

NATIONAL ASSEMBLY

ORDER PAPER

FOR THE 19TH SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION

(2012) OF THE TENTH PARLIAMENT OF GUYANA TO BE HELD

AT 2.00 P.M.

ON THURSDAY, 26TH APRIL, 2012

IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS,

BRICKDAM, GEORGETOWN

BUSINESS FOR SITTING

PRAYERS

OATH OF A NEW MEMBER-

MESSAGES FROM THE PRESIDENT-

ANNOUNCEMENTS BY THE SPEAKER-

PRESENTATION OF PETITIONS-

PRESENTATION OF PAPERS AND REPORTS-

REPORTS FROM COMMITTEES-

ORAL QUESTIONS WITHOUT NOTICE

QUESTIONS ON NOTICE-

For Written Replies

***1. LEVEL SEVEN STUDENTS PROVIDED WITH TEXTBOOKS IN THE FOUR 'CORE' SUBJECTS**

Member Asking: Mrs. Cathrine Hughes, M.P.

Minister Answering: The Minister of Education

Can the Hon. Minister say how many Level Seven students have been provided by the government with individual textbooks in the four 'core' subject areas?

(Notice Paper No. 17 (Q 14 Opp 14) published on 2012-03-05)

***2. ACQUIRING LEVEL SEVEN TEXTBOOKS IN THE FOUR 'CORE' SUBJECTS**

Member Asking: Mrs. Cathrine Hughes, M.P.

Minister Answering: The Minister of Education

Can the Hon. Minister say how much money was spent during the period January 1, 2007 – December 31, 2011 on acquiring Level Seven textbooks in the four 'core' subject areas?

(Notice Paper No. 18 (Q 15 Opp 15) published on 2012-03-05)

STATEMENTS BY MINISTERS, INCLUDING POLICY STATEMENTS-

PERSONAL EXPLANATIONS-

/...3

***Not to be proceeded with at this sitting**

3.

REQUESTS FOR LEAVE TO MOVE THE ADJOURNMENT OF THE ASSEMBLY ON DEFINITE MATTERS OF URGENT PUBLIC IMPORTANCE-

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

INTRODUCTION OF BILLS-

PUBLIC BUSINESS -

(i) GOVERNMENT BUSINESS

MOTION

1. BUDGET SPEECH 2012 – MOTION FOR THE APPROVAL OF THE ESTIMATES OF EXPENDITURE FOR 2012

The Assembly to resolve itself into Committee of Supply to consider the Estimates of Expenditure for the financial year 2012.

(Moved by the Minister of Finance on 2012-03-30)

BILL – Second Reading

2. INCOME TAX (AMENDMENT) BILL 2012 – Bill No. 4/2012 published on 2012-04-02

The Minister of Finance to move the second reading of the following Bill:

A BILL intituled AN ACT to amend the Income Tax Act.

(Read a first time on 2012-04-10)

MOTIONS

***3. GUYANA’S RATIFICATION OF THE CARIFORUM-EUROPEAN UNION ECONOMIC PARTNERSHIP AGREEMENT (EPA)**

The Minister of Foreign Affairs to move the following motion:

/...4

***Not to be proceeded with at this sitting**

4.

WHEREAS the ACP-EU Partnership Agreement (the Cotonou Partnership Agreement) signed in June 2000 between the ACP Group of States of the one part and the European Union (EU) Member States of the other part, required the two sides to negotiate Regional WTO-compatible trade agreements to replace the non-reciprocal preferential trade arrangements under the Cotonou Partnership Agreement, with effect from January 1, 2008;

AND WHEREAS the CARIFORUM States of the one part (CARIFORUM) and the European Union and its Member States of the other part (EU), pursuant to the provisions of the Cotonou Partnership Agreement, negotiated the CARIFORUM-EU Economic Partnership Agreement (the Agreement) between April, 2004 and December, 2007;

AND WHEREAS the Cooperative Republic of Guyana, a CARIFORUM Member State and a Party to the Agreement, signed onto the Agreement on October 20, 2008;

AND WHEREAS the Government of Guyana, in accordance with Article 243 of the Agreement, formally notified the General Secretariat of the EU Council on October 22, 2008 of its provisional application of the Agreement, pending entry into force;

AND WHEREAS the Government of Guyana, pursuant to its provisional application of the Agreement, implemented the agreed Schedule of Tariff Liberalization with effect from January, 2011, following its presentation to the National Assembly in January, 2011;

AND WHEREAS the Government of Guyana is desirous of taking the further step to ratify the Agreement, pursuant to its laws and in accordance with the aforementioned Article 243,

5.

