

# Official Report

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2015-2018) 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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83<sup>RD</sup> Sitting

Wednesday, 10<sup>TH</sup> January, 2018

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*Assembly convened at 2.16 p.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

## **MESSAGES FROM THE PRESIDENT**

**Mr. Speaker:** Hon. Members, I invite the Hon. Prime Minister, Leader of Government's Business, to present a statement from His Excellency the President.

**First Vice President and Prime Minister [Mr. Nagamootoo]:** Mr. Speaker, with your kind permission, I would like to deliver a message of His Excellency President David Granger, President of the Cooperative Republic of Guyana, to the National Assembly of Guyana on the payment of workers of the Guyana Sugar Corporation (GuySuCo). The message is as follows:

The Guyana Sugar Corporation has been in a state of crisis for over 25 years. The Government has acted resolutely and responsibly to protect the livelihood of workers, to preserve the viability of rural communities and to prevent the further financial depletion of the country's Treasury.

The Government, including previous Administrations, struggled to maintain the industry's viability by engaging international advisory, technical and managerial corporations such as Booker-Tate Ltd., Bosch Limited and Global Cane Sugar between 1992 and 2015, erecting a new factory at Skeldon in the East Berbice-Corentyne Region at a cost of US\$121 million,

expending \$48.02 billion in financial support to the industry since 2011 and \$32 billion over the past 30 months at a rate of about a billion dollars a month.

This Government cannot sustain the sugar industry in its current state. It has had to make difficult choices in order to ensure the industry's viability. Its earliest measures included convening a Commission of Inquiry into the state of the industry in October, 2015; publishing a State paper on the future of the industry in May, 2017; creating a Special Purpose Unit to manage the reform of the industry in June, 2017.

I iterated, in my address to the 71<sup>st</sup> Sitting of the National Assembly on 2<sup>nd</sup> November, 2017 that:

“The sugar industry is being consolidated; it is not being closed. We will explore all options...”

“...to ensure a viable industry, mindful of its impact on the nation's rural economy and its residents.”

The Government is committed to making the industry efficient and competitive by consolidating cultivation in East Berbice at Albion, in West Berbice at Blairmount and West Demerara at Uitvlugt. The Corporation will aim at producing 147,000 tonnes annually, preserving three enlarged Estates and protecting the jobs of over 11,000 workers.

The Government is committed to the welfare of sugar workers and their families. It has estimated for the expenditure of over \$2 billion to provide 50% of severance pay due to all redundant workers by the end of January, 2018, the remainder being paid in the second half of the year. The Government embarked on an extensive review of expenditure in every sector to the extent of reducing ministerial budgets in order to find funds to enable sugar workers to receive their severance pay and earmarked \$100 million to provide small loans for entrepreneurial activities which could open opportunities for employment after leaving the sugar industry.

The Guyana Sugar Corporation is not being dismantled. It is working actively to ameliorate the impact of retrenchment on workers' livelihood. It has established an Alternative Livelihood Programme, aimed at providing support by enabling displaced employees to access available opportunities to function in other fields and has embarked on the training of employees to work in new operational fields across the industry in places such as the field workshop and providing

services, has engaged 500 employees from the West and East Demerara Estates with over 100 of them signalling their willingness to be retrained in fields such as carpentry, masonry, plumbing, mechanical and electrical works and in small business enterprises.

The Government will continue to engage stakeholders, the Guyana Sugar Corporation, the Guyana Agricultural and General Workers Union, the National Association of Agricultural, Commercial and Industrial Employees and the workers.

The Government is cognisant of the invaluable contribution of the sugar industry to the development of Guyana. The Government will continue to work towards returning the reformed sugar industry to profitability and improving the personal income of sugar workers while seeking to provide a good life for current and future generations.

That is the end of the message to this Assembly by His Excellency President David Granger.  
*[Applause]*

## **ANNOUNCEMENTS BY THE SPEAKER**

### **Welcome**

**Mr. Speaker:** Hon. Members, I welcome you back at this 83<sup>rd</sup> Sitting, our first for the new year. I hope that you had a very pleasant holiday. I trust that we have all come back refreshed and committed to the services of Guyana. May the spirit of respect attend our efforts. I welcome all Hon. Members and I wish you all well. Thank you.

### **Leave granted to Members**

**Mr. Speaker:** Hon. Members, today's Sitting, I have granted leave to some 21 of our Members. I should read the names: Ms. Rajcoomarie Bancroft, Mr. Charrandas Persaud, Mr. Haimraj Rajkumar, Mr. Bharrat Jagdeo, Mr. Clement J. Rohee, Mr. Mohamed Irfaan Ali, Mr. Mohabir Nandlall, Dr. Frank Anthony, Mr. Dharamkumar Seeraj, Dr. Vindhya Persaud, Ms. Indranie Chandarpal, Mr. Collin Croal, Dr. Bheri Ramsaran, Mr. Zulfikar Mustapha, Mr. Ganga Persaud, Mr. Neendkumar, Dr. Vishwa Mahadeo, Mr. Cornel Damon, Mr. Nigel Dharamlall, Ms. Sheila Veersammy, and Mr. Vickram Bharat.

### **Death of former Member of Parliament**

Hon. Members, you are all aware of the death of Ms. Sandra Michelle Adams, a former Member of Parliament who died, on the 2<sup>nd</sup> January, 2018 on her arrival at the Georgetown Public Hospital Corporation, of a sudden heart attack. She was 47 years old having being born on the 14<sup>th</sup> November, 1970. Ms. Adams came from the People's National Congress (PNC). Following the General and Regional Elections which were held on the 15<sup>th</sup> December, 1997, the Seventh Parliament of Guyana commenced when the National Assembly first met on the 26<sup>th</sup> February, 1998. On the 16<sup>th</sup> February, 1998, Ms. Adams was elected by the Regional Democratic Council to become an elected Member of the National Assembly.

Members from the PNC did not attend the first and subsequent Sittings of the Assembly. Their names were again extracted from the lists and they were again declared elected on the 13<sup>th</sup> July, 1998. They attended and made and subscribed the Oath of Office on the 15<sup>th</sup> July, 1998. The Seventh Parliament was resolved on the 15<sup>th</sup> February, 2001. Elections were again held on the 19<sup>th</sup> March, 2001. The Eighth Parliament of Guyana commenced when the National Assembly first met on the 4<sup>th</sup> May, 2001. Ms. Adams was again elected a Member of the National Assembly on the 17<sup>th</sup> April, 2001. Ms. Adams ceased to be a Member of the National Assembly on the 2<sup>nd</sup> May, 2006 when the National Assembly was dissolved on that date.

Hon. Members, please stand with me and observe one minute of silence as a mark of respect for the late Ms. Sandra Michelle Adams.

*Observation of a one minute silence for Ms. Sandra Michelle Adams*

2.31 p.m.

**Mr. Speaker:** Thank you Hon. Members. Please take your seats.

#### **REPORTS FROM COMMITTEES:**

The following Report was laid:

- (I) Third Report of the Statutory Instruments Committee on the Excise Tax (Amendment) Regulations 2017 – No. 2 of 2017 and the Value-Added Tax (Amendment of Schedules) Order 2017 – No. 40 of 2017. [*Speaker of the National Assembly - Chairman of Statutory Instruments Committee*]

## **PRESENTATION OF PAPERS AND REPORTS**

The following Papers and Reports were laid:

1. Annual Report of the Ministerial Task Force on Trafficking in Persons for the year 2016. *[Vice-President and Minister of Public Security]*
2. Audited Financial Statements of the National Parks Commission for the year 2008. *[Minister of State]*
3. The Excise Tax (Amendment) Regulations 2017 – No. 2 of 2017.
4. The Value-Added Tax (Amendment of Schedules) Order 2017 – No. 40 of 2017. *[Minister of Finance]*
5. Audited Financial Statements of the Central Housing and Planning Authority for the year ended 31<sup>st</sup> December, 2016. *[Minister of Communities]*

## **PUBLIC BUSINESS**

### **PRIVATE MEMBERS' BUSINESS**

#### **MOTION**

#### **2017 Georgetown Prison Fire and Jailbreak**

WHEREAS Sunday, July 9, 2017, will go down in the history of our country as the day when the worst Prison fire and jailbreak took place, destroying over 80% of the Georgetown Prison Camp Street, eight (8) prisoners escaped and the death of a prison officer and several others injured;

AND WHEREAS the first official communication on the said matter took place in the evening on the National Communications Network with the Heads of the Disciplined Services, followed by an interview with Hon. Khemraj Ramjattan, Minister of Public Security and a pre-recorded interview with the President;

AND WHEREAS the lack of information in the early hours after the jailbreak caused great anxiety and uncertainty to the general public and the families of the prisoners;

AND WHEREAS the Members of this House extend condolences to the family of the deceased prison officer, Odinga Wickham, who was killed during the events at the Georgetown Prison Camp Street on July 9, 2017 and send best wishes for the full recovery of those officers who were injured during the same incident and are currently hospitalised or recuperating at home;

AND WHEREAS on July 24, 2017, by way of a public announcement the nation became aware that thirteen (13) additional high risk prisoners had escaped from the walled area in the Lusignan Prison Pasture;

AND WHEREAS the public remains in the dark after the July 9 incident as to what led to the jailbreak and fire, and how the Government managed this situation as it unfolded and its aftermath;

AND WHEREAS the public was informed that many of their questions would be answered in the course of a Commission of Inquiry to be appointed by the President;

AND WHEREAS on July 20, 2017, the Minister was reported in the state media as saying there would be no Commission of Inquiry until the escapees were all captured;

AND WHEREAS as a result it appears that the questions of the public will remain unanswered for an indefinite time.

BE IT RESOLVED:

That the National Assembly calls on the Government in accordance with Article 106(2) of the Guyana Constitution to accept collective responsibility to this House for these repeated events at the prisons of Guyana;

BE IT FURTHER RESOLVED:

That the National Assembly calls on the Government to make full disclosure of all aspects of the tragedy at the Georgetown Prison on July 9, 2017, and to declare what actions have been and are being taken to reduce the opportunities for such situations from re-occurring;

BE IT FURTHER RESOLVED:

That the National Assembly calls on the Government to make full disclosure with regard to the circumstances surrounding the most recent escape of prisoners on July 24, 2017; and

BE IT FURTHER RESOLVED:

That the National Assembly lends its support to the Disciplined Services in its efforts to ensure public safety and the protection of our citizens and the recapture of all the escapees. [*Bishop Edghill*]

**Mr. Speaker:** The motion titled “2017 Georgetown Prison Fire and Jailbreak” is for consideration by the House. This motion stands in the name of the Hon. Member, Bishop Edghill. As Hon. Members are aware, the Hon. Member has been suspended from the service of the House and so, cannot appear in person in this matter today.

My research and enquiries reveal that there is parliamentary practice, at least of one sister Commonwealth country, which offers some guidance as treatment in such circumstances. A motion that was lodged by a member in the House, before he was suspended from the service of the House, may be dealt with by another member on behalf of the member who was suspended. I have adopted that practice in the treatment of this motion. Hon. Ms. Teixeira, Opposition Chief Whip, will move the motion. Ms. Teixeira, you may proceed.

**Ms. Teixeira:** Thank you, Mr. Speaker. The motion before us, I believe, is an extraordinarily important one. It was submitted since 25<sup>th</sup> July, 2017, in a matter of less than two weeks after the 9<sup>th</sup> July, 2017 ‘Camp Street’, or what is the Georgetown Prison fire and disturbances. It was amended and put on the Notice Paper on 4<sup>th</sup> August, 2017. We are now debating an event of such massive consequences for public safety and security, five months later. Coincidentally, the 2016 Commission of Inquiry (CoI) on the same prison disturbance, which took place in March, 2016, was tabled in the National Assembly in November, 2017, over one year from the time it was completed.

It is a great honour for me to stand in the place of Bishop Edghill, my Comrade and my Colleague, who was regrettably not allowed to be here. This motion is of such importance that we, in the Parliamentary Opposition, believe that, having waited five months and having only two Private Members' Sitting for the entire 2017, we could not lose the opportunity to debate an issue of such national importance. This motion does not give credit or even an idea of the damning and frightfully dangerous situation that this country faces in crime and security. It is extraordinarily important and we have to stop pretending that it is "just business as usual".

The Government came into Office with a campaign promise that it had the answers to crime and security and that it would be fixed. That was one of the big campaign platforms; that the People's Progressive Party/ Civic (PPP/C), while it was in Government, did not know how to do that and that this Government knew how to do it. Yet, in the last two years, we have seen a spike in crimes, robberies, rape and murders that have not seen any letting up. The figures, or latest figures, of the Police may show a reduction in some crimes, but murders, robberies and rape, no.

Most glaring, and in fact an indictment of this Government, has been the shocking disturbances in the prisons, in particular the Georgetown Prison, Camp Street and the Lusignan Prison. The figures are staggering. Let me remind you that 17 prisoners were killed - they were burned to death - and 21 people escaped from just these two events. Repeated fires and disturbances were broiling and boiling for months between March and July, 2016. Then there was the catastrophic burning down of the Georgetown Prison, Camp Street and the Prison Officers Club. The photographs of that day that went viral made everybody's heart leap and tighten with the fear that a thousand men, prisoners, though not all were hard core criminals, were in a situation of great risk to themselves, to the Disciplined Forces and, of course, to the public at large.

No matter which way it is twisted, those were the worst incidents that have ever taken place in our prison system going back to colonial times, and the worst that have ever taken place in the Caribbean and Latin America. The burning down of an entire prison, and you have said 80%, but from the aerial photographs, you are being very generous with 80%. When prisoners escaped from Grenada, it was in the midst of a hurricane and the roofs and everything blew off and the prisoners used the opportunity to get away. That is one that was maybe similar to ours but that was a hurricane and this was a human hurricane.



During the Tenth Parliament, the Leader of the Opposition called for the removal of the Minister of Home Affairs, Hon. Clement Rohee, for the three persons who were killed on a bridge in Linden during the Linden disturbances. Despite a commitment to the CoI that was held and to abide by the ruling of that CoI, the Opposition prevented Mr. Rohee from speaking in this Chamber for nine months. This was until the Chief Justice ruled that he could not be disallowed any longer and in fact, he never should have been disallowed. So too, Mr. Ramjattan should have been made to resign since March, 2016, after the deaths of 17 prisoners—17 prisoners in horrific conditions. When one reads the post mortems reports in the same Commission of Inquiry of March, 2016, which we were only given to look at in November, 2017, but when one reads the post mortem reports' description of these 17 men's deaths, it is terrifying. Just put yourselves in that situation. How could we, as humans, not feel? How could we, as humans, not care?

The letters remind you of the facts, and the facts are the following: What are the timelines of the unrest between March, 2016 and July, 2017? On 2<sup>nd</sup> March, 2016, the Georgetown Prison, Camp Street's unrest began at 9.00 p.m. On 3<sup>rd</sup> March, 2016, there was the fire and unrest at the Georgetown Prison that killed 17 prisoners, whom, as I have said already had died under horrific circumstances. On 4<sup>th</sup> March, 2016, there was another eruption but that was quelled - another fire and another eruption. On 8<sup>th</sup> March, 2016, the Commission of Inquiry was appointed. The Commission of Inquiry visited the prison on 9<sup>th</sup> March and the Chairman, Justice Patterson, called it a warzone, a complete warzone. While the Commission of Inquiry was in operation on 21<sup>st</sup> March, 2016, please note that another fire was set at the Georgetown Prison, Camp Street. All that I am saying, and in case anybody thinks that I am making this up - because people think that - you do not want to read the newspapers, these are all from newspapers reports. These are not the fictions of Gail Teixeira's imagination.

On 15<sup>th</sup> April, 2016, the Chief Fire Officer, Mr. Gentle, announced before the Commission of Inquiry that two bodies were found, one headless and one in the toilet, degutted with his insides out, among the 17 men that were killed. Nothing was heard of this ever again, not even in the Commission of Inquiry. Not even the report of the Commission of Inquiry gives an idea. Was Mr. Gentle not telling the truth? If everyone had died from burns, how could someone, who was headless, be found? How was someone found in the toilet with their insides out? It was never spoken of again. I know Mr. Gentle and he is a very honourable man. I have worked with him as

the Minister of Home Affairs. He is a very honourable man and would not be reckless in making a statement before the Commission of Inquiry of such a nature without having any evidence. He gave evidence because the Guyana Fire Service had to do all of the documentations and reports on the actual fire.

The Director of Public Prosecutions (DPP) called for an inquest into the deaths of the 17 men and this was completely ignored by the Government - completely ignored.

On 15<sup>th</sup> April, 2016, there was more disorder at the Georgetown Prison, Camp Street.

Then there was the statement by Inter-American Commission on Human Rights (IACHR) that came out and stated to the Government that the Government must take action urgently to protect the prisoners' rights and address the overcrowding conditions that were clearly a problem in the Georgetown Prison, Camp Street. This is the Inter-American Commission on Human Rights. We have to report to these bodies and we sign conventions and we try, as developing countries, the best we can to uphold those conventions. We try consciously and deliberately, knowing our difficulties, our resource limitations and knowing the challenges we face. But we, and when I talk about "we" there seems to be an echo over there - the "we" I am talking about happens to be Guyana and "we" as Guyanese, not "we" as the Peoples Progressive Party (PPP), in case you have not gotten it right.

*2.46 p.m.*

The issue of the Inter-American Commission on Human Rights coming out with a statement that called on the Government to take urgent action, and this was after the March, 2016 events. The Commission of Inquiry report had been completed and was kept a secret. The Commission of Inquiry report was not known publicly, as I said, it was until the 17<sup>th</sup> November, 2017. By the way, this seems to be a habit of the Government. Like the Government of Guyana and the ExxonMobil Corporation agreement that was signed on 26<sup>th</sup> September, 2016, and made public after extreme pressure in December, 2017, 12-13 months after the agreement was signed, so too it was with the Commission of Inquiry of March, 2016.

The reason why I am going into the issue of the trajectory of what happened on the 9<sup>th</sup> July, 2017, it is because the trajectory of events and the trail of evidence show that they were sitting on a powder keg and was just living in some *la la* land.

This issue of secrecy, of non-disclosure and of having to force the Government, by public pressure, to release information, this issue of the Commission of Inquiry report was an issue of national importance, just as the agreement with the ExxonMobil Corporation was a matter of national importance. It is not a partisan issue; it is a national issue.

Seventeen men were burnt to death and no action was taken by the Government on any of the recommendations. It was only when we saw it tabled in this House on the 17<sup>th</sup> November, 2017 and the report was read, did we realise that the report, even with some of its weaknesses, had made very important recommendations. Some may not be new, but they required urgency; they required caring for the public out there, the prisoners, the men in uniform, who are in the Guyana Prison Service, Guyana Defence Force (GDF), Guyana Police Force and the Guyana Fire Service. Some people are really living in *la la* land somewhere.

The implementation of the recommendations - and my dear Colleagues on the other side, I assume that you were hiding this report because you wanted to implement many of the recommendations and you would come later and say; “Here, we did it. We have put the recommendations in place”. You were forced to bring it to this House because nothing stays quiet, obviously. Just as President Trump has now banned cell phones in the west wing of the White House, nothing stays clandestine forever.

When one looks at the seething situation, everyone said the 2<sup>nd</sup> - 4<sup>th</sup> March was the main issue, but it went from the 2<sup>nd</sup> - 4<sup>th</sup> of March to April 15, while the Commission of Inquiry was meeting. In the light of this seething situation, let us look at the implementation of the 2016 Budget by Ministry of Public Security and Government. The 2016 Budget was passed in February, 2016. The events at the Georgetown Prison, Camp Street took place in March and April. The budget was passed in February and the Ministry started to get moneys by March, it started to go to tender, *et cetera*. There was a situation in 2016, in which the Ministry had a budget for prison buildings of \$371 million, but the Ministry had only awarded \$268 million, and the works have not started. A number of these works were to take place at the Mazaruni Prison,

including some extension works of facilities like the kitchen, the headquarters and so on. None of these projects were completed in December of 2016. Not one in the \$371 million in works, put for the prison, was completed. This is a situation where the Government is sitting in an environment in which it seems to not be *smelling the roses* of what was going on, that men in overcrowded conditions were unhappy.

Budget 2017 carries the same problem. Budget 2017 was passed in December, 2016. According to my Hon. Friend, Mr. Jordan, the reason for going to the December budgets was that the Government would have a full 12 months to execute the projects.

We did not get to see the end of year figures, both in December, 2016 and December, 2017. We have made this point before that we are shadow-boxing on this side of the House, in terms of knowing what the exact figures of expenditure are by the end of any year. This is because you cannot give it in November when the year is not finished and the books are not closed.

Let us go to 2017. In December, 2016, a budget was passed for buildings for the prisons in the amount of \$537 million, again, buildings, some of which are other prisons and not just the Mazaruni Prison and so on. Again, as of December 2016, the budget was not finished. The Ministry had not used 50% of the budget. There was already an explosion; 17 men died; the Ministry had gotten \$500 million, and then it came back for an increase, which we, on this side of the House, had supported. The Ministry came for an increase of \$756,159,886 by way of Supplementary Financial Paper No. 2 of 2017 and the Ministry had our support. It is because it was to try to repair the Georgetown Prison, Camp Street and to extend the accommodation at the Mazaruni Prison. Again, the Ministry underspent; again, awards were being given out at the end of November early December for the prisons. This is unconscionable performance.

The Ministry's capital budget went up to \$883,660,000 for 2017, but we have no idea. All we know is that the Minister said the Ministry has underperformed, by mid-July it was about 35% and some Ministries were hoping to make 60%-70% by December, 2017.

However, there is a situation in which it is critical that the Ministry moves with some alacrity. These are not buildings which will be occupied; these are buildings that have to be occupied. You do not have place for people. It is because, by this time, the December 2017 Budget, there has been the burning down of the Georgetown Prison, Camp Street. Let me just say that, a little

aside to this issue, as a girl who grew up in Werk-en-Rust, I lived a block from that prison, in the entire 50s and 60s. There were times when the prisoners would behave bad and would pelt things, all sorts of things, but nothing like this and I grew up in the violence in Georgetown in the 60s. I had experienced nothing like this. So, I have a certain affinity and concern because that is my neighbourhood, which some of you do not know and some of you have never been to.

Let us go the 7<sup>th</sup> July, 2017. The Ministry got money, which it did not use; it got money again, and it did not use it. On the 7<sup>th</sup> July, 2017, there was an indication that something was brewing in that prison. Trust me, as a former Minister of Home Affairs, in July, 2006, we got information and because of the intelligence mechanisms that are in place in the prison, we were able to know that there was going to be another attempted breakout in 2006, at the end of July/August and we were able to stop it. There were problems, but by then, we had designed the Standing Operating Protocols and the Commission refers to them, which the National Security Committee (NSC) and the Defence Commission Board approved, headed by then President Jagdeo. These were the Standard Operating Protocols, in dealing with emergency situations in the prisons, riots, fire, earthquakes, flood, epidemic, *et cetera*. This was all designed and simulations went on every six months in that prison to try to control the situation with no weapons. It was an interagency body with the army, Police, and officers from the Guyana Fire Service and the Guyana Prison Service. There were codes.

