

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2015) OF THE ELEVENTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

18TH Sitting

Thursday, 17TH December, 2015

The Assembly convened at 3.33 p.m.

Prayers

[Mr. Speaker in the Chair]

ANNOUNCEMENTS BY THE SPEAKER

Welcome to the 18th Sitting

Mr. Speaker: Hon. Members, I bid you welcome to this our 18th Sitting of the National Assembly. You would recall that we last met in October at the 17th Sitting.

Meetings held with the Speaker

Since the last Sitting, the Speaker has met and held discussions with a number of visitors and groups. These include the Guyana Civil Society Council, which is seeking, through access to Parliament, to bring issues to the fore. I am at present giving consideration to this request to see how this can be best achieved. I intend to enter into consultations with Hon. Members on this issue.

Visits to the Speaker

The Speaker also received a visit from the Special Representative of the Secretary General of the United Nations concerned with the United Nations Programme on HIV and AIDS (UNAIDS) and the local and regional representatives of UNAIDS. Representatives of the

Rights of the Child (ROC) Commission and the United Nations Development Fund for Women (UNFEM), that is the United Nations Organisation concerned with the rights of women, also called on the Speaker.

Speaker's participation in Exhibition and Awards Ceremony of the WGEC

The Speaker also participated in the Exhibition and the Awards Ceremony of the Women and Gender Equality Commission (WGEC) held in Parliament Building.

Outreach programme of the National Assembly

The National Assembly continued its outreach programme with visits to schools in West Demerara, Region 3.

Speaker's Annual Children's Christmas Party

In this very special season, the Parliament continued the practice which was introduced by my honourable predecessor of hosting the Annual Children's Christmas Party. It would be true to say that both in the Outreach programme and the Christmas Party, interest and involvement were high among the participants. Hon. Members, these events take place on behalf of Parliament and Members of Parliament (MPs) are, as a rule, invited to take part. It would lend to the enjoyment and to the interest of an outreach programme if more Hon. Members would find themselves able to be present.

Attendance at CPA Atlantic Caribbean and America's Branch biennial meeting

The Speaker and the Clerk of the National Assembly attended the Commonwealth Parliamentary Association (CPA) Atlantic Caribbean and America's Branch biennial meeting which was held in Belize. The meeting proved very useful and educational and afforded an opportunity for meetings between other Speakers and Clerks.

Work of the Standing Committees

Hon. Members, the Standing Committees have begun their work. It is through their efficient work that parliamentary efficiency in the treatment of issues will be assured. I will continue to speak with the heads of the various committees to see what, if any, assistance can be provided in any area which poses difficulty.

Suspension of Standing Orders at the Sitting

Hon. Members, you would know that we last met in October, 2015, which is quite some considerable time ago. It is also true that you have notice of a request to suspend the Standing Orders at today's Sitting. I believe that there is room for discussion between the Speaker and Hon. Members to seek to ensure that we can deal with issues in a more structured and predictable way. I intend to pursue this in an effort to improve what appear to be difficulties in relation to our work here in Parliament. I thank you.

Leave Granted to Members

Hon. Members, for today's Sitting, leave has been granted for the Hon. Dr. Clive Jagan to be absent.

Attendance of guests at the Sitting

We recognise a guest today, an overseas based Guyanese, Mr. Premchand Poonwasie who is here to observe our proceedings.

PRESENTATIONS OF PAPERS AND REPORTS

The following Papers and Reports were laid:

1. Annual Report of the National Commission on Disability for the year 2014.
[*Speaker of the National Assembly*]
2. (a) Financial Paper No. 1/2015 – Supplementary Estimates (Current and Capital) totalling \$3,239,601,366 for the period 25th October, 2011 to 31st December, 2014.
(b) Financial Paper No. 2/2015 – Statement of Excess (Current and Capital) totalling \$6,471,145, 418 for the period 1st January, 2012 to 16th June, 2014.
(c) Compensation Agreement under the Frame work of the PETROCARIBE Energy Cooperation Agreement dated May 18, 2015 between PDVSA Petroleo, S.A. (PDVSA) and the Republic of Guyana for the cancellation of the oil debt in compensation for the white rice and paddy shipment under the Guyana/Venezuela Rice Trade Agreements in the amount of US\$44,916,378.38.
(d) Amendatory Loan Agreement GUY/L0001: Amendment No. 1 Signed on March 10, 2015 between the CARICOM Development Fund (CDF) and the Government of the Republic of Guyana for the Farm Access Road Project.

- (e) Amendatory Loan Agreement GUY/L001: Amendment No. 2 signed on November 11, 2015 between the CARICOM Development Fund (CDF) and the Government of the Republic of Guyana for the Farm Access Road Project.
[Minister of Finance]
3. The Anti-money Laundering and Countering of the Financing of Terrorism (Amendment) Regulations 2015 – No. 7 of 2015. *[Minister of Legal Affairs]*
4. (a) Environmental Protection (Expanded Polystyrene Ban) Regulations 2015 – No. 8 of 2015.
- (b) Annual Report for the Department of Natural Resources and the Environment for 2014. *[Minister of Governance]*
5. Labour Report 2014. *[Minister of Social Protection]*

QUESTIONS ON NOTICE

For written Replies

ACCOUNTABILITY IN AWARD OF FORENSIC AUDIT CONTRACTS

Bishop Edghill: 1. Can the Minister provide a detailed list of every entity at which a forensic audit is being conducted, or has been conducted, the identity of the Auditor contracted to conduct each of the said audits, and indicate how much each auditor is being paid for the audits concerned?

2. Can the Minister say under what legal authority these audits are being performed?
3. Can the Minister provide the contracts and terms of reference of the said audits?
4. Can the Minister say who prepared the terms of reference of each audit and when it was prepared?
5. Can the Minister provide documentary evidence of the procurement procedures followed in awarding the contracts to perform these audits, including the public advertisements placed and full details of all tenders received?
6. Can the Minister state what steps were taken to ensure that each price paid for each audit is competitive?

7. With respect to each Auditor contracted, can the Minister indicate what the academic, professional, and experiential qualifications of the Auditor concerned are, specifying whether the Auditor has a practice certificate issued by the Institute of Chartered Accountants of Guyana, and what due diligence steps were taken to establish the capability and suitability of each auditor for each assignment?
8. Can the Minister provide a list of forensic audit known to have been previously performed by each of the Auditors contracted, including the entity audited and the nature of the assignment, prior to being awarded the current contracts?
9. Can the Minister say who is supervising and instructing the auditors concerned, including reviewing their work to ascertain that it is satisfactorily completed before any payment is made?
10. Provide details of the academic, professional, and experiential qualifications of this (these) supervisor(s), including evidence of their demonstrated prior competence in performing, directing, supervising, and reviewing forensic audits.

Minister of Finance [Mr. Jordan]: “The answer to Question 1 is detailed in Appendix I.

2. The audits are being done in accordance with Section 4 (4) of the Audit Act 2004, Act No. 5 of 2004, which states in part “Notwithstanding anything in the Act or any other law, Government’s right to conduct or cause to be conducted internal audits remains unimpaired.”

“In addition to the legal authority cited above, Cabinet, via Cabinet Decision CP(2015)6:1:V dated 2015/06/02, had approved the forensic audit of selected entities, projects and funds.”

3. Cabinet considered and approved the terms of reference. These terms of reference are detailed in Appendix II. All of the contracts embody the same generic terms of reference. The name and the contracted sum of each of the persons are detailed in Appendix I. A copy of each contract can be made available immediately to the Member asking the question.
4. A generic set of terms of reference was prepared by the Ministry of Finance, submitted to Cabinet in May 2015 and approved by the Cabinet on June 2, 2015.

5. In accordance with Section 28(b) of the Procurement Act 2003, Act No. 8 of 2003, the National Procurement and Tender Administration Board awarded all contracts on single source method. The Government decided to use this method for a number of reasons, including the fact that there is a limited number of Chartered Accounting firms in Guyana, and not all of them offer forensic auditing services.
6. The procurement procedure followed in awarding the contracts was single source, in accordance with Section 28 (b) of the Procurement Act 2003, Act No. 8 of 2003. Qualified and available individuals/ Accounting Firms were identified to conduct the internal forensic audits. These individuals and firms were allowed to study the entities and submit cost proposals. Factors informing the proposals included the level and number of staff to be assigned to conduct the audit. Negotiated costs were consistent with (in some cases, even lower than) what are generally paid by the Audit Office of Guyana for the services of technical experts and Chartered Accountants to audit the accounts of an entity on behalf of the Auditor General.
7. The Individuals/Firms are qualified Guyanese Accountants and well-known in their sphere of competence. (See Appendix III for the CVs of each person contracted) It is not necessary for the Individuals/Firms to have a practice certificate issued by the Institute of Chartered Accounts of Guyana, since the results of such audits do not require the expression of an opinion on the financial statements of the entity being audited. Only the external auditor of an entity is required to be in possession of such a practicing certificate.
8. The Government contracted qualified Individuals/Firms as per the terms of reference to carry out assignments that are forensic in nature. Among them are persons who are Certified Fraud Examiners, Certified Forensic Accountants and retirees from the Audit Office with specialised training and experience in forensic auditing.
9. The Hon. Jaipaul Sharma, M.P., Minister within the Ministry of Finance has been tasked with coordinating, supervising and reviewing the Audits to ascertain that they adhere to the terms of reference and that they are satisfactorily done, before payment is made. The final report of the Internal Forensic Audit is to be submitted to Cabinet.

10. The Hon. Jaipaul Sharma, M.P., Minister within the Ministry of Finance, has over 18 years' experience in Finance, Auditing and Government Accounts. Please see Appendix IV for Minister Sharma's CV."

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

Mr. Speaker: Hon. Members, I have given consent, in accordance with Standing Order No. 30 (d) for the following motion to be proceeded with at this Sitting. Hon. First Vice-President and Prime Minister will move the motion.

SUSPENSION OF STANDING ORDER NO. 54

"Be it resolved, That Standing Order No. 54 be suspended to enable the Assembly to proceed with the second readings of the Municipal and District Councils and Local Authorities (Elections) (Amendment) Bill – Bill No. 14/2015, Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) (No. 2) Bill of 2015 – Bill No. 15/2015 and Anti-Terrorism and Terrorist Related Activities Bill 2015 – Bill No. 16/2015. [First Vice-President and Prime Minister]

First Vice-President and Prime Minister: Mr. Speaker, I beg to move the motion in my name.

Question put.

Ms. Teixeira: Mr. Speaker, I wish to bring to your attention that, in relation to the motion that was submitted by the Prime Minister to suspend the Standing Orders to allow for three Bills to go through all three stages, after one o' clock on Tuesday, 15th December, 2015, the People's Progressive Party (PPP) MPs started receiving hard copies of Bills slated for the Order Paper for 17th December, 2015 Sitting for the first reading.

3.48 p.m.

The package also contained a motion to be moved by the Prime Minister and the Leader of the House, Mr. Moses Nagamootoo, to suspend the Standing Order and allow for all three of these Bills to go through all three stages at today's Sitting.

We noted that the motion received your leave, Sir. May I remind this House that not all MPs live in Georgetown? MPs only received these Bills and motion of suspension on Wednesday,

16th December, 2015 in the afternoon. Those from the interior received them today. These documents were sent out, we noted, electronically yesterday by the Parliament Office, but, again, Sir, not all MPs throughout the country can access the internet.

It is noteworthy that none of these Bills were seen before and, although they were dated as being gazetted on 9th and 10th December, 2015, not one had been posted on the *Official Gazette*, Guyana website or on the Parliament of Guyana website as of Wednesday, 16th December, 2015 - less than 24 hours ago.

Mr. Speaker, I remind you that Standing Order 54 (2) states:

“No Bill shall be read a second time before the expiration of six (6) days from the date of its publication in the *Gazette* and until it has been printed and circulated to Members.”

I emphasise that it has to be printed and circulated to Members. This section is part, I note, of the suspension motion by the Prime Minister. Sir, this is a flagrant violation of parliamentary democracy, which is premised on this law-making body being able to scrutinise and examine legislation, as well as to provide ample time for the public to know what the business of this House is, and to be able to be informed and exercise the freedom to express their views on these matters.

This move, Sir, denies scrutiny, rushes these three Bills and further exposes the undemocratic nature and actions of this new Administration. Its actions, Sir, as you are a new Speaker, fly in the face of positions taken by the People’s National Congress Reform (PNC/R) when it was an Opposition, the People’s National Congress Reform One Guyana (PNCR-IG) when it was in Opposition, the Alliance For Change (AFC) when it was Opposition and the A Partner For National Unity and Alliance For Change (APNU) and (AFC) when they were in Opposition. In particular, I want to recognise two former MPs on the then Opposition side, Mr. Winston Murray and Mrs. Sheila Holder, who championed the issue of ensuring that the six days’ notice was adhered to.

The Sir Michael Davies’ **Needs Assessment Report of the Guyana National Assembly**, the Pinder Report on the Standing Orders and the Bradford Fiduciary Report on the Guyana Parliament made recommendations which were sent to a Parliamentary Special Select Committee. The Final Report of the Special Select Committee on the Needs Assessment of the Guyana National Assembly of 10th April, 2006 was unanimously adopted by the National

Assembly. This Report included the revised Standing Orders, which included amendments that would prevent... and I am quoting from page 2 of Appendix I:

“The Standing Orders should be amended to prevent Ministers moving that bills be considered in committee “forthwith”.”

“The Standing Orders should not allow Bills to be taken through all their stages in one day.”

This is unless it is a case of emergency. It is not for a case of urgency, but for a case of emergency. These particular amendments had been championed, as I said, by a number of Members in the Opposition, which the Government of the time, the People’s Progressive Party/Civic (PPP/C), supported.

In fact, this Report includes recommendations that Bills must be circulated in advance and made accessible and available to the public via websites, post offices, *et cetera*. None of these Bills have been put on any website nor posted up at any post office.

Secondly, the Report also stated that “all major and/or complex Bills should be sent to a special select committee.” In fact, even prior to this Report in 2006, the Parliamentary Management Committee (PMC) had agreed that all major and/or complex Bills would be sent to a special select committee. This was being adhered to and has been adhered to from 2006 to 2015.

Since the new Standing Orders were introduced in 2006, the PPP Government has abided by these rules and parliamentary conventions and norms. The instances where such a motion to suspend the Standing Orders and allow a Bill to go through all three stages are few and can be listed. Let me list the three, between 2006 and 2015, that required being taken through all three stages at one sitting. The three related to preparations for Cricket World Cup in 2007 for (1) the movement of the Guyana Police Force to assist other host countries with security of the games they had, (2) the police from host countries in the Region coming to Guyana to assist with the security here during the games, and (3) advanced passenger information for the said games.

Most importantly, Sir, this was done with the concurrence of the then Opposition prior to the suspension motion being laid. No such thing happened at this time; there was no such discussion or dialogue whatsoever.

In contrast, since the beginning of the Eleventh Parliament on 10th June, 2015, the APNU/AFC has suspended the Standing Orders, in order to railroad through legislation, on more... than the three Bills that I have named in the 2006 -2015 period than the entire period during 2006-2015 under the PPP/C Administration. Let me just remind this House. The House was suspended for three Bills between 2006 and 2015 and it has now been suspended on six occasions, including today, between 10th June, 2015 and 17th December, 2015.

Sir, I am not including the occasions for the usual procedural motions for suspension when there is the budget debate and for the suspension to allow for the Appropriation Bill to be laid without going through the three stages.

I am not dealing with that. I am dealing with new issues. In seven months, six times this has happened.

There was the suspension of the Standing Order for the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill in June 2015.

There was the suspension of the Standing Order to allow amendments to the composition of the Parliamentary Standing and Sectorial Committees to go through debate in the House, instead of going to the Standing Orders Committee to be addressed. The Government bypassed and superseded that Committee. That was on 30th July, 2015.

There was suspension of the Standing Order No. 54 to go through all three stages of the Customs (Amendment) Bill No. 6 on 30th July, 2015.

There was suspension of the Standing Orders to allow for the hours of Sitting and reduction of the number of days for the debate on the Estimates to three days, plus pre-empting and superseding the role and function of the Business Sub-Committee of this National Assembly on 21st August, 2015. It was done without any notice. Members came into the National Assembly and the suspension notice was on their desks. Shame, Comrades! It was absolutely shameful!

There was suspension of the Standing Order to allow the Local Authorities Elections (Amendment) Bill No. 9 to go through all three stages on 9th September, 2015. [Mr. Williams: Were you here?] I was in the hospital. You missed me?

Now, there is a new Suspension Order for three Bills, listed for first reading, to go through all three stages with a notice of just two days and with copies of the Bills not reaching all MPs in this House within the six days period.

Mr. Speaker, this is a travesty. The Government cannot state what the emergency is with regards to these Bills. The Hon. Prime Minister got up and just read the motion. He did not do us an honour of at least explaining why the Government has to do this. Why can the MPs on this side of the House, the media and the public listening to the live streaming not know from the horse's mouth what the urgency is? I know the Prime Minister rather well and I know that the Prime Minister likes to wax eloquent when he wants to. I know that he is a spin doctor. So, I was anticipating some spinning but he did not even spin. He just read the Motion and sat down.

In particular, Mr. Speaker, a cursory glance of these Bills is revealing. The first Bill, Municipal and District Councils and Local Authorities (Elections) (Amendment) Bill 2015, Bill No.14/2015, with regards to local government elections, increases the number of signatures required to support the political party list under proportional representation. These amendments, essentially, make it extremely onerous and may even deny smaller parties from participating in the local government elections. In small constituencies, this will cause problems for even major parties, as the backers and signatures can only sign one list.

So, when parties go to some areas where there are only 300 hundred people voting and there is this increase to 110, what is being done? There were no discussions. It was just thrown on the table. This is wickedness, Comrade. This is undemocratic.

The second Bill, the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) (No.2) Bill 2015, Bill No. 15/2015, has also not been made public and, therefore, has not been given adequate time for scrutiny by MPs, the public and civil society. One has to ask: why the rush on this new Anti-Money Laundering and Countering the Financing of Terrorism Bill (AML/CFT) (Amendment) Bill when no less a person than the Attorney General and Minister of Legal Affairs, the Hon. Mr. Williams, has denied that Guyana is non-compliant with the Financial Action Task Force (FATF). Guyana is fine. Although we on this side are saying that Guyana is non-compliant, my dear Colleague on that side is saying that it is not a problem. So, why is there a rush?

Why is the same urgency not being paid by the Government, which chairs the Committee on Appointments, to include this issue of the nominations for the AML/CFT Authority and the Financial Intelligence Unit (FIU) on its agenda? The Committee on Appointments called one meeting three weeks ago and only the Rights Commissions were on it. I spoke to the Hon. Chief Whip and told her that those issues have to be added to the agenda; they were not. Then, the Hon. Dr. Norton cancelled the meeting because he was unwell. I do not wish to put pressure on him but three weeks have passed. Why could we not have met in the last three weeks?

The third Bill, the Anti-Terrorism and Terrorist Related Activities Bill 2015, Bill No. 16/2015, is a brand new 98-page Bill, which, again, no one has seen. Due to the nature of this Bill, developments in other countries on terrorism and concerns with security and human rights in other parts of the world and in Guyana, this Bill should be properly and publicly scrutinised in a parliamentary select committee at which people can come and present their views, as we did with anti-money laundering and countering the financing of terrorism legislation, and as we have done with other Bills that were before this House.

The fact, Mr. Speaker, is that the PPP is not alone in this view that this is a parliamentary travesty. We are supported not by PPP supporters or organisations that support the PPP/C, but by no less than the Guyana Human Rights Association (GHRA), the Private Sector Commission (PSC) and other civic-minded citizens of this country.

Let me just remind this House that I remember hearing many Hon. Members, including the Hon. Mr. Trotman and Mr. Ramjattan, when they were on this side, and some of those who are no longer here with us such as Mrs. Holder and Mr. Murray, talk about Article 13 in relation to inclusivity, inclusive governance and providing greater opportunities for the public to participate in the decision making in this country. What has happened to Article 13? Does no one believe in it and hold it up like a flag as was done before? Article 13 is still enshrined in our *Constitution*; it has not been removed.

In the last Parliament and in this Parliament Article 13 has been under real threat. I repeat that it has only been seven months. What more will you and the Government side do to harm and reverse democracy in this country? What more do you have planned? If you damage and erode parliamentary democracy, you are harming the whole democratic framework and the *Constitution* of this nation.

This House and the Government... [Hon. Member: Who prorogued the Parliament?] Is that all the answer that you have?

4.03 p.m.

The Government has already discriminated against thousands of Guyanese based on their ethnicity and political affiliation. It has cavalierly thrown through the window the procurement laws of this country and now parliamentary democracy is a victim of the A Partnership for Nation Unity/Alliance For Change (APNU/AFC) coalition Government. The Government is denying the Members of Parliament, especially the Members of Parliament on this side, ... If I were to take a survey in the corridor of – some persons will be afraid to speak from the other side - I will know which one of them has not even read these Bills as yet. I know, once they started to read the Anti-Terrorism and Terrorist Related Activities Bill they would say that they cannot read it and they will put it down. It will be too hard, too difficult. Let me take a survey of the 33 Members on that side, plus the three technocrats Ministers. I assume Mr. Felix and Mr. Ramjattan have read the Bills, but I know some of my friends have difficulty. I know that my friend has the habit of falling asleep.

The Government is denying the Members of this House, and I am not only talking about the People's Progressive Party (PPP) Members of Parliament, you are denying your own people on that side the time to study these Bills, to participate, to learn and to amend, and to make sure that this House brings out the best of what we know, the best knowledge we have collectively.

This motion denies civil society and the citizens the opportunity to be informed, to scrutinise and to have an opinion on these Bills. It is unconscionable that this Parliament is railroading these Bills through the House. We object most strenuously to this motion to suspend the Bills to go through all three stages today. We expect that the Government will do as it likes to do. It has the majority, so bulldoze the Bills through. It did it in the last Parliament and nothing has changed in this Parliament. On this side of the House, we totally oppose and object to the motion to suspend Standing Order 54 to allow these Bills to go through all the stages. This is bulldozing. Therefore we will not support this motion.

We wish the Government will listen, not just to the PPP, but to the Guyana Human Rights Association (GHRA) and the Private Sector Commission (PSC). I believe the Prime Minister, who likes to say he is a progressive man, he is a socialist man and he holds to the beliefs of

Dr. Cheddi Jagan, and so on, would do the honourable thing, as the Leader of this House, and withdraw the motion for suspension. We are to have a sitting on 30th December so we could continue to discuss these Bills and the Bill on anti-terrorism, in particular, should go to a Parliamentary Special Select Committee. Therefore, Sir, we object to the motion and we call on the Prime Minister to do what is honourable and withdraw the motion for suspension. [Applause]

Attorney General and Minister of Legal Affairs [Mr. Williams]: We are pleased to see, since with this new Government, Sir, the freedom of our colleagues on the other side, the Hon. Members, to start talking about democracy. I am happy that they are adopting our new approach. But alas! Sir, it is understandable that they would awaken with the purity of Rip Van Winkle from his slumber. Sir, you can recall how long they kept themselves out of this Parliament. In fact, they kept us all out of this Parliament by proroguing Parliament for the first time in the history of this country. They suspended and then prorogued Parliament. They were out for months. If you thought that they were dealing with democracy with the advent of a new Parliament, they continued to prorogue themselves out of Parliament. They stayed out for two more months. I do not know why they are coming to regale us about democracy, something that we know about, and have been urging upon them for over 23 years.

Mr. Speaker, permit me to address the Hon. Member Teixeira's contentions, in particular, on the need for ample time for people to scrutinise the Bills and that we have not shown any emergency. The Hon. Member spoke about a brand new 98-page Bill – the emphasis is on the words “a brand new” - which concerns security. This brand new 98-page Bill is known as Mr. Rohee's Bill. I could tell you, Mr. Speaker, that when we took office the first thing the Chief Parliamentary Counsel (CPC) did was to compile a list of Bills that the Hon. Members on the other side had left us. The second Bill on the list of legislation is the Anti-Terrorism and Terrorist Related Activities Bill. This Bill the Hon. Members are saying is brand new to them and they know nothing about it.

