the 1st of June at a public meeting at Stabroek Market Square said that “There will be protest marches and picketing exercises if there are no meaningful talks with the Opposition on proposals in relation to pre-budget demands.”

Mr. Aubrey Norton, on the 23rd of June, at a public meeting at Palm Tree Cinema Square Burnham Drive, in Wismar, said that Linden was the gateway to the interior and they - meaning the APNU - will know what to do when they are mobilised; they will be told at that moment what to do.

Mr. Lincoln Lewis had this to say: “The increase was against the people’s constitutional rights and they will have to stand up and march against the Government” and in a cynical twist of the statement, said that the water cannon will be turned on Clement Rohee.

Once again, Ms. Vanessa Kissoon was quoted to have said that “We have to be strong and shutdown the town.”

Then Mr. Kuice Sharma Solomon, who was interviewed by media operatives, warned that people must not be fooled by a small group that protested, and he signalled the possibility of more protest actions if Government does not respond in the affirmative.

Now I quote these issues to understand the context in which this statement was made. We, in the security sector, do not take these statements lightly, and it is the context of the seriousness of these statements, in the context of the implications which these statements have for public safety and security, that we cannot... We would be found wanting if we were to act in an irresponsible way in respect of the movement and the deployment of ranks of the Guyana Police Force. The senior management of the Guyana Police Force is very critical, since, under the command of the Commissioner, it is their responsibility to deploy ranks in the appropriate numbers, in the appropriate units, in various parts of this country to ensure that the peace and public safety, the peace and good order in this country, are maintained. This Government stands firmly on this principle, because I want to make this point: There are people in this country who do not support these views, and since there is an overwhelming majority of people in this country who do not support these views, we have to take measures to ensure that their safety, and their protection, is guaranteed.

When I said that we have to take steps to ensure that the senior management of the force, the commanders of the force, is provided with the annual vacation leave in such a way, in such a staggered way, in such a managed way, it is with the purpose of ensuring that at no time whatsoever the senior management of the force is depleted of the appropriate ranks to ensure that

safety and the public order of this country are taken care of. That is my answer, Mr. Speaker. Thank you. *[Applause]*

Mr. Speaker: Hon. Members, before I move on, I omitted to mention that the Hon. Member and Minister of Labour, Dr. Nanda Gopaul, will be absent from today's sitting. He is therefore excused.

I also omitted to mention that we have installed, in the public gallery, some folder bins that would contain the Order Paper, copies of Bills being laid for the members of the public and any other miscellaneous documents or memorandum. Members of the public are free to take those, to read them and to carry them away, as they leave.

STATEMENTS BY MINISTERS, INCLUDING POLICY STATEMENTS

AN UPDATE WITH RESPECT TO PROVISION OF ELECTRICITY

Prime Minister and Minister of Parliamentary Affairs [Mr. Hinds]: I appreciate the opportunity to update this National Assembly, and all our people, about the challenges we face as a nation with respect to the provision of our electricity, within the Guyana Power and Light (GPL) grid and in Linden. Much of this was described during the course of our budget debate in April. I think that it is timely, as we approach the middle of the year, to present this National Assembly with a review, to inform it of where we are and to seek the understanding and support of the House in such actions as the Government may need to take.

Many commentators do themselves, and do us, a disservice, speaking disparagingly about our electricity supply. Such remarks would have started with our particular difficulties in the 1970s and continuing into the 1980s and 1990s. I believe, however, that today most of us would have agreed that the provision of electricity has been greatly improved over the last two decades.

I think all of us in this House would acknowledge our strong socialist path, and I would be the last not to recognise that that preference sprang from good intentions. There is no denying that we have strong feelings that many services, such as electricity, should be subsidised, maybe, should be free, and our utilities, more often than not, have been short of money, underfunded, and this is what I need to address - the question of there being enough money to sustain and improve our electricity services.

Historically, the tariff for Guyana Electricity Corporation (GEC), now GPL, had lagged cost by ten to thirty per cent. When GEC was to be transformed into the privatised company GPL, I think, in 1999, we all entered into covenants that electricity rates would be set at and maintained at sustainable prices - prices that the utility needed to sustain itself - and our further hope was that about this time, sometime after 2010, the citizens of our country would have been taken up the shares widely in GPL, which we hoped would have been seen as a blue-chip, low risk investment providing reasonable returns on investment.

Things have turned out differently. With the departure of the foreign partner in GPL, our Government, mindful of our circumstances, has been foregoing the calculated increases in tariffs which GPL needed to sustain itself. To the end of 2011, a total of some G\$ 19.782 billion, about US\$100 million, had been foregone, but a similar quantity of money had to be found and invested to sustain and improve GPL operations, and we could speak to the increasing generation and other things that have been put in place over the last ten to twelve years. We should be aware that nothing is free. The issue, if the service is to be maintained, is from where and when and how the service is to be paid for.

Mr. Speaker, Hon. Members, you would recall that in the budget debate I said that at the end of 2011 GPL, as a result of foregoing the calculated necessary increases in tariffs since 2008, when we had the last increase, had accumulated various forms of liabilities, over some G\$10 billion. As we were putting together the budget, and putting our heads together and hoping for good fortune, we provided in the budget an allocation of G\$6 billion to GPL to support, in particular the purchase of fuel, the price of which, as we all know, has been significantly increased over the last ten years.

The annual Fuel Returns Certificate, determined in April this year, indicated that GPL needed a tariff increase of 27.91 per cent, from May this year. We have been hoping that we would have been able to forego, delay or diminished that required increase in tariffs. Mr. Speaker, Hon. Members, you would recall that the \$6 billion, we proposed for a subsidy, was cut by \$1 billion, a most unkind and painful cut, because it was not a cut on the Government; it was not a cut on GPL; it was a cut on consumer out there. Let me give that cut a perspective that we could understand. That one billion dollars cut would pay for fuel for five to six weeks, that could mean that GPL could be without fuel and we could be without electricity for five to six weeks.

Anyway we would not let that come about. The Government believes that there is a strong case for vesting the full allocation for GPL so that any increase in tariff, which might still be needed, would be minimised.

Whilst in GPL, we have had the situation that prices lagged, what is required, by ten to thirty per cent, in the case of Linden, because of its company town's history, prices have been ninety per cent below what is required. That is, the prices charged and paid have been ten per cent and less of what is required.

Mr. Speaker, Hon. Members, as you would recall, during the budget debate, I spoke about how electricity consumption, as well as unit prices, had been increasing in Linden, so much so, that in 2011 the Government had to find and put some \$2.726 billion towards paying for subsidising electricity supplies to the communities in Linden. To put this in a perspective, which a Government needs to see it, this subsidy in 2011 averaged \$17,000 per month per household, \$204, 000 per household over the year 2011, so when Budget 2012 was being put together, and recalling, taking in mind both pressure on GPL and Linden, we made the allocation as we present it, \$6 billion for GPL, and we provided G\$1.885,884,400, G\$1.885 billion, for subsidising electricity supplies in Linden.

2.42 p.m.

At the rate at which electricity is being consumed in Linden and the prices for its provision, the subsidy of \$1.885 billion is projected to end by early September. This we could not contemplate a situation where the subsidy just runs out in September, but instead, as Government, we think that it is only prudent that we put in place arrangement, prices, which would seek to spread the subsidy all through to the end of the year. As we did this, we took into account the comments made by the Hon. Members, on the other side of the House, that we should make an arrangement so that the smaller people, the people with lesser moneys, would be impacted less. That is, we should make an arrangement so that the subsidy is more or less shared equally across all customers and not just flow more to those who burn more electricity.

I have published a new tariff structure for Linden, to come into effect, for electricity burnt, from the 1st of July. In this, we have been able to retain the same situation, the prevailing charges for the first 50 kWh of electricity and for every kWh of electricity, above that, which consumers

burn in Linden. Pensioners, from the bauxite company, and other residents will pay \$50 per kWh, whilst commercial/industrial ...will pay \$65 per kWh.

Let me put, again, this arrangement, this new tariff, into perspective. In the GPL system - or let me set back - there is no doubt, and we understand it, that because the electricity has been, for many years, essentially free of charge, nearly free of charge, less than ten per cent of what it costs, the economic decisions, consumers, whether the residents or commercial/industrial, have been guided to certain decisions which have led to high consumptions, much higher than on the coast, two to three times as much as on the coast. The first 50 kWh that is being retained, for everyone, at existing prices, \$5 for residents, we should see that in comparison with the fact that the smallest fifty thousand customers on the GPL grid average only 46 kWh per month. Fifty kWh per month is a significant quantity of electricity to have at the prevailing prices. Even the next one hundred thousand larger domestic consumers in GPL average 150 kWh. If we do the calculations, persons who manage to hold their electricity consumption at or below 50 kWh, they should be paying no more than \$250 per month, which we think is okay. Even those who burn 150 kWh a month should be paying no more than about \$5,300 per month, averaging about \$35 per kWh.

We think we have come up with an arrangement which should be satisfactory, should receive and enjoy the support of all the Members of this House. We look towards the ... after consideration and on reflection. We do hope that the statements that we have been reading in the papers, that we have been hearing, some of which have been quoted by my honourable colleague, next to me, that there be a more sober reflection on that. Those of us who think of ourselves as leaders, who claim to be leaders, would take more prudent action, would guide the people of Linden into more prudent paths.

I thank you. [*Applause*]

INTRODUCTION OF BILLS AND FIRST READINGS

The following Bills were introduced and read for the first time:

1. OFFICIAL GAZETTE BILL 2012 - Bill No.9/2012

A Bill intituled:

“AN ACT to provide for the publication of the Official Gazette in printed and electronic form and for connected purposes.”

2. CIVIL LAW (RIGHTS OF PERSONS IN COMMON LAW UNION) BILL 2012 - Bill No.10/2012

A Bill intituled:

“AN ACT to provide for the rights of persons in a common law union in intestate succession.”

[Attorney General and Minister of Legal Affairs].

PUBLIC BUSINESS

GOVERNMENT BUSINESS

BILLS – SECOND AND THIRD READINGS

MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) BILL 2012 – Bill No. 5/2012

A Bill intituled:

“AN ACT to amend the Motor Vehicles and Road Traffic Act.” *[Minister of Home Affairs]*

Mr. Speaker: Before I call on the Hon. Minister of Home Affairs, it is just to say to the Hon. Attorney General that - I know he did indicate during the budget that these important Bills would be brought - we are happy to see them. I think the entire profession welcomes their introduction. Members, we will now proceed with the second reading of Motor Vehicles and Road Traffic (Amendment) Bill of 2012 - Bill No. 5/2012, firstly published on the 8th of June 2012.

Mr. Rohee: I rise to move the second reading of the Motor Vehicles and Road Traffic (Amendment) Bill of 2012 - Bill No. 5/2012, which was published on the 8th of June of this year.

As set out in the explanatory memorandum, to this Bill, the Bill seeks to amend the Summary Jurisdiction Procedure Act. We wish to seek the support of the House to amend section 8 of the

principal Act which would require every police officer, and in this specific case it would be a traffic rank, who is responsible for issuing a traffic ticket to, unlike in the past, submit a copy of the ticket to the Officer in Charge (OC) of the police station in the given station district. Apart from submitting a copy of the ticket to the OC of the station, he is also obliged to present a copy to the Clerk of Court in the magisterial district where the offence was committed.

Mr. Speaker: Is it on the wrong Bill?

Hon. Members (Opposition): It is on the wrong Bill.

Mr. Speaker: Set up some sign post and you can find your way back to the Motor Vehicles and Road Traffic (Amendment) Bill.

Mr. Rohee: Thank you Mr. Speaker and to those Members who were gracious enough to point me to the right... These things do happen.

Mr. Speaker: It is called a *senior moment*. We all get it from time to time.

Mr. Rohee: Now that they have a sneak preview of what I was going to say in the second Bill, let me, for the purpose of the honourable House and the Members, refer to the Motor Vehicle and Road Traffic (Amendment) Bill.

This Bill seeks to amend section 18 of the Motor Vehicles and Road Traffic Act, chapter 51:02, to provide for the renewal of motor vehicle licence on the anniversary of the date when the vehicle was registered, instead of, what we have now, where the vehicle is registered or the licences are issued on the expiry of the 31st of December. Instead of proceeding on an annualised basis with respect to the renewal of the licences, we are now seeking to amend the Act so that the action to renew the licence be done on the anniversary date, meaning the date when the vehicle was originally registered. The date in relation to the payment of the fees for new vehicles will remain the same – date of the first registration.

You may recall, Mr. Speaker, that, sometime ago, the Commissioner General of the Guyana Revenue Authority (GRA), who is responsible for the collection of revenue, while the Ministry of Home Affairs is responsible for the administration of the Act... The responsibilities are split, in the sense that GRA, which is the agency that is tasked with the responsibility of collecting

revenue, had published a notification, somewhat, along these lines. The mischief with that publication was that we did not have the necessary amendment to the Act in place at that time. With all of the events that had passed during that period – campaign for elections, elections, setting up of the Parliament and so many other things - with the passage of time, and notwithstanding the fact that Members of the public have been notified by the GRA that it were going to take such action, we, at this level, in consultation with the GRA, considered it appropriate to amend the Act, so that when the GRA takes the action that it is expected to take, in so far as the registration and the licensing of the vehicles are concerned, it will be acting within the meaning of the law. That is why this amendment is necessary. The responsibilities, therefore, of the GRA are not being interfered with. In fact, this amendment to the Bill is being advanced with a view to facilitate the GRA to proceed, within the law, in this direction.

I believe, in so far as the owners of vehicles are concerned, that is to say the legitimate owners of vehicles..., because there is nowadays a lot of people driving vehicles around the streets of the city who do not own a vehicle and they are committing criminal offences. That is why the caveat was introduced to say legitimate owners, *bona fide* owners of vehicles, will not have any difficulty, whatsoever, with this amendment that we look to the House to approve. In fact, I believe it will, to a large extent, ease the congestion that is found to be taken place on an annual basis at the Licence Revenue Office and at some police stations. In fact, at sometimes in the year, if you were to pass at the Brickdam Police Station you would find the vehicles actually circling the wagon, going around the whole block of the police station, waiting to have their registration and fitness in place. This move, I believe, will remove that encumbrance, will remove that inconvenience to the owners of motor vehicles, because what we will find is that if the vehicles are going to be licensed, if the registration of vehicles is going to proceed on the anniversary date, it would make it much easier for those persons to proceed to have their paper work done without waiting long hours, either in front or behind of others to do so.

Approximately ninety-four thousand motor vehicles or motor vehicle licences are required to be processed over a three-month period. I do not think that this is a reasonable proposition that ought to continue in our country, especially recognising the fact that more vehicles are being imported and driven on our roads. If we are to ease this bottleneck we obviously have to find innovative ways to do so. We obviously will have a bottleneck if within three months

approximately ninety-four thousand vehicles have to go through this process. This, I believe, is highly inconvenient for persons who own vehicles, and the way to get around that is to amend the Act so as to proceed in this direction.

We also find that this congestion creates the impression that those of us who administer the Act, those of us who are involved at the level of the GRA, at the Licence Revenue Office, seem to be impotent, in the face of more and more vehicles, having to deal with this problem. The media is not always kind in spotting these deficiencies and making much news of them. We would be tackling this problem from several fronts as we proceed in this direction. In the meantime, to improve the situation, even further, the GRA has moved from manual production of the paper work, which is necessary, to electronically generate documents. More locations have been established to facilitate this. Given the fact that we are in the electronic age where governments are moving, as quickly as their resources permit, to generate documents digitally and electronically, we obviously have to move in this direction, having built up the appropriate capacity human resources, from the human resource point of view, and technologically as well.

These are some of the initial points that I would wish to make in moving the second reading of this Bill to amend the principal Act. I look forward to the support of the entire House on this matter.

Mr. Speaker: Thank you Hon. Minister. Hon. Members, is there anyone from the Alliance For Change who will be speaking? If not...

Mr. Ramjattan: We do not have to.

Mr. Speaker: You do not have to.

Mr. Ramjattan: It is just to say that we are supporting the Bill.

Mr. Speaker: It is a rare moment of support. Hon. Members, we would have Mr. Manzoor Nadir speaking and then followed by Mr. Winston Felix who will wrap up on behalf of the Opposition.

Mr. Nadir: When I saw the Bill I was ready to support it for a number of reasons. While it might seem very simple, I think the fact that the Minister spoke of congestion and sometimes small

changes that we make, which may look insignificant, can impact so much on the lives of our people, because I have had the opportunity of tracking the issue of registration of vehicles and the annual pilgrimage to the Princes Street office between the months of April and June...

[Mr. Harmon: Was it as a minibus driver?] It was as a minibus driver, as a taxi driver, as an operator of a public vehicle... and for many Guyanese, especially in the last five years, it has become a torturous experience. Why? In the last five years some seventy thousand vehicles have come on the road and in... **[An Hon. Member:** What?] Yes. It is seventy thousand.

Annually, some fourteen thousand vehicles are registered and in that short space of time, between April and June, there would be in excess of thirty thousand people who would have to congregate at that Princes Street office. While this thing looks simple - very simple - it is something which will significantly benefit over one hundred and twenty thousand owners of vehicle. This is what this People Progressive Party/Civic (PPP/C) Government is all about - making life better for our people. While the Minister has amply put the issue of congestion, and not at the Licence Revenue Office, but in terms of vehicular fitness, it is not without insignificance that we ought to re-emphasise how small changes that we can make in this House can affect the lives of hundreds of thousands of people. It has been necessary, as the Minister has said, because of this dual responsibility for the vehicular registration.

Actually, yesterday, I received a notice from the GRA - this is how the administration is making life easier for citizens - and it states here, and I am prepared to leave a copy of this, "Renewal of Motor Vehicles"... and a notice has come to me from the Commissioner stating that the vehicles that are registered in my name and are due within the next three weeks for renewal of registration. While we talk about easing the congestion, here is the e-governance part of our Government kicking in because had the licence office not been so equipped all this would not have been necessary. I want to commend the motion by the Hon. Minister of Home Affairs.

Mr. Felix: I would have been happy this afternoon to just stand and say A Partnership for National Unity (APNU) agrees with this Bill. That would have been my greatest joy, because this is a simple Bill to amend. It would appear as though some simple things present some challenges for some of us. As my friend, the Hon. Member Mr. Nadir, was boasting e-governance, I also have a letter which states: "Effect from January 1st, 2012, the Licence and Revenue Office of Guyana Revenue Authority (GRA) will be introducing a policy of renewing

motor vehicle licences on the date of registration of the motor vehicles". This is where I have a simple issue. We are amending a legislation which this National Assembly had passed. The Government had contemplated very early that this change would have been made. I find it mind-boggling for the Government to be seen breaking the law. Motor vehicle licence still is, until this amendment is passed, to be renewed according to the section 18, subsection (2), on the 1st January of each year. That is the law now. [An Hon. Member (Government): And you will get the grace period.] Yes. You will get the grace period that is accepted. My position is that the Government should not have allowed a breach of the law by introducing this system without amending the law first. I think that for tidy government operations, concurrent with the arrangements for change, should have been the amendment which would have made Government's work look much better had it amended the law so that January 1st would have been the effective date of this new system. That is my only drawback from this Bill.

APNU supports the Bill in its entirety, but we urge Government to be mindful of obedience to the law. We set a serious example to our people if we break the law and then ask the people out there to comply.

3.12 p.m.

I do not want to dwell too much on the other issues, but in implementing this new system, I trust that the implementing agencies will recognise that it is not a picture perfect remedy. There are issues which will come up. For example, let us assume the anniversary date of registration is on a Friday and there is a case like Good Friday, Easter Saturday, Sunday and Monday. Initially, you are setting up policemen to stop people. I am just bringing it to your attention so that we do not allow these issues to occur. [Member: He is scoring cheap points.] I am not scoring cheap points. I am saying that it can miss the Government. I am just bringing it to your attention that you should not allow these issues to occur where policemen will be stopping people over the weekend, charging them for unlicensed motor vehicle. It will happen. I suggest that where these situations are anticipated to arise, that appropriate steps be taken.

We support the Bill but the Government should recognise that there is still need to improve the system. I applaud the e-governance aspect of it and I think that Government should move a stage further because the crowds will get there someday, on a particular date, which we cannot

anticipate. I am looking more for an interactive programme where one can set up the acquisition of a motor vehicle licence on the computer. That is what I am envisioning. That will significantly remove any build-up of a crowd in the future. I suggest that Government look in this direction. Thank you very much Mr. Speaker. [*Applause*]

Mr. Rohee (replying): Thank you Mr. Speaker. I, first of all, wish to thank the Members on the Opposition side of the House for their support. I did not envisage any real raucous over, as was said, a simple matter like this. But may I be allowed to just clarify two or three matters, Mr. Speaker?

The Hon. Member Mr. Felix indicated that the Government broke the law by proceeding with this matter without the necessary legislation in place. I made the point and I think Mr. Felix was paying attention to me, that there was a situation where the Guyana Revenue Authority (GRA) proceeded. The GRA does not answer to the GRA. The GRA answers to the Ministry of Finance and it is an autonomous agency. When we saw... [**Mrs. Backer:** That is what you said.] You do not speak for me. I am educated enough to speak for myself. Mr. Speaker, could you protect me from this Deputy Speaker? She is very famous for heckling. She is very famous for trying to put words into people's mouths and she does not know her place.