BE IT RESOLVED:

That the National Assembly hereby agrees for the General Secretariat of the European Union Council being informed of Guyana's intention to ratify the Agreement and for Guyana to formally ratify the said agreement.

(Notice Paper No. 45 (M17 Govt 7) published on 2012-04-05)

*4. **COMPOSITION OF THE COMMITTEE OF SELECTION**

The Prime Minister and Minister of Parliamentary Affairs to move the following motion:

WHEREAS the House selected nine (9) members to the Parliamentary Committee on Selection of the 10th Parliament on February 10, 2012;

AND WHEREAS the House selected four (4) members for the governing PPP/C, four (4) members for the opposition APNU and one (1) member for the opposition AFC;

AND WHEREAS the allocation of a nine (9) member Committee of Selection was by way of an amendment by the combined APNU/AFC opposition to the motion tabled by the Leader of the House for a ten (10) member Committee with five (5) for PPP/C, four (4) APNU and one (1) AFC;

AND WHEREAS Standing Order No. 94(1) provides for "each Select Committee being so constituted to ensure that, as far as possible, the balance of parties in the National Assembly be reflected in the Committee";

/...6

***Not to be proceeded with at this sitting**

6.

AND WHEREAS the existing balance of the parties in the 10th Parliament is as follows:

PPP/C:	32 seats
APNU:	26 seats
AFC:	7 seats

AND WHEREAS the balance of the parties in the existing Committee of Selection does not conform to Standing Order No. 94(1),

BE IT RESOLVED:

That the decision of the House on the composition of the Parliamentary Committee of Selection be declared inconsistent with Standing Order 94(1);

BE IT ALSO RESOLVED:

That the House takes immediate steps to ensure that the composition of the Parliamentary Committee of Selection is brought into conformity with Standing Order No. 94(1); and

BE IT FURTHER RESOLVED:

That the currently constituted Committee of Selection be prevented from discharging its functions under Standing Order No. 81.

(Notice Paper No. 24 (M7 Govt 4) published on 2012-03-07)

PRIVATE MEMBERS' BUSINESS

MOTIONS

*5. **HANSARD FOR THE PERIOD JANUARY, 1985 TO DECEMBER, 1992**

Mr. Carl Greenidge, M.P. to move the following motion:

/...7

***Not to be proceeded with at this sitting**

7.

WHEREAS being cognisant of the importance of having the records of the National Assembly including debates, carefully maintained, secure and always available in the form of the Hansard, the official documents of the Parliament of Guyana;

AND WHEREAS being conscious that the Official Reports (Hansard) for the period January, 1985 to December, 1992 are the records of the decisions pertaining to the management and debates over the Economic Recovery Programme and other critical decisions in the management of the political economy of Guyana;

AND WHEREAS being concerned that the Official Reports (Hansard) covering the abovementioned period are not available,

BE IT RESOLVED:

That action be taken by this House to submit the full records of the National Assembly for the period January, 1985 to December, 1992 as early as possible or within two (2) months of this motion being published on Notice Paper; and

BE IT FURTHER RESOLVED:

That if these documents cannot be found or have been destroyed that the Speaker is to institute an enquiry into the said disappearance or destruction of those records and report the findings to the National Assembly within one month after the tabling of this motion.

(Notice Paper No. 38 (M10 Opp 4) published on 2012-04-05)

8.

*6. **THE COURTS OF GUYANA**

Mr. Carl Greenidge, M.P. to move the following motion:

WHEREAS under Article 122A of the Constitution all Courts and all persons presiding over courts shall exercise their function independently of the control and direction of any other person or authority and shall be free and independent from political, executive and any other form of direction and control;

AND WHEREAS in accordance with Article 122A of the Constitution all courts shall be administratively autonomous and shall be funded by a direct charge upon the Consolidated Fund and such courts shall operate in accordance with the principles of sound financial and administrative management;

AND WHEREAS the Supreme Court of Guyana and all other Courts are being treated as a Budget Agency, a practice which seriously calls into question the independence and autonomy of the Courts,

BE IT RESOLVED:

That the National Assembly takes steps to amend the Schedule to the Financial Management and Accountability Act 2003 so as to remove the Supreme

Court from the Schedule of Budget Agencies and restore it to its rightful place as an autonomous body drawing directly from the Consolidated Fund and that the changes should be reflected in the Annual Estimates to be submitted by the Minister of Finance for the approval of the National Assembly.

