

# Official Report

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2015-2017) 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*

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69<sup>TH</sup> Sitting

Thursday, 3<sup>RD</sup> August, 2017

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*Assembly convened at 2.11 p.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

## **ANNOUNCEMENT BY THE SPEAKER**

### **Leave to Members**

**Mr. Speaker:** Hon. Members, leave has been granted to the Hon. Members, Mr. Bharrat Jagdeo and Mr. Dharamkumar Seeraj for today's Sitting.

## **PRESENTATION OF PAPERS AND REPORTS**

The following Report was laid:

- I. The Integrity Commission (Amendment of Code of Conduct) Order 2017 – No. 10 of 2017 *[First Vice-President and Prime Minister]*

## **REPORTS FROM COMMITTEES –**

The following Reports were laid

- (i) Second Report of the Statutory Instruments Committee on the Integrity Commission (Amendment of Code of Conduct) Order 2017 – No. 10 of 2017. *[Speaker of the National Assembly]*

- (ii) Third Special Report of the Parliamentary Sectoral Committee on Social Services on the visit to the New Amsterdam Hospital, Region No. 6 on Thursday, 2nd March, 2017.
- (iii) Fourth Special Report of the Parliamentary Sectoral Committee on Social Services on the visit to the Diamond Diagnostic Centre, East Bank Demerara, on Thursday, 6th April, 2017. *[Dr. Persaud - Chairperson of the Committee on Social Services]*

## **PUBLIC BUSINESS**

### **GOVERNMENT BUSINESS**

#### **MOTION**

#### **CONSIDERATION OF FINANCIAL PAPER NO. 2/2017 – CURRENT AND CAPITAL ESTIMATES**

“Be it resolved that this National Assembly approves of the proposal set out in Financial Paper No. 2 of 2017 – Schedule of Supplementary Estimates ( Current and Capital ) – totalling \$2,514,679,330 for the period 1<sup>st</sup> January, 2017 to 31<sup>st</sup> December, 2017.”

**Mr. Chairman:** Hon. Members, the Assembly would now resolve itself into a Committee of Supply to consider Financial Paper No. 2 of 2017. Hon. Minister of Finance.

*Assembly resolved itself into Committee of Supply.*

*In Committee of Supply*

**Minister of Finance [Mr. Jordan]:** Mr. Chairman, in accordance with Article 171 (2) of the Constitution, I signify that Cabinet has recommended for consideration by the National Assembly, the motion for the approval of the proposals set out in Financial Paper No. 2 of 2017 – Supplementary Estimates (Current and Capital) totalling \$2,514,679,330 for the period 1<sup>st</sup> January, 2017 to 31<sup>st</sup> December, 2017 and I now move the motion.

#### **CURRENT ESTIMATES**

**Item 1 52-521 – Ministry of Legal Affairs – \$89,897,285**

**Mr. Nandlall:** Sir, I see that the agency that is making this proposal is the Ministry of Legal Affairs. I recall that the State Asset Recovery Agency (SARA) Act does not indicate a line Minister. In fact, that was one of the grounds upon which we were questioning the Act and the officers of the Act, in that they were not answerable to a line Minister and by extension not answerable to the National Assembly. Sir, may I enquire, against that backdrop, on what basis or on what authority is the Ministry of Legal Affairs making this request as the subject Ministry?

**Attorney General and Minister of Legal Affairs [Mr. Williams]:** If it pleases you Mr. Chairman, I am the designated Minister under the Act.

**Mr. Nandlall:** Sir, there is no designated Minister under the Act; hence my question.

**Mr. Chairman:** Hon. Basil Williams, a Minister is either designated or he is not. So please address the point made by the Hon. Mr. Nandlall?

**Mr. Williams:** If it pleases you Sir. The Minister of Legal Affairs is named in the SARA Act. This is the second time that I have answered the question. I cannot account if someone does not read the Act.

**Mr. Nandlall:** Sir, I repeat to the Minister of Legal Affairs, the SARA agency is not answerable to a Minister, neither is the Director. That is public knowledge and one of the basis upon which it was widely criticised. Perhaps, the learned and distinguished Attorney General could point us to the section of the Act.

**Mr. Williams:** Mr. Chairman, I have nothing further to add.

**Mr. Chairman:** Hon. Minister of Legal Affairs, I am sure that the House would want to know an answer to the question which was raised. An answer which says that I have nothing further to add does not take us beyond our desire to know. If I may say so, we have a financial paper before us and questions are being asked and so Hon. Members should endeavour to provide the information which will enable Members to make a decision one way or another.

**Mr. Williams:** Mr. Chairman, I have indicated twice before now that the Minister of Legal Affairs is the designated Minister under the SARA Act and that is in section 2 of the definition

section. But this is first principle. I do not know how the shadow Attorney General is asking a question like that three times.

**Mr. Nandlall:** Sir, we will check the SARA Act and we will make the information public. Could the Hon. Minister give us the names of the five managerial staff and their remuneration; the 13 technical staff and their remuneration; the 12 supervisory and clerical staff and their remuneration; and the 16 other staff mentioned in this item?

**Mr. Chairman:** I thank the Hon. Member, but the Member would recall that for Officers yes, but for names the Speaker has indicated to Members and has requested the assistance of members in that regard.

*2.26 p.m.*

**Mr. Nandlall:** Very well Sir. Well might I alter the question then to confine it to the remuneration breakdown that I requested, excepting the names?

**Mr. Williams:** Mr. Chairman, I undertake to lay over that information to the Hon. Member - a full list of all particulars, except of course, the names.

**Mr. Rohee:** Mr. Chairman, a follow-up to that question. Could the Hon. Minister give this House an indication as to the organisational structure or organogram of the institution to which these persons are to be attached?

**Mr. Williams:** The agency is headed by a Director and there is also a Deputy Director. The Director would have been the same Director who was there in the passage of the Act into the law. Immediately thereupon, having immediately before, been the Director of SARU. There is a provision in the Act that states, within four months, the Parliamentary Committee on Appointments should appoint a Director. The four months have not elapsed and so we have the continuing Director and Deputy Director, as well as other managerial and technical staff. I would also undertake to layover the organogram with the other particulars.

**Mr. Rohee:** Mr. Chairman, the first part of the question, on the Hon. Minister, can be found in the Act, so there was no need for any elaboration as to those positions. We are very well acquainted with that. What I specifically requested, in addition to what I had asked for, was a

printed copy of the organogram of the State Assets Recovery body that is to be established, along with the persons that are to be attached to each structure in the organogram, so that we may be acquainted with the office as well as the structure.

**Mr. Williams:** Mr. Chairman, again I undertake to lay over that organogram, of course, absent the names of persons occupying the various positions.

**Bishop Edghill:** Could the Minister of Legal Affairs indicate to this House under what authority he is seeking a supplementary provision for SARA, when no provision was made in the first instance?

**Mr. Jordan:** Mr. Chairman, I fail to understand the question. This is a supplementary paper amending the original budget, so it does not have to have a previous budget line item or whatever. That is the reason why we have brought a supplementary paper, to avoid any doubt. Up to five supplementary papers can be brought in a year, amending budgets, adding to budgets and subtracting from budgets, as they may occur. They will be scrutinised; that is why it is here.

**Bishop Edghill:** Since the Hon. Minister of Finance has come to the assistance of the Minister of Legal Affairs, and I thank him for that, could he point us to the section under the Fiscal Management and Accountability Act (FMAA) or any other law which allows for a supplementary allocation to a line item that did not exist in the original budget.

**Mr. Chairman:** Will the Hon. Minister of Finance be able to answer that?

**Mr. Jordan:** I think that we have a long afternoon and I have answered that question already. If the Hon. Member feels that we have violated any law or the Constitution, he has remedies. What I am saying to you and to this House is that this is a supplementary Bill to the original budget. Is the Hon. Member suggesting that a budget has to have everything single thing in the entire country at the time it is presented, and that at no time during the year can circumstances arise where amendments and adjustments have to be made? As I said, if the Hon. Member feels that we are violating the Constitution or the laws, there are remedies that he can pursue, but as of now, this is the last comment on this matter.

**Bishop Edghill:** For the purpose of clarity, the Hon. Member is suggesting nothing, he is simply asking for the authority that allows for this provision. Sir, I would think that if you are coming to

the House to seek a supplementary provision for an item that did not exist in the original budget, at minimum, the Hon. Member should provide that authority so that we could know that we are proceeding in keeping with the law. That is all I am asking for.

**Mr. Nandlall:** Sir, whichever Minister is answering now, could that Minister indicate to us where the State Asset Recovery Agency is located. Where is it operating out of?

**Mr. Williams:** If it pleases you Mr. Chairman. The money having been voted, vigorous efforts would have been undertaken to secure a building to house the agency.

**Mr. Nandlall:** My question was completely misunderstood, if that is the answer. I am asking in the present tense, not *in futuro*; I am asking where the current office is located. There is an agency called the SARA, and we are told that it is headed by persons who were indicated by the Hon. Member. I am asking: Where is it physically located now?

**Mr. Williams:** Just to inform this honourable House that SARA has not moved out from its previous lodgings where it has been from the inception. For the time being, it is being housed within the Ministry of the Presidency.

**Bishop Edghill:** At the time of the 2017 Budget moneys were appropriated for the State Assets Recovery Unit, which came under the Ministry of the Presidency. I do not know which Minister is answering this question, but, could we find out how much of the money, which have been appropriated to the SARU for 2017, have already been expended? If there are outstanding money, will it be warranted to the new unit? We would like to know how much out of what was appropriated has been expended and if there is a warrant that has been prepared to move moneys that were appropriated for SARU to SARA.

**Mr. Williams:** Just to say, Mr. Chairman that my remit is with the SARA agency, which only came into existence recently. I have no competence in relation to matters involving SARU or the Ministry of the Presidency.

**Bishop Edghill:** The law that Mr. Williams indicated gives him jurisdiction over SARA and indicates that, at the passage of that law and its assent, SARU will take on the new persona of SARA. Moneys were appropriated for SARU. If SARU is now taking on the persona of the SARA, as a result of that law, all that we are seeking to find out is how much of the moneys that

were appropriated for SARU have been expended. He could seek help from whoever was the Minister responsible for SARU, until it became the SARA, so that we could be able to have that question answered.

**Mr. William:** As I said earlier, under ACT No. 14 of 2017, the State Assets Recovery Act of 2017 assented to by His Excellency the President Mr. David Granger on 4<sup>th</sup> May, 2017, in which it is expressed, *inter alia*, in Section II of this Act:

“‘Minister’ means the Minister responsible for legal affairs.”

As I said earlier, on 4<sup>th</sup> May, the Minister responsible for the Ministry of Legal Affairs’ remit began in relation to the agency called SARA, established under this Act. I have no competence, whatsoever, to deal with the SARU, which was under the Ministry of the Presidency.

**Ms. Teixeira:** Under the State Assets Recovery Act, Section 14, Establishment of the Recovery of State Assets Fund:

“14. (1) There is established the Recovery of State Assets Fund for the purposes of receiving-”

And, if you go to subsection (3),

“The Director may authorise payments out of the Recovery of State Assets Fund -”

2.41 p.m.

Subsections 1 and 2 describe this as recovery from seizing assets. Then subsection (3) states:

“The Director may authorise payments out of the Recovery of State Assets Fund –

(a) to facilitate the discharge by SARA of its functions, including commencement of actions for the enforcement of this Act;’

Therefore, section 14(3) (a) does make provision for the commencement of these assets and the discharge of functions, including finances, by the agency.

Subsection 4 of the same section states that subject to subsection (2), which deals with the agency crediting 75% of all moneys, *et cetera*,

“Subject to subsections (2) and (3) any sums received by the Director shall be paid to the Consolidated Fund.”

The question that was originally asked about this head before us and the subheads: On what grounds is the Government bringing funds for SARA, when section 14(3) (b)(a) makes no such provision and there is no other provision, by omission or haste, in any part of the Act for any release of money from the Consolidated Fund to SARA? SARA, an appropriate sole corporate, is expected to raise its own funds and finance itself.

**Mr. Williams:** I thank the Hon. Member for the question, but as I had indicated earlier, this body only recently became a legal entity on 4<sup>th</sup> May and it is in the process. This money is to operationalise the agency.

**Ms. Teixeira:** Mr. Chairman, I do not doubt that SARA has to be operationalized, but the Government has an omission. There is a lacuna. This is the highest law making body of the country. The Government has to bring an amendment to this Act to put it in order to allow moneys to be released to this agency. Therefore, I am proposing that all the items regarding SARA, under current and capital in this Supplementary Financial Paper, be postponed until the Government puts its Act in place.

**Mr. Ali:** Mr. Chairman, I wish to turn your attention, and that of the Hon. Minister of Finance, to the FMAA, section 24 (4). I know this is a point that the Hon. Carl Greenidge would have raised on a few occasions. I wish to read section 24(4):

“The Minister, when introducing a supplementary appropriation Bill, shall present to the National Assembly the reasons for the proposed variations ...”

If you look in this document, you would see that there is a short write-up on what the amount would be used for. The reasons for the proposed variations:

“...and provide a supplementary document describing the impact that the variations, if approved, will have to the financial plan outlined in the annual budget.”

Mr. Chairman, if we go through the documents that were provided, I humbly suggest that we are not in conformity with the FMAA because there is no supplementary document that outlines the impact of the variation, nor is there any document that shows the impact in relation to the annual financial plan of the Government. I wish for us to ponder on section 4 and to ask if the Hon. Minister of Finance would require some time to provide the information, as directed in section 24(4), in conformity with the law - section 24(4), in conformity with the FMAA.

Mr. Chairman, I would like to draw section 4 to your attention and I humbly suggest that the supplementary paper is not properly before us, as it does not conform with the FMAA. Thank you.

**Minister of Natural Resources [Mr. Trotman]:** Sir if I may be heard on this matter. Indeed, in the Tenth Parliament, the very argument advanced by the Hon. Member, Mr. Ali, came up. It was ruled on several occasions that the Government may choose the format in which it comes to this House and it is for the House to accept or reject the paper. There are several rulings to this effect and it is for the Speaker of this House, he or she if there is a female Speaker, to peruse the paper when it comes. Once it is on the Order Paper, it is for the House to determine how it proceeds and it is not appropriate for it to be rejected at this stage. There were several rulings and un-identical papers and that is the ruling of this House which we ask to stand this afternoon.

**Mr. Ali:** Mr. Chairman, I have three points. Firstly, the FMAA is there for us to follow and conform with. We cannot decide that we are going to breach any aspect of the FMAA and bring it before the House and expect it to be endorsed. Then why are we making all of these laws?

The second point is that it is not a document that has to come. The law outlines what has to be contained in documents that must come before we consider it.

The third point is if the Hon. Member, through the Clerk, can point us to the ruling on this specific matter, on section 24(4). In my recollection, there has been no ruling on section 24(4) directly. If the Hon. Member could point us to the ruling that deals with section 24(4), I would like to see that.

**Mr. Trotman:** Sir, I would like to refer you to number five of the Speaker's Ruling of 2013, in which I entitled it *Format of budgetary estimates and financial papers whether Speaker could*

*prescribe format and prevent consideration of.* Sir, indeed, the Hon. Member then, Mr. Greenidge, had written the Speaker asking for some financial papers to be disallowed because they did not conform to certain format. The ruling was one which was accepted by the then Government with much acclamation, the first being that the Speaker of the National Assembly cannot compel the Government or the Minister responsible for Finance to prepare the estimates and/or request for appropriations in any particular format. Secondly, the Speaker cannot give approval or express disapproval for the consideration of estimates to be proceeded with, except that there is a clear violation of the Standing Orders. Thirdly, the power to decline to consider the estimates and the appropriations to be sought, rest solely within the body of the National Assembly.

So Sir, there is a ruling which was accepted by both sides of this House. This side was in Government and as I said, greeted it with much acclamation and approval. Thank you, Sir.

**Mr. Ali:** Mr Chairman, the issue I have raised is in connection with section 24(4) of the FMAA. There was never a ruling that dealt with the provision section 24(4) of the FMAA in any of the Parliaments. What the Hon. Member is referring to is when the Hon. Member Mr. Carl Greenidge had raised the issue of constitutional agencies, which is a separate issue from the interpretation.

Mr. Chairman, there is no interpretation that is needed for the FMAA. The FMAA categorically and clearly outlines what has to be done in a case of a supplementary provision, section 24(4). All that we are asking is for the Government to keep itself within the confines of transparency and accountability, as is outlined in the law of the FMAA, in section 24(4).

**Mr. Trotman:** Sir, I wish to point out that, from time immemorial, every supplementary paper which has been brought to this House has been in this format. Just two weeks ago, in this format, this House approved, without complaint and without objection, a financial paper.

I believe, if I may, that the Hon. Member, Mr. Ali, is misquoting. I believe that section 24(4) deals with withdrawals from the Consolidated Fund. The point being that this is the accepted format that this House, in all of its Eleven Parliaments, has accepted and this is the one that we have been using and this is the one that we would continue to use from this day forward.

**Mr. Chairman:** One moment please. I thank the Hon. Member, Mr. Trotman, for his statement. Hon. Members it would assist greatly, in our treatment of this particular issue or issues which have risen, if I could hear from Members why the ruling of number No. 5 of 2013 is not applicable here or should not be followed. It would be of assistance to the Chairman here.

I am given to understand that this ruling stood and has stood until now; that this ruling is a ruling which has guided us all until now. So, what I am asking is, perhaps, there is someone who could say to us why this ruling, with which we were guided from 2013 to present, is not to be followed now? Please.

*2.56 p.m.*

**Mr. Nandlall:** Sir, I am not contending that the Ruling should not be followed. The Ruling is inapplicable and irrelevant to the factual matrix that is at hand here.

That Ruling arose out of objections raised by the Hon. Minister, Mr. Greenidge, to the format of the national expenditures – the Budget - presented by Dr. Ashni Singh in that it did not distinguish and treat, in a separate fashion, the Constitutional Agencies.

The Hon. Member took the position that the Articles of the Constitution mandated that these Agencies be treated in a particular way and that the national budget structure – the format in which Dr. Singh presented those Budgets - did not capture the constitutional prescriptions.

It is in that context that we retired to the Chambers of the Speaker who did a great job in finding a common ground at that point in time in relation to constitutional issues and getting the Budget passed.

That is not the position here. We are dealing with Supplementary Appropriation. In these matters, we are dealing largely with the Budget, itself, specifically the treatment of constitutional issues in those Budgets. Even if it were in the form of Supplementary Provision, it was confined to the treatment of Constitutional Agencies. That was the narrow confine and compass of the Ruling.

We are dealing here with an ordinary Supplementary Paper that does not seem to comply with the constituent requirements of Section 24(4). That Ruling to which attention has been averted is

clearly distinguishable and not applicable to the circumstances. [An Hon. Member: It does not refer to Section 24.] As my learned friend is insisting, it does not apply to Section 24 and the requirements which Section 24 (4) lays down in relation to.

If it is that Section 24 was violated before, then that may be so. At some point in time, we have to begin to comply with the Law. One hundred years of wrongdoing does not make it right. If we want, we could delete it today from the Law Books. We could table a Bill and remove it but we cannot have it in the Law Books as the premier lawmaking institution of this land and then *turn a blind eye* to it. I would not lend my support to such an endeavour.

Thank you very much, Sir. [Applause]

**Mr. Trotman:** Sir, indeed, the matter came up having regard to the budgeting for some Constitutional Agencies. However, the House took the opportunity to look at the whole matter of the format of Estimates in their entirety. If I may quote from the Ruling, it states:

“Following an examination of the Standing Orders of the National Assembly in particular and the Practices, Usages and Conventions of the House of Commons of Great Britain and other Parliaments in general, I have come to the conclusion that the Speaker of the National Assembly has no power to determine, instruct, direct, compel or inform the manner of the content or format of the Estimates or Appropriation Bills.”

Sir, whilst the House may be moved to deal with the matters specifically relating to Constitutional Agencies, the opportunity arose to look in its entirety at the format in which the Minister of Finance, acting on behalf of the Executive, approached it and other branches of Government, to wit the Legislative Branch. As I just remarked to the Minister of Finance, he may even come with a single piece of paper if he so desires. It is for this House to say that it does not like the paper, but the House cannot, once it is not beyond five occasions on which he does so, say to him that he cannot come to us. He has the right, on five occasions after a Budget, to come to the House and the House may then say, “We do not like the way you are coming to us,” and refuse to entertain him.

Insofar as the formatting is concerned, this is the format that has been used by the Executive which this House would have received and has not objected to. As the Ruling clearly states...

There are three specific Rulings and they were not restricted to or limited to the consideration of Estimates for Constitutional Agencies. They had wide application to deal with all Estimates, including those which are supplementary.

The Ruling states that the Speaker cannot, with the greatest of respect, compel the Government or the Minister responsible for Finance to prepare the Estimates and or request for appropriations in any particular format. That was the Ruling which this House accepted and which, only two weeks ago, using this very same format, also accepted.

We urge that we proceed with the consideration of the peoples' business by getting moneys that are due and handed over so that the four Agencies, like the Guyana Prison Service and so on, could be secured and the people could feel safe.

Thank you, Sir. [*Applause*]

**Mr. Ali:** Thank you very much, Mr. Chairman. This issue is not confined to format. The format that we are speaking about is when the Appropriation Bill comes in the first case and when the Budget comes in the first case.

What this is concerning itself about in the Supplementary Appropriation is not format. It states:

“Provide a Supplementary document describing the impact to the variations, if approved would have on the financial plan.”

That is what is required. It is not about a format. It is a description or an analysis of the impact that the Supplementary Provision would have on the financial plan that is absent from the document. It has nothing to do with format. It has to do with substance. It is substantive in nature. It is a requirement. The Law did not state ‘you may’. It made it a mandatory requirement to be submitted when we are coming with a supplementary. It speaks specifically to the Supplementary Appropriation Act.

**Mr. Chairman:** Hon. Members, I thought that what I had sought I would have found in the discussions that moved backward and forward. My question was a simple one. I could only put things simply, and that is, tell me why this is no longer applicable.

I have heard arguments. I simply wanted to know why, after 2013, 2014 and 2015, now, format is becoming a problem. That is all. Format was always the same. My meagre recollection tells me that the format has always been the same. I am asking what the basis is for the Speaker saying, “We would disavow this Ruling which everyone appeared to have been comfortable with since 2013.” Unfortunately, I have not heard anything that takes me beyond the question that I asked.

I heard a Member speak just now but I advise Members not to assume that the Speaker may not be hearing.

**Ms. Teixeira:** Thank you, Mr. Chairman. Let us be very clear. There is no dispute on this side of the House with Ruling No. 5 as it applied to the specific issue of format. The format meant specifically National Budget Estimates. This is the format - this piece of paper with columns and the description. There is no dispute about that. We are saying that Ruling No. 5 that has been referred to is inapplicable to the issue being raised here today.

The number one issue is on whose authority the request for funds is coming from.

Clause 5 states that the Director shall request funds from this House, and not the Minister. It also states that the Committee on Appointments would appoint the Director. The Committee on Appointments has not appointed the Director.