Mr. Speaker: I note your comments. Proceed Hon. Minister.

Mr. Rohee: Mr. Speaker, when we recognised that the GRA and the Ministry of Home Affairs were out of sync because the GRA, in its enthusiasm, had moved apace, we then contacted the GRA, and Mr. Felix himself admitted when he spoke about what is likely to happen during a holiday period and what is likely to happen which he inferred to be a traditional occurrence that happened in the Police Force, which he left behind, that it is common place for ranks in the Police Force to shake people down. But that is the force Mr. Felix left behind.

Mr. Felix: Mr. Speaker, on a Point of order. I never said that the policemen would shake people down. All I was alluding to is that the police would observe a breach of the law and that they will act on it when, in fact, it is something beyond the action of the affected citizen - something brought about probably by a Government misstep and that is what I was getting at.

Mr. Speaker: I believe, indeed, Hon. Minister, that the Member never said that they would shake down. The spectre of it was raised. Certainly in my mind, I felt that it could but he did not state that expressly. For me, my mind did go to that possibility.

Mr. Rohee: Thank you, Mr. Speaker. I simply sought to paraphrase but the Hansard will speak for itself because, I believe, all the words uttered here are recorded. I would not want to get between yourself and Mr. Felix about what I said and what I did not say. I will rest on that matter.

Simply to say, I thought that I clarified the issue in respect of the GRA moving ahead without having the necessary legislation in place only for the Ministry, subsequently, to draw to its attention that it was necessary to do so. I understand that it has suspended its actions until this amendment has been made. As I said, I am happy that it is likely to be passed. It is not that the Government broke any law. That is a rather broad brush with which to broach this matter. The Government ought to be the least to break any law and this is not a law that the Government will seek to break and to shoot itself in the foot unnecessarily. It is a genuine issue that came up which has to be corrected and, I think, we ought to recognise that steps are being taken now to correct it.

We have recognised the lacuna and that we are dealing with a “kahuna”. I agree with the Hon. Member that there is always room for improvement. In fact, the Hon. Attorney General drew to my attention several Bills which I have with him now to deal with the same Motor Vehicles And Road Traffic Act.

I wish to conclude by saying that there is always room for improvement. We improve as we go along, as we spot the deficiencies and the defects in the law. Based also on general experience on this matter, I believe that we will eventually arrive at some point, there is not going to be a perfect situation; we will never reach the stage of perfection in respect of laws. And those who enforce the law, whether the License Revenue Office (LRO) or at the Guyana Police Force, we will always have problems and issues there. I have always maintained that the weakest factor in law enforcement is the human factor. It all depends on how we train these people to enforce the law.

In closing, I wish to move that this Bill be read a second time.

Question put, and agreed to.

Bill read a second time.

Assembly resolved itself into Committee.

Assembly in Committee of Supply

Bill considered and approved.

Assembly resumed

Bill reported without amendment, read the third time and passed as printed.

SUMMARY JURISDICTION (PROCEDURE) (AMENDMENT) BILL 2012 – Bill No. 6/2012

A BILL intituled:

“AN ACT to amend the Summary Jurisdiction (Procedure) Act.” [*The Minister of Home Affairs*]

Mr. Rohee: Mr. Speaker, with your permission, I would like to continue from where I left off. We have before us the explanatory memorandum to this Bill which has to do with the issue of traffic tickets and the need to put in place a mechanism that would ensure that when traffic tickets are issued by a traffic rank, a copy of that traffic ticket is taken to the officer in charge of the particular police station within a station district and that a copy, in addition to that, be submitted to the Clerk of Court of the Magistrate’s Court in the specific magisterial district. Those ranks who do not comply with this procedure or this requirement will now be committing an offence against discipline and would be liable to punishment as may be imposed by the Police Discipline Act.

Clause 3 seeks to amend the principal Act with the insertion of section A. This section A deals with the disqualification of a licensee and sets out the procedure to be followed where the alleged offender of the traffic offence does not appear in court during the time stipulated by law and what procedure will follow if that person does not appear in court, or if that person fails to pay the fine to which the ticket is associated.

The amendment also sets out the effect for the disqualification and the penalty incurred where the disqualified person applies to obtain a licence during the period of disqualification. In other words, a person not paying the fine, not appearing before the court and is tracked and found to be delinquent on both counts but yet turns up to obtain a licence, the question is, what action should be taken against that person having committed these offences, especially during the period of disqualification when he or she turns up to obtain a licence?

Finally, the amendment outlines the procedure to be followed by the Clerk of Court and the disqualified person where a disqualification order had been made by the Court.

Under subsection 1 of section 8 of the Summary Jurisdiction Procedure Act, a notice can be issued by a member of the Guyana Police Force to an individual where an offence has been committed or is being committed, and that notice takes the form of a traffic ticket. I have before me, a newspaper clipping which reflects an advisory issued under the Ministry of Home Affairs for traffic offences for which a ticket may be issued. There are 36 offences for which traffic tickets could be issued. We found it necessary to publish this information because what we found was that, surprisingly, although many persons would have sat the theoretical examinations to obtain a driver's licence and probably would have been driving for many years – truck, minibus, car or motorcycle – interestingly enough, they would not be aware of what a ticketed traffic offence would be. In pursuance of our policy to keep the public informed and to educate the people, in general, we found it necessary to issue this advisory. What we also found was that traffic ranks were demanding that persons take their cars to the police station and those vehicles would remain there until some rank felt it was time enough for it to be released. That happened, as I said, because many persons were not aware...

Mr. Speaker: My daughter was a victim of that last week.

Mr. Rohee: Well, there you go; that is another case and it is quite as recent as last week.

We need to address these problems because they create irritancy for persons who, probably quite innocently, are not aware of the fact that they might be breaking the law or might be engaging in a traffic offence. When the ticket is issued, therefore, the person is required to appear at a magistrate's court within a specified period of time, that is, seven days, to either pay the fine or to contest the offence for which the ticket was issued. There are people who simply pay the fine

and go their way in peace. The others who are convinced that they did not commit an offence, and on the other hand there is a traffic rank who is convinced that the person did commit an offence, so the matter has to go for adjudication before a magistrate's court.

If the person pays the fine, then that is the end of the matter; there is no further proceeding. But if within less than 14 days, the fine is not paid following the issuance of the ticket and if the individual fails to turn up in court in addition to not paying the fine, then my understanding is that the magistrate has the option, according to section 8 (8) of the Summary Jurisdiction Procedure Act, of adjudicating the complaint in the alleged offender's absence and either adjourning the proceedings or issuing a warrant in favour of the individual.

I have here with me, a newspaper clipping, Wednesday, June 13, which states as a headline "*Arrest Warrants pile up in Berbice for traffic offences*". It says here that the learned Magistrate Adella Nagamootoo presiding in the New Amsterdam Magistrate's Court had to affix her signature to well over 100 arrest warrants to be executed on drivers who have been issued traffic tickets but failed to pay them. This is only in the Berbice magisterial district. This is common in most of the magisterial districts where people, for one reason or the other, do not pay the fine or do not turn up in court. With that being a common practice, what we have found is a disconnect between the police traffic department and the magistrate's court and that is why people have been taking advantage of that lack of coordination and communication between the police traffic department and the magistrate's court. How would the police know if the fine is not paid and if the person does not turn up in court, especially if it is in a different magisterial district? If a person commits a traffic offence in Berbice but lives on the West Demerara, and does not turn up in the Berbice magisterial district... **[Mr. Felix: Too bad]** "Too bad," said Mr. Felix. That is why the law has to take cognisance of this situation and address it.

What we have decided, having had lengthy discussions with the Chancellor on this matter because, obviously, we could not proceed on a matter like this without the involvement of the Chancellor. We had lengthy discussions with the Chancellor, the Police Traffic Department and the Ministry of Home Affairs and, as a result of those discussions, we have decided to overhaul the entire system that exists currently and put in place a monitoring mechanism which would reconcile traffic offenders charged by the Guyana Police Force and the disposal of those cases in the magistrate's court, to be able to reconcile the records and to be able to track the offenders as

well. And so, we have developed what is called an electronic traffic ticket accounting system. Again we come back to the question of e-governance that my colleague, Hon. Member Mr. Nadir, mentioned. We have to apply information communication technology to every aspect to law enforcement as best as we can to ensure that accountability, transparency and implementation all be laws and enforcement of the laws is done in such a manner that it is beyond reproach, so that we input the information on the traffic tickets at the police station and there is a wide area network where that information, at the same time, is captured at the magistrate's court where the Clerk of Court is in a position to do so.

The manual system that is currently in place has revealed that information on traffic offenders is passed to the magistrate's court via copy of the traffic ticket issued by the traffic department and there are some problems in that. One of the problems is the considerable delay in the magistrate's court receiving the traffic tickets from the Guyana Police Force. It takes an inordinate amount of time for the tickets to move from the Police Force to the magistrate's court. And that does not permit the courts to enforce the seven days payment period to traffic offenders. By the time the ticket gets to the magistrate's court, the seven days period has elapsed and there is nothing that can be done by the courts.

In addition to that, the manual system, apart from posing several other challenges, if the ticket is not sent or recorded at the magistrate's court, a traffic offender can easily avoid paying the stipulated fine and there is absolutely no independent mechanism to quickly verify that the fine has been paid or not paid.

What we did, and I think Members will find this interesting, was to do some investigations and this was done in 2009. What we found was that a total of 54,090 traffic tickets were issued for various offences countrywide. What was the value of these traffic tickets that were issued countrywide? The value of those traffic tickets that were issued countrywide according to the fines or the penalties amounted to \$347,835,000. \$347,835,000! That is what the state was losing in revenue as a result of people not paying traffic tickets. Payment was received only for 10,262 traffic tickets of the 54,090 traffic tickets, which amounted to \$58,322,368 which meant that 43,828 traffic tickets went unpaid.

3.42 p.m.

This meant that we were losing \$289,512,632 in revenue. We simply cannot afford this; it makes law enforcement a mockery. If we are enforcing the law then we are enforcing the law. We cannot only enforce the law by a static police traffic rank and by taking an inordinate amount of time for the ticket to arrive at the Magistrate Court. We have to address this problem, and this is what we are seeking to address.

In excess of 80% of the persons who were issued with traffic tickets never paid it. We have to address, as we are seeking to do, this problem. By inserting a new section 8(14), which envisages that the member of the force will exercise prudence and ensure that a copy of the ticket is dispatched to the Magistrate Court within three days, while another is submitted to the Police Station.

We looked at what obtains in Trinidad and Tobago, obviously because the drafters of the law have to look around to see what obtains in other CARICOM countries to learn from their experiences. What we found is that Trinidad and Tobago has a fixed penalty. We wish to note that these are not the only efforts we are making to address this challenge. We are contemplating putting in place a traffic ticket accounting system into the operational routine of the Magistrate Court and the Police Traffic Department. We envisage that in the not too distant future this information will be transmitted on a real-time basis. That is the objection which we have set for ourselves, consistent with our efforts to enforce the law.

With respect to the proposed insertion of section (a) which deals with disqualification of licence, under section 8 of the Summary Jurisdiction Procedure Act if the fine for the ticket is not paid within the designated period and the alleged offender does not appear in Court at the time that the person is expected to appear in Court, the Court will deal with the matter, as I had earlier explained.

The proposed section 8(a) maintains the power of the Magistrate to Act under section 8(a) of the Summary Jurisdiction Procedure Act. Here, the fine is not restricted to what is stated on the traffic ticket, but also includes a half of the original fine per month for every months or part of each month following the suspension of the licence until the final amount is paid.

We believe that failure by alleged offenders to properly deal with traffic tickets has resulted in serious disregard for the judicial system in this country. Therefore, drastic action is required to

implement and deal with this dilemma. Any suspension of a driver's licence under section 8(a) would be as if incurred under the Motor Vehicle and Road Traffic Act, especially sections 1, 2, 3 and 5 as well as section 6 of the Motor Vehicle and Road Traffic Act, chapter 51:02, section 32(5). This is particularly important especially in a case where a person is disqualified from holding or obtaining a driver's licence. The person would be liable to, on a summary conviction, imprisonment for 12 months, or if he/she is to be fined as a more appropriate punishment, the person would be subject to a fine of no less than \$25,000 or no more than \$50,000, or both to such a fine and imprisonment. In the meantime, the licence obtained by such a person would be deemed invalid.

In fact, like I said earlier there are a number of vehicles driving around this country with false number plates and bogus papers. We are now moving to put in place a system of electronically generated number plates. We believe that the time has come for us to move in this direction. The Ministry of Home Affairs is working with the GRA to ensure that number plates of vehicles are like the new machine-readable passports, have certain built in security features which will be difficult for anyone to change; "Kiki". We have to get serious. The "kiki-ing" that we hear from time to time, I do not know what that means, I hope it does not mean that when these things are put in place they would not be honoured, or they would be honoured in the breach. So, when we get on with our "kiki-ing" I think it is important to recognise that we are talking serious business. I am not saying that only we on this side of the House are serious. I know the other people over there are serious; it depends on the nature of the seriousness.

I wish to commend this Bill to the House, like the previous Bill, which is aimed at amending the Motor Vehicle and Road Traffic Act. I remain unconvinced that this Bill will generate any controversy in Guyana. I believe that the larger Guyanese community out there will welcome this amendment because it speaks to addressing two problems. Firstly, is the constant losing of revenues - haemorrhaging of revenues. Secondly, the steps that the Government is taking to stop the haemorrhaging of revenues which is needed in any developing country. Thirdly, is the attempt to put a mechanism in place that will bring greater conciliation between the Guyana Police Force and the Magistrate Court. Following the implementation of that mechanism, there would be the placement of penalties for persons who would for reasons known only to themselves, disregard the law and as a result of that create an inordinate amount of problems

within the criminal justice system. I wish to commend this Bill and to ask that it be read a second time.

Mr. Speaker: Thank you Hon. Minister. Hon. Members it is seven minutes to four. I do not believe that the next speaker will be as verbose. I invite Mr. Ramjattan to signal his support or non-support for the Bill.

Mr. Ramjattan: Mr. Speaker, we find this Bill to be one that we must support. A lot of the defects that the Minister indicated are met here on paper. We are hoping that the administrative arrangements would be put in place. I just want to remind the Minister that indeed we had passed some Bills earlier for our criminal justice system in relation to paper committals and we still do not have them in being. We had passed a Bill that would take evidence from the prison through what is called “video links” and it never happened. So, please let this happen and also those that were passed earlier. Thank you very much.

Mr. B. Williams: Mr. Speaker, I will be safely conducting my course, with your leave, after the break. There are a lot of vehicles you know, it is a long talk.

Mr. Speaker: It is a very serious matter to be discussed this afternoon.

Mr. B. Williams: Yes, Sir.

Mr. Speaker: Hon. Members, we will take the break, bearing in mind that we will do so at five minutes to four. We will resume at five minutes to five, taking one hour exactly. The session is suspended.

Sitting suspended at 3.55 p.m.

Sitting resumed at 5.14 p.m.

Mr. B. Williams: Thank you Mr. Speaker. I would not be detaining the Hon. House for as long as the subject Minister. I rise to speak on this Bill in the context as the Hon. Minister addressed it, the context of the justice system, and the importance of having our justice system, a justice system which we all desire to be efficacious.

The purport and intendment of the provisions of this Bill, in no doubt, is to effect the smooth administration of justice. For us to achieve a smooth administration of justice a holistic approach is needed. In other words, all parts of our justice system must work affectively, the judiciary, the Judicial Service Commission, the magistracy, the Police Force and of course the Police Service Commission. However, is the Hon. Attorney General telling this nation that in the face of much needed constitutional and statutory changes, such as the reform of the national electoral system, the system which has the geographic constituencies still hovering in the air and cannot find ground as yet, the Constitution and Judicial and other Service Commissions, the passage of the Local Government Reform Bills, Bills to amend the Schedule to the Fiscal Management and Accountability Act to restore the independence of Guyana Elections Commission (GECOM) and the Parliament Office which are important items that are required to be dealt with very quickly so that we can be up and running as a nation – these are just a few – and the Bill before us today, which we have to consider, is one of the highest priority on the Government’s legislative agenda.

Is this Bill the extent and the quality of the Government’s legislative agenda? The relentless, litigious onslaught by the Government against the work of the National Assembly has stymied the work of the Parliamentary Committees. One such Committee is the Appointments Committee. The inability of this Committee to do any serious work is of course due to its late establishment which resulted in the Judicial Service Commission, for example, not being fully constituted. Article 198 of our Constitution provides for the composition of the Judicial Service Commission, which includes the Chancellor who is the Chairman, the Chief Justice, the Chairman of the Public Service Commission, a sitting or a retired Judge from a Commonwealth country and not more than two members identified by the National Assembly after it would have consulted the Bar Associations and legal organisations in Guyana. The National Assembly would signify the persons identified to the President for appointment. In the case of the Commonwealth member that was identified in the Constitution, is only after meaningful consultation with the Leader of the Opposition. What we have is because of this action that was brought against the Committees.

I know we have stained our hands to allow this matter to be resolved in the Court, but by doing so, the Appointment Committee has been unable appoint the members that would be requisite to cause the Judicial Service Commission (JSC) to be fully established. In the result, what we have

right now is a three-man commission because our committee was unable to get into the fray and appoint at least the two other members. What we would also have is this three-member committee being able to exercise jurisdiction under Article 197 to make appointments of judicial offices.

It is the view of the A Partnership for National Unity (APNU) that notwithstanding the Judicial Service Commission, may act despite any vacancy in its rank, under Article 226(3). We are saying that a partially constituted JSC should not make any judicial appointments under Article 199 until the civil society and other components are appointed to make it fully established. The framers of the Constitution, in order to guarantee this independence of the Judicial Service Commission, they in framing the Constitution made this provision to have at least three other members.

Ms. Teixeira: Mr. Speaker, could I ask that the Member states what Bill he is talking under. The Bill which we are on is the Summary Jurisdiction Bill. Whilst I find the Member enlightening in his own theories it has no relevance to this Bill. Mr. Speaker, I seek your guidance.

Mr. Speaker: It is a pertinent observation, Ms. Teixeira. Mr. Williams was prefacing his statements about there being an ever comprehensive legislative review, but I do believe you are on point. Mr. Williams, could we speak to the Bill.

Mr. B. Williams: Mr. Speaker, I am much obliged. I was in fact just about to come off in terms of the holistic overview. I am not sure why my learned sister sees anything intimidating in what is coming. What we are saying is that the time has come in order not to discriminate against local sitting Judges and members of the Bar of this country. We must avail them every opportunity for promotion and development. So, the JSC must advertise any vacancy that they intend to fill so that local sitting Judges and members of this local Bar, living here and enduring all the hardship, ought not to be bypassed in favour of persons who are living overseas. We are talking about a holistic judicial system and this Summary Jurisdiction Bill is just one of the elements in that system. We cannot talk about getting one part of the system working and ignore the rest. The APNU is very interested because the Judicial Service Commission is a very important Commission. It appoints the members who are supposed to protect us and protect the citizens against the excesses of the state, and to ensure that the Constitution is adhered to and followed.

Moving on Mr. Speaker, the Bill itself does not stimulate much intellectual discussion. It is not a challenging Bill. In fact, we believe that time would have been better spent dealing with more serious legislation. The provisions of this Bill ought to have come in subsidiary legislation, for example, in the regulations. They could have been laid here for negative resolution and not trouble us. What we have is that for this whole afternoon we have been regaled with two Bills that really are not of that shattering significance. I am constrained to address it. As the Hon. Minister said, it is really dealing with ticketing.

Members' on that side of the House's sole focus is raising money. They intend, as it appears from this Bill, to raise money by any means necessary. We want to know if they had contemplated bringing such legislation and in fact fine-tuning the system of ticketing to raise revenue and whether it is reflected in any item in the budget that we only recently passed in this honourable House. What is going to happen is that when somebody decides that they need a little extra money, the police force could be deployed and persons would be getting tickets left, right and centre.

What this Bill is trying to do is that if you do not want to go to Court, you could pay. That is what this legislation is; if you do not want to go to Court, you could pay the bill. You could pay the amount for which you are ticketed. The Hon. Minister confined his deliberations to the Motor Vehicle situation, but it is wider than that. They could serve tickets in many areas. One of the areas provided for is most of those areas offences under section 153 of the Summary Jurisdiction Offences Legislation. I could give a couple of them for example that tickets could be given for. I am reading from section 153 of the Summary Jurisdiction Offences Act:

“Any person who does any of the following acts would be liable to a fine of \$75...”

This of course would have been amended upwards, that is to say every person who, and I am giving an illustration, and this is important for the Minister himself, will except when acting on the obedience of lawful authority discharges any cannon. They did not distinguish between water cannon. They would be liable to be ticketed. This one again involves the Hon. Minister, exposing for sale cattle in improper places. You could ticket them. Remember you passed legislation to give people increased remuneration for catching strays.

Mr. Speaker: Are you speaking to the Motor Vehicles And Road Traffic Act?