Why I am saying this is that, when you go to the Commission of Inquiry report of 2016, the issue of the code that is given to alert the Guyana Fire Service and the Guyana Prison Service, and the army and Police, it is very important that the radio operator is given the right code. If the wrong code is given, it results in a wrong response or too much or too little response. It is clear from the 2016 report that there was something wrong with the code that was given because the response was inadequate.

It happened again in July, 2017. On the 8<sup>th</sup> of July, 2017 there was discontent in the Georgetown Prison, Camp Street and men were very unhappy. You searched and whatever was taken away from them, you already had an experience in March, 2016. Yet, you almost wanted to trigger it again. And so, on 8<sup>th</sup> July, 2017, there was discontent and it was clear. On the 9<sup>th</sup> July, 2017, the fire started and there were eight escapees, of which the Police and Guyana Prison Service could not tell who they were hours later. There was clear pandemonium in the Georgetown Prison

Camp Street and the order was given to move some of the prisoners to the Prisons Officers Club and that was also burnt to the ground. As I have said, and as it is stated in the motion, all of this was captured by video and aerial surveillance.

The issue of the 9<sup>th</sup> July, 2017 and I believe the issue of non-disclosure, of not telling the people what was going on, and of the reluctance of this Government to hold everything to itself, is so extraordinarily dangerous and undemocratic - so extraordinarily dangerous for the nation's public safety. It is still not clear what time the fire started. There are reports from the Department of Public Information (DPI), an interview on television and there were also media reports that told them. They have said it in their media that the fire started two hours before. It is clear to me that, as a former Minister of Home Affairs, I have no evidence of it, but it was clear to me, having had the experience of August, 2006, that the wrong code was given because the Guyana Fire Service turned up alone and that meant that the code had to be a situation that was not very dangerous.

It also appears that, even from the March, 2016 Report, a simulation had not taken place for a long time, This is because new recruits, prison wardens/officers, police, army and fire officers come in and so every six months a simulation must be done in the prison. It seems that the 2016 report observes that a simulation was not done for quite a while. I do not know, but if I was in the Minister's shoe, I would have *buck up* and made sure that simulations were done every three months, but it appears that simulations seem to have gone somewhere else.

On the 9<sup>th</sup> March, what we witnessed as Guyanese was confusion and pandemonium. I am not laying blame here on the Army, the Police or the Guyana Fire Service or the Guyana Prison Service. They were confronted with an explosive and extraordinary situation, in which it is clear to me, as a former Minister of Home Affairs, that they were unprepared. That is why I focussed on the simulations and on the code. I am very familiar with this. So, when I watched the *scatteration* and the men...If I were the Minister of Home Affairs, I probably would have had a heart attack because I would not have been able to believe that this confusion could have happened.

[**Mr. Ramjattan:** If I had a weak one like you, I would have gotten a heart attack]

You do not have a weak one. I have a strong heart and I could promise you any day that it would work better than yours.

3.01 p.m.

The sight of the prisoners sitting on the floor, long after the escapees, and when you see the photograph of the escapees, it boggles your mind. The men just walked out. The firemen were under attack. You did not see from early and that is why I keep saying the code and the response were wrong. The men did not have their shields. They did not have the things they were supposed to have had because the wrong code and time were given.

Today, in this Chamber, I am speaking at this forum as a former Minister of Home Affairs, who went through two prison disturbances, and in none of which, anybody was killed, beaten or chopped and there was no fire that could not be extinguished. I was there and watched the Disciplined Forces of this country work. I was not like a certain Minister who drove up in his car, peeped out the window, jumped out of the car and jumped back in within another minute and went away. You know who that Minister was. When the second unrest took place at the prison, I was physically there. I met with the men and you can ask the present Chief Prison Officer what I did.

The issue is leadership, concern and acting responsibly. You give leadership but you did not on that day; none of you. I am not going to blame the Guyana Prison Service, the Guyana Fire Service, the Guyana Defence Force or the Guyana Police Force. If you did not do what you were supposed to do between March, 2016 and 9<sup>th</sup> July, 2017, what did you expect would happen? That the men would magically know what to do by wave of your hands because you said so? That is not how it works. We are very fortunate. I have heard the President of Guyana and the Minister saying that it could have been worse and that they were very happy that no lives were lost. Well, if you want to console yourself with that, that is good - console yourselves.

The issue is, the situation that occurred on 9<sup>th</sup> July was avoidable and could have been managed but you did nothing. You sat on your laurels and expected that, because you are in Government and you run the Government, these prisoners, because a lot of them, whom you thought were your supporters, would not cause any trouble; that they would wait for the good life. You miscalculated because they are human beings and they were under difficult conditions.

You took thousands of prisoners and dispatched them all over in a *helter skelter* fashion. I do not know if you knew where they were going. When I saw the images on the television, I had a

vision in my mind of some of the prisoners in the buses telling the drivers to drop them off wherever and not to worry about going to the Lusignan Prison or the Timehri Prison or where you were taking them. You had 40 prisoners in a vehicle with one bus driver who you had hired privately and there was no real security on the bus. You had prisoners behaving good on that day or at least when they came out side because all of them could have hijacked any of the vehicles and instructed the driver to drop them off, and then they could have ran into the bushes or to wherever they wanted to go - total chaos and no leadership. The leadership in this instance is the Minister of Public Security. The buck stops at him.

On July 13<sup>th</sup>, the prisoners were moved *helter skelter* and were transferred to the Lusignan Prison. There you had 500 being men placed in an open pasture under the worse conditions I have seen, worse than the refugee camps that we would see on television in countries like Syria and all other places. The prisoners did not have proper tents. There were some *lean to* things and then they, finally, put some portable toilets in. There was rain and the fear of flooding and then you were surprised when the prisoners behaved badly? They are not animals; they are humans. Would you treat your dogs and pets that you have in your homes like that?

Mr. Speaker, 500 men were placed in an open condition and they rebelled. Obviously they would. If I was one of the 500 prisoners I would have placed some *pepper* on you and made life difficult for you. I would have given the leadership in those 500 men that were in the yard. It is because you cannot treat human beings like that. No matter how difficult it is or how bad they may be - some of them - you cannot do that to human beings by no international law; the *Constitution of the Cooperative Republic of Guyana* does not allow you to do that.

Then you had incidents which took place on 24<sup>th</sup> July, 2017, so it was not over. This incident started rumbling on 7<sup>th</sup> July, went into its peak on 9<sup>th</sup> July and then continued. On 24<sup>th</sup> July, 13 more prisoners escaped the night before from the Lusignan Prison, but it was only on the next morning that it was discovered that they were missing.

The Vice-President and Minister of Public Security announced that there would be no Commission of Inquiry until all the escapees were apprehended. This is a rather interesting comment by the Minister, because this Government has a *penchant* for seeing the CoI mechanism as it standard operating protocol for any issue. I believe, having seen 15, 16 or 20



commissions of inquiry or boards of inquiry that, in my own view, it is to hold off the issues and to delay or hide facts, so that you would try to bring down the temperature of the population so that the people would forget about it and – ‘let us move on’. This is your tactic and the Standing Operating Procedure (SOP) of the A Partnership for National Unity/Alliance For Change Government (APNU/AFC). When the Minister said there would be no Commission of Inquiry until all the escapes were found, well as you know, up to now, not all of the escapees have been found. The 2<sup>nd</sup> January newspapers stated that two escapees were still outstanding; they were not caught. I guess that we are still not going to have a Commission of Inquiry, but why not a board of inquiry? It is normal protocol, in the Disciplined Forces, that you have boards of inquiry on issues of less importance than this. Why was there not a board of inquiry? Why was there not an inquest of the 17 men who died?

The statement by the Minister is extraordinarily interesting and provocative because he is holding off on a Commission of Inquiry. My belief is that there is much to hide. You know more things than any one of us in this country know about what happened on 9<sup>th</sup> July.

The Government invited the Opposition to be briefed. The meeting was called shortly after the riot. The interesting thing is that Dr. Bheri Ramsaran, Mr. Rohee and Bishop Edghill went and were briefed, basically, on what was already in the public eye from the meeting - nothing new. Questions were being asked in the meeting and one of the Disciplined Forces attempted to answer an interesting question and that is when it was decided... By the way, Mr. Patterson chaired that meeting although the Minister of Public Security was there. It was rather interesting how Mr. Patterson was chairing a meeting that was on security issues. I know that he is the Minister of Public Infrastructure and I noticed that he is getting involved in a lot of things like oil, gas, and infrastructure. I have noticed that you are beginning a rival my dear Friend Lt. Col. (Ret'd) Harmon because I have always think of Minister Harmon as a *super duper* Minister, but I am beginning to watch that you are coming up sharply. [Mr. Patterson: Are you

objecting?] Yes, I would actually. If I have a choice between the two of you I know which one I would go with.

When the Parliamentary Opposition started asking questions, because the heads of the Disciplined Forces were all there, suddenly Minister Ramjattan decided that the meeting should close – no more; time to leave. The attempt to brief the Opposition, as a major stakeholder on an

issue of national security, was really a damp squib. It never got off the ground. What is interesting is that, after the 2017 jailbreak, over 300 prisoners were released and Magistrates were directed to go to the Lusignan Prison to hear the cases and release the prisoners. That was unconstitutional. We cannot interfere with Magistrates and tell them what to do. Our legal people will deal with that. We went further and a Member of the Parliamentary Oversight Committee on the Security Sector, which is a Constitutional Parliamentary Committee, and the request was rebuffed that we needed to have an urgent meeting of the Oversight Security Committee. The Minister said in an e-mail that he could not meet in July and August. Well, it is now January and that was in July and August of last year. Still, there has been no meeting of the Parliamentary Oversight Committee on the Security Sector. One would think that, with such a massive and terrible situation occurring, the Minister would be anxious to get support around him; to bring in the Members of Parliament (MPs), his own, and others, to be able to rally around and to address the recommendations of the March, 2016 incident. The recommendations of the March, 2016 incident are important. As I said, to me, there are weaknesses and there could be more recommendations, but it is a comprehensive document to recognise the work they did. It comprehensively states to the Government that it had to do the following or there was going to be more of this. What does the Government do? All of this happened in July. What has the Government done? Suddenly, the Government has a Commission of Inquiry to investigate the intention to assassinate the President. That is a good issue; that is no problem, but the timing is rather interesting. This is because the accusation of an assassination of the President came in March, 2017, not August, 2017 and the press report will show that.

Also, in August 2017, how did the Government respond? It instructed the Police Service Commission to halt all promotions within the Guyana Police Force. You just had a section of the Disciplined Forces that had been under attack in the prison, not only in March, but in July; not only at the Georgetown Prison, Camp Street, but at the Lusignan Prison, and you are now halting these men and women's promotions? As of today, the Government still has not done it because, now, the Police Service Commission has expired. The Commissioner of Police can promote those that are under a certain rank, but the Police Service Commission can only deal with those above.

Then there is the United Nations (UN) Working Group of Experts on People of African Descent visiting Guyana for two days where they met with many stakeholders. They went to visit Linden, Buxton and Lusignan. What did they say? What did they put on their website and in their public statement before they departed Guyana's shores? They put that the Lusignan Prison was "not fit for human habitation" and recommended that it be closed.

We know, having been in Government, these are not easy things to do. We know that; we are not stupid and irresponsible. But here comes the body that said, and this is also on their website, this is, and I repeat, the UN Working Group of Experts on People of African Descent. While some people seem to have had a problem with Members of Parliament going off to the Persons of Origin Parliamentary Conference, we also had a UN visit here, exclusively dealing with discrimination, real or perceived, of and about the conditions of Afro-Guyanese in this country.

The following recommendations were made by the group and one of them, of course, was to have the Ethnic Relations Commission (ERC) appointed as quickly as possible. I am heartened today by Minister Amna Ally's statement that we will get to that today on the ERC. Number 40 in the statement states that:

"All prisons must be operated in accordance with international human rights obligations, including the Mandela Rules. Overcrowding of prisons and detention centres must be addressed as a matter of urgency. Measures must be taken to improve the infrastructure and hygienic conditions and make available the necessary material, human and budgetary resources to ensure that the conditions of detention are in conformity with minimum international standards. Prisons which are not fit for human habitation, such as Lusignan Prison...

They only went to the Lusignan and Georgetown Prisons. They did not go to the Mazaruni, Timehri and New Amsterdam Prisons. Basically, they saw two prisons.

"...must be closed down without any delay and be replaced with facilities that meet international standards."

*3.16 p.m.*

This is a second international body that is telling you to do something, and you do not do anything, as I have said in the Budget 2017. Now we come to Budget 2018, moneys have been, as in 2017 I pointed out, but you did not spend the money. There is now \$1.5 billion under prisons for buildings of which not all of it would be for Mazaruni Prison. Two budgets passed between these events and the works were not in some cases even started and in other cases awarded but not completed in either year. We notice that there is an award for Mazaruni Prison that it was tendered at the end of last year, \$3.5 billion. It was awarded in this year, but there is not enough money in the budget. In the roll over part of the budget, when you look at it, it will not be catering for the \$3.5 billion, only a part of it. You confuse people with this. I have no doubt that a Mazaruni Prison is a fortune.

I am also aware that there has been a prison culture that is opposed, not prisoners necessarily, but the officers, to having prisoners who have been sentenced and convicted move to the Mazaruni Prison, and to let Georgetown Prison be more for remand. In fact, one of the issues of the reports of the March, 2016 is that it called on the judiciary to deal with sentencing and bail, and so on, to reduce the numbers in the prisons, called on the parole board, the Ministry of Health, Ministry of Education, Ministry of Social Protection to get involved in all of these issues.

We listened to your speeches in December, 2016, after the March event. We listened to your speeches in December, 2017 after the July, 2017 jailbreak. Not one of these Ministries, which I have just named, said anything about what your budget would do to implement the Commission of Inquiry (COI) recommendations, nor the advisory inter-ministerial and multi-stakeholder advisory committee that was recommended by the Commission of Inquiry's report. Nothing was said in December, 2016 nor in December, 2017.

I know that some of you all are saying that we did not do enough. Yes. We did not do enough, but we did a lot, and this is true. We will not say that we were the greatest, but we did a lot. Let me give you an idea because some people in the room do not seem to know the past.

The National Security Strategy, which the same Commission of Inquiry's report refers to, is 2010 to 2015. Well it is now expired. Where is yours? We brought out the new National Drug Master Plan that expired. A new one was put forward and brought in this House before 2015 and now there is another one being drafted. The National Security Strategy was drafted and passed

from 2010 to 2015 and the Commission of Inquiry's report refers to it. It is expired. You know how to fix things. You said you could fix the crime and security problems. The People's Progressive Party/Civic (PPP/C) was incompetent. It could not do it. Where is your plan? With all the consultants, British advisers and foreign advisers you are bringing in, you are producing nothing. [Mr Patterson: You had Bernard Kerik.] He did not come here to work. He may have come here and met people, but he did not work here. He was not employed. Reverse that. You can make mistakes.

The Inter-American Development Bank (IDB) Government of Guyana Citizen Security Programme and the Justice Sector Programme were beginning to address this same issue of the backlog of cases, of strengthening the prosecutor's office, the judiciary and of dealing with issues in the prisons. There was the training of Guyanese prison officers by British prison officers, which went on for years. The issue of having prison officers, going to do the Cadet Officers programme through the Guyana Defence Force (GDF), was to increase the quality of the prison officers who were there in the prison service. Then, there was the exit strategy for prisoners, not exit over the walls or exit through the door. It is exit, in terms of when their term comes to an end they would have had a piece of paper that gives them a skill, Caribbean Examinations Council (CXC) or whatever it was so that they could function better in the world.

The Government is striving on using "cloak and dagger" politics in this whole issue. The issue of March, 2016 to July, 2017 is no one else's fault but the Government's. You said you could do it better and you did not.

The issue of clandestinity... I want to just remind you that this dedication of this Government to secrecy and clandestine and clandestinity, you cannot release information, no disclosure, some clause in some Bill, which does not even exist, does not allow us to and public servants are being told that they cannot give out information, oaths of secrecy, contracts, and so, I am talking about. Remember clandestinity usually comes about when someone is doing something illegal or unauthorised. The promise of this Government, the philosophy of this Government, is the less the people know the better for the Government.

The first step this Government could have taken and still needs to take is to go through the Commission of Inquiry's report of 2016 and aggressively take those things into being, put them

on the front table. We will support you on those recommendations to do with the judiciary, backlog and the amending or training to do with sentences and bail and these issues. We will support you on the social programmes in the prison to make the men go through anger management training and rapists to go through certain training. That was happening before 2006, my dear. Men who went in domestic violence had to go through six weeks of counselling to do with anger management and people who got into interpersonal violence, maybe they are still there. I do not know. I am not privileged anymore to have access.

The issue that we face now is not a partisan issue; the issue of crime and security is a national issue. July 9<sup>th</sup>, 2017 was waiting to happen and the inadequacy of the Government's response is palpable. Mr. Speaker, there were many speeches in the House about the Tenth Parliament - about ministerial responsibility and collective responsibility. Let us couple the prison disasters with the declined economy, loss of jobs of over 10,000 people in the public and private sector, the closure of four estates and the termination so far of 5,700 workers in the sugar industry and the lack of transparency, your agreement with ExxonMobil made in 2016 now public a year and 13 months later which expose the sale of our patrimony - our patrimony not yours, all of Guyana's patrimony - the feasibility study of the new Demerara Harbour Bridge, D'Urban Park Development Project, scandal and procurement including the drug bond and the purchase of drugs, to name just a few.

Guyana now has all the ingredients for a powder keg to go off in this society. The actions you are taking in the economy, sugar and the loss of jobs everywhere, is going to create more joblessness, more hopelessness, increase in the cost of living, lead to more crime, more persons being in prison, more overcrowding in the prisons, more threats and risk of the same conflagration which we witnessed in March, April, 2016 and July, 2017.

These events and the ineptitude of the Minister, in this case, of the prisons and, in fact, the entire Government, are indictment of your collective inability to address the issues of security and public safety, to manage our economy, to bring the good life to our people, to represent and protect our national assets and patrimony. This is a total abysmal failure. It is time. Do you remember your saying? It is time for all of you to go. If you failed to address these issues in the prisons as recommended by your own Commission of Inquiry, 2020, my dear colleagues, will come sooner than later.

Thank you very much. [*Applause*]

**Mr. Hamilton:** I rise to support the motion that is before us piloted by my colleague, Hon. Member Gail Teixeira. Just to ensure that the motion proper is in the record, the first WHEREAS clause of the motion states thus:

“WHEREAS Sunday, July 9, 2017, will go in the history of our country as the day when the worst Prison fire and jailbreak took place, destroying over 80% of the Georgetown Prison Camp Street, eight (8) prisoners escaped and the death of a prison officer and several others injured;...”

The second WHEREAS clause states:

“AND WHEREAS the first official communication on the said matter took place in the evening on the National Communications Network with the Heads of the Disciplined Services, followed by an interview with Hon. Khemraj Ramjattan, Minister of Public Security and a pre-recorded interview with the President;

AND WHEREAS the lack of information in the early hours after the jailbreak caused great anxiety and uncertainty to the general public and the families of the prisoners;

AND WHEREAS the Members of this House extend condolences to the family of the deceased prison officer, Odinga Wickham, who was killed during the events at the Georgetown Prison Camp Street on July 9, 2017 and send best wished for the full recovery of those officers who were injured during the same incident and are currently hospitalised or recuperating at home;...”

Of course, my colleague indicated earlier, how long this motion is on the Order Paper, so this Whereas clause was relevant at that time.

“AND WHEREAS on July 24, 2017, by way of a public announcement the nation became aware that thirteen (13) additional high risk prisoners had escaped from the walled area in the Lusignan Prison Pasture;

AND WHEREAS the public remains in the dark after July 9 incident as to what led to the jailbreak and fire, and how the Government managed this situation as it unfolded and its aftermath;

AND WHEREAS the public was informed that many of their questions would be answered in the course of a Commission of Inquiry to be appointed by the President;

AND WHEREAS on July 20, 2017, the Minister was reported in the state media...”

That is the Minister of Public Security.

“...as saying there would be no Commission of Inquiry until the escapees were all captured;

AND WHEREAS as a result it appears that the questions of the public will remain unanswered for an indefinite time,

BE IT RESOLVED:

That the National Assembly calls on the Government in accordance with Article 106(2) of the Guyana Constitution to accept collective responsibility to this House for these repeated events at the prisons of Guyana;

BE IT FURTHER RESOLVED:

That the National Assembly calls on the Government to make full disclosure of all aspects of the tragedy at the Georgetown Prison on July 9, 2017, and to declare what actions have been and are taken to reduce the opportunities for such situations from re-occurring;

BE IT FURTHER RESOLVED:

That the National Assembly calls on the Government to make full disclosure with regard to the circumstances surrounding the most recent escape of prisoners on July 24, 2017; and

BE IT FURTHER RESOLVED:



That the National Assembly lends its support to the Disciplined Services in its efforts to ensure public safety and the protection of our citizens and the recapture of all the escapees.”

The reason why I sought to read this motion in its entirety, it is to give the citizens of this country a sense of what this motion is saying. I suspect that my friends in the Government will vote against this motion. I sought to let the citizens understand that the motion and its contents are not unreasonable. Nothing here is unreasonable. Every resolved, and whereas clause, is a clause that is of a national importance.

As indicated by my colleague, the issue of public security and safety is not a party issue, it is a national issue. Wherever you come from the issue concerns all of us. Therefore it would be a shame that when the time come to support this motion, the Government, as it has been prone to do, will object and vote against this motion.

*3.31 p.m.*

My colleague chronicled the events leading up to this tragedy and the Hon. Minister Mr. Ramjattan, Minister of Public Security, as I can recall way back when Minister Gajraj was Minister of Home Affairs way on to Mr. Rohee, always indicated to the nation that he can do better than all the Ministers of Home Affairs. What the nation has witnessed is that this has been the worst Minister of Public Security. What has transpired under his watch is unprecedented, as indicated by my colleague, from since the colonial masters started the penal system right unto this time, nothing of this sort has ever happened in this country.

We are told that from the highest authority of the land that the Camp Street Prison was an accident waiting to happen. If the Government is that clairvoyance, why did it not rectify the situation to ensure we do not have the accident? It was an accident waiting to happen. It is suggesting that the Government recognised that what transpired on the 9<sup>th</sup> July 2017 can happen. As indicated, just a year or so before, there was a situation where there were men burnt like hogs in the penal system in this country, unprecedented, never happened. Seventeen young men lost their lives. Government is yet to take responsibility for that tragedy.

Then we come to 80% of the Georgetown Prison, the accident that was waiting to happen, an expensive accident - very expensive. I am sure my good friend Hon. Member David Patterson, Minister of Public Infrastructure, has the numbers, the hundreds of millions of dollars that it will cost the treasury and the taxpayers of this country to deal with the matter that was an accident waiting to happen.