Clause 106 points out that Members of the State Assets Recovery Unit (SARU) would become Members of the State Assets Recovery Agency (SARA) on the same terms and conditions.

Assuming that the Budget for SARU, which was passed in December, 2016, is still roaming through until December, 2017...

Mr. Chairman, there are a lot of issues with this issue. Let me go it again slowly. One, under whose authority...? The Minister has no role to play, according to the Act.

Secondly, under the Fiscal Management and Accountability Act (FMAA), as Mr. Ali and Mr. Nandlall pointed out, the Supplementary Financial Paper that is before us cannot request funds for a new Agency.

The third issue is that... I hope that Minister Jordan, who has been around the Budget Office for a long time...

**Mr. Chairman:** Hon. Member, do you rise on a Point of Order?

**Mr. Jordan:** Yes, Sir, on Standing Order No. 40 (a). Could the Hon. Member please take her seat?

**Mr. Chairman:** Ms. Teixeira, give way.

I thank you for your assistance but I will ask the Member to give way; it is not you. Please proceed.

**Mr. Jordan:** Thank you, Sir. The Hon. Member just made a statement to the effect that the FMAA has a Section stating that an entity that does not have a Provision a Supplementary Financial Paper or Bill cannot be brought to that effect. Could the Hon. Member please indicate to me which Section of the FMAA she is referring to so that I could be edified about it?

**Mr. Chairman:** I thank the Hon. Minister. We have a Point of Order before the floor. We would deal with it before we take any other.

I thought the Hon. Minister Jordan rose to ask a question. It was not a Point of Order. What he is seeking could be obtained in another way, as I am listening to Members here.

Do you have a Point of Order, Hon. Member Bishop Edghill?

**Bishop Edghill:** Yes, Sir. My Point of Order is that, earlier in the afternoon, I asked a question and Minister Jordan said that he is not providing any further information but he is still rising on a Point of Order to question Ms. Teixeira on the same matter.

**Mr. Chairman:** I thought that you were rising on a Point of Order. You are not, Hon. Member.

**Bishop Edghill:** Yes, I rose on a Point of Order.

**Mr. Chairman:** That is not a Point of Order. I think one of the difficulties that exist amongst Hon. Members - and I mean no disrespect - is that there is a greater need for familiarity with the

Standing Orders. It may prove to be a very useful guide in whether we intervene and for many other ways.

Ms. Teixeira, you have the floor.

*3.11 p.m.*

**Ms. Teixeira:** Thank you, Mr. Chairman. The issue that we are trying to clear up is that you are raising the relevance of Ruling 5 and we are saying that Ruling 5 is not applicable here - bottom line.

Secondly, I put a proposal on this floor about half an hour ago, I believe, calling on the Government to defer all the items of the State Assets Recovery Agency (SARA) until it has made the correct amendment to the law to allow it to bring request for funds for the SARA.

[**Mr. Jordan:** [Inaudible] ...court...]

[*Mr. Speaker hit the gavel.*]

I am quite aware, Mr. Jordon, of my rights. But we are in the House of the people.

**Mr. Chairman:** Hon. Member...

**Ms. Teixeira:** Yes. Thank you. Are we not in the House of the people, Sir? And this is the House of the people.

**Mr. Chairman:** Hon. Member, and even in this House there are rules and we should all observe them. Please proceed.

**Ms. Teixeira:** You have my 100% support on that.

The issue that we are trying to resolve... Therefore, I am giving the Government an opportunity to correct an omission that, when it goes down this road, it is violating the law. Therefore, if the Government does not wish to do it and does not want to go into that direction, well, I cannot force it. But I am offering the Government an opportunity to defer the current and capital estimates on SARA, correct the omission in the Bill, which makes it very clear that the Minister and not the Director... The law states that the Director tables his budget to the National Assembly.

Again, you are in such a haste to do this Act that you did not pay attention to the minutiae; you did not. So, Mr. Chairman, that is what I am proposing on the floor. [Ms. Lawrence: Ask a question.] I do not have to ask a question, Madam; I am making a proposal. Thank you.

**Mr. Chairman:** I thank the Hon. Members for their statements.

Hon. Member, I have sought and I do not, in vain - I must use the word - to find an answer to the question I asked. I have heard many answers to many questions, but not to the one I asked. And I thank all of the Hon. Members who have given all these answers and have taken us around many places. I embrace the Ruling which guided us, Ruling No. 5 of 2013 on 24<sup>th</sup> April, 2013. This Ruling continues in its present form and that will guide this House.

I will permit two other questions before I put the question.

**Bishop Edghill:** Yes. Mr. Chairman, in the legend, it indicated that the minimal amount was appropriated for SARA before now. Could the Hon. Minister tell this House how much was appropriated and, from that amount, how much was already expended?

**Mr. Chairman:** I thank the Hon. Member. Am I mistaken that that question was asked before, Hon. Member?

**Bishop Edghill:** Sir, I received no answer to the question.

**Mr. Chairman:** Was there an undertaking that the information will be provided?

**Bishop Edghill:** There was no undertaking given either, Sir.

**Mr. Williams:** If it pleases you, Sir, I am prepared to lay over that information also.

**Bishop Edghill:** Sir, the sum that is being sought, \$89,897,285, seems to be a very specific number that would have been tallied from a number of heads. Could the Hon. Minister tell this House how much money out of this sum is expended to be spent on salaries, rental of buildings, utilities, security, and other goods and services? And we would like to have that information now because, if there is a specific figure, then there had to be a number of items that allowed them to arrive at this figure. Thank you very much, Sir.

**Mr. Williams:** I am quite prepared to also layover this – the particulars.

**Mr. Chairman:** Do you have a time within which this information will be provided? It will help considerably if Members know a time.

**Mr. Williams:** Mr. Chairman, by tomorrow.

**Mr. Chairman:** Thank you very much. The paper will be laid over by tomorrow, Hon. Member.

I did say that I would permit two questions. One Member used the two questions. So, I will allow one other question. Hon. Member Mr. Rohee, you have the floor.

**Mr. Rohee:** Thank you, Mr. Chairman.

Could the Hon. Minister inform this House which of the category of staff that was mentioned, for example five managerial staff, 13 technical staff, 12 supervisory and clerical staff, 12 services staff and 16 related staff, will be vested with authority of the police and the Guyana Revenue Authority (GRA), as well as immigration?

**Mr. Williams:** That question could only be answered when SARA becomes operationalised and an assessment is made of the quality of officers that they have who could actually be deployed for that purpose.

*Item 1 52-521 – Ministry of Legal Affairs – \$89,897,285 agreed to and ordered to stand part of the Estimates.*

**Mr. Chairman:** Hon. Members, I noticed that we have Capital Estimates on the following page – Ministry of Legal Affairs. I wonder whether we can treat with that.

### **Capital Expenditure**

**Item 1 52-521 – Ministry of Legal Affairs – \$13,000,000 and \$13,424,000**

### **Land and Water Transport**

**Mr. Nandlall:** Sir, I see here that \$19,700,000 was already appropriated and now a request is being made for \$13 million for two vehicles. May I enquire what vehicles were purchased with the \$19,700,000? What vehicles are to be purchased with this \$13,000,000, and what uses are

being made of the vehicles already purchased? Also, what use will be made of the vehicles that are intended to be purchased?

**Mr. Williams:** If it pleases you, Mr. Chairman, thanks for the question from the Hon. Member.

The \$13 million relates to two motor vehicles, pickups, for SARA.

**Ms. Teixeira:** Is it for SARA?

**Mr. Williams:** Yes.

**Mr. Chairman:** Hon. Member Mr. Williams, are you asking a question?

**Mr. Williams:** No. I am stating the answer.

**Mr. Chairman:** Well, could you please repeat the answer so that Hon. Members are aware of what you are saying.

**Mr. Williams:** Yes. Sir, I was trying to wait on you. The vehicles would be motor pickups and they would be purchased for SARA; it has no vehicles, so these will be two vehicles that will be purchased for SARA.

The other figure has no relevance at all to this matter now because this is from the Ministry itself. But it is the SARA that the provision here relates to – the \$13 million.

**Mr. Ali:** Mr. Chairman, first of all, through you, I wish to correct the Hon. Attorney General. This figure of \$19.7 million has every relevance with the subject that is before us because it is a supplementary, which means that it is an addition to that which you had. And one of the main questions is to ascertain why the original allocation was inadequate to take care of your needs and what gave rise to the additional \$13 million.

May I ask the Hon. Minister, in accordance with 24 (4), what financial impact would this new expenditure have on his financial plan? It is because they are two new vehicles and there are correlating expenditure from your current budget.

*3.26 p.m.*

Could the Minister state whether he would have conducted an impact analysis on how this expenditure would affect the financial planning in the other aspect of his programme and if he could give us that?

**Mr. Williams:** Mr. Chairman, as I said, this item relates to SARA which we are trying to operationalise. Without these items, the industry is virtually paralysed and will not be able to execute its legal mandate.

**Mr. Ali:** With full respect to the Hon. Minister, he did not speak to the issue I am raising. I have asked what analysis has been done in relation to the financial impact this additional expenditure would have on its operations. If there would be two vehicles, as he is claiming, then where are the resources for the additional fuel, the maintenance, whether two new drivers are needed, *et cetera*? These vehicles are not robots to be operating by themselves. What is the financial impact? I could write it and give it to you.

**Mr. Chairman:** I thank the Hon. Member. Let us try to be polite. It might be a difficult thing but let us try to do that. Resist the temptation, sir. Hon. Minister, you have the floor.

**Mr. Williams:** Mr. Chairman, I reiterate that, without these vehicles, SARA would be hard-pressed to execute its mandate.

**Bishop Edghill:** Mr. Chairman, we have just approved the subsidy to a local organisation, SARA, which I understand to be a statutory body, based on law. Could the Hon. Minister of Legal Affairs indicate why in that subsidy that was given to SARA the inclusion of that capital expenditure was not in that subsidy?

**Mr. Williams:** I thank the Hon. Member for his question, Sir. That is so because it is not a constitutional agency.

**Bishop Edghill:** Could the Hon. Minister indicate to us if he is aware that there are other statutory bodies that are not constitutional agencies whose lump sum that is given as a subsidy includes the capital expenditure?

**Mr. Williams:** I thank the Hon. Member for his question, Sir. I cannot agree with the Hon. Member's contention.

**Bishop Edghill:** Could the Hon. Attorney General indicate to this House if the National Agricultural Research Extension Institute is a constitutional agency or a statutory agency?

**Mr. Chairman:** Is that a question for this Member?

**Bishop Edghill:** Sir, it is a follow-up to the same question that he said that it is because it is not a constitutional agency. I want to make the point...

**Mr. Chairman:** Hon. Member, I must tell you that you must phrase your question differently. If you want an answer to a question, let it be that. But you are asking about another agency and you must know that you cannot address that question to a Minister who is not the Minister of that agency.

**Bishop Edghill:** Okay, Sir. I rephrase my question. I would like to bring to the House's attention that there are statutory agencies that are not constitutional agencies that received their capital expenditures as part of the lump sum under Subsidies and Contributions to Local Organisations.

**Mr. Chairman:** Hon. Member, are you asking a question?

**Bishop Edghill:** Yes, Sir. My question still is: why is the capital expenditure for SARA not included in the Subsidies and Contributions to Local Organisations as what has been treated with other agencies that is in this Budget book in appendix 'e'?

**Mr. Williams:** Mr. Chairman, I thought I answered that question.

**Mr. Chairman:** Hon. Minister, we would still want the question answered.

**Mr. Williams:** Mr. Chairman, I repeat and rely on my earlier answer that it is not a constitutional agency.

**Bishop Edghill:** Could the Hon. Minister indicate if these two vehicles are being purchased by the Ministry of Legal Affairs would form part of the assets register of the Ministry of Legal Affairs?

**Mr. Williams:** If it pleases you, Mr. Chairman, it is a simple answer. It would be the property of SARA.

**Bishop Edghill:** The House is being asked to appropriate \$13 million to the Ministry of Legal Affairs. This is a supplementary for the Ministry of Legal Affairs and not SARA. I am asking the Hon. Minister if we will see, in the assets register in the Ministry of Legal Affairs, those two new vehicles that are being purchased with moneys appropriated to the Ministry of Legal Affairs?

**Mr. Chairman:** Hon. Member, I thank you. Would it be helpful if you looked at the remarks? I do not know if that is of help to you.

**Bishop Edghill:** The remarks do not help.

**Mr. Chairman:** The remarks speak of provision for two vehicles for the newly established State Assets Recovery Agency. The Agency does not currently have any vehicles. I do not know if it helps. If it does not help, please go ahead.

**Bishop Edghill:** So then, Sir, may I seek some clarification?

**Mr. Chairman:** No. I have tried to help.

**Bishop Edghill:** Then, with your help, I am seeking some clarification.

**Mr. Chairman:** Are you seeking help from me, Hon. Member?

**Bishop Edghill:** No; from the Minister, Sir.

**Mr. Chairman:** Very well.

**Bishop Edghill:** Is SARA a department of the Ministry of Legal Affairs?

**Mr. Williams:** No, Mr. Chairman.

**Bishop Edghill:** Mr. Chairman, if SARA is not a department of the Ministry of Legal Affairs, how is the Ministry of Legal Affairs asking for moneys for vehicles for SARA?

**Mr. Williams:** Sir, as the designated Minister with responsibilities for the Agency, it is merely a transaction which has passed through the Ministry which would be transferred to SARA. I thought that was easily discernable, Mr. Chairman.

**Bishop Edghill:** Mr. Chairman, could the Hon. Minister indicate to this House if these two vehicles that are being purchased by the Ministry of Legal Affairs' maintenance, fuel and operations form part of the budget of the Ministry of Legal Affairs?

**Mr. Williams:** If it pleases you, Mr. Chairman, as I said repeatedly today, Sir, it is for the budget of SARA.

**Mr. Ali:** Mr. Chairman, could the Hon. Minister say whether SARA is a budget agency or a budget head? If SARA is not a budget agency or not a budget head, how is it that we are appropriating moneys for it that is not in the Budget and that does not form to serve as part of the agency or a sub-head? I would like the Hon. Minister to answer that. Mr. Chairman, this is a serious issue.

**Mr. Chairman:** I thank the Hon. Member. Hon. Member, you have asked the question.

**Mr. Ali:** I have one more thing to say: we are appropriating for a ghost agency because the agency does not exist in the Budget. How could we do this? On what authority are we doing this, Hon. Minister?

**Mr. Williams:** If it pleases you, Mr. Chairman, SARA is a semi-autonomous agency. I am surprised at the question.

**Mr. Ali:** My question was very clear. Is SARA a budget head or agency in the Budget? If it is not, how is it that we are allocating to this Agency? On what authority is this being done?

**Mr. Williams:** If it pleases you, Mr. Chairman, under section 5 (1) of the Schedule to the State Assets Recovery Act 2017, it provides thus:

“The funds for the annual budget of SARA shall consist of the following –

(a) funds determined by the National Assembly based on a budget tabled by the Director;”

As I indicated earlier, Sir, SARA came into existence on the 4<sup>th</sup> May. We are now operationalising the Budget because I am the Minister responsible and the Director is not in

Parliament to answer any questions. The Minister responsible for the Ministry of Legal Affairs is performing that role.

**Mr. Ali:** Mr. Chairman, my other question is still on the floor. I also have a supplemental question. If the Hon. Minister just read that a budget will be presented by the Director, notwithstanding the fact that the Minister is acting on behalf of the Director, it seems here now, could the Hon. Minister provide this House with the Budget that necessitated the supplementary provision? The Hon. Minister made mention of it.

**Mr. Williams:** If it pleases you, Mr. Chairman, I had indicated earlier this afternoon that I would lay over those particulars.

*Question put.*

*3.41 p.m.*

**Ms. Teixeira:** Division.

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

*Noes*

Mr. Bharrat

Ms. Veerasammy

Mr. Gill

Mr. Dharamlall

Mr. Charlie

Mr. Damon

Dr. Mahadeo

Mr. Chand

Mr. Neendkumar

Mr. G. Persaud

Mr. Mustapha

Ms. Selman

Dr. Westford

Dr. Ramsaran

Ms. G. Persaud

Mr. Croal

Mr. Hamilton

Ms. Chandarpal

Dr. V. Persaud

Bishop Edghill

Mr. Lumumba

Ms. Campbell-Sukhai

Dr. Anthony

Mr. Nandlall

Mr. Ali

Ms. Teixeira

Mr. Rohee

*Ayes*

Mr. Rutherford

Mr. Rajkumar

Mr. C. Persaud

Mr. Figueira

Mr. Carrington

Mr. Allen

Mr. Adams

Ms. Bancroft

Ms. Wade

Ms. Patterson

Ms. Henry

Ms. Broomes

Dr. Cummings

Mr. Sharma

Ms. Garrido-Lowe

Ms. Ferguson

Ms. Hastings-Williams

Mr. Holder

Mr. Gaskin

Ms. Hughes

Mr. Patterson

Ms. Lawrence

Mr. Trotman

Mr. Jordan

Dr. Norton

Mr. Bulkan

Dr. Roopnaraine

Lt. Col. (Ret'd) Harmon

Ms. Ally

Mr. Williams

Mr. Ramjattan

Mr. Greenidge

Mr. Nagamootoo

*Motion carried.*

**Mr. Chairman:** Hon. Members, there is one other item in relation to the Ministry of Legal Affairs under the capital estimates.

### **Furniture and Equipment**

**Mr. Nandlall:** Mr. Chairman, you would recall in my earlier questions to the Hon. Minister I enquired of the current location of the State Asset Recovery Agency (SARA) and we were told that it is in the same location. With some plodding eventually it was disclosed that the location is the Ministry of the Presidency. Then, I am reading here the remarks in the column that states "Provision for the furnishing and equipping of a newly rented building to house the State Asset Recovery Agency." May I enquire, where is that building located?

**Mr. Williams:** If it pleases you, Mr. Chairman, as I indicated earlier, this money is to operationalise the agency and therefore when that money is in hand the rental of premises would be secure.

**Mr. Nandlall:** This is the “Provision for the furnishing and equipping of a newly rented building”. I know that this is to furnish the building. I am asking, where is the building? It is apparently already rented. That is all I am asking.

**Mr. Williams:** As I said earlier, and I am saying finally, the money is to operationalise the agency and when the money is in hand a building would be acquired which will be furnished.

**Mr. Nandlall:** Sir, I ask of your assistance. I am asking the Member, based the simple language of what is expressed here, as his remarks and as his justification. He is telling us that he wants money now to furnish a building. I am asking, where is the building that he wants money to furnish, a building that is rented? I will come to the furnishing. I just want to know which building we are furnishing.

**Mr. Williams:** I had indicated previously the building that would be rented would be rented when moneys are in hand and when the agency will be are operationalised. I do not know where the Hon. Member gets his position that there is a building rented.

**Mr. Chairman:** Do you have a question, Mr. Nandlall?

**Mr. Nandlall:** Yes Sir.

**Mr. Chairman:** Please speak.

**Mr. Nandlall:** Is the Minister saying that the remarks are wrong? I am guided by the remarks and the remarks speak of a building rented, past tense or at least past participle, not in the present tense. Am I to understand, Sir, I am enquiring through you, that the remarks are inaccurate?

**Mr. Williams:** I have answered this question. I cannot assist the Hon. Member further.

**Ms. Teixeira:** Mr. Chairman, as a woman, I cannot imagine buying furniture for a house when you do not have any place to put it. [Ms. Huge: It is to store it.] Well, you cannot operationalise SARA, if you are going to store it, as Minister Hughes said. What is the rush? The point is you are coming in a few months with your budget. What I am saying is that the Minister should tell us where the office of SARA is. Where is SARA located? There seems to be an expenditure for a place you have no idea what size it is, where it is, what it will need, whether it is the furnished already, partially furnished as the drug bond which was supposed to be partially

furnished and it was not. We have a right to ask these questions. Where is it? Since it is rented, could we know where is it rented?

**Mr. Rohee:** Could the Hon. Minister inform this Assembly whether the building, which is rented, is it located in Georgetown or outside of Georgetown?

*3.56 p.m.*

**Mr. Williams:** I do not know. I thought I was speaking in very clear and precise English. The question by the Hon. Member, it is clear that Hon. Member did not understand the English that I used, but I would repeat for his benefit that there is no building rented as yet, English language. I do not know if the Hon. Member would be satisfied with new evidence of any building.

**Ms. Teixeira:** Mr. Chairman, it is one last question. If it is, as the Government is saying, that it has not rented the building yet and it is buying furniture, where is the money, budgetary allocation, in the supplementary, either the last one or this one, the one we just dealt with a few weeks ago, or number two supplementary financial budget that has allocations for the rental of a building? Are we to expect another supplementary budget coming in October that state the money for the rental?

**Mr. Williams:** I undertook earlier to lay over such particular.

**Ms. Teixeira:** What is the Minister laying over? Is he laying over a new supplementary Financial Paper to be corrected or is he laying a contract of what he is going to undertake? Could the Minister clarify what would be laying over?

**Mr. Williams:** As I had indicated earlier, I would lay over the details of the proposals in the supplementary budget.

**Bishop Edghill:** Sir, \$13,424,000 is being sought for furniture and equipment, could the Hon. Minister indicate to us a detailed breakdown of how this \$13,424,000, which seems to be very precise numbers, would be expended?

**Mr. Williams:** Again, Sir, these particular would be laid over.

**Bishop Edghill:** I have a follow-up question, but Sir, I just would like to bring to your attention that Minister has come to this Assembly seeking the approval of the able Assembly...

**Mr. Chairman:** Hon. Member, just ask the question please.

**Bishop Edghill:** Sir, I need to make this point before I go on. The Minister has come to this Assembly seeking the approval of the Assembly...

**Mr. Chairman:** I think we are abusing the opportunity for the [*inaudible*]...

**Bishop Edghill:** I am not abusing the opportunity.

**Mr. Chairman:** Well, please address your question.

**Bishop Edghill:** Sir, I am making the point that every question, which is being asked, answers has not been given. Sir, I would like to ask the question: Would these items that are being procured, furniture and equipment by the Ministry of Legal Affairs, form part of the assets of the Ministry of Legal Affairs of which the Permanent Secretary would be accounting to the Auditor General for?

**Mr. Williams:** As indicated earlier, in the same manner just as I had suggested and indicated to this Assembly, which the transfers would be made of the vehicles *mutatis mutandis*, the furniture would also be transferred.

**Bishop Edghill:** Could the Minister of Legal Affairs indicate to this Assembly that if these items that are being purchased by the Ministry of Legal Affairs would be made as a donation to the State Asset Recovery Agency?

**Mr Williams:** No Mr. Chairman.

**Mr. Chairman:** Mr. Neendkumar, do you have a question?

**Mr. Neendkumar:** Yes. Agency code 52-521, project 2512000, I would like to know, under the remarks, how much money would be spent for the purchasing of furniture? How many televisions, fridge, photocopier, projector, server and water dispenser would be bought and how the money would be spent on each item?

**Mr. Williams:** Sir, those particulars would be in the documents that would be laid over as indicated earlier.

**Mr. Neendkumar:** As a follow-up question, I would like to know where these items would be, so that we could have accountability for them.