On 20th January, 2015 the Anti-terrorism and Terrorist Related Activities Bill 2015 was sent to the Head of the Presidential Secretariat to be presented to Cabinet for consideration, which Cabinet is now claiming is a brand new Bill. Might I continue? That Bill was accompanied by a memorandum under the hand of the Hon. Attorney General and Minister of Legal Affairs, not this one. That Attorney General was the Hon. Mohabir Anil Nandlall, M.P. He said to his Cabinet “This Bill criminalises terrorism and terrorist related activities and

provides for detection, prevention, prosecution and conviction.” Unless the Members of Cabinet were not listening and perhaps they did not understand the language, I could understand why the Bill is brand new to them. Sir, everything is brand new to them where democracy is concerned. This is not an old Bill or unfamiliar Bill. This Bill is a People’s Progressive Party (PPP/C) Bill. The Members on that side know that the Bill has two clauses that purport to recede certain articles from three conventions that are required by the recommendations of the Anti-Money Laundering Countering the Financing of Terrorism (AMLCFT) regime to be passed into the municipal law of Guyana. They know that. They also know that before the end of this year that Bill and the Anti-Money Laundering (AML) (Amendment) Bill and regulations must be sent up to the ARRG. What is that? It is the Americas Region Review Group. Already, it has sent to us indicating that the face to face meeting before the Financial Action Task Force’s (FATF) plenary in Paris is within a matter of weeks, in early January. They know this. We hope that this is not lack of patriotism. We hope that the Hon. Members on the other side appreciate, when they keep talking about this compliance and non-compliance, that the APNU/AFC coalition Government had nothing, whatsoever, to do with Guyana being in this state.

I reject, out of hand, the contention that this was a brand new Bill to the Hon. Members on the others side. In fact, it has 58 clauses and only two clauses are relevant to the process. All the other clauses are clauses that were introduced by the Hon. Member Mr. Clement Rohee. That is why it was called the Rohee’s Bill. That is why people do not understand 55 out of the 57 clauses. This Bill is here because we have to pass it before the end of the year.

Let us go to consultation. We have been beseeching Hon. Members, on the other side, when they were in Government, to understand the wording of article 13. Up to now, I do not think they understand it. Let me say this: Consultations have been undertaken. With regard to the Guyana Human Rights Association, the Private Sector Commission, which the names have been bandied about, let me address the issue with your leave, Sir. I have here on the Attorney General and Minister of Legal Affairs (AGMLA) website, agmla@legalaffairs.gov.gy, created by my honourable predecessor Mr. Nandlall... [Mr. Nandlall: At least you acknowledge something.] We do not duck things. We have an email which is addressed to the Commissioner of Police, the Guyana Bar Association, the Berbice Bar Association, the Central Islamic Organisation of Guyana, the Guyana Revenue Authority, the Private Sector Commission, the Bank of Guyana, the Director of Public Prosecutions, the Guyana Hindu Dharmic Sabha, the Guyana Defence Force, the Guyana Association of Bankers, the

Georgetown Chamber of Commerce and the Guyana Insurance Association. The modality was that a member of the Chambers called all these organisations and got from them their email addresses. This email would show that AGMLA sent:

“To: cop@guyanapoliceforce.gov.gy, tiffanyandrade94@gmail.com,
gawl.inc@gmail.com., ovc@ciog.org.gy, ksattaur@gra.gov.gy,
gov@bankofguyana.gov.gy, chambers@dpp.gy, ghds@ymail.com,
ghraguy@gmail.com; ng_mclean@yahoo.com, cjfungafatt@yahoo.com

Subject: Anti-Terrorism and Terrorist Related Activities Bill 2015”

[Ms. Teixeira: Date.] It was Wednesday, 20th July, 2015.

4.18 p.m.

“Dear Sir/Madam,

I shall be grateful if you would be so kind to let me have your views, including suggestions, comments and criticisms on the above named Bill within 14 days of the date of this letter.

A response from you would be most welcomed and appreciated and would be taken into consideration in preparing the final copy of the Bill for Parliament.

Yours Sincerely,

Honourable Basil Williams, M.P.,

Attorney General and Minister of Legal Affairs”

Sir, I asked that you note the felicitous language too that was used in this matter.

Now, what was the response? Let us look at the first response from admin@gbtibank.com to Basil Williams.

“Dear Minister,

We acknowledge receipt of your email and have forwarded same to the other banks. We will collate the responses and aim to be back with you within the deadline.”

Sincerely,

Sean R. Noel

Secretary”

It is the bankers.

[**Mr. Jagdeo:** When did you get this response?] This response was the July 21st, 2015.
This is not question and answer time. Just bear with me. Let us move on.

The GHRA was another name assorted by the Hon. Member Ms. Teixeira. That email was sent to the GHRA and it responded on Tuesday, August 4, 2015 at 11.55 a.m. to Basil Williams. It is important to note that the same thread we sent to it, it sent back, cc: cop@guyanapoliceforce.com, going down the line. This is what it state:

“Subject: Re: ANTI-TERRORISM AND TERRORIST RELATED ACTIVITIES
BILL 2015.

Hon. Basil Williams, M.P.

Honourable Minister,

Please see attached comments from the GHRA which are contained in two segments, general and specific. Specific comments and recommendations are highlighted in yellow throughout the text of the Bill.

We trust that you will find the suggestions helpful.

With best wishes.

Sincerely,

Merle Mendonca

GHRA”

Mr. Speaker, should I go on? [**Hon. Members (Government):** Yes]. Why are they saying that we did no consultations? We sent it out since July. Why do you want another one? I do not propose to go through the whole thing but let me give you another one.

“From: cop@guyanapoliceforce.gy

Sent: Wednesday, July 29, 2015 3.37 PM.

Subject: Re: ANTI-TERRORISM AND TERRORIST RELATED ACTIVITIES BILL
2015

Good afternoon Attorney General,

Please be informed that I have no objection..."

That is from the Guyana Police Force. The other name mentioned was the Private Sector Commission. My good friend heads that, the Chairman, Mr. Norman McLean, there is ng_mclean@yahoo.com, Nary award for him. He did not respond. The Guyana Bar Association did not respond. [Mr. Ramson: They did not respond because they do not recognise you.] They do not have to recognise me but they have to recognise article 13 that you are ascertained of. I did not know that you are still speaking. I thought I dealt with you the last time. I did not know that you find back your voice.

This Government has shown the people of Guyana that we adhere to article 13 of the Constitution and we sent out, for wide consultations, to broad sections of stakeholders. We are at pain to be accused, Sir, of not having done so. I hope that apologies from the other side should be the order of the day. They owe us an apology to mislead us and the nation in this way. They must stop this thing because it is a new Parliament and they must adopt a new approach.

I was in Paris on a FATF mission and before I reach home there was a headline stating "Guyana Blacklisted" under the hand of the Hon. Member on the other side. It appears that he knew more than the people who were in Paris, but after a press conference, Sir, I have not heard from him since. They know very well that the process is that we have to deal with FATF in February 2016. Before we could deal with it, we have to deal with the regional body of the International Cooperation Review Group (ICRG), the Americas Region Review Group. It has fixed a face to face meeting in a matter of weeks, in early January. For you to go to that face to face meeting, Sir, you have to set up all of the relevant legislation and it reins from the Financial Intelligent Unit (FIU). I hope that they are not going to stall that and they are going to cooperate with us to deal with that. We have sufficient justification, Sir, to actually do the people's business, to prevent any mayhem happening in Guyana and take all of these Bills right through the three stages. We have every justification for doing that, having consulted the major stakeholder on the Bills. Sir, the amendment Bill for the Anti-Money Laundering and Counter-Financing of Terrorism, there are just three partially met

recommendations that they are dealing with, that they know of, but it is what they fail to do. They failed to address those issues but we have to deal with that. Might I emphasise that we must be patriotic.

It is since June 2015 that anything positive start happening in Guyana with the AMLCFT regime. It is the first act of this new Government to pass that Bill into law and we will continue to ensure that Guyana is protected, whether the Members on the other side want that or not, Sir. We will not allow them to stymie our approaches in collaborating with the international financial community to ensure that we remedy all the deficiencies that were identified under the last Government. We are here to clean up their mess.

Mr. Speaker, I believe that is enough for my honourable friends on the other side, for the well-thinking people of Guyana to recognise that what happened with this contention, that they were no consultation, but all it was, Sir, the great hoax. We believe now that the exposition has occurred, that the Hon. Members would agree that we could properly move forward in these matters.

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

Mr. Nandlall: Mr. Speaker, with your kind permission, Sir, I would like to re-register our strong objections to the approach which apparently is becoming a policy oriented approach of tossing aside the Standing Orders and the time delimited by those Standing Orders for Bills to go through the requisite stages, to toss all of that aside, and to ram the Bills down the throat of this National Assembly. It has very little to do with us on this side. If the other side does not wish to respect us, that is a matter for the Members. Sir, we represent half of the electorate of this country and we are demanding the respect for the people whom we represent, and that is all that I am saying, Sir.

When the Standing Orders were crafted and a schedule of time was identified for Bills to go through, it was not done between the parties here for the benefit of the parties in the National Assembly. It was done so that the people of Guyana could get an opportunity to see, to read, to understand, to consult and be consulted about the laws that will govern their affairs over the next few years, until those laws are changed. That, Sir, is the rationale behind the requirements in the Standing Order. It has nothing to do with us. It is the people of Guyana who are demanding that they be told what laws will govern them because, as you know, Sir, ignorance of the law is no defence. Why? It is because everyone is assumed to know the law.

Why is everyone assumed to know the law? It is because the law is supposed to have the input of the representatives of all the people in the National Assembly representing the country. Secondly, Sir, that law has to be advertised and published in the *Official Gazette* and that is notice to the all the world.

You could skin your teeth, but that is the requirement and procedure. If they want to make fun of the people's welfare and the people's right to be told what laws will govern them, that is a matter for them. It is our responsibility, Sir, even if we speak to deaf ears, to draw it to the attention of the people of this country, that their interest is being railroaded by an authoritarian approach adopted in this Parliament.

Seven weeks we have not sat in this Parliament and no sensible explanation has been furnished. All we were told is that... [*Interruption*]

Mr. Speaker: Hon. Member, I am sorry to interrupt you, but could we keep on the point, that is the motion which is the subject of discussion.

Mr. Nandlall: The motion, Sir, is about the lack of consultation...

Mr. Speaker: It is if you would allow me to point one other thing. The Speaker understands the presence of every Hon. Member in this House to be representative of all the people of Guyana.

Mr. Nandlall: Your Honour may understand it, but, Sir, based upon the conduct that we are seeing here it appears to be a lack of understanding, generally, so that is why I take the opportunity to reiterate it.

My colleague referred to article 13 of the Constitution but there is another article that I would like to draw attention to and it is article 9:

“9. Sovereignty belongs to the people, who exercise it through their representatives...”

That is us.

“...and the democratic organs established by or under this Constitution”.

It is the sovereignty of the people that we are dealing with here. Can the sovereignty of the people be dealt with when opportunity is not afforded for us to examine the Bills that are

brought here? It is not ordinary pieces of legislation, but complex and complicated Bills. Sir, six days are allotted under the Standing Order between the first and the second reading - six days.

4.33 p.m.

There is a reason. [Mr. Ramjattan: There is a suspension clause too.] There is a suspension clause, obviously that must be read, Sir, sensibly. It must be read sensibly.

The Hon. Minister Raphael Trotman gave a comparison. He said to us that in 2007, we passed a series of legislation in this National Assembly abridging the time to accommodate the Cricket World Cup. That is the most horrible comparison that can be made because that was a regional event of international standing; there were community-based legislation; decisions were taken at the heads of government and they agreed. Sir, that is what is important. That is the distinction between the two. What is the distinction here? What is the urgency here?

My learned friend, the Attorney General, said about the Bill that he made reference, that it is Mr. Rohee's Bill. That means that he had it six months ago. Why did he not bring it before? He said that he had it for six months. He sat on it for six months and then brought it at the last moment in this Parliament, and the reason that he advanced...

Mr. Williams rose to his feet.

Mr. Speaker, I am presenting, I did not stop him.

Mr. Speaker: Is the Hon. Minister rising on a point?

Mr. Williams: It is on a Point of Order, Sir.

Mr. Speaker: Please state the Point of Order.

Mr. Williams: It is Standing Order 40 (a), Sir. Sir, I thought I would just enlighten this National Assembly and the nation. It cannot be proper for the Hon. Member to impute on me, Sir.

Mr. Speaker: Hon. Minister, I must ask you to state the Point of Order and stay on that.

Mr. Williams: The Point of Order, Sir, is that the Hon. Member is misrepresenting this honourable House, that I sat on something for seven months when the record shows we came

in to office in June, and in July a letter was sent out for consultation. I do not know how he could properly be allowed to say that, Sir. I am asking that he withdraws that statement. It cannot count.

Mr. Nandlall: I thank the Hon. Member for pointing out that it was seven months, and not six months, that he sat on it. I thank you.

Mr. Speaker: Hon. Member, I must remind you that the Speaker gives you the floor.

Mr. Nandlall: Yes Sir.

Mr. Speaker: I will just remind all Hon. Members of that. Please proceed.

Mr. Nandlall: The Hon. Member, the Attorney General, said to us that he has, after sitting on it for seven months, to meet some ARRG requirement at some face-off meeting. That apparently overrides the interest of the Guyanese people. Complying with some reporting group is more important than regarding the concerns of the Guyanese people. I keep saying that it has nothing to do with us in this Parliament; it has to do with the Guyanese people out there.

As you know, Sir, my learned friend spoke to one Bill, but there are three that are going to be rammed down the throats of the people of Guyana. What about the other two? He gave us a litany of what apparently he claimed consultations were done. Apparently, they were done by computer exchanges. That is how the people of Guyana are treated. Certain organisations are selected and those organisations are determined, by my friend, to represent all the people of this country. They determine who they are going to consult and what is the method of consultation. How did they consult? They wanted some input by email, and that was it. Today, this is the headline of the *Stabroek News* newspaper, “GHRA shocked at the rushing of Anti-Terrorism Bill Private Sector says not consulted on Anti-Money Laundering Bill.” This is what the newspapers of Guyana state. Now, they are attacking the press; they are saying that this is wrong. Now, let us see what the article states. **[Hon. Member (Opposition):** Did you read it?] I am going to read what the article states. If *Stabroek News* newspaper is lying, you will have to take that up with it. **[Mr. Ali:** No. He said that the GHRA is lying.] GHRA, is lying now? *Stabroek News* newspaper published the lie. I am happy for those clarifications. Mr. Williams said that *Stabroek News* newspaper is lying, the GHRA and the private sector are also lying. **[Mr. Williams:** You misled them. That is what we are saying.

There is a long article here, Sir, no PPP Member's name is mentioned here. They said that they submitted 12 points, none of which are in this Bill; none of which have been taken into account. My friend is saying that it is not because you are consulting me that we have to listen to you. We are just going through the motion, and that is the democracy. I am very happy that the Vice-President of this country is reducing consultation to a rubber stamp. [Ms. Ally: You misinformed them. You told them...] The answers are "they were not elected so they should not be heard; they should not be consulted". Mr. Ramjattan is on a roll.

Sir, I want to go to a very famous document. This is a very famous document - "Our Vision for Unity, Stability and Development". It has...

Mr. Speaker: Hon. Member, is that document available to the Hon. Members in this Chamber?

Mr. Nandlall: They, on the other side, crafted it. It is their document.

Mr. Speaker: I believe that you should not be quoting from a document, verbatim, unless it is available to all the Members in the chamber.

Mr. Nandlall: I would like them to disclaim the document. This is their manifesto presented to the people of Guyana. I am going to read verbatim, Sir.

Mr. Speaker: Hon. Member, you will not be allowed to quote verbatim from any document not available to other Members in the chamber.

Mr. Nandlall: Sir, this is their manifesto. If it is not their manifesto, can they please say so? I can give the document to the Leader of the House.

Mr. Speaker: Hon. Member, do you wish to proceed on the motion?

Mr. Nandlall: Yes Sir.

Mr. Speaker: Then please proceed, but you will not be allowed to quote from any document that is not available to the membership of this House.

Mr. Nandlall: Very well, Sir.

Mr. Speaker: Thank you.

Mr. Nandlall: I am not going to quote but I will refer to it. This document promises the people of this country a National Assembly that is independent, respected, deliberative and responsive to the nation's needs. That is what this document states. You heard the Vice-President said that he does not have to listen to the consultation. He will just have to go through the form of it. Mr. Williams said, according to him, sending off some emails to certain selected organisation amounts to consultation, and that satisfies the democratic requirements.

The term prorogation is being used. Let us assume, Sir, that prorogation was wrong, is this right? That is the question. Is ramming Bills down the throat of the people of this country the right thing to do? If they feel that it is the right thing to do, it is not a problem with me. The people will respond at the appropriate time.

Sir, and there is another important Bill that perhaps, deliberately, the Hon. Attorney General selected not to speak on and that is the Local Government Elections Bill that is being put here for the first time. In essence, one of the tenets of that Bill is that it imposes a requirement to get more backers. The practical and political impact of that, Sir, is that it will stultify the ability of small parties and individuals from contesting the elections. That, I believe, Sir, is deliberate. You know what that does, Sir? That is yet another assault of democracy. Everyone in this country has the freedom under the Constitution to contest any elections in this country. We do not have laws that prevent people, to disqualify them. Those disqualifications are contained in the Constitution.

Now, by some backdoor mechanism, a requirement is introduced that mandates a certain number of backers to be had before one can contest the local government election. It is another surreptitious way of putting in hurdles into our democratic norms and traditions. Just as how they published their increase in salaries in the official gazette without announcing it, you will find another type of cloak-and-dagger type of mechanism being used here where impositions are made, imposing new obligations that will make it onerous for persons to compete in those elections.

Sir, we cannot support this type of approach; we cannot. We have an obligation on behalf of the people of Guyana to come here and to represent their interest. When a Bill comes to us we have an obligation to take it to the people, and consult with the people and bring the people's views here. We are being denied the opportunity of so doing by this type of approach that rams this Bill down our throat. Before I close, Sir, I want to make reference to

another issue on the same matter. [Mr. Williams: Are you on point?] It is very much on point, Sir.

In 2008, the PPP/C Government was attempting to move from the first reading of the Trades Union Recognition (Amendment Bill) to a second reading of that Bill. The first reading occurred on the 22nd December, 2008. We came back on the 29th December, 2008 for the second reading of the Bill. The Hon. Leader of the Opposition then, Mr. Robert Corbin, took an objection when the Bill was going to be read a second time. The objection was that there were two holidays, Christmas Day and Boxing Day in the interregnum between the first reading and second reading, and therefore the six day requirement was effectively violated because two days were *dies non*, none day, so to speak, because they were public holidays. He was insisting on that six day requirement. We have six seconds here. Six seconds we are getting in relation to three Bills, one of which is a 100-page long, three seconds or less. I want to go through Mr. Corbin's presentation briefly and Mr. Ramjattan's because he also spoke. I will be very brief, Sir.

Mr. Corbin spoke at length about consultation. He said this:

“Well basically what I am saying, Sir...”

He was speaking to the Speaker.

“...is that we have written the Government. Having to avoid me using the Standing Order, I was placing on record that we wrote the Government asking that this be deferred, which has far-reaching implications for the labour movement, which is intended to emasculate the TUC, in a situation where they were not consulted, as well to permit consultation as agreed, as pointed out in the President's speech.”

Mr. Corbin is emphasising that time is required for consultation. According to Mr. Corbin, four days were not enough, but we are being given four seconds to do consultations here.

Then, Sir, there is Mr. Khemraj Ramjattan, and this is what he said:

4.48 p.m.

“Sir, I, too, would like to indicate my concurrence with that submission, but the other submission I wish to make in the name of Temall and the Attorney General is that the Government is still going to proceed knowing that there was no consultation with the

Guyana Trade Union Congress (GTUC) on this matter. Go ahead with this debate? Are you going to say yes or no? Oh my goodness.”

And I could imagine him knocking down the paper. That is what he said “Oh my goodness”. I am sure Sir, I could recall I was here, he knocked down the paper in frustration, though they were given six days, two of which they claimed were holidays.

Today, they are telling the Guyana Human Rights Association (GHRA) and the private sector that they are not entitled to two seconds of consultation. On top of that, they are saying that the people are lying. All that the people are doing is complaining; all they are doing is asking to be consulted. They are not asking for a 50% increase in salary. They are asking to be consulted. [*Interruption*] Just hear me out. The people are begging for a hearing and they are callously denying that.

For those reasons, I say that this approach is totally inconsistent with what they advocated for in Opposition. It is in a violation of the Constitution; it is undemocratic; it is authoritarian; and we will strenuously reject and oppose it. Thank you very much, Sir. [*Applause*]

Mr. Nagamootoo (replying): Thank you, Mr. Speaker. I had not intended, when I presented the motion, to suspend the Standing Order to amplify at that point because I believe that we are all literate in this House and we all are constrained by the parameters of the rules governing this House. There is before this House a Standing Order of the Assembly, titled *Standing Orders of the National Assembly* which guides us in what we do.

I sat here partly amused and partly appalled by what I have heard passing out from the Opposition side as a debate on the merits of the motion. Had the Opposition come here and argued that the motion was inadmissible, then one would have said that it could have been considered; that it violated some parts or requirements of the Standing Orders, but your Honour had ruled that the motion is admissible. It is properly before this House and it has to be debated on its merits.

Secondly, in bringing this motion before this honourable House, it confirms fully with the provision of Standing Order No. 54 that allows such a motion to be tabled, debated and approved or not approved by the representatives of the people in this House. Whether my Friend would want to call it the sovereignty or the “sovereignity” of the people, it is, in fact, a valid concept that we in this House, by a democratic majoritarian basis, approved or disapproved.

In the last Parliament, when this Government was in the Opposition, we were told that majoritarianism is of no consequence. When we voted on national estimates to amend budgetary allocations, our Friends from over there, who would wish to lecture us on the tenets of democracy and the rules of this House, have had to recourse to the court on some flawed doctrine of proportionality in the first place, that the minority should have a majority on the Committees of the House and that when we voted to amend the Estimates, they took us to the court because they felt that we had no such right.

The motion before us is a reflection of that flawed rationalisation that a party could come to this House with a majority, voted for by the people of Guyana, to be the Government of this country and that that party did not have the right to bring a motion to pursue Government's business. The Standing Order provides, very clearly, how the Government shall present its business in this House. It provides that where certain readings of bills take place, there is a six days lapse for the Second Reading, but if the Government, in pursuit of the Government's business which is to govern, feels that it is necessary to amend or abridge that time, it shall come by way of a motion. There is nothing undemocratic about that.

It is this Government's business to deal with criminality, money laundering, terrorism, and to present bills for the suppression of terrorism, money laundering and criminality. If the other side feels comfortable that they could give succour to criminals, terrorist and money launderers, they could frustrate this House by coming with this presentation they made today.

The Constitution provides for consultation. Article 13 of the Constitution provides for consultation and to use an outdated, outworn and rejected exhortation of my Friend, the former Attorney General, who said he came to this House to be poor, (we would see otherwise though, but that is not the subject of what I want to say there) "what is wrong" if we invoked Article 13 of the Constitution and we essayed on pieces of legislation to have consultation over a five month period. "What is wrong with that?"

The Anti-Terrorism and Terrorist Related Bill that is before this House, was the subject of consultation. I remember when it came up before the Cabinet Sub-Committee on Parliamentary Affairs that I chaired, I was the one who told the Attorney General to have it circulated; to have it subjected to the widest possible consultation. Since July we started the consultation process. So when we were told here that there has been no consultation, that was not only a misleading statement, it flies in the face of truth, even in the face of an explanation by the learned Attorney General reading, verbatim, the nature of the communication with

civil society groups. Our stubborn and persistent Opposition, flying in the face of truth, says that there has been no consultation. [Mr. Jagdeo: Mr. Nagamootoo your hands are trembling, boy, relax, relax.] [Mr. Nandlall: Mr. Nagamootoo your hands are trembling.] These hands may tremble, Sir, but they are clean. They cannot say the same there. [*Interruption*]

Your Honour, if my Friends over there would listen, it is misleading if we abide by the Constitution and are guided by the Standing Orders of this House, then it is totally irresponsible to come in this August Assembly to make politics out of nothing that this Government intends to railroad the process of democracy and derail the process of democracy.

In law, we are all told about certain estoppels. That there are certain times that if someone is guilty of something that he/she should graciously step aside and not mention that as a transgression by others. When those over there lecture to us about the derailing of democracy, they must come to this House to explain on what ground they are exempt from their own sins of commission for having, when I tabled a motion in this National Assembly, a motion of No-Confidence... I and I, hail the Rasta brethren, and sistren! When I tabled a motion here, these democrats destroyed this National Assembly as a democratic institution. They did not hold a Sitting in 10 months. These democrats were spending public moneys, billions of dollars, without the authority of the... [*Inaudible*] ...House of the people. The Hon. Finance Minister, in all graciousness, has just laid two supplementary Bills here to clean out the *Augean stables* of unlawful spending of billions of dollars, and you come here to lecture us about tenets of democracy!