The motion, at the second WHEREAS clause, speaks to the Minister of Public Security and the heads of the disciplined services being interviewed, sometime late in the afternoon. The fact is, as I recalled at midday that Sunday, persons had already started to post on Facebook and in the social media circuit information was already out there, that a riotous situation was occurring in the Georgetown Prison. Apparently the nation knew and it was only the Government that did not know, because the Government came into action sometime late into the afternoon, several hours after, what was transpiring transpired.

We are told that the full story is yet to be told of what transpired in the hours leading up to the burning of that prison and the death of the officer. In fact, is it true that prison officers were overrun by prisoners, prison officers were locked into cells to be burnt alive, who had to be saved by other prisoners? Those questions must be answered. We are told that there could have been a similar tragedy and circumstances of death of persons on July 9<sup>th</sup>, 2017 as there was in March, 2016, but this time it would not have been prisoners, it would have been prison officers. Those are the questions we need to answer. The families of those prison officers who were held hostages they need to know what transpired. We cannot wait on the Minister of Public Security who had said to us that there would be no Commission of Inquiry until we capture all of the prisoners. When will that be? Let me go the sake of argument, and he said captured. Let us assume the two prisoners who are at large... That is a silent matter. It is so silent that you have forgotten it. It was just three weeks ago.

Someone posted on Facebook, then I remembered, that two notorious prisoners are still at large, because after the accident, that was waiting to happen, we know that there was a lot busyness with the security forces. We know that one prisoner, an ex-policeman, was killed in Linden some months after. We know that the dreadlocked notorious prisoner, became a bald head, and was journeying quietly in a bus going to somewhere to Berbice when he was captured. After then, over the last several months, no one in authority in the security system has said to this nation,

what the status is regarding to the other two escaped prisoners. We would hope that that question can be answered. What is the status of the two remaining prisoners that escaped from the prison on July 9<sup>th</sup>, six to seven months after? Neither the Minister, neither the Commissioner of Police, neither the disciplinary forces have spoken to that matter to the last five or six months. The nation needs to know.

My colleague touched on some of the issues here. For whatever reason, my good friend, the Hon. Mr. Ramjattan, apparently is asleep, because in another area I paid attention to what happens as regards infrastructure. It is alarming to note that for whatever reason moneys are made available, but projects are yet to be executed. We take for instance the urgency and importance of relocating prisoners. In 2017, around Christmas, then the contract to construct a new big prison at Mazaruni is awarded. This is a contract to be done in 2017. It was awarded sometime around December, 2017. We have gone 11 months and nothing happened with an urgent matter. A crisis, a matter of such importance, we are yet to deal with a matter of rehousing prisoners, even though the money is made available to have this prison built. We are yet to start building this prison.

If my friend, the Minister of Public Security, stood to speak on this motion, I suspect that from the beginning to the end of his presentation, he would speak about what Mr. Rohee did not do, because that is the normal conversation. The fact is it is useful to tell us what you are doing. It is not what Mr. Rohee did not do. We are not paying Mr. Rohee handsome sums as Minister to deal with this matter. We are paying my honourable friend, Mr. Ramjattan.

We call on the Government to lay aside this decision, as alluded to on 24<sup>th</sup> July by the Minister of Public Security, that there will be no Commission of Inquiry until all the prisoners are captured. We called on the Government, with haste, to put in place a Commission of Inquiry so that we can get all the facts as to what transpired on July 9.

Do you know what is difficult to comprehend? It is that whilst we debate this motion, the Hon. Minister, whose portfolio is this, is happy. He is enjoying himself. He is laughing nonstop, even though he is culpable for the death of 17 persons in March and another prison officer in July of 2017. He seemed not to be bothered. It is not dawned on him as yet as to how serious this matter is and that is what is frightening. That is what the nation needs to take account of, that this seems

to be a play thing is happening here. This seems to be a laughing matter to the Minister. We say to the Minister this is not a laughing matter. This is one of the most serious matters in this nation we call Guyana, because all of the things we talked about, such as economic development and social develop, will and cannot happen unless we deal with the issue of security. It is not a laughing matter. I would not want to go in to everyday...

*3.46 p.m.*

Apparently, now, it is difficult to go to the banks to draw some money because when one reads the newspapers a numberless amount of citizens are robbed as soon as they leave the banks and they are about reach home, or their cars are hijacked when they leave the bank. The security issue is impacting on the economic and social issues and we have to fix them. As indicated by my colleague, Hon. Member Ms. Teixeira, we are willing and ready to support the Government in this endeavour, but how can we do it when there is a standing Committee on the security that is chaired by the Hon. Minister of Public Security? The first thing is I am a Member of that Committee. Sometimes you wonder whether these Committees are needed at all based on how the journey is. The Minister took one year before he called the first meeting and since then we have had scattered meetings. As far as I know, we have had no meeting since after July.

The question is: why do we have a standing Committee on security in the Parliament. It is not a tool to be utilised for the development of the security sector. At least the Minister does not think so. If he thought so, then he would have held meetings and held them regularly. I dare say that the Committee has put forth several proposals and recommendations. We were about to put in place a work programme. As a Member of the Committee, nothing is happening, therefore the work programme...We called for that matter, and the heads of the disciplined forces came, the chief officer of the prison service and the Commissioner of Police who came and spoke and they indicated what their constraints are and how we at this level can perhaps help. All that they did has gone in vain because the Committee is not meeting to examine the reports. As a matter of fact, they submitted written reports. They came to the Committee and they did power point presentations. They indicated to us what were some of the deficiencies, the weaknesses and some of the areas they needed assistance and some of the areas in which they needed help. As I said, the Committee is none functional because of competence of the Minister. We are unable to take the recommendations forward because the Committee is not reaching.

As I said when I started, we have put before the National Assembly a motion calling on the Government to have a Commission of Inquiry held so that we can look at what transpired and the nation can be properly informed as to what transpired on the 9<sup>th</sup> July, 2017. I am using the opportunity to indicate to the Government that we, on this side of the House, stand ready to support and help all measures that are important to deal with the security issues, whether in the prison, whether at the level of the Guyana Police Force, whether at the level of the Guyana Fire Service, or wherever.

Thirdly, I am calling on the Minister to have the Committee on the security sector function so that we can deal with some of the matters regarding the security issues. As I said earlier, it is time that my honourable friend Mr. Ramjattan recognises and realises that he is the Minister of Public Security. He is responsible for the good and all the bad things that happen under the security sector.

The resolved clause, as I take my seat, I would indicate again so that the nation can recognise that we are calling for these things. We are calling for a Commission of Inquiry. We are calling for the Government to take full responsibility for what transpired and at the same time we, on this side of the House, lend our full support to the disciplined forces in their effort to ensure public safety and the protection of our citizens and the recapture of all the escapees.

Thank you very much. [*Applause*]

**Mr. Speaker:** Hon. Members, we are now at five minutes to four o' clock and I propose we take the suspension now and return at five minutes to five o' clock.

*Sitting suspended at 3.55 p.m.*

*Sitting resumed at 5.14 p.m.*

**Mr. Anamayah:** A happy New Year to you, Sir, and the entire National Assembly.

I rise to endorse what my colleagues have so far said in support of this motion. Hon. Members Ms. Teixeira and Mr. Hamilton have both outlined the events and dealt in detail with the motion. We had a tragic situation on the 9<sup>th</sup> July, 2017 and it goes without saying. The tragedy is compounded by the fact that we were forewarned and it has been made more painful somehow.

We knew that this was going to happen and Hon. Member Mr. Hamilton went to great lengths to point that out. It is because we had a situation at the Georgetown Prison, Camp Street, on 3<sup>rd</sup> March, 2016 where 17 prisoners lost their lives. And true to form, the Government almost immediately had commissioned a Commission of Inquiry. That incident occurred on the 3<sup>rd</sup> March, 2016 and the work of the Commission of Inquiry started on the 8<sup>th</sup> March, 2016. To date, we cannot have a Commission of Inquiry into the events of the 9<sup>th</sup> July. Here, there is one that started within five days. After about a period of in excess of a year, the Commission of Inquiry into the 3<sup>rd</sup> March, 2016 incident was laid in the House.

Now, it is important that we note the speed at which the events transpired in relation to the Commission of Inquiry that was done. The initial date, the deadline for the submission of that inquiry – this was the one that was done in March – was the 28<sup>th</sup> March, 2016 and it was extended to the 31<sup>st</sup> May, 2016. We could safely assume that the Commission of Inquiry's report thereto found its way into the hands of the Hon. Minister of Public Security by latest 1<sup>st</sup> June, 2016. In the terms of reference and the procedures outlined, it was to be submitted to the Hon. Minister. Regrettably, what we can now say, with certainty also, is that the Hon. Minister did not read that report. Certainly, he could not have read it. Had it been read, the events, the catastrophe that occurred on 9<sup>th</sup> July, 2017 and the aftermath that followed would certainly been avoided or, at the very least, mitigated.

The COI went to great lengths to point out what happened and certain deficiencies in the system. Several recommendations were made and what they referred to as institutional deficiencies were pointed out and the failure to adhere to certain standard operating procedures (SOPs). On page 26 of that report, it is there reported that the SOPs were not followed, in terms of notifying the fire department on the observation of a fire which Hon. Member Ms. Teixeira spoke about. Apparently, the wrong codes were sent out. It is believed that if the Guyana Fire Service was called. It would have been on the scene earlier. More importantly, the institutional failure by the administration to have the emergency fire pump operational, since it provides 5,000 gallons of water for about five minutes of firefighting before the Guyana Fire Service arrived, would have averted the disaster. We are talking about a fire pump. It is the administration, and the responsibility is theirs, did not see it fit to have an emergency fire pump installed at the prison. That singular act would have averted that fire in 2016. It states here that evidence was given that

the pump was not in operation since last year, under this Government's tenure. Attempts made to repair the pump were futile and a new pump was reported, ordered from overseas through budgetary funds. We could budget \$22 million for a sport utility vehicle (SUV) and have it here within a few months. We could budget for so many things and have it here in this country. This here, which is of national importance, we could not have got it. We could not get it into the prison on time. We are talking about a pump, a simple pump, and we could not have fixed that. We could not have got that right because that is not a part of our priority. That is not our priority.

Additionally, there are several recommendations made in this COI. Page 53, among the first recommendation was for the creation of a high level committee representing all of the agencies with responsibilities to the prison system with the purpose of creating and overseeing implementation of a coordinated strategy for reducing and sustaining prison population to levels compatible with the United Nations minimum standard. Was this done? I guess the Hon. Minister will answer that question when he speaks.

*5.22 p.m.*

It also recommends that the custodial staffing be increased. These are simple issues that could have been fixed. It also says that the strategic plan for 2010 to 2020 is a platform to develop the Guyana Prison Service and must be pursued intentionally and strategically. The eight pillars of development stated in the plan are structured and detailed approaches to the development of the Guyana Prison Service. Is this Administration pursuing that? No; they are not.

There are also some other simple recommendations that the Administration must make. There is tamper proof locks that is all they are calling for. The prison needs more beds and other equipment. You can certainly budget for that. Dietary went up by \$3.5 billion and we cannot provide beds for the prisoners. There is a need for installation of an effective jamming system for all cellular phones, a simple procedure. This could have been implemented and high profile prisoners and prisoners with long sentences must be strategically separated from the general population. We know that this did not happen. These are very simple recommendations that could have been implemented and they were not done.

Importantly, as a recommendation, an effective intelligent system must be created within the Guyana Prison Service to manage the crime and prisoners, sub-cultures of gangs, prisons of high

security interests, contraband trade, violence and intimidation. This must be supported integrally by the Guyana Police Force and the Guyana Defence Force Intelligence Unit.

Intelligence gathering: This is where the whole thing crumbled because whilst the present Members of Government while in Opposition were very vocal of their criticism of then Minister Rohee, he had that under control. He certainly had that and he knew what was going on in the prisons. Our Minister of Public Security is asleep at the wheels. As Mr. Hamilton said, he finds this to be a laughing matter; it is funny that so many lives were lost and there was so much damage to property.

I now turn my attention to some other things that revealed themselves, infractions or violation. This is a violation of the Constitution. By now, we know that this Administration has absolutely no regard for the separation of powers doctrine. I do not think that they know what it means. Our Constitution should be upheld at all times. On the issue of bail, it is enshrined in our laws that the grant of bail is exclusively a judicial act which must begin and end with the four corners of the Judiciary. Yet, in July, 2017, we witnessed the Hon. Minister being reported in the press saying that he has instructed magistrates to grant bail to nearly two dozen prisoners. Here you have the Executive arm, the Minister of Government, instructing the Judiciary to grant bail, a most blatant violation of our Constitution and it struck at the heart of our democracy. It lays the foundation for the highly dangerous precedent of the Executive instructing the Judiciary on any given matter in the interest of political expediency. This type of violation of our Constitution must be denounced in the strongest possible terms or our country would be traveling down and it is traveling down on the path of authoritarianism. There is this obsession with the present Administration to pervert the independence of our Judiciary.

I will not go into the details of bail. It is a legal construct. A magistrate or judicial officer considering it has certain things that he or she should consider, whether the prisoner would be coming to court, is a flight risk, the seriousness of the crime, *et cetera*. How then could the Executive arm instruct the judicial arm to do so to grant bail absent of all of these considerations? The whole procedure was wrong. [Hon. Member: We are dealing with a jailbreak.]

Yes, we are dealing with a jailbreak but the laws are needed; you cannot violate our laws.



We have the Minister of Public Security saying to us that he took a decision to release over 90 prisoners. There was a jailbreak but that does not change the fact that these persons were criminals. Yes, they have rights. They have to be treated with dignity as human beings but they still remain criminals. Initially, we were told that those released were convicted for non-violent crimes and were scheduled to be released shortly in any case, in the hope that that would make it more palatable for us but it became public knowledge, subsequently, that some of the prisoners released were there for serious sexual offences, violent crimes, were repeat offenders, had in excess of two years remaining on their sentences to be served. Yet they were unleashed on the population.

In the public outcry that followed the 9<sup>th</sup> July, 2017 event, the Private Sector Commission issued a statement that was carried in the *Stabroek News* on 11<sup>th</sup> July, 2017. There was great uncertainty as to the identities of the persons who had escaped, the identities of the persons who were being released. The public was unaware. No one knew, maybe except for a few in Government.

The Private Sector was quite rightly calling on the Government to declare the identities of the persons being granted bail and those being released in any way with their histories and other information and for the police to monitor them. They wanted an accurate prison count and, more importantly, this is a quote from them, the release. We also note with awe the statement by the Hon. Minister Ramjattan:

“When you are going to serve [per se] a five year term...if you are of good behavior, you can get some remissions from me, I can give you as Minister and the authority.”

This was taken from the *Guyana Chronicle* newspapers, 10<sup>th</sup> July, 2017. The Minister is saying that he has taken upon himself these duties as judge, jury and executioner. He is deciding, violating all the laws of our country, who must be released and who will remain.

This is another report. Hon. Ms. Teixeira touched on this a bit. This is in *Stabroek News*, 14<sup>th</sup> July, 2017. A certain Minister visited and what was the nature of the response from the subject Minister? This is what the report states:

“Minister of Public Security, Mr. Ramjattan turned up after 7.00 p.m. and shortly after exiting his vehicle and making his way over to speak to the prisoners, he had to be

whisked away since plastic corks and a few bottles were being pelted in his direction. The inmates were also screaming, ‘*we don’t want talk to nobody*’.”

That is the kind of reception that the Hon. Member received there at 7.00 p.m. when this was all over the social media at 12 noon. That is when our good Minister responded. We must also note that there is a remarkable difference in approaches with the People’s Progressive Party/Civic (PPP/C) in Opposition than the previous Opposition. These escaped prisoners were not labelled as freedom fighters, as was done in the past. They were not given support. There was no one visiting them on the train line or in the Buxton Back Dam, as alluded to by Mr. Frederick Kisson in the *Kaieteur News*, so they did not have any support. What the PPP/C wants is full disclosure. We wanted all of them to be recaptured and placed behind bars but I suspect that we will never have that Commission of Inquiry (CoI) into what happened on 9<sup>th</sup> July, 2017. To give an answer to all of these issues, to demystify this whole situation, we will never have that inquiry because it is clear that the findings of such an inquiry will lay this at the doorstep of the Government and, more specifically, the Hon. Member, Minister Ramjattan. *The buck stops with him* and, in our motion, we are asking...

It is unfortunate that the motion is only now being debated after being on the Order Paper since August of last year. It is unfortunate that it is only now being debated but it does not absolve, in any way, the Government and, more particularly, the Hon. Minister of the responsibility. In any civilised democracy, the Hon. Member would have done the honourable thing and resign. Thank you. [*Applause*]

**Ms. Campbell-Sukhai:** Thank you, Mr. Speaker. May I also wish you and this House a Happy New Year? I stand to also support Member of Parliament (MP) Teixeira’s motion on the 2017 Georgetown Prison Fire and Jailbreak. The motion, in its WHEREAS clauses, referred to historical event which saw the worst prison fire and jailbreak, which devastated the Prison Service, prisoners, the security sector and the nation, as a whole, in July, 2017.

Of course, it was only the Government which found it of little significance of such a horrific and tragic incident to remain silent and secretive on what really transpired.

| [5.37 p.m.](#)

There was no attempt to quickly share and communicate details on the matter and to seek holistic support from the Guyanese nation, whether it be the Opposition, private sector, civil society, religious community or those with a willingness to step up, support and provide solidarity in a national crisis. In fact, Guyanese were more or less left in the dark and, obviously, everyone considered themselves at risk. Everyone walked the tight rope as notorious escapees took a head start way ahead of the authorities and the powers that be within the security sector.

As the news of the fire and escaped prisoners circulated through the media, the evidence that followed can only be determined as inhuman. We all know that the holding centre or location after having lost the Georgetown Prison was at the Lusignan Prison. Within a few hours of having relocated the prisoners from the Georgetown Prison to the Lusignan Prison, 13 additional prisoners escaped. This escape should never have occurred. Imagine just experiencing the gutted prison and the escaped prisoners. One would have thought the security sector would have been at an all-time high level alert. However, there was failure to provide leadership at the level of the Minister. Imagine the escape bid happening under a supposedly tight security detail. This evidently exposed the level of leadership and approaches which surely unveiled a number of laxities existing along with the irresponsible leadership from the top.

Debating this Motion today is not too late because the Guyanese public is still reeling from the occurrence; just a few months have gone by. It was not until November, 2017 that a report from the previous fire was provided to this House. This position of secrecy, taken by the Government, was obviously to shade the Minister of Public Security and to include in any subsequent report, the success of the recaptured prisoners so that he could score some points.

Today, we still have no intention of having an inquiry into the July, 2017 Georgetown Prison break. There is no justification from an informed and studied report to provide a reliable understanding of what really transpired. Today, the security sector is not wiser of the level of security lapses and recommendations for correcting any such laxities in the system. Is it that the executive, is afraid the report will recommend the Minister of Public Security must go? I am tempted to believe that this might be the underlying reason for the secrecy or attempting to examine what really occurred. Again, there should be no secret behind the failures or resistances by this Government for an inquiry to take place. The least the executive should have required from the responsible Minister is the facilitation of a CoI to detail a high profile examination,

resulting in a report in the phase they have retained him. Today, while the majority of the escapees have been recaptured with minimal loss of lives, of course, credit must be provided to the Guyana Police Force (GPF), in so doing, the trauma, anxiety and insecurity that the Guyanese population endured will long be remembered. They will remember it as the worst period in the history of Guyana regarding the security sector, a phase and tenure under the Hon. Minister or dishonourable Minister, Mr. Khemraj Ramjattan.

In summarising my comments, I would like to say that it is only in Guyana with its collapsing security sector we will have a responsible Minister such as the Hon. Mr. Khemraj Ramjattan, continuing to mislead this nation with the number of inaccuracies and no plan for the sector. Everyone in Guyana, at the time of the Georgetown Prison break and fire, was anticipating that the Hon. Minister would have done the decent thing and resign. One could only remember his bleating in the past for the Minister of Home Affairs, Hon. Mr. Clement Rohee, when there was a fire outbreak in the Georgetown Prison. There were loud calls for his resignation. In fact, there was a video circulating on social media, where the current Minister of Public Security was boldly calling for his resignation and offering this nation the fix for the crime and security sector. What have we received from the sector under the tenure of the current Minister? We continue to suffer from an escalating crime rate. Every day, young people, pensioners and women are being robbed. There is a continuing trend that seems to be emerging today and I would like to know the plan the Minister has because, for the last four crimes, from December, 2017 to January, 2018, after the crime has been committed, the criminals are seeking to sexually assault women in this country.

As we speak in this honourable House, the country continues to be plagued, daily, not only with petty crimes, but significant, frightening criminal activities, and something must be done. This is the aftermath of the jailbreak and the flattening of Georgetown Prison.

Guyana also, as a nation, was impacted as the ABC countries sent out travel alerts to its residents, which were placed on the World Wide Web (www) where every country read those alerts. Of course, Guyana was negatively impacted in many ways. Only two weeks ago, the British Government put out an alert on Guyana with the new way crimes are taking place.

I take this opportunity to record my support and credit to the members of the GPF and the Guyana Fire Service (GFS), who placed their lives on the line to try and contain this tragic

incident which occurred in less than two years under the belt of the Minister, whereby there were two fires and prisoners escaped from the confines of the Prison. I also take this opportunity to recognise the anguish experienced by the families of the prison officers and 17 prisoners who died in the previous fire because they lost their relatives in that fire. To the Guyanese nation, I need to remind you that political campaign rhetoric and slogans do not usually translate to changes for the better when promised for any sector, whether it be agricultural or security. I would call on this nation to demand the level of leadership from the security sector for them to actually step up and do the job. *[Interruption]*

Mr. Speaker, through you, I hear some grumblings coming from the front of the Government's benches and it sounds like a female voice, speaking about the jailbreak under the People's Progressive Party/Civic Government but it reminds me to include in this presentation that, when that occurred, subsequently, the matter was examined and a report was laid. The recommendations and the agenda from that examination inquiry, was put on the table, and the then Minister, Mr. Rohee, began the process of implementing those recommendations.

Two years in this current Government, the current Minister failed to examine that report and he continues to even fail this nation as it relates to stemming the crime rate. He has even failed to adequately and efficiently deal with the construction of the Mazaruni Prison. Guyana, the families, the people of this nation, would like the Minister to get to the bigger things. He spent two years dabbling with the 2.00 a.m. curfew instead of dealing with the bigger issues of the sector.

On behalf of the Guyanese nation, I call on the current Minister of Public Security to not only receive your re-numeration or salary at the end of the month, but to deliver on the promises you made to this nation before you entered this office. I therefore wish to once more support the Motion as it is brought to this House by the Hon. Ms. Gail Teixeira. I thank you. *[Applause]*

**Mr. Speaker:** I thank the Hon. Member for the statement. The next speaker is the Hon. Mr. Harry Gill. You have the floor.

**Mr. Gill:** Mr. Speaker, I wish to extend to you and my Colleagues on both the Government's and Opposition's sides of this Hon. House, warm wishes for a wonderful new year.

*5.52 p.m.*

[Ms. Ally: Many happy returns to you.] Thank you.