**Mr. Chairman:** Hon. Minister, Mr. Williams, a question has been addressed to this Assembly.

**Mr. Williams:** Mr. Chairman, I had answered the question earlier and I had indicated that those particulars would be included when the particulars are laid over.

**Mr. Neendkumar:** Mr. Chairman, the Hon Minister did not answer my question. I asked him specifically to tell me how much money would be spent for furniture, how many televisions, fridges, photocopiers, projectors, servers and water dispenser would be bought? I am asking specifically, this is a budget, what amount of money was put aside for each other? I further want to know where these items would be stored because I am interested to know who home it might be going to.

**Mr. Chairman:** Hon. Minister, are you in a position to deal with this matter?

**Mr. Williams:** Mr. Chairman, I could assume the Hon. Member that adequate amounts would be spent on the items and the particulars would be laid over as I had indicated earlier.

*Question put.*

**Ms. Teixeira:** Division.

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

*Noes*

Mr. Bharrat

Ms. Veerasammy

Mr. Gill

Mr. Dharamlall

Mr. Charlie

Mr. Damon

Dr. Mahadeo

Mr. Chand

Mr. Neendkumar

Mr. G. Persaud

Mr. Mustapha

Ms. Selman

Dr. Westford

Dr. Ramsaran

Ms. G. Persaud

Mr. Croal

Mr. Hamilton

Ms. Chandarpal

Dr. V. Persaud

Bishop Edghill

Mr. Lumumba

Ms. Campbell-Sukhai

Dr. Anthony

Mr. Nandlall

Mr. Ali

Ms. Teixeira

Mr. Rohee

*Ayes*

Mr. Rutherford

Mr. Rajkumar

Mr. C. Persaud

Mr. Figueira

Mr. Carrington

Mr. Allen

Mr. Adams

Ms. Bancroft

Ms. Wade

Ms. Patterson

Ms. Henry

Ms. Broomes

Dr. Cummings

Mr. Sharma

Ms. Garrido-Lowe

Ms. Ferguson

Ms. Hastings-Williams

Mr. Holder

Mr. Gaskin

Ms. Hughes

Mr. Patterson

Ms. Lawrence

Mr. Trotman

Mr. Jordan

Dr. Norton

Mr. Bulkan

Dr. Roopnaraine

Lt. Col. (Ret'd) Harmon

Ms. Ally

Mr. Williams

Mr. Ramjattan

Mr. Greenidge

Mr. Nagamootoo

*Motion carried.*

*Item 1 52 -521 Ministry of Legal Affairs – \$13,000,000 and \$13,424,000 agreed to and ordered to stand part of the Schedule.*

**Mr. Chairman:** Hon. Members, it is now ten minutes after four o'clock, we will take the suspension now and then we would return at ten minutes after five o'clock.

*Sitting suspended at 4.11p.m.*

*5.21 p.m.*

*Sitting resumed at 5.21p.m.*

*In Committee of Supply*

## **CURRENT ESTIMATES**

### **Item 2 58-581 Public Service Appellate Tribunal - \$17,553,272**

**Mr. G. Persaud:** Would the Hon. Minister be kind enough to say to this Assembly if there is any member of staff who would not have received his or her salary or stipend as of the 31<sup>st</sup> of July, 2017?

**First Vice-President and Prime Minister [Mr. Nagamootoo]:** I am not aware of anyone who had not received his or her or salary as of the 31<sup>st</sup> of July, 2017. The sum been sought here, I am advised, would be utilised to disperse any sums that might be owed.

**Mr. Jordan:** Mr. Chairman...

**Mr. Chairman:** Hon. Member, do you have an additional comment to make on this?

**Mr. Jordan:** Yes Sir. It is just to make sure the question is answered adequately. For years the Public Service Appellate Tribunal (PSAT), which is constitutional agency, was not constituted. I think it semi-functioned with two or more staff. That is how there is the \$12,499 million there. It is to pay the existing staff. As you might be aware, the PSAT has been reconstituted. The Commissioner and members have been identified and sworn in. This provision here now is to pay those members together with the employment, as it states there, of a Legal Assistant and an Accounts Clerk II with effect from 19<sup>th</sup> June, 2017, and an Administrative Assistant and a Cleaner. The building, which is used by PSAT, has other agencies in it. I think it was borrowing space and a Cleaner. They will remain there but now these activities, as it relates to PSAT are now being identified for PSAT itself. In addition, it caters for the accommodation for the rest of the year together with the holding of hearings and meetings. This is the amount there.

**Mr. C. Persaud:** Let me thank the Hon. Prime Minister and the Minister of Finance for being so generous in providing information that I did not really solicit. I am happy that after the break it seems as if lots of information would be forthcoming. Would the Hon. Prime Minister be kind enough to share with the Assembly the designation and salaries of each of the office holders who

are now part of this entity? Mr. Chairman If you will permit I will ask the next question at this time. Would the Hon. Prime Minister be kind enough to share with us the process that was used to recruit these additional persons, bearing on what the Hon. Minister of Finance said, there was a skeleton staff and now there is a staff, so to speak. What was the process used to engage those persons?

**Mr. Nagamootoo:** I just want to say that this is a constitutional agency and we would request block sums. If I do not provide the full details, I will solicit those and would provide them to you. I will give you, as much as I am instructed, the information at my disposal. I suppose the personnel would be the Chairman of the Public Service Appellate Tribunal, Mr....

**Mr. Chairman:** Hon, Member, Prime Minister, even though the name and the individual can easily be identified, perhaps we must stay faithful to not mentioning names.

**Mr. Nagamootoo:** There are members of the tribunal, two members. I am advised by the Chairman not to call their names. I can call their names. It is information that is publically available. A Legal Assistant was employed with effect from 19<sup>th</sup> June, 2017, a Typist Clerk with effect from 19<sup>th</sup> June, 2017 and a Cleaner. The procedures for employment I suppose are the regular procedures we obtain in the public service.

**Mr. Jordan:** Mr. Chairman, I crave your indulgence to just remind the Assembly that this is a constitutional agency. It had its original vote *en bloc*. This is an additional or supplementary request which the executive has found and questions with, I believe, we should follow more or less the same approach as it relates to constitutional agencies. I admit for the non-constitutional agencies, we can go into as much details as we want, but I believe that we must treat with the constitutional agencies slightly different. I wish we do not interrogate this the way we do, but that we stay faithful to the constitutional agencies and move on to the other agencies. I am just making that request.

**Ms. Teixeira:** The allocation for Public Service Appellate Tribunal, Budget 2017, according to the estimates in the breakdown that was circulated in this Assembly and the constitutional agencies 2017 Revenue and Budget Estimates in 2016, \$12,499 million was allocated and between January and August 2016, \$1.146 million was spent. In 2017, \$12,499 million, the same amount that was allocated in 2016, was allocated again. Could the Hon. Minister advise the

Assembly on how much money was expended as of the end of July, 2017? The reason why I am asking this is because the allocation for this budget was created both in 2016 and 2017 with one staff member alone. Assuming that until all these members were appointed and hired in May and June, the entity remained at one. Could the Minister say how much money was expended from that was allocated in 2017 as of the end of July from budget allocated to PSAT?

**Mr. Nagamootoo:** PSAT, as the Minister of Finance noted, has not been operational for a while. In fact, this was one of those dead left over bodies from 1995. The usual procedure would be for the Public Accounts Committee, which I understand is chaired by the Opposition, to be seized of the financial status of any of these constitutional bodies particularly the Public Service Appellate Tribunal. I would try to ascertain the information as to how many persons have been paid up to the end of June. The Hon. Member has claimed that there is only one staff who was employed. I am not in a position to dispute that, but as to the end of June 2017, I know the amount of money allocated, \$12.499 million was intended to be the sum to pay all staff until this new allocation has been sought. That is as much as I can say at this point. If I have any additional information, I will be happy to give it to the Hon. Member through the Assembly.

**Ms. Teixeira:** We can only go by the books in front of us. It has one staff member for 2016 and the same for 2017. I am trying to get a comparison of a period when neither times PSAT was operating and was remaining a skeleton staff. If in 2016 it only used \$1.146 million of a \$12.499 million budget and in 2017, somewhere around there, I am trying to justify in my mind the request for an additional amount of money that was doubled, that was more than doubled, what was originally allocated to the institution. The Chairman was employed and with two members of staff, could you advise us on the salaries that they have been paid from the time of appointment please?

*5.36 p.m.*

**Mr. Nagamootoo:** The Chairman's salary is \$1,248,807 per month. Each of the two Members would be paid \$350,000 each per month, effective from the date of their appointment.

**Bishop Edghill:** I thank the Hon. Minister of Finance for reminding us about the way constitutional agencies are treated. My question would be whether the \$17,553,272 that is being

sought was the amount which was requested by this constitutional agency and if it is not the sum that was requested, could he say what is the sum that was requested.

**Mr. Nagamootoo:** It is not the sum that was requested. The sum that is recommended is the sum that is before this House.

**Mr. Chairman:** Hon. Members, I believe that on this particular issue, treatment with the constitutional agencies, we should try to recall the restraint to which we exercise in relation to constitutional agencies. We must bear in mind that, sometimes in an effort to give you the full picture, maybe more than one Minister may have to speak. Thank you.

**Mr. Nagamootoo:** Mr. Chairman, I was looking for someone who would be here from the Ministry of Finance and I am still looking. In this regard, I will accede to the Hon. Minister of Finance to indicate the sum that was requested.

**Mr. Jordan:** Mr. Chairman, in this instance, the Public Service Appellate Tribunal requested this sum and we gladly approved it because we felt that it was necessary.

*Item 2 58-581 Public Service Appellate Tribunal - \$17,553,272 agreed to and ordered to stand part of the Schedule.*

## **CAPITAL ESTIMATES**

### **Item 7 58-581 Public Service Appellate Tribunal - \$5,000,000**

*Item 7 58-581 Public Service Appellate Tribunal - \$5,000,000 agreed to and ordered to stand part of the Schedule.*

## **CURRENT ESTIMATES**

### **Item 3 62-621 Public Procurement Commission - \$54,173,070**

**Mr. Nandlall:** I am reading the remarks here Sir, and I cannot be sure anymore, but I assume that a building is rented because an allocation is being sought for a number of expenditures, including rent. May I enquire, if the rent is being paid per month, what is the monthly rental for the building that houses the Public Procurement Commission (PPC)?

**Mr. Nagamootoo:** I am advised that a building has been rented to house the PPC and the rental is \$1.2 million per month.

**Bishop Edghill:** Sir, at the time of Budget 2017 there was no Public Procurement Commission and the question was put to the Minister of Finance about how the he had arrived at the sum. The Minister said that the sum was just an estimate and we remember the answer. Could we be advised, in this House, at the time of the formation of the PPC, what was the request that was made from the PPC for financing?

**Mr. Jordan:** If we could recall, this question was asked and answered during the budget that, indeed, there was no PPC, but recognising that the PPC was going to be established and formalised very soon, thereafter, the budget, an indicative sum was allocated. We did say that when the PPC was formalised and a budget was produced, if additional sums were required, we would come back to this House and request it. That is what we are doing today.

**Bishop Edghill:** Sir, I do not think that I said anything different from what the Minister said. I asked a specific question and that is: What were the sums requested by the Public Procurement Commission and not that which was recommended by the Minister? It is a constitutional agency which is subject to a lump sum.

**Mr. Jordan:** Is the Member speaking about this sum or the sum at the time of the budget?

**Ms. Teixeira:** He is speaking about the supplementary sum.

**Mr. Jordan:** Happily, the PPC approached the Ministry of Finance for assistance and we gave assistance given our breadth of experience in this area and together we came up with this sum. This sum is as proposed and as recommended.

**Bishop Edghill:** Mr. Chairman, I would like to ask the Hon. Minister if he is aware that, under the Third Schedule of the *Constitution*, the PPC, as a constitutional agency, is not subject to that process that he just outlined but is subject to financing as a direct charge on the Consolidated Fund.

5.51 p.m.

It has a sum that it requests. The Minister would make his recommendation and that is what is debated in this Assembly.

**Mr. Jordan:** Mr. Chairman, I think the Hon. Member is not saying anything different. What I am saying is that, perhaps, to avoid all the confusion that takes place on the constitutional agencies' budget, the Public Procurement Commission (PPC) approached us for guidance for the rest of the year and we gave it guidance. When it came back with the figure, we accepted it and the Assembly was calmer and easier to approve it. We agreed. I think this is what the Assembly wanted us to do, to agree essentially with what was being proposed. We have always said that if we have the resources, then we could agree with what is being proposed. If we do not have the resources then the proposal of the PPC would not be equal with our proposal. I do not see anything wrong with their proposal equal to our proposal equal to quick passage of the constitutional agency.

**Mr. Dharamlall:** could I ask the Hon. Prime Minister whether there was public procurement of the rental contract for the PPC building?

**Mr. Nagamootoo:** Mr. Chairman, as I said, this is a constitutional agency. Its financial independence and operation is protected by the Constitution. I am answering as Leader of the House on Government's business. I would feel this is a matter that has to engage the Public Procurement Commission as to the way it conducts its business, in terms of procuring a building or any other services. The Minister of Finance has given an answer as it relates to...

**Mr. Chairman:** Hon. Member Mr. Jordan, I see you on the floor, but the Prime Minister is addressing the Assembly.

**Mr. Jordan:** I am sorry.

**Mr. Chairman:** Hon. Prime Minister, are you through with your presentation?

**Mr. Nagamootoo:** I am, Sir.

**Mr. Chairman:** Thank you. Mr. Jordan please proceed.

**Mr. Jordan:** Thank you Mr. Chairman. I may remind the Assembly that under the present provisions we may not enquire into the line items of the constitutional agencies, just the sum that

is being proposed. I see we are treading in dangerous waters by enquiring as to the line items of the constitutional agencies. I am merely reminding the Assembly. If I am interpreting the laws incorrectly, then I stand corrected.

**Mr. Chairman:** I would ask Hon. Members to bear in mind that that is an obligation which we have all assumed and we must follow it, not only when it is convenient to do so but at all times.

**Mr. Ali:** Mr. Chairman, I think we will get better in relation to the constitutional agencies. There are a few things which we could still consider as grey areas. First of all, it is the financial reporting. An annual report is completed by the agency and submitted to the Speaker through the Clerk of the National Assembly. In relation to what the Hon. Minister of Finance said, what would necessitate the questions he may want to describe as line items is the description that follows the lump sum. If you look at the Financial Paper, there is one lump sum and a general description. If we have the report, such as the Fiscal Management and Accountability Act (FM&AA) outlines, then those questions would not be interpreted as line item questions. It is basically mentioned in the general remarks with a general sum and then it has to be questioned as part of the general allocation. That is just to answer what the Hon. Minister of Finance would have proposed to us.

The request for the supplementary goes to the Clerk of the National Assembly. The constitutional agencies would send their request to the Clerk of the National Assembly and the Clerk then acts as the post office. [Mr. Jordan: It is not for the supplementary only, the budget.] Right, that happens with the budget. The supplementary, in my opinion, would have to follow the same procedure where...*[Interruption]*

**Mr. Chairman:** Hon. Member Mr. Ali, we cannot do this tutorial. We have to be clear on what we want to ask and ask it. If you are not clear then please take your seat.

**Mr. Ali:** I am very clear. In my mind the Minister of Finance has a different opinion. In my mind, the supplementary provision, just like the original request that comes at the time of budget, must come through the Clerk of the National Assembly and then it goes to the Minister of Finance who may provide his comments and recommendations back to the Clerk. We have a grey area here that we have to resolve.

**Mr. Chairman:** Hon. Member, are you asking a question?

**Mr. Ali:** Yes. I am coming to the question.

**Mr. Chairman:** Please ask your question.

**Mr. Ali:** In the case of this supplementary, the Minister of Finance said there were negotiations between the agency and the Ministry itself, or discussion, or whichever word you want to use. There was a conversation between the Ministry of Finance and...

**Mr. Chairman:** Hon. Member, what the Chairman heard was that there was the seeking of assistance and that assistance was provided. I do not know what else you heard, but I did not hear about negotiations. Please go ahead.

**Mr. Ali:** Assistance was sought... These areas take time so we cannot get flustered about them.

**Mr. Chairman:** What did the Hon. Member say?

**Mr. Ali:** I am saying all of us have to be in this together and find the common way.

**Mr. Chairman:** Hon. Member, it is you and the other Members on the floor, not the Chairman.

**Mr. Ali:** Yes, of course, we will take the Chairman out of this completely. The only issue here is that the Office of the Speaker and the Clerk come into the equation because, for the constitutional agency, the office of the Speaker is the custodian of the request that goes to the Minister of Finance.

**Mr. Chairman:** Hon. Member, I am going to ask you to take your seat if you continue in this vein. You have to decide if you are asking a question.

**Mr. Ali:** My question is direct. Did the request of the agency go to the Ministry of Finance through to the Speaker's office or the Clerk of the National Assembly?

**Mr. Jordan:** Mr. Chairman, the law as framed is clear. There is a process as it relates to the budget of the constitutional agency, which is exactly as outlined by Hon. Member Ali. There is a process as it relates to cutting the budget of a constitutional agency. It is only the National Assembly and not the Minister of Finance could cut that budget. There is no process in the law

as presently constructed as it relates to adding to the budget of a constitutional agency via supplementary, whether straight or by contingencies. The process we have used today, which I thought was an amicable one, where the agency approached for additional sums and where we, the executive, said that we knew it did not produce a budget and, therefore, when it does we will consider and come back here. Even the Assembly agreed that we will come back here and give it additional. I am not sure why we have this at the moment, simply because we have done what we said we were going to do. The approach, we agreed that this is a sum that the executive can add to its budget and that is what we did. There was no negotiation or anything. The process as outlined by Hon. Member Mr. Ali is indeed the process for the budget, not adding sums to that budget. There is already an outlined process for cutting the budget and that has to be done by the National Assembly, not by the executive.

**Ms. Teixeira:** Mr. Chairman, a law was passed here in 2016 - I call it the 'Greenidge Act' - to do with constitutional bodies. That sets out a manner in which all the constitutional agencies will submit their budgets to the Clerk who will then circulate them in the House and the Minister will make his recommendations which will be debated in the House. It cannot be specific only to annual budgets. The entire budget of a year is made up of the budget plus the supplementary. When we come to the end of the year, or whenever the Budget 2018 is presented, we will be looking at the Budget 2017 which includes supplementary Financial Paper numbers 1, 2 and if there will be a Financial Paper 3 added in, amalgamated. We are cutting hairs. The question is: was the law followed? The law requires that the constitutional agencies send their budget proposals, as was done before, to the Clerk. Why does this House not have copies of the constitutional agencies' request to the Clerk? **[Mr. Jordan: It will never be done.]** Yes. We will. We have to get it because it is part of Budget 2017.

Secondly, these constitutional agencies should not even be in this matrix. They should be in a separate one where there should be the constitutional agencies' requests, which come from the Clerk and is circulated, and the Minister's sum that was added or cut which the House debates, whether it is for supplementary or the end of the year for the next year's budget. Prime Minister, I think that you are wrongly advised. I would suggest that you, as a lawyer, do some homework because you are being misled. The constitutional bodies need to go to the Clerk.

**Mr. Chairman:** Ms. Teixeira, if there is a question you are asking, could you ask it?

**Ms. Teixeira:** Mr. Prime Minister, do you believe you are being misled now that you have heard me?

**Mr. Chairman:** Hon. Member, you are really putting it, are you not? Please take your seat.

**Ms. Teixeira:** Mr. Chairman, I am not being rude to the Prime Minister.

**Mr. Chairman:** If you have no question to ask please take your seat.

**Ms. Teixeira:** I asked the Prime Minister, after he has heard me, if he believes that he is being misled. He smiled very sweetly. I believe he agreed.

**Mr. Chairman:** That is not a question you should have put to the Prime Minister. One of the things that has happened with Members here, if I may say so, is that there is almost a lack of restraint, a total absence of restraint. Members give vent to whatever occurs to them at the time they are speaking. It is a most troubling thing. I do not know that we can really discharge the duties we are called upon to discharge. [Mr. Nandlall: We want to clarify...] Mr. Nandlall, I have not asked for your comment and you will not give them to me now. That is what we have here. These are persons who have been serving in this House for decades in some instances and, yet, this is the behaviour the House is subjected to.

*6.06 p.m.*

*Item 3 62 – 621 Public Procurement Commission –\$54,173,070 agreed to and ordered to stand part of the Schedule.*

**Mr. Chairman:** Hon. Members, I do not know whether it is the case that some Members want to have a private discussion. I have avoided calling Members' names, but those Members know who they are. I cannot be speaking and Members are speaking too. It cannot work.

## **CAPITAL ESTIMATES**

### **Item 8 62 – 621 Public Procurement Commission - \$7,946,000**

*Item 8 62 – 621 Public Procurement Commission –\$7,946,000 agreed to and ordered to stand part of the Schedule.*

**Mr. Chairman:** That ends our treatment of the Current Estimates. We now turn to Capital Estimates. We have already treated with the two matters for Capital Estimates for the Ministry of Legal Affairs.

**Item 2 21 -211 Ministry of Agriculture – \$350,000,000**

**Mr. Mustapha:** Mr. Chairman, could the Hon. Minister explain how much of the 2017 budgetary allocation have been expended to date and what is the present status of those projects or the percentage rate that has been completed?

**Minister of Agriculture [Mr. Holder]:** Mr. Chairman, these projects are funded by the World Bank. In our attempt to bring these projects in on time and within estimate, and bearing in mind that the weather does play a part in getting these stations going, we have to get or utilise as many available days as possible. In that context, we are now ahead of our schedule, it does not require any funds from Central Government because the budget has put forward these sums from abroad and we are now ahead of schedule putting down more sums from abroad and we are apprising the National Assembly of where we are. In terms of the exact details and percentages, I could provide these or lay these over. But as I said, it is not moneys requested from Central Government, it is money coming from foreign funds and we are ahead of schedule. So performance wise, I could certainly provide that information by tomorrow afternoon and if there are similar questions for the other two, similar answers would be given.

**Mr. Mustapha:** Mr. Chairman, a supplemental question: \$453, 520,000 million was budgeted in the 2017 Budget, now the Minister is requesting another \$350 million as supplementary. Could this National Assembly hear how much money has been expended out of that \$453 million because if the budgetary allocation has not been expended, then why are we coming here to request more funds of an additional \$350 million?

**Mr. Holder:** These are inflows of funds from outside of the country. We are not requesting from the Ministry of Finance or the Consolidated Fund any finance. So we are ahead of schedule and we are putting down and I think this is World Bank project funds in advance of next year's funds. So I think the entire amount is \$11.89 million to be spent over another two or three years. We are ahead of this year's allocation, which was \$650 million. So we are putting down an additional \$350 million ahead of when we should have done it next year. That is what we did and

I think you will find a similar situation in the other two estimates that are coming up later with the same foreign inflows.

**Mr. Croal:** Hon. Minister, I am sure that we, on this side of the House, understand the whole *pari passu* arrangement and the whole aspect about inflows. Notwithstanding that it is inflows that you are asking for the loan, the question still remains, on the budgetary allocation to date for this year, because it is a continuing programme. How much has been expended? That was the previous question.