Your Honour, we are today inveigled by an Opposition that comes here only to make propaganda. Not so long ago, they came here with terror politics to say that people who send their grannies and grandfathers, US\$100 by way of Western Union, they could no longer send it to Guyana because Guyana had been blacklisted and they wanted the Anti-Money laundering and Countering the Financing of Terrorism Bill to be passed. They tried to perpetuate political terrorism to have the Bill passed. Today, they questioned the consequential amendment to make the Bill stronger, to enforce it, to give it teeth, and they dare say they have not been consulted on it.

The question of bulldozing has no merit whatsoever. They want to use the Parliament to frustrate the people's business, the Government's business. That is why after the elections

results, after they were defended by the peoples' voice, the *vox populi*, the voice of the people placed them over there after 23 years.

5.03 p.m.

They boycotted Parliament. They boycotted this august Chamber. The sovereignty of the people was crawled upon. They did not mind then that they were not coming to the House when they had been voted to be Members of the House.

With regard to the Municipal and District Councils and Local Authorities (Elections) Act, this amendment is necessary. It is consequential. It was in this House that we passed four pieces of legislation to pave the way to democratise and reform our local government system. Our colleagues over there, who come and bawl about democracy, did not hold local government elections for 17 years. When we on this side, in act of revolutionary politics, decided that local government elections must be held, that grassroots politics must be restored in Guyana, they came and tried to frustrate the exercise. If one listened to the former Attorney General – and all Attorney Generals, I am told, have utmost integrity and respect for the truth and the law – he said that we have now set... [Hon. Members: It is Attorneys General.] Thank you for the correction. I am speaking very rapidly because I do not want to hold back parliamentary time. Parliamentary time is important for me, so I am putting in the extra energy to speak very quickly. I want to point out that this former Attorney General had said that this Government placed a number as sponsors for candidates and political party and he ascribe the motive.

This amendment only changes what was there. There was a requirement to have 50 and 60 persons to do the sponsorship. The former Attorney General spoke about small parties and the replication of candidates to be able to have proper sponsorship by the community of people of worth, not worthless people. Therefore, it was misleading; it was untruthful for one to have said that we invented the number. The law was amended; we did not invent the number to sponsor a candidate. [Mr. Williams: It was not in the special select committee] It was done in the special select committee. Therefore, the consequential amendment to allow local government elections to be held, which was last held in 1994... In March of next year, it will not be held back by the Opposition's quibbling. It will not be held back by the Opposition's frustration of the people's work in this National Assembly.

This Bill [Mr. Jagdeo: *[inaudible]*] It is wishful thinking. The Opposition rigged its own party election process to put a presidential candidate who could not have won a majority once Nagamootoo was on this side. Do not tell me what you will win next year; tell me what you won in the past. You are not dealing with a neophyte.

I am so energised today that my being on this side of the House has given my Friends over there such great energy to shout and to bawl. Listen to the argument. I want to say that we are democrats, quintessential democrats. My Learned Friend on the other side, the Former Attorney General, spoke about the emasculation of the trade union movement. I wish if they could remember when they conspired to derecognise the Guyana Agricultural and General Workers Union (GAWU) and to destroy the representation of sugar workers. What were they thinking about? Was it the emasculation of workers? Members of the Opposition have the right to talk flippantly, today, when they conspired to ban a union that had been associated with their own political struggle for decades. The Opposition cannot come here and lecture us on the prescription for democracy because it violated those very precepts and concepts of democracy that allowed them a free facility to be where they are.

From over here, we want to say this: there is great urgency and great necessity for us to have local government elections next year, and those elections will be held. I, therefore, ask that we proceed with all of the readings of the Municipal and District Councils and Local Authorities (Elections) (Amendment) Bill 2015. I believe that a credible case has been made. It is a matter of necessity. It is a matter of urgency. It is a matter of consistency with laws that have already been passed. It is to facilitate the preparation, financing and otherwise, of local government elections, and to put all of the logistics in place. Therefore, the case has been clearly made out.

As regards the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill, I see that the Opposition has not fielded anyone to speak to the amendment. I believe that it has conceded to the merit of the Bill because it is consequential to the passage of the main legislation which was passed in this House, which was accented, and which we were told had made us Caribbean Financial Action Task Force (CFATF) and the Financial Action Task Force (FATF) compliant. We had said at that time that it is not a one-off amendment, that it is a very creative process. As exigency changes in the world, we would have to amend our law to be in conformity and within the norms of comity of international law. Therefore, it is not by accident that we have come here. It is because we

have realised that the amendments to conform is a very creative process. I believe that a case has been made for us to be able to table the consequential amendments to bring us in conformity and respect certain conventions that exist which would make us better able to deal with money laundering and the countering of terrorism in Guyana.

In relations to the third, the Anti-Terrorism and Terrorist Related Activities Bill No. 16/2015, I want to say that today the world stands on the precipice of the most dangerous threat. It is not the threat that comes from the use of nuclear energy and nuclear power; it is not the threat that comes from the interstate relationship; it is the threat that comes from unseen and unknown enemies who may choose soft targets, as we saw with threats that had been made and carried out in many countries of the world such as in Africa and in Nigeria. [Mr. G.

Persaud: Are you speaking to the Bill or the motion? I am speaking to the reason for the Bill. [Mr. Neendkumar: What is the relevance?] The relevance is that anti-

terrorism legislation is needed. The urgency to bring this Bill can be understood. If we did not need Nigeria and Boko Haram and Isis and activities of terrorism in the world to arouse our conscientiousness that there is a necessity to bring us in conformity with enlightened countries that are preparing for anti-terrorism campaign, then the Members of the Opposition cannot come here to tell us that there is no need for us to seek the suspension of the Standing Order, when the world, today, recognises terrorism to be so dangerous that our small country and our economy could be destroyed if the terrorist choose soft targets and Guyana is targeted. It is for that reason that Operation Dagnet has been put in place. It is to be able to bring the security forces in Guyana to alert mode to deal with issues of terrorism.

We agree, after reading some of the position taken, that if more time is needed for civil organisations to study the Bill, then we, on this side, are prepared to oblige. That is the nature of democrats. We listen first, we rationalise and then concede. This is not a question of conceding to the superiority of a debate of the Opposition against the Government. This is how democrats behave. We listen, we learn, and then we make decisions. Therefore, Sir, I would like, at the appropriate time, to seek leave of Your Honour to amend the motion to proceed with the suspension of the Standing Order with regards to the first reading of the three Bills in the motion, but to defer further consideration of the third, which is the Anti-Terrorism and Terrorist Related Activities Bill 2015- Bill No. 16 of 2015. We would proceed with that at the next Sitting of the National Assembly.

With your leave, Sir, and having been titillated and excited by this debate, I crave your indulgence to table the amendment in my name.

Thank you. [*Applause*]

Mr. Speaker: Hon. Prime Minister, there is a motion before the House. That motion will now be put and then you can have the amendments made.

Mr. Nagamootoo: Thank you very much, Your Honour.

Mr. Speaker: I now put the motion.

Question put.

Ms. Teixeira: Division.

Mr. Speaker: The motion is now put before the House.

Ms. Teixeira: I call for a division, Mr. Speaker.

Mr. Nagamootoo: I seek clarification about which motion is before the House. What has the Speaker put? I am hoping for your guidance on how to proceed with the motion as amended, Mr. Speaker.

5.18 p.m.

Mr. Speaker: Hon. Member, what are you moving?

Mr. Nagamootoo: I am moving the amendment to the motion. [*Interruption*]

The Speaker pounded the gavel.

Mr. Speaker: Hon. Prime Minister, is it that you are putting before the House an amendment to the motion which you proposed earlier?

Mr. Nagamootoo: Yes, please, Your Honour.

Mr. Speaker: If you are doing that, would it be in the context of what you explained to this House earlier in relation to the three Bills?

Mr. Nagamootoo: Fully, Sir.

Mr. Speaker: Would you please tell us which ones will not be subject to the motion for the suspension of the Standing Orders?

Mr. Nagamootoo: It is the Anti-Terrorism and Terrorist Related Activities Bill 2015- Bill No. 16 of 2015. *[Interruption]*

Mr. Speaker: Hon. Members, you should allow this process to proceed, with your help, with some degree of restraint in your interruptions. My question was: would you tell the Speaker which of the three Bills will not be subject to the motion for suspension of the Standing Order?

Mr. Nagamootoo: Your Honour, the third of the three Bills, which is the Anti-Terrorism and Terrorist Related Activities Bill 2015- Bill No. 16 of 2015, will not be captured by the motion for suspension of the Standing Orders.

Mr. Speaker: Thank you. Hon. Members, I will now put the motion as amended.

Motion as amended put.

Ms. Teixeira: Division.

Mr. Speaker: The third element, the Anti-Terrorism and Terrorist Related Activities Bill 2015- Bill No. 16 of 2015, is not included in the motion as amended.

Ms. Teixeira: Sir, I have called for a division. Under Standing Order 50, Sir, a division is allowed. That is, every Member of the House gets to vote. I asked for it before.

Mr. Speaker: Hon. Gail Teixeira, the vote will be taken and then you will ask for the division if you are not satisfied with the vote.

Ms. Teixeira: Okay.

Mr. Speaker: I now put the motion as amended. That is that the motion to suspend the Standing Order to allow for the passage of Bills named in the motion will apply to only two of the Bills named, namely the Municipal and District Councils and Local Authorities (Elections) (Amendment) Bill 2015- Bill No. 14 of 2015 and the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) (no.2) Bill 2015- Bill no. 15 of 2015.

Ms. Teixeira: Division.

The National Assembly was divided, Ayes 33, Noes 29, as follows:

Noes

Mr. Gill

Mr. Ramson

Mr. Anamayah

Mr. Dharamlall

Mr. Charlie

Mr. Damon

Dr. Mahadeo

Mr. Chand

Mr. Neendkumar

Mrs. Pearson-Fredericks

Mr. G. Persaud

Mr. Mustapha

Ms. Selman

Dr. Westford

Dr. Ramsaran

Mr. Croal

Mr. Hamilton

Dr. V. Persaud

Mr. Seeraj

Bishop Edghill

Mr. Lumumba

Mrs. Campbell-Sukhai

Dr. Anthony

Ms. Manickchand

Mr. Nandlall

Mr. Alli

Ms. Teixeira

Mr. Rohee

Mr. Jagdeo --- 29

Ayes

Mr. Rutherford

Mr. Rajkumar

Mr. C. Persaud

Ms. Patterson

Mr. Figueira

Mr. Carrington

Mr. Allen

Mr. Adams

Ms. Bancroft

Ms. Wade

Ms. Henry

Ms. Broomes

Dr. Cummings

Mr. Sharma

Mrs. Garrido-Lowe

Ms. Ferguson

Mrs. Hastings-Williams

Mr. Holder

Mr. Gaskin

Mrs. Hughes

Mr. Patterson

Mrs. Lawrence

Mr. Trotman

Mr. Jordan

Dr. Norton

Mr. Bulkan

Dr. Roopnarine

Lieutenant Colonel (Ret'd) Harmon

Ms. Ally

Mr. Williams

Mr. Ramjattan

Mr. Greenidge

Mr. Nagamootoo --- 33

Division negatived.

The motion was carried.

INTRODUCTION OF BILLS

Presentation and First Readings

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

CORONERS (AMENDMENT) BILL 2015-BILL No. 11 of 2015.

A Bill intituled:

“An Act to amend the Coroners Act”. *[Minister of Legal Affairs]*

LAW REFORM COMMISSION BILL 2015 - BILL No. 12 of 2015.

A Bill intituled:

“An Act to provide for the establishment of Law Reform Commission for reforming the law and for matters connected therewith.” *[Minister of Legal Affairs]*

ANTI-MONEY LAUNDERING AND COUNTERING THE FINANCING OF TERRORISM (AMENDMENT) (NO.2) BILL 2015- BILL NO. 15 OF 2015.

A Bill intituled:

“An Act to amend the Anti-Money Laundering and Countering the Financing of Terrorism Act.” *[Minister of Legal Affairs].*

ANTI-TERRORISM AND TERRORIST RELATED ACTIVITIES BILL 2015- BILL NO. 16 OF 2015.

A Bill intituled:

“An Act to criminalize terrorism and terrorist related activities and to provide for the detection, prevention, prosecution, conviction and punishment of terrorism and terrorist related activities.” *[Minister of Legal Affairs].*

5.33 p.m.

CREDIT REPORTING (AMENDMENT) BILL 2015 – Bill No. 13/2015

A Bill intituled:

“An Act to amend the Credit Reporting Act.” *[Minister of Finance].*

MUNICIPAL AND DISTRICT COUNCILS AND LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2015 – Bill No. 14/2015

A Bill intituled:

“An Act to amend the Municipal and District Councils Act and the Local Authorities (Election) Act.” *[Minister of Communities]*.

Sitting suspended at 5.35 p.m.

Sitting resumed at 6.30 p.m.

PUBLIC BUSINESS

GOVERNMENT BUSINESS

BILLS – SECOND READING

FINANCIAL INSTITUTIONS (AMENDMENT) BILL 2015 – BILL NO 10 OF 2015

A Bill intituled:

“An Act to amend the Financial Institutions Act”. *[Minister of Finance]*.

Ms. Ally: Mr. Speaker, before the Minister of Finance speaks, I think we are supposed to have the Minister of Communities, followed by the Attorney General and Minister of Legal Affairs. That is subject to correction. Could you check that please?

Mr. Speaker: Hon. Member, we have no such listing as you have indicated, but we will examine the possibilities of accommodating what you said. Hon. Member, what our listing tells me is: the Financial Institutions (Amendment) Bill 2015, the Municipal and District Councils and Local Authorities (Elections) (Amendment) Bill 2015, the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill 2015, the Anti-Terrorism and Terrorist Related Activities Bill 2015. That is the order in which the matters have been listed. What you are proposing seems to be a change which, unfortunately, we were not aware of.

Ms. Ally: If I may crave your indulgence, Sir, I am only asking if we could proceed with the Municipal and District Councils and Local Authorities (Elections) (Amendment) Bill 2015, followed by the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill and then the Financial Institutions (Amendment) Bill.

Mr. Speaker: Hon. Members, we will reorganise the order of business by treating with the Municipal and District Councils and Local Authorities (Elections) (Amendment) Bill 2015 - Bill No. 14/2015 as the first for consideration. Secondly, would be the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill 2015, Bill No. 15/2015. Thirdly, would be the Financial Institutions (Amendment) Bill 2015, Bill No. 10/2015. Is that what you were asking, Hon. Member?

Ms. Ally: Yes, sir.

**MUNICIPAL AND DISTRICT COUNCILS AND LOCAL AUTHORITIES
(ELECTIONS) (AMENDMENT) BILL 2015 – Bill No. 14/2015**

A Bill intituled:

“An Act to amend the Municipal and District Councils Act and the Local Authorities (Elections) Act.” [*Minister of Communities*]

Minister of Communities [Mr. Bulkan]: I rise to move that the Municipal and District Councils and Local Authorities (Elections) (Amendment) Bill 2015, Bill No. 14/2015 be now read a second time.

The Bill, as explained in the explanatory memorandum, seeks to amend the Municipal and District Councils Act, Chapter 28:01, to provide clarity.

The Bill contains five substantive clauses. Despite the protestation, the lamentation and even the denunciation that we were treated to earlier from Members of the other side of the House, this Bill introduces nothing new nor does it propose any changes to the legislation upon which it impacts. All this Bill seeks to do is to provide clarity and bring into conformity what are contradictory provisions in the two pieces of legislation, these being Chapter 28:01, the Municipal and District Councils Act, and Chapter 28:03, the Local Authorities (Elections) Act.

If we refer to clause two of the Bill, it refers to Section 23 (3) of the Municipal and District Councils Act. It proposes the insertion immediately after the word “candidates” of the words:

“for the proportional representation component.”

Section 23 (3) refers to the city of Georgetown. It speaks to the number of registered voters that are needed to constitute a valid list of candidates and that number being placed at

between 100 and 110. It should be noted that in that piece of legislation, it refers only to a single list, namely the Proportional Representation (PR) list which, at the time, represented 100% of the Council.

However, in 2009, as a result of the local government reform legislation, the new system was introduced that created constituency representation and allowed for constituency councillors. That number being placed at 50% of all of our Local Democratic Organs. In that legislation that was introduced in 2009, namely changes to Chapter 28:03, at Section 44 (A) and 4 (a), it reduced that figure which I referred to earlier for the PR list to between 50 and 60, the reference being applied only to our municipalities.

However, we move on to August, 2012 and to Bill No.19/ 2012 that was laid in this House by the Government. It was laid by an Hon. Member who was here a moment ago, but who has so unceremoniously departed. It was Bill that led to Act No. 15 of 2013, which amended Sections 32 (3) as well as 35 (3) of the Principal legislation. This is Act 15 of 2013, amendments to Chapter 28:01. In those amendments, at sections 32 (3), it states:

“For the word “fifty” substitute the words “one hundred” and for the word “sixty” substitute the words “one hundred and ten”.

That reference was to the town of New Amsterdam. We move to section 35 (3) which was amended, as I said, in August, 2012. It is the Bill that was laid in 2012 and became an Act on 6th November, 2013. It was assented to by President Ramotar. At section 35 (3) in the Act, it reads:

“For the word “fifty” substitute the words “one hundred” and for the word “sixty” substitute the words “one hundred and ten”.

Section 35 (3) refers to the other towns or the other municipalities, that is, apart from the city of Georgetown, which I have addressed in section 23 (3), and New Amsterdam, which was dealt with in section 32 (3).

Those references that I have just referred to in Chapter 28:01 could have only referred to the PR list, as in that legislation, Chapter 28:01, it preceded the new system of voting that I referred to, which came into being in 2009 and which created the constituency representation.

What this Bill seeks to do, as I said, is to provide clarity so that when sections 23 (3), which refers to Georgetown, section 32 (3) which refers to New Amsterdam, sections 35 (3), which

refers to the other towns...For good measure, this Bill that is now being debated refers as well to section 40(2) which deals with the other districts because the legislation is titled Municipal and District Councils Act.

6.56 p.m.

It states the higher numbers, numbers “one hundred” and “one hundred and ten”, which are contained in Chapter 28:01, that those same numbers which were introduced by Members on the opposite side of the House, who are now absent, this Bill provides clarity to state that those higher numbers are only for the proportional representation (PR) lists and not for the constituency lists. In Chapter 28:03 of the Local Authorities (Elections) Act references are made to both the PR as well as the constituency lists.

When we look at the clauses of the Bill... I have already read clause 2 which seeks to introduce the words “for the proportional representation component”, as it refers to Georgetown. The very insertion, again, in clause 3 of the Bill, which deals with New Amsterdam, is to provide clarity by insertion of the words “for the proportional representation component” so that there can be no ambiguity or no mix up.

Clause 4 of the Bill, which refers to section 35(3), which deals with our other towns and, as I said, for good measure, captures section 40(2) of the principal legislation, Chapter 28:01, again, with the insertion of the words “for the proportional representation component” so as to make the clear distinction and differentiation between the PR segment of the elections and the constituency element of those elections.

Let me make this point. We heard here this afternoon, as I said, the lamentation, protestation and denunciation. Among other things we have heard was that this Bill seeks to increase the number of signatories that are required to support a list; that it adds to the difficulties of the contestants; that it seems to be an onerous imposition, somehow seeking to suggest that it is this side of the House - that it is the Government - that is responsible for this imposition. As I said, that imposition was brought about by the Members of the other side of the House when Act 15 of 2013, which was preceded by a Bill of a similar name, was laid in this House in 2012, when the Hon. Members had occupied this side of the House. We have heard the Hon. Member Ms. Teixeira referred to the fact that those proposed amendments, before us now, were tabled without any discussions. The simple truth is that no discussions were necessary because all this Bill seeks to do is to provide clarity to the very measures that were introduced

by Hon. Members on the other side. I believe that Hon. Member Ms. Teixeira was done a disservice by her colleague the Hon. Member Mr. Ganga Persaud who actually brought these provisions into being when he tabled the Bill that brought these higher numbers of “one hundred” and “one hundred and ten” into being, which affects the PR lists for municipalities.

I would like to make it clear that these requirements, the higher numbers of “one hundred” and “one hundred and ten”, have no bearing on the constituency lists. Those lists remain unaffected. The accusations, which were hurled here, against us, earlier are totally without merit. They are totally without foundation; they are baseless. The requirements to support lists for these local government elections, which are to be held on 18th March, 2016... The requirements to support lists for the Neighbourhood Democratic Councils (NDCs) are total unaffected. For the individual, the number of registered voters to support an individual candidate for a constituency is between 15 and 20. There is no change to that. This Bill has no impact on that aspect. In the case of a voluntary group or a political party contesting for a constituency, that number is between 20 and 30. That same number obtains for the PR list for an NDC, between 20 and 30 for a voluntary group or political party. Again, as I said, the accusations that this Bill seeks to stultify small parties and prevent individuals from contesting, there is no merit in it.

When we look at the requirements for the municipalities, as I said, the requirements for the constituency component of those councils are unaffected by this Bill. In the case of an individual who is free to contest the elections as a candidate to be a councillor for a constituency in a municipality, that number remains between 20 and 30 registered voters living within that constituency. In the case of a constituency list for a municipality on behalf of a voluntary group or a political party, that number remains between 50 and 60. The only impact or change in this Bill is in relation to the PR list for a voluntary group or political party, that number being at 100 or 110. The contradiction lies in Chapter 28:03 of the Local Authorities (Elections) Act, at section 44A where that number is placed between 40 and 50. That number was overtaken or superseded by the legislation that was brought here in 2012, by the absent Hon. Members from the other side, and subsequently became law via Act 15 of 2013. All this Bill does is to seek to provide clarity to that number and ensure that the reference is only to the PR component for the list for the municipality, for the voluntary groups and for political parties and it has no bearing on the constituency element.

The final clause of the Bill before us, clause 6, seeks to amend the very section I just referred to, section 44A (4)(a), which is amended by substituting for the words "fifty" and "sixty" of the words "one hundred" and "one hundred and ten". All this Bill seeks to do is to bring into conformity this higher number which has already been imposed, not by us, as we heard earlier this afternoon, but by an amendment via a Bill that became an Act that was the handiwork of Members on the other side of the House.

Those are the simple facts and the simple explanations that relate to this Bill which seeks to amend those five sections of the two principal pieces of legislation, namely Chapters 28:01 and 28:03. As I said, it introduces nothing new or any changes. In the words of the Hon. Member on the other side, nothing is affected. It is merely a consequential clarification that arises from a subsequent legislation. What the Bill does is to seek to offer protection to Guyana Elections Commission (GECOM) which, we note, is under assault. If there is any danger, any ambiguity between these two pieces of legislation it can be cleared, clarified and read in a clear fashion so that GECOM cannot be subject to any further assault.

Mr. Speaker, in the absence of Members on the opposite side of the House, I urge colleagues to give support to this Bill before us.

Thank you. [*Applause*]

Minister of Public Infrastructure [Mr. Patterson]: I will not detain us very long on this Bill. I rise first to lend my support to my colleague Minister of Communities in making this amendment. He has made it absolutely clear that this amendment does not, in any way, affect the rights of individuals who want to contest in the constituencies. The fear that the Opposition is trying to instil in our voters is unfounded.

The reason Members of the Opposition are absent has nothing, in my opinion, to do with consultation. It is a pattern which I do feel they will continue to frustrate the efforts of this administration to bring, at last, local government elections to the people. They had an opportunity for 17 years and squandered it. We are now doing everything to remove every hurdle so that we can return democracy to our local constituencies. I would have thought, as a responsible opposition party, that if there was an objection or anything within this amendment the Members found objectionable that they would have stated it here so it could be discussed. What they will do is to exit this august chamber and release press statements which will tend to confuse our populace.

I want to reiterate what the Minister of Communities was saying, that this does not affect any of the constituencies neither for the NDCs nor the municipalities. It is a question of tidying up to ensure that when the election is held – it will be held on 18th March – that there are no challenges because somewhere in the law it may be ambiguous.