Historically, Guyana has always suffered from a relatively high crime rate. Efforts to reduce this have always posed a major challenge to previous administrations. But it is the A Partnership for National Unity/Alliance For Change (APNU/AFC) in their 2015 Manifesto who promised the electorate to reduce the high rate of armed robberies and murders. Immediately upon gaining Office this Government embarked upon a security recruitment drive which pulled several high ranking former military and police officers out of retirement to achieve this objective. One of those officers was a former Commissioner of Police, my Friend, the Hon. Winston Felix. With all the expertise at their disposal, since then 17 prisoners were burnt to death, a Guyana Prison Service Officer killed, the Georgetown Prison almost completely destroyed and several well organised prison breaks. The Minister of Public Security is yet to accept Ministerial responsibility.

Regardless of reports that the number of serious crimes is on the decline, the reality is that the citizens of this country no longer feel safe in their homes and on the streets. If you ask most Guyanese in particular those in the business sector they would tell you that crime has skyrocketed. How could we hope to develop the tourism sector in a country where crime is rampant and is getting worse every day? There is a *travel advisory* on the United Kingdom (UK) Government's (GOV.UK) website for British nationals in Guyana. It reads in part:

#### *Safety and Security*

##### *Crime*

“Crime levels remain high and police capacity is low. There are regular armed and violent robberies against businesses and individuals... Muggings have taken place in broad daylight. Burglary and theft from cars are common place. Take sensible precaution to protect yourself and your belongings... Take extra precautions to safeguard your Passports, money, tickets, mobile phones and other valuables. Even if you are staying with family, do not leave valuables in view. Keep them somewhere less obvious than your baggage. Use hotel safes if possible. You should be particularly vigilant when leaving local banks to ensure that you are not being followed. In Georgetown, avoid the Tiger Bay and Albouystown areas...”

[*Mr. Speaker hit the gavel*]

**Mr. Speaker:** Hon. Member, ...

**Mr. Gill:** Yes...

**Mr. Speaker:** We really must come back to the point.

**Mr. Gill:** I am getting there.

**Mr. Speaker:** However, that may be a good advertisement for the advisory but it is certainly not contributing, with respect, to the debate which we have. Could we stay with the debate, please?

**Mr. Gill:** I am saying if you allow me to continue you would...

**Mr. Speaker:** Hon. Member, unless you are saying that the prison break is contributory to which you are referring there, then I would ask you to return to the topic for which you were given the floor.

**Mr. Gill:** It is contributing. Could you allow me to continue, please?

“In Georgetown, avoid the Tiger Bay and Albouystown areas and take care in Sophia, all of south ...”

**Mr. Speaker:** Hon. Member, ...

**Mr. Gill:** Yes, Mr. Speaker?

**Mr. Speaker:** Hon. Member, would you return to the purpose for which you were given the floor?

**Mr. Gill:** Okay. The British Government is acting responsibly to protect its citizens from harm. But as a citizen of Guyana I am truly embarrassed by the accuracy of this report.

In the *Kaieteur News* newspapers column section last Saturday “Peeping Tom” wrote that crime is out of control. He noted that a woman last Thursday escaped from becoming the victim of armed attack in the city...

**First Vice-President and Prime Minister [Mr. Nagamootoo]:** Mr. Speaker,...

**Mr. Gill:** ...when the car in which she was seated...

**Mr. Nagamootoo:** Point of Order – Standing Order No. 40(a) -content of speeches. If Your Honour would permit me, Standing Order No. 41 (1) states:

“Subject to these Standing Orders, debate upon any motion, Bill or amendment shall be relevant to such motion, Bill or amendment, and a Member shall confine his or her observations to the subject under discussion”

and not what the Hon. Member said had anything at all, even remotely so to the motion dealing with an occurrence on July, 2017. It is stretching the debate to an incredulous level. I ask Your Honour to rule on the issue of relevance.

**Mr. Speaker:** I thank the Hon. Member. Hon. Member, Mr. Gill you would return to the subject for which you have been given the floor.

**Mr. Gill:** Thank you, Mr. Speaker. In most developing countries, the Minister of Public Security would have been fired or asked to resign in keeping with his views on the contention of Ministerial responsibilities. Why has this not happened here? Is it that this Cabinet is satisfied with the performance of this Minister? Why is it that after 18 deaths and the destruction of the Georgetown Prison that this Minister has not been sanctioned by Cabinet?

The 17 persons who perished in the flames in 2016 were prisoners and human beings with families and loved ones waiting anxiously for their release. The heroic prison officer who was killed in the line of duty also had a family and loved ones waiting for him to return home on that fateful day, Sunday, 9<sup>th</sup> July, 2017. That did not happen. Surely Cabinet cannot be comfortable with this level of Ministerial incompetence that has led to the debate on this motion today.

When compared with just an alleged assassination plot to kill the President, with no lives lost, a Commission of Inquiry was immediately launched and senior police functionaries have been removed from their jobs. The Crime Chief has been displaced and the Commissioner of Police who should have been at his desk at Eve Leary has been sent home on administrative leave.

*[Mr. Speaker hit the gavel]*

**Mr. Speaker:** Hon. Member, if you would continue in this light, I would ask you to take your seat. We cannot do this.

**Mr. Gill:** I am comparing this...



**Mr. Speaker:** Hon. Member, you cannot do that.

**Mr. Gill:** Okay, Mr. Speaker. Seventeen prisoners are dead and the entire... [*Inaudible*]

**Mr. Gill:** Seventeen prisoners died, the entire prison burnt and the Minister kept his job. Is this not duplicitous? I am aware that the Ministry of Public Security was given to the Alliance For Change as part of the Cummingsburg Accord. Is it that the Minister's ineptitude is being tolerated by Cabinet solely to protect the fragile coalition? The Minister has stated publicly that the Commission of Inquiry into the Georgetown Prison Fire and Jail Break would not be done until all of the escapees are recaptured. Since two of those prisoners are still on the loose, one wonders whether there is any urgency to recapture them in order to further delay an independent investigation into this tragedy.

On 3<sup>rd</sup> March, 2016, 17 prisoners were burnt to death at the Georgetown Prison and 11 others were injured. During the Commission of Inquiry (CoI) that followed, Prison Officer Benjamin testified that several system defects at the Georgetown Prison gave rise to the possibility for prisoners to escape their dormitories and ultimately the prison compound. It is a known fact that the severe prison overcrowding and the sub human conditions that existed in that jail were mainly responsible for what eventually occurred. Could this have been prevented?

Let me put it another way. Given all the information that came out of the Commission of Inquiry, was enough done by this Government to prevent the tragedy of the 2016 prison riot and the death of the 17 inmates from repeating itself, absolutely not.

The failure to fully implement the recommendations of the CoI suggests that a lot more is needed to be done. There was no urgency to alleviate the overcrowding. There are still a heavy backlog of remand cases to be heard and still too few trained prison officers to deal with the constantly growing prison population. In fact, conditions that caused the prison break in 2016 were identical to those that existed on Sunday, 9<sup>th</sup> July, 2017 when another disaster struck a mere 16 months later. This time the Georgetown Prison was burnt to the ground. During the mayhem one prison officer was killed and several others were injured. Eight notorious hard core criminals escaped, two of whom are still on the run.

The timeline of this tragedy has already been discussed by my Colleague. It is nothing short of a miracle that more lives were not lost. I commend the bravery of our prison officers, police and fire fighters that made this possible.

Just when it seemed that things could not get any worse, on 24<sup>th</sup> July, 2017 a mere two weeks after the inferno that destroyed the Georgetown Prison, 13 more prisoners crawled to freedom through a tunnel that they dug under a fence at the Lusignan Holding Facility. Trustingly, although the Minister of Public Security, Hon. Ramjattan later admitted, the prisoners who escaped from the Lusignan Holding Facility were the real bad ones. They were left outside to sleep in the cow pasture while the low risk prisoners were the ones locked up behind bars and according to the expression by Rome's Emperor:

“Nero fiddled while Rome burned.”

There is nothing in all of the reports that I have read that suggests that the Hon. Minister of Public Security was active or anywhere to be seen during the early hours of this national security crisis.

Complacency and incompetence are no substitute for leadership. Sadly, the Minister of Public Security is yet to take ministerial responsibility for the lives that were lost under his watch. In the aftermath of the destruction of the Georgetown Prison with murderers and other notorious criminals on the loose, I had requested, as a Member of the Parliamentary Oversight Committee for the Security Sector the need for an urgent meeting of this Committee. The Chairman, the Hon. Minister Ramjattan showed no interest. The Minister of Public Security has not called a meeting of the Parliamentary Oversight Committee for the Security Sector since 6<sup>th</sup> March, 2016, 10 months ago today despite the obvious rise in crime. This unfortunately is a mind-set that has compromised parliamentary oversight of the security sector and has put the nation at risk.

*6.07 p.m.*

In arguing her case for the resignation of former Minister of Home Affairs, Mr. Clement Rohee in this honourable House on 24<sup>th</sup> July, 2012, the Hon. Minister Catherine Hughes referred to the Convention on Individual Ministerial Responsibility and added, and I quote:

“...a Minister must take the praise for the successes of his department and blame for its failures. This is responsible Ministerial Government which we must strive to perfect, or come close to.”

It must be recalled that, on 10 occasions, within nine months, during that period that the Hon. Catherine Hughes referred to it. Former Minister Rohee was prevented from speaking by the disruptive unparliamentary behaviour of the A Partnership For National Unity (APNU) Opposition in the House, at the time. Yet, they did not think of themselves as *vulgarians* and no one was suspended from National Assembly by the then Speaker. Three years earlier, on the same subject, while in Opposition, the then chairman of the Alliance For Change (AFC), the Hon. Khemraj Ramjattan, now Minister of Public Security wrote in the *Kaieteur News* newspaper on 14<sup>th</sup> June, 2009, he said and I quote:

“The convention of individual ministerial responsibility fixes blame on a Minister for all failure of policy and administration whether the Minister himself is at fault or not; and, harsh as it may sound, even if the failure resulted from departmental maladministration. A Minister must take praise for successes of his department, and blame for its failures.

Moreover, a Minister is required to provide full and accurate information to Parliament; must behave himself with candour; and, must not mislead Parliament knowingly. This is in addition to not using public resources for his personal purposes.”

And the Minister continues that;

“Ministers are expected to be their own conscience.”

He said, I recollect that a man found himself in the Queen’s bedroom some decades ago,

“The U.K’s National Security Minister then in charge, duly and with a certain ring of honour and dignity, resigned because somebody had to be responsible.”

These are the words of this Hon. Member while in the Opposition in 2009. Now that he is in the same position, the Hon. Minister of Public Security is reluctant to take his own advice and that of his Colleague the Hon. Minister, Catherine Hughes or was he insincere when he wrote that article.

*Kaieteur News* newspaper, *Peeping Tom* wrote on 4<sup>th</sup> March, 2016:

“Guyanese have a saying: ‘What goes around comes around?’

During the protests in Linden, in 2012, three persons were killed. APNU and the AFC immediately demanded, that the then Minister of Home Affairs should accept ministerial responsibility for the tragedy and should resign.”

“As far as they were concerned, ministerial responsibility meant that a minister had to accept responsibility for the actions of those departments which fell under him or her. The Guyana Police Force was the political responsibility of the then Minister of Home Affairs and the AFC and APNU called for the Minister’s head.”

“What goes around comes around. There was a terrible tragedy at the Georgetown Prisons yesterday. Sixteen persons died as a result. Who is going to take ministerial responsibility and resign?

“What will be the excuse this time for not resigning? After all, both the AFC and APNU were insisting in the case of the Linden incident that the then Minister of Home Affairs held ministerial responsibility and should resign.

“The wrong things you do come back to haunt you, and this latest tragedy is a case of the wrong that was done to Rohee coming back to haunt the AFC and APNU.”

Mr. Speaker, I rest my case. [*Applause*]

**Mr. Speaker:** Hon. Members, we have a number of speakers remaining. I know it is a great, maybe somewhat, difficulty for the succeeding speakers to stay on course, but I must tell you that repetition cannot be the order of the day. The Speaker will ask Members to exercise a great deal of restraint in their temptation to repeat what their Colleagues have said, not just refer to it but to repeat it.

**Mr. Charlie:** I rise to support the motion brought to this honourable House by the Hon. Member of Parliament, Ms. Gail Teixeira, the Opposition Chief Whip on behalf of the Hon. Member of Parliament, Bishop Juan Edghill. A motion which seeks to address the pressing issue of the 2017 Georgetown Prison Fire and Jailbreak, and its aftermath:

“Whereas Sunday, 9<sup>th</sup> July, 2017, will go down in the history of our country as a day when the worst prison fire and jailbreak took place, destroying over 80% of the Georgetown Prison Camp Street.”

During this occurrence, a Prison Officer died, eight prisoners escaped and several others were injured.

As set out in the motion, the first official communication on the said matter took place in the evening on the National Communications Network (NCN), with the heads of the Discipline Services, followed by an interview with the Hon. Minister of Public Security and a prerecording interview with the President. However, there was a dearth of information emanating from officialdom, reaching the general public on such a momentous and grave incident, especially in view of the threat engendered to public safety and security with the escape of eight dangerous prisoners.

This caused tremendous fear and misgivings in the public domain because it was generally felt that the security forces were unable to handle the matter in a manner that would inspire confidence that the presumably armed and highly dangerous men would be caught and taken off the streets. The families of the prisoners were greatly anxious about the fate of their love ones, especially in the view of mammoth conflagration that consumed, practically, the entire prison complex. *[Interruption]*

*[Mr. Speaker hit the gavel]*

The fear for public safety was not misplaced. One young man, a husband, father, son and the beloved of many, nearly paid the ultimate price for the carelessness and the ineffectiveness of the handlers of the ministerial portfolio on public security. A 22 year old Guyanese male taxi driver is lucky to be alive today, after being abducted by the prison escapees, on Sunday 9<sup>th</sup> July, 2017. After a horrifying ordeal, the young taxi driver was found on the railway embankment, at Annandale on the East Coast of Demerara with his body covered in mud. The anxiety caused to his love ones by this incident is unimaginable because, while everyone hoped and prayed for his safety and rescue, there was little doubt in almost everyone’s mind that he would have been killed - countrywide, everyone feared a similar fate.

A Prison Officer, who was killed during the events at the Georgetown Prison, Camp Street, on the 9<sup>th</sup> July, 2017, was the father of a toddler and the sole provider of his elderly mother. The Hon. Minister of Public Security is not responsible for public safety alone, but also for the safety of the persons who serve within the Ministry. So, the inability or will to address the burning issues of prison reform and other related areas of responsibility that fall within the Hon. Minister of Public Security's mandate is directly responsible for the death of the Prison Officer and for the injuries caused to the other officers during the outbreak, as well as the destruction of the Georgetown Prison and its aftermath.

The ghastly occurrences of the 2016 prison riot, during which 17 prisoners had died, should have been a forewarning, and implementing recommendations of the 2016 jailbreak Commission of Inquiry into that incident should have been prioritised to prevent such a recurrence. Instead, absolute incompetence and an uncaring attitude of power that be, are directable attributable for the tragic 2017 jailbreak episode.

Despite the tragedy that the inherent risk posed by mishandling situation, security was so fluxed that, on 24<sup>th</sup> July, 2017, 13 additional high-risk prisoners escaped from the walled area in the Lusignan Prison pasture. Regardless of the ensuing furore and the justifiable apprehension by the public, there continued to be a dearth of information relating the two aforementioned incidences which shows scant regard for the concern of citizens and arrogance towards the general public by the subject Minister, in particular, and Government in general.

The public has been promised that many of their questions would be answers in the course of a Commission of Inquiry to be appointed by the President. However, on 20<sup>th</sup> July, 2017, the Minister was reported in the State media as saying that there would be no Commission of Inquiry until the escapees were all captured. However, this seems to be a limbo and the public is still being kept in the dark regarding burning unanswered questions on these issues.

The current crisis in the security sector, especially with the repeated escape of some of the most dangerous prisoners in Guyana's prison population from various prison locations, has gripped the nation in a frenzy of fear, not irrational, but justifiable fear. This is because, from corner to corner of Guyana, practically on a daily basis, there are numerous cases emanating of violent crimes, especially armed robberies and murders in the acts of commission of such crime.

Our people have to live. They have bodily needs which they have to fulfil and they have a history of resting the withal of those needs by means possible. The average Guyanese, even the poor of the poorest, the elderly pensioners and the single parent households have targeted to provide for those needs.

The tears of nation are flowing to rival the floods decimating worldwide. These are rivers of blood flowing from eyes that are described with the pain, from hearts wounded to unbearable proportions by the loss of love ones, most often in the prime of their lives, brutally taken by the beast in human form, while robbing persons of their property and other resources and have no qualms about robbing them of their lives also.

A country's security sector bears the most responsibility for the protection of citizens from criminal elements. Thus, anyone tasked with the mandate of managing this vial sector should prove, overtime, meritorious in the functionality and efficiency of the various arms of Government comprising his portfolio.

*6.22 p.m.*

However, from the inception of the appointment of the Hon. Minister of Public Security, there has been one critical incident after another that have compromised the nation's safety. Indeed, the Hon. Minister of Public Security has compromised national security with the mishandling of these dire incidents, threatening the lives and well-being of persons, and calls from the general public that the Minister should do the honourable thing. Campaign promises made by APNU/AFC, prior to the General and Regional Elections in 2011 and 2015, respectively, under assurances of guaranteed provisions to ensure public security and crime, were *fluff and bluff*. While their pre-election rhetoric promised much, especially that they had accrued all blue prints for the security sector, the coalition's track record in this sector has been woeful indeed. The citizens continue to suffer from depredation of the lawless, including some within officialdom and the security services sector itself.

I stand here today, on behalf of all citizens of Guyana, to support the Opposition's resolution that the National Assembly calls on the Government, in accordance with Article 162 of the *Constitution of the Corporative Republic of Guyana*, to accept responsibility to this House for these repeated events at the prisons of Guyana. The National Assembly calls on the Government

to make full disclosure of all aspects of the tragedy on 9<sup>th</sup> July, 2017, at the Georgetown Prison and to declare what actions are being taken to reduce the opportunities of such situations from reoccurring.

I also support, on behalf of the Guyanese people, the resolution of the Opposition that the National Assembly calls on the Government to make full disclosure regarding the circumstances surrounding the recent escape of prisoners on 24<sup>th</sup> July, 2017 and that the National Assembly lends it support to the Disciplined Services in its effort to ensure public safety and protection of all our citizens across the length and breadth of our dear nation.

Mr. Speaker, I thank you. [*Applause*]

**Ms. Pearson-Fredericks:** Mr. Speaker, I stand in support of the motion brought before this House, the “2017 Georgetown Prison Fire and Jailbreak”. A lot was said by the speakers who spoke before me, and I heard you, Mr. Speaker, when you said “Please do not repeat”. In order to not repeat what was said, I wish to say that indeed, it was history in our country, on the day when the worst fire and jailbreak took place, destroying 80% of the Georgetown Prison. I also wish to refer to the CoI report of what took place on 3<sup>rd</sup> March to 4<sup>th</sup> March, 2016. However, before I refer to this report, I wonder, and we are asking the question, why is it that there is no CoI on what happened on 9<sup>th</sup> July and also on what happened on 24<sup>th</sup> July, 2017. There are still many unanswered questions. Guyanese would like to know what really happened.

In March, 2016, there was a CoI with recommendations and, yet, on 9<sup>th</sup> July, 2017, something terrible happened in our country. Yet, a few days later, on 24<sup>th</sup> July, worst happened. The people were in fear.

I wish to turn my attention to page 49 of the CoI report. We speak about prisoners and those prisoners are our fathers, sons and husbands – they all have love ones; they belong to Guyana, our people. When I read this report and about the conditions in our prisons, I felt very sad. All along I knew that there were Indigenous peoples or Amerindian prisoners. Therefore, in order to not repeat what was said before, I wish to turn my attention to what is stated on page 49. It states “vulnerable population” and then it states “Indigenous peoples in the prison system”, and I quote:



“Indigenous people constitute the population group whose rights are most violated by the prison system. In addition to the generalised inhumane conditions of the prison to which all detainees are exposed, Indigenous people suffer a range of additional hardships. In the first instance they are separated completely from their families and communities. Prison diet never includes food to which they are accustomed. Indigenous people by nature are less assertive or aggressive than other population groups. They endure far longer delays in trials due to the unreliability of interior courts. In many cases a poor command of English isolates indigenous prisoners almost completely from life around them.”

This was recorded in the report and these are facts. Again, we see that, not only in public life, Indigenous peoples face hardships, no; we see it in the prison system as well. It is recorded here and we know that these are facts. When our men folks leave the community and are incarcerated, it leaves the women at a disadvantage. Indigenous women face double the burden at home. Besides having small incomes or no income at all in some cases, they are the ones who have to take care of the children when the men folks are away. I wish to highlight, as is said in the report, that, in many cases, regarding their poor command of the English Language, there are many of our indigenous men from various regions who cannot speak fluent English. Of course, they speak their traditional languages and it is a barrier. I know, personally, about one gentleman from the Saint Monica Mission area who is there and he is old. What is happening to him? Take for instance, during the jailbreak, one Indigenous person escaped and he was the first person to get caught and rearrested. Why? It is because he does not know the area. Yes, these are facts. This is real. We are living in a real world. He was the first because he was lost. This is the situation.

In the prison system, there are many challenges for our Indigenous peoples. This leads me to ask the question: Has our Hon. Minister looked at the recommendations that were made under “Indigenous”? I wish to raise the recommendations, as recorded in this report. It is stated on page 59:

“Indigenous

- Summary matters in hinterland communities should be resolved in one session as originally intended by this category of offences.

- In indictable matters Indigenous peoples should be remanded in regional facilities rather than in Georgetown prisons. ”

Mr. Speaker, I would like to also say that, with regard to Indigenous peoples, in their various regions, it is a good recommendation. It is because, in many cases, even with the court system, how many months do they take to go to whether it is Kamarang, Port Kaituma, or just Moruka or wherever the court system is. Indigenous peoples are faced with double challenges and whether they are in the prison or outside, life is difficult.

I wish to say that there was a study done by the United Nations Children’s Fund (UNICEF) and from the Executive Summary, I wish to quote:

“Improving the situation of the indigenous population is not only a historical debt that the country has to pay; more importantly, it is a strategic and conscious movement towards creating the condition for sustainable development goals (SDGs) to be achieved in Guyana, sending to the international community the message that working with the most vulnerable population is possible and providing the means for their socio-economic development results in benefits for all of the country.

