

NATIONAL ASSEMBLY

ORDER PAPER

FOR THE 21ST 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 WEDNESDAY, 13TH JUNE, 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.

**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) PRIVATE MEMBERS' BUSINESS

MOTIONS

1. **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;

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4.

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,

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 Service 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)

5.

2. **OFFICE OF THE 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;

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)

6.

3. **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;

7.

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

8.

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)

4. **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);

9.

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)

5. **STEPS TO BE UNDERTAKEN TO ESTABLISH THE INDEPENDENCE AND AUTHORITY OF THE NATIONAL ASSEMBLY**

Mr. Khemraj Ramjattan, M.P. to move the following motion:

WHEREAS the Needs Assessment of the Guyana National Assembly as contained in the Report of the Commonwealth Senior Parliamentary Staff Advisor (Sir Michael Davies Report) to the Guyana National Assembly, February, 2005, recommended, *inter alia*, that

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10.

“The National Assembly should be given much greater independence in respect of its own budget. Systems should be established within the Parliament Office to undertake the estimating, monitoring, controlling and accounting for the Assembly’s expenditure; and

The Clerk of the National Assembly should become the employer of all staff of the Parliament Office. A larger Personnel Office should be established to carry out these additional responsibilities.”

AND WHEREAS the Guyana Fiduciary Oversight Project Final Framework and Guidelines Report, Volume 2, has recommended at component 6 of its recommendation that, ‘Parliament should employ its own staff, and the Speaker should appoint the Clerk of the House after consultation with all parties’;

AND WHEREAS the Government signaled its acceptance of these recommendations in the 2005 Draft Poverty Reduction Report released on the 21st June, 2005;

AND WHEREAS the basis of these recommendations is the need for Parliament to be fully independent of the Executive,

BE IT RESOLVED:

(1) That a Special Select Committee be appointed to examine these recommendations with a view to advising the National Assembly on the steps to be undertaken to establish the independence and authority of the National Assembly in respect of its own budget; and

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11.

- (2) That this Special Select Committee examines these recommendations with a view to advising the National Assembly on the steps to be undertaken to enable the Clerk to become the employing authority of the staff of the Parliament Office;

BE IT FURTHER RESOLVED:

That the Special Select Committee submit its final report one month after its appointment.

(Notice Paper No. 50 (M20 Opp 12) published on 2012-04-19)

6. **RESTRICTION ON THE RIGHT TO ASSEMBLE**

Mr. Desmond Trotman, M.P. to move the following motion:

WHEREAS there shall be a Parliament of Guyana which shall consist of the President and the National Assembly;

AND WHEREAS the Parliament of Guyana has determined that the National Assembly shall hold its sittings at the Public Buildings, Brickdam, Georgetown, Demerara;

AND WHEREAS the sessions of the National Assembly have always been accessible to the public and this right has become established by convention;

AND WHEREAS from the early beginnings of the National Assembly of Guyana there have been public gatherings outside of the Public Buildings; including demonstrations and protests;

12.

AND WHEREAS the Constitution of Guyana in Article 147 enshrines the right of every citizen to enjoy, unhindered, his or her freedom of assemble, association and freedom to demonstrate peacefully, “that is to say, his or her right to assemble freely, to demonstrate peacefully and to associate with other persons...”

AND WHEREAS the Charter of Civil Society for the Caribbean Community states inter alia, at Article VI:

“The States shall take all appropriate measures to promote and maintain an effectively functioning representational system, including the holding of regular sessions of representatives of the people, and at Article VII

“Every person shall have the right to assemble, demonstrate peacefully and to draw up and present petitions, subjects to such restrictions as may be imposed by national law in the public interest and which are reasonably justifiable in a free and democratic society”

AND WHEREAS the Recommended Benchmarks of the Commonwealth Parliamentary Association at 9.1.1 (Values of the Legislature) states that the “Legislature shall be accessible, and open to citizens and the Media, subject only to demonstrate public safety and work requirements;

AND WHEREAS it is expected that the Guyana Police Force will take steps to ensure the safety and security of Members of Parliament, the staff of the National assembly, and those who access the said National Assembly;

BE IT RESOLVED THAT:

1. This National Assembly declares that the right of citizens to assemble and to demonstrate peacefully should not be hindered by the Guyana Police Force or any other agency or institution of state;
2. The Guyana Police Force should relocate its barricades so as to allow freedom of assemble within a closer proximity of the National Assembly, Public Buildings; and
3. The Parliament Office makes arrangements for the broadcast of National Assembly sittings in the environs of the National Assembly.