With those few words, I would hope the Opposition would take the time out of the National Assembly to sit with the Minister of Communities. If they do not understand what is contained in the Bill. I am sure he will avail himself to explain word for word to their duly appointed representatives so he could enlighten them as a group and they can enlighten the rest of the country as a whole. We would not close the door because they are not here. We are a government and administration that is all-embracing. While they are not here I am sure the Minister of Communities will be willing, at another time, to give them the benefit of his wisdom since they seem not to want it today. [Ms. Wade: They are listening outside.] They are listening. On behalf of the Minister of Communities, I extend that invitation to them.

With those few words, I lend my support to this Bill.

Thank you. [*Applause*]

Mr. Bulkan (replying): I would like to thank my colleague, the Hon. Member Minister Patterson, for his kind words and his offer, on my behalf, to enlighten Members on the other side of the House who seemed to have had a difficulty based on the statements they made this afternoon, trying to accuse us, as we heard, impacting on the people's welfare and violating the people's right and that we are railroading the interest of the people.

7.11 p.m.

Mr. Speaker, it is nothing of the sort. As I said, this Bill only seeks to provide clarity and it is unfortunate that the Members on the other side are absent but I would like to confirm that I am willing and available.

We have also heard here, this afternoon and we have been accused, that this Bill among others, and I quote, “are harming the democratic framework”; that we are “bulldozing democracy”; “this is another assault on democracy”; that we are “placing hurdles in the path of persons wishing to participate in these elections” and that we are “making the process more onerous.” The accusations even went to the extent of accusing us of “wickedness”, but

there is not one iota of truth in any of those accusations. In fact, we have heard that there is no challenge to these elections when they are held, but what this Bill seeks to ensure is a deepening of democracy and it is about handing power to the people. As we have heard from the Hon. Prime Minister, that it is about ensuring grassroots democracy. What this Bill does is investing in governance and it is nothing as such that we have heard about from Members of the opposite side of the House. Those things, which I just refer to, were pledges that we made to the electorate during the last campaign and it is those pledges that we are delivering on.

I thank Hon. Members for supporting this Bill. [*Applause*]

Question was put and carried.

Bill read a second time.

Assembly in Committee.

Bill considered and approved.

Assembly resumed.

Bill reported without amendments, read the third time and passed.

ANTI-MONEY LAUNDERING AND COUNTERING THE FINANCING OF TERRORISM (AMENDMENT) (No.2) BILL 2015- BILL NO. 15 OF 2015

A BILL intituled:

“AN ACT to amend the Anti-Money Laundering and Countering the Financing of Terrorism Act. [*Attorney General and Minister of Legal Affairs*]

Mr. Williams: I rise to move that the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) (No.2) Bill 2015 - Bill No. 15 of 2015 be read a second time.

Guyana became a member of the Caribbean Financial Action Task Force (CFATF), the regional arm of FATF in 2002. In a mutual evaluation report in May 2014, Guyana was referred to the FATF by the CFATF because of failure to remedy the deficiencies in the various recommendations of FATF.

In June 2014, FATF accepted Guyana's referral and in September 2014 there was an agreed action plan between FATF and Guyana. In that agreed action plan there were eight recommendations and Guyana had successfully negotiated fully five of those recommendations by the time the APNU/AFC coalition arrived in Government.

Sir, in October 2014 Guyana was identified by FATF in a public document, which is called the 'light grey' list. In February 2015 Guyana was again identified in the public statement of FATF, 'light grey' list. In June 2015 Guyana again was identified by FATF for its public document in the 'light grey' list because it had not improved on the recommendations being fully met. It is in this situation that Guyana arrived on the scene in June 2015.

As I said earlier, our Government passed the Anti-Money Laundering and Countering the Financing Terrorism (Amendment) Bill of 2015. The only difference between the PPP and our Bill was that we had included several governance provisions in that Bill, in terms of setting up an oversight authority over the FIU which members were to be appointed by the appointive committee of Parliament, a transparent process. One would remember we did that because, for example, the Director of the FIU was appointed by the Minister of Finance and could only be dismissed by the President.

We also amended the Anti-Money Laundering and Countering the Financing of Terrorism Act to make the appointments of the Director and Deputy Director of the FIU and other high officials transparent too by providing for it to be one by the appointive committee of Parliament. That was the essential difference, otherwise, everything remained the same, more or less, with respect to the two Bills.

When we did that we first appeared at FATF in October, 2015 and in the ICRG, the report was to this effect. I read:

“The enacted of the AMLCFT Amendment Act 2015, has implemented a substantial number of action items. Guyana has demonstrated its commitment to comply with the action plan and is to be commended for having met most of the deadlines. There is need to address the remaining items in particular those concern in terrorist financing.”

Also in the plenary of FATF, it too, in its report, stated that Guyana was to be commended too for the progress it had made. If I could quote directly -

“The ICRG noted the progress Guyana made in enacted legislation to improve its AMLCFT regime but recommends that Guyana maintains its status quo in the compliance document.”

In other words, Sir, we met Guyana in the compliance document which is a grey list but since June 2015 we have substantially moved Guyana forward in this process. That is the difference. Coming out of Paris in October, we were left with only three of the eight recommendations to deal with because they said those three were partially met. What were these three? These three were related to -

- Customer Due Diligence: The question of the natural person, determining who the natural person is that is the real owner of legal entities and arrangements.
- Targeted financial sanctions: That is under the United Nations Security Council Resolutions 1267 and 1373.

We were supposed to make provisions for -

- Identifying, listing and freezing assets of persons identified by the United Nations as being terrorists.

7.26 p.m.

What the 2009 Act never addressed, Sir, was the question of delisting and unfreezing and access to frozen assets. That is why we had to come to address those deficiencies.

Then anomaly we had, for example, in targeting financial sanctions is that when a listed person was brought to the attention of a reporting entity who held assets for that person, that person is supposed to report immediately to the Director of the FIU. On receipt of that report, the Director of the FIU was expected to verify the name of the person. Once it was cleared that that person was the listed person, the reporting entity is directed to freeze the assets, and that was for five days. The Director was also required to notify the Director of Public Prosecutions (DPP) who was required to apply for a freezing order within seven days.

Now, as you know, Sir, property in Guyana is protected under the Constitution, and the FATF or the ARRG recognised that there was a gap between the five days within which it were supposed to not deal with these assets and the seven days by which the DPP was to get a freezing order. It meant then when the five days expired there was nothing to prevent a

reporting entity from dealing with the assets of the person listed before the freezing order. It meant then that assets could have been dissipated by the time the DPP was able to obtain a freezing order. We responded to them by amending the legislation to reduce the seven to five days. We equated both positions. It meant then that not only were the assets to be frozen for five days but the DPP was required within five days to get the freezing order. We also had to make provisions for when the DPP would have applied to get the freezing order. It was more or less to be a sure thing. In order to make it a sure thing, we had to provide that the DPP should be able to apply *ex parte* to a High Court Judge. The High Court Judge must deal with the matter on a balance of probabilities. In that regard, one will get the freezing order. When that freezing order is obtained the DPP is required to serve that order immediately on the reporting entity.

We had to deal with delisting. To delist a person, the person affected could apply to the United Nations Committee, under the Resolution 1267, and if it were agreed, that the Director of the FIU would be notified, and when he is notified he has to go through the process of going to the court to get an order to unfreeze the assets. When that is done, he has to then serve back on the entity. These things were *lacunae* within the legislation and they insisted that we address those *lacunae*.

Provisions were also made for fees and other charges to be imposed to enable persons to access frozen funds during the period that they were frozen. This Bill addresses these things, including the regulations. Then there were the supervisory authorities who were required to have fit and proper criteria with respect to persons who were going to be in control of them. For example, with the insurance companies, there was the duty to ensure that the persons, who were in the positions of control and influence in the insurance companies, must have been subjected to fit and proper criteria to weed out persons who might be potentially prone to be money launderers or financiers of terrorism. That applies to the Securities Council, also of Guyana, and the Chief Cooperative Development Officer (CCDO). In other words, cooperatives and other institutions must not be overtaken by money launderers and the financiers of terrorism and to use these organisations under a guise of which they carry out the nefarious terrorist activities.

This is what the amendment Bill is intended to do and that is why we are being under obligation. Sir, let me put on the record that we have received notice from the ARRG to attend a face to face meeting in Panama around the 12th January in order to deal with

questions that might be posed, and it is to explain all these different provisions that we would have implemented to ensure that they comply with the requirements of FATF, CFATF regimes.

In that regard, I am happy that our colleagues, who had seen it fit not to take part in this debate, so to speak,...I do not know why they believe that they should not have the interest of our country at heart, and they decided to abandon representation of the people who they claim to represent, whatever half they claim to have. That nonetheless would not prevent nor deter us from proceeding ahead with the people's business in order to ensure that Guyana moves along and exits the CFATF and FATF processes, so that this country will be put on the proper path to go about its financial business.

With those few words, I do not wish to detain the National Assembly any much longer. I would like to commend this Bill for passage through this honourable House. [*Applause*]

Vice-President and Minister of Public Security [Mr. Ramjattan]: Mr. Speaker, my name on the list to speak this afternoon was primarily to rebut that which might have been needed to be rebutted from Members over there. It does, however, seem to be nay in relation to this Bill, and the previous one, that it is going to be more or less *ex parte* applications. I have nothing more to add, except to say that I concur with the Hon. Attorney General and commend this Bill for the support of the Members in here.

Mr. Williams (replying): I would like to thank the Hon. Member for his support to the passage of this Bill, Sir, and the brevity by which it was attended reflects only his confidence in the efficacy of this Bill that we propose to pass through this honourable House, tonight.

I move that this Bill be read a second time third time.

Question put and carried.

Bill read a second time.

Assembly in Committee

Bill considered and approved.

Assembly resumed.

7.41 p.m.

Bill reported without amendments, read the third time and passed.

FINANCIAL INSTITUTIONS (AMENDMENT) BILL 2015 – BILL NO. 10 OF 2015

A Bill intituled:

“AN ACT to amend the Financial Institutions Act.” [Minister of Finance]

Minister of Finance [Mr. Jordan]: I rise to move that the Financial Institutions (Amendment) Bill 2015 – Bill No. 10 of 2015 be now read a second time. As explained in the explanatory memorandum to this Bill, the Bill seeks to amend section 63 of the Act to permit disclosure of customer information by a financial institution to the Guyana Revenue Authority (GRA), where a law so requires or where the Guyana Revenue Authority makes a lawful request or a demand for the information. What would seem initially as a simple amendment has turned out to be not so simple, bearing in mind some of the comments that have been made. Indeed, since this amendment was gazetted, it has created some stir and suspicion in some circles, perhaps none more so than the ones I consider to be the ill inform comments, attributed to the Hon. Leader of the Opposition, Bharat Jagdeo.

According to *Guyana Times* newspapers of Saturday 31st October, 2015, at page 7:

“Opposition Leader Bharrat Jagdeo has pointed out that the A Partnership for National Unity/Alliance for Change (APNU+AFC) coalition government seems to be fuelling the existing fear among Guyanese especially with its recent decision to allow the Guyana Revenue Authority (GRA) access to person’s banking information”.

Happily, the Hon. Member recognises the GRA right to have this access, when he is quoted saying, there is nothing wrong with GRA having the ability to investigate and check bank accounts, but then he becomes worried about the vindictiveness behind it.

Mr. Speaker: Hon. Member is that a document available, are you reading from your speech or are you reading from a document?

Mr. Jordan: I am reading from my speech, Sir.

Mr. Speaker: Please, proceed.

Mr. Jordan: Vindictiveness, from where did that emanate? Certainly not from this Government. On the contrary, Hon. Members of this House may recall the leaked pieces of

communication between the Commissioner General and two Members of the Opposition who are now sitting Members of this House. Members would recall the stern apprehension created that these persons, one, a public official and the other a private individual, could be privy to privileged information on taxpayers. But we are not here to rehash these events, even though they remain fresh in our memories, so much so, that they unfairly cast a shadow on this amendment, an amendment whose genesis is not in this Government's drive to get to anyone, but in the United State (US) originated Foreign Account Tax Compliance Act, better known as (FATCA).

What really is FATCA? In general, the United State federal law requires US citizens and resident aliens to report any worldwide income, including income from foreign trust, foreign banks and securities accounts. But there appear to have been gaps between the law and compliance by the targeted persons. Hence, FATCA was enacted in 2010.

The purpose of the Act is to detect non-US financial accounts of the US domestic taxpayers, rather than to identify non-resident US citizens and enforce collections. There might be thousands of resident US citizens with non-US assets, such as astute investors, dual citizens or legal immigrants. As such, FATCA was enacted with the purpose of having non US financial institutions identify approximately 8.7 million US citizens believed to be residents abroad and those persons believed to be US persons for tax purposes.

The Foreign Account Tax Compliance Act would also be used to help identify non US persons' family members and business partners who share accounts with US persons. Another aspect of FATCA is that US persons' signatories of accounts would be identified. This feature allows the reporting of the assets of non-US corporations, voluntary organisations and any other non-US entities where a US person could be identified.

[Interruption]

Mr. Speaker: Hon. Minister, I would ask you to confine your remarks to the text which you are using.

Mr. Jordan: Thank you Sir. The Foreign Account Tax Compliance Act involves developing new information flows and reporting systems for those affected, including banks, insurance companies and mutual funds.

Now, I know Members may well ask what does this have to do with Guyana and the amendment before the House today. Well FATCA requires Foreign Financial Institutions

(FFIs), for example, the commercial banks to report to the internal revenue service, information about financial accounts held by US taxpayers or by foreign entities in which US taxpayers hold a substantial ownership interest. The impact of FATCA is far-reaching and affects any person, US or foreign, who is involved in making or receiving payments that fall within the scope of FATCA.

Failure to compile with FATCA could result in a 30% withholding tax being levied on withholdable payments. Failure may also result in the potential loss of correspondent banking relationships for banks, which are critical to facilitate business transactions with the US. While on this matter of correspondent banking, let me say that the loss has already been occurring in some jurisdictions, as the US banks have deemed too risky to conduct business with Caribbean countries, given the onerous requirements of anti-money laundering legislation.

In order to implement FATCA, Guyana has to sign an Inter-Governmental Agreement (IGA) with the United States. Such agreements make it easier for partner countries to comply with the provision of FATCA. Under the IGA, commercial banks and other financial institutions in Guyana will be able to report directly to a local competent authority, who in turn would report to the Internal Revenue Service (IRS). In Guyana's case, the competent authority has been identified as the Guyana Revenue Authority. The Guyana Revenue Authority supports the adoption of the Model 1 IGA, since this Model allows FATCA partner, in this case Guyana, to collect under its own domestic law, FATCA information on US accounts from all relevant Foreign Financial Institutions within its jurisdictions and automatically exchange that information with the IRS. This Model also permits the Foreign Financial Institutions to perform simplified due diligence procedures to identify United State accounts and to collect and report the required information directly to the US authorities and the Guyana Revenue Authority through automatic exchange of information.

In an effort to avoid the repercussions from occurring, if we do not do this, it was reported in the online edition of the *Caribbean News* that Caribbean Association of Banks has strongly urged Governments in the Region to sign the Inter-Governmental Agreement under the FATCA Act and to do so speedily.

A legislative framework already exists for the Government of Guyana to enter into an IGA of this nature. Guyana already has an exchange of information agreement with the United State of America. This agreement, which is set out in the schedule to the Income Tax Exchange of

Information Act, Order 1992, provides for the exchange of information between both governments with respect to income tax. So now, why is this amendment necessary?

It should be noticed that the IGA or the Inter-Governmental Agreement imposes the following obligations on governments: Model 1(A) required that tax administrations to coordinate before the first exchange of information. Each jurisdiction's obligations to send information is a conditioned on the tax administration of the other jurisdiction, having demonstrated that it has in place: one - appropriate safeguards to protect the confidentiality of exchanged information and to ensure that the information could be used only for tax purposes; and two - the infrastructure for an effective exchange relationship. Here infrastructure is interpreted to include clear and strong domestic legislation. This would no doubt protect our financial institutions from serious penalties, if the Government of Guyana is unable to satisfy the United State that the appropriate domestic law is in place.

Currently, there is an impediment to the Guyana Revenue Authority being able to carry out its functions as the competent authority. In its current formulation and interpretation, section 63 of the Financial Institution Act is such an obstacle. The Long Title of the Financial Institution Act provides:

“AN ACT to make new provisions to regulate the business of banking and other financial business”

This Act is clearly intended to regulate the business of financial institutions. The Marginal Note of section 63 of the Financial Institutions Act states that the section is intended to regulate confidentiality of customer information within financial institutions. Section 63 of the Act provides:

7.56 p.m.

“Any director, officer, employee, representative or agent of a licensed financial institution, or other person conducting business for such institution, who discloses any information concerning the accounts, loans, deposits or personal or business affairs of any customer acquired in the course of such person's affiliation or relationship with the financial institution, shall be liable upon summary conviction to a fine of one hundred thousand dollars and imprisonment for not more than one year.

Provided, that this section shall not apply to any disclosure of any information -

- I. The bank;
- II. In response to a lawful subpoena or other compulsory demand issued by or within the consent of a court of competent jurisdiction;
- III. In response to a lawful Government request or demand;
- or
- IV. With the prior written consent of the customer.”

Prior to the establishment of the Guyana Revenue Authority (GRA) in 2000, the customs and excise tax departments and the Inland Revenue Department were considered to be part of the State and could request information pursuant to section 63 of the Income Tax Act. However, the Caribbean Court of Justice (CCJ) has pronounced that the Guyana Revenue Authority is an autonomous body and is no longer regarded as the State.

In the case of Mr. Brent Griffith and the Guyana Revenue Authority, Caribbean Court of Justice (CCJ) Justice Nelson, making mention of the decision of Justice B. S Roy, at first instance, who held that the Guyana Revenue Authority was a separate legal entity and not a government department, stated:

“This Court is firmly of the view that the Revenue Authority is a new corporate entity distinct from the government although it is a public corporation.”

Similar assessment was made in the case of Clarence Chu versus the Attorney General of Guyana in 2000.

In a recent application to the court by the Revenue Authority in the Guyana Revenue Authority vs. the Republic Bank Ltd., Scotia Bank Ltd and Citizens Bank Ltd., the Guyana Revenue Authority asked the courts to interpret agent as being part of the definition in Government in section 63 of the Financial Institutions Act. The court denied the GRA’s application and ruled that:

“63 (iii) of the Financial Institutions Act cannot be interpreted to include the Guyana Revenue Authority since it is not a government department nor can it include the Guyana Revenue Authority as an agent of the Government.”

One of the factors that the court considered in its ruling was that the Financial Institutions Act imposes a strong sanction against a financial institution which discloses information to anyone not in the proviso mentioned above. Therefore, the court was of the view that the Act was to be strictly interpreted. Given these interpretation and rulings against the Revenue Authority, it has become necessary to amend the Act so that the Guyana Revenue Authority can function as the competent Authority under the intergovernmental agreement and be able to request the information from the banks. So that it is absolutely clear and to avoid unnecessary confusion and hysteria that are being whipped up by certain elements that we know by now, the power to request information already resides in legislation administered by the Revenue Authority. Specifically under the Income Tax Act, the Revenue Authority may request of other parties information that it requires in the course of its duties. However, in order to comply with its international obligations, it must be able to request information from the financial institutions. It should be noted in passing that in July 2013, GT20 finance leaders committed to the automatic exchange of information as the new global standard.

There is clearly an issue of the statutory safeguards for the protection of taxpayers' information. The Revenue Authority Act provides for the protection of taxpayers information as follows:

Section 23(1) states:

“No person shall, without the consent in writing given by or on behalf of the Authority, publish or disclose to any person other than in the course of his duties, or when lawfully required to do so by any court or under any law, the contents of any documents, communication or information whatsoever, which relates to, and which has come to his knowledge in the course of, his duties under this Act.”

The section carries with it a strong penal sanction if it is contravened. The penalty for contravening is a fine not exceeding \$200,000 and imprisonment for a term not exceeding five years. This section applies to every person employed by the GRA. It imposes an obligation to confidentiality and any disclosure is to be in accordance with the law.

Section 4 of the Income Tax Act provides that anyone employed in the administration of this Act shall regard and deal with all documents, information, returns, assessment list and copies relating to income as secret and confidential.

Section 4 does provide an exception in that a person can be authorised by the President to communicate information and otherwise for the purposes of the Act.

The above statutory safeguards will ensure that the Revenue Authority protects the information it receives from the financial institutions.

In his letter dated 4th November, 2015 to the Hon. Basil Williams, a copy of which was made available to me on 6th November, 2015, the Chairman of the Private Sector Commission (PSC), Mr. Norman McLean, in welcoming the move to provide access by the Guyana Revenue Authority to the financial banking data of citizens, noted that that it would certainly aid tax enforcement mechanisms and should reduce the incidents of tax avoidance. He, however, expressed the Commission's concerns as they related to data protection and privacy rights.

I believe that these are legitimate concerns. No person wants sensitive personal information such as banking information to be accessed, used or disseminated in an unauthorised or unlawful manner. It should also be noted that, prior to the establishment of the Guyana Revenue Authority in 2000, the tax departments were considered to be part of the State, as said.

In carrying out its functions under the proposed amendment to section 63, the Guyana Revenue Authority will continue to adhere to best practice and due process by requesting the banking information from the taxpayer before approaching the bank. However, it should be noted that the proposed section 63 is directly related to the conformity with the Foreign Account Tax Compliance Act (FATCA) and the Intergovernmental Agreements (IGA).

I believe that I have indicated the many safeguards under the existing law that protect the unauthorised access, use or disclosure of this information. I cannot guarantee that these will not be breached from time to time. Indeed, I have already pointed to occasions when this occurred at the highest level in the Guyana Revenue Authority. One expects that when they do happen the culprits will be visited with the full force of the law.

Mr. McLean did allude to the fact that the granting of legislative authority for access to citizens' bank account data is not peculiar to Guyana and many countries around the world, particularly the more developed ones, have similar provisions in their legislation.

I want to say that with the imposition of stringent conditions under various anti-money laundering and countering financial terrorism legislations around the world, access to bank account information will become a common feature. Our own anti-money laundering legislation is not without clauses that impose certain requirements and reporting obligations on commercial banks among other financial and non-financial entities. These include reporting suspicious activities and applying enhanced due diligence to certain types of accounts, all without the knowledge or consent of the account holder. This amendment, therefore, should not attract the suspicion that it originally attracted.

I therefore commend this Bill to the House and urge its swift passage. [*Applause*]

Mr. Ali: I wish to make it very clear that we, on this side of the House, support every measure that would improve the efficiency and that would give the tax administrators, in this case the Guyana Revenue Authority, the necessary powers to ensure that they execute their task in a fair, unbiased and professional manner.

Whilst on the surface this amendment may look simplistic, I want to say that the Hon. Minister of Finance has outlined the complexity of the amendment. This is not just a simple amendment. This amendment has implications across the tax administration system of the country. It also has tremendous implication for treaty agreement and is not confined to a bilateral agreement between the United States of America (USA) and us. As a matter of fact, the Organisation for Economic Co-operation and Development (OECD) encourages countries that are moving towards easier access to banking information by tax authority to do a proper scan of the environment before enacting the amendment.

It is very important for us to understand the economic situation and circumstance that surrounds us as a country which, as the Minister himself said, might breed suspicion. These suspicions are not without evidence. Very recently there was a leaked report out of the GRA. There are many newspaper reports of robberies where information was leaked from the banks themselves. When the amendment is being addressed, it has to be addressed in a holistic way so that the taxpayer, the private sector, and all of the players within the tax administration can be comfortable that there is enough safeguard for every stakeholder. These safeguards must also include penalties that would go against an employee who releases information and must include penalties against the bank. In order to look at these penalties, the Secrecy Act which governs banks and which deals with confidentiality of customers' information, must be looked at.

There is a situation in the country of an economic slowdown. The Hon. Minister of Finance said that the target of the amendment is to bring more compliance in relation to tax. Under circumstances where there is economic challenge, other measures in coping with the tax obligation need to be look at. There is also a decline in commodity prices, changes in tax compliance, witch-hunting, a problem of trust in the system, an issue of capital flight and banks now having greater provision for non-performing loans. These are some of the issues that surround us as a country as we seek to implement this amendment. Whilst the technical and the legislative aspects are being looked at, it is very important for us to look at the practical aspect.

8.11 p.m.

What are the consequential effects of this? That is why the Hon. Minister should have been more exhaustive in his consultation with the private sector. It is because the private sector is a key stakeholder and he should have been more elaborate in the consultation with the private sector.