My question for you too is on the breakdown of the \$350 million. Could you provide what is the allocation for the pumps as well as for the access dam? Then in terms of the access dam, how much more work is entailed or is this a continuing rollover programme every year, an allocation until the project is finish?

**Mr. Holder:** Again, Mr. Chairman, these percentage details, I am prepared to supply by tomorrow. I did not walk with how much percentage of a pumping station has been completed and so on, at this point in time. But I think the figures here show what has been expended to date and we need further funds to draw down. But I could make all these information available by tomorrow afternoon.

**Mr. Chairman:** Hon. Mr. Croal, the Minister is expressing willingness to let that kind of information, which you seek now, be made available by tomorrow.

**Mr. Croal:** Okay, Mr. Chairman.

**Mr. Gill:** Mr. Chairman, breaches of main access dams to community farmlands are causing severe hardships to farmers in Region 5, especially with the breaches at Mission Dam in Ithaca, Bamboo Dam at Blairmont, No. 2 Settlement and Bennett Dam Rosignol. But there is no mention of this in the Legend. Could the Hon. Minister, say how soon repairs would be carried out on these dams because farmers find extremely difficult to transport their products and in some cases even to gain access to their farms.

**Mr. Holder:** Mr. Chairman, this question has nothing to do with the Supplementary Estimates. What is of concerned here is that the World Bank project is clearly stated. It has nothing to do with what the Member is asking. Three pump stations at Lusignan, Buxton/Vigilance and

Hope/Enmore; it is the rehabilitation of access dams at the East Demerara Water Conservancy. It does not address anything in Region 5. So I am not sure where we are going with this. We are outside of the question.

**Mr. Dharamlall:** Hon. Minister, regarding the access dam of the East Demerara Water Conservancy (EDWC), could you please state whether, during the recent flood, the dam was breached at any point in time or whether there was overtopping?

**Mr. Holder:** I am pleased to say that the dam was not breached at any time, during the last rainy season.

**Mr. Chairman:** Sir, do you have another question?

**Mr. Dharamlall:** Yes, Sir. Mr. Chairman. Could I ask the Hon. Minister, the fact that the three pumps are incomplete, whether the incomplete pumps may have caused or resulted in some parts flooding in Buxton and other areas along the East Coast?

**Mr. Holder:** Mr. Chairman, these three pumping stations are being installed because there is a need to alleviate possible flooding in these locations. Indeed and in fact it has been determined that the Buxton/Vigilance area, generally, is probably the lowest spot on the East Demerara Coast. So what is being sought to do by these projects is to increase the pumping capacity and putting pumps where there were never pumps before.

*6.21 p.m.*

**Mr. Neendkumar:** Chart of account 2100700: Could the Hon. Minister tell us how much money was spent on the pumps located at Lusignan, Buxton/Vigilance and at Hope/Enmore?

**Mr. Holder:** May I respectfully say that that question has already been asked and answered. The details will be provided by tomorrow afternoon. It is the same question that was asked before. They want the details of all these things and the percentage of completion and so on will be provided.

**Mr. Dharamlall:** Hon. Minister, regarding the areas affected, Buxton/Vigilance, Lusignan and wherever there was flooding, could you please state whether farmers are going to be compensated for losses incurred?

**Mr. Chairman:** Hon. Member, Is this a question on the supplementary estimates? That is what we are dealing with now. Is there a question for the Minister relating to the supplementary estimates?

**Mr. Dharamlall:** Mr. Chairman, we are discussing flood risk management and we are spending \$350 million in these areas that were flooded.

**Mr. Chairman:** Hon. Member, I will invite the Minister to answer and tell you what we are discussing. I know what we are discussing. Hon. Minister?

**Mr. Holder:** Mr. Chairman, as far as I am aware, we are discussing the World Bank Flood Risk Management Project. It is a clearly defined project; we are not discussing flood risk management in general and the situation we have in Guyana with respect to flood risk management. It is just that World Bank project here, for which we are asking for supplementary estimates or accelerated inflows of foreign funds. So the question, in my opinion, is out of order.

**Mr. Neendkumar:** Could the Hon. Minister tell us how much money, to date, has been spent for 2017 on the rehabilitation of the access dam at the East Demerara Water Conservancy. Also, how much more does he intend to spend during this year?

**Mr. Holder:** Mr. Chairman, the question has been asked and answered.

*Item 2 21-211 Ministry of Agriculture - \$350,000,000, agreed to and ordered to stand part of the Schedule.*

#### **21-212 Ministry of Agriculture - \$180,542,000 and \$200,098,000**

##### **Rural Agricultural Infrastructural Development**

**Mr. Dharamlall:** Could the Hon. Minister please state the extent to which the agricultural lands in Mocha are affected as a result of the under capacity of the now rehabilitated pump, or the pump that is being rehabilitated at Mocha.

**Mr. Holder:** I am not sure that I understand the question. Is he saying to what extent...?

**Mr. Chairman:** Hon. Minister, if you do not understand the question, then I think we can ask Mr. Dharamlall to repeat the question.

**Mr. Dharamlall:** The Legend states that part of the resources is to accelerate the rehabilitation of the pump at Mocha. So, I am asking the Hon. Minister, to what extent were the agricultural lands in Mocha and the areas that benefit from this pump affected, as a result of the pump not working at full capacity or the pump being inoperable at this point in time?

**Mr. Holder:** I think the issue here is that we have to improve the efficacy of drainage in the Mocha area. What has happened is that the front lands of Mocha, as you might say, have gone to housing in a big way. All of that area behind New Providence and the Guyana National Stadium is now residential. Residential drainage puts a tremendously different or the entire design system changes not for the better, with residential housing, it makes it more difficult. So what is being done in this project is to improve the entire situation, including the pumping aspects, so that we can facilitate better drainage for the farming areas at Mocha, bearing in mind the residential activity in front of that, towards the Demerara River. I hope that explains the situation.

**Mr. Neendkumar:** Could the Hon. Minister tell us how much money we have drawn from the Caribbean Development Bank (CDB) loan, so far for 2017, and how much more do we expect to draw for the remainder of this year.

**Mr. Holder:** I will circulate to the National Assembly the draft of the previous Legend. I will supply this tomorrow, in total details.

**Mr. Neendkumar:** Could the Hon. Minister tell us how much money is needed for the further rehabilitation of the pump at Mocha?

**Mr. Holder:** I have to say asked and answered. This will be available tomorrow, in total detail, for the benefit of the Hon. Member.

**Ms. Teixeira:** Hon. Minister, with due respect, this is a supplementary financial paper. Did you come totally unprepared to answer any questions, Sir? Thank you. That is the only question I have.

**Bishop Edghill:** Sir, additional inflows are always welcomed. Could the Hon. Minister indicate to this House, the total sums, by way of interim payment certificates that have been paid to date on this project, if there are any outstanding interim payment certificates to be paid? Also, what is responsible for the accelerated work on this particular pump?

**Mr. Holder:** Frankly Mr. Chairman, I came here hoping that the Government would have gotten some *kudos* for accelerating the rates of drawdown...*[Interruption]*

*Mr. Chairman hit the gavel.*

**Mr. Chairman:** Hon. Members the Minister is answering a question

**Mr. Holder:** What we are faced with in our situation, in our attempt to bring projects in on schedule and within budget, bearing in mind the climate situation that we are facing and the ability to work within the rainfall situation, we use every single opportunity there available to push projects as fast and as far as we can.

Obviously, in these matters, we have to be in contact with the funding agency, because, of course, this is a two-part thing and they have to have funds available to give us an advance. That basically is what is behind it. Our scheduling has to be quite flexible because of the conditions under which the entire country is functioning at present. I hope that satisfies the information inquiry. The payment certificates, *et cetera* will be made available along with the amount of money, the different payments, *et cetera*, by tomorrow.

**Bishop Edghill:** I would like the Hon. Minister to tell this House, if, at the time of his request for this additional \$180,542,000 any justification was given to the Ministry of Finance? If that justification was given to the Minister or the Ministry of Finance, why is that justification not available tonight, through his technical officers, to answer these questions?

**Mr. Holder:** I am certain that justification was made available to the Ministry of Finance, which I am sure the Minister of Finance could address. With regards to the rest, I can make all of that information available. One cannot easily predict what questions will be asked.

**Mr. Neendkumar:** Mr. Chairman, I am one of the geographic Members of Parliament (MPs) for Region 4, and \$650 million, I would like to know... I am not in any agreement with any accelerated development. It was just a few weeks ago or just about 2-3 weeks ago that we had serious flooding in the Enmore, Lusignan and the Mon Repos areas. I would like to know how much money was spent on these D&I areas?

*6.36 p.m.*

How much money was spent that we now need to get an extra \$180 million? You cannot ask for \$180 million when you are not telling me what you did with \$650 million.

**Mr. Chairman:** It seems as though the same question is being asked in different ways. Hon. Members have been told that information would be provided by tomorrow, but Members appear to be asking the same questions. Minister if there is something that you can add to what you said earlier?

**Mr. Holder:** I am just confused that we are speaking about a Mocha, East Bank Demerara Project and we have gone to other areas. I thought that we were addressing this paper and not the general flood situation across the East Coast as against the East Bank.

**Mr. Neendkumar:** Mr. Chairman, I am honestly not moving from anywhere. I am on item 21-212, chart of account 14055000 and I am asking on this same item that the Ministry had budgeted \$635 million and you are now asking for \$180 million more. What have you done? You cannot come here to this honourable House to ask us for more money when you cannot justify what you have done with the money. We are here a long time now. It is unfair for you to come and ask us and then you are going to use your one seat majority to vote us down. It is unprincipled.

### **Sustainable Agriculture Development Project**

**Bishop Edghill:** Could the Hon. Minister indicate to us how much out of the \$100 million that was voted as part of the budget was earmarked for the agricultural census.

**Mr. Holder:** I regret that I do not have that information directly at hand, but I could make it available. For this particular area, it is a similar agricultural development project and has a number of facets to it. It involves...

**Bishop Edghill:** Mr. Chairman, on a Point of Order under Standing Order 40(a), the Hon. Minister is answering a question that was not asked of him. We asked a question about a particular sum. He said that he did not have that answer, but he is going on to make a speech. I would like to follow-up with other questions.

**Mr. Chairman:** Hon. Minister, are you through with the answer you were giving?

**Mr. Holder:** Perhaps Mr. Chairman because, apparently, the Hon. Member is not interested in hearing my answer, so I would not pursue.

**Mr. Chairman:** Hon. Minister, if you are so minded, but it would seem to me that if a question is asked of the Minister, the Minister should answer the question as it appears to the Minister, he should do.

**Mr. Holder:** Mr. Chairman, this project has a number of facets to it. It involves the establishment of the use of abattoirs in Regions 5 and 9. It involves the establishment and improvement of two agricultural stations, one at Ebini and one at Parara in the Rupununi.  
*[Interruption]*

*Mr. Chairman hit the gavel.*

**Mr. Holder:** It also involves an agricultural census, which basically the ground work is now being effected for. In terms of this situation, the negotiations on the requirements for the census, which is being discussed at length with the Inter- American Development Bank (IDB) and which is being negotiated and is being done by the Food and Agricultural Organization (FAO) of the United Nations (UN), we found from the information required that additional funds are required, which the Inter-American Development Bank is prepared to supply. So at this stage, the basic ground work in being put in place and the initial pilot census will start in February next year and the main census would continue, starting in August or September of next year.

So at this point in time, the project is now getting off the ground. So, in terms of these things, this is the additional fund required for additional inflows to come in. Again, they are foreign funded projects and so we are not asking for funds from the system. I do not know whether that helps at all.

**Bishop Edghill:** Mr. Chairman, could the Hon. Minister tell us, out of this \$200 million that is being sought now, how much is earmarked to be used on the agricultural census?

**Mr. Chairman:** I thank the Hon. Member, but I thought that question was asked before.

**Mr. Holder:** Essentially, I would say 90% of it because the ground work for the entire loan is now getting started. We are ahead of schedule in certain respects, the \$100 million and we need

\$200 million more to get it going. So this is a very preliminary project that is now starting off, funded by the IDB.

**Bishop Edghill:** Mr. Chairman, the Minister told the House that the agricultural census would start sometime in February of 2018. Could the Minister tell this House what \$180 million, representing 90% of the total sum as he said, would be spent on in 2017?

**Mr. Holder:** It is to put in place a lot of preliminary work; a lot of recruitment of technical personnel through the FAO and other things of that nature, to get things going for the pilot in February next year. So that is the preliminary work, we have to get consultants on board, highly priced individuals through these organisations. That is where we are.

**Mr. Neendkumar:** Mr. Chairman, since this is provisional for additional inflows under the IDB loan, I would like to know how much money have been drawn down from this loan already and how much do you expect to draw for the latter part of this year? I want to know whether this is only coming here to get a pass from the National Assembly that it has passed, but we would like to know what it is that you are really doing with the money.

**Mr. Holder:** Mr. Chairman, I would like to think that \$100 million has been drawn down and we need an additional \$200 million to continue. That is basically where we are now.

**Mr. Neendkumar:** Mr. Chairman, could the Hon. Minister tell us how much money the Ministry of Agriculture has spent from its 2017 Budget on this project?

**Mr. Holder:** The Ministry of Agriculture, I am not sure, has spent money on this project, it is preliminary. The staff of the Ministry are there, but we have not put up a special unit at this point in time for its internal staffing. So I suppose that we could allocate some of those staff's time and so forth. But I could try to give him some of the details by tomorrow if it is really bothering him that much, but it is not a great deal at this point in time.

*Item 2 21-212 Ministry of Agriculture - \$180,542,000 and \$200,098,000 agreed to and ordered to stand part of the Schedule.*

**Item 3 25-252 Ministry of Business - \$197,098,592**

**Mr. Hamilton:** Mr. Chairman, could the Minister clarify, when looking at the voted provision it talks about \$287,903,000, but in the remarks column, the last paragraph indicates that the 2017 Budget allocation of \$150 million would be inadequate to offset payments for the infrastructural works to the end of 2017.

*6.51 p.m.*

Could the Minister clarify what the voted provision is for 2017? Is it \$287,903,000 or \$150 million?

**Minister of Business [Mr. Gaskin]:** Thank you, Mr. Chairman. I could clarify that for the Hon. Member.

The \$287,903,000 is the overall voted provision for a number of projects under the Industrial Development Programme. The specific Project – the Lethem Industrial Estate - for which we are seeking a supplementary provision was allocated \$150 million in the 2017 Budget. That is the \$150 million that is referred to in the remarks column.

**Mr. Hamilton:** Thank you very much. Hon. Minister, could you say, out of the \$150 million that was budgeted for the Lethem Industrial Estate, how much of that money has already been expended?

Secondly, we are discussing both Lots 1 and 2. Could you indicate how much of the sum was spent on Lot 1 and how much was spent on Lot 2?

**Mr. Gaskin:** The amount spent on Lot 1 so far is \$41,773,188 and the amount spent on Lot 2 so far is \$12,665,216.

**Mr. Hamilton:** You just indicated that, thus far, of the \$150 million, you spent less than \$60 million. Am I correct?

**Mr. Gaskin:** You are almost correct. You have asked how much was spent on Lot 1 and on Lot 2. I answered that. There was an additional amount of \$9,875,475 spent on the design and supervision consultancy fees. In total, the sum expended so far is \$63,813,875 out of the \$150 million.

**Mr. Hamilton:** You have indicated that less than 50% of the \$150 million budgeted was expended, as we speak, in the month of August. Yet, you came to the National Assembly to request \$197,098,000 to the end of 2017. That would give you approximately \$280 million if this is voted on.

If we are only able to spend less than \$75 million of the \$150 million up to the month of August, could you indicate to us what different would happen between now and December that would cause us to spend \$280 million?

**Mr. Gaskin:** There is currently \$32 million being processed for payments. That would have to be added to that \$63 million. Some of the higher priced components of the project, such as the road paving and so on, are being left for last. Those would accelerate the spending in the last few months of the year. We have projected to spend, on that project, a total of \$347,098,592 during this year.

**Mr. Hamilton:** If you look in the Remarks column, you are talking about “retention ponds and the supply of materials (90%) on site for the Lethem Industrial Estate.” Could you advise me what that information is about?

**Mr. Gaskin:** Which specific information – the retention ponds or the materials?

**Mr. Hamilton:** You have here “supply of materials”. I suspect 90%. Could you advise what that is informing us?

**Mr. Gaskin:** It is informing us of the materials required for the work that is being planned for this year and that 90% has already been supplied. These are materials such as laterite, sand, piping, *et cetera*.

**Mr. Hamilton:** Could you cause us to understand? When we started, you indicated that of the \$150 million that was expended, less than 50% was spent. Now you are indicating to us that 90% of materials are on the site. Could you put a value to that 90% of materials that you have on site?

**Mr. Gaskin:** I am advised that, until those materials on site are actually utilised, we would not pay for them.

**Mr. Hamilton:** Could I ask a few more questions quickly?

Could you indicate to us what the completion date is for the Lethem Project for both Lot 1 and Lot 2? Secondly, could you give the total cost for that Project? Thirdly, how much was expended for each Lot up to this moment on the project?

Could you indicate to us whether, as we speak, all the Lots or spots at the Lethem Industrial Estate are allocated and what percentage of those Lots is allocated?

I am sure that you would agree with me that there is a downturn of the business activities in Lethem? Could you say or would you say if the cost of the Project, whatever the total cost is, would end up being beneficial, taking into consideration the economic circumstances of Lethem and its environs at the moment?

**Mr. Gaskin:** The total cost of the project is \$709,383,662. That is the cost of the works and the fees of the project.

The question on Lethem is very subjective. You are asking whether I feel that, at this point in time, it is a good investment. This is a long-term investment designed to bring investments into the area, create jobs in the area, create job in the value-added sector and bring export earnings into our economy.

When the Estate is finally completed, it would also house a business incubator which would also be of benefit to small businesses in the area. I think that it would be beneficial. It is a huge investment. It started under the previous Administration. We have improved the model. We have not stopped it or aborted it. I think that there is probably some agreement on both sides of the House that it is a good investment.

**Mr. Hamilton:** There are a few questions that the Minister did not answer. I asked about the completion date of the Project. I asked about the individual sums. The Minister gave me \$709 million. We are speaking about Lot 1 and Lot 2 so, what is the total sum to be spent on Lot 1 and Lot 2? The other question was whether we have already earmarked all the spots or what per cent of the spots are already earmarked for business persons?

**Mr. Gaskin:** I apologise. You fired too many questions at me. The amount spent on Lot 1 so far is \$113,965,328. The amount spent on Lot 2 so far is \$81,528,805. There has been no allocation of plots on the Estate so far.

*Item 3 25-252 Ministry of Business - \$197,098,592 agreed to and ordered to stand part of the Schedule.*

*7.06 p.m.*

**Mr. Chairman:** Hon. Members, we are now a few minutes after seven o'clock. I recommend that we take the break at this time and then resume in half of an hour. You will see that we have quite a bit remaining to attend to.

*Assembly resumed.*

*Sitting suspended at 7.06 p.m.*

*Sitting resumed at 7.47 p.m.*

*Assembly resolved itself into Committee of Supply.*

*In Committee of Supply*

**Mr. Chairman:** We will continue our consideration of the Financial Paper.

**Item 4 32-322 – Ministry of Public Infrastructure – \$120,000,000, \$300,000,000 and \$100,000,000**

**Bridges**

**Bishop Edghill:** Thank you, Mr. Chairman.

Could the Minister tell this House what will be the total cost of the bridge that is to be built at Bagotville?

**Minister of Public Infrastructure [Mr. Patterson]:** Good evening, Mr. Chairman.

I thought for a second that the legend was self-explanatory. It is \$113 million of the \$120 million, and the rest, as listed in the Remarks column, is for ancillary works, bypass, bridges and those other stuff. So, it is \$113 million and the rest is for miscellaneous works.

**Bishop Edghill:** The legend indicates that \$30.2 million out of the \$113 million that the Minister spoke about is to allow for a bypass road, I suspect, while the bridge is under construction.

Could the Minister explain what is responsible for such a high cost for a bypass road to build a bridge?

**Mr. Patterson:** The bypass road is just a summary. The Hon. Member is absolutely correct; the bypass road and bridge is obviously temporary while the Bagotville Bridge is being repaired. But it also caters for a timber bypass bridge which would be constructed immediately next to the bridge. In addition, we have remedial works which are fixing large potholes, depressions, edge brakes, *et cetera*, through La Parfaite Harmonie. It is because the traffic will not only use the bypass road, but we will try to divert as much of the traffic through alternative routes. So, wherever this route is, going down Canal No. 1 or going through La Parfaite Harmonie, all the way coming back out to the highway, we will be fixing and patching those roads. We will have to, of course, relocate some utilities – the Guyana Water Incorporated (GWI) as well as the Guyana Power and Light (GPL). It is just a catch-all phrase; do not take it too literal, please.

**Bishop Edghill:** I thank the Minister for his explanation. Could he then tell us how much the timber bridge that will be used as an interim measure would cost? And how much money will be used for the patching of the roads to facilitate rerouting of traffic?

**Mr. Patterson:** The timber bridge will cost \$12 million and the rest will be the other items which I mentioned before.

**Bishop Edghill:** Could the Hon. Minister indicate if the design for the works to be done would not have allowed for half of the bridge to be used while the other half is under construction, like what would have happened on several bridges that were being done across the country?

**Mr. Patterson:** Mr. Chairman, this bridge is used by about 22,000 vehicles per day. The method in which the Hon. Member is proposing will lengthen our construction time. It is anticipated that we would like to have this completed in three months. The design of the bridge will be converted into the steel and concrete – a composite bridge – and it will obviously be more efficient if we do it in one entire go.

So, while in the past, the Hon. Member may have been accustomed to that, we would like to ensure that, in three months, we can actually finish this work. The Member would want to assume that the bridge is structurally sound. Right now, only half of the bridge is being used. We

do not want to impair the travelling public any further. So, no; we will not be doing half then half; we will be building a completely new bypass, and we are pushing to ensure that it is done in three months' time.

**Bishop Edghill:** Could the Hon. Minister name the contractor that has been awarded the contract for this bridge?

**Mr. Patterson:** I will start from the top because I knew that it would have come. It is done by selective tenders. There are four selected contractors: Gaico Construction and General Services Inc., H. Nauth & Sons Construction, BK International, and V. Dalip Enterprise. There was a pre-bid meeting on the 11<sup>th</sup> July, 2017 and there is a bid opening on the 13<sup>th</sup> July, 2017 at 9.00 a.m. at the National Procurement and Tender Administration Board (NPTAB). It is being evaluated and that is out of my Ministry. When it is finished being evaluated, we will know the successful bidder. No award has been made as yet.

While I am here and because I can anticipate the next question, the four contractors were selected from the Ministry of Public Infrastructure's prequalification list. They were also considered because they are in good financial standing and they are technically sound. We also checked on their existing workload and they have done bridges before.

Again, three months' time is the construction period.

**Bishop Edghill:** Could the Hon. Minister tell this House why the procurement process of selective tendering was used as against public tendering?