Mr. B. Williams: No, Sir. I am not speaking to that I am speaking to the Summary Jurisdiction Procedure (Amendment) Act which is not limited to ticketing offences under the Motor Vehicles Act. I hope they are learning their lessons. I am teaching all the “*babas*” in the House. Being a lawyer yourself, when you go to Article 153 you will see a plethora of offences, including grooming of animals on a public way in town, placing goods in a public way in town. All these are things you could be ticketed for under the legislation. I am not going to continue to read. Those are just illustrations. Just imagine all those vendors on the roads in Georgetown on the pavements exhibiting their goods and the word goes down to bring in some revenue via the way of tickets, all the vendors would be ticketed. So, I do not know what the big deal is, this is a revenue raising attempt on the part of the government. We are saying that they ought not to detain this Hon. House with this type of legislation. They must bring more important legislation to this Hon. House so that we can get the business of this country going and not detain us whole afternoon. This could have come with a resolution that should not have detained us.

5. 29 p.m.

This is not something we should not support. All we are saying is that you should not detain us with that. This is something you could have had conversations with us about during the break. During the break Hon. Member Rohee could have spoken to us and we would have understood that you want to raise a little money and we would say no problem, but be very discretionary how you approach it.

Mr. Speaker, as I said, the Bill is not of any earth moving significance in the law. It really tries to put in a procedure to ensure that people know that they could pay instead of going to court. That is all it does. Then, to ensure that people pay, clause 3 which deals with 8(a)(i) and 8(a)(a) and (b) actually makes provision if a person does not turn up and does not pay for the person’s licence to be taken away, but the Minister did not emphasise that. A person could be disqualified if given a ticket, does not pay the sum on the ticket, and does not turn up in court. That person can be disqualified and his/her licence taken away. And as the legislation says:

“Shall make an order disqualifying the alleged offender from holding or obtaining a driver’s licence until such time as the offender pays the sum specified under subsection 2.”

This is about getting some extra money via the route of ticketing. So, I would not detain this House any longer. I would admonish the Government to come to this House with more relevant and serious legislation in order to improve the governance of this country and the lives of the Guyanese people.

I thank you as I support, on behalf of the APNU, what they have brought. [*Applause*]

Ms. Shadick: Thank you Mr. Speaker. As I stand I cannot help but say that the Hon. Member Mr. Basil Williams was trying to draw somebody into his frolic. I will not be so drawn.

The Bill before this House has nothing to do with service commissions. It has nothing to do with all kinds of things. What it has to do with is drivers – and I am not a driver; I do not drive so I do not get tickets - who get these tickets, will notice that according to the Criminal Law Procedure Act, that set out an offence one may have committed, a penalty that offence carries, and tells one he could pay that penalty within seven days or attend court on a date which is not less than fourteen days after the ticket was issued. There was some kind of disconnect between the issuance of the ticket and those who decide, “Well, I will just throw it one side”. And they either keep it in the car under the seat or take it and throw it out. This Bill, to my mind, is trying to correct that little opening that was left - so that people like my Hon. friend Mr. Williams, who may or may not have been issued tickets, and may or may not have paid them - to make sure there is some procedure that has to be followed, and that people be held accountable for the procedure that has to be followed

The first part of the Bill holds the officers of the law accountable for making sure that when an officer issues a ticket it is reported to the police station and a copy is also given to the magistrate’s court. There are two places involved, the errant driver either goes to the police station and pays the stipulated sum within seven days, or he/she goes to the court on the date stated on that notice. So both places have to be so notified. The Police Procedure Act, section 4, says:

“The policeman who neglects, or without good and sufficient cause omits to carry out promptly and diligently anything which is his duty as a member of the force...”

It would become the duty of the policeman to give copies of that ticket to the two places that have to deal with it so there is a trail that can be followed, and so that drivers would not be collecting these tickets and treating them like pieces of spare paper.

I heard my Hon. friend say that Government wants to collect some money. Well it is every government's business to collect revenues from wherever it can. Revenues are what help to run one's country. Wherever one has to, one has to collect revenue. One does not allow a few who think they are smarter to get away with breaking the law. Everyone who commits an offence should pay the penalty. Every government raises revenues, and this Government does not lack in that regard.

However, what I find very heartening in this piece of legislation is that there are two sets of people: the law officers who give the ticket and have now a responsibility to give it to the police stations and to the clerks of the court, and the drivers themselves who have the responsibility to either pay the ticket or to appear in court to defend what they have done. They may say, "I plead not guilty to this offence" and defend. This legislation holds two sets of people accountable and gives penalties to those people for not doing what they are supposed to do.

This is a piece of legislation that is needed. Government has to bring in legislation as the need is seen. This here is a simple piece of legislation but it is a necessary piece of legislation. It is very necessary at this point in time because we must have discipline in our society and discipline among road users. There are so many things happening on the roads. There is a list of offences, and I understood my Hon. friend to be saying this is a list that should be expanded. He went to the Criminal Law Offences Act and gave other offences that could be ticketed. Well, the Minister by order can probably expand on this list, but right now we have a list of 36 offences.

What I am hoping this legislation will help, is the situation where every time somebody commits an offence against the law, and is stopped by a traffic policeman that the traffic policeman does not have to say drive to Brickdam or drive to any police station and the person has to sit there for so long. A ticket must be issued and that ticketing system must work. That is what this Bill is trying to cause to happen. It will save the many man hours that someone has to take to drive to a police station and then wait there until a senior officer comes. Or, the officer who stopped the person on the road does not come until 4.00 p.m. after stopping him at 9.00 am. The person has

to lose a whole day waiting to get such a ticket. This is something that should help save time and in that way also save money because time is money. Not necessarily money in Government's hand but money in the drivers hands because they have work to do. It will also save congestion at all the police stations when a whole set of drivers are sent there and then this lone officer comes in afterwards to check on them all. Then some officer after so many hours gets disgusted and says, "You all go home." It does not help anybody.

So we do not have to disseminate and digress. I am very happy that my Hon. friend Mr. Ramjattan said what he said, because for this piece of legislation to work everybody has to accept his or her responsibility. I am hoping that the driving members of the public acquaint themselves of the now list of offences that can be ticketed so when an officer stops them and says you have to go to the station they can say give me a ticket because this is one of the offences for which you can give me a ticket. So drivers can save time and those officers should be trained.

I am kind of glad that Mr. Felix is no longer leading because he seems to think that they should not be doing some of the things they are doing. I am hoping the leaders of the Force will encourage their officers to give tickets where tickets can be given so the wheels of justice can run smoothly and we can have a little more discipline.

Mr. Speaker with those few words, I commend this Bill for second reading. [*Applause*]

Mr. Rohee (replying): Thank you Mr. Speaker. And I would like to thank the Members from the other side of the House for their support, Mr. Ramjattan from the Alliance For Change (AFC) and Mr. Basil Williams from the APNU, as well as my colleague on this side of the House. I sincerely wish we will have more pieces of legislation like this from both sides of the House that will meet with this kind of consensus.

I agree with the Hon. Member Mr. Williams that this is not an earth shattering or epoch making piece of legislation. Be that as it may, for the number of years I sat in this House we have had legislation of varying degrees in terms of their importance and significance. The important thing, as I think was said in the case of the previous Bill that was presented, is that there was this lacuna between the GRA and Ministry of Home Affairs to be corrected. We have to ensure that

we put the appropriate legislation in place, whether simple or complex, to ensure that the law enforcement agencies operate within the meaning of the law. That is the fundamental point.

I think, and I wish to submit most respectfully, that every piece of legislation by way of a motion, or an amendment to the bill, or a new bill is important once it is tabled in this House. The importance of bills, motions, et cetera, being tabled in this House, that is where the importance lies. And the question also is - does it help make things better for our people, in general, whether they are supporters of the APNU, the People's Progressive Party/Civic (PPP/C) or the AFC or whichever the case may be? Once the legislation makes life easier for people in general I believe it should be welcome, and not be seen as a green, red or orange piece of legislation.

I would like to dismiss, outright, the statement made by the Hon. Member Mr. Basil Williams that we will engage in a fund raising activity. I think this is spurious to say the least. **[Mr. B. Williams:** Ms. Shadick said that and confirmed it.] I am referring to what the Hon. Mr. Basil Williams said. I am not referring to what Ms. Bibi Shadick said. I am referring to what the Hon. Member Basil Williams said and I will stick to that. The Hon. Member Basil Williams said that we or the Force will engage in fund raising activities on behalf of the State. Mr. Speaker, I believe this is moving from the sublime to the ridiculous.

Mr. B. Williams: Mr. Speaker, on a Point of Order. I cannot recall saying that the police is going to fund raise. The Hon. Member is paraphrasing. If he is going to do that he should implore the Hon. Member Ms. Shadick who confessed that the PPP/C would try to get money from where ever it can.

Mr. Speaker: I do not think she said that either. Hon. Members, Mr. Williams in your address you said that this Bill was for the Government to raise revenue. You said so. I think that Mr. Rohee, in his reply, has a right to address that in whatever style he wishes without transgressing any of the rules or the Standing Orders.

Mr. Rohee: Mr. Speaker, since the Hon. Member wants to be so precise with his language let me quote what he said. He said the police will be deployed left, right and centre to raise money. I am not going further. Raise money for what purpose, Mr. Speaker? First of all, I would like to dismiss that out of hand. This is an attempt to degenerate. This is an attempt to demoralise. This

is an attempt to impugn the law enforcement agencies as a fund raising body for the Government. That is precisely what you are saying. Then the Hon. Member was leapfrogging from water cannons to stray catchers. He was all over the place rambling. I think he was actually searching for a point to make. And as usual the Hon. Member is so overconfident of himself he does not come prepared to participate in this debate. I hope that the Leader of the Opposition listens to him very carefully because what he is doing is reducing the quality of debates from the Opposition.

I think this Bill is aimed at putting an end to one manifestation of lawlessness where one commits a traffic offence, is given a ticket and says – with due respect to Parliament language – to hell with the ticket and just disappears. What we are seeking to put in place is a machinery or mechanism to address this problem as we ought to do. I have to emphasise this because the Hon. Member is seeking to imply that this Bill is not worth the paper on which it is written and we are wasting the time of the House.

Hon. Member Ramjattan asked a pertinent question about the machinery or mechanism being put in place. And I agree with him. We have already, Hon. Member Ramjattan, put the machinery in place. The electronic wide area network is already in place. What we have to do is to ensure that it is constantly updated and working and as I said before the aim is to make it operate on a real time basis.

I would like to take this opportunity to correct some figures because the figures that I quoted are the figures we got in 2009. I would like to update those figures to current by stating that as of June 2012 the total number of tickets issued were 63,170 which amounted to \$390,152,000. **[Mr. Ramjattan: You said that already.]** No. I did not say this already. I am correcting the figures for the records. We received \$13,254,000 and we have lost \$328,312,000 in revenue. This is where the importance or significance of the legislation lies. Because we are seeking to put in place a mechanism to recoup resources which should have gone to the state, to the Public Treasury. I am sure the Ministry of Finance and the Public Accounts Committee would be happy to know that we would have recouped this amount of money and put it in the Public Treasury for use as deemed by the National Assembly.

I therefore believe, as I verily said, that this Bill will serve a useful purpose to the nation. It is a Bill of national importance. It transcends partisan considerations and with that in mind I wish to move that the Bill be read a second time.

Question put and agreed to.

Bill read a second time.

Assembly resolved itself in Committee

Assembly in Committee of Supply

Bill considered and approved.

Assembly Resumed.

Bill reported without amendments, read the Third time and passed as printed.

ANNOUNCEMENT

National Grade Six Assessment Results

Mr. Speaker: Hon. Members before we proceed to Private Members Business and before we conclude Public Business, I am going to establish something new and different. I will grant a special dispensation to the Hon. Minister of Education to make a special announcement on a matter of national public import. That is, the results of the Common Entrance Examinations. Thousands around the country are asking and I believe this is an opportune time seeing we are still in Public Business to allow her some moments to address us and of course, the nation.

Minister of Education [Ms. Manickchand]: May it please you Mr. Speaker and thank you for this opportunity.

On 4th and 5th April, 2012 the National Grade 6 Assessment was written. Those results shall be released to schools shortly, within the next 12 or 24 hours. 17,138 candidates were entered for this assessment. These candidates also wrote the National Grade Two Assessment in 2008 and the National Grade 4 Assessment in 2010. The results being released give a report on the candidates overall performance on the three assessments. We will be more detailed at a press

conference tomorrow at the Ministry. But I do wish to disclose to this National Assembly and via the Assembly to the Nation, Guyana's children who received the top ten marks.

The top ten marks were shared by 32 students. The highest possible total score attainable was 563. The top position was shared by Michael Bhopaul of Graham's Hall Primary School and Ramesh Ghir of May's Under 12 – both with scores of 547.

The third position was gained by Rawletta Barrow of Success Elementary School with 546 marks.

The fourth position was shared by Angel Moonilall of Success Elementary School and Talicia Sukhraj from May's Under 12; they each scored 543 marks.

The sixth position was shared by Ashandai Liverpool of Tucville Primary and Roshawn Cummings of Success Elementary School; they each scored 542 marks.

The eighth position was shared by four candidates namely: Isaiah Carter of Success Elementary School, Rhea Khan of Success Elementary School, Anthony Singh of Success Elementary School and Surendra Gocool of Kawall Primary School. They each got 541 marks.

The twelfth position was shared by Rihanna Khan of Success Elementary School, Farah Chin of Marian Academy and Alyssa Nurse of May's under 12 and they each got 540 marks.

The thirteenth position was shared by three students – Sarah Garrido of Green Acres Primary School, Naaresshta Maraj of Dharmic Rama Krishna Primary School and Leonardo Gobind who each got 539 marks.

The fourteenth position was shared by four students - Onecia Adams of Green Acres Primary School, Joshua Mortley of Success Elementary School, Ruel Sukhdeo of Success Elementary School and Latonya Darryll of New Guyana School - and each received 538 marks.

Sir, please bear in mind these students all received the top 10 marks. They tied for positions. They did phenomenally well. There were seven and eight students with the same marks.

The fifteenth position in the country was obtained by ten students – Sydney Fraser, New Guyana School with 537 marks; Jeevan Dalip of May's Under 12; Alyssa Baksh of May's Under 12;

Cheri Frank of School of the Nations; Brandon Samaroo Success Elementary School; Samantha Scott of Success Elementary School; Anopa Ramdial, Zeelugt Primary; Atiqah Roshandin, Academy Of Excellence; Kimberly Prasad Taymouth Manor Primary School and Jelena Arjune, Green Acres Primary School. They all got 537 marks.

Sixteenth position went to seven students. They are Ridel DaSilva, Green Acres Primary School; Michael Persaud of ABC Academy; Keron Smith of Success Elementary School; Adiaha Gomes of Success Elementary School; Ricardo Singh of Providence Primary School; Johnnetts Fasey of May's Under 12 and Vishal Jack of May's Under 12.

These are the 32 Guyanese young people who shared the top ten scores in the National Grade Six Assessment for 2012. I thank you. [*Applause*]

Mr. Speaker: Hon. Minister I thank you for sharing that information with this Assembly and with the Nation. I am sure at the press conference tomorrow you will go on to extrapolate and congratulate all those who did very well. There are teachers and parents, of course, but allow me as Speaker of the National Assembly to extend our greatest congratulations to those students. I hope that at some time we could invite some of them here with their teachers and parents to, perhaps, be our guests for us to celebrate their achievements. I congratulate them and thank all those students for enduring what they went through; and their teachers and parents. We have some teachers here, so we appreciate the work those teachers do.

Thank you very much.

5.59 p.m.

PRIVATE MEMBERS' BUSINESS

MOTIONS

NATIONAL ASSETS

WHEREAS in their recent reports on transparency and corruption the international community, including the World Economic Forum, Transparency International and the International Bank for Reconstruction and Development (IBRD) have rated Guyana poorly;

AND WHEREAS Guyanese are concerned about the widely reported acts of lawlessness in the guardianship of our national resources and assets as well as the lack of transparency and accountability associated with the disposal of those assets,

“BE IT RESOLVED:

That this National Assembly requests the responsible Ministers of Government to:

- (a) Provide the National Assembly with a report in keeping with the law, on the disposal by sale or otherwise of all state lands, including the terms on which they were disposed of and the criteria used, which took place: Further between the date of announcement (Sunday, 9th October, 2011) of the National and Regional Elections and 31st December, 2011 and between 1st January, 2000 and 9th October, 2011;
- (b) Make financial provision for the urgent commissioning of an independent financial audit of the operations of the National Industrial Commercial

BE IT FURTHER RESOLVED:

That the relevant Ministers of Government provide the National Assembly as early as possible with:

- (a) A detailed report on the disposal by sale or otherwise of all state assets entrusted to NICIL and the Privatisation Unit, the terms on which they were disposed of and the criteria used;
- (b) The outstanding bi-annual reports and annual audited accounts required of NICIL and the Privatisation Unit under the relevant legislation;
- (c) The handing over report from the former Executive Director of NICIL (and Head of the Privatisation Unit and), Winston Brassington, if applicable at this time;
- (d) A report on the disposal by sale or otherwise of all other state assets, including the terms on which they were disposed of and the criteria used;

BE IT FURTHER RESOLVED:

That a report on all the fiscal concessions, including duty free concessions, granted in response to specific requests or as part of contracts awarded by the Tender Board and the criteria on which these awards were based be placed before the National Assembly for review;

BE IT FURTHER RESOLVED:

That the relevant Minister shall lay in the National Assembly for review and where applicable, for ratification, for ratification, all international agreements, (including mining agreements involving the award of state lands and fiscal concessions), signed by the Government since 1st January, 2000; and

BE IT FURTHER RESOLVED:

That all the aforesaid are done on or before the 1st June, 2012.” [Mr. Greenidge]

Assembly resumed debate on motion moved By Mr. Greenidge.

Mr. Speaker: Hon. Members we will now proceed with Private Members’ business. We were midway or I believe rather in the winding up stages of a motion introduced by the Hon. Member, Mr. Greenidge on National Industrial and Commercial Investments Limited (NICIL). The Hon. Minister of Finance was concluding his address and then immediately after him the former Minister and Member, Mr. Greenidge would have replied and then we can go on to the other business.

Ms. Ally: Mr. Speaker, I just want to respectfully submit and remind you that you did say the Minister is concluding.

Mr. Speaker: Yes, concluding.

Ms. Ally: Because he has had 40 minutes on his last presentation, so I know he only has five more minutes.

Mr. Speaker: Thank you. I did say a few moments ago, concluding his presentation, probably the moment has passed and then Mr. Greenidge will also wind-up that debate. Hon. Minister of Finance I invite you to conclude your presentation within the time that had been granted and approved by the Assembly. Thank you very much.

Minister of Finance [Dr. Singh]: Thank you very much Mr. Speaker. It is my privilege to continue the arguments that I was making on the motion submitted by the Hon. Mr. Carl Greenidge.

It would be recalled that I made the point that this motion was one that contained sufficient grounds on which it should be rejected by this House, including arguments such as the fact that the motion sought to have this House resolve that certain financial provisions be made. I made the point that the Constitution, specifically Article 171 (2) and the Standing Orders, specifically Standing Order 25, are clear that a motion or a bill cannot be proceeded upon by this National Assembly if it seeks to cause the incurrence of public expenditure. On those grounds alone Mr. Speaker, I made the point that the motion, in my own humble opinion, should be rejected.

I also made the point that the Hon. Members on that side of the House, in supporting the motion, disregarded the spurious basis on which the motion is formulated, including its selective and vague references to international reports and I made the point that there are international reports that make and document quite clearly the progress Guyana has been making. In fact, if I was simply to refer to one of them, I would not repeat those that I mentioned before, the Heritage Foundation measure of economic freedom in its 2012 Report makes the following point:

“Guyana’s overall score is 1.9 points higher than last year, with score increases in freedom from corruption and government spending.”

I quote further:

“Guyana recorded one of the 20 largest score improvements in the 2012 index and is no longer considered one of the least free in the index.”

I quote further:

“The Government has acted to improve the management of public finances...”

However, the motion deliberately avoided reference to any specific reports, instead made a vague statement and my colleagues on that side of the House referred to date and irrelevant international reports and made selective extracts from those reports. In my response thereto I

highlighted a number of examples of reports which in fact present a more objective and balanced view, one that documents quite clearly the progress Guyana has been making in recent years.

I will not repeat those arguments. I will conclude simply by saying, bearing in mind the limited time afforded me, that Mr. Greenidge's motion has been interpreted and dissected for many perspectives and I do not want to get drawn into any leadership contest on where this motion and the other motions are situated - in whatever leadership contest might be unfolding. But I will say that I would have thought that Mr. Greenidge would have recognised ... [*Interruption*]
Mrs. Backer: Do you not say Hon. Member anymore?] ...the Hon. Member, Mr. Greenidge would have recognised that his attempts to reinvent himself by the submission of these motions would fail dismally. Because if one was to go back - the motion addresses National Assets and Accountability - to Mr. Greenidge's own tenure as Minister of Finance, one would see in fact a tract record that is worthy only of embarrassment.

I will quote from a World Bank Report in 1992 that said as follows:

“The tax system was badly administered and collection levels were far below the potential in the system. Evasion, avoidance and corruption are everyday occurrences. Many firms enjoy overly generous tax and tariff holidays. The consumption tax is too high for some products, while ignoring others.”