(Notice Paper No. 39 (M11 Opp 5) published on 2012-04-05)

/...9

***Not to be proceeded with at this sitting**

*7. **THE SERVICE COMMISSIONS**

Mr. Carl Greenidge, M.P. to move the following motion:

WHEREAS Article 198 of the Constitution establishes the Judicial Service Commission;

AND WHEREAS Article 200 of the Constitution establishes the Public Service Commission;

AND WHEREAS Article 207 of the Constitution establishes the Teaching Service Commission;

AND WHEREAS Article 210 of the Constitution establishes the Police Service Commission;

AND WHEREAS the functions of the abovementioned Service Commissions include appointments to the offices falling under their jurisdiction, the exercise of disciplinary control over the removal from office of appointees to those offices;

AND WHEREAS the ability to act independently is an indispensable requirement in ensuring public confidence in our national institutions in general and the aforesaid Service Commissions in particular;

AND WHEREAS the continued maintenance of the aforesaid Service Commissions in the Schedule of the Budget Agencies seriously compromises their independence in the discharge of their functions,

/...10

***Not to be proceeded with at this sitting**

10.

BE IT RESOLVED:

That the National Assembly takes steps as early as possible to replace the Schedule with one that does not list the Judicial Service Commission, the Public Service Commission, the Police Service Commission and the Teaching Services Commission as Budget Agencies; and

BE IT FURTHER RESOLVED:

That the National Assembly henceforth treats the Judicial Service Commission, the Public Service Commission, the Police Service Commission and the Teaching Service Commission as autonomous bodies drawing directly from the Consolidated Fund and that this change must be reflected in the Annual Estimates to be submitted by the Minister of Finance for the approval of the National Assembly.

(Notice Paper No. 40 (M12 Opp 6) published on 2012-04-05)

*8. **OFFICE OF AUDITOR GENERAL**

Mr. Carl Greenidge, M.P. to move the following motion:

WHEREAS the Office of the Auditor General is a Constitutional Office;

AND WHEREAS Part 2 of the Audit Act (No. 5 of 2004) provides that the Auditor General shall be the external auditor of the public accounts of Guyana and in the discharge of his function shall have complete discretion;

AND WHEREAS the said Part 2 of the aforesaid Act provides that the Auditor General shall act independently in the discharge of his functions;

/...11

***Not to be proceeded with at this sitting**

11.

AND WHEREAS the said Part 2 of the aforesaid Act provides that there shall be an Audit Office comprising the Auditor General and the officers and employees appointed thereto;

AND WHEREAS the Office of the Auditor General and Audit Office are being treated as a Budget Agency by virtue of the Schedule to the Financial Management and Accountability Act 2003, which seriously calls into question the autonomy and independence of the Office;

AND WHEREAS the National Assembly is obliged to ensure that the autonomy and independence of the Auditor General and Audit Office are maintained,

BE IT RESOLVED:

That the National Assembly removes the Audit Office from the Schedule of Budget Agencies and restore it to its rightful place as an autonomous agency drawing directly on the Consolidated Fund and that these changes be reflected in the Annual Estimates to be submitted by the Minister of Finance for the approval of this.

(Notice Paper No. 41 (M13 Opp 7) published on 2012-04-05)

*9. **FORMER PRESIDENTS' PENSIONS AND BENEFITS**

Mr. Carl Greenidge, M.P. to move the following motion:

WHEREAS the National Assembly should make appropriate, adequate and reasonable provision for a President to enjoy a comfortable and dignified retirement;

AND WHEREAS it is in the national interest that such provision be made and be related to the capacity of Guyana to support it;

/...12

***Not to be proceeded with at this sitting**

12.

AND WHEREAS the provisions of the Former President's (Benefits and Other Facilities) Act 2009 has caused concern and resulted in adverse reaction among sections of the citizens of Guyana, in particular as to the ability of the country to sustain the benefits set out therein,

BE IT RESOLVED:

That this National Assembly immediately take steps to have the aforementioned legislation repealed without prejudice, however, to the payment of benefits;

BE IT ALSO RESOLVED:

That a Parliamentary Committee be convened to examine the Pensions (President, Parliamentary and Special Offices) Act, Part II Section 4 (Rate of President and Calculation of Pension 7/8 Ceiling of Pension) and to make proposals for their revision;

BE IT FURTHER RESOLVED:

That the Special Parliamentary Committee submit as a matter of urgency a revised superannuation benefit package for those persons to whom the Parliamentary and Holders of Special Offices Act applies and for those other categories of employees catered for by other government pensions and arrangement/plans; and

BE IT FURTHER RESOLVED:

That this revised superannuation package be sent by the Special Parliamentary Committee for consideration and approval by the National Assembly.