**Mr. Patterson:** That question could only come from somebody in Region 4. For the persons in Region 3, I know that they would understand that when there is an emergency and would like to have it resolved quickly... Mr. Komal Chand, Mr. Ganga Persaud and Mr. Irfaan Ali would tell you that it is emergency work and that is why it was used.

**Mr. Ali:** Thank you very much, Mr. Chairman.

The investment for the bypass road through La Parfaite Harmonie is an investment of \$30.2 million. I agree that we have to get the bypass road. But can the Minister say if this design is for

a permanent road, because over \$30 million is being invested in a bypass road? We do not want a fair-weather road as the bypass road.

**Mr. Patterson:** Sir, it is included with the bypass; it is not only the roads. The good news for you and the people in La Parfaite Harmonie is that, when we move the utilities, which we have to relocate, it would not be going there and the shoulders of the road would now be wider and there would be larger permanent turning radius.

**Mr. Chand:** Comrade Chairman, the Minister spoke to the urgency of this work. There are some months now since the Bagotville Bridge had become defective but it is still being used; half of the bridge is working, allowing traffic and people to cross. Comrade Edghill referred to the fact of whether there is need to have the bridge done at one time – parts being done. Why is it that we are going to expend all this money to road repairs, bypass road and what have you, when the present arrangement will not cause a complete dislocation? The bridge is still being used at the moment; light vehicles are able to traverse.

The question is whether a proper assessment had been done, and whether we need to go into all of this expenditure that is required at this point in time to be able to have a new bridge put in place at Bagotville.

**Mr. Patterson:** Sir, that one floored me, coming from a resident who lives right near there. On a daily basis, we get calls from residents around the area, asking us to close the bridge. Right now, the half that is being used is only for light vehicular traffic. The heavier trucks have been diverted through communities; hence we would have to do that.

Yes, an entire assessment was done of the bridge and it said to us that a complete rehabilitation of the bridge has to be done. There are piles that failed, if the Hon. Member would like me to go into the exact details; we have to do the ring walls, and everything like that. And the best, most efficient way is to do the entire bridge at one time.

*8.02 p.m.*

If not, when school reopens in September, individuals will start to complain about the half traffic all the while. This is the Government's commitment to bring the people back to normalcy and

also to give them a quality job. I am surprised that the Member is not in full support of what the Government is attempting to do now.

**Bishop Edghill:** Mr. Chairman, could the Minister confirm that they bypass timber bridge that is to be constructed to facilitate works on the Bagotville Bridge would be a single-lane traffic bridge?

**Mr. Patterson:** Yes, it would be a single lane traffic bridge.

**Bishop Edghill:** Could the Minister agree that the single-flow traffic is what would continue while construction is taking place, even though you are putting a bypass bridge?

**Mr. Patterson:** Sir, the issue from the Ministry of Public Infrastructure is the speed in which we could get the bridge completed. It seems to be missing of my Hon. Colleagues over there that that is our underlying desire; it is to ensure that, in three months' time, when we start, after the award, we could be finished and have perfect bridge. Sir, I could take the route that you have suggested and I could take six months and, for the other three months, I would ask the Members to stand on the road and say that this is what they requested.

**Bishop Edghill:** Could the Hon. Minister confirm to this House that the situation that obtains at the Bagotville Bridge has been like that for the last three months plus?

**Mr. Patterson:** No, Sir; it has not been three months and I cannot redesign time.

**Bishop Edghill:** Could you tell us how long it has been like that, sir? It is an important point.

**Mr. Patterson:** Sir, to the best of my recollection, it could be five weeks. I could distinctly tell you the day after the big flood, I visited and then I proceeded to visit the East Coast. It is of importance to us and that is why we inspected and went to tender since we had our pre-bid meeting on the 11<sup>th</sup> July. We immediately made efforts to get this completed.

**Mr. Chand:** Mr. Chairman, would the Minister be mindful to check when, in fact, the problem had occurred with the Bagotville Bridge because my recollection is that it is much longer than five weeks. If the Minister could, with more certainty, give us when, in fact, the bridge became defective, that the whole bridge could not be used because he spoke to five weeks... Comrade Edghill referred to three months. I am suspicious of that time frame.

**Mr. Chairman:** Hon. Member, you should not be suspicious of what any Hon. Member in this House tells you. I ask the Minister to answer the question again.

**Mr. Chand:** May I ask the Minister if he is certain about what he said about five weeks? I am suspicious of that...

**Mr. Chairman:** Hon. Member, you should not be suspicious of what any Hon. Member in this House tells you. I would ask the Minister to answer the question again.

**Mr. Patterson:** Mr. Chairman, the bridge became defective on 22<sup>nd</sup> June, 2017. It has been exactly six weeks. You are right; it is not five weeks but six weeks. I apologise for misleading the House but it is not three months.

### **Sea and River Defence Works**

**Bishop Edghill:** Sir, could the Minister tell this House how much of the \$1,107,850,000 that was voted was earmarked for works in those two areas?

**Mr. Patterson:** Thank you, Mr. Chairman. There were two contracts valued at \$400 million earmarked for this area.

**Bishop Edghill:** Could the Minister confirm, based on his answer, that the sums that are being sought are to supplement a \$400 million contract that has already been awarded?

**Mr. Patterson:** No, Sir. There were 400 metres of work.

**Bishop Edghill:** So it is not \$400 million.

**Mr. Patterson:** No; it is 400 metres of work.

**Bishop Edghill:** Thank you. Mr. Chairman, could the Minister then confirm that the supplementary that is being sought is solely for new works on these two areas?

**Mr. Patterson:** That is correct.

**Bishop Edghill:** Could the Minister indicate when the Ministry had become aware of the challenges in those two areas?

**Mr. Patterson:** Sir, like the entire coastline of the country has been monitored consistently. What has happened and why it has become an emergency is because, very recently, the loss of the mangrove increased; erosion increased. To ensure that we do not have any disasters, we are taking this action. I know that the Hon. Member is probably asking if it were not an emergency last year. It was not. The mangrove started to... on a weekly basis, every time the tide came in, we were losing mangrove and the soil was being eroded. It became worse within the recent past.

**Bishop Edghill:** Could the Minister confirm for this House that we still do have in our employ, rangers who inspect our sea defences? How often are those reports filed with the Ministry?

**Mr. Patterson:** Sir, yes, we still have rangers. We have an annual report at the end of every high tide. That is how we were able to recognise that this area is going to... We have to also remember that we have Geographic Information System (GIS) software under those areas as well. That is how we realised that the erosion there was deteriorating faster than what we are comfortable with, hence the emergency.

**Bishop Edghill:** Could the Minister confirm that, in those two areas at the West Demerara and Mahaicony, we are replacing mangroves with concrete boulders or some form of construction as sea defences?

**Mr. Patterson:** That is correct.

**Bishop Edghill:** Thank you. Could the Minister explain to this House if a study was done or if there was some evidence provided that the most adequate form of sea defences in those two areas is concrete boulders or concrete works and the mangroves could not have been re-established with some amount of support?

**Mr. Patterson:** Sir, the answer to that is yes. This is a design that we have been utilising for quite some time. The materials are readily available. The Hon. Member may be worried because mangrove has been replaced with a fixed structure. Unfortunately, this is the fastest and the most successful way we could ensure there is no further intrusion or breaches. However, the Hon. Member's concern for the environment is noted.

**Mr. Dharamlall:** Thank you, Mr. Chairman. I have two questions. Hon. Minister, what is the shelf life – for want of a better term - for those two?

8.17 p.m.

Secondly, what are the efforts the Ministry perusing to collaborate with farmers in Region 5 regarding the effect of overtopping which would certainly affect the farmlands?

**Mr. Patterson:** On the first part, the design life is 13 to 35 but it is a flexible structure. The bowlers, we can actually add on to them which we do in occasions to replenish or extend or, hopefully in some state in time, if possible reduce. Sir, in collaboration with the Region 5, the works here was done based on the reports from Mahaica, Mahaicony, Abary (MMA) and the farmers of Region 5. It is obvious that we have a very close collaboration with them.

**Mr. Gill:** There are many breaches in the sea defence in Region 5, especially between the areas of Abary and Belladrum, Kingelly and Ross and Cottage and Farm. Works were done in these areas, but significant erosion is taking place still especially in the Cottage sluice area where works were awarded but works are yet to commence. Could the Hon. Minister say whether the supplementary budget amount of \$300 million being sought is adequate to protect the people on the coast, and in particular the farmers in Region 5 from another devastating flood?

**Mr. Patterson:** Firstly, there are no breaches in the sea defence we talked about, the water coming in. There is flooding and things such as that which we know is the water on the land which can be unable to get by. We are aware of the sluices in Cottage. We have a contract there already for 110 metres. The contractor has mobilised, the materials are on site, and he is about to start. This, Sir, is extending from the 110 metres. It is going for an addition 200 metres at the end of that contract it is to continue to ensure that we can protect the area 100%. This is phase two of the work to Cottage. We were hoping that it could not deteriorate as fast so we could have done it in 2018, but we cannot, and to be pre-emptive we are doing it now.

**Mr. Dharamlall:** Hon. Minister, you mentioned that there is already a contract for 110 metres, but your request is for additional work. Could you please state whether it would be retendered or whether it would be contract addendum for the additional work?

**Mr. Patterson:** This is a phase two. It is an additional contract to the one that we have in place. The contract is already in place, but after we initially anticipated 110 metres this year in the 2017

budget. As things go, nature and tide wait on no man. The area started to degrade rapidly so we are moving on to do the extra. As I said before, the tender for this closes on August 15<sup>th</sup>.

**Mr. Dharamlall:** It is the unit cost per metre in Rotterdam-Ruimzigt versus Cottage for construction on the old contract and on the additional contract.

**Mr. Patterson:** In Region 3, I am told it is about US\$2,000 and in Region 5, it is US\$2,500 per metre.

### **Reconditioning of Ferry Vessels**

**Mr. Croal:** Firstly, could the Hon. Minister confirm that the \$91 million covered by Maritime Administration Department (MARAD) and Kanawaima revenues are generated from the two sectors? Is that correct?

**Mr. Patterson:** The question would be for Minister Ferguson.

**Mr. Croal:** My apologies, Minister Ferguson.

**Minister within the Ministry of Public Infrastructure [Ms. Ferguson]:** I would like to thank the Hon. Member for his question. Yes. These are revenues generated by the two entities.

**Mr. Croal:** As a follow up, if that is the case, would it be therefore an understatement on the voted provision since we are using revenue and the correct way should have been reflect the revenue going back to the state and then have the entire allocation being requested? Would the voted provision be underestimated by \$91 million?

**Ms. Ferguson:** Let me just put the Member's heart at ease. Actually the two entities are semi-autonomous agencies and from time to time they would give support to the Transport and Harbours Department. Hence, them giving the support with the two sums being reflected here.

**Mr. Croal:** Could the Hon. Minister then indicate, what is the total value of the repairs to the *MV Lady Northcote*, because I see there is final payment?

**Ms. Ferguson:** I think it is clearly highlighted in the legend that the moneys being requested are actually for the *MV Sandaka*.

**Mr. Croal:** As a follow up, the additional work on the *MV Sandaka* seems to be major because the amount requested is double of the budget. What were the major repairs or the additional works that was granted?

**Ms. Ferguson:** In the Budget 2017 we had an allocation of \$100 million towards the *MV Sandaka* and that was primarily to take care of the propulsion systems on that vessel. The moneys being requested are actually a shortfall to cater for the works to be effected.

*Item 4 32-322 Ministry of Public Infrastructure – \$120,000,000, \$300,000,000 and \$100,000,000 agreed to and ordered to stand part of the Schedule.*

8.32 p.m.

**Item 5 43-432 Ministry of Public Health – \$86,100,000**

**Dr. Anthony:** Thank you Mr. Chairman. Could the Minister say whether all of the \$86 million would be spent on the procurement of the mammography system?

**Minister of Public Health [Ms. Lawrence]:** Thank you Hon. Member, the answer is yes.

**Dr. Anthony:** Could the Minister say whether or not this would be done by public tendering or would there be any other form of tender?

**Ms. Lawrence:** Mr. Chairman, the Minister, having encountered a few issues with regard to persons or companies bidding for these machines, where they have tendered documents that are false, that they are agents of several companies. When we found out that they are not, the document was submitted, we have decided that we would go to the manufacturer. The intention is to go to Semen to get its brand. It has two agents in the Caribbean and Latin America, and so we would be going with them to purchase this equipment.

**Dr. Anthony:** Could the Minister say whether the preparation for the space, which is needed for this machine, is prepared or are we going to get another supplementary for the preparation of that space to house this machine?

**Ms. Lawrence:** To the Hon. Member, there was a survey of some of the places that this particular machine can be placed at the Georgetown Public Hospital Corporation, and once this

supplementary is passed in this Assembly, I am quite certain that the Chief Executive Officer (CEO) and the management will make the decision as to exactly where it will go.

**Dr. Anthony:** The reason why I ask the question before is because we have passed in this Assembly moneys to procure a computerized tomography (CT) scan and my information is that is still not up and running. It was delayed because they did not prepare the space. This is an important piece of machinery that is why I suppose the Minister brought it before waiting for the next budget. Therefore we could like to see as soon as the machine is procured that there is a space ready to house it. I am not sure I am getting that assurance because from the Minister's answer that space is still not designated. Could the Minister give us that assurance?

**Ms. Lawrence:** We have just concluded our step survey, which recognised that 95% out of 1,068 women surveyed have never had a mammogram done. Breast cancer is the leading cause of cancer related deaths in this country, so we have sought to ensure that we could provide this service to those persons who now have to go to private institutions and pay \$20,000 for this test. I could assure the Hon. Member that the Ministry of Public Health is very serious about providing the service to the people of Guyana, and space is not the issue.

**Dr. Anthony:** I am very reassured by the answer of the Minister, but could the Minister tell us based on this survey that was done, what age group of women would be targeted for the use of this mammography and whether this would help us to do routine screening or are we going to be selective in who would get mammograms?

**Ms. Lawrence:** The Georgetown Public Hospital Corporation is the tertiary institution where we find 90% or so of the persons who are suffering from cancer or cancer related illness would go to, so this mammography system will add to early diagnosis and early treatment of those persons. I do not have the survey here to give the finer details, but that could be shared with the Hon. Member.

**Dr. Anthony:** Would the Minister lay over the result of the survey to this House, so that we could get a copy of it and my question was what age group of women we would be targeting and whether we would be using mammograms for routine screening or are we going to be using it in selective age groups or in a special programme. I would just like some more of the programme that the Ministry is putting in place.

**Ms. Lawrence:** I just indicated that the survey, which was carry out, once we are finished analysing the data and so, the Hon. Member, certainly, it would be shared with. With regard to the age groups, I have just said that I do not have the details here with me, so I cannot share that with him. What I can say to him is that this facility will be available for all of the persons visiting the health sector. We are not only buying one, but we are hoping that when we bring the Budget 2018 , the Members would support us for next the two, so we could send one to Region 6 and one to Region 7.

**Dr. Mahadeo:** Could the Hon. Minister say whether the services from the mammography machine will free or it will there be a fee attach to it?

**Ms. Lawrence:** At this time we are looking at offering this service free of cost.

*Item 5 43-432 Ministry of Public Health - \$86,100,000 agreed to and ordered to stand part of the Schedule.*

#### **43-436 Ministry of Public Health - \$12,200,000**

**Dr. Anthony:** For the plateletpheresis machine, could the Minister explain to us what form of tender she would be using, whether it is public tender or selective tender?

**Ms. Lawrence:** Here, again, we are going to the manufacturer. This time the manufacturer is Terumo and it has agents in Argentina and in Puerto Rico and we would be going directly to them to purchase this equipment.

**Dr. Anthony:** In the original allocation there were \$25 million, this provision is seeking an addition \$12 million, why was it that we could not buy this machine with the sum that was originally allocated?

**Ms. Lawrence:** We have already sent out to tender for all the other items on the list which make up this \$25 million and it was recognised, as it stated here, that the amount of money allocated was underestimated by \$12.2 million. That is why we are here for this money.

**Dr. Anthony:** Could the Minister refresh our memories of the other items that were there and whether they were advertised for public procurement or are we going through a selective procurement for those items as well?

**Ms. Lawrence:** I see the Hon. Member has the legend there and it points him to page 188 of the profiles. Notwithstanding that, let me say that some of the items did go out to public tender, which was awarded for the laboratory and we are now awaiting the arrival of those equipment. I do not have the list here, but I can supply that.

**Dr. Anthony:** I would await the information from the Minister pertaining to the items, the form of procurement, the people who tender for the equipment, the evaluation and who were finally awarded.

**Dr. Mahadeo:** The Minister mentioned that we would be going to the source for the equipment, is the Minister telling us that there is only one company that manufacture this equipment, if not then how did we choose the particular company?

**Ms. Lawrence:** I have been informed that this particular entity, which is in Argentina, that the blood bank, which would use this piece of equipment, is presently having within its domain equipment from this company, so what we want to do, is to have persons trained by the company.

*8.47 p.m.*

It is offering that which is why we are seeking to ensure now we do not have something bought from one company, another from a next and the other one from another company. What we lack in this country are bio-technicians. We do not have many bio-technicians. They are very few. We have a lot of equipment that we spent a lot of money on just which are lying there because we do not have anyone to fix them.

**Dr. Mahadeo:** Are we sure that this piece of equipment, for this amount of money would be the best value for money we will be getting? Just getting people trained to fix equipment is enough reason, I am not satisfied it is enough reason to continue buying from that particular company.

**Ms. Lawrence:** We live in a world of uncertainty, so that I am not going to tell you that I am sure. What I know is what has been said to me from the research done. This is the company of which several other medical institutions within the Caribbean are using these equipment. The persons at the blood bank would have gone to have site visits through the Pan-American Health Organisation/World Health Organisation ((PAHO/WHO) and have noted that these hospitals in

the region are using this particular equipment from this particular company. They were able to have a go at it and this is how the recommendation is coming forward.

**Dr. Anthony:** Could the Minister say to us whether or not that equipment will be coming with a warranty, and if so, for how long? I think the Minister did mention there might be some forms of training. Could she elaborate on the form of training, the duration and who would be trained to handle this equipment?

**Ms. Lawrence:** I wish I could tell you all those things now. I have to get the money first. When this supplementary is passed in the House then we will negotiate with the company for all the other additional things.

**Bishop Edghill:** Could the Minister tell this Assembly if we are sourcing things directly from the manufacturer and what arrangements for after sales service and maintenance are being made?

**Ms. Lawrence:** To the Hon. Member, of course, the purchase of the equipment from the manufacturer will come with standard warranty. As I said, it is offering training as one of the components with it. As we continue the process, we will be able to look at the other things, whether we would like to buy-in to it or not, that is for maintenance, and so on.

**Bishop Edghill:** My particular interest is if we have representatives in Guyana that provides the maintenance and aftercare service. If something should happen to the machinery, it does not have to be out of use for protracted periods. That is the issue. It is if there are people in Guyana or we will have to fly them in.

**Ms. Lawrence:** I said earlier that one of the issues here within the health sector is that while we have trained doctors, lab technicians and nurses, we did not put emphasis on training bio-technicians. In every health institution you go to you will see millions of dollars stacked up against the wall or in the corridors because many of the equipment are old and outdated. The reagents cannot be got for them or we have not trained our people to fix them. Now we have an opportunity. As the Minister of Health, with the people of this country's health within my purview to take care of, we have to ensure we get updated equipment, not equipment that would we buy now and pay \$12 million and it is some 25 years old equipment. We must have

equipment whereby we can purchase the reagents. Also we are looking for guaranty, training and to ensure we are dealing with companies that are above board.

**Ms. Teixeira:** Could you say which company this equipment is being purchased from and why is there such a large degree of underestimation in Budget 2017 of \$1.8 million and why are you now coming for \$12 million? Why are we buying from a company in Argentina? Could you give us the name of that company?

**Ms. Lawrence:** Let me deal with the last part of your question first. It was basically a typo error. In the Ministry's draft budget, there was \$14 million dollars, but when it was placed on the list and submitted to the Ministry of Finance, someone typed \$1.8 million, but the \$14 million was there. I indicated before that we have had issues with persons and companies indicating that they are the agents for machinery of such type and we have found out from the manufacturer that it does not have any agents here in Guyana and upon checking the documents we recognise that those documents were false. We have also decided in the interest of getting value for money, we will go to the company where we can get updated machinery, buy the reagents and also get training and high maintenance for this equipment.

**Ms. Teixeira:** Madam Minister, you have not answered my question. Where are we buying the equipment from and what is the name of the company? One of the issues of standardisation of equipment is an important challenge in every Ministry. That is why many years ago for x-ray equipment, Semen was chosen and went to selective tender because it had an agent right in Trinidad. Any problem with your x-ray machines, the personnel could go over and fix it. I wonder why we are choosing a company in Argentina. What is the name of the company? Secondly, you talked about bio-technicians, a lot of equipment today is computerised and therefore it is not the same thing as the kind of maintenance that was done on the old equipment. There are a lot of computerised issues with software programming which require a completely different person to be trained and not the traditional bio-technician. I think we have to be very careful with what we are saying.

**Ms. Lawrence:** Just to remind the Assembly that I said the company is Terumo. It is located in Argentina and it does have an agent in Puerto Rico. T-e-r-u-m-o. I do agree with the Hon. Member that many of these equipment are now computerised, that is why we have to ensure that

we get the highest quality, we train our people, go to the reputable firms to buy these equipment and we do not end up buying equipment that come out of some hospital that is 25 years old for our \$14 million.

**Ms. Teixeira:** It is one last question. A lot of these equipment are highly sensitive to fluctuations of electricity, have provisions been made in your budget or your supplementary to have the kind of back up and protection for such an equipment? Fluctuation of frequency, not electricity, or voltage, can cause damage equipment. Have you in your survey or in your budget made provisions? Is it here in the supplementary budget or will you be doing that in Budget 2018, otherwise you are wasting money?

**Ms. Lawrence:** No money is made in this supplementary to address voltage fluctuation, but I can assure you that the Georgetown Public Hospital Corporation is looking at having a review done, in terms of its electrical supply internally. It is also looking at separating the present electricity that is going to some of the main buildings, because it is felt that there it is too much on those lines which is going there. Very soon we will be speaking with the Minister of Public Infrastructure about having some separate transformers placed within those lines so that they can feed directly to some of the buildings, so we can reduce the load from the one which we have presently.

*43-436 Ministry of Public Health - \$12,200,000 agreed to and ordered to stand part of the Schedule.*

**Item 6 54-541 Ministry of Public Security - \$ 8,877,225**

*9.02 p.m.*

**Mr. Rohee:** I took note of the first part of the remarks which speaks to:

“...the establishment of the National Anti-Narcotic Agency...”

Could the Hon. Minister say whether the Cabinet had approved the establishment of the National Anti-Narcotic Agency (NANA) and whether a Cabinet decision was issued to this effect?

**Vice-President and Minister of Public Security [Mr. Ramjattan]:** Yes, indeed, it was approved by Cabinet. I do not have the date now but I can give you subsequently.

**Mr. Rohee:** Mr. Chairman, we were informed that NANA was supposed to be launched in December, 2016. Could the Minister say whether there was a public launch of NANA in December 2016?