This was 1992:

“Fees charged for public services are either very low, have not been adjusted for inflation or uncollected or non-existent. Irrigation water has a price, but collection average only 6% of total billed. The Power Company collected only 35% of the billed power in the first half of 1991 and was a major factor in the Public Sector deficit.”

I will go further...

Mr. Speaker: Your time is just about up.

Dr. Singh: As I conclude...

Mr. Speaker: Are you concluding?

Dr. Singh: As I conclude Mr. Speaker, the World Bank estimated further that:

“... 80% of all imports in 1990 came into Guyana on a duty free basis.”

There is a veritable abundance of references to which one could cite, that points in fact to the dismal performance of that era.

I will say that trying my utmost to avoid getting drawn into whatever contest might be unfolding, I will say that this motion, for the reasons I have outlined and for those outlined by my colleagues on this side of the House who spoke before me, should be roundly and wholly rejected by this Hon. House. Thank you very much. [*Applause*]

Mr. Speaker: Thank you. Hon. Member Mr. Greenidge, but before you do, just to point out Hon. Minister of Finance, I considered your argument about the motion being out of order for being in violation of the Standing Orders and I do not find so. I have discussed it with the Clerk. I know that you made reference to the fact that there is a Resolved clause that ask for financial provisions to be made, but that in itself does not go on to actually fix a sum and to cause this Assembly to draw on the Consolidated Fund in any shape or form, so I take your argument, but I do not accept it. Mr. Greenidge you may reply.

Mr. Greenidge (replying): Thank you very much Mr. Speaker. I am pleased to be able to respond to the varied and instructive presentations made in relation to this motion. Perhaps I can start by saying that this motion as I explained before, is not a question of what international agencies have said about the recent performance of Guyana, let alone a question of whether Guyana has improved in 2012 as opposed to 2011.

One of the reasons why one should be careful about quoting individual encomiums from international agencies is because the same agencies say different things. If you want to have a further exchange in relations to what agencies, I have a 1993 Report of the USAID and it is saying that:

“Guyana has been making significant progress since 1988 in opening its economy. Few countries have made greater strides towards structural adjustments and democratisation.”

So let us not spend our time arguing over which agency spent what. The issue is about this, what has the Government done with the assets that it has been entrusted with? Instead of answering that question, we get a whole set of irrelevant arguments, a resort to the old bogey of what happened 20 years, a long and usual resort to personal comments, abuse and the like.

The point is that before you is a motion that calls upon the House to be aware that resources of Guyana, land, property and financial resources are substantial and that in many instances what the Government has done have not been reported. In fact, in many instances, even if we know what they have done, we do not know why, the criteria are not always clear. The various reports to which they make reference on the other side are by and large a joke. We are speaking about what has happened to land for example. The distinguished Prime Minister has said that he did not know what we wanted. Apparently he forgot to speak to the Minister of Finance and Mr. Irfaan Ali, because they knew what we wanted and proceeded to cite a whole set of documents, including the exchanging, you remember, about NICIL, purporting to be the annual reports of NICIL, when in fact they were not the annual reports of NICIL, because NICIL had not produced any annual reports since 2006. So we have that type of problem in terms of the presentations on the other side, instead of looking at the issue that is before us.

The Prime Minister and the NICIL Reports are not current and that is one of points being made in the paper, that given the importance of these assets, given the law which requires that each of these agencies prepares the annual reports and financial reports twice in a year, they have failed in that regard. The impression that we have that the management of these assets continues to be rather capacious is confirmed by the absence of these reports and the failure to adhere to the requirements set out in the Fiscal Management and Accountability Act.

A lot of the exchanges focused upon NICIL, but what I am saying is that the motion looked at all the assets, including land. If you have a look at the presentations, we got no attempt to explain what had happened in relations to lands under the control of the Government, especially the time period, that is the award of titles to lands between the time when the elections was called and the beginning of this year, for example, just in case they are unsure and cannot remember what it was that they were being asked about, that was one of the issues. It is not properly set out.

[**Mr. Nandlall:** It is in the Gazette] Well in that case you answer the motion, because the motion is calling...

Mr. Speaker: Could you speak to the Chair? Go ahead Mr. Greenidge. I am just saying that the comments should be addressed to the Chair and not to each other.

Mr. Greenidge: Thank you Mr. Speaker. If indeed they have the information then all they have to do is to confirm to the motion, which requires that a full answer be laid out and presented to this House that is what we are asking for. Not where they think it is, but that the information should be analysed, it should be prepared and analysed and presented properly. So that is the issue, not an issue over what might be in the Gazette or what is not in the Gazette.

The criterion for the disposal of the assets is most certainly not in the Gazette and what we are saying is that the sale to friends, for example and associates, is not set out there...

[**Dr. Singh:** It is there.] I do not see any reference of sale to friends and associates set out in the documents, but if the Minister of Finance is sure about that, they can also incorporate it in the report. But I believe that as regards the law, the law requires more objective criteria than friendships and the pay-offs of those that are in business deals with individuals or associates of the Government.

The other, issue even as we were speaking and discussing this matter the question of NICIL arose again and the problem of Hand in Hand Trust Corporation and the associate of the Minister of Finance in the NICIL office and the question of Mr. Brassington, who he defended very strongly and very stoutly as being a man of honour and so forth. The issue is not whether he is a man of honour, the issue is twofold; one is, whether what he did was in conformity with the Law and the other was a very silly set of comments that were inaccurate to the effect...

Mr. Speaker: Mr. Greenidge, with respect, I would ask that we not describe each other's comments as silly or otherwise.

Mr. Greenidge: Mr. Speaker, I was not referring to the comments of any Member of this House.

Mr. Speaker: My apologies, go ahead.

Mr. Greenidge: I was speaking to the comments that have been widely distributed in the newspapers claiming that by virtue of the fact that NICIL has been incorporated under the Private Companies Act, the State or Directors had no right or responsibility to refer to the owners of the company in deciding on the allocation on the distribution of dividends, which clearly by any analysis is silly. Because it does not say that in the law and it is obvious that if you own an entity, as indeed the Government fully owns this entity, no one can sensibly expect to be telling the public that the owner does not have a right to determine how dividends are distributed.

So we have the issue of misrepresentation, the issue of inefficiency at best and the issue of secrecy for example. The Minister presented us with a budget one day and within less than a week he had approved the sale of the Guyana Telephone and Telegraph Company (GT&T) shares for a sum of over \$6 billion and it surely could not have been that when the budget was being read he was unaware of this. At that time also, he could have included the resources into the budget. The significance of omitting it is that we then were told that in the very discussions, which Mdm. Teixeira likes to make reference, there were not sufficient resources to pay for old aged pensions and other requirements and that means... *[Interruption]* Shaking your hands like that is not a persuasive argument, let us hear the facts. We were in the meeting and they were arguing that the resources were not there. No resources were there... *[Interruption]*

Mr. Speaker: Proceed, I am saying to proceed. I am not being...

Ms. Teixeira: Mr. Speaker you like being caricature in this fashion.

Mr. Speaker: I am wondering if whether the Chief Whips would consider a proposal from the Speaker to do some shifting around of the seating of the Minister of Finance and his shadow, it might help. Proceed Mr. Greenidge.

Mr. Greenidge: Mr. Speaker, I have no difficulty whatsoever with the visage immediately in front of me. In fact, I think we find it quite theatrical, the various gestures and drama. So please you do not need to change.

I think the issue before us right now is, wherever he sits as Minister of Finance, how he acquitted himself of the responsibilities in respect of the resources for which he has charge and that is what is in dispute. What we find is that instead of addressing that issue, we are being regaled by what

happened twenty or fifty years ago and how things have changed dramatically since last year as regards democracy in Guyana. It is not evident, let me say that, whatever it is the internationally agencies may have said, it is not evident.

We can move I think from the broader problem of the failure to address the full spectrum of assets that was raised in relation to the motion, to the question of NICIL. When the Hon. Irfaan Ali enjoined Dr. Singh in his histrionics and with his own stories, he claimed not only that there were reports available, but that the accounts of NICIL, for example, had been audited. I want to emphasise that NICIL, as defined in the Act and as set out in its annual reports, is a Holding Company and you cannot and should not be suggesting that the annual reports and audits done by the Privatisation Unit are really the reports of NICIL and that is the lesson from the exchange that took place between us. Because that is what ... [*Interruption*] this was what they were trying to persuade us of the other evening and it is not the first time that at least one of our colleagues has attempted to pull the wool over our eyes. My grandmother has an expression which is, *Wa miss you ent pass you*. So the fact that he has done it before and gotten away with it does not mean that he will get away with it again. So I caution the Minister, respect the House, do not make up stories and bring them here, that is for outside on the platform... [*Interruption*] That is why Minister Singh had to rescue you.

Mr. Speaker, the point is...

Mr. Speaker: Minister, do you wish... very well.

Dr. Singh: Mr. Speaker, it is not a Point of Order; I think it is more a Point of Clarification.

Mr. Greenidge: Mr. Speaker, if it is not a Point of Order, I would like to continue, if I may.

Dr. Singh: If you will permit it, it is more a Point of Clarification, Sir.

Mr. Speaker: A Member can rise on a point of clarification or on a point of order.

Dr. Singh: On a Point of Clarification Sir. The matter of NICIL the Company vs. NICIL the Group was stated very clearly and factually by Minister Ali on that occasion and I elaborated on the matter. Anyone who is familiar with the Companies Act and with Consolidated Accounts knows that there is a distinction between the company's account and the group's account. I made

that point at that sitting and it is not appropriate for the Hon. Member to come and incorrectly assert that there were some factual inaccuracies in what Minister Ali said.

Mr. Greenidge: Well it is rather astonishing that if there were no inaccuracies, the Minister had found it necessary to get up and explain and confirm, because Mr. Speaker, you gave me the floor immediately after Dr. Singh spoke, if you remember, on this matter. Because it was being misrepresented and it was Dr. Singh who clarified by assisting... **[Interruption]** I do not know what totally not means.

Mr. Speaker: Let us wrap up this motion.

Mr. Greenidge: What I know is this, as regards another dimension of Mr. Ali's presentation; we also were presented with false information. The Company NICIL was established as you all know in July of 1991 and the Company was set up with one set of responsibilities and those responsibilities were really to act as subscriber and manager of the Government's shares, its stocks and debentures of any of the companies that have been privatised, co-operative societies and other co-operative bodies. It also manages Government own real estate properties and so forth. In the presentation by Mr. Ali, he specifically suggested that the activities that NICIL currently carries out were not only the same as those carried out in the earlier period, especially 1991 and 1992, but that I was the Minister that had responsibility, he even mentioned the State Planning Secretariat. Well let me just put you straight. In 1991, Deputy Prime Minister, Paris was responsible for the State Planning and as regards ...**[Interruption]** And of course, I would go even further and say we are being told utter nonsense...**[Interruption]** **[Mr. Nandlall: ...inaudible]** When you tell me where you got your degree I will answer your question.

Mr. Speaker: Hon. Members, I think we are disintegrating to a level that is not appropriate for this House. Hon. Members, the Clerk reminds me that the word nonsense is an un-parliamentary term. Let us keep the standards high and the heckling low so that we can conclude this motion and move on with the business and leave here earlier than we all would want to or expect to at this hour. Thank you.

Mr. Greenidge: Let me just remind you how the arrangements between NICIL, differed between 1992 and post 2000. First of all... *[Interruption]* **[Ms. Teixeira: ...inaudible]**
You should be the last one Ms. Teixeira to argue about time.

Mr. Speaker: Mr. Greenidge, speak to me, tell me about the arrangements in place for NICIL in 1991-1992.

Mr. Greenidge: It seems that somehow my colleagues have difficulties with me living in a house and having a Porsche, it seems to be a big problem... *[Interruption]* The issue is this, that in 1992, NICIL's only function was to manage the shares. The entities that you will find listed under NICIL today, many of them were in existence in 1992, but they operated under the Guyana State Corporation (GUYSTAC) and I am thinking here of the Guyana National Printers, GUYOIL and so forth. These were specifically under the aegis of GUYSTAC and the point that is important here is that whilst it was under GUYSTAC, the company had the rules governing how the resources they deployed could be used, their investment policy and also its dividend policies. So as regards the arrangements, they were different.

Secondly, NICIL, prior to 1992 was never the recipient of ad hoc grants of land that NICIL handed out to either Ministers or to Ministers friends, whether it is in Pradoville or anywhere else, it never happened. In fact, in my time NICIL disposed of no assets and for him to come here and suggest that the responsibilities are the same, is untrue. I wanted to say reprehensible, but let me leave it there.

Mr. Speaker: Leave it as that.

Mr. Greenidge: The point is also, that prior to privatisation it was specifically the responsibility of the GUYSTAC Privatisation Unit. There was a unit called the GUYSTAC Privatisation Unit, it had nothing to do with NICIL, or with the Ministry of Finance for which I was responsible. And that privatisation unit was supervised by the Minister of Planning. **[Mr. Ali: He is distancing himself from them.]** I do not have to distance myself. *[Interruption]*

Mr. Speaker: Ignore those comments and address your comments to me. Do not listen to them.

Mr. Greenidge: Thank you Mr. Speaker ... *[Interruption]* it seems...

6.29 p.m.

Mr. Speaker: Hon. Members, with references to ethnicity, we do not need to go there. There is no need for any Member to bring in race or ethnicity. That is not in the body of this motion and it is out of order for any Member to be making references, quote and unquote, about black people, or otherwise. We do not need to go there. [*Interruption*] Hon. Members, I am speaking. Please, could I have some order? I am speaking. We will not have references to race or ethnicity; it is not in the body of this motion, and we will conclude this motion in as short a time as possible, please. Thank you.

Mr. Greenidge: Thank you Mr. Speaker. I trust that the behaviour of colleagues is not going to affect my right to respond fully to the points that have been made. I thank you very much for exercising your functions here.

What I am saying is that the suggestion that in 1992, as in 2007 or 2012, Ministers or a Minister and his colleagues were in the business of acquiring state assets, using National Industrial and Commercial Investments Limited (NICIL) as a screen for redistributing them to their friends, whether at that time it had a capacity to fund junkets and trips by Ministers, it did not happen. NICIL was not involved in selling and disposing of any assets. It must be obvious. If the entity was established in July, 1991, and the People's National Congress (PNC) Government demitted office in September or October, 1992, this company was in the process of being established, rather than anything else. That is the first point.

When I look at the 2004 Report I can see that there are four activities under NICIL which are called investments. Those four investments and an associated company called GT&T, for which NICIL holds seven per cent in these entities, were inherited from the PNC, if the annual report is looked at. Of the ten subsidiaries, as they are called in the annual report, they are all, except for one post-1992, and probably even post-2000, acquisitions and appendages to NICIL. I hope I am making sense. I am saying that what the Government did was to dissolve Guyana State Corporation (GUYSTAC), took the entities from under it, and placed them...

[**Mr. Hinds:** Consolidate.] I like the word "place." ... under the domain of NICIL and, in those circumstances, it then became an entity which supervises revenue generating agencies. It uses the revenues from those agencies as though it is an additional budget. The revenues are not

subject to the scrutiny of the country and this Assembly, in particular. That is a new mechanism; it never existed before and it should not be suggested otherwise.

There are also, in that group, activities that were never envisaged for NICIL. There is the entity called, for example, Property Holdings Inc. whose business is apparently to acquire property for rental. It was never envisaged – never. What it does exactly, I do not know. Today we know that it, together with others, facilitates the transfer of properties to friends and associates of people on that side of the House. We are speaking about the way that revenues are used and they bypass scrutiny of this Assembly...

Ms. Teixeira: Mr. Speaker, Point of Order, under “Contents of Speech”, Standing Order 41, the Member is impugning improper motive. This is a broad sweeping accusation. If the Member has proof or evidence, let him come and bring it to this House and take it before the Committee of Privileges. He must not use this House as a battle ram for all of this nonsense.

Mr. Speaker: The Standing Order states that one should not impugn improper motive to any Member of the Assembly. He said the friends and family of this side. No Member has been named or identified. [Mr. Benn: He identified this side of the House.] Allow me to speak, Minister. It is indeed the case that if there is a group of persons who are easily identified, and there are thirty-two Members of the Government side, I would expect, Mr. Greenidge, that you would have supporting evidence of that statement. I have heard it once; I have heard it twice, but I believe if you are to go on you would have to have supporting evidence of what you say because they are of a group or class that is sufficiently small and identifiable.

Mr. Greenidge: Mr. Speaker, I am not desirous of embarrassing anyone in particular.

Dr. Ramsammy: Mr. Speaker, on that Standing Order, he is repeating it.

Mr. Speaker: What is it, Dr. Ramsammy?

Dr. Ramsammy: On the same Standing Order, by saying that he is not desirous of embarrassing anyone he is reiterating a falsehood.

Mr. Speaker: We are on the cutting edge of a debate and there are debating styles. I would only expect that if we are to go along that road we are going to have to produce evidence, if not, I am

going to stop you. Like defamation slander, the group is sufficiently small and easily identifiable, so that you would know exactly who is being referred to. I would ask you, Mr. Greenidge, not to dwell there and move on.

Mr. Greenidge: Thank you very much Mr. Speaker. You correctly observed that I pointed to no one, as the saying, “*I throw mi corn and I ain’t call no fowl.*” Let me go on by saying that as regards, again, Members on the other side of the House, they would know that instructions, for example, ... I am drawing a contrast, remember where it is. When the Hon. Minister Irfaan Ali spoke he made reference to me specifically in matters that I said were false. [Mr. Ali: I spoke about the Minister.] He did not say Minister. You pointed to me directly. You named me. Do not come with that.

I am going to say to you, Mr. Speaker, that what also did not happen was Ministers could not wake up in the morning and direct NICIL to transfer funds to any place. Again, there are instances of Ministers, on the other side, instructing NICIL to buy... Do I need to mention “white elephants”, Mr. Speaker? That everybody knows. Guyana Geology and Mines Commission (GGMC) funds were to be used to acquire an elephant; but in the past GGMC had been instructed to use its surpluses to fund the building of a road in the hinterland community. [Interruption] Mr. Speaker, I believe that you heard what I said that that did not happen prior to 1992. That is all. I understand where they are going. I do agree that it is a matter of questionable practice, but I did not make that point. What I am saying is most fundamentally, prior to 1992, there was a policy. The policy was a clear one. It had a specific role for NICIL. NICIL’s task was not to facilitate the transfer of national assets to a person who, often, we do not know. This very House is aware that, in a court case, the Head of the Presidential Secretariat (HPS) could not refute a claim in which the lawyer pointed out that 0.1 per cent of lands disposed of by NICIL, national lands, went to Africans in this country - 0.1 per cent only. There is a situation in which the other side must not pretend... [Interruption]

Mr. Speaker: I believe that I am going to go into my Chambers and when the Members are ready to have a serious discussion or debate I will return. I am sorry about this.

Sitting suspended at 6.40 p.m.

Sitting resumed at 7.22 p.m.

Mr. Speaker: Hon. Members the session is resumed. Please take your seats. Members, when I had reason to rise about half of an hour ago it was because I believed we had degenerated to a state that was unbecoming of Members of this House and the high esteem to which Members of the public hold us. We have a motion before us dealing with the assets of the state. I would ask that we refrain from references to race; that we allow ourselves to complete the business at hand, as per the motion and the resolution clauses that are before us. Mr. Greenidge, I would be most grateful if, without necessarily confining you to time, we could wrap up this motion. It has been pending for over a month and we have other business that we need to move on to.

By now we know the different sides of this debate, and both sides have been able to give their views and opinions. I do not intend to crib or confine anyone in his or her comments, but certainly I cannot allow the House to be taken to the depths to which I have noticed signs creeping in this evening. I am asking and urging you all - I am not singling out anyone - to allow Mr. Greenidge to complete. Mr. Greenidge, try to blot out some of the comments that might be coming at you which are deliberately meant to take you off your course and to distract you and to cause you to turn your attention to them. It is going both ways. I am asking Members to allow Mr. Greenidge to speak and I am asking him not to be swayed or persuaded from what it is he would like to say.

I am hearing a reference to what he said. As I said, this motion has nothing to do with race or ethnicity. If Members want to debate race and ethnicity they are free to bring a motion on that very subject and we can go to war over it, but this motion is about state assets and I am asking that we confine ourselves to that and that only. Thank you very much.

Mr. Nandlall: Sir, if I may. I do not wish to detain the proceedings except to say that the Hon. Member, immediately prior to Your Honour inviting us to take a break, made certain comments about the evidence in an ongoing case. I am not going to get into the accuracy or inaccuracy of the statements which were made, but I believe that we have preponderance of rules and regulations which ostracise us from debating and getting into matters that are pending in the court. I do not know what use the press is going to make of the information. I humbly ask that Your Honour consider striking the statements made in relation to the pending case from the record. That is all I am asking, Sir.

Mr. Speaker: Hon. Attorney General, I have considered the matter before of comments made in evidence. If a matter has been reported in the newspapers that this is what came out in evidence already, the rule against *sub judice* is..., so that comments or statements do not prejudice the outcome of a matter. If it is that this evidence has already been given and reported in the press, I do not see why a Member cannot comment on it, but if it goes on to prejudice the outcome... It is not a matter that one cannot, at all, mention a matter that is pending in court. It is whether or not your comments go on to cause prejudice or to influence the court in any way.