The Indigenous peoples are Guyana’s First People and there must be legislation and policies that deal directly with them. In many cases, we are being discriminated, marginalised, and we face hardships outside and even in the prison system. I, therefore, call on the Minister of Public Security to address issues, to make special efforts to review legislation and to improve and implement new policies that would address the rights and interests of Indigenous peoples in and out of prisons so that we also can feel secure and enjoy the good life, as was promised by the Government. [*Applause*]

**Ms. Burton-Persaud:** I rise to make my contribution in support of the motion before us. On the afternoon of Sunday, 9<sup>th</sup> July, 2017, Guyanese became aware, by way of reports *via* social media and phone calls, of a raging fire at the Georgetown Prison in Camp Street, Georgetown. Many at first wanted to believe that it was either a hoax or it was just another attempt by some frustrated prisoner or prisoners to gain attention and plead for their long overdue cases to be heard. But reality soon hit home that it was another serious and life threatening fire, similar to that of March, 2016, a mere 16 months prior. The reality was transformed into fear when news surfaced

that the fire was larger than that of 2016 and that prison wardens were held captive and that prisoners had escaped. It was finally learned that the entire facility, save one section, was destroyed. Over 1000 prisoners had to be relocated in a rush to the Lusignan Prison and the adjacent pasture. An officer was killed and others were injured.

*6.37 p.m.*

Amidst all the mayhem, many questions were asked, one being: What was the composition of the staff on duty at the time of that tragic afternoon? Is it true that there were more female prison wardens than male on duty on the afternoon of the 9<sup>th</sup> July, 2017 at the Georgetown Prison, Camp Street? Is it true that these females were even placed as custodians on the blocs that held some of the most seasoned and dangerous inmates in our country? Some who were serving life sentences for serious crimes committed. If the answer to these questions is yes, then this is in no way a wise approach. Many may want to argue that there is the continuous advocacy for gender equality, equal pay for work of equal value and the right of women to choose, without hindrance, their careers. This is true but good sense must prevail when decisions have to be made. Another question is: How fully equipped and trained were these female wardens with regard to having them assigned to these areas? One must take into consideration that this is a male facility and hence the staff complement should be made up of more males than females on any given shift. I say yes, to gender equality; I say yes to equal pay for equal work; yes to the right to choose, but this does not mean that, in fulfilling this mandate, we place our workers at risk. Such actions scream of a lack to ensure the safety of workers on the job.

In like manner, why were the majority of prison officers on duty junior ranks on that day? Is there a shortage of senior personnel? Why was this shortage addressed, if not before, then at least after the riots and fire of 2016? As we debate this motion, we need to delve deep into the issue of what were some of the contributing factors that fuelled this incident and we are aware that one such factor is the conditions that existed within the confines of the Georgetown Prison at the time of the fire. Conditions that were brought to light during the previous fire in 2016 by the inmates, during the CoI of the 2016 fire and which remained unaddressed up to the time of the 2017 fire. One may rush to say that I am seeking to be sympathetic to inmates, at this time, in an attempt to score political points. But, let me state that, despite the fact that they are inmates, whether they

are innocent or guilty or whether they are there serving sentences on remand or awaiting bail, we must not allow ourselves to be guilty of providing conditions that are unhealthy and inhumane.

I know that my Hon. Colleagues on the Government side of the House would want to heckle that this was an inherited situation. They would want to heckle that they inherited an overcrowded prison. They would even want to heckle that it is not a five star hotel and why did the PPP/C not fix it while it was in Government? That does not give credence to the fact that this scenario should be continued, given the fact that, 16 months prior, there was what one could call a dress rehearsal to the fire of 2017.

What were some of those unhealthy conditions? Two main factors were that prisoners were being made to sleep in the dining area, many sleeping under the very tables that they would have their meals. Secondly, those with health conditions having to wait for lengthy periods before getting medical attention. Despite all the mayhem that erupted, in relation to the fires of 2016 and 2017 and which were strengthened by delinquent attitudes by those in responsible positions, still on the evening of the 9<sup>th</sup> July, the relocation of the prisoners from the Georgetown Prison to the Lusignan Prison was handled in a manner that left much to be desired of security and other logistics. This contributed to inmates being placed in inhumane conditions, and which, once again, saw inmates creating a ruckus as they rebelled about the conditions they were made to endure and some even escaping, once again.

Prisons wardens are public servants. They are employees of the State. They serve a very important role. They are important facets of our society. They assist in keeping us, the citizens, safe by ensuring that those who seek to harm us are securely locked away. In doing so, they put their own lives at risk. Therefore, it is our responsibility to ensure that they are equipped to carry out their duties with minimum risk.

Finally, the motion before us seeks to acquire clarity, transparency and accountability, all in an effort for us to correct the mistakes of the past. In doing so, we will be in a better position to move forward in a more organised and principled manner. Thank you, Mr. Speaker. *[Applause]*

**Ms. Manickchand:** May it please you Mr. Speaker. I believe that we are all back here for the first time this year, and so I take this opportunity to extend wishes for a prosperous New Year for all of our people and to everyone in this House and their families.

I believe that it is extremely sad that we are here debating a motion that was submitted to this House so very long ago and was actually relevant, when the people who had asked us to come here, and for whom we held our respective books and either swore or affirmed that we were going to serve and do our best for, could not hear from their representatives what they had asked us to say or enquire. Five months later, we are coming here to deal with an issue that, while not as relevant as it was when it was first submitted, is certainly still a topic that needs to be discussed. I say it is sad because we have raised, too many times, publicly, and in this House, how very stifling it is to have so few Opposition days. Of course, if we sat more often, I believe that we could be heard more often simply because of the timelines.

I am not going to offer an opinion as to whether I believe my learned Friend Mr. Ramjattan, should resign. It is clear that he is not going to resign. He is here; he seems perfectly and happily ensconced in that Ministerial office. What I am going to do though is to ask him, and I am not going to be long at all, to do what I would expect him to do, what I would have expected him to do ever since this had happened, making this motion even more irrelevant. If the learned or Hon. Minister had actually answered the questions that were asked in the motion, then we would have been wholly irrelevant this afternoon. It is this reluctance to share with the nation what the plan for this country is by the entire Government and all of its Ministers, save one or two, that causes us to have to come here and practically squeeze information from them, so that the people of this country could hear whether they could rest safely at night or not.

Particularly, I think of importance. We have dealt with public safety and a few Members on this side had spoken about the anxiety and so on caused to the public. I want to recognise, in a special way, the people we ask every single day to put their lives on the line for us, the Policemen; prison service officers - both men and women; persons who serve in the Guyana Defence Force - the soldiers and ranks who put their lives, every single day, on the line for us. And, of course, we will hear from the Hon. Prime Minister, heckles in relation to those people. When the Hon. Prime Minister is prepared to put himself up for service and not hide behind those same people, and when he is prepared to put his child up for service and have his grandchildren have their fathers serve in the House, then he could come and heckle our service men. *[Interruption]*

*[Mr. Speaker hit the gavel.]*

**Mr. Speaker:** Hon. Ms. Manickchand, you are Out of Order. You know that you ought not to make personal and direct references to any Member here. You know that, and if you do it, then you must do it with that knowledge. I will not allow you to do that. Please proceed, but I have told you.

**Ms. Manickchand:** Sir, I was responding to an heckle by the Prime Minister. I am happy to see that Your Honour has heard what I have said. I am assuming that you did not hear what the Prime Minister said, which is why I am explaining what I said. But, to any Member who wishes to heckle regarding any member of the Disciplined Service, I ask you to consider what it means to put yourselves in their combat shoes, every single day and to go and deal with the possibility of not returning home. It is not a joke. We have just observed the second anniversary of Sergeant Pile, who was killed along with his wife and left two minor children orphaned. [*Interruption*]

**Mr. Speaker:** Hon. Members, we must allow the Hon. Member to speak to the motion which is before us. Please proceed.

**Ms. Manickchand:** Your Honour, I came here fully intending to take five minutes, but I think that the Hon. Members like to hear me.

Sir, what I want to pay special recognition to is the persons serving in the Disciplined Services of our country. That is because, too often, we forget that this is a daily job for them. We come when there is something spectacular, but every single day they put themselves in harm's way for us and I hope I could say from this House, thank you for serving us daily. I would ask Mr. Ramjattan that, before he rises to speak, and I hope that at some point he did this, to recall when he was the President of the Guyana Bar Association (GBA), an active member of the practising Bar. Remember some of the things that we called for daily. Some of those things are in this report as recommendations. If the Minister was too busy, the senseless, insipid or what they did. There are many things that could be expanded on. For example, one of the things that was recommended in this report was that persons, charged with juvenile offences, be held separate and apart from adults.

One of the things that was done during 2006-2011 Cabinet, because I was very cognisant of one of the things that the GBA and the Guyana Association of Women Lawyers (GAWL) had repeatedly asked and had recommended that juveniles no longer be held at the East La Penitence

Police Station. It was because it was unhealthy for them and they were being trained to become criminals there by older persons and so on. As a result of which, we started the Sophia Holding Centre. Now this report goes further to state to not make this not only a holding centre because we have evolved and grown from 2006 to now. A holding centre is not what is appropriate. Make it a child friendly type of rehabilitative centre. I am asking the Hon. Minister to remember the things he felt so strongly about and vocally advocated for when he was in a different place and try to apply some of that to his office presently.

While much has been said about whether the Minister has or has not done what he is supposed to do. The reality is that we have not seen any or much of the work or the manifestation of that work resulting in service to people.

*6.52 p.m.*

If it is that things are being done, then the Minister has a duty - he is not doing us a favour - to get in front of a camera and tell the nation what is being done, when it is going to finish and what are the expected outcomes and impacts that it is going to have on the people. Then we would decide whether we would be getting on board with you or we would say add this or that to it, or this is not enough. That is the way I would expect a Minister, who is enlightened or who claims to have been enlightened and who I believe has the ability to be enlightened, I believe that about him, should get up and say and do for this to the nation.

Sir, I asked the Minister specifically to address the recommendations, there are many of them. Some of them that I have seen here are not recommendations which I necessarily would agree with. To address the recommendations contained in pages 53, 54, 55, 56, 57, 58, 59 and 60 of the Report of the Commission of Inquiry, Camp Street Prison's Disturbances and Deaths. Hon. Minister, the issues we would particularly like to hear you on, what are the things being done? Is there a joint committee that was set up to post this report with representatives of the Ministry of Public Security, judiciary, the Director of Public Prosecutions (DPP)'s office, the Attorney General's office, the Ministry of Social Protection and the Ministry of Education? Is there any such committee in the Ministry of Health that is sitting to put these recommendations out? If not, why not? If not, we demand that you put something together so that we can have a comprehensive look at how our prisoners are dealt with. What is happening to the Bill, Hon.

Minister, that has been laid in this National Assembly to decriminalise marijuana? That is one of the recommendations here, yet your own Member has laid a Bill that keeps getting asterisk, which seems to say that it is being shelved by the Government and the Cabinet in which you sit. What is happening to that Bill? What is happening regarding that particular recommendation in the report that we should decriminalise the possession of minimum amounts of marijuana for personal use? Is there any attempt to address the abolition of mandatory minimum sentences? Are we looking at saying there is no need any more to give a minimum sentence? There have been tons of reports around the world that suggest there is a great benefit to abolishing minimum sentences, especially as it relates to rehabilitating offenders and dealing with them as human beings entitled to certain rights as vulnerable populations, or is this being completely dismissed?

We read too often as citizens of this country where one magistrate ordering 24 months for the possession of marijuana and another ordering two months. Are we looking in any way at training the magistracy? This is another recommendation from this report. Are we training the magistracy and the Judiciary in guidelines for sentencing? I believe the former Attorney General and Minister of Legal Affairs, Mr. Nandlall, had said in one of his articles, first written on 26<sup>th</sup> July, 2017, that he had left in the Chambers of the Attorney General, a draft report which recommended that the magistracy be introduced to various training. He had left guidelines there on sentencing that was done by a senior legal practitioner of the country. Is that seeing any forward movement? If the Minister is unable to tell us that, it would be because there was no assembling of a Committee that could have given them a report about what is happening in the Chambers of the Attorney General.

Are we looking at Lay Magistrates still? Is this something we are going to be actively pursuing so that we would have less persons lined up waiting for their matters to be heard. Are we looking at the magistracy sitting a full eight-hour so that we could hear more cases and less persons being returned to the Georgetown Prison, Camp Street, or whichever is the holding place, and further crowding that place, creating the kind of situation that happened in July? Are we, in any way, addressing the issue of bail in the High Court? During our budget debates, I am personally aware that someone was found guilty of a matter, during our budget debates, and could not get a hearing for bail in the High Court until sometime this year, after the new year had broken. Of course, we know that there was a practice in the High Court where every Friday bail applications



would be heard, and that worked well. I said when it was happening every Friday that we needed to have it twice a week. Now we are looking at it not even happening every Friday. There is no suggestion, so let me be very clear. Unlike the Minister saying or being reported to have said to the magistrates go and give bail, which we saw happened, there is no suggestion here that there should be any instruction to the judiciary. If there is a committee that could produce a report that would state that we believe it would help our systems if these things are done, then a judiciary, the Administration of Justice, can take cognisance of that report, or they may say to us in this Assembly, the reason they cannot take cognisance of that part of the report is because they need resource 'x' and 'y' which we do not have. We do not have money to procure in which case we could ask the Minister of Finance to do it.

While there is independence of the judiciary, I believe, every person here understands that there has to be some level of a symbiotic relationship as far as it relates to what the country needs and having the various levels of Government deliver on what the country needs best. We are not saying that the judiciary must do something, but we are saying we can produce a report that makes suggestions that they would either have to ignore or pay attention to, and they are also answerable to the public. Have we in any way looked at where we are with the standing Law Revision Commission? I believe we have passed here in this...Sir, it is a recommendation in the report. Your Honour, would you like me to read it?

**Mr. Speaker:** Hon. Member, I am painfully aware that there are recommendations, but we are talking about the fire of 2017 and the jailbreak, and we are taking back several years to come back again, but you have your time, please go ahead. I ask you simply to remember relevance.

**Ms. Manickchand:** Your Honour, the report that I am quoting from, which is asking for us to get a standing working commission, is one that this country paid for in 2016 and it derived out of a fire in 2016 at the Georgetown Prisons that resulted in 17 persons dying. It is mentioned in the motion that is before this House. I do not know how more relevant I can get, except to read to Your Honour what the report states, because this is the report that we are saying ought to have been implemented so that the fire in July, 2017 did not happen. What we are saying, Sir, if I could be even more relevant, if that is possible, is that if we are not to see another fire at another prison, Mr. Ramjattan and his Government had better start implementing this report. That is what we are saying. If Your Honour wishes I can read the specific recommendations, but they are five

pages long. I did promise the House and the press that I was not going to take more than ten minutes. Did I say five? [Ms. Ally: Yes] Well, I am now convinced that you all like hearing me.

Sir, this is relevant. I am not sure how the Chair finds it irrelevant, but this is what we paid for. We paid for this. The people of this country sacrificed various things so that we could pay Justice Patterson and company to do this report for us, so that we could be guided and advised as to how this is not going to happen again. I am asking Mr. Ramjattan, when he gets up to address to tell us...It is not about the whole recommendation because I am not going to take up the House's time with that. What I will do is probably scan this and make it public, but what I am asking him to do is to address some particular things of main concern to me, that I would like know about. One of them is whether the Law Revision Commission is going to be established as recommended.

“The work of the Commission on a number of instances revealed a need for the constant updating of our legislation. Formerly this problem was addressed by a Law Commission whose job it was to look at the body of legislation that is current and tailor it for the exigencies of the future. Piecemeal patching up of the Statutes of the State is to be discouraged. The Commission is, therefore, recommending resuscitation of a standing Law Revision Commission...”

Where are we Ministers with this recommendation? We passed an Act. Are we anywhere closer to doing this? Should this not have been done with more urgency than when we actually passed the Act?

“Sentencing guidelines must be formally approved, publicised, disseminated and forced...”

This one here must be looked at with a bit more of a careful eye because we do know that there have been problems with guidelines before, but as I said, there is a whole report from a senior legal practitioner sitting in one of the Ministries. Where are we with that?

“Judges and magistrates must be trained in the application of sentencing guidelines...”

There would be no interference in the judiciary. So often we have asked our funding partners, the International Monetary Fund (IMF), the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA), to help train our judges and magistrates in matters that are relevant to us. When we first introduced domestic violence in this country it was not a thing. People did not understand that beating your wife was something against the law. We had to go through training after training, and this was mostly funded by our international partners. Are we asking for training from our people? It started in 1996, not the beating. It was the recognition that women were entitled not to be beaten as wives which was passed as law in 1996 in this country.

Release of prisoners on remand:

“Prisoners should be automatically released on remand and that there should be at maximum limits for time on remand.”

In here, it states it should be considered. We have a Constitution that we are dealing with. While we do not want to be soft on crime or to appear to be soft on crime, we cannot punish subjects who have not yet been found guilty because we cannot clean up our systems in the country. If we do that, we will end up with a fire where 17 persons were dead or a fire where the Georgetown Prison was completely decimated by fire. That is what we have.

As you know, Sir, Guyana did not just start, but under the People's Progressive Party (PPP) we did not have the need for this kind of report because we never had a fire that burnt down the Camp Street Prison. That is the reality.

“A robust programme of community-based sentencing alternatives should be produced in cooperation with all relevant agencies.

The piloting of alternative and community based sentences should be undertaken with women and juvenile offenders.

Incarceration must be a last resort for female offenders and exceptional for mothers and care-givers.”

This is a report that your Government paid for. We do not have to accept everything in it. I said I have some problems with the recommendations too and the findings. I am saying that we should at least address it and tell the nation where you are with addressing these.

*7.07 p.m.*

I want to deal with two more vulnerable populations in detail before I take my seat.

“For women, a women’s remand prison should be established in Demerara within the Lusignan Prison’s environment.”

Where are we, Minister, with this recommendation?

“A half-way house for non-violent women offenders must be established.”

Across the world, this has been proven very effective, because, as you know, many of the women, who are involved in crime, do that out of financial need, rather than a criminal mind that is bent on feeding that intent.

“A half-way house should provide rehabilitation in a process of restabilising self-confidence and problem solving skills with regular access to their children.”

Where are we with that, Minister?

“Judges and magistrate must lock women up as a last resort.”

It must be a last resort policy.

“Juveniles must be restricted and they must also be locked up on a last resort.”

For juveniles again, where are we with the recommendation that police, magistrates and judges must charge men for grooming, rather girls for wandering? Where are we with the Juvenile Justice Bill that seeks to address the criminalisation of children wandering? What are the measures being put in place to address children wandering? It still is an issue, even if we decriminalise it, which is what we want to do - well you would get our full support over here for that - it is an issue that they are wandering. What are you doing as a Government to prevent that?

“The holding centre in Sophia should be replaced by arrangements which are conducive to restoring good health, good conduct and safety of children in accordance of the Rights of the Child...”

Where are we with that recommendation being implemented? As far as I saw, the last time, and this is post when this report being submitted, that holding centre is still a prison. The thing about that is that there is nothing that has to be built. There is nothing that has to be done, except a programme put in place. It is already built. The children are already there. What you are required to do is craft a programme and that would require serious collaboration with the Ministry of Social Protection, Child Care and Protection Agency and the Ministry responsible for youth. It is to craft a programme to address the needs of the children being held there. You do not have to build anything. Where are we with that? Where are we with that recommendation?

We should not, again I say, have to in this House and squeeze information out of this Government on matters of national importance such as this. Throughout its time in office so far the Government has disappointed me. Alliance For Change (AFC) and A Partnership for National Unity (APNU) fail to implement what they said they recognised when they were in Opposition. The principle of good governance, one of which said good governance to be the relaying of information to citizens in a timely manner that allows those citizens to contribute to the decision making of that Government in their best interest. That has been a total lacking element in this Government. In fact, they hide everything. They hide information about when they are going to pay themselves; they sneak it into an Order. They hide information about when they specifically, in my view, delayed this motion by sitting as little as possible so that it gets pushed back. They have not answered any of the questions in this motion. They have said very clearly to us, we are not doing any other COI until these prisoners are caught. I do not have ascribed emotive, but I am wonder whether it is because you are afraid of if you say something in the report that a prisoner, who is out there, could contradict, and that is why you want to make sure you catch them before you do any COIs. We need, as a country, to let this be a wakeup call.

I will ask the Hon. Minister of Affairs... **[Dr. Cummings:** We do not have Ministry of Home Affairs anymore.] **[Ms. Ally:** That was in your time.] They are right. They do not have a Ministry of Home Affairs anymore. It was divided in two, so that somebody could watch Mr. Ramjattan. Mr. Ramjattan is now the Minister of Public Security who is being

supervised, I believe, by Mr. Felix. Even with all that supervision and double partnering, and so on, what we have is perhaps not a lack of work being done, but a lack of information being shared. If it is that Mr. Ramjattan is going to stand and tell us that this and that had been done, then we demand to know, whether this will be his behaviour from now until his term ends where he hides information, until we force him to come here and say it, or if he is going to accept our humble recommendation that he practises the tenets of good governance which will require that he shares information of what he is doing on behalf of the people, with the people's money with the people.

I thank you Sir. [*Applause*]

**Mr. Speaker:** Hon. Members, we should take a recess at seven o' clock. It is now fourteen minutes after seven o' clock. We will do so now and we will return at quarter to eight o' clock.

*Sitting suspended at 7.14 p.m.*

*Sitting resumed at 8.06 p.m.*

**Vice-President and Minister of Public Security [Mr. Ramjattan]:** As I stand here to oppose this motion, I am somewhat deeply concerned about some of the messaging that was delivered by Members of the Opposition as regards to a number of ancillary matters, because I must say it was the ancillary matters that they emphasised as against the core resolutions and WHEREAS clauses. I want to, in view of the fact that I have found those concerns grave, that I should commence my remarks this evening by rebutting some of those. I will come to the crux of the matter when I come to the report itself and the actual motion.

I want to say to my very good friend and colleague on the opposing side, Mr. Joseph Hamilton, that this Committee on security that you have spoken about, not functioning and being dysfunctional, and also to place on record here, it is not accurate at all, misleading the House. The Committee on security held a number of meetings in which the Commissioner of Police was called to give his brief on what he will do in relation to leadership of the police force and all that which he will be having done to ensure that we bring down the crime rate. He took a long time about that power point presentation, was asked a number of questions and then he left.

The Fire Chief, Mr. Gentle, came and there was another lengthy presentation. As a matter of fact, he was asked for further documents, all of which were giving. I have the dates from the Committee's secretary here. It was on the 9<sup>th</sup> January, 2017.

The first one was on the 24<sup>th</sup> October and then the third one was a fine display of what he has in store for us in relation to how the prison will be restructured, the amendments to the laws that would be brought by Mr. Gladwin Samuels. You, Hon. Member Mr. Gill, took a long time in asking a number of questions and also Mr. Hamilton. As a matter of fact, when all the questions were answered, a loud voice of appreciation was given to Mr. Gladwin Samuels for what he is doing at the prison. You come here and say that the Committee was not functioning and all of that.

On 3<sup>rd</sup> of May they asked that they would like to have some documents, primarily the documents that they said we want to see what your Drug Master Plan Strategy is. This was handed over to them. I am not keeping you in the dark. I would never do that. You also had the National Plan for Trafficking in Person and a number of other documents that you ask for which were given to you. Then, on the final date, visits to the prison cell at Brickdam, you had arranged that you wanted to go. This Committee on security made the arrangements for you all to go there, check out and, of course, the visit was made.