**Mr. Ramjattan:** That is true; NANA was supposed to be launched in December, 2016, but it was postponed. We are depending on these items before the NANA is launched.

**Mr. Rohee:** Could the Hon. Minister tell this House whether NANA is an operational or a policy-making body?

**Mr. Ramjattan:** It would be a policy-making agency.

**Mr. Rohee:** If NANA is to be a policy-making body, could the Hon. Minister explain to this House why is it that the Police Anti-Narcotics Unit, the Customs Anti-Narcotics Unit (CANU), the Guyana Revenue Authority (GRA) Anti-Narcotics Unit and other bodies which are related to the fight against drug trafficking are now going to be housed within the structure of NANA?

**Mr. Ramjattan:** Those units would not be housed within the structure of NANA. The NANA would be the policy agency that would coordinate and integrate their efforts. Narcotics for the police would remain and CANU would remain and so on.

**Mr. Rohee:** I find the answer somewhat in contradiction to major policy statements that were issued earlier to the effect that the operational entities which are involved in the fight against narcotics will be collapsed under the rubric of NANA.

**Mr. Ramjattan:** I think that the Hon. Member has it completely wrong.

**Mr. Rohee:** Mr. Chairman, I take umbrage to the Minister's statement and, with your permission...

**Mr. Chairman:** I do not know what I am permitting you to do, sir. Hon. Member, what am I permitting you to do?

**Mr. Rohee:** I am asking your permission.

**Mr. Chairman:** ...to do what?

**Mr. Rohee:** It is to layover, at some point in time, to this honourable House, evidence printed to the effect that major policy statements were made to the effect that bodies of the type that I just mentioned will fall under the rubric of NANA.

**Mr. Chairman:** Hon. Member, I will permit you but you know that you must lay the first copy over to me, get my approval and then it could be circulated. That is the procedure, sir, and no other.

**Mr. Rohee:** Mr. Chairman, I am very much aware of the procedure.

**Mr. Ramjattan:** The Guyana National Drug Strategy Master Plan 2016-2020 was handed to the Member some time ago. On page 48 of that Plan indicates what the structure is about and how it will integrate the efforts for better efficiency.

**Mr. Rohee:** Could the Hon. Minister inform the House about the location of the building in which NANA is to be housed?

**Mr. Ramjattan:** It is located at lot 125 Parade and Barack Streets, Kingston Georgetown.

**Mr. Rohee:** Could the Hon. Minister inform the House about the staff who will be recruited, from where they would be recruited and whether advertisements would be in the media to this effect?

**Mr. Ramjattan:** There is a position paper on the staffing of the NANA. I have it here and I could share it with the Member. It has Director, Deputy Director, Drug Enforcement... It was approved by the Department of the Public Service.

**Mr. Rohee:** Could the Hon. Minister inform the House whether there is a head of NANA at this point in time?

**Mr. Ramjattan:** There is a designated head. He was the head of the taskforce for narcotics.

**Mr. Rohee:** For the purpose of clarification, I understand the Minister to say that there is a designated head and no head of NANA.

**Mr. Ramjattan:** Yes.

**Mr. Rohee:** Could the Hon. Minister inform the House whether there are plans to fully designate the head of NANA?

**Mr. Ramjattan:** We are in the process of completing the exercise of getting the Director who is the designated head.

**Mr. Rohee:** Mr. Chairman, could the Hon. Minister inform the House to whom would the head designate report and, when that person is confirmed in that position, to whom would he be reporting?

**Mr. Ramjattan:** He would be reporting to the Minister of Public Security.

**Mr. Rohee:** Could the Hon. Minister inform the House whether Guyana is still considered an in transit point for movement of narcotics?

**Mr. Chairman:** Mr. Rohee, I have allowed a fair measure of backward and forward movements but I think we will need to put this to an end now.

**Mr. Ramjattan:** Yes, indeed, we are still an in transit point.

*Item 6 54-541 Ministry of Public Security - \$8,877,225 agreed to and ordered to stand part of the Schedule.*

**54-543 Ministry of Public Security - \$756,159,886**

**Bishop Edghill:** Could the Hon. Minister indicate to this House whether what is listed in the remarks column is the sum total of the works that need to be done?

**Mr. Ramjattan:** It is the sum total in relation to bringing the Georgetown Prison at Camp Street to a position where it could get these buildings. It would be \$640 million for the buildings at Camp Street and \$69 million and \$46 million for the Lusignan Prison and the clean-up of the Camp Street site.

**Bishop Edghill:** Mr. Chairman, I have gone through every item and the amounts and I have done a disaggregated computation. First of all, I would like to point out to the Minister that he is seeking \$756,159,886.

**Mr. Ramjattan:** Yes.

*9.17 p.m.*

**Bishop Edghill:** In the Legend, the Ministry has only accounted for \$602.5 million. Could you tell us to what the other \$154 million will be allocated to and why it is not in the Legend?

**Mr. Ramjattan:** I am indeed surprised as to whether I have gotten my additions wrong here. Indeed, it is \$640 million for the actual construction of the prison at Camp Street and \$115 million in relation to the Lusignan Prison Compound and the Georgetown Prison, Camp Street, clean-up.

**Bishop Edghill:** Mr. Chairman, until such time that the Hon. Minister provides a document which shows that the Camp Street exercise requires \$640 million, we will have to work with this. I do not know if he plans to lay over that with us now or he could indicate to us what was left out so that we could account for the \$154 million that is not accounted for in this paper. It is a significant sum, Sir.

**Mr. Ramjattan:** Indeed, the sum which is in the remarks section is wrong. I have the document that says that it is...

*Mr. Patterson rises.*

**Bishop Edghill:** Is this new Minister of Public Security?

**Mr. Patterson:** Sir, we believe in collective responsibility. We also believe in teamwork. In that vein, the Legend that is written in the Financial Paper is not as comprehensive as the one that I have in my hand. Could the Hon. Member take out his pencil?

**Bishop Edghill:** Yes, I have it.

**Mr. Patterson:** Earth works - \$70,313,489...

**Bishop Edghill:** Mr. Chairman, on a Point of Order, Standing Order 40 (a). We are considering Item 6 – Buildings. The Hon. Member is introducing expenditure that has nothing to do with this line item which represents \$756 million. It is totally different.

**Mr. Patterson:** Mr. Chairman, that interjection obviously explains quite a lot for the stewardship of the other side. Earth works is foundation. Every building has a foundation. If you would allow me to continue, I will rephrase the word to 'foundation'. Buildings, Camp Street - \$70.3 million; the administrative building is \$143.9 million; the security system is \$61.9 million; kitchen and infirmary is \$40.2 million; the medical centre is \$27.9 million; the solitary block is \$75 million; the convicted dormitory is \$21 million. The only reason I am going through this is because the Hon. Member questioned our computation. General works is \$61.9 million; fire suppression system is \$18 million; general plumbing works is \$9.8 million; and the general electrical works is \$8.5 million. When those are added, the sum is \$640 million; added to that the cost of the Camp Street clean-up and the cost of the temporary holding centre and the sum would be what is quoted in the financial paper - \$756 million. That explains the amazingly disappearing \$153 million.

**Bishop Edghill:** As advised by the Hon. Member, I took out my pen. The only addition, apart from what was stated on this financial paper, is \$70 million for foundation, which is called 'Earth Works'. We are still short of another \$80 million.

**Mr. Chairman:** Hon. Minister.

**Mr. Patterson:** Sir, if the Hon. Member cannot add, what are you asking me to answer?

**Mr. Chairman:** Hon. Minister, if you are offering an explanation it need not be in terms such as you used. What is the explanation you want to give this House?

**Mr. Patterson:** That the numbers given will add up to \$640 million.

**Bishop Edghill:** Sir, I will like to indicate to you that the Hon. Member, Mr. Patterson, gave more precise numbers than some of the numbers that are here, which were less by 'point-something'. We could go through the math and the only addition is \$70 million. On this financial paper that is being sought for \$756,159,886, we have only accounted so far for \$602.5 million, plus \$70 million which adds up \$672.5 million. Could the Hon. Minister of Public Security indicate to this House what the balance of money being sought in this financial paper would be used for?

**Mr. Ramjattan:** Let me just make it quite clear that the actual costs of the works to be done at the Georgetown Prison is \$640 million, the costs for works done at the tarmacked area at the Lusignan Prison is \$69 million and the cost for the clean-up of the Georgetown Prison for the \$640 million works to be done is \$46 million, which brings it to the amount. [*Interruption*]

*Mr. Chairman hit the gavel.*

**Mr. Chairman:** Hon. Members I think what we want is an understanding of whence the money, which we do not find in the remarks column. If you will resume your seat, we will hear what the Hon. Minister has to say.

**Bishop Edghill:** Sir, before I resume my seat, the Minister just indicated...

**Mr. Chairman:** Hon. Member, you are bargaining with me.

**Bishop Edghill:** No, Sir.

**Mr. Chairman:** Then please resume your seat. Minister Patterson let me hear you.

**Mr. Patterson:** Sir, I have the information here. If one of the Assistants could take it and have it copied we would stop the mental arithmetic. I am sure that it would be beneficial to the entire House and save us time. I will hand the document over.

**Mr. Chairman:** Hon. Member, do you wish to inform the House of something about which the House is raising a question.

**Mr. Patterson:** Sir, I just wish to lay over the summary of the details so that the Hon. Member could add it up to get to the number on the Financial Paper. And, as the Minister of Finance is hinting, what is written in the Legend is just a breakdown... [*Interruption*] We will pick that up with the Ministry of Finance at a later stage, but this is the computation of the \$756,159,886.

**Bishop Edghill:** Sir, I indicated earlier that, based on the information in the Legend, there is a figure that is not consistent with what is being sought. I have since gotten information that there is an additional \$70 million for foundation works. The Minister of Public Security just indicated that there is an additional \$46 million for the clean-up of the prison at Camp Street. I will like to bring to the attention of the Minister of Public Security that that figure is already included in the

figure of \$602.5 million. So that figure has not yet changed. We are still asking what accounts for the additional \$80 million plus which is not part of this Legend, even though \$70 million has been added for foundation works.

**Mr. Chairman:** Hon. Members, I thought that the Minister of Public Infrastructure attempted to provide this House with some information.

**Bishop Edghill:** I do not have it, Sir.

**Mr. Chairman:** The Minister did say that he would lay it over. I do not know what the length of time is, but maybe you could require the Minister to read it. What I am saying is, if we are going to resolve this, and resolve it we must, then we need to take advantage of any information that is available to us. I think what we are trying to do is to find ...

**Bishop Edghill:** Some money, yes.

**Mr. Chairman:** No, we are not trying to find some money. We are trying to deal with the issue that we have before us.

Hon. Minister Patterson, did you say that the document displays \$756,159,886?

**Mr. Patterson:** Yes, Sir. I have given it to one of the Assistants.

**Mr. Chairman:** And what will he do?

**Mr. Patterson:** Sir, he will reproduce it. He will give it to the Clerk first I presume, but I have given it to him as I indicated.

**Mr. Chairman:** Hon. Members, I think that we should proceed with this matter. I do not believe that Hon. Members have doubts about the figures, but they want to see the figures. They want to make it clear that the figure, which is before us as the total to be sought, is the figure that is properly being sought. I understand that Minister Patterson has taken steps to inform us all about this figure. Perhaps in a few minutes we will get that information. In the meantime, Ms. Teixeira, you have the floor.

**Ms. Teixeira:** Mr. Chairman, this is not a trite matter. This is a very important matter that figures that come to the House for debate, discussion and approval are correctly reflected in the

remarks so that one is able to have an accurate breakdown of what the money will be used for. It is part of accountability and transparency. It is not a dispute over whose figures are right or whose figures are wrong. If we are asked to approve \$756.1 million we must have a breakdown that, at least, adds up to that sum. When there was a dispute about the addition and Minister Patterson had spoken, he gave figures which did not total \$756.1 million. So, yes Sir, we are very interested in seeing the piece of paper and the totals.

*9.32 p.m.*

However, in this House, we have the Minister of Home Affairs or Public Security in front of us, the Permanent Secretary (PS), the representative from the prisons and surely they must have a copy of the list and they must be able to say whether it is \$756 million and if there is a difference of \$80 million where it is? But the figures that Minister Patterson gave, we all took our pens out like good school children and wrote, and we are not coming up with \$756 million. So, there cannot be 32 persons on one side of this House and all cannot come to \$756 million. So this is not a trite matter.

Could we pause and let Minister Patterson and Minister Ramjattan share their figures, so that we could see what the figures are that we are being asked to approve? The totals were different.

**Mr. Ramjattan:** Mr. Chairman, the figures were read by the Minister of Infrastructure and I have them here too. Earth Works - \$70 million and write them down. That comes up to \$640 million. [Ms. Teixeira: Yes, we are getting all the figures.] Right. In addition to that, the \$69 million for the Lusignan situation... [Ms. Teixeira: It is in the matrix already.] I know that.

*Mr. Chairman hit the gavel.*

**Mr. Ramjattan:** Please, if you would allow me to explain, I would explain.

**Mr. Chairman:** Hon. Members, I think that is one of the difficulties we have with matters of this nature. I think that we need to wait until one person is explaining and if we disagree with the explanation, at the end of that presentation we could say so. But we try to speak at the same time as the other person is speaking and there may be essential points that one may lose. So the Minister of Public Security is offering an explanation and we will allow him to do that.

**Mr. Ramjattan:** The figure is \$756 million and the remarks do not add up to that. The explanation given by the Minister of Public Infrastructure shows how it adds up because the first \$69 million under the remarks is accurate, the next \$46 million is accurate and the rest are what he gave as earth works – \$70 million; admin building - \$143 million; security systems \$61 million; kitchen and infirmary and we are sharing that document around. So that comes up to \$640 million, and the \$69 million and \$46 million, which is a \$115 million, almost, comes up to the \$756 million. I am not adding twice. [Mr. Rohee: You are double-dipping.] It is not double-dipping. It is because the very first... [Interruption]

*Mr. Chairman hit the gavel.*

**Mr. Ramjattan:** You could make a mockery of it. But the very first two items...

**Mr. Chairman:** Hon. Members, if I quote a Hon. Member, this is not a trite matter. If it is not, then we must not treat it differently.

**Mr. Ramjattan:** So I am indicating how it comes up to the \$756 million. The \$756 million is as result of that memo, which is going to be circulated, plus the \$69 million and \$46 million for the clean-up of the prison site at Camp Street and the tarmac area being rebuilt for \$69 million.

**Mr. Chairman:** I believe that the document from the Hon. Minister of Public Infrastructure has been circulated to all. I would allow a moment for persons to look at the document and then we will move from there. Hon. Member you have the floor.

**Bishop Edghill:** Sir, immediately, in the circulation of this document, I could identify three areas that were not included on the financial paper that is before us. The supply of metal beds - \$46 million, that was not told to us; preliminaries - \$83 million, that was not told to us. The Minister of Public Security explained to us what preliminaries were, the details of \$83 million, which I was pressing after all the time?

**Mr. Patterson:** Sir, I was just doing it for expediency sake.

**Mr. Chairman:** Hon. Minister Patterson, I do not think that there is any question concerning the remarks. Hon. Member, Mr. Nandlall?

**Mr. Nandlall:** I am advising my friend.

**Mr. Chairman:** Then could you be a little easy on the advice, you are interrupting me. Hon. Member, what I am saying is that there is no question of the fact that the remarks do not add up to \$759 million. However, what seems to be emerging is that and that was admitted by the Hon. Minister Ramjattan that is that some of the items were not included here. That much we know. Now, if those items are before you and we could make use of it, then it seems to me that we could move on with this matter.

**Bishop Edghill:** Sir, in relation to the question that I have on the floor, could we have a breakdown of the \$83 million that is titled "Preliminaries"?

**Mr. Ramjattan:** It is as follows: Shipping of 40-ft. containers and that comes up to \$16,500,000; 20-ft. shipping containers and that comes up to \$20 million; demolition and removal of structures - \$39 million; bunk beds \$6.5 million; and that comes up to \$83 million.

**Bishop Edghill:** Mr. Chairman, demolition and carting away of the damaged Camp Street Prison block and the supply of metal beds came up to \$46 million, which is in the original stated document. So the Minister has given us shipping of containers - \$16,500 million and 20-ft containers - \$20 million. I suspect that these are containers that were required to be moved to Lusignan for whatever had to be done, but that is \$36 million of new moneys that is being revealed out of \$83 million that was asked for. This is because the demolition works and the beds were already accounted for in the original \$46 million.

**Mr. Chairman:** Hon. Member was there a question that you were asking because I have not heard the question.

**Bishop Edghill:** Sir, I am seeking clarification that we already have it stated, apart from preliminaries. We have preliminaries for \$46 million and that has already been taken out of the \$83 million, but it is being repeated again as part of the \$83 million.

**Mr. Patterson:** Sir, the demolition at the Camp Street site that has already been executed for \$46 million had required the demolition of those burnt structures that everyone could have seen there. So, therefore, that was done and I will give a complete answer as possible and I could also explain the beds. Sir, the emergency works and the clean-up of the Camp Street site compound, which had started on the 11<sup>th</sup> July, which started two days after and it was completed in about

three to four days. The emergency works were done in three lots. Lot 1 was done by CB General contracting agency for \$42.214 million and it was done in lots Durban Street, Bent Street and Camp Street. Lot 2 was done by Chung Global Enterprise for \$12.565 million. Lot 3 was done by GuyAmerica Construction for \$11.945 million.

Also, we demolished the Capital Building, Section B. Sir, if you could recall, it was the building that was burnt last year, but it was never demolished. It was out of use because, obviously, it was structurally unsafe and that was done for \$5 million.

We had to pay the sum of \$1,202,500 to Puran Brothers for Haag Bosch because, as you would know, we had moved the materials at night and special separation had to be made for the debris. Sir, there were some chub locks at the 'Brick' Prison, and it was \$6.960 million for those. There were 60 bunk beds done by INFAB at a cost of \$4.10 million. If we add them all up, it comes back to the number there.

The 60 bunk beds were the bunk beds to be put in what is called the 'Brick Prison'. This is because at the time of the fire it was incomplete. They moved prisoners back there about a couple of days ago. At the beginning of the week and there were no bunk beds, so, in this phase, there were bunk beds there. In the other phase, obviously, the Ministers could give the Members how many numbers, but there are no beds in any of the places now, so the 60 bunk beds which the Members are going on about were to house the people who are there now. Thank you.

**Bishop Edghill:** Mr. Chairman... [*Interruption*]

**Mr. Chairman:** Hon. Members, we will not have a competition.

**Bishop Edghill:** Thank you Sir. Sir, you would have noticed that I have moved away from the Legend on the financial paper to the new circulated document, which is to help us clarify the issues that are here. The Hon. Minister of Public Infrastructure has just told the House that demolition works at the Camp Street location came in three blocks that would total \$42.2 million, \$12.650 million and \$11.45 million, which would give us... [**Mr. Patterson:** It is \$11.945 million.] Well call it \$12 million. So \$42 million and \$24 million is \$66 million and that accounts for \$66 million, which is above the \$46,000,000 that is listed on this document.

The Minister of Public Security told the House that he spent \$6.5 million on bunk beds and that was with his Accounting Officers there.

*9.47 p.m.*

The Minister of Public Infrastructure, who has probably become the procuring entity, is accounting for \$4.1 million for 60 beds. Could we have some clarification?

**Mr. Chairman:** Hon. Member you are rising on?

**Mr. Patterson:** On a Point of Correction, because Minister Ferguson was just saying...the first number is \$4.2 million, not \$42 million. It is 4.214 million.

**Bishop Edghill:** Is it \$4.2 million?

**Mr. Patterson:** Yes. It is \$4.2 million, sorry. Thank you Minister Ferguson, I did not realise.

**Bishop Edghill:** You are correcting yourself, you said \$42 million.

**Mr Patterson:** It is \$4.2 million.

**Mr. Rohee:** Mr. Chairman, could the Hon. Minister of Public Security tell the House whether these requests that are listed, particularly item nos. 1, 5, 6, 7, 8, 9, and 10, are consistent with the recommendations that came from the Commission of Inquiry (CoI) into the 2016 incident at the Georgetown Prison?

**Mr. Ramjattan:** None of these came as a result of the commission of inquiry. These came because of the necessity of the situation of the prison being flattened by that fire.

**Mr. Rohee:** Mr. Chairman, what I understand from that Hon. Minister is that, notwithstanding the fact that we have had an incident at the Georgetown prison, which resulted in the establishment of a CoI, from whence a number of recommendations arose, that some of those recommendations have not been taken into account in re-establishing these structures at the Georgetown Prison.

**Mr. Ramjattan:** Those recommendations, which had started as a result of the CoI, were literally erased by the fire, excepting the 'Brick Prison'. A number of those recommendations were on

their way to being implemented and some depended on funding for implementation. This what we have here all came about as a result of recommendations from the experts of infrastructure, that we do this so that we can remove those persons who were in the tarmacked area so that they could be more secure at the Camp Street location. [Ms. Teixeira: Tarmac or pasture?] Whatever it is.

**Mr. Rohee:** Mr. Chairman, if I may crave your indulgence on this question. Reading the CoI's Report of 2016, for the convicted dormitory that is listed here, as well as the solitary blocks, specific recommendations are made with respect to the size and the international standards to which the convicted dormitory, as well as the solitary blocks ought to be constructed. Is the Hon. Member saying that, notwithstanding the recommendations that were made in the CoI of 2016, with respect to the specifications that ought to be consistent with international standards in a prison, that those have been ignored and not taken into consideration, when constructing the dormitory for the inmates as well as the location where the solitary confinements have to take place?

**Mr. Ramjattan:** I think that we are speaking on two things here. After the recommendations came out, the over population of that prison at Camp Street meant that we could have hardly done anything because of the high amount of remands. The international standards could have hardly been met. With them burnt down, recently, we are trying now to get the sanitary block and the convicted dormitory reconstructed, as best as possible within international standards. That is why it is coming up that costly.

**Mr. Hamilton:** Mr. Minister, could you indicate to us whether the \$537,000,500 that was voted for the Ministry, regarding the building of prisons, has already been expended?

**Mr. Ramjattan:** Of the \$537 million, \$256 million was used up at that site, and of course, the fire then came.

**Mr. Hamilton:** In fact, Minister, the Ministry still has in its budget some \$180 million to be added to the \$756 million that you are seeking. It is because you have indicated that you have not expended the \$537 million.

**Mr. Ramjattan:** That was for all of the prisons.

**Mr. Hamilton:** Okay, you are saying that it is for all of the prisons. Could I find out how much of the remaining sum is for the Georgetown Prison and the Lusignan Prison?

**Mr. Ramjattan:** None of the sums will be for the Georgetown Prison. I think all of it will be for the Mazaruni Prison.

**Mr. Hamilton:** Minister, on the money that you seek here in the supplementary, could you advise us, whether the contractors who were called on board to execute these emergencies, have already been paid or are to be paid.

**Mr. Ramjattan:** They are to be paid and that is why we are seeking the supplementary for the work that they did, and have not been paid for as yet.