Mr. Nandlall: Then that will take me to the area that I did not want to go to say that my friend misrepresented the evidence as adduced in the proceedings. I was part of the case; he was not part of the case. I am saying that the assertion he made was a misrepresentation of the evidence as adduced in the trial.

Mr. Speaker: Hon. Attorney General, I regard you always as honourable. What I will say to Mr. Greenidge is that we will move on. I will ask Mr. Nandlall to provide me with a copy of that evidence. I will verify it and I will strike it if indeed it is not true.

Mr. Nandlall: I am most grateful, Sir.

Mr. Speaker: Thank you very much

Mr. Greenidge: Thank you very much Mr. Speaker.

Mr. Speaker: Sorry to interrupt you. I do not like doing this. I will just read the Standing Order. Standing Order 41 (2) states: "Reference shall not be made to any matter which is *sub judice*, in such a way as might, in the opinion of the Chair, prejudice the interest of parties thereto."

Mr. Greenidge: Mr. Speaker, if it will help you, I will also provide you with the newspaper article from which I got the report.

Mr. Speaker: I would appreciate that.

Mr. Greenidge: We were looking at the issue of the differences in the treatment of this entity called NICIL, which has attracted so much attention. I wish to emphasise that I can understand why it generates so much heat. It generates heat outside, in the streets, and it is a very important

pillar of PPP policy. I am quoting directly from Dr. Roger Luncheon in our discussions, between the three parties. I can understand why people are concerned about it.

Let me, if I may, Mr. Speaker, explain to you one of the consequences of handling NICIL in the way that the Government does, masking the management of the resources and the use of the resources. You will know that, at the moment, the Government plans to, as the Hon. Prime Minister said to us earlier, have the electricity tariff in Region 10 increase, in spite of the depressed state of the Region and although the plant there is a different one from the one in Georgetown, and presumably its cost for production and supply considerations are different. It is interesting that, at the same time – I see it here and I am making reference to the annual report of NICIL – I was surprised to find amongst the subsidiaries of NICIL that there is an entity called the Linden Electricity Company (LEC). That is a strange thing.

Here is an entity which collects state revenues in the order of billions – I will come back to that in a minute – it does not see it necessary to pay it over into the Consolidated Fund and it uses those resources however it wants and yet one of the entities within NICIL makes a loss and a subsidy from the Consolidated Fund is needed to finance the entity when in fact the revenues that are received and are being managed are not available to the rest of the system. The logic is that if the funds that NICIL is holding were to be included in the Consolidated Fund the argument about the lack of money for pensioners, the lack of money for electricity subsidies and other things could not be defended.

If NICIL is not handing over money to the Consolidated Fund then there is no reason for it not to pay the subsidy out of those resources that it has because it is precisely the profit making companies it has under it, Guyana Oil Company (GUYOIL) and others, whose money it uses when it wants to avoid the scrutiny of this House. At the end of 2004, as I see from the report, it showed something as of \$26.99 billion, in terms of revenues, and after tax profit was something as of \$1.63 billion. Let it use those accumulated funds. After all, I presume that the LEC is put under the same umbrella because the entity is seen as having the financial flexibility to allow it to assist those companies. That would be a conclusion that would follow from the way the funds are being managed but, of course, that does not happen and that is part of the contradiction that I mentioned.

When there was one entity dealing with all of these profit making and loss making companies there was a policy, a consistent policy across the board. Now there is one with a financial remit and another remit which has more to do with, as I said, avoiding the scrutiny of the National Assembly, avoiding the application of funds by the company in the same way as the rest of the system has to live. We find that the entity is coming to us, as taxpayers and as consumers, to pay, notwithstanding the fact that it is holding considerable revenues from the state. That is an aspect of it.

Let me also take the opportunity to say that this is – I mention it because the Government has spoken about the need to consult over policy – a very important policy area. Lest we again be regaled, I have the exchanges between the two sides, in relation to NICIL, in which the secretary of that joint meeting sent to us. It is instructive to look at because it also shows how at the end of exchanges one may arrive at different conclusions. The record, as sent to us by the secretary, on the other side, stated “In relation to the APNU proposals to bring all revenues of NICIL into the Consolidated Fund the meeting discussed this issue in the context of NICIL being a registered public company and the meeting agreed to continue the discussion on this issue. On the other hand, the APNU looked at this summary written by the PPP...” - we sent them something somewhat different - “...that the meeting agreed to transfer to the Consolidated Fund as a priority in keeping with the Auditor General’s recommendation...” - I put a question mark next to the date as to whether it was 2009 or 2009 and 2010 – “... balances in excess of those needed for operational purposes.” The point I am making here is that the proposal that is before us is quite consistent with that which we put to the Government. It is consistent with the argument that we had with it, so I hope that nobody is going to come to tell us that we had agreed to something else. Those are the two positions that the two sides agreed on and one of them I wrote, so I am sure it is not inaccurate.

There is also the question of the implications of NICIL and its activities in relation to the hand in hand exercise. We see, again, the use of public servants. We have complained before and Dr. Singh complained that Mr. Brassington was being misrepresented in his defence of NICIL. I think that I have pointed out before, when I spoke, the first time I made mention of it, that this was a public servant and that he had no right being involved, challenging politicians, but we, subsequent to that exchange, were confronted with a situation in which we were told that Mr.

Jonathan Brassington was involved, had to rescue the Government, in relation to the operation of one of those entities and, in terms of resource...

Dr. Singh: Mr. Speaker, may I enquire from the Hon. Member the source of his inaccurate and factually incorrect assertion that Mr. Jonathan Brassington was involved in any exercise, I believe he said, to rescue the Government?

Mr. Greenidge: I did not say that he was involved, Mr. Speaker.

Dr. Singh: I believe that he said the Mr. Jonathan Brassington was involved in some exercise to rescue the Government and I am asking him to produce the evidence of any such statement having been made.

Mr. Speaker: Mr. Greenidge, please clarify.

Mr. Greenidge: I will provide you, Mr. Speaker, with, again, the newspaper report which arose out of a report from Mr. Brassington's brother. What I would like to say is I am not aware of whether or not he rescued the Government. I am concerned... *[Interruption]*

Mr. Speaker: Hon. Members, we are not going to go down that road again. I did hear the word "rescue". In what context did you use it?

Mr. Greenidge: I am not disputing the word "rescue". I am saying that Mr. Winston Brassington, in the set of interviews following the revelations about the sale of shares, reported, and the newspaper report was to the effect, that if he had not bought the shares the Government investment in NICIL, or whatever it is, would have been an issue. *[Interruption]*

Mr. Speaker: Hon. Members, I would ask that... *[Interruption]* I am speaking, please. Ms. Teixeira, please be seated. I would add that we do not rely on newspaper reports unless we have them before us. We need to quote the date. This afternoon Mr. Rohee was able to produce newspaper clippings and I am asking Members that if they are going to be referring to newspapers, or any other material, please have them available. Take a cue from Mr. Rohee who had them in hand. I am asking you, therefore, not to proceed along by just making statements about reports. I did see something but I will not rely on my memory to a few weeks ago because I do not, especially in this House, want to misrepresent anything. Let us not dwell there at all.

Ms. Teixeira, did you need to intervene on a particular Point of Order?

Ms. Teixeira: It is normal parliamentary practice that we do not refer to people who are not here and have no right to reply. This is normal courtesy that is extended in a Parliament. We cannot be castigating people...

Mr. Speaker: I am not allowing any rebuttals. Let me just say that the rule is that one should not refer to a person in a derogatory manner. In fact, what I heard just now sounded as though Mr. Brassington was like a knight in shining armour and rather should be complimented for coming to the rescue. If it is that we are making any ill statement of the man, even if it is true... The point is that if there is anything derogatory to be stated about anyone I will not allow it, but I have not heard anything negative stated about any person, right now. As I said, let us have facts and be able to support them on the spot, if not I am not going to allow them.

Mr. Greenidge: Thank you very much Mr. Speaker. As far as the report is concerned I will have to search for it because I took it off an article. I can leave that. It is okay.

I am saying that, as a private company, NICIL is not subject to the stringent rules of the Procurement Act or the Fiscal Management and Accountability Act and those relatively low standards allow it to do things than agencies within the Government...

Dr. Singh: Mr. Speaker, may I, with your permission, ask you to ask the Hon. Member to desist from making spurious allegations that are not grounded in any fact? Where is the evidence that NICIL adheres to lower standards than any other entity? NICIL has advertised...

Mr. Speaker: Mr. Minister, with respect, if that is the Member's opinion, based on his research and his expert opinion... We have had a long debate. His opinion may be wrong or it may be right, but it is his opinion.

Dr. Singh: Mr. Speaker, it is a statement that he is making that casts an aspersion on an entity that has no factual basis.

Mr. Speaker: What I may very well do is to have Mr. Brassington, who heads that agency, make a statement to this House, either in written form or otherwise, because his name has in fact been coming up and the group, which he manages, keeps coming up. I would ask that we move

on. Could we speak to the motion at hand? As I said, the point has been made, the positions are defined. Let us complete this motion please, Hon. Members.

7. 42 p.m.

Mr. Greenidge: As far as I am aware, I think that I have a right, as anyone else, to say that if an entity, which is governed by the Fiscal Management and Accountability Act directly - it has standards which are governed by that Act - and another entity which does not fall under that Act, it has... **[Ms. Shadick:** It is different.] Yes. Thank you very much. These are standards that are different. Let me just tell you something if you want to argue. **[Mr. Nadir:** You said “lower”.] I said lower and I meant lower. Why are you telling me I said lower? I know; I am not disputing it. **[Mr. Nadir:** Different does not mean lower.] I did not say different. I am saying that they are lower.

The President in 1992, and I believe at the CARICOM level, again around that time, when looking at the change of company legislation in the Caribbean, made reference to the standard to which these companies can be held and I want to make reference to it.

In respect of the report of the Working Party and the Harmonisation of Company Law in the Caribbean Community and the report of the Review Committee of the Company’s Act, (There was the Guyana Review Committee appointed by the Hoyte administration to consider the report of the Working Party and the Harmonisation of Company Law in the Caribbean Community.), they proposed the adoption of new guidelines for these companies and it arose precisely, because the authors were saying, as long as, yes, twenty or thirty years ago, that there could be no accountability under a NICIL-type model, even if it did not have the degree of egregious practices that we find it practising right now. That is the point I want to make. In looking at the rules and regulations under which this entity operates, it leaves the national interest, public interest, in jeopardy. That is the point.

The logic of our own position, I think, is very clear. What I am saying is that fiscal management requires that all of the revenues generated by state entities, especially when they are so large, be directed to the Consolidated Fund, because consistent decision making and consistent rules about investment requires that all of the funds, which are available, be subject to the same considerations. That is what underlies this motion. It is in the light of that logic that the motion is

drafted, first of all, calling upon the Government to provide information requested, to provide the information as regards the disposal of the assets under its control or under its management and that, in addition, a detailed report... It is in resolution one and resolution two.

The further call here is for the fiscal concessions granted also to be reported on and the Minister should ensure that the annual reports of the company, since we are still on NICIL, be presented to the House. He would note that specifically in relation to part (b) of the first set of resolutions that provision be made for the urgent commissioning of an independent financial audit of the operation so that we can see and properly understand what NICIL has been doing and we would not have to depend on Mr. Brassington's interpretation of reality.

Thank you very much Mr. Speaker. [*Applause*]

Mr. Hinds: Mr. Speaker, the Government would like to have the right to reply according to Standing Order No. 39 (2).

Mr. Speaker: That is recognised.

Mr. Hinds: We are very disappointed in the presentation just made by my honourable colleague, in which he made a number of spurious and unsubstantiated allegations and casted aspersions all around, liberally. We would want to lodge our protest formally so that the media and the people of Guyana could know these allegations for what they are. They are just allegations and aspersions and, again, allegations and aspersions which could be checked if the Hon. Member or anyone refers to this document, *Guyana's Privatisation Programme: The Institutional Framework and Results for the Phase 11 (1993 to 2008)*, which was made available in 2008. In it, Sir, it lists all of the transactions which took place through that period of time. There is a subsequent document in preparation of which the first draft is available which takes us from 2009 to 2011.

Sir, if anyone were to take the time - I do not want to take the House's time to read through this document and to read through the privatisations which had been made by NICIL - one would see right away that there was no issue and question of race in selecting and putting these properties to bid. In fact, all of those bids were advertised and open and transparent decisions and choices were made.

I can say that in a number of cases..., if we want to say it. I can say that there were options on Guyana National Engineering Corporation (GUYNEC) which has become Guyana National Industrial Corporation (GNIC). I would be bold enough to say here that the final choice we made was made so as to provide workers at that establishment the opportunity as a union, as a group, to take a part in that privatisation and in the new company. I would be bold enough to say that there were other choices that, maybe, could have been taken on a clear question of the money that could have flown to NICIL, but the choice we made was influenced by wanting to have as even a distribution of participation as we could have, taken into account those people who made bids, and who presented themselves, and who made offers.

I want very much, Sir, to say that it is with great regret that I and Members on this side listened to that presentation by the Hon. Member Mr. Greenidge. Thank you Sir.

Mr. Speaker: Hon. Members, this particular motion has gone on for a month or more, I believe. It is time to bring it to an end.

Motion put.

Mr. Hinds: Division.

Mr. Speaker: I was about to say that I believe that the ayes have it but a division has been requested. Could the bell be sounded to ensure that everyone is present and accounted for.

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

Ayes

Mr. T. Williams

Ms. Marcello

Dr. Ramayya

Mrs. Garrido-Lowe

Mrs. Hughes

Mr. Nagamootoo

Noes

Mr. Jaffarally

Mr. Damon

Dr. Persaud

Rev. Dr. Gilbert

Dr. Mahadeo

Mr. Seeraj

Mr. Ramjattan

Ms. Ferguson

Mr. Morian

Mr. Allen

Mr. Jones

Mr. Adams

Ms. Baveghems

Mr. Sharma

Mr. Bulkan

Mr. Bond

Ms. Kissoon

Mr. Trotman

Ms. Selman

Mr. Allicock

Ms. Wade

Mr. Felix

Ms. Hastings

Mr. Scott

Lt. Col. (Ret'd) Harmon

Mr. Greenidge

Mrs. Backer

Mr. Lumumba

Mr. Chand

Ms. Shadick

Mrs. Chandarpal

Mr. Nadir

Ms. Teixeira

Bishop Edghill

Mr. Whittaker

Mrs. Sukhai

Mr. G. Persaud

Ms. Manickchand

Mr. Benn

Mr. Ali

Dr. Ramsaran

Dr. Westford

Mr. R. Persaud

Dr. Singh

Mr. Nandlall

Dr. Ramsammy

Mr. Rohee

Mr. Hinds

Dr. Norton

Mrs. Lawrence

Mr. B. Williams

Ms. Ally

Dr. Roopnarine

Brigadier (Ret'd) Granger

Motion carried.

AGENCIES CHARGED WITH EXTRA-BUDGETARY FUNDS

WHEREAS the Financial Management and Accountability Act 2003 requires all revenues accruing to the State to be deposited in the Consolidated Fund;

AND WHEREAS Section 39(1) of the Financial Management and Accountability Act 2003 permits the establishment of Extra-Budgetary Funds by legislation;

AND WHEREAS some entities authorised to establish such Funds have failed to meet their obligations under Section 39 of the Act, namely to:

- (a) To separately account for the funds apart from any other resources; in accordance with Section 39(4);
- (b) To submit to the Minister and publish for general information quarterly reports on the financial operations of the Fund, Section 39(5)(b);
- (c) Make the accounts and records of the Fund available for independent audit by the Auditor General and prepare an annual report of the Auditor General thereon, to the National Assembly and publication of such reports for general information in keeping with Section 39(5)(c) and (d);

AND NOTWITHSTANDING:

The regular reports by the Auditor General and the Audit Office of the failure of many such entities to meet their legal obligations the Minister of Finance has routinely failed to enforce the law in these cases and has also failed to have explicitly reflected in the relevant investment plan and programmes of expenditure contained in the annual budget and to process the resources allocated from all Extra-Budgetary Funds for the purpose of financing Government social or economic development projects through the Consolidated Fund; (Section40)

“BE IT RESOLVED:

That this House requires the Minister of Finance to lay before it a report on all the extra-budgetary agencies, including the Lotto Funds and GGMC, all the outstanding reports and quarterly audited accounts as required by the law; and

BE IT FURTHER RESOLVED:

That the relevant Minister/s ensure that all agencies authorised to have Extra-Budgetary Funds under the Act and with outstanding reports as at 14th February, 2012, be immediately required to pay into the Consolidated Fund all balances held in their accounts and a Statement of such payments be submitted to the National Assembly on or before 30th day of June, 2012.”

[Mr. Greenidge.]

Mr. Speaker: Members, we have another motion, along the same vein, to continue into tonight, “Agencies Charged with Extra-Budgetary Funds”, a motion in the name of the Hon. Member Carl Greenidge who will now move that motion.

Mr. Greenidge: Mr. Speaker, I rise to address this motion which, as you have correctly indicated, is not unrelated to the one that went before and, hopefully, that will enable us to dispose of it expeditiously.

The issue of state-owned entities and the retention of revenues by those entities is one that has attracted a lot of attention. The Constitution, in effect, requires that if moneys are collected on behalf of the state they should be paid over. I will come to the specifics, but basically we are referring to agencies that are identified in the Fiscal Management and Accountability Act (FM&AA), section 39, for example, which speaks to Extra-budgetary Funds. If you will allow me, Mr. Speaker, I will quote a couple of sections from it. Section 39 (1) states:

“An Extra-budgetary Fund may be created by an Act, which legislation shall set out -”

The items that follow indicate the individuals who would be responsible and handling arrangements. It also goes on to state that:

“Officials charged with the management of an Extra-budgetary Fund shall establish close co-operation and co-ordination with the Minister and share with the Minister all relevant information necessary or desirable to ensure adherence to the principle of consolidation of Government revenues and expenditures.”

It is the “consolidation of Government revenues and expenditures.”

It also, in subsection (3), requires the Minister..., and I quote:

“The Minister shall develop detailed procedures for achieving the co-operation and co-ordination referred to in subsection (2), particularly in connection with the preparation, execution and monitoring of the annual budget and the budget for each Extra-budgetary Fund.”

Finally, I would like to cite subsection (5) which states:

“Subject to any other law, the officials charged with the management of an Extra-budgetary Fund shall, with respect to that Fund –

- (a) observe the accounting methodology and reporting format prescribed by the Minister;
- (b) submit to the Minister and publish for general information quarterly reports on the financial operations of the Fund;
- (c) make the accounts and records of the Fund available for independent audit by the Auditor General;”

It goes on to state some other obligations, but I just want it to be clear as to what it is we are addressing. I am not in receipt of an exhaustive list of extra-budgetary agencies established under the Act, but I would like to confine myself, even, to some broad principles about the operation of the funds.

It is important to say that the issue is significant because the sums involved are significant. During the period in question, if some individual agencies are taken, for example, the Guyana Lotteries Commission - we are speaking about between 1996 and 2006 - amounts totalling \$95 billion were received. In relation to the Sugar Industry Labour Welfare Fund, for example, which is an agency that may not fall strictly under the title of the Act, had something of \$1.451 billion shown as deposits held for investments on behalf of the Sugar Industry Labour Welfare Fund and the Rehabilitation Fund.

Since there are lots of agencies falling under this title, what tends to happen is that, in essence, there are almost rival centres of fiscal management. There is the Minister of Finance coordinating and is responsible for overall fiscal management. I am not saying that he does not have an input in the other agencies, but what there is at the same time is that a number of these agencies which have resources and are in a position to dispose of resources in a manner that may not necessarily be consistent with the overall rules and principles that he may have set out at the central level.

For these reasons, these Extra-budgetary Funds have been the subject of some controversy. They have also been the subject of advice from some of our international partners. I am aware, for example, that elsewhere there has been a tendency of the international agencies to urge governments to keep these Extra-budgetary Funds somewhere in the region of no less than one per cent of total expenditure and I saw suggestions that there are areas where there might be as high as three per cent. That is too high.

The multilateral financial institutions as part of assistance provided to Guyana in 2001, I think, recommended that the Government, and I quote:

“...reduce the amount of Extra-budgetary Funds and that in the short term it should reduce the number of special accounts where funds can be held outside of the Consolidated Fund.”

Just in case my colleagues attempt to divert by asking the source, it is called, *Tracking Poverty, Reducing Expenditures – The Draft Assessment and Action Plan – October, 26, 2001*. This is the report I have. I am not clear as to the extent to which the recommendation was implemented, but the point I am making is that the issue itself was important enough for the bank to recommend to

the Government that these funds be reduced in terms of number and in terms of value. **[An Hon. Member (Government): ...inaudible ...draft.]** Well, whether it suffices review does not deny that that was what the draft had. Government could always amend the draft. It does not mean that the technician did not recommend this. Let not be topic antic about this.

Now, one of the problems is that, in relation to the funds, there is a certain lack of uniformity in the treatment of funds. Some of these agencies do not automatically pay over the resources they have to the Consolidated Fund. In a number of instances, the funds are not properly accounted for and in other instances the Government routinely ignores the recommendation of the Auditor General regarding the need to transfer the funds. In other cases - we dealt with that just now - NICIL claims that there is no obligation to pour over those funds.