Indeed, after that, there were not any meetings, because I had indicated to the Committee... Of course, we had the fire the July of 2017 and then we indicated that there is a British Security Sector Reform Report that is being worked on by one Mr. Russell Combe and I am waiting on that. As soon as I get that, then we are going to come back and have a massive exercise in relation to Committee on security matter. Hon. Member Mr. Rohee, who was Minister of Home Affairs, from 2011 to 2015, did not, for those three years convene a Committee meeting. Not one meeting he had, and they come here to tell us that we are keeping them in the dark.

**Ms. Teixeira:** On a Point of Order, Mr. Speaker. The Committee in the Tenth Parliament was never constituted because the Committee of Selection...*[Interruption]*

**Mr. Speaker:** Wait a minute. What is this?

**Ms. Teixeira:** Mr. Speaker, the Hon. Member is making a statement that is not correct. The Parliamentary Oversight Committee on the Security Sector was never appointed in the Tenth Parliament because the Committee of Selection had appointed persons but the Speaker never convened the meeting for the election of the chairman. Therefore there was no chairman of the Parliamentary Oversight Committee on Security Sector in the Tenth Parliament, Comrade. He is talking about the Tenth Parliament. In the Ninth Parliament, the Committee met and the report was tabled in this House.

**Mr. Speaker:** Hon. Member Ms. Teixeira, I allowed the statement you made. I would ask Members in general to pay more attention to their references to the particular provision of the Standing Order and act in accordance with that.

**Mr. Ramjattan:** It is indeed, then, not keeping them in the dark. That is an important point that I wish to make here because Hon. Member Mr. Gill, too, whenever he wants any information from me he would even have phoned and got it.

*8.14 p.m.*

The issue is he would want it for the Opposition Members of the Committee. The same thing I did in many matters with Mr. Clement Rohee. He would have wanted a number of documents that I sent to him to circulate to Members of the Committee. There has been what is called communication with serving documents that would have been requested. They must not come here and say the Parliamentary Oversight Committee on the Security Sector under Mr. Ramjattan is keeping them under the dark and it is dysfunctional.

I have got the dates that we met and that could be confirmed with the Clerk of the Committee. That could be confirmed with Mr. Hamilton. **[Mr. Hamilton: Speak to the motion.]**

This is what I want to correct. I am responding to what you said. I want to also say to this preamble as it was that we got a number of other points. There is no instruction to grant bail, and that is unconstitutional. Mr. Ramjattan should not do that, which is from Hon. Member Mr. Anamayah. Then we have from Ms. Manickchand, what are you doing to get bail granted?

This is the difficulty I have. It is because one person is indicating that we are interfering with the judiciary when we do that and another is saying what we are doing. Well, I am going to make



this point that as a person who is a public figure and who is also in charge ministerially for the prison, I can make certain statements. Indeed I did make statements and I made it whilst having a meeting with the Prime Minister, the Chancellor, the Chief Justice and the Chief Magistrate that lots more should be done to grant bail, especially to minor offenders. The Chancellor agreed. I am not interfering with the judiciary there and to tell them, Ms. Manickchand, that I have been doing all that we did whilst we were in private practice at my chamber, to the extent of ensuring that ....

[Mr. Williams: You took her in.] Yes. I did. ... bail is granted. It must not be said that nothing is being done in relation to bail being granted. It is very ill-advised that some Hon. Members here...

[Mr. Greenidge: I would say malicious.] I would not say malicious. I want to be parliamentary to the extent of stating that we are doing what we have to do in relation to that. It is important that the House and the public are kept to the extent of getting accurate records, because this kind of, what I would regard as demeaning inaccuracy, is also falling back to the Minister, himself, as if he was trying to hide.

It is important now that I also mentioned that during the course of these two escapes and the fire briefs with the Opposition was done. We also had two briefs with Members of Private Sector Commission. Again, with myself and Mr. David Patterson, there were almost eight press conferences that I held during that period of time, after that incident, whereby I answered almost all the questions the press asked of me. That is why today they could come here and are replete with the facts as to what happened. They could tell us. They are indicating now, "yes, we have to have a Commission of Inquiry." There is some ambivalence there, because when the Commission of Inquiry had set up Mr. Patterson was the Commissioner there, now he is the Chairman of the Guyana Elections Commission. They were saying, as a matter of a fact in the last meeting here, Mr. Rohee in the budget debate, that Mr. Patterson sought to exculpate me from any of the things that happened with the fire of 2016. To have the impression now it would be a waste of time to have another Commission of Inquiry, but I heard from other Members here that, Yes, we should have one.

Well, I made the statement and I will stick to that statement. At this point in time, it is when the two escapees are captured we will have a Commission of Inquiry. Until such time, it is not going to be done.

I want to indicate too, that a lot has been said that I should resign, because I do not want to take responsibility. I want to make it quite clear that at the very first press conference I had, the questions was directly put, and about three other times, and I said, “Yes, I am the one responsible.” I have always said that. At a political realm the Minister is the one who is responsible and I hold myself responsible. It has always been the case. [Mr. Williams: It is not the first time you are saying it.] It is not the first time in relation to the other fire of 2016. I had always said that too. That does not mean if you are responsible it necessarily means resignation. That is exactly the point. If you want precedent that was set, precedent was set by your Member. We even had a vote here to vote him out. You did not have a vote here to vote me out. We passed a motion here that he should resign and he did not. I do not understand where you are trying to set precedent for me, when you, yourselves, over in Opposition, did not live up to that which you are now talking about. It is important.

I would like to state that there are a number of additional points here that was indicated by Hon. Member Ms. Manickchand, that we are not doing things as stated by the commission headed by Justice Patterson. Almost everything in the commission headed by Justice Patterson to a certain extent was adhered to. There are a number of consultancies that are to be completed as a result of that Commission of Inquiry. Things are going to take time because that is how it is. We have to indicate what it is that happened and what we see as the issues arising out of these, especially the last fire. There are several reasons advanced for this overcrowding that caused that fire being experienced in Guyana’s prisons. It is as a direct result as a number of prisoners being held on pre-trial detention. These included limited alternatives pre-trial detention available, the problems associated with the granting of bail in deserving cases, the slow criminal justice process resulting in incarceration of persons awaiting trial, insufficient community base sanctions and outdated prison structure and design.

Now, that very last one is important. Most of these prisons that we have today were built about 100 years ago and they are largely wooden. The one that had the newly built brick prison was one built by the People’s Progressive Party/Civic and that stood. After standing and even before the fire we funded the entire locks of the doors of that prison could not be opened. There were serious problems with the locking system, substandard and defective and we had to get new moneys to ensure that they became operational. [Ms. Teixeira: What was the cost for the

lock?]) These are specialised locks that had to be got from overseas, but it is expensive. That is why when there was the fire in July there really was not a space to put them until those locks were done. We came here for a special set of moneys, we got it, and we bought the padlocks. It is not as if we did not do that which was asked of us.

The impression is given as if everything we did was wrong, and it was done. We also, because of the outdated prison structures and design we had to now go and ensure that we get a design for a prison to extend the Mazaruni Prison, which was earlier this year. The idea was coming because we have to do a big extension to Mazaruni Prison, not a small one, because we want all the hard core criminals to go there, the convicts and not remands, and things such as that. We had to get, first of all, a design for it. When we tendered out for the design none of the local people had the capacity, so it had to go back for regional and international tender and it got delayed as a result. Then, a firm from Trinidad won the design of it, and after the winning of the design then the contractors had to be got for it, and the contractor now is now S.A. Nabi and Sons Limited along with the Trinidadian firm. It is a combination of a joint venture between the two who had built something such as that in Trinidad. It takes time and that is why just before the end of last year that company was awarded evaluator saying yes... [Ms. Teixeira: It was only at the end of

November.] Well you can say what you want. The trouble is at least we are moving ahead. Now, that we are moving ahead you are talking you want to block it. That is the attitude of the Members of the Opposition. They are the ones when you are trying to do a couple of things to fast-track. The nation knew all of that. I had already told the nation more than that.

In relation to the flattening of the prison, we had to go by tender and the trouble is that there are not people who are tendering to ensure that.... It is true because people did not want to get involve in that kind of tendering. They did not know the process. It is the local people who I am talking about. We had to ensure that, because of a certain person in the National Tender & Procurement Administration Board (NPTAB) who is saying that there must be some experienced contractors who need to know a thing or two about prisons. If we have to single source we will have to single source. We went and single source from a firm out of America that has built over 300 prisons and even built the Guantanamo Prison, steel cell. It got the contract because it will come now.

The important point here is to know that we are doing that which has to be done. Steel cell came out of moneys that were allocated last year. [Ms. Teixeira: Did you?] You would not know because you do not look at those things very scrutinising in any event.

We still have to make a decision as to when those modules..., because there are in the form of modules. If we have to remove them from there, it would be far easier a task, and that is why we went there.

Indeed the contracts for the modernisation of the prison structures, which are outdated, are going on. We have also spoken in relation to the legislative changes that have to be made in the same Prison Act. I want, before I go on to talk about the Prison Act, to say this, that the impression is given by another lawyer on the other side that we were releasing prisoners unlawfully – “Ramjattan taking the power upon himself to release without power.” That is why when you do read the law and you have difficulties of reading it then you would appreciate that I have the power. This was also told to the Private Sector Commission. Then I quoted the section and the prison rules, and then it stopped that thing. This is what the Prison Act states, Chapter 11:01, section 23:

“Every prisoner and person detained in a lock-up shall be released immediately upon his becoming entitled to release, whether by the expiration of his term of sentence, or by pardon, by commutation, or by remission of sentence, or by other lawful means.”

Prison rule 259 states this, after stating that the Director of Prison has powers to grant remission, and so on:

“Notwithstanding anything in these rules...”

This is as an overriding power now.

“...extra remission may be granted by the Minister to any prisoner on the recommendation of the Director for any special service.”

8.29 p.m.

Now, we had special circumstance on that occasion of the fire, whereby a number of people... By the way, two-thirds of one's sentence has to be served before one can get this special

remission. And so, when these persons – 90 of them whom I released - were checked, they were of good behaviour and, on the recommendation of the Director, I, Khemraj Ramjattan, signed them off. It is in accordance with the law. Criticisms are being made that prisoners receive inhumane treatment at Lusignan. If we get another 90 persons, it is going to be more inhumane. Why not release them? And some of them are sick and not very well, and it had to be said that, since two-thirds of the term was served, why not give the remission. I have the power to do it once it is recommended. Is he of good behaviour? All of that is in the prison rules, and so they go it. And now you come here and say that I am illegal, Mr. Anamayah. So, please, were you not listening to your own Member, Ms. Priya Manickchand? [Ms. Manickchand: He did not

say that...] Please, I am saying that you must listen to your Members when they are saying things that are against the text. So, we do have the law that provides for it and the circumstances were necessitous. The circumstances were like the doctrine of necessity – you had to do what you did and to ease the situation. You did it and now you are being criticised for it. And then another speaker will get up and say how it is inhumane conditions when you are making life better and more humane for them by sending them home. So, this is the contradictory ambivalent nature of the arguments from the other side that I really cannot understand. So, they clearly do not know what it is that they want.

In any event, I wish to say that, in relation to amendments to the Act, we have also had the organisational realignment that is necessary for a new prison system. Five options were given to us by an expert out of Jamaica under the Citizen Security Strengthening Programme, Mr. Trevor Hamilton, and we chose the one that was best. It involved the State being the central body that will manage our prisons because we did not want to privatise or to regionalise our prisons, so we opted for that. I think that I had said that in one press conference too. Moreover, to now realign the law with that modern piece of organisational structure, we got Mr. Pollard, a Senior Counsel, to start the amendment to the various sections under our existing law to bring it in consonance with the modern approach in relation to Prison Acts, and that is being done as we speak. So, people must not say that we are not doing anything. These things take time.

Further, I want to say this, indeed, a lot of young people, especially young girls, who have found wandering and doing the truancy in the streets and all of that, with the support of Mr. Frank Anthony from the Opposition, we have worked out the scenario as to when that Bill will be

brought here. He had it a couple of years whilst he was Minister, and we are bringing that Juvenile Justice Bill early this year. It is at the Attorney General's Chambers. We are going to get it done and brought here. But the difficulty I have is that it is calling for a lot of expenses for the halfway houses and so on that we have to put up.

The Inter-American Development Bank (IDB) did indicate, after I made the request...because every Bill, you must appreciate, Members, costs moneys. When a law is passed, a lot of moneys are required now to enforce it through the institutionalisation of structures and a whole host of things. So, yes, we are going to pass the Juvenile Justice Bill. It will be made into an Act. But when it is made into an Act, are where the probation officers, the social workers, the institutions, and the people who are going to feed them and all of that? Now, we want a costing to be done by the IDB, and that costing is taking some time. As a matter of fact, it was supposed to be done late last year but it is now going to be done this year. We are going to get the costing so we are going to know that, in the passing of it, we have to budget \$300 to \$400 million in addition to what we have already budgeted for so that we can ensure that the Bill that is now going to be an Act is going to be enforced. That is important.

We also have a number of other things like the Strategic Management Department in place. The Strategic Management Department of the Prison Service is doing a number of major pieces of strategising to ensure that we hold on to what we have and ensure that we get better at administering the prisons because we have a lot of rogue elements there. Now and again, a prison officer is found carrying in marijuana. We have to strategise as to how we are going to do this thing right, to catch them and to ensure that the rogue elements within the Prison Service do not carry these things: matches, lighters and sometimes cocaine and all of these things. We are righting that by virtue of strengthening the scrutinising process, even for family members and friends that go to the Prison Service, and to ensure that they are caught with these things before they send them in because when these persons' heads are high up in the air, they are going to do a number of things in the prison. And they would not know the dangers of them lighting the fires to burn themselves as has been said so much here today. So, all of that we have to do.

We also have a difficulty with the very good officers. They are not very comfortable, especially at Mazaruni, and we have made 12 brand new houses to accommodate them there so that we can carry all these hard-core prisoners up to Mazaruni. We will have good quality prison officers and

upper ranking officers to live there and have their families go there. We will have to now incorporate something like a village scene where there will be a church and a school for the children. We cannot just carry them up and every weekend they have to find themselves in Georgetown; we have to make a community there. And that is what we are doing. I understand that the 12 houses have been completed and we have to now appoint those who will be going to live in those houses. But we have to have other accommodations. These things take money and time and they do not happen overnight. All came as a result of what was recommended by Mr. Patterson – excellent report of Mr. Patterson. **[Members of the Government: Fit and**

proper.] Yes, a very fit and proper report. And so, when people come here and they give the impression as they have done, it is not right.

I want to say something as I am getting down now to making a little report as to what happened on those two unfortunate nights. The very first night that thing happened, that July night... I am talking about the motion. I am not going into the Patterson's Report now. **[Mr. Hamilton:**

It was not night; it was day.] It was day. Well, it was night time that we had to remove almost 1,000 persons and there were people assisting with their buses, trucks and cars to carry prisoners. Of course, we had difficulties when the idea came that there is a walled area in Lusignan and we were going to go there. There were a lot of places that you could not have carried them. **[Dr. Cummings: Like the Guyana Marriott Hotel Georgetown?]**

You could not carry them to the Guyana Marriott Hotel Georgetown or the Freedom House. That was already populated with inmates. So, we had to now go to Lusignan and it was extremely difficult that night... **[Ms. Teixeira: Enjoy yourself.]** Alright. It is good to take a good one/two; you took it *in good stead*, I must say; thanks very much. It was almost a miracle because of the fact that it was so well organised and well done and it is something that I am proud of.

The eight got away. They killed Prison Warden Wickham, shot a number of the other prison officers and they have gone. But there were 1,000 others to deal with. We tried to be humane with them and brought them across to the next building opposite the road, and they burnt that down too. So, what do you do? They had to be lined up on the road and, yes, it did look like a refugee status kind of thing. But that was what had to be done. The necessity of the situation demanded that. The necessitous circumstances demanded that. Now, when people are going to be

critical...because when we tried to carry them over to the next building across whilst that was burning with a raging fire, they burnt that down too. What do you do? Then we went and said that we needed some trucks, and it was a wonderful piece of job. I was on the telephone all the time talking to my Director of Prisons (DoP), Mr. Samuels, who you so praised when he gave the Parliamentary Oversight Committee on the Security Sector a presentation, and we managed. They went there. They had to be locked up in the swamp. It was difficult because there was not a place. And so, when that was done, people must appreciate it because, otherwise, it could have been a real terrible situation. It is not as if I did not appreciate the fact that the insecurities of so many people, people calling me and pleading, asking what is happening and all of that... If you could understand the trauma that I also suffered that evening because of what people were saying...and some people were giving some real outrageous rumours too: *“oh we see 10 to 20 of them dead on the road, and this and that.”* If you saw the nonsense, but we managed. And so, I am proud that, indeed, we did do that.

Indeed, when they went there now, of course, we did not just immediately throw them into the swamp. We arranged for 10 40 x 40 feet tents, inside of that area in the high pieces, and they went and they stayed there. The rain fell, of course, but they were protected. There was a situation where the prisoners burned down the prison. What else could have been done? And it is not as if we had second places. At least, with 23 years of the People’s Progressive Party (PPP) in Government, it did not make second places. And in the context then, yes, well fine, and that is the second place I had to use – good. So, do not tell me of inhumane conditions. If that was what was left for me to inherit in a circumstance like that, why not? It was indeed the place that we had to go. And so it was in the pasture, and I will say that because that is the truth.

They went and paid contractors to build that walled area...

**Mr. Speaker:** Hon. Minister, I have been trying to follow ‘they’ and ‘they’ and ‘they’. I am getting some difficulty now.

**Mr. Ramjattan:** The Hon. Members, when they were in Government...

**Mr. Speaker:** Thank you.



**Mr. Ramjattan:** ...now in the Opposition, built that walled area, apparently, thinking ahead that if they had won the elections they would have then put in a new prison there, I think. That was their thinking. But it could not be that they could have done that with a foundation that was supposed to be four feet down and it was only 13 inches down – that contractor. That is why the fellas could have dug that hole and could have come out at the other side. We were told that it was safe to put them in there because the foundation was four feet down into the ground. The trouble was that people did not know and the necessity of the situation...we went there and almost 600 men were placed in that swamped area and there was difficulty. For the couple of days that they were there – these are smart guys... They went in and notwithstanding that there were a number of people in the outskirts and some towers and all of that, they still managed to get away.

It is a terrible situation. I am fully responsible. I take the responsibility for it. **[Ms.**

**Teixeira:** What are you going to do about it?] That is exactly what we are doing about it; we are making Mazaruni Prison.

*8.44 p.m.*

We are making steel cells at Camp Street; we are doing the report; and we are doing the places. That is what we are doing. We are also ensuring that we do what is called support for the criminal justice system. It is under the auspices of the Hon. Attorney General, whereby \$8 million will be spent on these problems to ensure that we do a number of things. We had a big opening of this project which includes strengthening of the law reform, strengthening of the probation service, strengthening of magistrate court pilot project, design and implementation of restorative justice programme, strengthening the magistrate level of the judiciary, strengthening prosecution and a pilot legal aid clinic all to tune of US \$8 million.

The reduction of pre-trial detention component - US \$3,376,000 - is one that is going to see legal aid piloting done and the restorative justice pilot of \$359,000 done. I have all of the facts and figures here.

Component two is the increase in the use of alternative sentencing. Although we have that and the Pursglove report along with the Inter Development Bank (IDB) report that started this \$8 million project, although they said that we do have an alternative sentencing like community

sentencing and so forth, we do not have probation officers or social workers that will police the magistrate's court orders so we have to strengthen that. To the extent where we were getting the funding, over US\$8,400, that will come on stream. It has started.

Strengthening of the probation service is US\$1.4 million; strengthening of the law reform commission at the Ministry of Legal Affairs - US\$1,440,000. So we have argued the case at the relevant places to ensure that we get \$8 million. By the way, this is apart from the citizens strengthening component programme which is also the strengthening of the prison system with the modernisation and realignment that I spoke about. And though this one from the Ministry of Legal Affairs does not have it, we have a report that is now being done by Mr. Peter Pursglove, Senior Counsel from Trinidad, doing a number of things to, in a sense, guide us as to how we are going to stop this thing called 'alternatives to incarceration for pre-trial detainees'. It is a consultancy that is now exploring a number of things which I should bring to your attention because it would appear that you would like to know how to deal with this backlog of criminal cases and alternative sentencing.

This is his proposed action. The consultant proposes the following actions and apart from paper committals, which we have, helping to expedite the proprietary examination of serious cases and so on, we want them to be used in a number of other areas. Considerations will be given to the possibility of introducing a computerised prisoner database by the Prison Service to track individual prisoners through the criminal justice system and to facilitate the collection and reporting of statistics on the number of prisoners held in custody on remand and also urging their early trials.

Following consultation with the judiciary too, the prosecuting authorities must consider criminal case management to assist in expediting the hearing and resolution of criminal cases before the courts. In the light of the review on the operation and effectiveness of alternative systems to pre-trial detention, consideration will be given to introduce a uniform presumption in favour of bail, facilitate the granting of more unconditional bail and relaxing and diversifying bail conditions with the objective of reducing remands in custody and, in that regard, consider that we replace our common law bail provisions which we use with what is called a dedicated bail act. So the work is being done and slowly we are going to get it done. These things were not done under the previous administration.

**[Ms. Manickchand: Was there a fire?]**

Yes, we have

had a fire. The accident happened under our stewardship but you all had lots of jailbreak. A man name fine man came out and over 200 persons died on the road. Not 17 persons got burnt; 200 persons died and you are proudly saying that you did better. *[Interruption]*

*[Mr. Chairman hit the gavel.]*

Two hundred young persons and you are talking about your tenure. Then you had Roger Khan and a certain doctor giving permission to buy triangulation equipment - all of that. A ministry was also burnt down after that. It is very important that we understand that we have done almost the number in relation to the recommendations from the Patterson report.

I am urging them that we understand that this is the position and they must not come here and say that the crime rates are so high as a result of the fire or as a result to the 13 escaping through this underground tunnel that was built on a 13-inch foundation when it should be four feet.

I want to say that the other big inaccuracy that is flowing out of this is the fact that Members on the opposing side are giving the impression that the figures are not accurate when we are stating, as a Government, that there is a decline in serious crimes in this country. I want to give the figures. This is based on the system that was set up a number of years before 2014. In 2014, we had 3,688 serious crimes and serious crimes are considered as murders, robberies of all types, larceny, rape, burglary, kidnapping and break and enter. In 2015, it went up even higher to 3,925 but, in 2016, it came down to 3,330 and then, in 2017, it came down to 2,986. Now, you want to know and I am going to tell you what the statistics are. But do you know what they are going to do? They are going to say that Mr. Ramjattan is making up those statistics; it is manufactured; and it is all lies. This is what we have and it is important.

Let us take the very serious one – murder. In 2014, we had 149; in 2015, we had another 149; in 2016 - 142 and, in 2017, 115. Robbery without arms used: 50 in 2014, 45 in 2015, 40 in 2016 and 41 in 2017. Of course, the high ones are robberies under arms: 823 in 2014, 830 in 2015, 774 in 2016 and 674 in 2017; robbery under arms where a firearm was used, a minus 13% reduction. Robbery under arms where violence was used: we had a 27% increase from 130 to 134, then to 109 in 2016; then it jumped back to 138 at the end of 2017. I am going to share this with you. I remember sharing the statistics and also a graph that shows the downward movement of serious

crimes for 10 years. But when I gave Hon. Member Rohee, he literally threw the thing done and he said that the story was made up. We do not know what to do now but that is indeed it.