**Mr. Hamilton:** So, are you confirming that none of the contractors have been paid, as we speak?

**Mr. Ramjattan:** Absolutely none.

**Mr. Rohee:** Mr. Chairman, could the Hon. Minister say, with respect to the construction of the temporary holding facilities at Lusignan, how temporary will that 'temporary' holding facility be?

**Mr. Ramjattan:** The completion of the structures at Camp Street will take about three months. When they are completed, a number of them from that tarmacked area will come over. I do not know if we will manage to get all of them over; but it would probably be more than the three months period that that tarmacked area at Lusignan will have to hold those prisoners.

**Mr. Rohee:** With respect to the infirmary, that is going to cost \$40 million. First of all, I do not know why the kitchen is linked to the infirmary. Could the Hon. Minister say how much of the \$40 million will go for the construction of the infirmary? Secondly, will the infirmary house the mentally affected prisoners?

**Mr. Ramjattan:** The engineers' design is that the building for the infirmary and the kitchen will be one structure. Upstairs will be the infirmary and the downstairs will be the kitchen.

**Mr. Rohee:** With all that heat going upstairs?

**Mr. Ramjattan:** That is the experts' opinion that I stand on.

**Mr. Rohee:** You are putting a kitchen under sick people. [*Interruption*]

*Mr. Chairman hit the gavel.*

**Bishop Edghill:** Could the Hon. Minister indicate to the House why did he not utilised the facilities of a Contingency Fund advance to pay contractors and suppliers, who have already supplied goods and services to the Georgetown and Lusignan Prisons. Secondly, on what authority or law allows him to take credit from suppliers and contractors?

**Mr. Ramjattan:** The emergency nature necessitated that. If we did not do that and more prisoners were out there, I would have had other questions to answer. I got my advice from the Minister of Finance and the Minister of Public Infrastructure on matters of infrastructure and the moneys and that is why I did what I did here.

**Bishop Edghill:** May I ask the Minister of Public Security if he is aware that, in the case of an emergency, the Minister of Finance, without the approval of this House, could make moneys available and come for approval after the expenditure. Is he aware of that?

**Mr. Ramjattan:** I am very well aware of that.

**Mr. Chairman:** Hon. Member Bishop Edghill, if you would retain your seat.

#### **SUSPENSION OF STANDING ORDER No. 10(1)**

**Mr. Chairman:** Hon. Prime Minister, I see the 10 o'clock hour is approaching us.

**Mr. Nagamootoo:** Mr. Chairman, I move that this Assembly continues uninterrupted until the conclusion of our business for tonight.

*Question put and agreed to.*

*Standing Order suspended.*

**Bishop Edghill:** Mr. Chairman, the second part of the question, which is, under what authority or law had the Government of Guyana entered into credit arrangements with contractors and suppliers? Under what authority or under what law allows for that? It is because the Contingency

Fund advance makes provisions so that the Government does not have to go into credit arrangements.

**Mr. Patterson:** Mr. Chairman, the lateness of the hour does not allow me to go back over it again, but the Hon. Member is going up a path which I think we should not be going.

Firstly, the contractors procured the materials.

*10.02 p.m.*

**Bishop Edghill:** So, do we still owe them?

**Mr. Chairman:** Hon. Member, you must let the Minister finish his intervention.

**Mr. Patterson:** Through the Chair, Member Hamilton asked if we owed the contractors and we said yes. Also, he asked if we had paid them and we said no. That is why we are coming here and we do hope that, even though the lateness of hour, we could have this passed and shortly pay them for the services which they extended to us. That is why the supplementary is here. They have worked day and night for almost a week and an half.

**Mr. Rohee:** Mr. Chairman, one of the recommendations in the commission of inquiry...

**Mr. Chairperson:** Hon Member, I would not allow another excursion there.

**Mr. Rohee:** Sir, I am not engaging in an excursion. I am going straight to the question

**Mr. Chairperson:** Hon. Member, you would not go to the commission of inquiry again. If you are asking a question please proceed, if you are going to go to the Commission of Inquiry, I will not permit it.

**Mr. Rohee:** Sir, I have to contextualise the questions. Could the Hon. Minister say, with respect to the supply of metal beds, whether he has taken into consideration past experiences where metal beds were used as instruments and weapons to attack prison ranks, where ever they might be? Have you taken into consideration this danger that was warned before?

**Mr. Ramjattan:** Did they take into consideration the way of construction of these metal beds? That was made almost impossible to do.

**Ms. Teixeira:** Sir, I want to say to the Minister that I came here with a view that the Minister's request for \$756 million was well deserved and, in fact, I thought that he should have more. However, in hearing the responses this evening, the kind of, what appears to be the lack of information and confusion, I have doubts now. **[Mr. Ramjattan: Ask your question.]**

*[Interruption]*

*Mr. Chairman hit the gavel.*

**Ms. Teixeira:** I am allowed a preamble, Sir. I did not know that there were three Speakers in the House, but it is okay. I want to say that in the reconfigured one done by Minister Patterson, I see no reference to Close-Circuit Televisions (CCTVs), which I know were damaged. They are not provided for in the surveillance. **[Mr. Ramjattan: Security system, No. 6.]** Well your cameras or whatever you call them, surveillance. The issue of addition accommodation for staff at the Mazaruni and other prisons because by public pronouncements by the President and others that more prisoners had been taken to the Mazaruni Prison as result of the fire at the prison at Camp Street and that more would be sent there. There was a point stated in the press that, in this budget that we would have had before today, there would be money for accommodation for the prison staff. I am making where your omissions are. If I had the ability, I would have written up something to give you all more money. What do you want?

*Mr. Chairman hit the gavel.*

**Mr. Chairman:** Hon. Member, Ms. Teixeira, could you make you intervention and if you have a difficulty then appeal to the Speaker.

**Ms. Teixeira:** Yes, Sir. The 2016 Budget was underspent. The money was for the Mazaruni Prison and it went to 2017 - underspent up to now. Mr. Chairman, why are we being asked for over \$750 million, when they have not spent the \$537 million that is in the budget for the prison? You do not want a nice game and I am trying to show you where your omissions are, well that is the question. Why have you not been able to use money in 2016 and 2017 for the Mazaruni Prison? Up to now the money for the Mazaruni Prison has not been spent; up to now the Capital Budget was not spent for the Mazaruni Prison. That is why, when the outbreak took place, you did not know what to do with the Mazaruni Prison. You had no place to put the prisoners. You underspent; you are incompetent. *[Interruption]*

*Mr. Chairman hit the gavel.*

**Mr. Ramjattan:** Mr. Chairman, we indicated that the \$500 million that was allocated, over \$300 million in going to the Mazaruni Prison, but the Mazaruni Prison has to have what is called a design. We have gotten the design... [Ms. Teixeira: You were given two years for that.] Please, what two years are you talking about? You had 23 years did you do anything for the Mazaruni Prison? [Interruption]

*Mr. Chairman hit his gavel.*

**Mr. Ramjattan:** Mr. Chairman, we have ...

**Mr. Chairman:** Hon. Member, there is no profit in speaking above the voices of others.

**Mr. Ramjattan:** Mr. Chairman, we have...

**Mr. Chairman:** If there is a point to be made, then make the point and regain your seat Minister.

**Mr. Ramjattan:** I will make the point that, indeed the moneys allocated this year was going first of all to the design of an extension of the Mazaruni Prison, which has already been done by VICAB. I have made that a public pronouncement because they won the award. We awarded in January this year and none of the local architects came up successfully, we had to internationalise it. It then went overseas and VICAB won it. We will then now have to get the bill of quantities from the VICAB people and then we are going to proceed spending at the first phase the \$300 million or so dollars that we have for the Mazaruni Prison. It will take about \$2 billion for that project and it is going to be a phased project. The foundation will have to be done and that might be the \$300 million that we are talking about. So do not tell me that we are not ready, it takes time.

**Ms. Teixeira:** I have heard this before in December 2016, when we were examining the budget for the prison. The budget for the prison was underspent and I have heard this story all before about the design and that it will take several years. Money on the floor of this House, it was stated that the projects for the prisons were not completed, could not be completed by the end of December 2016 and would roll over to 2017. Sir, it is now the 3<sup>rd</sup> August, 2017 and yet these works are still not done. Mr. Chairman, you can send all the prisoners you want anywhere, if you

do not have an accommodation for staff you are wasting your time. If you are able to do small dormitories...

**Mr. Ramjattan:** Could we have the question Mr. Chairman? A speech is being made here and nothing is being read from a *Hansard* as to what I said.

**Mr. Chairman:** Hon. Minister, I will give you the floor in due course. What is the question you wish to ask Hon. Member?

**Ms. Teixeira:** The \$758 million requested by the Government is sad because the Government spent \$1.5 billion on Durban Park and could not find money for the prisons of this country.

**Mr. Chairman:** I thank you.

*Item 6 54-543 Ministry of Public Security - \$756,159,886 agreed to and ordered to sand part of the Schedule.*

**Item 9 80-802 Region 10 Upper Demerara/Upper Berbice - \$2,610,000**

**Bishop Edghill:** Could the Hon. Minister tell this House if this additional sum is as a result of Value-Added Tax (VAT) having to be paid on equipment of this nature?

**Minister of Communities [Mr. Bulkan]:** Hon. Member, a part of the sum is for VAT, but not all of it.

**Bishop Edghill:** Could the Hon. Minister tell this House what would be the estimated cost of the Roller Miners' VAT?

**Mr. Bulkan:** Sir, the sum of \$11.5 Million.

**Bishop Edghill:** Could the Hon. Minister tell this House if this roller is a new roller or a refurbished roller and if it is being purchased because it is onshore, locally?

**Mr. Bulkan:** Mr. Chairman, the answer is a manufacturer's refurbished machine.

**Bishop Edghill:** Could the Hon. Minister tell us the agency that he is procuring this manufacturer's refurbished roller from?

**Mr. Bulkan:** Mr. Chairman, the name of the supplier is ‘General Equipment Guyana Limited’ also known as ‘General Equip.’

**Bishop Edghill:** Finally Sir, could the Hon. Minister indicate to us if this purchase was as the result of selective tendering or as a result of public tendering?

**Mr. Bulkan:** Thank your Sir, it was the latter, open tendering.

**Bishop Edghill:** Did you say open tendering?

**Mr. Bulkan:** That is correct.

*10.17 p.m.*

**Mr. Chairman:** Hon. Members, this concludes consideration of all the items on Financial Paper No. 2 of 2017.

Hon. Members, I beg your pardon. It appears that I did not put the question for Region 10.

*Item 9 80-802 Region 10 Upper Demerara/Upper Berbice - \$2,610,000, agreed to and ordered to stand part of the Schedule.*

Hon. Members, this completes consideration of all the items. [*Interruption*]

**Mr. Speaker:** Hon. Members, we probably have a few more hours here. Let us make full use of them.

*Question*

“That this Committee of Supply approves of the proposals set out in Financial Paper No. 2 of 2017 – Schedule of Supplementary Provision on the Current and Capital Estimates totalling \$2,514,679,330 for the period ended 31<sup>st</sup> December, 2017

*put, and agreed to.*

**Mr. Jordan:** I wish to report that the Committee of Supply has approved of the proposals set out in Financial Paper No. 2 of 2017, Schedule of Supplementary Provision on the Current and

Capital Estimates totalling \$2,514,679,330, and I now move that the Assembly doth agree with the Committee in the said Resolution.

*Question put, and agreed to.*

*Motion carried.*

*Assembly resumed.*

### **SUSPENSION OF STANDING ORDERS NOS. 13 (N) AND 54**

**Mr. Nagamootoo:** Mr. Speaker, with your leave, I move that Standing Orders Nos. 13(n) and 54 be suspended to enable the Supplementary Appropriation (No. 2 of 2017) – Bill No. 11 of 2017 to be introduced at this stage.

*Question put and agreed to.*

*Standing Orders suspended.*

**Mr. Jordan:** In accordance with paragraph 2 of Article 171 of the Constitution, I signify that Cabinet has recommended Supplementary Appropriation (No. 2 of 2017) - Bill No. 11 of 2017 for consideration by the National Assembly. I now present the Bill to the Assembly and move that it be read for the first time.

### **INTRODUCTION OF BILLS AND FIRST READING**

The following Bill was introduced and read the first time:

### **SUPPLEMENTARY APPROPRIATION BILL (NO. 2 FOR 2017) – BILL NO. 11 OF 2017**

A Bill intituled:

“An ACT to provide for the issue from the Consolidated Fund of the sums necessary to meet the expenditure (not otherwise lawfully charged on the Consolidated Fund) of the Cooperative Republic of Guyana for the fiscal year ending 31st December, 2017, estimates whereof have been approved by the National Assembly, and for the appropriation of those sums for the specified purposes, in conformity with the Constitution.” *[Minister of Finance]*

*Question put and carried.*

*Bill read for the first time.*

## **PUBLIC BUSINESS**

### **GOVERNMENT'S BUSINESS**

#### **BILL – SECOND AND THIRD READINGS**

##### **SUPPLEMENTARY APPROPRIATION BILL (NO. 2 FOR 2017) – BILL NO. 11 OF 2017**

A Bill intituled:

“An ACT to provide for the issue from the Consolidated Fund of the sums necessary to meet the expenditure (not otherwise lawfully charged on the Consolidated Fund) of the Cooperative Republic of Guyana for the fiscal year ending 31st December, 2017, estimates whereof have been approved by the National Assembly, and for the appropriation of those sums for the specified purposes, in conformity with the Constitution.” *[Minister of Finance]*

**Mr. Jordan:** Mr. Speaker, I move that the Supplementary Appropriation (No. 2 for 2017), Bill No. 11 of 2017 be read the second time.

*Question put, and agreed to.*

*Bill read for the second time.*

**Mr. Jordan:** Mr. Speaker, I move that the Supplementary Appropriation (No. 2 for 2017) Bill No. 11 of 2017 be read the third time and passed as printed.

*Bill read a third time and passed as printed.*

**Mr. Speaker:** Hon. Members, this concludes our consideration of Supplementary Appropriation (No. 2/2017) Bill No. 11 of 2017. Thank you for your assistance and cooperation.

##### **BROADCASTING (AMENDMENT) BILL 2017 – Bill No. 10/2017**

A BILL intituled:

“AN ACT to amend the Broadcasting Act 2011.” [*First Vice-President and Prime Minister*]

**Mr. Nagamootoo:** Mr. Speaker, I rise to move that the Broadcasting (Amendment) Bill 2017 – Bill No. 10 of 2017, published on 26<sup>th</sup> July, 2017, be now read a second time.

At the opening of the Eleventh Parliament on 10<sup>th</sup> June, 2015, His Excellency President David Granger addressed this National Assembly.

In his Address to this august Assembly, His Excellency outlined the legislative agenda of his A Partnership for National Unity/Alliance For Change (APNU/AFC) coalition Government, among which was the Broadcasting (Amendment) Bill 2017 which was envisaged, at that time, to allow greater independence to the Guyana National Broadcasting Authority (GNBA) and to ensure standards of fairness, balance and accuracy on matters of public interests.

The Act that was to be amended was, in fact, the Broadcasting Act, Act No. 17 of 2011, *via* this Bill, which was assented to by the then President Bharrat Jagdeo on 27<sup>th</sup> September, 2011.

For easy reference during this presentation, I would like to refer to that Act as the “Jagdeo Act”. Section 48 (1) of the “Jagdeo Act” provides for the making of subsidiary legislation.

Section 48 (1) of the Act states:

“Subject to the other provisions of this Act, the Minister may, after consultation with the Board or the body responsible for frequency management, or both, as appropriate, make subsidiary legislation for the better carrying out of the provisions of this Act.”

The Act also states:

“(2) Without prejudice to the generality of subsection 1, the Minister may make regulations in respect of all or any of the following matters-”

The matters that were spelt out had to do with applications for licenses and fees to be paid and the conditions that were to be attached to the grant of any such licences for broadcasting permission.

It also provides that subsidiary legislations or regulations could be laid in the National Assembly subject to negative resolution. I stated that because it may be asked why we brought to the National Assembly a Bill and not simply regulations that were permitted under the Act.

The answer to that is that there were issues to be addressed that call for an amendment to the principal Act and to be able to strengthen the Regulations to give it the force of law if the Regulations became part of the principal Act.

*10.32 p.m.*

The amendments, which are set out in this Bill – Bill No. 10 of 2017, the Broadcasting (Amendment) Bill 2017, have to do with, first of all, defining some of the lacunas, in the law, itself, which provide, in the ‘Jagdeo Act’, in section 17, for private, public and community broadcasting, but there have been no regulations that provide for these classes of broadcasting licences. They were just stated as an intention. The Act had to be amended to provide for this to come about.

Also, in this Bill, it gives very wide and sweeping powers to the broadcasting authority, to amend the conditions for the issuance of a licence to a broadcaster and also to suspend or to revoke a licence. In this Act of 2011, it was the GNBA that was vested with powers to recommend changes to the law itself and to require licensees to carry information issued by Civic Defence Commission (CDC). I would like to read that section because it has been broadcasted as if it was an invention.

Section 18(1) states, in the Principal Act, that the authority, the GNBA, shall:

“(c) amend any condition of a licence on application of the licensee or on the Authority’s own motion;”

Here, it is being alleged that an attempt is being made by this Government to amend the condition of a licence, and I will come to that in a while. It also states that the authority would recommend to the Minister, legislation or changes to the existing broadcast legislation in the light of new developments, technologies, public policy and international practices. More importantly, the law states that the Authority shall:

“require licensees to carry information on any programme issued by the Civil Defence Commission, the Guyana Police Force, the Guyana Fire Service or health services and certain other programmes as public information deemed appropriate and necessary in terms of national security, emergency and disaster as a public service at no cost;”

This is provided for in the ‘Jagdeo Act.’

The law states that the GNBA could require licensees, and those who are the operators of television and radio stations, private as well as public, to carry a certain percentage of public service broadcast - I will repeat that “to carry a certain percentage of public service broadcast” - or development support broadcast as public information deems appropriate as a public service at no cost. Already in this Principal Act there have been provisions for public service broadcast, but, as we know what has happened with the President’s pension plan, it had no cap. It could be any amount or percentage, any amount of time, to be arrogated by the state for what it considers to be public service broadcast. We decided in this Government that we would lend clarity to the law and we would certainty to the law by freeing up broadcasters from being held hostage to a law that states that they have to give public broadcasting time for any undefined period. We have added certainty and we have brought, by way of this amendment Bill, a specific time that should be considered as public broadcast time. This is of tremendous benefit to the operators of radio and television in Guyana, to all operators of broadcast.

This mischief that is being pedalled, that this Bill would be the death of the freedom of the press is purely a diversion away from the ‘Jagdeo Act’, the ‘Jagdeo Act’ that provides for open-ended... [Mr. Nandlall: You are using the ‘Granger Act.’] It has Mr. Jagdeo’s signature, how could it be the ‘Granger Act’? ... that it was intended to hold captive the operators of television and radio stations in Guyana. The necessity has arisen out of the recommendations from the GNBA that we introduced the changes that should be brought to a law.

I would say that there is a lot history in this law because I, myself, had worked on four drafts of the broadcasting law, that eventually became the broadcasting law, not in terms of the original intention, but some of the contours are in fact the recommendations from world renowned experts. We have our own who worked on community radios around the world and who have

served with the United Nations Educational, Scientific and Cultural Organization (UNESCO) as one of our own Guyanese who had recommended the establishment of community radios.

What we have here is that this Bill provides to amend the 2011 Act, to introduce the three classes of broadcast services, namely, commercial, non-commercial and community classes and three types of broadcasting zones, namely, primary, secondary and tertiary broadcasting zones. The Bill provides for public service programmes, as I have explained, and the prohibition of programme contents that carry hate speech, appeal to racial sentiments and incitement or terrorist threats.

In this Bill, there is a new section that is inserted that provides for classes of broadcasting services. These three classes have been mentioned before, but they have never been pursued to involve commercial, non-commercial and community classes. It provides for the eligibility of persons for the grant of a licence in respect of any class and it mentions the programme which a licensee of a community class broadcasting service shall provide. It has been very specific in differentiating the three types of classes for which licences could be issued.

Then, in a schedule, the zones have been set out, so that people do not squat on national frequencies that they do not intend to use, or that frequencies are given and the operators do not have the capacity to service the entire country and they concentrate only where they can earn from the advertising market in the concentrated, highly populated areas, rather than serving all the people of this country in the remote areas, in the hinterland, in the rural communities, and in the villages. Those are the ones who must benefit from our national and natural resources, a finite resource of the state of Guyana, called the magnetic spectrum. [*Interruption from a Hon. Member (Opposition)*]

Our airwaves belong to the nation and to an individual ...

**Mr. Speaker:** Hon. Prime Minister, an Hon. Member is interrupting. I am sure that it is a male and the voice is carrying to this podium. The Member is advised to desist. Please proceed.

**Mr. Nagamootoo:** Thank you Sir. Also, apart from the new sections that have been inserted in the Act for public agency to broadcast public service programmes, we also have an amendment to the schedule for fees, the payment of fees.

Now, here again, it was being canvased that these amendments, by way of this Bill, were oppressive of operators. The restructuring of the fee schedule has been done to correct a mischief, a mischief that emanated under the previous administration, when a former Government Minister became the chairperson of the Guyana National Broadcasting Authority and very whimsically and arbitrary increased the licence fee for television by 1,000% - two million five hundred thousand dollars, since 2012. To free up the broadcasters, the fees have now been reduced, the primary fee, to \$1.2 million. If someone wanted to apply, also, for a secondary zone, he or she would have to pay \$600,000. If one wanted to apply for a tertiary zone, he or she would have to pay \$250,000 or \$300,000. In other words, you are now licensing someone to operate in a zone.

*10.47 p.m.*

The fee payable for the operation it is the GNBA, there is a choice, that would now collect the fees. It gives the choice to an operator. We know in some areas, such as mining, people take 40 blocks at a time and they do not occupy the blocks, do they work the blocks. It is so too that you give a choice to operators. It is if they would want to be operating in a primary zone or a secondary zone or a tertiary zone. There is an incentive of asking someone to go into a tertiary zone, which would be in Region 1, Region 7, Region 8 and Region 9. All of our people are entitled to broadcast service. There must be an incentive so that as you go out into the rural communities and the hinterland, the cost per fee to operate in the zone is reduced.

I cannot see how this will not redound to the benefit of television and radio operators in Guyana. We have now raised this oppressive curtain that has dampened the television and radio landscape in Guyana and had stifled the industry. We have raised this veil of oppression that has descended upon them, by reducing the fees and now spreading it, in a very equitable, a very fair way, in the zoning of the landscape.

[**Mr. Nandlall:** You raise the licence fee to o \$1.2 million]  
My good friend Mr. Nandlall, he knows a few words. Stupidity is one. Arrogance is the next. I should be allowed to present my Bill, Sir.

**Mr. Chairman:** Hon. Prime Minister, I know you will descend.

**Mr. Nagamootoo:** I will not, but he should not be allowed to hurled words at me out of stupidity. It is so familiar to his tongue. I would not go there.