In previous reports the Auditor General has highlighted the Ministry's failure to pay over the twenty-four per cent of proceeds of the Government Lotteries Limited to the Consolidated Fund and, as I mentioned earlier, the GGMC has, in the past, been pressed to use its resources for zoos, roads, and so forth.

Now turning to the question of the difficulties, sometimes of seeing what is happening to these funds that lie outside of the Consolidated Fund... Looking at the Sugar Industry Labour Welfare Fund, the Sugar Industry Rehabilitation Fund and the Sugar Industry Price Stabilisation Fund, those Funds were last audited in 1996 and 1980 and 1980 respectively. The Auditor General reported in 2006 that it was not possible, therefore, to use the entities' records as a basis for verifying their accuracy. I am speaking of relatively large amounts here of amounts that affect the welfare of a very important element of our constituency. The Auditor General, our financial adviser on these matters in respect of accounting, had problems knowing the exact status of the funds to verify whether they were there.

The last agency of this type I want to make mention to is the Dependent's Pension Fund in which the last audited accounts were in 2004 and in connection to which the Auditor General said that he could not properly validate the figures provided.

In the case of the Guyana Lotteries Company, it transfers its surplus revenues to a separate account which is regarded by those who have looked at it, including the Auditor General, as not good practice. In this particular case the amounts in question are significant. There was, as I

mentioned, \$2.9 billion received from the fund between 1996 and 2006 and it was deposited into the 3119 Account. From that account, \$2.875 billion was expended without coming to the Consolidated Fund, specifically on the instruction, it would appear, of the former President. So, \$2.9 billion went into the account, \$2.87 billion utilised on the basis of guidance, instructions, or whatever it might like to be called, from the Minister.

The use of these funds in this way was challenged on many occasions and subsequently it was the subject of, what I might call, an unsolicited opinion from the then Attorney General. (I see our colleague is not with us, so he would at least not get upset about that.) I believe that the action was intended to prevent the Auditor General from further reporting on the retention of the Lotto Funds and on its unauthorised use. The last reference I see to it was in the Auditor General's Report in 2006 on pages 23 and 24.

Since this matter seems to serve as a pretext for others which are not paying over their moneys, let me just say that one could argue that the Auditor General had not requested any opinion and therefore he could still disregard it. Alternatively, he could have sought an independent opinion and if that opinion supported the view of the Auditor General, it would have been appropriate for the Auditor General to seek a judicial review of the matter, especially, because the Auditor General's advice in these circumstances involve, what I would regard, as a conflict of interest, because he is both part of the executive and now he is giving advice to an agency that is meant to be monitoring the behaviour of the executive. That is something of a difficulty that seems to cast a shadow over the question of these accounts and given this different treatment, which I have outlined before, the retention of such accounts, the authorising of such accounts by the Minister, perhaps, should be revisited. The agencies are collecting funds on behalf of the state and so the moneys that are collected, which are net of their operational expenses, really, should be promptly paid over to the Consolidated Fund.

I mean if necessary they could establish a separate account for their own uses. The thing is that for the surplus funds, to the extent that they come to the Consolidated Fund, then they would be governed by a single principle governing their investment. Without them coming in that way, as I said, there is a situation in which one set of rules apply to one set of funds and a different set of investment rules apply to another investment priorities which are completely different from one entity to the next. This is not good planning or fiscal management practice. In any case the

Constitution is clear on this matter. Article 217 (3) of the Constitution requires that the moneys be paid over. It states: “No moneys shall be withdrawn from any public fund other than the Consolidated Fund unless the issue of those moneys have been authorised by or under an Act of Parliament.”

In the case of NICIL, if I may just touch on that again, I am not sure that it has separate authorisation to do that. This is the heart of the problem.

In relation to the question of Extra-budgetary Funds, we are arguing that unless we know of all of the funds that Government takes in, and we can put them through the same tester, the same sieve and decide on the basic or standard criteria how they are to be used, we are going to be in a less than ideal position. The idea would be to have them come centrally so that they can first be devoted to those priorities that yield the highest returns.

When we come to consider issues of whether we can afford to pay for pensions, whether we can afford to pay for electricity subsidies, whether we can afford to pay salaries, we are seeing the full sum of resources that are available to the state, not a case of some resources being hidden even as access to those resources is used, for what I think the whole country would regard, as low priorities, whilst critical things affecting poverty and efficiencies are neglected. It is an important political reason.

8.12 p.m.

For that reason, the motion calls upon the House to approve an arrangement that requires these entities that are in control of such funds, first of all, to ensure that they report on the funds in keeping with the Act, and I did read the relevant section, and also that the Minister lays a report on all these agencies and the state of their resources.

Finally, in the cases where the agencies have outstanding reports , financial or other, that they be immediately required to pay over the moneys they have into the Consolidated Fund, because they were given those powers in specific circumstances and it is appropriate that since they fail to meet the obligations associated with that freedom that it be curtailed.

I thank you very much Mr. Speaker. [*Applause*]

Minister within the Ministry of Finance [Bishop Edghill]: I speak to the motion that is before this House which is in the name of the Hon. Member Mr. Carl Greenidge. Having read and studied the motion, and listened to him in the presentation, I wish to make a number of observations.

Firstly, I would want to state that the position of the People's Progressive Party/ Civic (PPP/C) administration, and what we have submitted to and we are committed to, is to ensure public accountability of all public money. I wish to refer to the first clause in Mr. Greenidge's motion which suggests that all public money is equated to and equal to what is in the Consolidated Fund. I wish to state that the Consolidated Fund is just a subset of public money. It is not the sum total of public money. In the Fiscal Management and Accountability Act, section 37, it describes:

“All public money shall be classified as either -

- a. received moneys;
- b. moneys in the Consolidated Fund, including any moneys in the Contingencies Fund;
- c. moneys in an Extra-budgetary Fund;
- d. drawn moneys; or
- e. moneys in a Deposit Fund”.

This Act envisages that there will be public money that is not in the Consolidated Fund. This motion, which Mr. Greenidge is bringing to the House, is basically seeking to amend this Act and I am advised, Sir, that a motion cannot amend an Act. **[Mr. Nandlall: It violates the Act.]** It violates the Act.

Mr. Speaker: Who advised you, is it the Attorney General? You are right about a motion not being ...

Bishop Edghill: Yes, Sir, I have been properly advised.

Mr. Speaker: Okay.

Bishop Edghill: I promise never to mislead this House...

Mr. Speaker: Knowingly.

Bishop Edghill: Knowingly. Sir, I would like to state that the Government is aware that we have a responsibility to account for all public money; we intend to do that, and we have been doing that. What we are having here is a re-creating of a new environment where we are seeking to take a subset of all public money, which is the Consolidated Fund, and created a facility that says that it should become a sum total of all public money which this Act does not allow. There is nothing illegal about having public money outside of the Consolidated Fund. I would like to establish that, Mr. Speaker.

There is adequate mechanism in place for the supervision and management of public money. I have listened to Mr. Greenidge ... [Mrs. Backer: It is the Hon. Member.] The Hon. Member. I have listened to Hon. Member Mr. Greenidge. Sir, I have been advised that in this House we should treat all Members as honourable and their motives must be considered as honourable. I am assuming that the motive of Mr. Greenidge, the Hon. Member, in bringing this motion, is that there is some concern on his part as it relates to the manner in which public money is being accounted for, in his opinion.

Mr. Greenidge: Sorry, Mr. Speaker, can I?

Mr. Speaker: Mr. Greenidge, I think he is imputing good motive on your part. He said your motives are good and he presumes them to be good. We are in a debate and you are going to hear things that would make you uncomfortable, but I am not going to be allowing a Point of Order for everything that makes a Member uncomfortable. Proceed.

Mr. Greenidge: Sorry, Mr. Speaker, may I? I have no difficulty with what you have said as regards the question of honourable. That is not, in fact, what I am rising to. I am just wanting to confirm that the motion is here not because I believe something...

Mr. Speaker: Mr. Greenidge, you have a right to reply.

Mr. Greenidge: There has been even a consultancy paper...

Mr. Speaker: We are in a debate and you are going to have Members having their opinions, as you were allowed yours earlier. Go ahead Bishop.

Bishop Edghill: We are dealing here with an issue of seeking to create a mechanism that is contrary to what the law allows. A lot of these agencies, which are now being called extra-budgetary agencies, may I submit to this honourable House that this is no innovation of Guyana, of having extra-budgetary agencies. Just last weekend many of us participated in a two-day workshop and we discovered in those discussions that some of the more modern democracies, and we had the experiences of Canada, where there are crown corporations which are the equivalent to our extra – budgetary agencies - public corporation, crown corporations, corporations - whose funding does not make a call on the Consolidated Fund and their accounts are handled separate and apart from that entity. We learned that over the last two days, as provided for by the law. It was clear; the facilitators made that very clear. I am making the point that there is no magical innovation, which for some motive or reason, that is hidden that there are extra – budgetary agencies. Having done my research, I would have realised that this parliament, not necessarily the Tenth Parliament, but right in this House, laws were passed to enact and to govern many of these agencies. Many of these agencies, which are set up by way of Acts of the Parliament, whether it was the Seventh, the Sixth or the Fifth Parliament, or whatever the case might have been, provided that these entities, which are now called extra – budgetary agencies, exist. They exist within a particular framework. They operate within a particular way. They have their own governance structures and this House would see audited reports. They are expected to provide annual reports and audited reports which are laid in this House. These funds do not just exist in thin air where they are not subject to public scrutiny, and they are audited by the Auditor General. The law makes provision that every one of them be audited by the Auditor General. The Auditor General is directly responsible for auditing these funds.

What is important is that these agencies have their own governance structures and they operate their own accounts. These governance structures, if public accountability is what we are seeking to achieve, already provide for public accountability. In many of these agencies there is a statutory body; there are workers' representatives on their boards, private sector representatives on their boards, political parties' representatives on their boards, both from the Government and from the Opposition. I think this is giving expression to article 13 of Constitution where people are being involved and are being encouraged to be involved. What we are talking about here is entities that exist where scrutiny exists at levels that is easier to detect any wrongdoing or

anything that might raise a red flag because there are the people who are directly involved - the stakeholders are there, the workers representatives are there, the private sector is there.

I would want to also offer in my response to Mr. Greenidge's and the presentations that he would have made, the fact, that the Auditor General audits, or we might even want to say causes to be audit, because some of the work is contracted out to private audit firms, all of these entities, under the law, are subject to these audits. The Hon. Members of this House, the representatives of the people of Guyana and the people of Guyana, as a whole, can have the information as it relates to what is happening in these agencies.

As it relates to the transfer of funds, from extra-budgetary agencies to the Consolidated Fund, extra-budgetary agencies have been transferring funds to the Consolidated Fund in keeping with the necessary laws that governs that agency and based upon decisions made by their Boards of Directors in keeping with their governance structure. As in the case of NICIL, which seems to be attracting quite a lot of attention, I have consulted with the executive director and he has advised me that in the last one year one billion dollars was transferred from it to the Consolidated Fund. There is no issue, here, as it relates to the non-transferral of funds.

If we are to follow the instructions of this motion that is before us - I do not claim to be the brightest in this House and I will never claim to be - I notice that there is some contradiction here. The mover of this motion, the Hon. Member, highlights, in the second WHEREAS clause that:

“AND WHEREAS section 39 (1) of the Financial Management and Accountability ACT 2003 permits the establishment of Extra – Budgetary Funds by legislation;”

The establishment of Extra – budgetary Fund is admitted and acknowledged, but in the final resolve clause he is seeking to bring an end to that by asking that all moneys immediately be paid into the Consolidated Fund. There is some confusion that exists here. This, I think, is creating what is called an operational nightmare. I have thought this thing through: If all of the moneys are transferred into the Consolidated Fund, I would want to ask... The Hon. Member Mr. Greenidge cited the GGMC. If the GGMC is required to make some purchases of a piece of equipment in keeping with its operations and all of its moneys are transferred into the Consolidated Fund it has to wait until there is an Appropriation Act, because the only way in

which money can get out of the Consolidated Fund is by an Appropriation Act. It means that the governance structures are being collapsed and an operational nightmare is being created for all of the entities.

In this time, what we sought to get away from, when this honourable House enacted the legislation, is to give these entities more leverage, in terms of governing themselves and operating in a very professional manner and being able to deliver goods and services and to bring in revenue for the state. It will become, I should say, if this motion is carried, an operational nightmare. May I say that there will be interrupting and collapsing of existing governance structures in all of these extra-budgetary agencies, and this is what this motion is seeking to do. The Board of Directors will become useless. The decisions of the board will be subject to the approval of this honourable House, because, no matter what the board says or decides, in order for financial matters to be dealt with we will have to come to this House with an Appropriation Bill, it has to be debated to become an Appropriation Act, before these entities are financed. I am sure that the best of us sometimes overlook some of these issues and I am sure the Hon. Member, who is moving this motion, may want to consider that this motion, if carried, would, in essence, be interrupting and collapsing the governance structures of all of these agencies.

We are asking this Tenth Parliament to undo what previous parliaments would have done by passing laws, creating statutes that govern these entities, and, as I said, we are using the method of a motion to amend laws. I am not even sure that if this motion is carried if it would be legal and legitimate or there can be a facility for its implementation, especially when some of these entities exist based upon existing statutes and laws. It is really a matter that we should rethink and look at.

These extra – budgetary agencies should - I emphasise “should” – be subject to public scrutiny. The law allows for it. I would think that if there are dissatisfactions which exist, those should be raised; mechanisms should be put in place for the strengthening of that kind of scrutiny and accountability if that is the concern, but certainly this motion, as envisaged, leaves me, as a Member of this House, with real confusion in my mind. Number one, we are establishing... Yes, there can be Extra – budgetary Funds; the motion states that. The motion sought to suggest that all public money must go into the Consolidated Fund and yet these agencies have to operate. I am not sure, I am not clear, if with the passage of this motion, we close all the accounts that exist

for every extra – budgetary agency and they now go into the Consolidated Fund, that we have remedied a concern that exists.

What we basically would be doing is interfering with, what I would have heard Members of both sides of this House asked for, which is, good governance. Maybe the path towards it differs on how we should get there, but I am certain that there is an agreement in this House that what is required is good governance. I would think that governance structures that exist in all of these extra- budgetary agencies, which allow for broad base participation - all the stakeholders being on board, playing meaningful roles, being audited by the Auditor General, have to bring annual reports to the National Assembly and their accounts are scrutinised -... If we need to strengthen, we will strengthen, but I seriously want to ask the Hon. Member, and the mover of this motion, to re–think the paths that he is choosing and may I also say that what we are really asking, here, is to amend the laws. We would have to amend all of those statutes that would have established those extra – budgetary agencies, we would have to be amending the Fiscal Management and Accountability Act and a motion, Sir, I am advised, cannot make such an amendment.

Thank you. [*Applause*]

Mr. Sharma: I have listened to the Hon. Minister making his point in his rebuttal to the Hon. Member Carl Greenidge and what I have noticed was that, for convenience purpose, they are chosen sections of the Constitution and the law for convenience and not dealing with the matter. Let me quote from the Constitution, article 216, and it states:

“All revenues or other moneys raised or received by Guyana...”

There is an open bracket and closed bracket, but I am going to skip that part.

“...shall be paid into and form one Consolidated Fund”.

But in the bracket, this is what it states further.

“(Not being revenues or other moneys that are payable, by or under an Act of Parliament, into some other fund established for any specific purpose or that may, by or under such an Act,...”

This is the next important point.

“...be retained by the authority that receive them for the purpose of defraying the expenses of that authority)”

Basically what article 216 in the Constitution of the Republic of Guyana is stating is that all moneys must go into the Consolidated Fund, but there are exceptions in which the Hon. Member did point out, and I agree, but he failed to relate them to article 217 (3) of the said Constitution which states that:

“No moneys shall be withdrawn from any public fund ...”

Those are the key words: “from any public fund”.

“...other than the Consolidated Fund unless the issue of those moneys has been authorised by or under an Act of Parliament.”

That is what we are trying to do here. This is the Parliament and we are saying that the manner in which the funds are being dealt with is not how we want them to be done. The Constitution is telling us this, and it further states in article 217 (4):

“Parliament may prescribe the manner in which the withdrawals may be made from the Consolidated Fund or any other public fund”.

I do not know if the Minister is listening to what the Constitution is saying, but this is what it said. It gives us the room to manoeuvre to what the motion is speaking about. It gives the House to deal with these matters.

Now I want to refer to the Fiscal Management and Accountability Act, Act No. 20 of 2003. Again, I agree with the Minister. When he quoted from the “Consolidated Fund”, in section 38 of the Act, he did state correctly that:

“All public moneys raised or received by the Government shall be credited fully and promptly to the Consolidated Fund,...”

Again the word “except” is used. He is correct again.

“...except –...”

There are sub paragraphs (a) (b) and (c) and I will not go through the details. Here is where he is contradicting himself where it relates to section 39, subsection (4) of the Act which states:

“Subject to any other law, resources of Extra – budgetary Fund...”

This is important.

“...may be administered either through its own accounts in selected banks pre - approved by the Minister...”

This is so important.

“...or through the payment and banking services of the Consolidated Fund,...”

It means that we (Members of Parliament) dictate where the money is placed and we say whether it should go to the Consolidated Fund. It further states that if we should use the Consolidated Fund –

“...but shall be accounted for separate and apart from other resources”.

It (the law) is not depriving us from putting the Extra – budgetary Fund into the Consolidated Fund. It states that we have a choice. We either put it into a bank account that the Minister will establish for that purpose or we put it into the Consolidated Fund, but when we are going to account for it will do it separately. That is what we are saying here and the motion is correct. That is what this House wants by this motion...

Mr. Speaker: Mr. Sharma, if I could just.., for my own clarification, you are saying that the National Assembly is now requesting that the moneys go into the Consolidated Fund. Are you saying, before today it was okay for the moneys to be where they are but after today, once National Assembly decides, they must go?

Mr. Sharma: I am saying yes because there is provision.

Mr. Speaker: There was no irregularity or illegality being committed prior to ...

8.42 p.m.

Mr. Sharma: It is correct, because they were acting within the confines of the Constitution, looking at a specific section, but if you look further, Mr. Speaker, you would see that no law will have to be amended to facilitate the motion, and that is what is important here.

[**Ms. Shadick:** Follow the law.] They are following the law, but the motion is basically saying that there is rule. It is clear in the Constitution, as it is clear in the Act. It is clear there. This motion is being sought to have the Minister of Finance to comply with the respective section of the Financial Management and Accountability (FMA) Act 2003 as regards to the Extra-budgetary Fund and to have him enforce the law against the official vested with the responsibility for financial management of the Extra-budgetary Fund. Basically that is what this motion is asking for. Both the laws and the Constitution are supporting the motion, and so I would like the Hon. Minister to look at it and if he wants to respond I would be happy.

Thank you Mr. Speaker. [*Applause*]

Mr. Speaker: Thank you Mr. Sharma, I thank you for your elucidation of the matters. Mr. Lumumba, do you need to respond?

Mr. Lumumba: Mr. Speaker, I respond to the people of Guyana. I find this motion unfortunate and contradictory. First of all, this issue that we are dealing with is a creature of the Opposition; it is a creature of the PNC; it is a creature of the Hon. Minister Carl Greenidge, but, as like the usual, the Hon. Member can say it is not him it is ex-Minister Haslyn Parris. He is free to say that. The law allows agencies such as the GGMC to proceed with certain level of independence. However, Government and Ministers must ensure that these agencies carry out their activities within the law. The Guyana Geology and Mines Commission has consistently transferred money to the Consolidated Fund.

Prior to the PPP coming into power and during the period, the turbulent time, when the Hon. Member Mr. Carl Greenidge was Minister the GGMC was collecting the people's gold and it was being transporting by ambassadors, by individuals, by different persons, to the United States of America and to London. I do not have any problem with the Minister dealing with this matter, but we must remember when thousands of dollars were taken out of this country by raw gold and were not accounted for and there was no proper record, no bid process, no proof of sale to an

individual and up to this day the Minister, the former Minister, Hon. Member Carl Greenidge has not complied with this information.

I noticed the Hon. Member Brigadier (Ret'd) Granger has looked at me when I made these announcements. I hope that he does not use this against Mr. Greenidge in the upcoming elections because it would be unfair. All I am saying that while we cannot, on the one hand say, that the Government must ensure that there is honesty and transparency, and the person who has moved this motion has an intense record of violating,...

Mr. Greenidge: Mr. Speaker, please, I should not have to rise to this, I am sure.

Mr. Lumumba: What did he say? I did not hear you, Sir.

Mr. Speaker: Mr. Lumumba, I have allowed some latitude...

Mr. Lumumba: Thank you. It is some.

Mr. Speaker: ...but you must speak to the motion at hand please.

Mr. Lumumba: I am speaking to the motion at hand, but I am saying that the motion must have an origin; there must be a genesis in thin motion. The motion cannot be presented by the singer who has misdeed with the song.

Mr. Speaker: I would not allow that.

Mr. Lumumba: Okay, I withdraw that.

Mr. Speaker: Thank you.

Mr. Lumumba: All I am saying is that Minister Edghill spoke at length, in terms of the Government's position on these agencies. He spoke at length about our record keeping. He spoke at length that we have followed the law of the land. I have emphasised the fact that these agencies, and the law in relation to these agencies, are the creature of the People's National Congress whose Minister at that point in time was the Hon. Member Mr. Carl Greenidge.