(Notice Paper No. 51 (M21 Opp 13) published on 2012-04-23)

*7. **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;

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,

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

14.

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)

*8. **REPRESENTATION ON SECTORAL COMMITTEES**

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

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

15.

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))

*9. **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))

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

*10. **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))

(i) **GOVERNMENT BUSINESS**

MOTIONS

*11. **CONSIDERATION OF FINANCIAL PAPER NO. 9/2011**

Assembly to resolve itself into Committee of Supply.

In Committee of Supply

The Minister of Finance to signify the recommendation or consent of the Cabinet and to move the following motion:

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

BE IT RESOLVED:

Financial Paper No. 9/2011 – Supplementary Estimates (Current and Capital) totalling \$79,619,478 – Advances made from the Contingencies Fund for the period 25th October, 2011 to 31st December, 2011.

(Notice Paper No. 54 (M24 Govt 9) published on 2012-05-11)

(Paper presented on 2012-05-10)

*12. **COMPLIANCE WITH THE INTEGRITY COMMISSION ACT**

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

WHEREAS the extant Integrity Commission Act was passed in this House in 1997 and made into law on September 24, 1997 as the Integrity Commission Act 1997, Chapter 19:12, Act No. 20 of 1997;

AND WHEREAS the Commission and support staff were established shortly thereafter and all persons in public life listed in Schedule I being persons of high office are expected to be in compliance with this law;

AND WHEREAS Section 19 of the Act empowers the Commission and the President to publish the names of persons who are not in compliance with this Act in the Gazette and in a daily newspaper;

AND WHEREAS Section 22 addresses the offences and penalties for failure to comply which include fines and imprisonment;

/...19

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

19.

AND WHEREAS all elected officials, and more so, Members of Parliament in particular, identified in Schedule I, are expected to be standard bearers of ethics in public office and uphold the Code of Conduct outlined in the Act and in Schedule II,

BE IT RESOLVED:

That this House recognizes the lawful and legal obligation of Members of Parliament to submit annual declarations and call on all Members of this National Assembly to submit their declarations in accordance with the law;

BE IT ALSO RESOLVED:

That this House declares that failure or refusal of Members of Parliament to submit declarations is a violation of the law and a gross indictment of those Members of Parliament and vicariously on the integrity of Parliament;

BE IT FURTHER RESOLVED:

That this House conducts an annual voluntary monitoring exercise of compliance by Members of Parliament;

BE IT FURTHER RESOLVED:

That this House calls on the President to disclose to the Speaker annually the names of those Members of Parliament in default;

BE IT FURTHER RESOLVED:

That persistent defaulters should be sanctioned by this House according to established norms of ethics and brought before the Committee of Privileges.

(Notice Paper No. 55 (M25 Govt 10) published on 2012-05-30)

*13. **SYMPATHY ON THE DEATH OF DR. MOTI LALL**

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

BE IT RESOLVED:

That this National Assembly records its deep regret at the death of Dr. Moti Lall on 10th January, 2012 and pays tribute to his dedicated service as a Member of Parliament from 24th November, 1992 to 15th February, 2001 and to the people of Guyana;

BE IT FURTHER RESOLVED:

That the National Assembly directs that an expression of its sympathy be conveyed to his sorrowing widow, child and relatives.

(Notice Paper No. 56 (M26 Govt 11) published on 2012-05-30)

*14. **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;

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

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”;

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

22.

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)

(ii) **COMMITTEES BUSINESS**

.....
S.E. ISAACS
Clerk of the National Assembly

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

8th June, 2012.