(Notice Paper No. 42 (M14 Opp 8) published on 2012-04-05)

*10. **NATIONAL ASSETS**

Mr. Carl Greenidge, M.P. to move the following motion:

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 Investments Limited (NICIL) and the Privatisation Unit;

/...14

***Not to be proceeded with at this sitting**

14.

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, 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.

(Notice Paper No. 43 (M15 Opp 9) published on 2012-04-05)

*11. **AGENCIES CHARGED WITH EXTRA-BUDGETARY FUNDS**

Mr. Carl Greenidge, M.P. to move the following motion:

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);

/...16

***Not to be proceeded with at this sitting**

16.

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 authorized 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.

(Notice Paper No. 44 (M16 Opp 10) published on 2012-04-05)

*12. **REPRESENTATION ON SECTORAL COMMITTEES**

The Assembly to resume the debate on the following motion after the Standing Orders Committee has reported thereon:

/...17

***Not to be proceeded with at this sitting**

17.

WHEREAS Standing Order No. 86(1) makes provision for the appointment of the four (4) Sectoral Committees pursuant to Article 119B of the Constitution as soon as may be after the beginning of each National Assembly;

AND WHEREAS Standing Order No. 86(2) provides that each Sectoral Committee shall consist of seven (7) members, four (4) representing the Government and three (3) the Opposition, respectively;

AND WHEREAS in this 10th Parliament, the Opposition is in the majority and the Government the minority,

AND WHEREAS Standing Order No. 86(2) does not represent the new majority reality in this 10th Parliament;

BE IT RESOLVED:

That Standing Order No. 86(2) be amended to read that representation on the Sectoral Committees should be calculated in accordance with the seat allocation to the Political Parties in Parliament; and

BE IT FURTHER RESOLVED:

That the four (4) Sectoral Committees not be constituted until and unless representation thereto is calculated in accordance with the seat allocation to the Political Parties in the 10th Parliament.

(Notice Paper No. 21 (M4 Opp 1) published on 2012-03-05)

(Referred to Standing Orders Committee on 2012-03-30 in accordance with Standing Order No.111(3))

18.

*13. **COMPOSITION OF THE PARLIAMENTARY MANAGEMENT COMMITTEE**

The Assembly to resume the debate on the following motion after the Standing Orders Committee has reported thereon:

WHEREAS Standing Order No. 85(1) makes provision for the appointment of a Parliamentary Management Committee as soon as may be after the beginning of each National Assembly;

AND WHEREAS Standing Order No. 85(2) provides that the Parliamentary Management Committee shall comprise ten (10) members, five (5) representing the Government and five (5) representing the Opposition to be nominated by the Committee of Selection, with the Speaker as the Chair, and if the latter is not a member of the Committee, he or she shall not have an original or casting vote;

AND WHEREAS the provision of the said Standing Order No. 85(2) could lead to gridlock and impasse in the work of the Parliamentary Management Committee,

BE IT RESOLVED:

That Standing Order No. 85(2) be amended to provide that the composition of the Parliamentary Management Committee shall be nine (9) members; and

BE IT FURTHER RESOLVED:

That representation on the nine (9) member Parliamentary Management Committee shall be determined in accordance with the seat allocation to the Political Parties in the Assembly.

(Notice Paper No. 22 (M5 Opp 2) published on 2012-03-05)

(Referred to Standing Orders Committee on 2012-03-30 in accordance with Standing Order No.111(3))

***Not to be proceeded with at this sitting**

*14. **THE RIGHT TO VOTE IN PARLIAMENTARY COMMITTEES**

The Assembly to resume the debate on the following motion after the Standing Orders Committee has reported thereon:

WHEREAS Standing Orders Nos. 80(5), 88(2) and 93(2) provide that unless otherwise provided for in the Standing Orders any member of the Assembly, whether elected or non-elected, shall be eligible for membership of any Standing Committee, Select Committee and Special Select Committee, respectively, and shall have the right to vote therein,

BE IT RESOLVED:

That Standing Orders Nos. 80(5), 88(2) and 93(2) be amended to read that only an elected member of the Assembly shall have the right to vote in any Standing Committee, Select Committee and Special Select Committee.

(Notice Paper No. 23 (M6 Opp 3) published on 2012-03-05)

(Referred to Standing Orders Committee on 2012-03-30 in accordance with Standing Order No.111(3))

(ii) **COMMITTEES BUSINESS**

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S.E. ISAACS
Clerk of the National Assembly

**PARLIAMENT OFFICE,
Public Buildings,
Brickdam,
Georgetown.**

25th April, 2012.

***Not to be proceeded with at this sitting**