If, for example, this Bill seeks to address the issue of money that has not been declared for taxable purposes, most times the taxpayer would not have those resources in the bank. If there is a situation where the taxpayer believes that, on the passing of this legislation, the resources that he or she has there now will become liable for taxes and is a threat to him or her, then there may be a further problem in relation to capital flight. There could be an issue where, because of the lack of trust, there could be a massive withdrawal from the system. We have to ensure that we take these challenges into consideration when we are doing these amendments.

Now, the second issue is: if a taxpayer is trying to evade or avoid taxes, that taxpayer most likely would have his resources, in today's world, in an off shore account in a country where the laws might be less stringent. Has there been enough work in relation to ensuring that there is a commonality of the law to ensure that those resources could be gone after? It is very important for us to have that. The Hon. Minister of Finance acknowledged that there has to be synergy, but he only focused on synergy between the United States of America and Guyana. There has to be synergy with all of the authorities. That is why the OECD Report titled *Improving Access to Bank Information for Tax Purposes*, stated on page 13:

“B. Measures to improve access to bank information for tax purposes

19. The problems identified in this Report are global in nature and therefore difficult to address effectively on a unilateral basis. Individual countries have endeavoured to undertake measures to address these problems but thus far have met with limited success.”

This is what the FATF Report of the OECD is telling us. It is that if we attempt to address this in a unilateral way, the chance of success is very limited.

Now, let us take the CARICOM Region, for example. The Hon. Minister did not say to us how this amendment and the legislation fit into other CARICOM jurisdictions or fits into a cross border tax agency.

In the case of the United States of America and Canada, there was a particular treaty between the Canadian Revenue Agency and the Inland Revenue Service (IRS) to deal with information sharing from the bank. That is how elaborate this system is. [**Mr. Jagdeo:** Full reciprocity]. Yes. There should be full reciprocity. That is what we have been advocating for, even with the American system of declaring global income. The Hon. Leader of the Opposition had said at a public platform that we should advocate for full reciprocity.

The Report goes on to state that Member countries should examine any domestic tax interest requirement that prevents their tax authorities from obtaining and providing to a treaty partner, in the context of a specific request, information they are otherwise able to obtain for domestic tax purposes with a view to ensuring that such information can be exchanged by making changes, if necessary, to the laws, regulations and administrative practices.

The Report states that a country cannot only address this issue by a legislative amendment, but the regulations and the administration must also be looked at. It is because the regulations and the administration must also be reflective of each other, if there is to be cross border prosecution, *et cetera*.

There are some other very important issues that the Report addresses. In regard to the implementation of the measures through the use of indirect access, for example, judicial process, care should be taken to ensure that the procedures are not burdensome and time-consuming.

The Committee encourages countries to examine how to develop a voluntary compliance strategy. This is the first target. How could a voluntary compliance strategy be encouraged?

How can we encourage the taxpayers to move towards more voluntary compliance? I wish to turn to the International Monetary Fund (IMF) Fiscal Affairs Department Report titled *Collecting Taxes During an Economic Crisis: Challenges and Policy Options*.

Firstly, the Report advises that there should be refocusing of enforcement on emerging areas of non-compliance that pose the greatest risk to revenue collection.

Secondly, there should be the enacting of legislative reform to facilitate and manage the emerging areas of economic growth and wealth, for example, the areas in Guyana that have been growing at a more rapid pace, such as mining. They are encouraging countries to examine these sectors as a separate assessment, a high risk sector, and to have specific regulations and guidelines as they relate to these sectors.

The tax compliance strategy should ensure a smooth implementation of government tax initiatives, particularly those involving stimulus programmes. I want to give the Hon. Minister an example. The previous Government had implemented a measure to help first time homeowners and one of the greatest complaints in relation to that measure was the lack of smoothness in the implementation. The implementation became burdensome. So, this strategy that was geared to promote and provide a stimulus, in effect, became burdensome because there was not a smooth implementation.

The second issue in terms of compliance is adjusting advance tax payment to reduce taxpayer cash flow pressure, especially in situations where there is economic challenges. The Government has to be able to assist the taxpayers if they have cash flow pressure. How does the Government adjust the tax system to aid the taxpayer in terms of his or her cash flow?

The third issue is accelerating the issuance of tax refunds, subject to proper risk management. This is a big issue. A complete evaluation on the value of refunds, for example Value Added Tax (VAT) refunds, has to be done. The tax refund procedure has to be expedited and accelerated to ensure that taxpayers have their refund in a more effective and efficient manner. These are the things that will build trust in the system. These are the things that will build confidence in the system and will lead to more voluntary compliance.

The fourth point is providing targeted and proactive assistance to high risk taxpayers. It is not only identifying high risk taxpayers or high risk sectors but providing them with support, and allowing them to feel comfortable and not threatened or hunted down by the system. These are some of the measures that were identified in that IMF Paper.

There are also two issues that we must address: firstly, there is the issue of double incrimination when dealing with information that is required for a criminal investigation as against information that is required for civil tax purposes. Now, this is a very complex issue because when information is requested for criminal incrimination, it requires a whole different set of procedures, including a judicial route. For example, if there is a resident of the United States of America who is a citizen of Guyana with resources in a local bank and there is a criminal investigation against that individual, in order for Guyana to release the information, it must be satisfied that what the person is charged with in the United States of America constitutes a criminal activity in accordance with the local law. That test, first of all, has to be passed. If what the person is charged with in the United States of America does not constitute a criminal act in Guyana's system, then there would be issues. That is why FATF is recommending that there be universality in terms of the system, the legislation, the guidelines and the regulations.

Secondly, there is the issue of the principle of speciality. This addresses the issue of information obtained by way of judicial assistance only being used for a criminal investigation. Our laws have not addressed these issues.

Mr. Speaker, it is irresponsible of the Government to just come with this one paragraph amendment and believe that we can address this very complex issue. For us to address this issue, it requires greater consultation. It requires us to hear from all of the stakeholders. It requires a total assessment of our tax treaty agreements. It requires an evaluation of CARICOM requirements. It requires us to ensure that our legislation is FATF-compliant. It is because if it is not FATF-compliant, we will find ourselves back here in a few months to address the same issue.

In the first instance, I believe that we have a responsibility to address this issue at a special select committee. Most countries around the world are now going towards the use of a tax code. The tax code is what brings everything together, outlines all the penalties and everything so that, in addressing the issue of taxes, there is no need to depend on five or six different pieces of legislation. That is the situation here. It has become burdensome upon the taxpayer and we should be moving towards a more modern system that is less burdensome and encourages more voluntary compliance.

If the Hon. Minister and Hon. Members on that side of the House are not convinced of the seriousness and complexity of this issue, then, at least, they should examine the amendments

that we have provided in relation to the addition of two paragraphs that deal with safeguarding and protecting and building trust and confidence by all stakeholders.

8.26 p.m.

As I said before, on this side of the House, all of us want the same thing. We want the tax authority to have the capacity to do its work, but at the same time, we have a responsibility to ensure that that capacity and capability are not abused.

We are asking for the following amendments:

- (a) by the deletion of the word “or” at the end of paragraph iii (A); and
- (b) by the insertion immediately after paragraph (iii)(A) of the following paragraph as iii (B) and iii (C) respectively:

“(iii)(B) Before any such lawful request or demand is made under (iii) or (iii)(A) above, the customer must first be served with the intended said lawful request or demand either personally or by registered post at his last known address, at least twenty-one (21) days prior, together with a Notice which shall state the sufficient particulars, the nature of the lawful requirement, or the lawful request or demand and the purpose for which the information, thereof, requested is intended to be used.

(iii)(C) Any director, officer, employee, representative or agent of the Government or the Revenue Authority, or other person conducting business for such institution, who discloses any information concerning the accounts, loans, deposits or personal or business affairs of any customer acquired in the course of such person’s affiliation or relationship with the Government or the Revenue Authority, or use any such information for the purpose other than for which the information was accessed shall be liable upon summary conviction to a fine of \$100,000 and imprisonment for not more than one year.”

This allows the private sector to have some of its concerns and mistrust addressed. If these amendments are agreed with, at least it will bring some sort of balance to the amendment being made to the Principal Act.

Mr. Speaker, with these few words, I thank you and I thank the House for its attention.
[Applause]

Minister within the Ministry of Finance: [Mr. Sharma]: I do not know how I could compete with those two Hon. Members of Parliament. The Minister of Finance elaborated extensively and spoke widely on the importance and the benefits of this particular amendment.

In relation to the Hon. Member Ali, he did explain the concerns of the private sector and, maybe, the concerns for the Members of the Opposition. This is the important aspect of it. It amendment is as simple as the Minister of Finance explained. When I looked at the reasons for the private sector having concerns, I could not understand why it had complained so much, because this amendment only affects persons who are Americans or are considered by the American Government to be Americans by having a bank account or even having a mailing address.

I could understand why it is so contentious at this level. It is because a lot of people would be scared if they have connections with the United States of America. So, this is the reason why it is so important for the Opposition not to walk out. Now, it has decided to walk back in to be part of this discussion which supposed to be non-contentious.

I must say that in relation to being compliant, 79 countries have already signed on to FATCA. Why is Guyana outstanding? It is important to consider that main fact. It is also important to state that this agreement is not to go after companies, but it is to go after individuals. The American Government does not want to prosecute any one of its citizens, as the Act states. But, basically, what this amendment seeks to do with FATCA, along with the Act that was created in 2009, is assist the US Government in verifying the information that would be provided by their citizens, wherever they are in the world. Basically, it is for verification purpose.

I could understand why the Opposition is reacting that way. What I am doing is bringing out the matters that were not brought out by the other speakers. These are the nitty-gritty of the issue. It goes to the very heart of this issue and the reason why persons are very annoyed by this.

The Hon. Member, Mr. Mohamed Irfaan Ali, spoke about persons being given the opportunity to be self-compliant. The Americans have given the people the ability to be self-compliant. They have given the people the ability to be self-compliant by having them report

to a special body. As a result, they are seeking confirmation from various countries so that when people submit their information it could simply be cross-checked.

The issue raised by the Hon. Member about bank secrecy is important. As a matter of fact, in Switzerland, it was taken advantage of in 1934. In 1934, because of how the Swiss operated, they benefited because they protected persons who were involved in money laundering from those years and that money went into financing wars.

This is not a simple issue. This is a very important issue. Recently, the Swiss Government had to relax these secrecy regulations. As they relaxed them, guess what happened? There were cases where Hong Kong and Singapore benefited because Hong Kong and Singapore did not confirm to the requirement of the OECD.

This is the reason why a lot of people are very jittery right now. This legislation is going to open them up to scrutiny. What is important is that this move by Guyana will not just allow the financial institutions of this country to submit the information to the Guyana Revenue Authority, which will package it and transfer it to the United States (US) Treasury, but it is a reciprocal arrangement. When we send this information to the United States of America, the United States of America, similarly, is going to send to Guyana information about Guyanese who have money in their bank accounts in that country to Guyana. That is where the fearfulness comes in.

With this Government having the State Asset Recovery Unit (SARU) in place, the Unit, when it comes on-stream with the legislation, could, by law, access the information that the Americans would be sending us as part of the reciprocal arrangement.

Mr. Speaker, this piece of legislation is very important and I commend it to this House. Thank you. *[Applause]*

Mr. Speaker: I thank the Hon. Member for his statement. Hon. Members, I think you will agree with me that there is room for different views in this Chamber, and there is also room for us to show regard for the Speaker. I suspect that there is some familiarity among us with the Standing Order which indicates what a Member who is not speaking should do. I say no more.

Mr. Hamilton: I sat, not a man who is versed in financing and economics and banking, but I sat and listened to two Ministers of Finance of the Government for the last half of an hour

and what came over is that the amendment Bill means a different thing to Minister Jordan from what it means to Minister Jaipaul Sharma. Therefore, if that is at the level of the Ministry of Finance, which is piloting this Bill to amend the Financial Institution Act, I shudder to think about the citizens. How do they fare if the two Ministers of Finance have given us two dramatically different presentations on the same proposed Bill that the Government has brought to us?

Hon. Minister Jaipaul Sharma indicated to the citizen Joe Hamilton that I do not have anything to worry about because it is American citizens who the Bill will be targeting. I like that. I do not have much but I am delighted that it is only Americans and people who have American passports who would be targeted. I have a Guyanese passport and so I am thankful that I am exempted from the law according, to Minister Sharma.

As indicated by my colleague, the Hon. Irfaan Ali, we have no difficulty with empowering the Guyana Revenue Authority with the legislative requisite to be able to get unfettered access to banking information of citizens. We have difficulty...and Mr. Jordan alluded to some of the issues of trust and he talked about some issue far away. I would want to bring us back, even though not related, to the issue of information being leaked out of the Guyana Revenue Authority by agents who have malicious intent and who have political axe to grind, who function in the Guyana Revenue Authority.

8.41 p.m.

We have no difficulty with most of the... During the budget debate, one Friday afternoon, an agent of the Guyana Revenue Authority indicated, just on the balcony of the Public Building, to former Minister Irfaan Ali, and now Member of Parliament, that the next week he would have been receiving a letter stating that he had defrauded the Guyana Revenue Authority (GRA). That happened the Friday and over the weekend the scandal sheets published the same information that this officer of GRA had indicated. The scandal sheets continued to publish that information over several months until the Minister of Finance, Hon. Minister Jordan, had to make a statement a couple of weeks ago indicating that Mr. Irfaan Ali, Member of Parliament, was not in breach of any customs regulations and that the vehicle he brought into the country was brought in with the authority and sanction of the Guyana Revenue Authority. He went further to say that the letter sent to Hon. Member Irfaan Ali was sent by an overzealous staff of the Guyana Revenue Authority. It was after months of mischief, after months of tarnishing the reputation of and denigrating a former Minister.

Not so long ago, three weeks ago or thereabout, there was again the scandal reporting that there was information coming from senior functionaries, the Board of the Guyana Revenue Authority, which was published, suggesting that Mrs. Nandlall was incompetent; that she was demoted; that she was removed, and all sorts of things. The scandal sheets continued to publish that information for several weeks. It took the Chairman of the Board of the Guyana Revenue Authority to set the record straight and to state to the citizens of Guyana that there was no such discussion; there was no such meeting; there was no such report. The point is that the damage was already done. I am trying to deal with the matter in which he Hon. Minister of Finance made the point when he said that since the amendment was tabled there was a lot of stir. Yes, there must be stir by citizens when they have examples the Guyana Revenue Authority, some of its agents, of utilising information to damage the character of persons. There must be a stirred. I am using two examples that are fresh in our minds.

Therefore we are saying, and as presented, the amendments in the name of Irfaan Ali and Anil Nandlall, that whereby an officer in the Guyana Revenue Authority who has the privileged information of citizens would not utilise it for the malicious purposes, purposes of grinding political axe and vendetta. That is what we are seeking also with the balance of giving authority to the Guyana Revenue Authority, the balance of protecting the citizen. How do we craft this amendment so that the citizens are protected and they feel confident? That is it. If the citizens of this country, after this amendment would have been passed, instituted and signed off on, are not confident that their information would be used for legal purposes we will have a lot of mattress banks set up in Guyana whereby people will take their money out of the banks and store them in their mattresses. Yes, it is as in the old days. We will go back to mattress banks. Therefore it is important that the Government takes the citizens in its confidence on this matter, and it is not to treat it lightly.

We know, as indicated by the Hon. Minister of Finance Mr. Jordan, that the private sector has concerns. I know it engaged the Hon. Attorney General to put before him its concerns about this amendment. It might be useful for the Attorney General to advise whether he made any commitment to the private sector. The private sector still has its concerns. In that engagement it proffered some recommendations to protect the citizens, because that is the fundamental concern. It is not just giving the Guyana Revenue Authority the power to be able to access the information, but in the dispensing of its duties it is how the citizens are to be protected.

Therefore we must have all the legal restrictions, prescriptions and liabilities for those who are found culpable. There must be sanctions and stiff penalties for officers of the Guyana Revenue Authority who will attempt to do as some may have done not so long ago. Great authority must come with great responsibility. A revenue officer, an agent of the Guyana Revenue Authority, must know that if he fails to utilise the information gathered and he utilises it for the wrong purposes, the penalty must be a deterrent to that officer. Therefore we have presented two amendments to strengthen the amendment Bill that is before us. I submit that if the citizens do not have confidence, as I said, the confidence would not be built by just the Hon. Minister of Finance saying trust us. It will not be built like that - trust us.

There are three recommendations. One, that the Bill be sent to a Special Select Committee so that we can have citizens who have an interest in this matter come and give their views, their considered opinions and their testimonies, to help us to strengthen the legislation that is before us.

The third issue, is as indicated by the recommendations proposed under the hand of Hon. Members Anil Nandlall and Irfaan Ali, is that we strengthen the issue of sanctions and penalties for persons who willy-nilly and with maliciousness would utilise information that they would have garnered from banks regarding citizens' information.

I close as I began to make the point that we are not opposed to the Guyana Revenue Authority being empowered to be able to access information. What we are saying, on this side of the House, is that in empowering the Guyana Revenue Authority we must also take into consideration how we balance it with protecting citizens. If we do that, citizens would be confident and feel more confident to support the Guyana Revenue Authority in its endeavour.

Thank you very much. [*Applause*]

Mr. Nandlall: I rise to make my brief intervention to this debate. What is clear so far is that the amendment that is before the House is far more important than its size, spanning merely one page. The presentation of my colleague, the Hon. Member Irfaan Ali, alone, if we are to go by that, demonstrates, I believe, in tremendous detail the complexity which surrounds the issue of access to confidential financial information. That presentation suggests that very soon we should move in the direction of a larger piece of legislation that embraces all the different facets that would enable us to discharge our treaty obligations which are quickly

devolving upon us, as the day goes by, so that we are able to maintain a system that enjoys integrity and public confidence.

8.56 p.m.

Until we arrive at that stage, we still have an obligation to address the concerns of our people. The Hon. Minister commenced by making reference to a statement which he alludes to the Leader of the Opposition and suggested that the Leader of the Opposition was ill-informed when he sought to express a certain concern regarding these amendments.

I do not think that the Hon. Minister understood. The views expressed by the Leader of the Opposition were not necessarily his views. I had the benefit of accompanying the leader of the Opposition on outreach programmes in Essequibo, Berbice, West Berbice and recently on the East Coast, and at all those meetings persons raised their concerns, they raised their apprehensions, they raised their fears about the GRA being given a power to access their bank accounts.

Whether we may feel that it is a concern that is misplaced or not, that is not the issue. The issue is that it is a concern that is genuinely held, as misplaced as it may be, but it is genuinely held by a majority of the people of this country and we have an obligation to address that concern. That is what we have an obligation to do as the representatives of those people. Let me say that this is a necessary power to access this information that the GRA should have. We have no problem with that and all of our speakers have said so, that it is a necessary, but it is the concerns that we have.

The fact that this Bill is before this House demonstrates, beyond doubt, that the banks have refused to give this information. The banking sector is uncomfortable with giving this information to the GRA.

The Minister made reference to three different court applications. One made to the court in relation to Citizens Bank, Scotia Bank and, I believe, Republic Bank, in which the banks went to the court to ask for an interpretation of the law to prevent the GRA from getting this information. Sir, we cannot dismiss our banking system and assume that it is delusional; because it has fears; or assume that those fears are unfounded. It is the banking sector of our country. On the one hand, we have the banking sector expressing apprehensions and we have the people of our country, that is, the man in the street, expressing apprehensions. I went a bottom house at Hope Estate last week and one man, who plants tomatoes in the estate, told

me, *“Counsel, they want ah we bank account now; they want fuh see how much money mi gat in me bank; they want to tek way awe account.”*

Then there is that fear being exacerbated by agencies such as SARU, the State Asset Recovery Unit, a body that the Attorney General himself was forced to concede, has no legal basis to operate and embarks on a frolic of its own, purporting and masquerading as an investigative agency. Every single day the Chairman of that body makes statements about who is going to be jailed and who is corrupt. This is the Chairman of an investigative body.

Mr. Speaker: Hon. Member, I have been very generous in my interpretation of what references we should be making where and how. The matter before us is this item and I would ask you to stay with it.

Mr. Nandlall: I am Sir, with the greatest of respect. I am addressing, Sir, if you permit me to explain,...

Mr. Speaker: I am asking you to...

Mr. Nandlall: ...the fears of the people and where they are coming from.

Mr. Speaker: Hon. Member, I am asking you to stay within the confines of what we are doing.

Mr. Nandlall: I am Sir. I have some amendments that seek to insert safeguards and I am laying the foundation for why I am putting these amendments. There is that in the minds of the people. Then, Sir, my colleagues, who spoke before me, have given this National Assembly a litany of examples of wrongful dissemination of information emanating from the GRA. I can cite another recent example. The Hon. Clement Rohee made an application for a duty-free concession, as he is entitled to do as a Member of Parliament, and he received a response from the GRA, the office of the Commissioner-General, rejecting his application. I intervened as attorney-at-law for the Hon. Member Mr. Clement Rohee and I wrote the Hon. Minister of Finance. When a proper inquiry was done within the GRA, I was told that though the letter that came from the GRA purporting to come from the office of the Commissioner-General, the Commissioner-General himself claimed that he was unaware and that he was still processing the application of Mr. Clement Rohee, but Mr. Clement Rohee received a letter rejecting his application.

These are real instances, Sir, of which the Minister is aware, another overzealous, exuberant employee. These are the factual occurrences which do not improve the degree of mistrust and distrust which exists in the minds of the Guyanese people. The Private Sector Commission voiced those concerns. There is one statement that the former president made that I would never object to. **[Mr. Nagamootoo:** You remember what [*inaudible*]...they live together]. What did he call you at Babu John?

The Private Sector Commission wrote to the Minister and chronicled its concerns. Sir, this is the private sector of Guyana. We would normally say in economic or even political jargon that the private sector is our engine of growth and instrument of economic activity. We cannot continue to ignore our private sector. Tonight, it was ignored because it asked to be consulted on the Anti-Money Laundering and Financing of Terrorism (Amendment) Bill. I have the *Stabroek Newspaper* that chronicles its concerns and we were told here earlier tonight that it lied. Well, I have a letter in my hand written to the Hon. Basil Williams, Attorney General, and it details the concerns of the private sector. It recognises the complexity of the issue and it speaks to the fact that we may have, in the near future, to pass a much more comprehensive Bill, as referred to by the Hon. Irfaan Ali. It asks, as immediate step, that we deal with the following issues: (i) that notice is served to the citizens regarding intended request for access along with an indication of the law for which enforcement is being sought via such access; (ii) care and control of the data in the custody of the GRA and (iii) penalty if there is misuse of the information.

Sir, at a minimum, these concerns, I believe, are quite reasonable. They address the concerns of the business community and they certainly would go a far way in addressing the concerns of the populace out there. That is why we, on this side, decided to table some amendments and they are very simple. They number just two and all that they seek to do, these amendments, are to allow a person, whose bank account is going to be accessed, to be served with a notice 21 days before the intended date of access and that notice will inform him of the intended access and will tell him more importantly, the reason why his information will be accessed and what use will be put to it. Now tell me what is wrong with that. What is wrong with the Hon. Member Ms. Anna Ally knowing that Dr. Rupert Roopnarine, the Hon. Member, is going into her bank account next week for the purpose of seeing what balance she has? It is absolutely reasonable.

The other aspect of the amendment states that if this information is used for the purpose other than that for which it was accessed, an offence will be committed and a person is liable to a \$100,000 in fines and imprisonment for more than one year. What is wrong with that? Is it that you want to access people account surreptitiously? If you reject this amendment then you are sending the most dangerous signal to the Guyanese people. You are confirming their every fear as unreasonable as you may believe those fears are, because they are seeing an opportunity being put to you to just give them 21 days' notice and tell them why you want to go into their accounts, or why you want their financial information, and that you must not use this information when you have it for a purpose other than which they give it to you.

If you are not prepared to entertain this amendment well then the people of Guyana fears are going to be confirmed. We do not have the vote but all we are asking for, on behalf of the people of Guyana, and on behalf of the Private Sector Commission, and on behalf of the banks... because the banks have a fiduciary obligation to their customers that does not end with GRA coming into their accounts. It does not end there, not because GRA has a statutory power to access that account it means that the bank can absolve itself from liability and responsibility. You are protecting also the integrity of the banks and the financial institutions.