I thank you. [*Applause*]

Mr. Ramjattan: In relation to the matter at hand, I want to indicate that the National Assembly, which constitutes that important part of Parliament, must jealously guard the content of the purse and the treasury of a country - always. What this motion seeks to do is to emphasise that jealous guarding of the national purse. [Ms. Shadick: It is to zealously guard.] Well, I am saying “jealously”

Mr. Speaker: Mr. Minister, it is a term of art that we lawyers used - “you jealously guard something”. A man can jealously guard a woman or *vice versa*.

Mr. Ramjattan: It was in that context of that jealous guarding of the public purse that the Financial Management and Accountability Act of 2003 was passed by the PPP/C Government. When I was a Member the rationale for it was given for purposes - this is important, Hon. Member Mr. Edghill - of the National Assembly having a hawk eye, an eagle eye, over all public finances. When he mentioned just now, because it amazed me, that public money only in the Consolidated Fund ought to be what should be jealously guarded by the National Assembly it was making the Minister missed the point. [Bishop Edghill: That is a misrepresentation.]

Well, I am not misquoting but you are trying to de-emphasise. The Hon. Minister was indicating to this House, from my interpretation of what he said, that there is a hierarchy of the public finance called the Consolidated Fund and the other set of fund called “Extra-budgetary Fund”, where, yes, we should have it, but we should not watch it with that guardian eye as we have with the Consolidated Fund. [An Hon. Member (Government): I have never said that.]

Well, that is my opinion. I am indicating, as Mr. Sharma just mentioned... [Mr. Benn: [inaudible]... never said that.] Alright, well whatever it is. Let me just make my point Mr. Benn, you seem to be...

Article 217 (4) states this:

“Parliament may prescribe the manner in which withdrawals may be made from the Consolidated Fund or any other public fund.”

A public fund includes Extra-budgetary Fund, so that is why I did not know what was being made in relation to the point of trying to distinguish them and make them separate.

Section 39 of the 2003 Act then gives teeth to that very important constitutional provision, because we did not have it before, and understand that. It is extremely a good Act, very good Act, and it states quite clearly what and what should happen. In relation to the Consolidated Fund, the Minister of Finance manages that; in relation to Extra-budgetary Funds, certain Acts of Parliament, which create boards or commissions, then manage that, but then they set out a number of requirements. [Ms. Shadick: Is it for the Extra-budgetary Fund?] Yes. It

is for the Extra - budgetary Fund that we, in Parliament, too must scrutinise fully.

[Mr. Nadir: We agree.] That is right. That is what we are saying that is not happening. We are saying, on this side, through this motion, which I support is indicating, that that is not happening. I will prove just now why it is not happening.

This now comes down to an understanding, not only of section 39, but also section 40. Section 40 states:

“Subject to any other law, resources allocated from any Extra-budgetary Fund for the purpose of financing Government social or economic development projects shall be included in the relevant investment plan and programmes of expenditure contained in the annual budget and such resources shall be processed through the Consolidated Fund.”

[Mr. Nadir: I am listening to you.] Well, I am glad that you are listening. [Mr. Nadir:

You are accurate.] That is right. [Mr. Benn: Do not turn your back on the Speaker.]

As you know, he has always been saying that to me. I mean there is no disrespect because the microphone is here.

Mr. Speaker: I notice that several Members on both sides turning their backs to me for the day, but I understand, and understood, why it was necessary for them to do so. I know that no contempt or disrespect is meant.

Mr. Ramjattan: Now the law then is clear. There is a constitutional provision that is general and then there are particularisation through the provision of the FM&AA 2003. What we are saying is what we have had, in relation to these extra-budgetary agencies, is not what section 39 of the FM&AA is instructing us to do. We must ensure that there are annual reports in time; we should ensure that there are financials in time; they should be brought to this National Assembly and a lot of them have not been brought. We cannot in anyway say with specificity that this is what

indeed is the nature and the content of the public purse, because if they are not brought here and hidden up somewhere and they do not... [Ms. Shadick: They are not hidden anyway.] Whatever it is, I, my dear, am saying it is stealthily been hidden away in a number of accounts and so we do not know, at the end of the year, what are the revenue streams of this country. You would indicate to me that the Consolidated Fund only have \$192 billion. We are saying that if we could get all the Extra-budgetary Funds brought here in a more current manner we will be in a position to know that we can spend \$292 billion instead of \$192 billion. That is what we are asking here. You cannot come and tell us, as the Hon. Member Mr. Edghill was indicating, that the Consolidated Fund, and it is this glass, only has \$192 billion and then there is another \$100 billion hid away behind Mr. James Bond, and then say, "Well, yes, we are doing a wonderful job with public finances." No!

I want to tell the Member that there are a number of budget agencies that are making huge sums of money. I, in this National Assembly, during the budget debate and the consideration of the estimates and the questioning, tried to ask some questions about those agencies and I was told that they are not part of the budget so we cannot ask questions about them. Does the Member remember when I asked a question relating to the National Frequency Management Unit (NFMU)? Yes, but I just want to tell that Member that it is there. There is the National Frequency Management Unit which does not take any subsidies from Government because it makes a lot of money. This year it will be making \$446 million. It is not in the budget; it is an appendix that we cannot question. Is it not self-sufficient? Now, what does it do with that money? The withdrawals from the Consolidated Fund - remember the words in the Constitution - and any other public fund shall be the duty of the National Assembly. What is here, under this \$446 million, is that the executive branch has taken upon itself to then go and give a subvention to local authorities of \$271 million and we did not approve that. There is an extra-budgetary agency \$446 million and then ... We do not have any information as to which local authority getting \$271 million. We do not know.

Look at page 575, when I proceeded to ask the question about this agency, it was "no". That was not part of the line items under those agencies. I could not ask the question. I am saying that we are breaching the Constitution and we are breaching the FM&AA by virtue of that. It is not the wrong tree I am heading up, it is the tree that I want to grow more beautifully than what we have

here. It is an ugly tree. There is lots of money. Guyana Forestry Commission, \$642 million it would make this year. There is the Guyana Gold Board, \$108 billion it will make this year. It will be \$711 million for the Cheddi Jagan International Airport Corporation.

Now we are saying that they are not going to make net at the end of the year, all of that, because they have to do operating cost and the operating cost out of the \$108 billion that the Guyana Gold Board will come up, obviously, is a fine sum. From \$108 billion that is supposed to be made from the Guyana Gold Board, even if \$100 billion is taken as the expenses, there is still \$8 billion left and that should now go into the Consolidated Fund. That is what we are saying. It is not just to be kept into its account. There is an obligation as to what are the balances to ensure that they come into the Consolidated Fund.

The “BE IT RESOLVED” clause of this motion is stating, very simply:

“BE IT RESOLVED:

That this House requires the Minister of Finance to lay before it a report on all the extra-budgetary agencies, including the Lotto Fund and the GGMC, all the outstanding reports and quarterly audited accounts as required by the law;...”

They have not been doing that. What is wrong with us asking that that be done? It is just as how the Minister of Home Affairs indicated just now that a ticketing system is going to be set up that will go to the Clerk of the Court and there will be another \$300 million, we are saying ensure that we get all the moneys in the Consolidated Fund in a similar manner.

The second resolution here is that the relevant Minister must ensure that all agencies authorised to have Extra-budgetary Funds under the Act and with outstanding reports immediately require to pay the balances into the Consolidated Fund... [Mr. Nadir: Of which date?] The balances as the date of their audited statements, but you do not do it, so you are not in any position to know and that is how you will get away with it. That is what you want to do... and a statement of such payment be submitted to the National Assembly.

As you may see, Mr. Speaker, if we do not do this we would never know of how a set of billions of dollars has been spent just as how the extra-budgetary agency NFMU is now giving local authorities \$271 million. What is that? Did we ever pass that here? There is a Constitution that

states that every withdrawal of moneys ought to be through the National Assembly, and especially when it is going around as of that \$271 million. What we are saying here is please - those were the exercises which had gone back in those days - as of today's date, from now on, ensure that we comply with the FM&AA, and there is absolutely nothing wrong with that.

This Government spouts about accountability; it spouts a lot of transparency. The President of the country will go all round and indicate that we are all of that. I am urging this National Assembly to ensure that our President is not embarrassed if somebody knowing the facts confronts him with it. All we are asking is that indeed that these moneys go directly into the rightful places and that we, in the National Assembly, be the authority, as we are under the Constitution, to ensure we know where it should be spent.

That is why I want to come back to the point that the legislature is paramount when it comes to the national public purse - the legislative branch. The executive can propose, the legislature dispose. The executive will request, it is the legislature that grants, and we are being sideline of some billions that we are not being allowed to grant and are being usurp by the executive branch when it does, as it does, which is in violation of the FM&AA [An Hon. Member (Opposition): Is it all these years?] It has been happening all these years, but because of this new dispensation we could pass a motion now that it gets in order.

I wish, before I urge the House, to remind Members here that we only, too recently, had two Canadians who came from the Auditor General's Section of their country, one from Newfoundland and the other one, I think, from the Federal Branch. I was fortunate to be there and they were making the point, when we asked the question of them, of whether in these extra-budgetary agencies, what they called crown corporations,... The Hon. Member Bishop Edghill was right when he said the crown corporation is the equivalent. I happened to be there and I asked a couple of questions of them and they were indicating that indeed all these finances must be consolidated. [Interruption] My goodness! I hope that we have had *Hansard* there, and we could google it, and it could give us documentations, but that is what they were now trying to say.

We have to understand too, before I take my seat, the origins of these extra-budgetary agencies. Governments over the years have become too packed with work so that is why they have, in a

sense, divested themselves of certain operations and they put them under an Act and they create their Commissions and Board of Directors and make their announcements as to who will run it and all of that and that is how it is normally done for purposes of accountability. However, the Government although, in a sense, delegating on to these bodies, statutory boards or commissions the Government and the legislative branch must never take their eyes away. What they are doing by virtue of these statutory bodies - the way they are being performed; the way they are being run and operated - is taking it away from the National Assembly, taking it away from the legislative branch. We, in this National Assembly, will jealously guard our authority over those by virtue of strict adherence to the FM&AA provision, especially sections 39 and 40. What this motion seeks to do is exactly a strict adherence - whatever the balances are put in the Consolidated Fund, whatever reports are to be made, please update them and bring them to this National Assembly so that we can see. There is nothing wrong with that, that will make us a more accountable country and on that score, then, I wish that this be supported.

Thank you very much. [*Applause*]

Mr. Nadir: There was one word I found to describe this motion and what the Opposition has been trying to do in the National Assembly, and outside, and that is *kerfuffling* on this issue of...

[**Mr. Greenidge:** It is “Kerfuffle”.] There are different combinations of it. There is utter confusion being created by synonymously using certain terms and all of our laws, including the Constitution, speak specifically to all of the public moneys. Minister Edghill defined some of those and I do not need to repeat them because there is a Standing Order about reputation. The last speaker and the mover of the motion fell into their trap. I take solace in the presentation of Mr. Jaipaul Sharma because, after I listened to him, it strengthened my resolve to oppose the motion. Why? It is because he quoted two particular articles, articles 216 of the Constitution...

[**Mr. Sharma:** [*inaudible*]... to speak to the motion.] *Hey man, family, pay some respect to family nah.*

Article 216 speaks to the Consolidated Fund and article 217 speaks, as he said, to the moneys that are created under Parliament and there is not a cent spent by this Government that is not done by some statute of Parliament. Whether it is the Guyana Forestry Commission, or the GGMC, every single thing is governed by a statute, according to the Constitution. We were told by the Hon. Member Mr. Basil Williams that we must do things within the law. That is what we

were told. I will say it to you tonight, Sir, that that is exactly what this Government has been doing since 1992 - working by the law. As you know, Mr. Speaker, the genesis of the FM&AA had to do with the mismanagement that happened under failed policies and programmes under the People's National Congress and its failed Ministers of Finance.

9.12 p.m.

No accountability for the gold money – none whatsoever! And I will continue to say that every single cent that we have spent in this House has been governed by an Act of Parliament in full compliance with the constitution of Guyana.

“Kerfuffling” is the word I used. The mover of the motion is using everything synonymously. Extra-budgetary in the context of our laws means one specific thing under section 39 of the Fiscal Management and Accountability Act (FMAA). It is very specific. That is why there is a special fund created and it goes into elaborate definition and operations and we have attempted to pass one Extra-budgetary Fund in this House since I am here for the last 20 years – one! And it was not assented to. So be careful. In any court of law Mr. Speaker, if you go to the letter and the spirit of the law, you will see only one Extra-budgetary Fund was ever created in this House. When we talk about the funds under the National Industrial & Commercial Investments Ltd. (NICIL), a private company, as Extra-budgetary, that is a particular definition given by a particular person. When we talk about the funds at the Guyana Geology and Mines Commission (GGMC) and we talk of the funds of the Forestry Commission, they are not Extra-budgetary. They are governed by laws passed by the People's National Congress in 1979. Section 6, “The Parliament of Guyana which includes the National Assembly and the President...” This was before Mr. Greenidge's time. We made some slight amendments. But these here set up by Parliament - how GGMC, the Service Commissions - will jealously guard public money. It says here that the Minister of Finance will cause the transfer.

This particular motion speaks to the balance sometime in February. You did not read the motion properly Hon. Member and transfer that by 30th June. I am not a lawyer yet. But I have been in this House a long time making laws and I know one thing. No judge will grant any ruling like that.

This motion is so badly grounded that it might cause people to lose the leadership elections (PNC) in the coming days' time. These here are Acts of Parliament and I use the word "kerfuffling" because the mover of the motion next takes two funds – they are not Extra-budgetary Funds as defined by section 39 of the FMAA – the Dependent's Pension Fund and the Sugar Industry Labour Welfare Fund, funds set up from the sweat of workers, not state, and they are governed by particular Acts of Parliament. They are not Extra-budgetary. So the Opposition Members who spoke can define Extra-budgetary how they want. But for us, we look at the public money, that public purse, well defined by the different sections here in this FMAA, and all of them are grounded by rules out of the laws made by this National Assembly and the President. So whether you go to the Constitution, the FMAA, the Forestry Commission, Silwif, Dependent's Pension Fund or the Forestry Commission, they are all governed by laws. [Mr. Ramjattan: Adhere to them.] We are adhering to them.

The Hon. Member, Mr. Greenidge, said that all the funds – and he was talking here referring to Government money – must come in so we can see this big pie and then we must cut it up back. But the Hon. Minister within the Ministry of Finance, Mr. Edghill, said, "Operational nightmare". We are going to be asked to bring to the National Assembly, the budget of GuySuCo. We are going to be asked to bring to the National Assembly... This is my view and I am entitled to it just as vociferous as other people are entitled to theirs. I am entitled to mine. They do produce their reports here. But could you imagine us going to the ridiculous that this motion goes to and we ask GuySuCo to bring all its receipts and put them in the Consolidated Fund and then we take out back for operations. Look at the operational nightmare. That is why we were told by "Mr. Noseworthy" last Friday that there are oversight committees and in Canada the Consolidated Fund has the Public Accounts Committee. But the crown corporations have a separate committee. They do not bring them all into one big fund. They have two different oversights. They recognise that the companies and the investment portfolio of the state have different oversight. It was not by accident that we have oversight committees, not only the Public Accounts Committee – Economic Services Committee. The Economic Services Committee can bring any budget agency and when we talk about budget agency we have to be very specific because the laws of Guyana define what a budget agency is. Not any agency we want to call a budget agency is a budget agency. It is very specific. We have entities that get subventions.

When we were told in the National Assembly that we did not provide breakdown, the Minister of Local Government was prepared to give the entire breakdown and you, time after time, during the Estimates, have said that every Minister who promised to produce breakdown did so on time – every single Minister! But now this “kerfuffling” is happening; we hear speaker after the other from the Opposition coming up and making wild and confusing claims that the Government is running haywire; that there are billions here there and everywhere. But in my stint here – this is the fifth term I am starting – I have seen reports after reports and audited statements after auditing statements coming here.

The Auditor General, we were told time and time again, said that the lotto funds must go into the Consolidated Fund. The Auditor General speaks to the auditing of the lotto funds and that is what was required. It comes under a specific law of Parliament and these are opinions. I would maintain in this House that the Auditor General’s opinion is a serious opinion for this country. That is why we have a Public Accounts Committee and we have as advisers to that Committee, looking at that public purse, the Auditor General, the Accountant General and the Finance Secretary.

So we have all these reports. It is not a case where there are no reports or audited statements and this Government is running wild. This Government, because of the past record of the People’s National Congress – APNU is a combination - we have moved to put all these checks and balances in place. That is why we did it.

Mr. Greenidge has had a mountain of motions. Somebody told me I should prescribe lomotil. We have had a number of motions and what are these motions trying to do? These motions are trying to create the impression among our people that the National Assembly reigns supreme in this country. While motions of the National Assembly are declaratory – I maintain declaratory – they are not the force of law because section 50 of the Constitution of the Co-operative Republic of Guyana states that Parliament consists of the National Assembly and the President. It did not say that the President must dominate the National Assembly or the National Assembly must dominate the President. And we talk about the country being governed not by motions but by laws – by laws!

There are motions that have good intentions but might be badly framed. This one is badly, badly, badly framed! That is what this one is – very badly framed! I will go through the motion clause by clause. Section 50 of the Constitution provides three sets of authorities. An Executive authority is rested in the President and the Cabinet, the supreme organs of the democratic power, I think... [Mr. Ramjattan: It is Parliament first.] Whether it comes first or second it is checks and balances. The Constitution never said that the National Assembly is the Supreme organ of democratic power. It said Parliament. What these motions, as I said, try to do is to create the impression that the minority of one in the National Assembly is running the country. That is what it is trying to do. [Ms. Ally: Minority?] The majority of one is running the country, and it has the sole power to make all the announcements, pronouncements and the demands. It is tantamount to the tyranny of one. I maintain that that is what it is tantamount to.

Let me speak directly to the motion. Let us go directly to the motion - letter for letter. The first clause:

“WHEREAS the Fiscal Management and Accountability Act 2003 require all revenues accruing to the State to be deposited in the Consolidated Fund;”

Inaccurate! Never said so! It defines what public money is. It defines what Minister Edghill says... [Ms. Selman: Defines.] It defines... [Ms. Selman: Thank you.] ...what Minister Edghill says that the Consolidated Fund is one of the subsets of public moneys. Minister Edghill never mentioned anything about hierarchy or any pyramid. He never mentioned that one is better than the other. It says that the pot shall be filled with all of these moneys. That is what it says. I ask the Hon. Members on the other side, to their own selves be true. How could I support a motion that starts off on a wrong premise?

The Second WHEREAS clause is accurate, but that is just a definition.

But when it comes to these reports, the FMAA only speaks to the Extra-budgetary Funds that are created being provided to the National Assembly with quarterly reports. So when it speaks to submit to the Minister of Finance and publish for general information quarterly reports, this is my understanding of what the mover of the motion said. To me he created the impression that every single cent in every statutory agency, in every Extra-budgetary Fund, should present

quarterly reports here. The FMAA does not require that. All of our Acts of Parliament require that we submit annual reports to the House which will include audited statements of accounts.

“AND NOTWITHSTANDING:

The regular reports by the Auditor General and the Audit Office of the failure of many such entities to meet their legal obligations the Minister of Finance has routinely failed to enforce the law in these cases...”

Well I have served under two Ministers of Finance in the Cabinet and I can say from the inside that I have not seen any Minister of Finance who has said that he is not going to obey the reports... [Mr. Greenidge: How did Queen’s Atlantic get concessions?] “Kerfuffling” makes one move from dealing with Extra-budget agencies to duty free concessions.

I go to the RESOLVED clause... [Mr. Greenidge: You are talking about breaking the law.] Which law? There is no law breaking and I would like any Member of the Opposition to bring the Act of the Forestry Commission and the GGMC and the Guyana Marketing Corporation (GMC) and every other statutory agency, not budget agency, agencies that are created by Acts of Parliament, and show me that the laws require that we produce quarterly reports.

Good management within organisations even say that internal reports must be produced that are weekly and there are monthly meetings. And at the end of the year, the audited statement of accounts is produced. That is what we have been bringing here.

The final RESOLVED clause speaks to the issue of:

“BE IT FURTHER RESOLVED:

That the relevant Minister/s ensure that all agencies authorised to have Extra-Budgetary Funds...”

That has to be changed...

“...under the Act...”

Here he is speaking only to the FMAA. It is only one Act we are talking about in this. But it should read that, “authorised that all statutory agencies, as per their legislation, ensure that they

bring their audited annual reports to the House.” This is the highest deliberative forum of the land and if we cannot be accurate in this land, how will we expect people to follow us accurately?

The mover of the motion is now using a castanet to capture every single agency that has been created by every single law in this country and he is saying that balance your books. As of the 14th February, balance your books and whatever remains in the balance, by the 30th June, you must deposit that, which is three days from now. It does not even speak towards retaining sufficient resources to run the operations of the entity beyond that time. But it calls for a specific thing. It calls for the balances at 14th February to be deposited.

This particular motion is bad. I use the words “very, very, very, very bad”. And I say that it is more political, to create the impression that the Government of Guyana, this PPP/C Government cannot do anything at all, and perhaps even more to tie the hands of the Government behind its back and tell them to go and do the job of serving the people of this nation.