When you have all of this in front of you every day in the newspapers, it jumps at you and you will get the impression that it is an increase in crime. We are still better than Jamaica, Trinidad and Tobago and Saint Lucia in accordance to the proportionality. A huge amount of murders are happening in Trinidad and Jamaica. It is not nice to do the comparisons but it is good to do comparisons of where we were to what we are now.

Just before we came in I told them to put it in here because it is a serious crime and we hardly hear about it - piracy. You used to hear about it every time in the latter part of the PPP administration but people seem to forget it and we have done such a fantastic job with the help of the coast guard and the air surveillance that we have done and so forth, but no; we jump to the conclusion that we are worst off and that is what is the negativism. We have a great country here but the negativity of it is dominating to the extent that everyone...

Mr. Gill and his advisory is what he reads. He does not read the positives and all of that. We are doing a number of things and I am happy that Mdm. Manickchand has gotten some of the good things that we are doing, and I will share it. All of the facts... *[Interruption]*

*[Mr. Chairman hit the gavel.]*

I want to make some points here as to what really happened because it is important that it goes on the record that an officer around 4.30 to 4.40 heard a gunshot emanating from below the operations room. This is in relation to the eight escapees and the fire on 9<sup>th</sup> July, 2017. She immediately contacted the Chief Prison Officer, Hubert Trim, who was, at the time, performing duties as a duty officer. She enquired of him as to if he heard any suspicious sound and he responded in the negative. These are from witness statements and what is called a kind of a compress statement.

**[Ms. Teixeira:** That was put out by DPI.] It is from the Director of Prisons, Mr. Gladwin Samuels. **[Ms. Teixeira:** It is published.] Well then you have it. If it is indeed published, why are you giving me the impression that you do not know and we are hiding it and putting it in the dark? What is your problem? This was not put out by Department of Public Information (DPI), I am certain, but you do not want to hear. It is exactly as what the entire country knows. Wickham was shot; Uree Varswyk shot him and then

eight of them escaped. We had to do, as I just mentioned, get over 1,000 over to Lusignan and indeed the story is well told and the story is well known. **[Mr. Hamilton:** But the story is

not well...] Fine. Well you do not want me to read it. You have a Member who is just in front of me who said that DPI has put it out already, so what is the problem? In any event, in the Parliamentary Oversight Committee on the Security Sector, you will get all of these. You will get them just like how you had wanted them and whatever else you had wanted. I am not going to hide anything. I never did. You will get the fireman's report, the Chief Fire Officer's Report and all of that. You can give the public if you want. **[Ms. Manickchand:** You

have to give it to them.] I have already given a number of these documents to the Private Sector Commission...

**Mr. Chairman:** Hon. Minister, I am giving you a great deal of leeway to answer all of the Members. Please let us not fitter it away by the side answers.

**Mr. Ramjattan:** Yes, that is true. I am being distracted. Sorry about that, Sir.

*8.59 p.m.*

The preliminary report from Marlon Gentle, the Chief Fire Officer, also in a summary, stated a number of things which caused the difficulties that evening. The information gathered from responding crews, eyewitnesses accounts, which we have summarised, aerial footage and preliminary scene analysis, indicate the following; prisoners overpowered prison officers and gained access to flammable fuel from machinery within the compound then fires were systematically lit to bed sheets, mattresses and makeshift torches which spread to the following areas, the Wooden Prisons, mechanic workshops, infirmary and main administrative building this is why it raged that large. The fires spread very rapidly and unchecked to several other buildings due to the failure of the internal firefighting mechanism. This is true. This is an important aspect of the matter to which we have a number of things to do and will be doing in relation to the internal mechanism, that little hydrant inside of the prison, because the fire and the tumbling of the burning buildings did cause tremendous damage.

It would appear that my Colleagues on the Opposition's side have a number of facts already. I would not go into any very specific details but suffice to state, eight persons escaped from the Georgetown Prison and another 13 escaped from the Lusignan swamped holding area. We now

have a new holding area; this was the initial swamped holding area. They did so by digging a hole under the north eastern fence of the swamped area. Despite the layers of security in place, all 13 of them went away undetected. I do not need to name them. They included Paul Goriah, Teshawn McKenzie, et cetera. We know now that Paul Goriah and Corbena Stephens are still outstanding. A number of them have been returned or captured. I think two were killed by the Police - Uree Varswyck and Clive Forde - while two are at large and the rest have been captured. The capturing of them is also something that we should be proud of - operation Clean Sweep.

When the President who leads the National Security Committee, indicated that we have to ensure that we make a clean sweep of this, the strategies and all the plans were laid out and we managed in a very short time to catch a number of them. Yes, two of them still evade capture but it is a great thing indeed that we have managed to do the successful thing of capturing over 90%. It is something that I am very proud of. We must understand, the 13 that got away, like the summary I just read in relation to the Fire Chief's Report as to what happened there at the Georgetown Prison, the findings in a summary form states, a number of the closed-circuit television (CCTV) we had put up there were not working. We put up two at the holding area. That is the first finding.

The area where the prisoners dug to escape was camouflaged. The lighting conditions were inadequate, the stair walkway was poorly monitored. There was poor and inadequate supervision by members of the Guyana Prison Service (GPS), omission to report information about suspicious activities to the Guyana Police Force (GPF), inadequate visits were made to the swamp area by members of the Guyana Prison Service and no records were made of the suspicious behaviours of prisoners, something which the prison officers ought to have done. Of course, very frankly, as the Assistant Commissioner of Police found out, it is also evident that the Standard Operating Procedures (SOPs) were not followed by some of the prison officers on duty.

We had a set of challenges too. I spoke with many of the prison officers on the many occasions I went to that holding area and you could see they were very over-worked because quite frankly it is a very difficult job. To be overworked at that level when all of these things were happening, first the fire at the Georgetown Prison and then to being in a swamped holding area, it was extraordinarily difficult for some of them. Some of them were traumatised because their friends

from the Georgetown Prison got killed or were injured and some of them were in the hospital *et cetera*.

We have to appreciate the difficulties here. In any event I still feel that we ought to have done better, in context of the times we will do better as from here. [Mr. Adams: And you will not resign.]

Of course, I will not resign; that is true. We are in the process of ensuring that we do all the things we have to do to make the Guyana Prison Service better but this depends largely too on resources, big time resources. We have now spent \$3.5 billion dollars on the Mazaruni Project. [Ms. Teixeira: You are now spending it.]

Well it has been allocated and approved. [Ms. Teixeira: You did not budget for that.]

You could say what you want. Sometimes we want to know if all this talk about we will support you, if they are going to do it; it is a bluff. In any event, we are going to move ahead and ensure that all of these things are done in accordance with the law and state of our finances. If we had more money we would have done a lot more with the Prison system. That is one of the reasons, if I may say so, we have to close down some sugar estates; we cannot just bail them. We will get some more monies to ensure that other sectors have the monies to ensure our security and that is exactly the point. We have a number of things going on that are positive.

In view of the fact that I did not get to read out the reports because it would appear that they know about it all from the Department of Public Information (DPI), I will now proceed to concluding remarks. [Mr. Adams: We are going home at 10.00 p.m.]

Yes, we have a number of other items. The Motion where they are saying under the Resolved Clauses:

“WHEREAS Sunday July 9...BE IT FURTHER RSOLVED: That the National Assembly calls on the Government to make full disclosure on all aspects...”

Yes full disclosure will be made, if it has not yet been made. To the extent that you know so much, I think it was already made so we are not going to support this Motion and I am urging my Members on the Government’s side to ensure that it is not passed. It is not worth even the paper it is written on. Thank you very much. *[Applause]*

*[Mr. Speaker hit the gavel]*

**Mr. Speaker:** I thank the Hon. Member for his statement. The next speaker is the Hon. Gail Teixeira. You have the floor Ma'am.

**Ms. Teixeira (replying):** Thank you Mr. Speaker. The Motion before us has four Be It Resolved Clauses and it is deeply regrettable that the Hon. Member thought it so funny to talk about not supporting the Motion but maybe you have not read it. Maybe, I should just remind you, the first one talks about the collective responsibility according to the Constitution of the Cooperative Republic of Guyana. The collective responsibility of the Constitution of the Cooperative Republic of Guyana says, you, the executive, the President, Members of Parliament (MPs) and Ministers are answerable.

“The Constitution of the Cooperative Republic of Guyana, Section 106 (2): “Shall be collectively responsible therefore to Parliament...”

You are not doing us a favour by responding to us on the Opposition's side in such a cavalier and flippant manner. You are accountable according to the Constitution of the Cooperative Republic of Guyana and not the Peoples Progressive Party/Civic (PPP/C) or whoever is the Opposition. To the Constitution you are answerable in this Parliament. That is the first Be It Resolved Clause in case some of the Comrades at the backseats have not bothered to read it since it is not worth the paper it is written on!

The second Be It Resolved Clause talks about calling:

“On the Government to make a full disclosure of all aspects of the tragedy at the Georgetown Prison on July 9, 2017 and to declare what actions have been and are being taken to reduce the opportunities for such situations from re-occurring.”

We went through a rather long process and I agree about the necessity to have full disclosure. What was the full disclosure for? It is also to ascertain the factors that contributed to some very tragic conditions from March 2016 to July 2017 and what actions would be taken to prevent and reduce the opportunities for such situations re-occurring. Did you notice in the language that had been taken, “to reduce,” we did not say to prevent or to stop because we also understand the prisons throughout the world. The criminal world has its own culture and challenges and they challenge the disciplined services and civilian law enforcement officers of every country



throughout the world. We wanted to say, what actions have been taken to reduce the opportunities, therefore I would have thought the Government...

When we were bringing this Motion, it was really to give the people of this country the opportunity to hear because the Government has been reluctant in going public and saying, here this is what happened truthfully and here is what we are doing to try to prevent or reduce this.

We have gone through all the press from March last year to right through, everything that has been written on the internet news media, written news media and televisions to find if the Minister or the Government gave an account of what happened in that period of over a year along with what actions. We found some things and I will go through them because the Hon. Member talks about... Anybody who fools himself that you can deal with public security, particularly in relation to the prisons, and not deal comprehensively with issues on the combination of the socio-economic factors, judiciary, magistracy, laws and also the actual physical and other conditions in prisons.

I have said on the floor that I felt the Commission of Inquiry (COI) was weak in certain areas. However, it did put over a comprehensive report. I had hoped that the Minister would have said to us that the report points out..., Pre 2017 July this was made available to the Government and the Minister. One of the recommendations was that the President would appoint a high-level team that would... This is on the page in case you have not read your Commission of Inquiry's Report. The very first executive summary of the COI Final Report on the Georgetown Prison Fire and Jailbreak says:

“The COI is recommending creation of a High Level Committee focused solely on reducing the cancer of over-crowding, along with a range of ancillary recommendations to improve the engagement of key agencies and to strengthen the professional capacity of the GPS to respond to its diverse challenges.”

*9.14 p.m.*

“The Commission is calling on His Excellency President Granger to ensure that sufficient momentum and political authority is vested in implementing our recommendations and in a year's time to order a review of their effectiveness.”

This is on page 4 of the report of the Commission of Inquiry (CoI). You do not have to go far into the report to find it. The Commission was calling for a review and this was written and submitted prior to July, 2017. After the first year, it expired before July, 2017. Yet, the Vice-President and Minister of Public Security of this country made a mockery. I want to hear, and the Guyanese people want to hear. Is this high level committee in operation? The Commission of Inquiry also mentioned the problem of the various agencies before the commission not being interested and not taking... [An Hon. Member: What is she talking...?] I am not a 'she.' [Interruption]

[Mr. Speaker hits the gavel.]

The Commission of Inquiry pointed out that the associated agencies displayed no sense of shared responsibility and accountability. This report pointed out that the problem in the prison is not about a 13-inch hole in a fence. It is not about a pump not working, it is about the combination of actors to be able to work in harmony; work and share information; share resources; have budgetary allocations; and to get the budgetary allocations that are used, spent and awarded and everything else, so that the conditions would improve and that things would happen. The Hon. Minister has pointed out the Trevor Hamilton Report. According to the newspapers, they only had... [Ms. Ally: Are you cousins?] No, I am not. They were only in July, 2017.

The design of the prison, we heard in Budget 2016 about moneys going towards the Mazaruni Prison. We heard in December, 2016, during the budget debates, why the money was not spent on the Mazaruni Prison. We came back in December, 2017 and questions were asked about why the money was not spent on the Mazaruni Prison. Again, there were no proper answers. We asked again, under the Supplementary Financial Paper No. 2 of 2017, when you allocated \$756 million more for the prisons, why did you not spend the money? It was the Minister of Public Infrastructure, not the Minister of Public Security, who got up in this House and gave an account of how much millions of dollars had been spent to clean up the Georgetown Prison, Camp Street. When we added it all up, moneys were missing and could not be accounted for. He was asked to correct that. [Ms. Lawrence: What?] Mathematically, Ms. Lawrence. The mathematical figures presented to this House did not add up.

Therefore, we asked for the information. The Minister of Public Security or whichever Minister is in charge of public security because, at that point, it became very confusing. One Minister was allocated the money and another Minister answered about how the money was spent. You have to sort those internal difficulties amongst yourselves, and, also, the Auditor General.

However, Hon. Minister, you had money. As of December, 2017, when we asked in this House about what was being done, you still could not account for why the money was not utilised. You talked about tenders going out for Budget 2017 in December, which were supposed to have ended by that time.

The Appropriation Bill was passed on 15<sup>th</sup> December, 2017. As of today, we cannot find the electronic version nor can we find the hard copy. My assumption is that someone has forgotten to distribute it. However, it may also be, and forgive me for being imaginative, but the Bill cannot be signed because you are still expending money from 2017 into 2018. The books, therefore, have not closed, but forgive me, I am just being imaginative. **[An Hon. Member:**

You are imagining ...] Imagination is a hard thing because, in order to listen to you, sometimes one has to have imagination.

A lot of questions were asked and a lot of things were requested. Somehow, I thought that the Hon. Minister Ramjattan, after having come from a particular political party, would have come to this House with a very clear, documented and factual presentation. **[An Hon.**

**Member:** What was recommended?] What was recommended? It was what he did. We would have all been proud of him and we would have all known nothing.

The Hon. Minister seems to think that he has to go through an inordinate inconvenience to respond to the Opposition. It is a very flawed view because, as I said, firstly, it is the Constitution. Secondly, the public wants to know. Even if you do not like the questions that the public is asking, we are asking or what the media is asking, any government *worth their salt* should be able to present some reasonable answer to some of the issues that have been questioned. I seriously thought that the Minister would have come today and tried to assuage us and the public that you are in control, but you are not.

We are not satisfied that the Hon. Minister, in a respectful way, recognising the importance of the issue, and the need to assuage the affairs of the public, to assure the public and the

Opposition that they are in control of public security. Whichever way you cut it, you may think that we are nothing on this side, but please do not forget that, according to the results of the Guyana Elections Commission (GECOM), you only have 4,500 votes more than us. That is the size of a small village. Watch yourself the next time.

“Be IT FURTHER RESOLVED:

That the National Assembly calls on the Government to make full disclosure with regard to the circumstances surrounding the most recent escape of prisoners on 24<sup>th</sup> July, 2017.”

Mr. Speaker, could I please beseech you. Could I ask that alcohol be restrained until the sitting is finished, please? I beg you.

The second and the last “BE IT FURTHER RESOLVED” clauses are very important. This is where the Minister is saying that that they oppose the motion in its entirety; that it is not worth the piece of paper it is on.

The last “BE IT FURTHER RESOLVED” clause states:

“BE IT FURTHER RESOLVED:

That the National Assembly lends its support to the Disciplined Services in its efforts to ensure public safety and the protection of our citizens and the recapture of all the escapees.”

Is the Minister saying to this House and is the Government saying to this House... [Mr.

**Ramjattan:** *[Inaudible]* There is a motion before the House, Minister. Get it straight. You are not voting on what I have said. You are voting on what the motion states. You are opposing this. The Hon. Minister has gone on record to say that he opposes the motion in its entirety because it is not worth the piece of paper that it is written on.

Yet, the last “BE IT FURTHER RESOLVED” clause, which is something that I think all of us would support, where we lent support to the Disciplined Services of our country in the effort to ensure public safety and the protection of our citizens and the recapture of all the escapees.

Obviously, the Minister feels that it is a bluff and that he has a right to his opinion. The Disciplined Forces of our country are made up of the Guyana Defence Force (GDF), the Guyana Police Force, which comes under the Minister of Public Security, the Guyana Prison Service comes under the Minister of Public Security and so does the Guyana Fire Service. Three of the four components of the Disciplined Services, that protect Guyanese, protect our borders, protect us from all the evils and social evils that we could experience, suddenly, we are now commenting in a disparaging way that this is all politics.

For me personally, not the People's Progressive Party (PPP), I am disappointed. I had really hoped that the Government would have understood that this was an opportunity given to them to make certain things public, which they have not done so far. If I were to go through the list of 26 questions, one of which you just referred to about the fire, how did the people get the accelerants? How did they get the keys to come out and to end up killing a man? Where did the keys come from? I would give you an example, Hon. Minister. I have 26 questions for you. You did not answer any, but it is alright.

The issue though is that this is not a political game. The Defence Commission Board of this country is headed by the President; the National Security Committee (NSC) is normally headed by the Minister of Home Affairs, and I certainly was that. But, I have noticed that has been taken away from the Minister and is now handled by the President. [An Hon. Member: It is

high level.] It is not high level. They are different things. The National Commission on Law and Order is another level of partnership among civil society, politicians and the Disciplined Services. It was mentioned in the report. Is the National Commission on Law and Order still functioning? The Minister talked about the Parliamentary Oversight Committee on the Security Sector. The issue that was made here is that the committee has not met since July, 2017. You had a conflagration in your major prison. You should have called a meeting in September, October, in December and so on. I have answered that on the floor and I could document that for you, if you do not believe it.

The issue of an anecdotal presentation of an absolutely tragic event is really a slap in the face to all the Guyanese people. The Hon. Member came with anecdotes, not a prepared and serious sombre recollection of what transpired in this country. It became a *tit for tat* kind of thing. Then, why should I be surprised?

The Minister spoke about the Inter-American Development Bank (IDB) programme. I think that the Minister is well aware that alternative sentencing, restorative of justice and all the things that he spoke about started over two years ago. All these projects with the IDB do take time.

I want to refer to the writing by a former officer of the Guyana Defence Force and a former Permanent Secretary of the Ministry of Home Affairs, who wrote a paper on tackling crime and violence within the Caribbean Community (CARICOM) countries. Mr. Liverpool is a man whom I have a lot of respect for. We have never talked politics and we do not talk politics. Mr. Liverpool has been an utter professional from the day that I have met him to today. I am pretty sure where his politics lie, but that is not an issue that we have ever discussed. We had work to do with the sector. In his report, he is concerned about the document that he is doing. He said that he shared it with the Opposition and with Government; he gave copies to all Ministers. That is why Minister Harmon knows about the document. He has seen it.

The issue of what I thought was instructive is, when one reads the CoI and then he/she sees the events that happened after, what is very clear is that the CoI does what is absolutely logical and correct. It speaks to coordination, the working together of agencies, sharing of information and resources and so on. What Mr. Liverpool pointed out, and I am not sure about the date of his report, and this is my title, not his in his document, I call it ‘siloing’ or ‘siloes’ in the security services. The philosophy of “silo” services is what I see emerging in Guyana and that is why I am referring to it. Mr. Liverpool said that “it has been the tendency of some new governments to create intelligence and other law enforcement agencies, independent of the police, to conduct investigations and to prosecute the criminality that might have occurred under former administrations. Some have been created as a counter balance to the police, which resulted in unnecessary but understandable professional rivalries and even conflict. Historically, these initiatives turned out to be rather short-lived because the journey has been perceived to be politically motivated and personality driven.”

9.29 p.m.

This is what Mr. Liverpool said on pages five to six of his paper called, *Tackling crime and violence within the Caribbean Community (CARICOM): Some Thoughts of Fairbairn Egerton Liverpool*, a gentleman who I have a lot of respect for.

That is why, when one listens to the Minister and his response, they are not talking about coordination. They are talking about a check list. For example, we do this and we do that.

Security and struggling with crime require many actors on board - much space on board. Unfortunately, what this Government has moved to is what I call “siloeing”; making silos of the civilian law enforcement agencies of the country. I know what I mean by that. You have created silos because you want to miniaturise, in whatever way, the civilian law enforcement authorities - State Asset Recovery Unit (SARU), Special Organised Crime Unit (SOCU), the Commission of Protected Disclosures and now on witness protection, Administration Centre, investigating agencies, a protected agency. Then there are the National Security Committee and National Anti-Narcotics Agency (NANA) - I am never quite sure I have it right – there was before that National Intelligence and Security Agency (NISA) and then before that, there was the National Anti-Narcotic Commission (NANCOM) and so on.

What happens when one is dealing with crime? This is because the prison takes in everything, from domestic violence, interpersonal violence, to persons involved with drugs, murder, the robbers, white collar crimes, and persons involved in corruption, whatever it is. Everybody ends up in prison. When there are competing agencies investigating, and that is why I was worried, when there was the Director of Public Prosecutions (DPP) calling for an inquest, after the Commission of Inquiry into the 17 men who had died was finished, it was ignored. When I went back to the law, the Prison Act, which the Minister referred to, I think it was Chapter 11:01, it stated that every death in a prison required an inquest, [Lt. Col (Ret'd) Harmon: The coroner's inquest.] Sorry the coroner's inquest, but it is in the Prison Act too Mr. Harmon. I could not understand why an inquest could not be held. These are things that worry me.

There are certain things that I would not necessarily respond to because I do not believe that they should be. I believe that the motion before us came about because the Government was, as usual, being very reluctant to speak about what was going on. We brought this motion, and, maybe, if the Government had used the opportunity, and if I were in their shoes and was on that side, I would not have waited for the Opposition to bring a motion. If I was on your side, I would have brought my own motion to say what we were doing with what was required. But, you know this reactive mode and when you do react you are reacting with this flippant and arrogant way that whatever you are asking in the Opposition is of no use.

The issue before us is an important one. Many of the committees that came out of the Justice Sector Modernisation Project, which I understand are no longer functioning, were trying to get the criminal and justice systems to work in tandem with one another. Some of these were held under the Chancellor, and some were held under the DPP, *et cetera*. There were these committees in the three counties of Guyana to make sure of these bodies. I do not want to go into all of those things because the Government appears to be uninterested in finding a solution to these issues. It is the issue that they are doing and that they have the consultancies. This reliance on consultancies, again, if I go back to Mr. Fairbairn Liverpool's paper, he made a comment about that, that many times, and, if I could summarise him, because I do not want to go too long and that is,

“...the remedies attempted by Member States have focused on reform measures that tend to rely on a set of contextual conditions based on studies of blue-ribbon commissions not commonly found in the small states that comprise the Caribbean Community. They, by and large, have produced limited results because crime and violence in the Region continues to worsen. Frustrated by the fruitless ‘ole talk’ with his friends on what should and should not be done to arrest the decline of our Region into lawlessness, the author is of the view that unless a ‘spade is called a spade’ and strategies are embraced to seriously tackle the true causes of crime and violence in the Region, life in the Region would become survival of the fittest.”