Comrade Hamilton spoke to the important need for the people of Guyana to feel that when they put their money in the bank it is a safe place for their money. When we reject amendments of this type... This has nothing to do with politics or any political element but it is simply to address some valid concerns raised by the people of this country. It is up to you, the Government, whether you want to accept that these concerns are real and take them into account or it is as you said to the people at the GHRA that it lied and that the *Stabroek News* lied. If you want to take that approach, well the people of Guyana will have to judge. We, on this side, are doing what we could do to convey to you their concerns.

Thank you very much Sir. [*Applause*]

Mr. Jordan (replying): First I would like to thank the speakers for and against, but not necessarily against the motion because my understanding is that they in principle agree with the amendments to the Bill but it is just that we have a difference of opinion in terms of how we proceed.

9.11 p.m.

I listened to Hon. Member Mr. Nandlall, waxing as he does eloquently, and I was wondering exactly whether in coming here if he did not take another look at the present Income Tax Act and the Revenue Authority Act. Let me say initially that if they can get away with it, taxpayers will try to avoid paying taxes, some lawfully and some most times unlawfully. It is not strange that taxing authorities are imbued with wide statutory powers to obtain information from taxpayers and their parties. They have the powers to audit when a taxpayer fails to dispose information and this is already catered for at section 63 of the Income Tax Act, which provides as follows:

“(1) Every person who maybe so required by the Commissioner-General shall within time fixed by the Commissioner-General give orally or in writing, as maybe required, all such information as may be demanded of him by the Commissioner-General for the purpose of enabling the Commissioner-General to make an assessment or to collect tax.”

That is already there. You are having this here because section 63 of the Financial Institutions Act fettered this right that the revenue authority had when they were single departments. In my mind, I do not know what all of this is for. I mean, I take particularly Mr. Ali’s wide discourse and I will read back with the *Hansard* to make certain how best...I take it also that might have been the consultation on the budget. I will read back and see to what extent it can be incorporated. As it relates to this particular amendment, which we are seeking, it is as simply as we said, that the Income Tax and the Customs Department were deemed to be Government departments for the purpose of this Act, but the courts have ruled that the Guyana Revenue Authority is not a Government department, and all we are seeking to do is to put them back in their rightful place. All the other safeguards are already under section 63 (2).

“(2) For the purposes of this section the Commissioner-General may require any person to give him information, or to permit him or any person duly authorised by him in writing in that behalf, to inspect any records of any moneys, funds or other assets held by him on his own behalf, or which may be held by him for, or of any moneys due by him to, any other person.”

“(3) Every person who –

- (a) fails to give the Commissioner-General any information required in accordance with this section; or
- (b) fails to produce for the inspection of the Commissioner-General or any person duly authorised by him as aforesaid any of the records specified in subsection (2) which he may be required by the Commissioner-General or such duly authorised person to produce,

shall be liable on summary conviction to a fine of fifteen thousand dollars or to imprisonment for six months.”

I think it is adequately covered, both in terms of penalties and in terms of the requirement of the statute. This amendment, I maintain, is, as simple as, you can get it. It is merely putting back the revenue authority in its rightful place and giving it the unfettered authority.

I therefore commend this amendment to the House and asked that it be passed as swiftly as possible.

Thank you. [*Applause*]

Question put and carried.

Ms. Teixeira: Mr. Speaker, excuse me, there is an amendment that was circulated in the name of the Hon. Member Mr. Anil Nandlall and it is amendment to clause 2 of the amendment Bill. Could we seek your guidance in making sure that it is brought to the attention of the House for decision?

Mr. Speaker: It is the intention of the Speaker to deal with everything in relation to this matter that is before him. An amendment to an amendment cannot be taken until the amendment to which it is proposed to amend is heard by the House. We are not there yet; we are just getting there.

Bill read a second time.

Mr. Speaker: Hon. Members, I believe that we have reached here rather quickly and we must return to the correct order of things. Before the Hon. Member Ms. Teixeira spoke we were at the point where the ‘ayes’ have it, in relation to the amendment proposed by the Minister of Finance. That is where we are right now. Then the Clerk of the National Assembly, having been required to read the second reading of the Bill, will now do the other

matter which is to move to the Committee of the Whole. The Assembly will resolve itself into Committee for that purpose.

Assembly in Committee.

Clause 1 agreed to and ordered to stand part of the Bill.

Clause 2

Mr. Nandlall: I wish to propose an amendment in the manner and form that it has been submitted and circulated.

“(a) by deletion of the word “or” at the end of paragraph (iiiA); and

(b) by the insertion immediately after paragraph (iiiA) of the following paragraph as (iiiB) and (iiiC), respectively -

(iiiB) Before any such lawful request or demand is made under (iii) or (iiiA) above, the customer must first be served with the intended said lawful request or demand either personally, or by registered post at his last known address, at least twenty-one (21) days prior, together with a Notice which shall state with sufficient particulars, the nature of the lawful requirement, or the lawful request or demand and the purpose for which the information thereof requested is intended to be used;

(iiiC) Any director, officer, employee, representative or agent of the Government or the Revenue Authority, or other person conducting business for such institution, who discloses any information concerning the accounts, loans, deposits or personal or business affairs of any customers acquired in the course of such person’s affiliation or relationship with the Government or the Revenue Authority, or use any such information for a purpose other than for which the information was accessed shall be liable upon summary conviction to a fine of one hundred thousand dollars and imprisonment for not more than one year; or”.

Mr. Ali: I wish to second the amendment, as presented by the Hon. Member.

Mr. Chairman: There is no need for seconding. You would have heard speeches on this amendment before.

Question put.

Ms. Manickchand: Division.

Mr. Chairman: There is a request for division.

Ms. Teixeira: Mr. Chairman, if allowed, we will withdraw our request for division.

Mr. Chairman: Hon. Member, the Chairman, in the circumstances of this voice determination, is inclined to permit, notwithstanding your purported withdrawal, a division. Please proceed Mr. Clerk.

The Committee divided: Ayes 29, Noes 33, as follows:

Ayes

Mr. Gill

Mr. Ramson

Mr. Anamayah

Mr. Dharamlall

Mr. Charlie

Mr. Damon

Dr. Mahadeo

Mr. Chand

Mr. Neendkumar

Mrs. Pearson – Fredericks

Mr. G. Persaud

Mr. Mustapha

Ms. Selman

Dr. Westford

Dr. Ramsaran

Mr. Croal

Mr. Hamilton

Dr. V. Persaud

Mr. Seeraj
Bishop Edghill
Mr. Lumumba
Mrs. Campbell –Sukhai
Dr. Anthony
Ms. Manickchand
Mr. Nandlall
Mr. Ali
Ms. Teixeira
Mr. Rohee
Mr. Jagdeo

Noes

Mr. Rutherford
Mr. Rajkumar
Mr. C. Persaud
Ms. Patterson
Mr. Figueira
Mr. Carrington
Mr. Allen
Mr. Adams
Ms. Bancroft
Ms. Wade
Ms. Henry
Ms. Broomes

Dr. Cummings

Mr. Sharma

Mrs. Garrido-Lowe

Ms. Ferguson

Mrs. Hastings-Williams

Mr. Holder

Mr. Gaskin

Mrs. Hughes

Mrs. Lawrence

Minister of Governance [Mr. Trotman]: One second, Sir, Point of Order, Mr. Chairman.

Mr. Patterson: I did not get to respond, Sir.

Mr. Trotman: Could we have a recommencement of that vote from Mr. Patterson? Hon. Member Patterson.

Noes

Mr. Patterson

9.26 p.m.

Mr. Trotman: With respect, please, I have not heard my name being called.

Clerk of the National Assembly [Mr. Isaacs]: Yes, I called Mr. Trotman. I have you as voting against.

Mr. Trotman: I never answer, but I say no.

Noes

Mr. Trotman

Dr. Norton

Mr. Bulkan

Dr. Roopnarine

Lt. Col. (Ret'd) Harmon

Ms. Ally

Mr. Williams

Mr. Ramjattan

Mr. Greenidge

Mr. Nagamootoo –33

Amendment negatived.

Clause 2 agreed to and ordered to stand part of the Bill.

Assembly resumed.

Bill reported to the Assembly without amendments, read for the third time and passed.

Sitting suspended at 9.32 p.m.

Sitting resumed at 10.09 p.m.

SUSPENSION OF STANDING ORDER NO. 10(1)

Bishop Edghill: Mr. Speaker, I would be happy if the House would be guided because I believed that the Standing Orders require that we have a motion for an extension of time beyond 10'clock. I would also ask that, in that extension, we so move until we complete this motion tonight. If I could be guided, I would be happy before I proceed. I am not aware that we had a motion for the extension beyond 10'clock. I am asking that, with that motion for an extension, it means that the House will debate this motion until its completion. That is my request, if we could be so guided.

Mr. Speaker: I thank the Hon. Member for pointing that out, but I have a feeling that whoever moves the motion, and who would not be you, may not adopt your approach. I do not know. But do I have a motion for an extension of the business of this House beyond 10'clock?

Mr. Nagamootoo: May it please your Honour. Sorry, I am coming in the House late. I would like to move the motion that the House continues to sit beyond 10.30 p.m. and not later than 12 midnight.

Mr. Speaker: I beg your pardon may we hear the words.

Mr. Nagamootoo: That the Sitting goes on beyond 10'clock.

Mr. Speaker: Beyond 10'clock?

Mr. Nagamootoo: Yes.

Mr. Speaker: I thank you. That may satisfy the Hon. Member.

Question put, and agreed to.

Standing Order suspended.

PRIVATE MEMBERS' BUSINESS

MOTIONS

ANNULMENT OF ORDER NO. 16 OF 2015 WITH RESPECT TO SALARY INCREASES FOR MINISTERS, MEMBERS OF THE NATIONAL ASSEMBLY AND SPECIAL OFFICES

“WHEREAS The Constitutional Offices (Remuneration of Holders) Order No. 15 of 2015, published on September 18, 2015 in the Official Gazette (Extraordinary) #2027, made under The Constitutional Offices (Remuneration of Holders) Act, Cap. 27:11, amended the Schedule of the Act to increase “with effect from July 1, 2015 by five per cent (5%) the respective rates of the salaries as at August 31, 2015 specified therein”;

AND WHEREAS The Ministers, Members of the National Assembly and Special Offices (Emoluments) Order No.16 of 2015, published on September 25, 2015 in the Official Gazette (Extraordinary) # 2097, made under the Ministers, Members of the National Assembly and Special Offices (Emoluments) Act, Cap 1:07, increased salaries at rates beyond and in addition to the five per cent (5%) referred to in Order No. 15 of 2015 and brought these new rates into effect on July 1, 2015;

AND WHEREAS these Orders were laid at the 17th Sitting of the 11th Parliament on October 22, 2015;

AND WHEREAS Section 8 (2) of the Ministers, Members of the National Assembly and Special Offices (Emoluments) Act, Cap 1:07, provides for an annulment of such an order to amend the Schedule in the National Assembly;

AND WHEREAS Standing Orders 70 (1) and (2), in accordance with Section 22 of the Interpretation and General Clauses Act, Cap 2:01, also provides for a notice of motion to be moved on any subsidiary legislation subject to a negative resolution.

BE IT RESOLVED;

That the National Assembly debates this motion as provided for in Standing Order 70 (2).

BE IT ALSO RESOLVED;

That the National Assembly annul The Ministers, Members of the National Assembly and Special Offices (Emoluments) Order No.16 of 2015 published on September 25, 2015 in the Official Gazette (Extraordinary) # 2097, made under the Ministers, Members of the National Assembly and Special Offices (Emoluments) Act, Cap 1:07, as from the date hereof.”
[*Bishop Edghill*]

Bishop Edghill: Mr. Speaker I stand tonight to move this motion standing in my name, asking for the Annulment of the Order No. 16 of 2015 with respect to salary increases to Ministers, Member of the National Assembly and Special Offices.

I would like to begin by saying that the only reason why I am standing to move this motion is because, in as much as the people of Guyana would have spoken and would have expressed their outrage and would have caused their views to be heard wide and far, we are faced with unresponsive Government. Tonight, on behalf of the people of Guyana, we stand to move this motion and to have it tabled. That is the only reason why we are here, Sir.

Constitutional Offices (Remuneration of Holders) Order No. 15 of 2015 was published on the 18th September, 2015, in the *Official Gazette Extraordinary* No. 2027. This was made under the Constitutional Offices (Remuneration of Holders) Act Order No. 2711 and this amended the Schedule of the Act to increase, with effect from the 1st July, 2015, by 5% the respective rates of salaries as of 31st August, 2015, specified therein.

Having had Order No. 15, which increased salaries by 5%, we then had an Order No. 16 which was published on the 25th September, 2015, in the *Official Gazette Extraordinary* No. 2097 made under the Ministers, Members of the National Assembly and Special Officers Emoluments Act, Chapter 1:07, increased salaries and rates beyond and in addition to the 5% referred to in Order No. 15 of 2015 and brought these new rates into effect on the 1st July, 2015.

These Orders were laid at the 17th Sitting of the Eleventh Parliament on 22nd October, 2015. This motion that we are debating tonight, in its resolve clause, firstly, we are asking that the National Assembly debate this motion as provided for according to Standing Order No. 72. It is further asked that it be resolved that the National Assembly and all the Ministers, Members of the National Assembly and Special Officers Emoluments Order No. 16 of 2015, published on the 25th September, 2015, in the *Official Gazette Extraordinary* No. 2097 made under the Ministers, Members of the National Assembly and Special Officers Annulment Act No. 107, as from that date thereof.

The issue here tonight for consideration is not merely about money. I would want to first of all posit that it is about principle. A principle that must be observed is that we have a situation where a Government, having assumed office after five weeks, have increased salaries for themselves in an astronomically manner, exorbitantly and more so without indicating to the public and the people of Guyana their intention of doing so.

10.18 p.m.

Nowhere on the campaign trail; At no time during the public discourse did any Member of the now Government tell the people of Guyana that they would have increased salaries for themselves at such a rate, but they told the people of Guyana that they would have increased salaries for nurses, teachers and others. The Government came to this House and increased the salaries of those people by a mere 5% and an additional \$5000 and has given to itself huge – and I emphasise the word huge – salary increases. What is so shameful... [Mr. Nagamootoo: What about the huge pension?] I will come to pension just now because your raising your salary was about increasing your pension as well. It is because you were not sure of how long you would be Prime Minister.

Mr. Speaker: Hon. Member, the Speaker will not permit this this evening. We will stay within the bounds of what is proper in this House. Please proceed.

Bishop Edghill: The principle that I speak of is that the Members of the A Partnership for National Unity/Alliance For Change (APNU/AFC) Coalition Government, while on the campaign trail, told the people of Guyana that, once they got into office, they would increase salaries significantly. They told the people of Guyana – the nurses, the teachers, the security guards, the cleaners, the sugar workers and all the other working people of Guyana – that they would have increased their salaries significantly. They did not tell the people of Guyana that they would have increased their own salaries excessively significantly. That is why we have brought this motion. It is because the actions of the Government, by this Order, are not only reckless, but they are irresponsible, irrational, and unethical in every form.

Compounding this problem is the secrecy with which this matter was treated. I know that all of us in this House tonight have an interest because this matter affects all of us, either positively or negatively, depending on how one looks at it. At no press conference or at no post-Cabinet press briefing did we hear the Minister of State or the Minister of Governance tell the nation that there would have been an increase in salaries for Ministers and Vice-Presidents. There were no public announcements or no disclosure whatsoever, but an Order was issued in the Official Gazette and that is how this nation was made aware that there had been an increase in salaries of Minister and certain levels of officials.

This APNU/AFC Government told the people of Guyana, in its Manifesto promises, that it was committed to greater levels of transparency, accountability and integrity in public office. As a matter of fact, when one newspaper broke the story that there was an intended huge salary increase for Ministers, there was denial. There was a denial! After the denial, the Government went very secretly and gazetted an Order. Having had Order No. 15 published, there was Order No. 16, adding to the 5% increase the astronomical, exorbitant increases which are highly reckless and unethical.

The principle that I speak to as well is that, before this Government had announced one initiative that would have seen the economic advancement of this country, before this Government had announced one initiative that would have garnered resources for the betterment of the people of this country, it rewarded itself with this huge salary increase. It was what was referred to by the General Secretary of the People Progressive Party (PPP), at one his press conferences, as “meat for the boys and bones for the rest of the people.”

The public outcry, the sentiments expressed by supporters of the APNU/AFC Government - known political analysts, known writers in the dailies and supporters who helped to campaign

for the APNU/AFC - all condemned this action. It is because of that cold, unresponsive action that came from the Government that we have brought this motion. We are giving voice to the people of Guyana in this House tonight.

The increase took effect from 1st July 2015 and, on an average, based on the Order and looking at what the increase represents, I would moderately put to the people of Guyana...this is not including other benefits. It is just adding to the salary. Moving from what it was before 1st July, 2015 to what it is now, it is a minimum of an additional \$18 million per month, which represents close to \$200 million per year; and at the end of the term of office, would represent almost \$1 billion. This does not include the other benefits which I will come to shortly.

Mr. Speaker, listen to some of the explanations that were given when the public made their voices known about the rejection of the salary increase. This is not just about the PPP; this is about the people of Guyana.

The first excuse was that this is about wage-led growth – a nice fancy jargon. The second excuse was that the Cabinet is made up of quality people – congratulations. The third excuse was that the beneficiaries were earning more in their private practice than they were earning before the salary increases were given. What they were actually saying is that before they entered into public service they were making more money and, have taken a reduction in salary to serve the people of Guyana, they must have the salary increase.

The other motion that will be debated at another time will tell the people of Guyana exactly how much they were earning. If they were making more money in private practice, then it will be reflected in their income tax declarations which will be made public to all of the people of Guyana. Then we are going to find out more about that. The other reason that was offered is that the increase in salaries will stop thieving. **[Government Members: Clean hands!]**

A lot of people talking about clean hands but the scripture do not only talk about clean hands but it speaks about having clean hearts as well. One must have clean hearts and clean hands. Do not study the hands only, but let the heart be clean also.

These excuses offered are not only arguable but they are also very dubious. The question that needs to be answered by the Members on the other side when they speak is: is this the integrity and transparency that they promised the people of Guyana? **[Government**

Members: Give the Ethnic Relations Commission (ERC) back its money.] Mr.

Speaker, I seek your indulgence. I am hearing from the floor, although you have asked me to respond to you, that I should give back the money to the ERC. I would like to make a public statement. At no time was I ever accused or at no time did I receive any moneys from any public institution that I was not entitled to, and I was never the subject of any such investigation. I think that the Hon. Members should be careful in how they are making such statements. I understand the position of the Government. Since they cannot stop the message, they are trying to kill the messenger. This is the recklessness that is taking place in the House tonight.

We have to deal with this matter in a particular context. I served as a Minister of the previous Government and I know the entitlements and benefits that Ministers enjoy. In case the people of Guyana do not know, let me tell them. The People will determine if the salaries are justified. A Minister is entitled to two chauffeurs and allowances and gratuity for the chauffeurs. A Minister is entitled to allowances for two maids. Mr. Speaker, the minimum wage is now \$50,000; you do the math. A Minister is entitled to gardener. A Minister is entitled to 24-hours security. As I understand it, all Ministers now have highly paid dedicated personal assistants who are earning salaries of \$400,000 and above. A Minister's telephone, utility, and electricity bills are paid by the State. Not only that, but a Minister gets a duty-free vehicle and free fuel.

10.33 p.m.

Let those who say that they have clean hands stand up and show the people of Guyana how clean their hands are when they are dipping deep into the public purse and raping the treasury by this increase in salary. They continue to mock, but they continue to dip deep into the public purse.

Why are we asking for this annulment? [Hon. Member: How much money does he have for the ERC?] [Ms. Ally: It is a lot. He cannot count it.] [Hon. Member: Up to now he is collecting it.] Mr. Speaker, if this is the manner in which the Members of the House would like to behave, I put it to you to let Mr. Harmon arrange the trial in the public about which money I have for the ERC. Let him arrange it and bring the charges. I challenge the Attorney General to join him too. If they are talking about clean hands, they should bring the facts. The vilification must stop, Sir.

Mr. Speaker: You have been speaking for 21 minutes.

Bishop Edghill: Yes, Sir. Am I limited to a particular time, Sir?

Mr. Speaker: Not at the moment.

Bishop Edghill: Well, thank you very much, Sir.

Mr. Speaker: What I want to say is if this debate is going to generate so much hate, I wonder what good it is doing to the people of Guyana to whom we are supposed to be directing our remarks. Please proceed.

Bishop Edghill: Thank you very much, Mr. Speaker. Why are we asking for this annulment? We are asking for this annulment because the decision that was taken by the members of the Cabinet to reward themselves after six weeks with such exorbitant, huge increases is not in keeping with what could be considered good governance, something which is being mouthed a lot these days in our country.

Despite all that was said in the public by various stakeholders who spoke about this matter, despite what citizens took to their Facebook page to state, we were told that the Government Ministers deserved this hefty salary increase. Mr. Speaker, listen to how they deserve this. What have they done? If they deserve it, it means they have to show that they have done something to deserve it. What did they do to deserve it? The Hon. Prime Minister, the Order states, will receive, annually, \$20.5 million - an increase of over two million; one Vice-President will receive \$11.135 million annually; senior Ministers' salaries will now come up to about \$869,000 monthly; while junior Ministers will earn about \$695,000 per month.

The principle that this increase is based upon did not seem to have gotten hold of my colleagues on the other side because when the Minister read his Budget, he increased the minimum salary of public servants from \$42,703 to \$50,000 per month, which is good and we agree with it, but there is a catch. Every other year for the last 30 years in the history of this country, when salaries were raised, they were raised retroactively from 1st January of the year and not from 1st July of the year. The increase of 17.1% only turned out to be an increase of 8.5%. That is what the APNU/AFC Coalition did. For public servants receiving a \$100,000, the increase was 10% which really worked out to 5% over a year. For those receiving between \$200,000 and \$500,000, the effective annual increase was 3.75% and 3% respectively, with the additional \$5,000 per month. It is important to note is that public servants on the higher end of the scale received a smaller percentage increase and those that were on the lower end of the scale received a larger percentage increase. But when it came to

the increase for the Cabinet members, the same principle did not apply. Those at the top of the scale got the bigger increase and those at the bottom of the scale got the lesser increase. That is clean hands.

I know that I would have an opportunity at the end to reply to the motion. I want to give way to my other colleagues for them to be able to address this matter.

I move this motion tonight that is standing in my name on behalf of the hardworking, decent, deserving taxpayers of Guyana who desire to see that the State administers their affairs in a proper and equitable manner, and that when the Government makes decisions that benefit it, it does not do it in a manner that offends. This is one, and it will go down in the record, of the most reckless actions of the APNU/AFC Government since it came to power.

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

Mr. Jordan: Mr. Speaker, it is already late; it is a quarter to eleven. The season is supposed to be a joyous one and yet we seem bent on being cruel to animals by beating a dead horse.

I am given this task to rebut the Hon. Member Bishop Juan Edghill, whose motion is seeking an annulment of Order No. 16 of 2015 with respect to salary increases for Ministers, Members of the National Assembly and Special Offices.

I would not be too long but before I get into the debate, I just want to teach the Hon. Member a thing or two about mathematics. Firstly, I did not hear whether he said the last 20 or 30 years; he can correct me. I think that he said 30 years. I suggest that he goes back and does a bit more history on what he is talking about.

Secondly, I cannot fault him in his mathematics as it relates to the increases that he did mention, but let me give a simple example: Suppose one's salary is \$1,000, and I have a 10 % increase to give for this year. I could give the individual 5% from January or I could give the individual 10% from July. The increase will be the same. However, if one has good sense, one will take the 10 % increase from 1st July of the year because from 1st January of the next year, one's salary would be increased by \$110. If one takes the 5% from 1st January of the year, one's salary at the beginning of the next year would be increased by \$105. Which would one prefer? That is just a little advice and it was given freely. In my previous life I was a consultant. He would have had to pay for the advice.

The motion by the Hon. Member, which seeks this annulment of the Order that increased the salary, by various percentages, of certain office holders of the National Assembly, is irrational, emotional and, I believe, vexatious. Vexing, perhaps, because the Hon. Member did not get the kind of increase that he is claiming that the Ministers got. But he did get an increase. The Leader of the Opposition did get an increase, equivalent to the increase that the Ministers got. It is irrelevant whether he took it or not. You, Sir, got an increase - the same as the Ministers. My Hon. Friend Mr. Lumumba got an increase. [Ms. Manickchand: It was not the same as the Ministers'.] It was not the same as the Ministers'. He has to aspire to that.