**Mr. Chairman:** Then please let us lift it.

**Mr. Nagamootoo:** The private television and radio operators have been consulted. There is also a mischief being spread that there have been no consultation. The law provides for the Minister to consult with GNBA and National Frequency Management Unit (NFMU), which consultation took place. This amended Bill, these reforms, these revolutionary progressive reforms to this Bill, could not have come about, without the hard work of the GNBA, all of its Members, without the contribution of the NFMU that crafted the design of the new television and radio broadcasting landscape. There had been prior free and informed consent and consultation with operators. I have here the minutes, a report, of the meeting that was held on the 3<sup>rd</sup> March 2016, which was a Thursday, with the GNBA board and television broadcasters. For the record, because it has been alleged that there had been no consultation, that this meeting took place between the Members then, Mr. Anthony Vieira, Mrs. Jocelyn Josiah, who I give credit to a renowned expert in broadcasting, in community broadcasting, Mr. Vic Insanly, Mr. Valmiki Singh, the Managing Director NFMU, directors Amelia Gafoor and Abiola Wong-Inniss. They two of them were not present, I must say. Those were the broadcasters who participated in the discussion, and included GWTV, Channel 2, CNS Inc., NTN Inc., Little Rock Television Station (LRTVS). Those were among the few who attended the meeting. There were television and radio broadcasters present. That meeting was held on the 3<sup>rd</sup> March, 2016. They were consulted on a number of issues. I have the minutes here which I would read into the record. [*Interruption from Members of the Opposition*]

*Mr. Adams is in the Chair.*

**Mr. Adams:** Mr. Ganga Persaud, please maintain your tone. Thank you.

**Mr. Nagamootoo:** The agitation does not disturb me one bit. There are so busted with their propaganda that this was going to be the depth of the freedom of expression and freedom of the press. You could see that they are unease right now as this big lie is now dismantled.

The issue of consultation, the operators rose with GNBA, the issue of the division of the country into three commercial zones, the proposed annual fee. This is the Minutes that were issued and it was explained there about the primary zone, the tertiary zone. They were informed about the

zone. They were many questions asked, particularly, coming from CNS Channel 6, that the \$2.5 million which was imposed...[*Interruption*]

**Mr. Adams:** Mr. Ali, would you allow the Hon. Prime Minister to make his presentation. You will have a chance to speak when your time comes. Go ahead Mr. Prime Minister.

**Mr. Nagamootoo:** It was raised there that the \$2.5 million that had been imposed by the Bibi Shadick's GNBA – she was the chairperson who announced the fees, that it was oppressive and it was punitive - it was at that meeting where the consultation took place over fees and the zoning

I want to return to the public service broadcast. We have a part from the consultation, the mischief that was already addressed. The Bill that is before us seeks to set out what the Principal Act stated, that whatever the GNBA does it must be guided by considerations of national sovereignty, public safety and order. This Bill seeks, first of all, to define public service broadcast, which was stated here in the Principal Act. It is stated that there should be public service broadcast, but there was no definition of it. In this amendment we placed a definition of “public service broadcast” to mean

“the broadcast of a programme produced for the purpose of informing and educating the public, and promoting policies and activities of the Government that benefit the public as a whole”

A differentiation should be made between party propaganda and Government information. This Government is committed to respecting the taxpayers' wishes that they must be informed as to what is being done with their moneys. As you could see, they are here tonight, the elaborate expeditions that were being giving as to what is being done with taxpayers', money to secure both the population on and the prisoner. There is a definition for the first time of public broadcasting to be included into the Principal Act. It does not have to rely on what is stated here, that licensees are required to carry a certain percentage of public service broadcast without it being defined or develop support broadcast – whatever that means - as public information deemed appropriate as public service at no cost. It states:

“Every broadcasting agency shall broadcast public service programmes in the following manner –

It is precise; it is certain.

- (a) For a total of up to sixty minutes per day;
- (b) Between 6:00 hrs. and 22:00 hrs; and
- (c) Free of cost.”

Clause 8 (2) states:

“The broadcasting agency may designate separate time slots any public announcement which is urgent and of national significance and for repeating such announcement.”

Very definite. They will have to designate certain time for broadcasting, not an open-ended, not an uncapped time bring imposed on the innocent broadcasters. The broadcasting agency, which is the agency authorised to act on this matter, shall have a fixed schedule a rotation of time slots it intends to broadcast public service programmes. That is the broadcasting agency. It is very flexible that there is a period up to one hour, not exceeding sixty minutes. Therefore it is limited in that sense. Its authority may adjust the broadcasting agency to adjust or vary its schedule for public service programmes to ensure that the distribution is spread across various time slots. All of these could be administrative arrangements because the law gives a guide as to what could be done.

The sixty minutes that we spoke to shall include time allotted for any-

- “(a) Address to the nation by the President;
- (b) Emergency notice or disaster warning issued by the Civil Defence Commission, the Guyana Police Force, Guyana Fire Service, the Minister of Public Health and the Government generally by any agency duly authorised.”

It shall states the words, “This is a Public Service Announcement or programme issued by...” so and so agency.

This is in no way an impediment on freedom of the media. It is in no way an imposition on a broadcaster who is giving a licence to a very limited and finite national resource and access towards electromagnetic spectrum, the assignment of a frequency for a broadcast either radio or television facility.

*11.02 p.m.*

With every permission, or every right, or every licence should come from obligations and we have simply in these amendments try to strip the law, the ‘Jagdeo Act’ of uncertainty, to strip the Act of open-ended arrangements that were oppressive on operators and to give operators choices of how to conduct operating broadcasting as a business, a viable business and we have reduced the operating fees and allowed operators a possibility to either do one zone or the other zone. This is, as I said, a progressive measure, a revolutionary measure, to take forward the broadcasting in Guyana, and to be able to ensure that not only the physical facilitation is done by way of the Guyana National Broadcasting Authority for how broadcasting should be done, but there should be guided as to the content of broadcasting that carries public information content that is stripped of appeal to racism, that is stripped of attack on people on the basis on gender, on the basis of race and ethnicity and on the basis of religion. [Mr. Nandlall: That is

already in the law.] It is in the law, but the emphasis that we place on the content is very important. If these things are in the law, that the content protects the Guyanese people, including from terrorist threat, then this Bill, an amendment could not be oppressive. If it emphasises what is already in the law that freeze up the people of this country from any shades of attack and denigration from any media public or private, then it could not be a repressive law, it could not be an attack on freedom of the press.

In saying these words, it gives me great honour after many years as straggler as a journalist and striving to bring about an improved broadcast landscape in Guyana, a broadcasting for all of our people, all of Guyana, it gives me honour to introduce this Bill and ask for unanimous support.

Thank you. [*Applause*]

**Bishop Edghill:** I rise to make my contribution in a debate of Bill No. 10 of 2017, the Broadcasting (Amendment) Bill 2017. I would like to quote from the *Kaieteur News* of Tuesday August 1<sup>st</sup>, 2017, at page 7, an article that is entitled, “Broadcasting Bill is an assault on press

freedom – Nandall”. The words used in this article amply describe what we are dealing with here tonight.

“The Broadcasting (Amendment) Bill 2017 suffers from an overdose. It collides with several fundamental rights and freedoms guaranteed to the citizenry by the Constitution, including, the freedom to receive ideas and information without interference; freedom to communicate ideas and information without interference; freedom to hold opinions without interference; protection of private property from compulsory acquisition by the State without payment of adequate compensation and freedom to hold and public political views of one’s choice.”

I quote this paragraph from that article. I will return to *Kaieteur News* just now, because I believe it describes what is taking place here in our country. Mr. Speaker, I would like to bring to your attention a very important piece of legislation that affects all the citizens of Guyana, their right to receive information without interference. If we take a look at the media desk, the citizens of this country, are unable to receive the information, because the people, who are should be providing the information are not even here, and that is very interesting - very interesting. It should take note.

A discussion about broadcasting in Guyana should focus on the rights of Guyanese, the rights of every citizen, to seek, receive and impart information, but a debate surrounding the Broadcasting (Amendment) Bill 2017 has paid insufficient attention to these fundamental freedoms. Even the Hon. Member who tabled this Bill in his opening remarks whimsically and minimally addressed these freedoms. These principles of freedom required governments to extend broadcasting freedom to individuals and organisations. Although the principles do not mandate a particular broadcasting system, they favour a regime in which private programmers have a high amount of discretion and governments act primarily to encourage completion and address market failures.

The Constitution of Guyana, the Supreme Court, the International Human Right Treaty ratified by the Guyanese Government all affirm some firm have the right to seek, receive, and impart information. The International Covenant on Civil and Political Rights states:

“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers,

either orally, in writing or in print, in the form of art, or through any other media of his choice.”

The Government seems to be very silent on these issues or perhaps it thinks it has more pressing concerns, and the Prime Minister in his opening remarks confirmed those issues.

He referred to section 48 (1), I think it is, of the Bill, which empowers that the Principal Act of 2011 provides a subsidiary legislation. What we should really have in this House tonight is some regulations from then Minister that are recommendation of the Guyana National Broadcasting Authority (GNBA), but we do not have regulation, we have amendments to the Bill. I would like to point out why we are not having regulations and we are having amendments, because this is more about regulating and ensuring that constitutional freedoms are protected within the process of responsibility, but there are other motives. The Prime Minister’s own words, he wants to “correct the lacuna in the law.” “There are more issues to be addressed, that is why there is a Bill and not regulation.” The Prime Minister must tell the House tonight if the *Kaieteur News* of Tuesday 1<sup>st</sup> August, “Broadcasting (Amendments) Bill addressing illegally granted radio licence is finally here...” is the reason for the Bill. He must tell the House tonight if that is the reason for the Bill.

In this article - I know the Prime Minister is very able and capable of representing himself and since we are at today’s date, almost the 04<sup>th</sup> August - there has not been a retraction, Sir. Or, the Prime Minister did not seek to correct anything in this article. This article sets out saying that the reason why we are having the Broadcasting (Amendment) Bill of 2017 is to deal with what, he terms, illegally granted licence.

Mr. Speaker, I would like to bring to your attention section 20 of the Principal Act indicates:

“Every person carrying on an authorised broadcasting service immediately before the appointed date shall within thirty days from that date make an application to the Authority for a licence for the continuation of the broadcasting service and send a copy of such application to the National Frequency Management Unit or its successor.”

Before this Act of 2011, all broadcasters were licensed under the Post and Telegraph Act. Now that we have a new Act, which is called by the Prime Minister ‘the Jagdeo Act, which was

assented to in September 27<sup>th</sup>, 2011, all those persons who had licence they had to apply to the authority to have their licence continued, not considered. There is a big difference between having the licence considered and continued. In this amendment it would appear that the drafters.... and the Hon. Prime Minister, who has to take responsibility for this Bill, has taken some of that and now what he is saying is, after this Bill is passed which amends this Principal Act everybody, who had to applied and received a licence under this Act, has to reapply under an amended Act, which is quite confusing. It is because, all of these people, who have to apply, are not applying for the continuation, as was dictated in this Act when they were licensed under the Postal and Telegraph Act.

There seems to be some sinister motive, there seems to be some grey areas, and there seems to be more than 101 questions that need to be answered. That is why we are not having regulations, but we are having a proposed amendment to an Act of which operators and broadcasters are already licensed under. Mr. Speaker, may I indicate to you that under this very same Act it stipulated that persons issued licences can have renewal up to ten years.

*11.17 p.m.*

This Act states this, that, 2001, up to ten years a person is guaranteed renewal. We are now in 2017, six years after, what about the legitimate expectations of all the holders of licences under the 2011 which was guaranteed renewal for up to ten years? This amendment does not address that issue.

The Government seems to be silent on this issue of freedom and guaranteeing people of their rights, but those of us who are concerned about civil and political rights will see and argue that the Government will discredit the arguments of the broadcasters that they may use their services as a platform to do their bidding. A transparent Government or any transparent Government becomes even more accountable to its people if information about its activities is disseminated widely.

More privately, owned outlets always means greater exposure of the Guyanese people to a wide range of opinions, and not just those that favour the Government and its policies. Even those instruments, that exist, do not discuss a private right of broadcasting explicitly, one could construct a private right for broadcasting from various principles listed in the main international

and regional human rights treaties. The instruments also contain other rights which relate to and rely on the wide dissemination of the facts and opinions in a society, such as the right to take part in Government and to participate fully in a society's cultural life. Individuals also have some freedom to employ their private property as they see fit with the bounds established by law. Taken collectively, these principles imply a right for persons to broadcast their views and to receive those of others. We are contending that these amendments interfere with such freedom. The Guyana Government is obligated to honour these fundamental principles and international treaties.

First, the Government has committed itself to respect and to implement the provisions of the Constitution and the agreements that it has ratified, which includes the Centre for Civil and Political Rights (CCPR) and the universal declaration. It is legally and morally wrong for a Government to pass a piece of legislation that contravenes treaty's provisions such as these. These international instruments create a body, a customary international law. Even if Guyana has not ratified a particular treaty, the world community will judge us by these civil and political standards. The rights and responsibilities embodied in these agreements are similar to those in the Constitution, particularly with regard to freedom of speech and expression. Since the Government is bound to follow its own Constitution, it may conform to the international standards, whether it would do so intentionally or not.

It is submitted that if this Bill was to come into force, it will stifle and frustrate civil liberties of broadcasters, since all existing licences would immediately be terminated and licensees would have to apply for a new licence within 30 days at the broadcasting authority's discretion. Therefore, the license may no longer be proprietary interest and parties may not be at liberty to sell their broadcasting licences. Instead of eligible period being given to operators to conform to the new regime, thirty-day is gleamed as an outrageous timeline for operators to comply with the new provisions.

The establishment of the three new classes created, that is, commercial, non-commercial and community classes, with three types of zones, namely primary, secondary and tertiary broadcasting zones, from all indications seem to increase the financial obligations of the broadcaster in this new regime. I sat as part of a team with the Leader of the Opposition that met with a wide range of broadcasters countrywide and they indicated to us that based upon these

new structures, their fees, will be raised by astronomical figures when they did their calculation. This is something that is of great concern. There were 29 people in attendance, so you could check and get the names.

The Prime Minister said that there were consultations with the broadcasters. We sat there, and whether it was the owners from Berbice, Essequibo or Georgetown, radio or television or cable, they said to us that there was absolutely no consultation. While we sat there in the meeting, Hon. Member Ms. Gail Teixeira, even with her hands that are injured, was working the computers at the office of the Leader of the Opposition to print copies of the Bill for broadcasters who were present. They had not even seen the Bill. That is the fact.

The Prime Minister must tell this House, if the meeting that he alluded to, that took place in March 2016, was meeting to discuss the draft Bill which is before this House tonight. If that meeting was to discuss the draft Bill, why it took so long, from then to now, 27<sup>th</sup> July, 2017, for it to be tabled in this House? Why this Bill, even though complying with the Standing Orders of the six days, is in the hurry? Why the broadcasters do not have a copy?

The broadcasters have publicly stated that they would like to have an engagement with the Prime Minister who is the Minister responsible for broadcasting and information in the country. They wrote him to discuss this issue. Why is the Prime Minister, in the interest of transparency and accountability, not even facilitating a meeting with the broadcasters? I do not even know if there is an acknowledgment to their letter.

The Guyana Press Association, as of today, in all of the daily news, both online and print, spoke about its concerns of this Bill and it would like to have an engagement with the Hon. Prime Minister to discuss it. Why are we hurrying to put through this House a piece of legislation that the people, who will be affected most by it, have concerns about it? They want to talk to the subject Minister about it. Maybe they will make suggestions to make it a stronger Bill, but why is the Prime Minister hiding from the broadcasters and the Guyana Press Association, and then coming to the House to say that consultations were held?

Mr. Speaker, I withdraw the word “hiding”. Why is he unavailable?

This Bill imposes a mandatory obligation upon broadcaster to carry public service programmes for a total of 60 minutes per day between 6 p.m. and 10 p.m. or 06:00 hours and 22:00 hours. This is a blatant disregard for broadcaster freedom to publish or not to publish political point of views. People in this country have a right to have a political point of view and they also have a right not to have a political point of view. A private broadcaster must be able to make a policy decision whether he wants to broadcast political opinions or he want to stay free from political opinions that is his right.

Regulations are sufficient to put in place for every broadcaster in the case of national emergency, in a case of an address to the nation by the President, in the case of a public health situation, in the case of flooding or even the case of the prison situation that just occurred, that broadcasters must be able to bring information to the people, but to mandate a broadcaster that he has to set aside 60 minutes every day... What is worse, it is not only 60 minutes, it states the time and you have to submit to the GNBA a suggested time when you would like to make your 60 minutes available. Even when you submitted to the GNBA, it would be able to say no, somebody else is already using that time, you have to put it to another time, so you are not even allowed to determine when you are going to broadcast these things.

What happens to broadcasters who have contractual agreements with private producers, with companies for programmes? What happens to that? While I am on this point that the Bill - Prime Minister may wish to note this, several places - speaks to the issue of broadcasting, these public service announcements free of cost, I would like to suggest to the Prime Minister that he gets his technical people to make the changes by way of amendment. It should be free of charge, because, even though to the Government it would be free of charge, there is a cost to the broadcaster. It is not free of cost; it is free of charge.

I may indicate to you, Sir, that in the meeting with broadcasters, as I sat in with the Leader of the Opposition, they did their calculation. When they did their calculation of seven days a week, one hour, 28 hours a month times 12 months, when they came up with their figures they are suggesting that it would be costing them, even though free of charge to the Government, \$11 million per year. Having had to pay fees, increased fees, with this regime that is coming in place, at competitive rates for broadcast time, it will come to about \$11 million a year and that is a very serious situation here.

This new stipulation, which is now in this amendment, puts a limit on material in the timing period of regular programming. It violates freedom to communicate ideas and information without interference.

*11.32 p.m.*

If the Guyana National Broadcasting Authority says to television station 'A', we would like you to set aside that slot for public service broadcasting and the broadcaster already had *The Steve Harvey Show* as his programme for that time, then people cannot receive *The Steve Harvey Show*. They have to look at what is mandated to be shown by the Guyana Broadcasting Authority. That is a violation. The amendments in this Bill violate freedom to hold and publish political views of one choice. When it comes to hate speech, there are adequate laws in this country that addresses that. Hate speech is not only confined to radio and television, even if it is on a political platform, even if it is a church or even if it is a public place, it addresses that. The fanciful proclamation by the Prime Minister does not impress me.

The infringement of broadcasters' rights and privileges is evident in this Bill as it violates article 142 of the Constitution of Guyana, which guarantees protection against compulsory acquisition of the state. The provision of this Bill represents expropriation of private property, especially where it mandates that all television and radio broadcasters must provide an hour of premiere time. This infringement or curtailment is more evident as the type of content, as it relates to programmes, will be regulated. There would be changes to fees and breaches by operators could amount to a fine of \$1 million dollars.

When there is a situation where a broadcaster, the owner of property, by passage of a Bill, an amendment, feels threatened that he or she could lose his or her licences, or he or she could end up losing their investments, is that not a form of intimidation and control? This Bill, a subliminal message is being conveyed to broadcasters - toe the line our way or else... Governments ought to follow certain procedures when regulating speech and expression. They must first act according to the law, in other words, they must follow procedures established by international or regional agreements or by their own Constitution or by rules previously determined by the state. We are calling on the Government, as it relates to this amendment, which we believe infringes the right of broadcasters to transmit information and the rights of

citizens to receive information, that you comply with the law. No Government, this Government, must not act arbitrarily or it must not act in a capricious manner.

Government should only interfere minimally with broadcasters and cable operators programming selections. There should be a hands-off approach in a society that is open and free. It is recommended that the Government should facilitate the presentation of views alternative to its own and those of private broadcasters. Certainly, and clearly, the Government does not have the financial resources to fully fund everyone who wants to operate and own their own broadcasting enterprise. They cannot give licences to everyone who wants to own and operate their broadcasting enterprise. This is what a Government can do: The Government can make time available to those who wish to share their views with their fellow citizens. While on the state media, the Government should be facilitating that, and it is not happening, at this current time. Private owners, operators and holders of broadcast licences are now being made to facilitate the views of a Government and it will come in the name of public service announcements. It is because the Constitution already states what is mandatory; the Principal Act already states what is mandatory and this Bill, which is coming to us, adds on any other Government agency. Does that include the Department of Public Information (DPI)? Does that include programme produced by the DPI or the Government Information Agency (GINA) that is sent to broadcasters with a note public service announcement?

Listen to the trouble here with this Bill. If the broadcasters refuse to publish what is sent to them, they have to make an appeal within 24 hours to the Guyana National Broadcasting Authority. The Guyana National Broadcasting Authority may adjudicate on whether it is a public service announcement or not. Listen to what the Bill mandates, if the Guyana National Broadcasting Authority says it is not a public service announcement the private broadcasters cannot say we are not airing it. They have to air it, but the Government will pay. The private broadcaster does not have a choice to determine his own programme's content. That is in the Bill. **[Ms. Ally:** You look as though you will have to live in the Privileges Committee.] **No amount of** threats will silence me and I will not be fettered in this House. That is exactly what you are doing to private broadcasters, intimidating them, but Bishop Edghill will not be intimidated. These individuals, citizens of Guyana, will fully realise their constitutional rights to disseminate their views widely and the body politic would benefit from hearing alternative ideas and information,

if the Government follows the law and allow people to have freedom of expression and not curtailing their views and access to information.

I want to close my presentation tonight by emphasising four specific things that I want the Minister and those who would speak to this Bill to answer. Does this Bill interfere with the fundamental rights and freedoms of broadcasters? Does it interfere with the fundamental rights and freedoms of citizens to receive information? Secondly, the questions that must be answered in this debate, is this Bill and these amendments that are proposed constitutional or unconstitutional? I am submitting that it is unconstitutional. The third thing that I want to ask us to consider in this Bill, which is so wide and affects every single Guyanese at home, abroad and even other members of the human family who live in other jurisdictions, who would like to know what is happening in Guyana, could the Government really convince the people of Guyana that this Bill is coming to this House in good faith and with pure motives? Is this Bill coming to this House to encourage freedoms, the expression of ideas or is there a hidden agenda to achieve a sinister political purpose that is not necessarily in the interest of the people of Guyana? After this Bill may be passed and assented to by the President, could he assure this House, that every licensee, currently having applied in the 30-day period, will have a continuation of their license in keeping with the fact that their licences are already under the law of 2017? When those questions are answered, maybe we could start looking at if we can make this Bill stronger. Until these four questions are answered, the jury is still out and the decision is to be made. I rest my case.

Thank you very much. [*Applause*]

**Mr. Speaker:** Hon. Members, there are some ten speakers remaining, I have been made to understand that the Government's Chief Whip and the Opposition's Chief Whip have had conversations and it has been suggested, and I have agreed, that we will adjourn at this time and resume this discussion tomorrow.

*11.47 p.m.*

## **ADJOURNMENT**

**Mr. Speaker:** Hon. Members, I think this brings to an end our business for today.

**Mr. Nagamootoo:** Mr. Speaker, I move that the House be adjourned to Friday, 4<sup>th</sup> August, 2017 at 2.00 p.m. and we continue the debate on the Broadcasting (Amendment) Bill 2017.

*Adjourned accordingly at 11.48 p.m.*