We are going to have to examine how these motions are coming. We heard about the spirit of consensus and reaching out across the aisle. And I know that there have been engagements. I do not know the inner workings and the inner discussions there, but clearly what we have been seeing happening with these motions is not testimony to what the people of Guyana voted for. We heard of that lecture from the Opposition over and over again.

This particular motion is so badly drawn and so wrongly rooted, I find it extremely difficult to give my support to it. Thank you very much. [*Applause*]

Mr. Speaker: There is a final speaker on the Government side, the Hon. Attorney General. I am imploring us all to conclude the business of this motion tonight. I do not like this idea of motions dragging on and hanging on. I hope that the mover will agree with that. So after the Hon. Attorney General, we will have the mover of the motion conclude. It may require us going a bit beyond the scheduled time, but I am not persuaded to leave this dangling.

Attorney General and Minister of Legal Affairs [Mr. Nandlall]: Sir, I rise to make my contribution to this motion which is before the House. I have listened very carefully to the sentiments expressed by the other side; I listened carefully to my friend, Mr. Khemraj Ramjattan,

and I listened to the mover of the motion and I get the distinct impression that the motion is predicated on a commendable philosophy, and that is that we should increase oversight of Government and public funds. That is a concept to which this Administration is absolutely committed. I would venture to say that if an examination is done now of our financial infrastructure and our accountability mechanisms, Guyana now in 2012 will be the best it has ever been in the history of independent Guyana.

All the legislation that they are referring to, the Fiscal Management and Accountability Act, was passed by this Administration. The Amendments in the Constitution which deal with financial provisions were done under this Administration. The Auditor General's Office was restored to integrity under this Administration. It was invested with functional autonomy and given constitutional security under this Administration. My friend Mr. Ramjattan can stand up today and cite to us an Auditor General's report. When the mover of the motion was the Minister of Finance, no other Parliamentarian had that luxury. We never knew where the financial records of this country were. We did not know about an Auditor General's report and that is the truth. We must recognise that and we must approach this motion from that perspective. While we have established all these mechanisms, we have to ensure that in our jealous and zealous endeavours to entrench our scrutiny over public spending and government financing, we do not abrogate the very laws, regulations and mechanisms we have established to scrutinise government spending and public moneys. And that is what this motion does.

It should concern Your Honour because this motion, as I will endeavour to demonstrate and illustrate, violates not only the constitutional provisions, but also the letter and spirit of several sections of this legislation. And ultimately, sir, a majority will prevail, in terms of votes but Your Honour is presiding and the record will reflect that Your Honour may be presiding over motions that are not only violative of parliamentary norms and practices...

Mr. Speaker: Hon. Attorney General, would you like to invest me with certain powers? I do not have the power. I can regulate the debate, but I do not have the power you are trying to put into my hands here. I note what you are saying.

Mr. Nandlall: I have observed, Sir, reported in the Newspaper, Friday's edition, that Your Honour made a statement that the Parliament has quasi judicial powers, and in exercise of those powers, you have certain residual responsibilities. But we will get to that later.

We bandy about several terminologies in this debate and the motion is punctuated with them. They are terms of heart. They are all defined in this legislation. Let us take, for example, Consolidated Fund. That is defined in the Constitution itself. Let us read what it says because listening to my friend, Mr. Ramjattan, who is much more senior than me at the bar, I get the distinct impression that either he did not read it or by some unfortunate aberration, he did not understand what he read.

Article 217, the marginal note reads, "Establishment of Consolidated Fund". It says this:

"All revenues or other moneys raised or received by Guyana (not being revenues or other moneys that are payable, by or under an Act of Parliament, into some other Fund established for any specific purpose or that may, by or under such an Act, be retained by the authority that received them for the purpose of defraying the expenses of that authority)...

The balance that is left back...

"...shall be paid into one Consolidated Fund."

It is not all public moneys that must be paid into the Consolidated Fund. The Constitution...and he will not listen. [Mr. Ramjattan: You are making my point.]

Mr. Speaker: Mr. Ramjattan said that you are making his point now.

Mr. Nandlall: I do not know what point he made, but he did not make this point. He did not cite this document. This section says very clearly that all moneys are not to go into the Consolidated Fund. If we are in doubt or there is some degree of ambivalence in respect of what that provision says, the Fiscal Management and Accountability Act render us with a number of definitions.

9.44 p.m.

It says this:

“The Consolidated Fund means the aggregate of all public monies that are on deposit at the credit of the State”.

Then, it defines extra budgetary funds which is the subject of this debate, “Extra budgetary funds means funds established by an Act...” such as the Lottery Act, the GGMC and all the other statutory agencies, “...for a specific purpose and funded by specific earmarked revenue that operates apart from the Consolidated Fund...” – So, it cannot form part of the Consolidated Fund. The legislation says that it must operate apart from the Consolidated Fund – “with the result that transactions of the fund are not included in the annual budget.” It is not to be included in the annual budget.

I have examined this legislation. This legislation is not unique Guyana. It is a model legislation that is extent throughout the Caribbean. Jamaica, Barbados and Trinidad have one, and all these countries, the Organisation of Eastern Caribbean States (OECS) countries, they all have extra budgetary agencies and they all have Consolidated Funds.

Mr. Speaker: ...Financial Management and Accountability Act.

Mr. Nandlall: Yes Sir, very similar.

Mr. Speaker: The previous speaker said that this really only came about because of mal administration. I am just trying to figure out...

Mr. Nandlall: They all came about because of a need to strengthen financial accountability, which is why we brought it in 2003. The Act continues to explain. Section 37 defines what public funds are and section 38 speaks again about the Consolidated Funds. It says, “All public moneys raised or received by the Government shall be credited fully and promptly to the Consolidated Fund except monies credited to an extra budgetary fund as stipulated in the enabling legislation establishing the fund”, such as the GGMC and the Lottery Act and the Forestry Commission Act. Sub section (b) says, “Monies credited to a deposit fund” and (c) says, “...as stipulated in the Constitution”.

The clear intention of this Act and the clear prescription of the Constitution is to keep extra budgetary funds separate and apart from the Consolidated Fund. That is a common feature in the financial architecture of every modern country in the world. There is need for Governments to

have financial flexibility and they cannot put all their eggs in one basket. I agree that all these extra budgetary agencies must be audited by the Auditor General and reports must be prepared at required intervals. We, as far as I am aware, are complying with that, and the reports are laid in the National Assembly. If you pick up the Auditor General's report, there are comments based upon the examination the Auditor General would have done on those very accounts.

Mr. Ramjattan has the Auditor General's report on his desk, which is why he can speak about the NFU; it was audited by the Auditor General. How can you say that these things are being done undercover and in subterfuge and in camouflage? It is wrong to deposit extra budgetary funds in wholesale manner into the Consolidated Fund. It is illegal and it is unconstitutional.

I humbly and most respectfully wish to persuade that this motion which your honour is presiding over...

Mr. Speaker: I think you need to persuade the mover of the motion. Your argument is a compelling one, but you should persuade the mover.

Mr. Nandlall: We are falling into error. In days to come when the Hansard is examined, they will see the Attorney General's speech and they will look to see who the presiding Speaker of the day was who allowed this to pass. The name Hon. Raphael G. C. Trotman will be there, Sir. I am stating my case. I will be absolved by the records of this Assembly. I ask your honour to do the same.

We have to be careful. The one seat majority is a great thing for those who enjoy it. All I am asking is to make constructive use of it. Do not violate the laws of the country. I can understand the enthusiasm, but let us punctuate it and exercise it with reason; that has been my call all the time. I respect the majority, but all I am asking is for us to trip the exercise of power. **[Interruption]** That is precisely why I went to court because the one seat majority is not used rationally, but is used emotively and emotionally. That is the problem.

I respect the majority, I have no choice, but at the end of the day, fortunately or unfortunately, I remain the principal legal advisor to the State of Guyana. *Uneasy lies the head that wears the crown.* Therefore, it is my responsibility to advise all constitutional office holders and constitutional creations to obey the constitution and the laws of this country. Tonight I ask the

National Assembly to do so. They can reject my advice with the one seat majority, but that does not mean that you are right.

I wish to go to the motion now and to deal with the several clauses. The first clause says, “WHEREAS the Financial Management and Accountability Act 2003 require all revenues accruing to the State to be deposited in the Consolidated Fund.” This is not what the Act says. This is an inaccurate reflection of the statute. This is legally wrong and factually incorrect, the very beginning of the motion. Not only is the conception of the motion misconceived, line by line it is inaccurate.

We then go to the second WHEREAS clause, that is okay, because all it does is to recite what section 39(1) says. My friend and Hon. Member Mr. Nadir alluded to that.

The heresy continues hereafter. The entire remainder of this page, the entire page, is completely wrong, it’s vagueness aside. For example, “AND WHEREAS some entities authorised to establish such Funds have failed to meet their obligations under section 39...” This is calling upon the Minister to do certain things. Which entities? How can the Minister comply when you are saying certain entities? What prevented you from naming the entities? Any persons who would have been diligent in the preparation of a motion of this type that is calling upon and expects the National Assembly to support it, and calls upon the executive Government, through its Minister of Finance, to bring all these things to the Parliament, we do not know what to bring. Which entities are he speaking about? In his presentation he said that he does not know the entities himself. He said so in his presentation. He said he does not know which the entities are, the Hon. Member, distinguished former Minister of Finance.

There is that deficiency. It continues to speak about these same entities and you want certain things to be done about these entities. But, if we do not know what the entities are, how are we going to comply with the requests which are enumerated thereafter? We cannot. We simply do not know how to comply with them, because we do not know who they are and what they are. [Mr. Nagamootoo: The Lotto fund, start with one.] I will deal with the Lotto fund specifically Mr. Nagamootoo. I am not going to deal with NICIL and its legal advisors and so tonight; I will deal with the lotto fund.

I am dealing with the last clause on this page, “AND NOTWITHSTANDING: The regular reports by the Auditor General and the Audit Office of the failure of many such entities to meet their legal obligations the Minister of Finance has routinely failed to enforce the law in these cases...” Which law? The Minister of Finance does not enforce the laws of this country. What are we doing? We have an enforcement agency; it is the Guyana Police Force. I do not know which power the Minister of Finance has to enforce the laws of Guyana. Here it is that this motion is calling upon the Minister of Finance to perform the function of enforcement of laws. These are powers which are not reposed in the Minister of Finance. [Mr. Ramjattan: He is accountable.] There is a difference from saying that he is accountable and saying that he is responsible for seeing that these things are done. It is something that is quite different from asking him to enforce the laws in relation to such breaches. You are a lawyer, you must appreciate these differences.

Mr. Speaker: Hon. Attorney General, one minute. Hon. Prime Minister, could I ask that you move the adjournment for us to conclude this debate.

Mr. Hinds: Yes, Sir. I am pleased to move the motion that we continue to sit until this motion is completed.

Motion carried

Mr. Speaker: Thank you, Sir. Proceed Hon. Attorney General.

Mr. Nandlall: Then, the Hon. Member in this motion want the relevant investment plans and programmes and expenditure contained in the annual budget and also the processing of the resources allocated from all extra budgetary funds. We know that every year the Minister of Finance presents the annual expenditure and estimates of all agencies that fall under the executive control and administration. What is it that he wants, a separate programme and financial plan prepared for every agency? That is the reason why there is an annual exercise authorised by the Constitution in the form of Article 216 that allows the Minister of Finance to present to Guyana the nation’s plan for the ensuing year, including all these agencies. That is why we sit so many hours and days in the Committee of Supply to approve their spending item by item for every one of them. There is absolutely no need whatsoever for this motion asking for this relief, if I can phrase it that way. [Mr. Ramjattan: Kerfluffling] You can say

what you want. If my friend cannot recall what the budget exercise was about, that is not my fault. He has been in this Parliament long enough, longer than me. He must have an appreciation of what goes on at budget time.

Then there is another clause, “BE IT RESOLVED: That this House requires the Minister of Finance to lay before it a report on all the extra-budgetary agencies...” he does not know what they are. [Mr. Ramjattan: You do not know what they are either.] The Minister knows that they are, “...including the Lotto Funds and GGMC, all the outstanding reports and quarterly audited accounts as required by the law.” Sir, I will concede. Wherever the law requires reports to be presented to this Assembly, they must be done. I am not here to advocate a position where there must be violation of those legal requirements. As far as I am aware and as far as possible, they have been presented in this National Assembly. There may be delays in instances, but every effort is made to present them in a current manner. No one can dispute there is any backlog of audited accounts for any of these agencies.

Then, we come to the final BE IT RESOLVED clause which requires these monies to be paid in the Consolidated Fund. They cannot be paid. The balance cannot be paid into the Consolidated Fund. Take for example the Lotto Fund. The Government has been operating under a legal opinion. I have examined the legal opinion myself and I say that I concur with it. If the Auditor General feels that he needs another legal opinion, he is an independent office holder; he can go and get another one. If he believes that he needs and interpretation from the Court he is free to do so, he is a constitutional office holder with a personality of his own; let him go and get that. The Government is going to be guided by the Government’s legal opinion until a Court otherwise pronounces. All the lawyers who are seated on that side and who may have a dissenting view have access to the Courts. Go to the Courts and seek guidance. I hear that the matter is in the Court. So far as and until and unless we are reversed we remain of the firm and considered view that this legal opinion is correct. [Mr. B. Williams: The opinion is not law, Mr. Nandlall.] I am not saying the opinion is law. I am saying that the opinion guides us and interprets the law for us and we are satisfied with the accuracy of this interpretation of the law. That is all we on the Government side are saying.

There is a Lottery Act which establishes a fund. The Constitution and the Fiscal Management and Accountability Act authorises monies generated by the lotteries of Guyana to be deposited in

that fund. The Constitution allows it and this legislation allows it. That is all we have been doing. That fund is audited annually by the Auditor General and the reports are laid before this National Assembly. It is included in the Auditor General's report which is examined annually by the Public Accounts Committee. Which law have we violated? If the Auditor General feels that we are in breach of the law then there is a course for him to seek redress. [Mrs. Lawrence: Where?] The Parliament is one, but if he feels that the laws of the country are being violated then let him go to the courts.

The motion which is before us is not only in collision with the Constitution...

Mr. Speaker: Hon. Attorney General you have two minutes before your time expires. I do not know if the one seat majority will give you an extension.

Mr. Nandlall: It is not only in violation of the provisions of the Fiscal Management and Accountability Act, it is misconceived, it is wrong and it has no effect, none at all. It has no effect at all. There is a view that motions constitute some coercive impact upon government policy. I wish Sir to take this opportunity to reject that notion. I have here a quote from the book *Practical Guide for Private Members Business, Ninth Edition*, it says:

“A Motion expressing a resolution is only the House stating an opinion. The Government will not be bound to adopt a specific policy or course of action as a result thereof.”

[Mrs. Ally: Are you threatening the Parliament?] I am not threatening the parliament; I am just putting in perspective the efficacy or lack thereof of a motion. Thank you very much, Sir.

Mr. Greenidge (replying): Thank you very much, Mr. Speaker. I am happy to assure Minister Benn that his request that I reconsider the matter has been accepted. Having reconsidered it I will proceed to recommend the motion as I did before. In doing that I will offer to you the protection of the majority since it seems that you are under some pressure from the distinguished Attorney General and his most entertaining presentation.

Unfortunately, much of the premises that he based his argument on were premises with which we had no difficulty. Nobody is saying that all the funds, whatever accruing to the extra budgetary agencies must be transferred to the Consolidated Fund. Article 216 is very clear on this matter. In

fact, line three speaks to it being retained by the authority that received them for purpose of defraying the expenses of that authority. So, that is really a non-issue. It is what might be called a straw-man; you put up something that is not at issue and pretend that that is the object of the operation.

The purpose of the motion is not to ensure that the Assembly reigns supreme; the purpose of the motion is to ensure that the executive adheres to the law, and that is the purpose of the other motions that have gone through. For all the Attorney General have been advising us, it is the same Attorney General that failed to advise his own side that the Auditor General should not have been on the Financial Management and Accountability Schedule, it is the same Attorney General that failed to advise the Minister that he could not have been given instructions about spending money until such time as his agency was defined as a budgetary agency. So, do not tell us that you know everything and that we are misunderstanding what is going on. It was 2012 in which the bad advice was given to the Minister. [Mrs. Backer: How about the elephant?] Well, I am not even coming to the elephant.

The legislation that this Attorney General and his colleagues regard as somehow flawed, let me just remind persons again that it is international partners who funded and forced the Government to adopt, because that is what happened. In order to get the funding for it, the MFIs forced the Government to adopt the legislation that now revels in the title *Fiscal Management and Accountability Act*. [Interruption] Well you say that very often Minister but it does not make it true. The same Governments have provided technical assistance to us and other that technical assistance they have called on us to reduce the number of extra budgetary agencies and the funds devoted to that title. In the last analysis, the proof of the pudding as it was is in the eating. That is the fact; others have recognised that this is a problem.

The issue in the end is that the agencies that the Minister has authorised to be extra budgetary agencies, it is his responsibility to know that know that. We cannot assume that he does not know. He has to deal with those agencies. He has given them the permission to be extra budgetary agencies and we are asking him to report on them. That is a responsibility that cannot be too onerous.

The point is that they have been given conditional status as extra budgetary agencies. Since they have failed to meet those requirements we are saying that they must hand over the monies. Again, I remind you, when I was starting over the sums in excess of their operational needs, I read section 39 which is very clear as regards the obligation of the Minister and of the agencies. They are supposed to provide two sets of accounts. Someone over there felt that I was reinterpreting. It says, "...submit to the Minister and publish for general information quarterly reports on the financial agreements." If you go further on, it says, "...prepare an annual report". I am not adding obligations; I am calling upon them to honour obligations that were the conditions under which their status was granted. I think in the light of all of that our colleagues in the exercise of their democratic rights have imposed on us by stretching out this debate so long when in fact there were no issues that they ought to have been challenging.

The Auditor General has reported in relation to a number of these agencies that they have failed to do what they are supposed to do. He has brought those reports to the Public Accounts Committee. When there was not a majority of one, the Government decided that that majority was good enough and they ignored the Auditor General. The majority of one will make sure that it is at least known what it is that is supposed to be done. Thank you. [*Applause*]

Mr. Speaker: Thank you very much for wrapping up in record time. Hon. Members we have come to the end of a long day, very enlightening. I would like to now propose the motion.

Question put

Division

Mr. Speaker: A division is called for. Let us sound our bell because some Members may be in the lounge. We will wait about thirty seconds.

Assembly divided: Ayes 33, Noes 26, as follows:

Ayes

Mr. T. Williams

Ms. Marcello

Dr. Ramayya

Mrs. Garrido-Lowe

Mrs. Hughes

Mr. Nagamootoo

Mr. Ramjattan

Ms. Ferguson

Mr. Morian

Mr. Allen

Mr. Jones

Mr. Adams

Ms. Baveghems

Mr. Sharma

Mr. Bulkan

Mr. Bond

Ms. Kisson

Mr. Trotman

Ms. Selman

Mr. Allicock

Ms. Wade

Mr. Felix

Ms. Hastings

Mr. Scott

Lt. Col. (Ret'd) Mr. Harmon

10.12p.m.

Mr. Greenidge

Mr. Jaffarally

Mrs. Backer

Mr. Damon

Dr. Norton

Dr. Persaud

Mrs. Lawrence

Rev. Gilbert

Mr. B. Williams

Dr. Mahadeo

Ms. Ally

Mr. Seeraj

Dr. Roopnarine

Mr. Lumumba

Brigadier (Ret'd) Mr. Granger

Mr. Chand

Ms. Shadick

Mrs. Chandarpal

Mr. Nadir

Ms. Teixeira

Bishop Edghill

Mr. Whittaker

Mrs. Sukhai

Mr. G Persaud

Mrs. Manickchand

Mr. Ally

Dr. Ramsaran

Dr. Westford

Mr. R. Persaud

Dr. Singh

Mr. Nandlall

Dr. Ramsammy

Mr. Hinds

Motion carried.

ADJOURNMENT

Mr. Speaker: Hon. Members that concludes our business for today. Before I ask the Hon. Prime Minister to move the adjournment motion, I will just remind Members that until we meet again some of us will be engaged from tomorrow until Friday in Regions 5 and 6 visiting schools. We have all been written about that.

Also the Staff's Appreciation Day is going to be held on Sunday. I think we have all been notified. I am encouraging Members to attend, as many of us as can, to participate in the games and relaxation that is being organised.

In addition, on the 6th July we are hoping to launch an exhibition in the library and have a lecture delivered by Brigadier (Ret'd) David Granger, Leader of the Opposition.

Hopefully, on the next occasion when we meet we will be honouring two Members of long and distinguished standing in this House. The Hon. Members Mr. Reepu Daman Persaud and Mr. Robert Corbin will be honoured by this House for their long and distinguished service as Members of Parliament. Those are the upcoming events and I am looking to the full participation and involvement of all Members.

Mr. Hinds: Mr. Speaker, Hon. Members I move the motion that the House be adjourned until Thursday, 12th July, when, as you have indicated we would express our appreciation to the two long serving Members of this House.

Adjourned accordingly at 10.16 p.m.