I do not know why the Hon. Member is beating up on the Ministers. Every Member of this National Assembly shared, in various percentages, in the increases that were given. Some were generous and some were charitable. The point is that the Order sought to give various increases in keeping with what we had in mind. These increases, as it relates to the Ministers, were not arrived at willy-nilly; they were not the product of a hasty decision. These increases were the product of two reports that were done on the salary increases. It was followed by a series of intense discussions in the Cabinet, some of them agonising, but at the end of the day, a decision was made. That decision was to increase the salaries of various office holders of the National Assembly by various percentages.

10.48 p.m.

At all times Cabinet was cognisant that there might be adverse reactions. But when those were weighed against the justifications that would be advanced, the unanimous decision of the Cabinet was made for the increases in salaries that were given.

The Hon. Member Edghill did allude to the number of reasons that we gave for these increases. Firstly, they were meant to correct anomalies in the existing salary structure. Now, the Government inherited a structure that was characterised by multiple differentiations at various levels. If I may give an indication, although the President is not a Member of the National Assembly, he is a Member of the Cabinet and his salary was already in excess of \$2 million. The Prime Minister's salary at that time was \$1,549,389. So, there was already a big difference between the salaries of the President and the Prime Minister. The Vice-Presidents, senior Ministers and junior Ministers were all getting the same \$579,951. And, of course, the Attorney General enjoyed a special salary, equivalent to that of the Chancellor of the Judiciary, of \$1,630,935 tax free. [Mr. Williams: Like all other Attorneys General]

Like all other Attorneys General. As you can see, Mr. Speaker, the esteemed Prime Minister's salary, for example, was almost three times that of a senior Minister and a junior Minister was getting the same salary as a senior Minister and so forth. So, there were a range of anomalies in these salaries that, in any organisation, would have attracted immediate attention to give indication of responsibilities, seniority, *et cetera*. [Hon. Member: Why did you not reduce it?] It could have been reduced too. You could have done it too. We inherited this and so we tried to correct it. There was that need to correct these glaring anomalies that existed.

Secondly, although the *Constitution of the Co-operative Republic of Guyana* provided for it, no Vice-President existed in the previous structure. The Government has a number of Vice-Presidents. There are four levels of ministerial appointments in our Cabinet. There are the Prime Minister and the Vice-Presidents [Mr. Jagdeo: *Inaudible*] I do not care. I am making a case. Whether it is yours or mine, I am making a case for the increases that have already been given. Then, there are Cabinet Ministers and junior Ministers. Previously, there was only one level of Ministers performing different functions and many of them had strenuous workloads and many of them were being supervised or not. Related to this is that there are large ministries in the Government. In some instances, three ministries have been collapsed into one. There are large ministries with larger responsibilities for the Ministers who serve in them.

Thirdly, the increases were done to attenuate long standing discrepancies between the salary of the Prime Minister and the salary of the Attorney General. As you know, these were long standing differentials which we tried to reduce in a nominal sense, but not necessarily in a real sense, because, at all times, the Attorney General gets a salary that is tax free, enjoying the same status as that of the President, in terms of his salary being tax free.

In defending these salary increases, His Excellency, President David Granger, regarded the measure as a necessary investment in quality governance and one that was needed to ensure that the work of the Cabinet and the Coalition will continue in a positive direction.

What we have done is not unique to Guyana. Indeed, in many countries, particularly in the Caribbean, attempts at salary compensation packages have always aroused the horror of the population. But this has not stopped this process from going forward because, as we said, in any organisation, compensation and the attracting of quality people go hand in hand.

In several developing countries there have been many attempts to establish these adequate compensation packages to attract and retain competent skills within the public service. In Guyana, we do not have a large body of financially endowed persons who are prepared to give up their luxurious positions, even for a short time, for public service where elected officials can expect considerably reduced incomes. Some have argued that there is no greater service than public service and that is true. That is why all of us on this side of the House have made that sacrifice to be of service to the people of our country.

We would like to continue to give 110% without being distracted by personal, financial stress that can lead to activities which can compromise our anti-corruption stance. His Excellency, President David Granger, summed it up aptly:

“...many of the Ministers had established themselves in various professions and in public life and it would have been unreasonable to demand they have a sudden or massive drop in income.”

In addition, too many of the Ministers are already late in their career and it is not as if this is their first job. This is a job to which many of us bring tremendous knowledge and experience.

We do not have to go very far to understand that what we did also has its precedent. As pointed out by a well-known editor, Adam Harris, in *Kaieteur News* of Sunday, 18th October, 2015, after four months of Dr. Cheddi Jagan taking office in 1992, the pay of a Minister rose to over \$40,000, in excess of 50% across the board, at that time. This was a far cry from the \$579,951 that Ministers were paying themselves up to the time this Government entered office. It is \$40,000 as compared to \$579,000.

As Mr. Adam Harris noted, there were steady increases but these were not broadcast. No one seemed to care, not least of who were members of the press. For a Prime Minister's salary to move from \$28,000, in 1992, to \$1.5 million, by 2015, when this Government took office, was no mean feat; but, again, there were not any complaints.

I heard one Hon. Member say that the increases were \$200 million and over the five years it would be \$1 billion. I believe that there is some Standing Order that speaks to bringing false information. I would urge, Mr. Speaker, that, unless the Hon. Member could produce the calculations or the source of the information, he should be asked to withdraw it.

Let me give you the facts. The Prime Minister was getting a salary of \$1,549,389 per month. He got a 10.7% increase; therefore, his annual increase is \$1,989,518 per month. Vice Presidents were getting \$579,951; they got a 60% increase. There are three of them and, therefore, their total annualised increase is \$12,526,941. One Attorney General got a 5% increase. His yearly annualised increase is \$978,561. Senior Ministers got 50% increase; there are 13 of them. The total annualised increase is \$45,236,178. Junior Ministers got a 12.5% increase; there are eight of them. Their annualised income is \$6,959,412. This is for a total annualised sum of \$67,690,508. I ask that the Hon. Member withdraw the comment that he made.

I submit that the salary increases are reasonable when one considers, for example, that an ex-President, who sits in this honourable House, now receives a monthly pension that exceeds the salary increases of the Government Ministers. The salary increases are about a miniscule amount when one considers that several former Ministers, many of whom are sitting in this House, benefitted from sums far in excess of the increases for medical expenses. These increases no way compare to that of one Hon. Member of this House in the Opposition whose cell phone bill alone was \$1 million per month.

Mr. Max Mohamed, a letter writer in *Kaieteur News*, 2nd November, 2015 on page four had this to say.

Ms. Teixeira: I am rising on a Point of Order, Sir.

Mr. Speaker: Hon. Member, please give way.

Ms. Teixeira: Mr. Speaker, the Hon. Member raised an issue, and it has been said three times today in this House, about a certain Member having a \$1million a month in telephone phone bill charges. It was \$1 million credit which was created to enable the Presidential Advisor to be accessed 24/7. The charge was never \$1 million per month and I can prove it. It has never happened.

Mr. Speaker, under both the Point of Order and Contents of Speeches, the attempt of the Members of this House, three times today... I am correcting it formally in the House, Sir. The Guyana Telephone and Telegraph Company (GT&T) has a gap between what is a lower range and then suddenly it went to \$2 million. Mr. R.K. Sharma was the Chief Executive Officer (CEO) and the letter that was leaked to *Kaieteur News* and was examined, *et cetera*

and it was on the advice of GT&T that the matter was moved to \$1 million credit. There was no point ever that my bill was ever \$1 million, never once. [*Interruption*]

11.03 p.m.

Hon. Member (Opposition): Withdraw it.

Mr. Jordan: Withdraw what? I did not call anybody's name.

Mr. Speaker: Hon. Members, I do not believe that Members cannot speak without making personal references. This has been the practice in my observation in this House. This unfortunate practice has been followed and practised too many times to allow for comfort. The end result is that there are times when Members are going to complain about things said or done or imputations made about them, imputations which, by the way, our Standing Orders prohibit. If we are going to continue to conduct ourselves in this way and feel free to hurl insults and make imputations against one another, then such matters can lead to other matters. I say no more. Please proceed.

Mr. Jordan: Thank you Mr. Speaker. He had this to say:

“Fip Motilall walked away with over US\$5 million without any recourse by the Government. Over US\$200 million was wasted on the Skeldon Sugar Factory and the counting continues.”

Mr. Nandlall rose to his feet.

Mr. Speaker: Are you rising on a Point of Order, Hon. Member? You have to state your Point of Order.

Mr. Nandlall: It is the source, Sir, in which he is getting that information from. Your Honour would remember that you stopped me.

Mr. Speaker: Hon Member, we are not having a dialogue. Do you have a Point of Order?

Mr. Nandlall: Yes Sir.

Mr. Speaker: Please state it and proceed.

Mr. Nandlall: I would like the Hon. Minister to state the source of the information.

Mr. Speaker: That is not a Point of Order, Sir. Please proceed Minister.

Mr. Jordan: I quoted the source earlier, *Kaieteur News*, November 2, 2015, at page 4.

Mr. Speaker: Hon. Member, I will read something from the handbook that was given to Hon. Members; it is not the Standing Orders you could say but it is from the handbook. It states:

“Whenever a Member of the National Assembly reads a document or an extract thereof in the Assembly, he must –

- (i) identify the document/extract by stating its title and by furnishing other relevant particulars, such as its date, page, paragraph, paragraph number etc., and
- (ii) make the document/extract available immediately thereafter to the Parliamentary Reporters.

This will assist in enabling the quotation to be accurately copied for reproduction in the Official Verbatim Report (Hansard).”

Please proceed Hon. Member.

Mr. Jordan: Mr. Speaker, I was happy that the Clerk of the National Assembly was able to debunk a claim that was being made that the law required the order allowing the increase to be approved by the National Assembly before it could take effect. I am happy that he did that. In any case, can somebody indicate to this House whether the payment, to Ministers, of the increase in 2014 was ever laid before or even after the increase was paid, in this House? It was never laid, and up to today it has not been laid in this House.

As I said, the hour is late. I have some more information but I will cut it for now and say, as I have said earlier, that these increases were merited and we have paid them. We have been working doubly hard since and we will continue to work hard in the name of our constituency and all the people of this country.

Thank you. [*Applause*]

Mr. Speaker: Hon. Members, we have a list of speakers. We have used up, if I may use a very loose term, almost one hour on three speakers.

Mr. Chand: I rise to support this motion. Indeed, this is an obnoxious order, an order that any right-minded Member of this House should annul, until the workers of this country are paid properly and equally, in terms of increase; until the workers in this country are paid a percentage as equivalent and as much as the Ministers and Members on that side of the House have given themselves. This is historical. I heard somewhere that the Prime Minister said, when he was in the Cabinet before, that he told the then President, “Do not give ourselves increase give the workers first. I cannot agree to give increase to ourselves and not give the workers.” Is he faithful to this Government to give himself and others so much increase and not use the same logic to disagree? I would like that to be clarified.

How come the Hon. Minister of Finance said that we have two reports? Where are these reports? Where did they come from? Who did them? For months, millions of dollars have been spent to have a report on the sugar industry which is so important, which the Government said is an industry that is too big to fail, but so far there is no report. Within a few weeks there were two reports, according to the Minister of Finance, to increase their salaries to this astronomical number. If they want to give themselves 100%, so well and good, but they must always give the working people and the members of the working class not less than they give themselves, in terms of percentage. Your number will go up high but their number will still remain behind. That will be some justification.

The Prime Minister said, “we made a mistake; we should have consulted.” He had people writing that the Prime Minister admitted... [Mr. Nagamootoo: Abel Seetaram?] ...consulted. The Trades Union Congress (TUC) had to quarrel. You have not consulted, in breach of the Constitution, in breach of article 147 of the Guyana Constitution and the Trades Union Recognition Act, Chapter 23:01. Quickly, Minister Trotman had to say “Time did not permit us to consult.” Here he admitted that we breached, but we did not consult because the people would not get the bonus.

Mr. Trotman: Mr. Speaker, on a Point of Order. Minister Trotman never admitted to any breach of any law. If we are negotiating for wages, there is an obligation to consult. If the Government wishes to give a bonus at the end of the year, it has no right, under any law, to consult. I never admitted to any breach. If it is a wages discussion, then there is an obligation, under a bargaining agreement or the Constitution, to consult, but not if it is an end of year bonus is given based on benevolence. Please, the record must not show any admission to any breach.

Mr. Speaker: I thank the Hon. Member for his statement. Please continue Mr. Chand, but I will ask that you try to minimise any opportunity for misquotation.

Mr. Chand: Mr. Speaker, let me just clarify that point, *Inews* on Wednesday, 16th December.

Mr. Speaker: You would have to say from which source, Sir; date, page, and so on.

Mr. Chand: I am saying Cde. Speaker, *Inews*, Wednesday, 16th December, 2015.

“At a post Cabinet media briefing Trotman said that the Government did not flout the law. In fact, he argued that had the Government pursued the route of consulting the unions this process might have stretched into 2016, much to the agony of the public servants who are eagerly awaiting the announcement of a bonus.”

11.18 p.m.

“We have Christmas coming and there is every likelihood that next week would be a shorten week and any protracted deliberations on whether or not public servants should be given their \$50,000, I suspect that it would be given out in 2016. I think the Government took a decision that they thought was the best in the interest of the workers by going out and pay them and it meant no disrespect to the unions.”

That is now passed. I agree with the observations of the Guyana Trades Union Congress and this now becomes a condition of employment. Hoping that they would increase the salary of public servants next year, because they would be indicted seriously if they do not and that would be the number they would have to use next year as the bonus for the public servants. It becomes a condition of employment. I want like to make that point.

Indeed, one has to look at the increase against the backdrop of what others are getting. Take the old age pension, what they did was to promise to give, and this is according to the APNU/AFC manifesto, one of its commitments, significant increase in old age pension. They gave \$17,000 from \$13,175 and so it appears that this is a significant increase. Of course, it is not significant according to what was stated in the manifesto, but they took away \$2,590 for the Guyana Power and Light (GPL) and the Guyana Water Incorporated (GWI) allowances. What remains is \$385 per month. The point is I spoke to the Minister within the Ministry of Finance today... Pensioners receiving National Insurance Scheme (NIS) pension ought to have an increase in their minimum pension equivalent to 50% of the public service

minimum wage. I am talking about the pensioners by comparing what you people are getting as against what others are getting, and nothing has been effective.

Further, pensioners getting over half of the minimum wage ought to also have their pension increased. Overall when so much was spoken of about the pensioners in this country they are worst off now, when you would have taken into consideration that this year they got no increase from the NIS and they merely got \$385 per month.

We have to look at the increase that the Ministers got against other benefits. I want like to quote from the *Stabroek News* on the October 14, 2105, an article written by Christopher Ram...

Mr. Speaker: Hon. Member, it would be good that if you must make reference to paraphrase without attribution or else you would have to make the document somehow available.

Mr. Chand: I heard you but it is the newspaper that I am talking about.

Mr. Speaker: If we are going to proceed with this debate and if we are going to make any progress at all, then we would have to confirm to some rules, and it is not to require the Speaker to repeat those rules over and over. Please proceed.

Mr. Chand: I would merely say that, apart from the increase that the Ministers got, there are a 24-hour security service, all expenses paid, vehicle and chauffeur, tax free gratuity for their chauffeur, free electricity, telephone, housing or housing allowance for senior Ministers and the Attorney General, even when they live in their homes, entertainment allowances, free crossing on toll bridges, no airport tax, generous leave, leave benefits, access to valuable medical benefits and the right to duty-free exemption on a vehicle every three years.

What I am talking about is that one has to look, not only at the increase that they got, but at all the other things that the Ministers and Members are receiving and that is what is causing so much problem among people. One would have thought that when the Opposition criticised the increase that the Government and Members of that side of the House to be unmoved. Many persons, apologists, supporters of the Government spoke out and condemn the increase but yet they held on to their position. This is to be noted for the future because one can see that when the people speak out, and a great number of people are speaking out, whatever course they set themselves about they are not bothered with the people. We are seeing this tendency.

It is not me who described some of the Ministers over there as understudies and apprentices. Yet, there are understudies and apprentices, in all respect to them, and it was not me that described them as such. Not even evaluating their performance, the apprentices, they received that steep increase. Let us look at the one organisation, which picketed outside the Public Buildings, stated. Comrade Speaker, you said not to quote but I am giving the facts. I do not know why it focused on a particular person, but I am making this point as though it is my point: The Prime Minister salary per annum is \$20,580,000,000 and that must be compared with the minimum wage in the public sector, which is \$600,000 or 34.3 times. It must be compared with the old age pension which is \$204,000 per year or 100.8 times. It must be compared with the public assistance which is \$78,000 per year or 263 times.

Against this backdrop, there is so many outcries. We were told that if we do not have this increase there will be thievery. Are we saying that these good, well selected Ministers are going to thief if you do not give them the increase? Is that not what the logics take you to? You are described by your colleagues that you are going to be engaged in thievery.

Now you have not given the public servants an increase so they must now thief because that is what you said. What else you said? [Ms. Ally: But you are propagating.] I am not propagating I am deducing from what was said.

I have some other numbers here. I want to say that with this situation the workers are not going to accept it and they are looking out as to what will be there in the budget. This Government is doing everything to turn the tide in this country, to move this country back to economic gloom, and no doubt about this.

Look at the promise of the restoration, as they said, of collective bargaining which has not taken place. For decades now, when Minister Greenidge was Minister of Finance, we had our increase in pay always retroactive to the 1st of January. Here, we had an answer just now from the Minister of Finance and it is so laughable, to justify not making the pay retroactive to the 1st of January. Even the previous People's National Congress Reform (PNCR) Government was not so contentious to the workers of this country. What is happening now was not expected in such a short time.

What about the treatment of the sugar workers? There is article 147 of the Constitution and Trades Union and Recognition Act which are being disrespected. There is the agreement between the union and the corporations that must negotiation then to claim within two weeks

and complete within two months. That had been ignored. Collective bargaining, which was restored in the sugar industry for over three decades, is 180 degrees now from that position. The National Assembly must take note of this because we are now sowing the seed for the destruction of our country's economy and the denying of the workers of their right to receive increase in pay, not only to protect their purchasing power, but to improve their welfare and their well-being.

11.33 p.m.

It is not only that, but for the first time... Even in the worst years, in sugar worst years, for the past four decades, which was from 1988 to 1992 - those were the worst years in the 40 years for sugar, in terms of production - the workers had never been robbed of their Annual Production Incentive (API), which was previously called Annual Production Bonus, which goes back to 62 years ago. That reality today has been made possible by this Government. We, the people, have to take note of this.

The Prime Minister is proud of a statement that he issued. What did the statement state? I cannot quote Comrade Speaker, until I have the statement, but the quote meant to say this: "Do not strike". Guyana Sugar Corporation (GuySuCo) does not need them at the bargain table. They do not want to strike nor do they want a dialogue – authoritarianism, Comrade Speaker. That came from the office of the Prime Minister.

Do not talk. GuySuCo does not need them, but the workers know who their friends are. They were fooled by the 20%. Now, not even a 1% increase. We are now waiting on a response from the Minister of Finance to advise us, advise the workers if they will also get the \$50,000 bonus. There are also members who are also employees of the Government because GuySuCo is the only shareholder of the industry. We are waiting eagerly. They are waiting for an answer from the Ministry of Finance. A journalist told me what might be the answer but in all fairness to the Minister and to observe protocol, we have to wait for a response from him. We are looking forward for a favourable response.

Cde. Speaker, we call upon this Government to redress this situation. I cannot use a word because you may say that it is unparliamentarily, but Comrade Speaker, what could happen is that the Government can give an increase arising from the next budget, retroactive to July this year to make up for the crime that was committed on the working people of this country. It must correct that. This is important and this will remain an issue for many years to come.

I want to appeal to Members of the Government to treat with the workers in this country as they promised. I want to say without contradiction that there is a clear calculated state and action of discrimination against the sugar workers. How else can it be, that you have given them no increase? You have not given them a token as API and you do not want to talk. Walls have ears and let them know that what they are doing and saying is known, and the workers will know, also.

I want to conclude and to call upon this Government that everybody is hoping that this matter will be corrected in the budget, January - I am expected it from what I heard the Minister of Finance stated, that he is coming with an early budget - and that the increase, equivalent to the increase and over that the Ministers are getting, goes back to the 1st of July. That will go a far way to mending the matters on this matter.

I thank you. [*Applause*]

Mr. Speaker: Hon. Members, I am observing that even when a speaker is on his feet his colleagues on the very side, from which he speaks, seem to be less than interested in what he is saying. It is an incredible observation to make when the debate is one that is supposed to be in the interest of the people of Guyana. We have a number of conversations which were going on across the aisle or among Members of the same side while a Member is speaking, as if what he is saying is of no interest, and yet, we are having a debate. I do not know. I will leave it to Members to decide if this is how we will do it but I will simply say to you that we have a number of speakers still remaining; and perhaps we will see.

Mr. Trotman: Mr. Speaker, colleagues, it is almost midnight, approaching the midnight hour. It is Christmas, as my colleague, Minister of Finance has said. There is merriment around the towns until 2 o'clock and I think that we deserve to be out there, either '*merrymising*' to use the word just coined, or at home. I see the Minister of Public Security has just come in to perhaps to give the good news about the extension. I would not be long. I am here to support the positions taken by the Minister of Finance. We are not here to spend hours defending something that we know is right. We are just here to state the facts. Before I go further, let me just address Your Honour to a matter at hand.

Earlier, the Member Hon. Bishop Edghill, made an outlandish claim that \$1 billion... First he said that gross value of the increases is \$18 million per month. Then he went on to say that it is going to be \$1 billion. After the Member spoke, the Minister of Finance, himself, which is

on the record, corrected that. There was no withdrawal from the Member, as it is the honourable thing to do, or an acknowledgment of the error, as it is the honourable thing to do. However, we were given calculations by the Minister of Finance. We were just given an outlandish, exaggerated figure by the Hon. Member Bishop Edghill. What compounds this error is the fact that it is already being publicised, as such. We are not going to blame the reporter who ran with the mischief and the mistake. We blame the person who uttered it. It ought to be corrected because the headline reads, as of 11.30 p.m., “APNU+AFC would spend \$1 billion on salary before term ends.” That is already a headline; that is the level of the mischief that is taking place. We would expect that when the Minutes of this sitting are before the House, the correct statement would be there.

I listened to the good Member, Mr. Komal Chand, a Member who has been in this House, I believe, longer than I have and I have tremendous respect for him. What I will say to him through you, Mr. Speaker, is that he seemed to have found more voice in Opposition than when he was in Government because he would sit here for years and say nothing. The doom and the gloom, which he speaks about, the discrimination that he speaks about, have produced for the first time, in 11 years, a surpassed target on behalf of GuySuCo. The Government of Guyana wishes to thank the Hon. Member Mr. Komal Chand. We wish to thank him for his leadership of the union and we wish to thank the workers for their hard work in ensuring that for the first time in over a decade targets have been not only reached but surpassed in the midst of all this so-called doom and gloom and discrimination.

It is if I may move to another statement that resonated within me. The Hon. Member Bishop Edghill said in closing that he speaks on behalf of the hard-working, decent and deserving taxpayers of Guyana. It sounds good but if it was Hon. Member Gill making the statement, it would have been a better one to make. We speak on behalf of the hard-working, the decent and the deserving taxpayers of Guyana. Why do I say so? It is because the people voted us in on 11th May. The people had a choice to make and they made it, Mr. Speaker. The choice was made and we will know... [An Hon. Member (Opposition): The Americans too.] They are coming for you soon. I know that for a fact. Americans or Italians or Zimbabweans, or whether from Mars, the people chose. We have before us much ado about nothing.

We heard that after the PPP/C took office in 1992, salaries were raised. That is a fact of life. They were at the time too low. From \$40,000, when office was demitted by the PPP/C in 2015, it had moved to \$579,000 in 23 years. I have had cause to say elsewhere that wherever

we go, in any part of the world, whenever the issue of parliamentarians, Government and representation comes up the score sheet always scores us very low. When we add on to that the compensation, remuneration, benefits or anything of the like, there is always severe opposition to that. I have had cause to say that in some countries there has been *coup d'etat* as a result of salary increases; in some countries there has been riots as a result of salary increases; in some countries there has been street protest because of salary increases, but at the end of the day as the PPP realised in 1992, and as we did in 2015, there are a necessary part of Government.

11.48 p.m.

We took what was a brave decision to do so and not the cowardly one. Cowards run and hide and take in the dark; brave people go and do it and face the consequences. The consequences are that, if we fail, we will be voted out. That is why I said “Trust us”. If we fail, we deserve to be removed. So we took a decisive, necessary, transparent and brave action.

Before I close, I would just like to deal with some fundamental truths. The first is, as I said before, salaries may be unpopular. We are not denying that this lead to a fallout and that there was disenchantment, but there was nothing illegal about it. We had been led to believe that we did something dirty, nasty and illegal, but there is nothing illegal about it. In 1992, when salaries were changed there was nothing criminal about that.

The second thing is, the Government recognised that the increases would not enjoy widespread support, especially in a country as divided as ours. But as I said before, we believed, as articulated quite ably by the Hon. Minister of Finance that because there were disparities between the President, Vice-Presidents, Senior and Junior Members of the Government or of Cabinet or Ministers, there had to be, by necessity, some differentiation. That is what was done

The third fundamental truth is that, it is not the ministers alone who got an increase. All of us in here got an increase and it is time we speak about that some more. What we do with our increase is our own business. We may put it in a special account to help the poor and indigent; we may choose to spend it on vacations or education for children, but at the end of the day we all got an increase in salary.

I heard a statement, Mr. Speaker, that “If we have to thief to catch up”. I do not know. We believe that, as articulated earlier by the Minister of Finance quoting the President, better

Governance demanded that we ensured that there were liveable wages upon which Ministers could exist and Members of Parliament because I am not excluding Members of Parliament. It was believed and it is believed by this Government that Ministers and Members of Parliament should have an increase in salary to ensure better Government and better Governance.

I move on to remind this House that this is not the first this has come up. In 2006, during Budget Debates I mentioned this. There was a meeting held at the Office of the President of the Government and Opposition. One of the matters discussed was the whole issue of raising the profiles of Ministers and Members of Parliament. One of those issues, though never touched, was the raising of salaries. We never got around in doing it, but it would be and I do not want to use the word dishonest, but it would be wrong for us to say that it had never been addressed before. We found the courage to address it.

I come next to 2014, in this House in the Tenth Parliament, when, for the first time, after about 20 years the Assembly Committee of this August Assembly was convened under my Chairmanship. In that meeting, we started the process of assessing the salaries of Members of Parliament and Ministers. I have the notes, I have the Minutes and I would not wish to quote from those Minutes because Members of both side of this House sat in that Committee. We asked the staff of this Assembly to gather all of the salaries for the Ministers and Members of Parliament throughout the Caribbean and present them to us. We started that process and I have the notes with me here, but I do not intend or have no desire to embarrass anyone, so it is not the first time. Again, I say that we found the courage to do what we had been asked to do several years before.

Moving on, as I said, we sat together as Government and Opposition and, we discussed the raising of salaries. The staff of this Assembly was asked and did collect for us the wages and salaries of Ministers and Members of Parliament from Jamaica through to Trinidad and Tobago. That is a record in this House. It is not amazing, it is a fact.

As I said before, some would want us to believe that we did something dirty, immoral and illegal but... **[Mr. Nandlall: Who said so?]** You said so. We believe in what we have done, we have asked the people and I used the words "To trust us". They trusted us with Government and if we fail them, they know what is it they have to do. We do not take this decision lightly. We do not approach it in way that, thus say it does not matter, we are quite

aware of the consequences of our actions. As has been stated by my Colleague, we have risen to the occasion, we are expected to work harder and we are working harder.

I repeat the statement, we ask the people of Guyana to trust us. Government is not an easy thing as Members on this side know and we are finding out. It is not an easy matter. In any part of the world, the levels of trust of governments and institutions of parliament are at an all-time low.

Recent surveys and I do have... in the event of being cited by you, there is the Latin American Public Opinion Project (LAPOP), which is run out of the University of Vanderbilt in the United States. But in surveying Parliaments throughout Latin America, including Guyana, has put Guyana and our Parliament at just 50% in 2014. Before this Government took over, only half or 50% of the people of Guyana trusted the institution of Parliament. We believe that after 11th May, 2015, that may have gone up to 70%.

As I said, it is late. I am not here to spend the day trying to defend and prove. We know what it is that we have done, we are not running around boasting about it. We believe that it was necessary and we believe that it was a just and right thing to do at the time.

There is no such thing as the right time to raise salaries in government because governments rarely enjoy widespread magnanimous support at all times. There is always going to be Opposition, always. So we did what we believe had to be done at that time and we knew that once we did it, we would have greater levels responsibilities placed upon our shoulders. I believe that the Hon. Hamilton said earlier tonight, "Those of whom great responsibility or power is given much is expected". We know what is expected and we would deliver. I thank you. [*Applause*]

Mr. Speaker: I thank the Hon. Member.

Ms. Ally: Mr. Speaker, may I crave your indulgence, please?

Mr. Speaker: Is it on a point of order, Madam?

Ms. Ally: Mr. Speaker, I want to refer you to Standing Order 44. You know that we have had a very long day into the night and we are close to midnight. I think that many...

Mr. Speaker: Hon. Member, are you making a statement?

Ms. Ally: I am moving a motion, Sir. We believe that this matter has been adequately ventilated. Hence, I would ask under Standing Order 44 that you put the question.

Mr. Williams: I respectfully beg to second that, Mr. Speaker.

Mr. Speaker: Hon. Member I thank you for your observation. I will allow one other speaker and then the debate will be closed with the proposer of the motion.

The next speaker is Mr. Ifraan Ali. However, given the fact that there is one other speaker and then the debate will be closed by the proposer, perhaps Members of the Opposition and proposers may wish to have someone else speak other than Mr. Ali.

Mr. Ali: Given the circumstance....

Mr. Speaker: Are you yielding to someone else?

Mr. Ali: Yes, I am yielding to the Leader of the Opposition.

Leader of the Opposition [Mr. Jagdeo]: Thank you Mr. Speaker. I thank you for your ruling and for allowing us to properly wrap up this debate, although we would have preferred to have all of our speakers speak on the matter.

I, too, like I heard earlier, did not intend to speak on this matter, but given that we only have one other opportunity to clearly state our displeasure at the way the Government has proceeded in this matter, and given the public nature of the issue, the turmoil that this issue has generated in large sections of our population, I think that we need to make a few points.

I heard the Hon. Member, Mr. Trotman, speaking on the issue and he has made several points. He spoke about all of us benefiting from the salary increases and that is true. That is true that the Government, the Executive, decided that it wanted a salary increase, and without any consultation with the Opposition, in fact, by the subterfuge as was pointed out by the Hon. Member, Bishop Edghill, when he spoke earlier, he spoke about the denial that came from the Government, when this matter was first exposed in the media.

12.03 a.m.

By subterfuge, this Government decided in Cabinet that it was going to have the increase. The Hon. Member, Mr. Trotman, spoke of a process that may have been initiated in the past,

and we do not disagree that there was such a process, but it was a joint process and it never resulted in any increase as astronomical as the one that there currently is.

Mr. Trotman: I stand on a Point of Order. In 2014, the PPP/C Government increased salaries without consultation. It is untrue for it to be stated that, in the past, there were consultations.

Mr. Jagdeo: I do not understand the Point of Order because that was not the point I was making. The Hon. Member Trotman spoke at length about how, sometime in the past, there was a joint committee which had requested the staff of Parliament Office to enquire into the wages of Members of Parliament across the CARICOM region. Clearly, there was a joint process that was initiated. It may have been abandoned, but we did not ask for the increase. That is the key point. For the Government to say that it gave a salary increase and to use the justification that we all benefitted from this increase is to pull wool over the eyes of the people of this country to make it look as though we are all in this together, and that Members on our side, somehow, were complicit and involved in seeking the salary increase. We were not. That is the first point that I am making.

The second issue that the Hon. Member Mr. Trotman spoke about was a liveable wage. I recall that the Trade Union Congress (TUC), the Guyana Public Service Union (GPSU) and the Opposition, at that time, gave some figures of what a liveable wage in Guyana was. To say that a Minister who was earning \$579,000 per month and who was benefitting from all of the services that Bishop Edghill spoke about - when calculated it the benefits would be close to another \$800,000 per month – not earning a liveable wage and they had to give a huge salary increase to make it a liveable wage... It is shameful when the public servants are told that Ministers have to earn close to \$1 million to have a liveable wage and they are earning less than \$50,000.

We have heard about the courage that was displayed by this Government in taking a salary increase. This is the type of courage that everyone should display? What sort of courage does it take to give oneself a huge salary increase? They should have the same courage to give the public servants a 50% increase; they should have the same courage to give the sugar workers at least a 5% increase for the year; they should have the same courage to return the \$1.67 billion that they took away from the school kids; and they should have the same courage to return the subsidy for water and electricity to the pensioners. That is the kind of courage that

will be admired! This is the courage that is needed in this country, not courage to take huge salary increases. *[Interruption]*

Mr. Speaker pounded the gavel.

Mr. Speaker: We have to continue with the statement. Please proceed.

Mr. Jagdeo: I sympathise with you, Mr. Speaker. I wish go back to the explanations that were given when the salary increases were announced. There were three explanations that were given by different Ministers at various points in time. It is a position characteristic of this Government. One is never clear about what the real explanation is.

Explanation number one was that the Government had to give the salary increases to Ministers to prevent stealing. The implication of this explanation is that, had they not given the increases to the Ministers, then they would have been stealing.

Another implication is that if it is okay to give Ministers, who are already earning \$580,000 per month, a huge salary increase to prevent stealing, what is being said to the public servants, the policemen, the teachers and the nurses, who are earning \$50,000 per month? Are we saying to them that it is okay for them to steal until they receive a 50% increase?

Explanation number two was that the current Ministers were earning large sums of moneys in the private sector and they could not be disadvantaged by coming into the public sector. We have another motion before this House, a motion that seeks to make public the tax records of all Members of Parliament and we will see how much these same Ministers were earning in the past to justify such a salary increase! I am very hopeful that they will support the motion to make public the tax records for the past ten years.

The third explanation was that the people of this country are lucky to have such a caring Government, that this caring Government was considering a 100% increase and it only took a 50% increase, and the nation should be grateful to them for only taking 50% increase. That is the height of arrogance by this Government!

We have heard all of these explanations from the other side, but these explanations are to hide a shameful act, an act by which the Ministers on the other side are trying, through legal means, to draw resources from the Treasury to be enriched in a short period of time. There is also a sinister motive. Many of the Members on the other side are insecure about their

positions. Many of them are aged. They know that the pension is calculated on the basis of their salaries. Take, for example, the Hon. Prime Minister, who now qualifies for 7/8...

Mr. Speaker: Hon. Member, I have had occasions to suggest to Hon. Members that they ought not to personalise; I repeat that.

Mr. Jagdeo: Mr. Speaker, this is a Cabinet that, on its own, decided to take a salary increase that will benefit members personally. I am trying to make the point that a Member of this Parliament who now earns \$1.7 million per month...

Mr. Trotman: On a Point of Order. The Hon. Member premised his statement by saying there is a sinister motive.

Mr. Jagdeo: What is the Point of Order?

Mr. Trotman: You said that there was a sinister motive and then proceeded to point out the Prime Minister as your example; that is improper.

Mr. Jagdeo: I do believe that there is a motive behind the early announcement and implementation of a salary increase.

Mr. Speaker: I believe that the Hon. Raphael Trotman is concerned about the use of the word 'sinister'. That is the word which he is challenging.

Mr. Jagdeo: I will rephrase. I do believe that there is a strong motive and there are special reasons why this Government has decided to implement this huge salary increase so early in its term in office and it has nothing to do with courage. I believe that there are many people who are insecure as well as getting up in age. Therefore, their retirement or their leaving Parliament would be based on salary increases. For example, if abstract Member A earns \$1.7 million per month, then his pension would be 7/8's of that amount. We have heard a lot of heckling from the other side about my pension. I can assure you that my pension would be less than the pension of abstract Member A, although I was the President of the Cooperative Republic of Guyana for 12 years.

12.18 a.m.

There are many, many motives. The sugar workers who we heard did so wonderfully. They worked hard, they surpassed their target. The Hon. Member Trotman congratulated them for... *[Interruption]*

Mr. Speaker pounded the gavel.

Mr. Speaker: We cannot do this. The Hon. Member's work cannot be disturbed.

Mr. Jagdeo: The Hon. Member Trotman rightfully congratulated the sugar workers for surpassing their target. What did they get? The people who are providing sugar for this country, who are providing revenue for this State, who are providing income and foreign currency, what did they get for surpassing the target? They got a thank you from the National Assembly. They got a thank you from the Hon. Member Mr. Trotman. They got zero increase for the year. This has never happened in any year under the People's Progressive Party/Civic in Government. What did they get for surpassing the target? They got an Annual Production Incentive (API) now calculated on the basis of 85,000 tonnes. We have people who have not done a single thing - all they produce is talk and gaff at press conferences and take trips abroad – who got a 50% increase and the sugar workers got zero!

There must be justice in this issue. The Hon. Member Mr. Trotman repeatedly said that they did not do anything illegal, and that may be so, but there is absolutely no justice in their actions. The people who produce the wealth in this country are the ones now looking at a bleak Christmas, whilst all of you, the Members on the other side, are very happy. They want to truncate our debate to “merrymise”, according to Mr. Trotman. Ask the sugar workers, ask the rice farmers, ask the bauxite workers, and ask the miners if they are “merrymising” now. Walk down Regent Street and see the bleak state of our economy. Is that what you are talking about “merrymising”?

Mr. Speaker, we heard the long quotation that you disallowed and so I am not going to address it. But to paraphrase the point made by Mr. Jordan, the Hon. Member, that the Government is performing better. The Government has not performed so far. Let me tell you about performance. We took a bankrupt country and when we left it the now Government had money to spend. Let me tell you about the performance. Some \$400 million was spent in the city and there was not a single public tender. That is shameful. Absolutely shameful! You all are talking about performance. There was the treatment of the Speciality Hospital and the Airport Expansion Project. All of these things do not testify to good performance. They testify to an incompetent Government; they testify to a Government that discriminates; and they testify to a Government that has started with lack of transparency. It is publicly flouting the laws of the tender process. That is the performance record of this Government and it took a 50% increase to perform. Long before the four years are done, we are going to see the

performance of this Government increase along the same lines – more discrimination, more incompetence and more corruption.

I am aghast that people will try to come here and justify this unacceptable increase and to speak about performance. I will not go on much further because I think that we have made our point. The people of this country will be, as Mr. Trotman, the Hon. Member, accurately said, the final arbiter. In the end, they will judge you. They will judge all of us and I am looking forward to the judgement day when it comes a few years from now. I am looking forward to that day.

Mr. Speaker, thank you for being so gracious by allowing us to properly enounce this debate. Thank you very much. [*Applause*]

Bishop Edghill (replying): Mr. Speaker, I would like to thank all of my colleagues who stood in support of this motion and I would also like to thank the Members from the other side who made contributions, particularly Mr. Winston Jordan who helped to advance the cause of this motion. [**Ms. Ally:** The Hon. Member.] Yes, the Hon. Member Mr. Jordan who helped to advance the reason why this motion should be annulled.

It is regrettable that the debate has come to an end without all of the Members having had a chance to speak, as was circulated. I must express concern that in the Parliament of Guyana where speaking and voicing the views of people is what it is all about, the vote matters more than the voice. When the vote matters more than the voice, democracy is really being damaged.

There are just a few points to rebut. The Hon. Member, Mr. Jordan, spoke about medical expenses of members of the previous Government. I want to set the record straight because I served as a Minister of the previous Government. While the PPP/C was in Government, Members of the Opposition, including the Leader of the Opposition and the Deputy Speaker, benefitted from medical expenses which were paid by the then Government. I want to ask the question: with the salary increase that Ministers currently have...

Mr. Trotman: Which Deputy Speaker benefited from support from the previous Government? It could not have been Mrs. Backer because she received nothing from the PPP/C Government.

Bishop Edghill: Mr. Speaker, the issue... [*Interruption*]

Mr. Speaker: Hon. Members, I know that it is late and, perhaps, some of us are tired. Perhaps, that accounts for the manner of the debate. I do not know. What I would say is that I did caution about reference to individuals. I believe that the Hon. Member who spoke could have made his point without reference to individuals. Whether the Hon. Member, mistakenly or otherwise, named persons not to be included in the list that he named, he ought to withdraw and remove those people's names from that list.

I think that we can do better than we are doing. You are, if I may say so, Hon. Member, wrapping up this debate. You have said everything that you needed to say. Whatever remains to be said cannot be an adventure into other people's business. Forgive me for speaking so frankly, but I do not think that this evening we have done a great job.

This motion, if I may say so as Speaker, is on the Order Paper because of the direct action of the Speaker. This motion had no life but the life that the Speaker gave it. So let us start from there to understand that there was a great deal of interest that was perceived outside. Members sought to reflect that interest in a motion and we are dealing with that motion. I do not know if one shows the balance sheet this evening, one is going to conclude that the people are better informed. Please continue, after you have withdrawn the reference to the former Deputy Speaker.

Bishop Edghill: Mr. Speaker, I will be guided Sir. I withdraw the statement. I would rephrase it. It was Members who were in Opposition.

Mr. Speaker: Is the reference to the former Deputy Speaker being withdrawn?

Bishop Edghill: I am withdrawing the reference to the former Deputy Speaker.

I am rephrasing by saying that Members of the Opposition benefitted from medical expenses that was paid for by the State while they were serving. The people of Guyana must know. What the people of Guyana must also know is: with this salary increase and this seemingly putting about medical expenses being paid in the past, would members of Government be paying their own medical expenses now or would they still benefit from the State paying for it?

There was a new explanation tonight, which was given by the Hon. Member, as it relates to the reason for the salary increase. Having received the explanations that were given before, which I cited, there is a new one – quality governance. If this is quality governance, we will

leave the people of Guyana to decide. Like I said in the beginning when I started this debate, the only reason why I brought this motion is to give voice to the people of Guyana.

In the Budget debate, I did reflect and I did say that I had discovered a thinking that now exists, that what we have is urban upper middle class Judeo-Christian elite thinking. I need to add pseudo-spiritual to that. This is an approach now that says, “If we say so, how dare you question us? Trust us. We are the final arbiters of what is moral and what is ethical - the chosen few.” That is dangerous for Guyana. We are putting the public on notice that what exists now is this pseudo-spiritual approach that the Government consists of the righteous ones and should not be questioned. Infallibility is now resident with the APNU/AFC Coalition. They do not make mistakes. They do not backpedal. Even when the people say that they are not happy about something, we should trust them because they are that elite group that is now infallible and cannot make mistakes.

12.33 p.m.

I said a little earlier that whenever the vote kills voice, democracy is being trampled. I expect, from what we are seeing here right now, that the vote will kill the voice, but the time will come when the voices of the people will be heard by the way they vote. One man told me, not so long ago, that the people have spoken, the Guyana Elections Commission (GECOM) has spoken, but the people will have a chance to make the final speech.

I would like to ask, at this time, that the question be put and I propose that this motion for the annulment of Order No. 16 be carried. I ask that every Member of this honourable House use Mr. Trotman’s words and “be brave” and support this motion. Let us be brave and admit that we jumped the gun and we made an error. This brought displeasure in the country and that the people are not happy about it. Let us be brave and support the annulment of Order No. 16.

I thank you very much, Mr. Speaker.

Question put.

Ms. Teixeira: Division

The National Assembly was divided, Ayes 28, Noes 33, as follows:

Ayes

Mr. Gill

Mr. Ramson

Mr. Anamayah

Mr. Dharamlall

Mr. Charlie

Mr. Damon

Dr. Mahadeo

Mr. Chand

Mr. Neendkumar

Mrs. Pearson-Fredericks

Mr. G. Persaud

Mr. Mustapha

Dr. Westford

Dr. Ramsaran

Mr. Croal

Mr. Hamilton

Dr. V. Persaud

Mr. Seeraj

Bishop Edghill

Mr. Lumumba

Mrs. Campbell-Sukhai

Dr. Anthony

Ms. Manickchand

Mr. Nandlall

Mr. Ali

Ms. Teixeira

Mr. Rohee

Mr. Jagdeo -- 28

Noes

Mr. Rutherford

Mr. Rajkumar

Mr. C. Persaud

Ms. Patterson

Mr. Figueira

Mr. Carrington

Mr. Allen

Mr. Adams

Ms. Bancroft

Ms. Wade

Ms. Henry

Ms. Broomes

Dr. Cummings

Mr. Sharma

Mrs. Garrido-Lowe

Ms. Ferguson

Mrs. Hastings-Williams

Mr. Holder

Mr. Gaskin

Mrs. Hughes

Mr. Patterson

Mrs. Lawrence

Mr. Trotman

Mr. Jordan

Dr. Norton

Mr. Bulkan

Dr. Roopnarine

Lt. Col (Ret'd) Harmon

Ms. Ally

Mr. Williams

Mr. Ramjattan

Mr. Greenidge

Mr. Nagamootoo -- 33

Question not carried.

Motion negatived.

ADJOURNMENT

Mr. Nagamootoo: Mr. Speaker, I wish to move that all other matters remaining on the Order Paper be deferred to 30th December, 2015. I also wish to move that this honourable House be adjourned to the 30th December, 2015.

In saying so, Your Honour, kindly permit me to wish you, the Clerk, the Deputy Clerk and the staff of the National Assembly a happy Youman Nabi, a Merry Christmas and a very enjoyable holiday. I also wish to take this opportunity, on behalf of the APNU/AFC Coalition

Government – the elected Government of this country – to wish all of the people of Guyana happy holidays. I take the opportunity, too, in spite of the behaviour displayed tonight, to wish the Leader of the Opposition, as well as Members of the Peoples Progressive Party (PPP) a wonderful, peaceful, non-contentious holiday.

Ms. Teixeira: Mr. Speaker, on behalf of this side of the House and the People's Progressive Party Members of Parliament, I would like to extend greetings and holiday best wishes to all of the persons who will be celebrating Christmas on 25th December, 2015, as well as Youman Nabi, which would be celebrated on Christmas eve.

I believe that this is an important time of the year for us to reassess, to look at our country and put our and our people first, and to ensure that the ordinary working people of this country, in particular the sugar workers who have been the backbone of this country for centuries, are able to live a better life, a safer life, and one in which they will be able to enjoy the benefits that the country produces.

Mr. Speaker, I wish, on behalf of this side of the House, to extend greetings to you and your family; and to Mr. Isaacs and the staff of the Parliament Office, who I know work very hard in this Parliament. I extend season's greetings to the media which has been loyal in this Parliament. In the Eleventh Parliament, we have had gruelling hours - until 6 o'clock in the morning. I want to especially recognise the media and the staff.

12.48 p.m.

I also, of course, want to extend greetings to all Members on both sides of this House with the hope that when we come back refreshed from our holidays, having spent some time with our families, that we will be able to work hard and have more opportunities to work together, rather than to continue with the trend that has emerged since we began in this Parliament. I wish you all the very best.

I wish to support Minister Ramjattan's 'Don't drink and Drive Campaign', and it is to drive safely, to make sure everybody is back here on 30th December, 2015, strong and healthy, and ready to continue to do the business of the people of our nation.

Thank you. [*Applause*]

Mr. Speaker: I thank Hon. Members, Hon. Prime Minister and the Chief Whip of the Opposition for the kind sentiments extended to the Clerk and staff of the National Assembly and to me and my family.

Christmas is a very special time for those of us who observe Christmas. It speaks of love; it speaks of peace, and it speaks of joy. It is a time when those of us who believe in Christmas take advantage of it in a special kind of way, even to strangers, to give a helping hand, more at this time than any other time. When we enjoy the break away from each other here and we spread ourselves widely to friends and family, my hope is that we will return refresh, ready to do battle because, I think, we are doing battle here. One Member, who will be nameless, likes to talk about Parliament being an amphitheatre. I have the image of gladiators running around, pulling their hapless victims on chariots to deposit them in the lion's pit. I understand that is gory and not a suitable image to conjure up when I hear the word amphitheatre.

I wish you well. Happy Christmas to all.

I must tell you that my young son asked me to specially wish all Members of Parliament a Merry Christmas. I so do. [*Applause*]

To those of us who observe Youman Nabi, I wish you a pleasant and peaceful Youman Nabi. Thank you all very much. I say this because this is not the end of the year but the beginning of the season. I have had a very interesting time. I hope and I am led to believe that the time coming will be just as interesting. I am sure I would not be disappointed. My best wishes to all and I thank you all for your kindness and your friendship. [*Applause*]

Less I give the impression that we are not meeting again, we are adjourned until 30th December, 2015 at 2.00 p.m.

Adjourned accordingly at 12.54 p.m.