He goes on to talk about the reliance on the foreign models, some of which are not applicable to our circumstances, not only ours, but the Caribbean, in terms of resources, finances, skills and so on, not encouraging us to find adaptations that would match our ability and our capacity.

I have said a number of things and I hope that the Government side will not adopt the position of the Minister and the Vice-President of this country; that the motion is not worth the paper it is written on, and therefore oppose it. I would hope that the motion would be put clause by clause and that we would, hopefully, have some clauses that the Government will agree to and support, so that we are able to show that something could be worked out between the two sides.

Thank you very much, Sir.

*Question put, and negatived.*



*Motion negatived.*

## **GOVERNMENT BUSINESS**

### **BILLS – Second Readings**

#### **MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) (NO. 2) BILL 2017**

A BILL intituled:

“AN ACT to amend the Motor Vehicles and Road Traffic Act.” [*Vice-President and Minister of Public Security*]

**Mr. Ramjattan:** I rise to move that the Motor Vehicles and Road Traffic (Amendment) (No. 2) Bill 2017 be now read a second time.

I want to indicate that this is an extremely short Bill with a very important purpose. As a matter of fact, two purposes. One is stated in clause 2 thereof and one in clause 3 thereof. Clause 2 deals with making it very clear - pellucidly clear. That is why it started with the words;

“For the avoidance of doubt, excavators, bulldozers, mechanically propelled cranes, compressors, hoist and similar vehicles used in connection with construction shall, accordingly, be treated as motor vehicles in their weight category for the purposes of being registered under this Act.”

There is a distinction between what is call ‘these heavy equipment’ that are for agricultural purposes and for mining purposes. Indeed, when some of these that are coming into the country and getting registered for agricultural use, we find them in areas in the interior where there is mining, which is a regime that is different from agriculture, totally. We want to get rid of that distinction, especially, for the avoidance of doubt, to ensure that, once in the interior, if they are going for any purpose of construction and all of that, they must be treated for the purposes of being registered under this Act, under the weight category, that the law in Chapter 51 makes provision for.

If one was to go to the Motor Vehicles and Road Traffic Act, Chapter 51:02, we had done an amendment of similar accord in relation to what are called All-Terrain Vehicles (ATVs), Act 12

of 2008. These ATVs because there are some which are small and some that are heavier than others, and, depending on their weight, that is the price they have to pay for these licences for registration. Licences in respect of vehicles not exceeding 2,240 pound - \$2,000 exceeding that and then it goes up and so on to \$10,000.

We do have certain vehicles, like the bulldozers and so on, that come in for construction purposes and there are special rates. If they are going to be there for construction purposes, we are going to classify them and they would come under the weight category, under that first schedule, for purposes of licence fees to be attached to them. For a bulldozer that has a certain weight of 2,240 pounds, one would have to pay a licence fee of \$2,000, accordingly. If it weighs more, some more would have to be paid. That is what this section (2) (b) is all about. They must be registered.

We have been finding also - and this comes for a security purpose – that some bulldozers and so on that are in the interior locations are involved in airstrips making. They are bulldozing and whatever and they are not registered. We want all our equipment to be registered so that we would know the owners; they would be paying up on their fees and their licence arrangements and so – registered, so that we would have even further identification as to the ownership of them. That, also, is a second reason why the registrations of all these equipment are important. Even for accidents and so on, so you would know and they would get their licence plate numbers in accordance with the Motor Vehicles and Road Traffic Act. A number of these heavy equipment are there and they are not registered in the interior and the hinterland regions. Some of them are also even on the coast and are not properly registered.

We want this House to support clause (2) (b) that will be just under ATV, taking care of the situation of registration.

The other amendment to the Motor Vehicles and Road Traffic Act arises out of the amendment 'herein' by clause 3, where the First Schedule, Part (A), is amended by the insertion of a certain subparagraph that makes motor buses, used in that geographical area, exempt from any licence fees. This is what it states:

“(aa) For each motor bus used in Barima-Waini, Cuyuni-Mazaruni, Potaro Siparuni and Upper-Takatu-Upper Essequibo... no fees.”

We have, in the First Schedule, a situation whereby we indicated where motor buses, used on the coast, have a certain licence fee and then an omnibus clause which states:

“In all other parts of the country the licence fees shall be a certain amount.”

We want to incentivise, as it were, motor buses use in these areas by giving them this exemption where by now, when one is going to use a motor bus in Barima/Waini, Cuyuni/Mazaruni Regions, he or she does not have to pay the licence fees. They would become zero. For those motor buses with less than 14 passengers, in other areas, in the omnibus clause, where it is \$5,760, it would be zero. If there are more than 14 passengers, where it is \$12,600, it would be zero because of the geographic area. We want to help the people in and around those areas.

I hope that the Hon. Members, on the Opposition side, are going to support this for the registration of those heavy equipment and also for the exemption of no licence fees for motorbuses. *[Applause]*

9.44 p.m.

**Mr. Hamilton:** Mr. Speaker, the Hon. Minister just indicated, as he spoke to the Bill that is before us, and clause 2B, which states, “...for the avoidance of doubt”, as he indicated. He went on to speak specifically about construction activities, and that those heavy duty vehicles used in construction must be registered.

If I recall, I heard the Minister of Finance, in some one of his presentations, speaking to the issue of heavy duty vehicles that are unregistered in the mining areas. I would need some clarity from the Minister as to why similar vehicles are not included in this clause - similar heavy duty vehicles that are utilised in the mining area. It is because the same vehicles that are being utilised in construction, most of the time, on the coast and wherever, are utilised also in the mining area, for example, the excavators, the bulldozers, *et cetera*. The question is: Why those were not included in this? The clause specifically states:

“...mechanically propelled cranes, compressors, hoist and similar vehicles used in connection with construction shall accordingly, be treated as motor vehicles in their weight category for the purposes of being registered under this Act.”

The point that I am making is that, for all of these types of vehicles that are utilised in construction and are not or might not be registered, there is a similar situation in the mining area with these same types of vehicles that are unregistered. That was an issue which I know was raised sometime by the Minister of Finance and I think it was also raised by the Commissioner-General (CG) of the Guyana Revenue Authority (GRA). The question is: Why vehicles of similar nature, used in mining, are not captured as regards this new licensing regime?

The other issue is the motorbuses used in Barima/Waini and in Regions 7, 8 and 9. The issue about fees is whether we are discussing “used” meaning “registered” or used meaning “traversing”. Let us take Region 9, most of the buses that operate in Region 9 do not belong to Region 9, they belong to the coast — the route 94 buses. Therefore, again, clarity is needed as to the exemption. Are we talking about a vehicle owned and registered by a citizen in these regions or are we also talking about vehicles that ply the region, and, in most part, do all of their activities in the region? As I said, I am supporting this amendment and that is the clarity that is needed so that we are clear as to what the Minister and the Government are asking us to support. I would hope that the Minister, in his rebuttal, answers why mining equipment of similar nature are not captured for the purposes of this new registration regime and secondly, clarifying the exemption. Does it deal only with vehicles that are owned and registered by people in Regions 1, 7, 8 and 9 or is it also inclusive of vehicles that ply those regions? Thank you very much.  
[Applause]

**Mr. Speaker:** The next speaker is the Hon. Adrian Anamayah.

**Ms. Teixeira:** I had asked Minister Ally to advise you that Mr. Anamayah would not be speaking and that the next speaker after Mr. Hamilton would also not be speaking, Mr. Charlie.

**Mr. Speaker:** Mr. Anamayah would not be speaking?

**Ms. Teixeira:** No, and neither Mr. Charlie.

**Mr. Speaker:** I have the note, but I believe I misread the intention.

**Ms. Teixeira:** The next speaker should be Ms. Campbell-Sukhai.

**Mr. Speaker:** Yes, thank you. Ms. Campbell-Sukhai, you have the floor.

**Ms. Campbell-Sukhai:** Thank you Mr. Speaker. Mr. Speaker, I wish to join the debate on the Motor Vehicles and Road Traffic (Amendment) Bill No. 2 – Bill No. 16 of 2017. With respect to the proposed section 2B, as an amendment to the Principal Act, in my view, this amendment seeks to capture, through the registration of excavators, bulldozers and similar vehicles used in connection with construction, as an additional source from which to *rake in* increasing licensing fees, under a weight category.

I have no issue with the regularisation or registration of heavy duty machinery and equipment. However, over the last year, the matter of registration, licensing fees and regularising this category of machinery and equipment have had its day in the media with various statements being presented on the matter. With the passage of the amendment, which I am sure will be approved because of the numbers, I am certain that there is no escaping the fangs of this tax hungry Government which seeks to *tighten the noose* around operators and owners of heavy duty equipment who seek to get involved in honest work.

The construction sector, over the last two years, has plummeted into, more or less, a depressed situation. The Hon. Minister of Communities, with responsibility for Housing, I do not see her in the House right now, but I am sure that during her budget speech she was optimistic that there was going to be some activity in the construction sector and I felt very positive. I feel, like the Hon. Colleague who spoke before me, that if you are going to address heavy duty machinery and equipment, then you should deal with it in a holistic way. If not, I do not believe that it is fair as it relates to the other sectors.

With respect to the amendment, specific to the selected hinterland regions and the exemption of no licensing fees for what the Hon. Minister presented for motorbuses, operating in four of the hinterland regions, I must advise this House that this is nothing new. If you are to read the amendment, it speaks to buses that are limited to operating within the region. I must say that the buses that are available within these four hinterland regions are very limited, the majority being minibuses that were provided by the past Government and this Government to many of the Amerindian villages and they are enjoying free registration and licensing. The vehicles are registered, but they are registered under the Ministry and, therefore, no licensing fee has to be paid. However, for those motorbuses which the Hon. Minister alluded to, the ones that should be benefitting, it is a very limited amount, a handful.

My Colleague, the Hon. Mr. Hamilton, has already noted that most of the minibuses that appear to be operating to and from, or traversing to and from the hinterland to the city, are not all owned by owners from the hinterland. Lethem, in fact, may have the most minibuses that are owned internally to Lethem that plies that route. However, Bartica and Mahdia are the areas in which I see focus being placed and the benefits going to these areas which are more likely to have more operators that are from outside of those locations.

For sure, the motorbuses that are available to Region 1 are also a handful; a handful in Mabaruma, we can count them by the fingers; a handful in Moruka, that is where some roads are available and we can count them because they are not more than 10; and in Port Kaituma, also. Therefore, I will not make a big fuss over this matter of the amendment because there is going to be insignificant levels of beneficiaries that will benefit.

Maybe, in the future, if this amendment projects itself for a number of years along with the development of roads and the economic abilities of the residents of those areas being able to afford motorbuses, then, of course, we can see what will happen in the future. The handful is going to be so insignificant.

In fact, I recall that, about two budget speeches ago, the Hon. Minister of Indigenous Peoples' Affairs speaking glowingly about duty free vehicles for Amerindian leaders. That they were going to give Amerindian leaders access to duty free vehicles. [Ms. Ally: And you are worried.] I am not worried because the Minister can tell you, and I am sure that the records at the GRA can tell you that they may not have been more than five Amerindian leaders who may, on their own, have probably benefited from that or none at all.

*9.59 p.m.*

I could be corrected. Therefore this amendment should have been studied. I welcome the new licensing fee because it is minimum fees. I believe that there is much more to incentivise a different level of support for hinterland transport or vehicle owners for example...

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

**Mr. Speaker:** Hon. Member, I may ask you to take your seat for a moment. We are approaching the ten' o clock hour and I would invite the leader of Government business to move the

adjournment so that we could continue with at least the consideration of the second reading of the Bills.

**Mr. Nagamootoo:** Thank you Mr. Speaker. I move that the sitting continues uninterrupted until we conclude the financial Bills which would be numbers 1, 2, 3, 4 and 5 and conclude at that point. All the other matters will roll over to the next sitting.

**Ms. Teixeira:** May I ask for a clarification, please from the Prime Minister? Is he including or excluding the affirmative motion on the Customs Act?

**Mr. Nagamootoo:** Yes. It is as part of the financial measures.

**Mr. Speaker:** Customs (Amendment of Schedule Order 2017 – No.39 of 2017), is that included?

**Mr. Nagamootoo:** Yes.

*Question put, and agreed to.*

*Standing Orders suspended*

**Ms. Campbell-Sukhai:** I was at the point where I was going to offer some suggestions as what could be considered, maybe at an appropriate time. It is to deal with duty-free vehicles such as all-terrain vehicles (ATVs) for areas that are in dire need of additional mode of transportation due to the terrain and the undeveloped trails. For example, in Region 8 and for the reaches of Regions 1 and 7 and parts of Region 10, that is the upper Berbice River, there should be duty-free and maybe no registration or licensing fees for boat and engines. This has been an issue which has plagued many of the owners of river transport, even though most of them are not registered and most of them are not licensed. This is something that needs to be regulated and an incentive should be provided for this category.

In addition, I would like to add that another matter that would assist the hinterland regions. For example, in Lethem, Mahdia, parts of Port Kaituma, Mabaruma and even in Moruka, many small vehicles, such as motor cars, are the mode of transport owned by residents in those areas, and there are more plentiful in those locations as opposed to motor buses. This is so because the townships and those that are not yet in to township but have developed a level where motor

vehicles are used, it is the mode of transport that is much more popular and, therefore, they should have been considered. I do have the question posed earlier, will minibuses or motor buses owned by residents, for example, in Lethem and Mahdia that ply the Mahdia to Georgetown and the Lethem to Georgetown or the Bartica to Georgetown route when the road is passable, benefit from this no licensing fees?

I, therefore, wish to say that I have no problem with the regularisation of heavy-duty machinery. I do have an issue with the fees that would be attached, because, for me, if you are going to attach for one sector, then a sector that has seen a downturn over the last two years, it is not fair. I do not have an issue with the no licensing fees for motor buses, but I would like the Government or the Minister to consider, in the future, a much more detailed study that would point him into the direction where much more people would benefit from any such policy or implementation of no licensing fee so that there must be some significant and positive impact coming out from such a decision.

Thank you. [*Applause*]

**Mr. Ramjattan (replying):** I want to believe that I understand that, my colleagues , over on the other side, are supporting the fact that the motor bus used in Barima-Waini, literally in that geographic area, there are no fees and licences, and they support that. The criticism, which is made, is a very minuscule set of buses and that it is not benefiting a lot of people. I could understand that. We have to start incentivising other people to buy and, of course, there would be other people who are going into these areas and if they work their buses in those areas, then they would not need to pay the fees and so that exemption would apply.

The one that is giving me a bit of difficulty is what was asked of and argued, in relation to clause 2 (b). I want to make this point when you look at what ATV has in the legislation. For the avoidance of doubt...

“An ATV shall accordingly, be treated as a motor vehicle in its weight category for the purposes of being registered and licensed under this Act and for the purposes of being insured under the Motor Vehicles Insurance Third Party Risk Act.”



There is a distinction between these different vehicles now, excavators and mechanically propelled cranes and compressors. In relation to the bottom part at clause 2 (b), which we are proposing in this Bill, is to have them for purposes of being registered under the Act, not licensed and also be in relation to the third party risk. That is the distinction here if there is the Act. We want them to be registered and they would be registered in accordance with their weight category because, right now, we understand the existing regime is not registered and so that extent we are only limiting it for purposes of being registered under this Act and not as with ATVs also being registered, and then licensed under this Act. That is the difference.

I think that explains it and we would like the registration to be done.

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

**Mr. Chairman:** Hon. Members, if you would look at your copy of the extract which contains the clauses of the Bill. There are three clauses and with your co-operation we will deal with them clause by clause.

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

## **Clause 2**

**Mr. Chairman:** Clause 2 reads:

“The Principal Act is amended by the insertion immediately after section 2A of the following section.”

I shall read it.

“2B. For the avoidance of doubt, excavators, bulldozers, mechanically propelled cranes, compressors, hoist and similar vehicles used in connection with construction shall accordingly, be treated as motor vehicles in their weight category for the purpose of being registered under this Act”.

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

### **Clause 3**

**Mr. Chairman:** The third clause reads as follows;

“3. The First Schedule, Part A, to the Principal Act is amended in paragraph 4, by the insertion immediately after subparagraph (a) of the following subparagraph -

(aa) For each motor bus used in Barima-Waini, Cuyuni-Mazaruni, Potaro-Siparuni and Upper-Takutu- Upper Essequibo.....no fees”.

*Clause 3 agreed to and ordered to stand part of the Bill.*

*Assembly resumed.*

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

*10.14 p.m.*

### **VALUE-ADDED TAX (AMENDMENT) (NO. 2) BILL 2017 – Bill No. 17/2017**

A BILL intituled:

“AN ACT to amend the Value Added Tax Act.” [*Minister of Finance*]

**Minister of Finance [Mr. Jordan]:** I rise to move that the Value Added Tax (Amendment) (No. 2) Bill 2017, Bill No. 17/2017, published on 11<sup>th</sup> December, 2017, be now read a second time.

I want to say immediately that this Bill has nothing to do with any new measure, *per se*, and that most of these amendments in this Bill are really consequent to the amendments that were made to the Value Added Tax (VAT) Act and Schedules in Budget 2017. Let me allay any fears that I did not talk about this in my speech, and that we were now introducing measures that seem to be a burden on either the consumer or other stakeholders. No, these are just consequential changes that either may have slipped in the process of drafting, or having had the benefit of a year of implementation. It is closing certain loopholes that may have arisen from the implementation.

The Bill seeks to amend the following aspects of the Value Added Tax Act, Chapter 81:05: Clauses 2, 3 and 5 are consequential amendments to previous amendments made by the Value Added Tax (Amendment) Order 2016.

Clause 2 allows for the deletion of section 42 (4) in the definition of an appealable decision as outlined under section 2 of the VAT Act. It will be recalled that section 42:04 was repealed pursuant to Order No.3 of 2017. This deletion now is in keeping with that repeal.

Clause 3 allows for section 41 (8) of the Principal Act to be amended by the substitution for the words “paragraph 2 (o)” of the words “paragraph 5”. This amendment became necessary because of the renumbering of the paragraphs in Schedule I pursuant to Order No. 18/2016 with the content stated, therein, in paragraph 5 instead of paragraph 2 (o).

Further, clause 5 allows for the deletion of the words “paragraph 2 of” from section 17(1) of the Principal Act for the aforementioned reasons stated in relation clause 3.

Section 2 reads as follows:

“2. In this Act, unless the context indicates otherwise -

‘appealable decision’ means an assessment or a decision described in sections 12(6), 13(13), 25(7), 31(4), 32(3), 35(13), 38(6), 39(7), 42(4), 46(4), 52(2) and 85(4).”

Again, as previously stated, this section was amended to delete section 42(4) which was repealed effective 1<sup>st</sup> February, 2017. Section 4(18), which deals with the supply, reads as follows:

“18) Where a supply described in subsection (2) was charged with tax at the rate of zero per cent in terms of paragraph 2 (o) of Schedule I, the acquisition of the taxable activity is a supply by the recipient in the course or furtherance of a taxable activity carried on by the recipient to the extent that the goods and services comprising the taxable activity were acquired for a purpose other than consumption, use, or supply in the course of making taxable supplies, unless this purpose relates to less than ten per cent of the total taxable activity.”

As indicated above, which means as indicated previously, the paragraphs in Schedule I were renumbered pursuant to Order No. 18/2016. Section 17(1) which deals with zero rating reads as follows:

“17. (1) Where, but for this section, a supply of goods or services would be charged with tax under section 9 (1) (a), the supply is charged with tax at a rate of zero per cent if it is specified in paragraph 2 of Schedule I.”

Clause 6 (c) deletes section 18 (2) which provides that a supply of goods or services that will be charged with the tax at a rate of zero per cent and not listed in Schedule 2, is not an exempt supply for the purpose of payment of Value Added Tax (VAT). The deletion of this subsection 18(2) removes any inconsistency which may exist with the intended application of VAT.

Sections 18 (1) and 18 (2) which deal with exempt goods state as follows:

“18. (1) Subject to subsection (2), a supply of goods or services is an exempt supply if it is specified in paragraph 2 of Schedule II.

(2) A supply of goods or services is not an exempt supply if, in the absence of subsection (1), the supply would be charged with tax at the rate of zero per cent under section 17.”

Clause 7 amends section 25 (3) to replace the words “preceding financial year” of the words “current month”, in order to simplify the computation of partial exemption for entities with less than 90% of taxable supplies and to provide an impartial solution.

Section 25 (3) will now state as follows:

“(3) Subject to subsection (5) only a part of the supplies made by a taxable person during a tax period is taxable supplies, the amount of the input tax allowed as credit under section 24 (1) (a) for that period is determined as follows –

(a) in respect of a supply or import received which is directly allocable to the making of taxable supplies, the full amount of input tax payable in respect of the supply or import shall be allowed as credit;

- (b) in respect of a supply or import received which is directly allocable to the making of exempt supplies no amount of input tax payable in respect of the supply or import shall be allowed as a credit; or
- (c) in respect of a supply or import received which is used for the making of both taxable and exempt supplies, the amount calculated according to the following formula –

$$A \times B/C$$

Where –

- A** is the total amount of input tax payable in respect of the supplies and imports received during the period for which a credit was allowed under section 24 (1) (a) less the input tax accounted for under paragraphs (a) and (b)
- B** is the total amount of taxable supplies made by the taxable person during the preceding financial year of the taxable person; and
- C** is the total amount of all supplies made by the taxable person during the preceding financial year of the taxable person.”

Then we have some insertion of clauses 4 and 8 which allows for the insertion of sections 7(a) and 31(a) to allow for the Commissioner General to authorise the use of electronic technology to administer the Act and provide for filing of returns by the use of electronic media. This insertion will bring the authority in conformity with the proposed Electronic Act, which will be coming to this House during this year and allow for the e-filing of documents and the eventual e-payments by taxpayers, thereby reducing the need for multiple visits to the authority.

Clause 9 makes a consequential amendment to a previous amendment made by the Value Added Tax (Amendment) Order 2016 by the deletion of the words “paragraph 2 (b)” in section 95 (1) (a) of the Principal Act. This amendment to Schedule II, in Order No. 18/2016, resulted in several paragraphs being added to Schedule II, thus, consequential amendments were required to provide for the entire Schedule.

Section 95 deals with regulations and is outlined as follows:

“95. (1) The Minister may make regulations:

- (a) for matters that under this Act are to be prescribed by regulations as specified in sections 4(13), 9(1), 11(5), 30(2), 35(3), 35(5), 37(1), 49(4), 60(1)(e), 100(12), Schedule II paragraph 2(a), Schedule II paragraph 2(b), Schedule IV paragraph 1...”

Those are all the minor changes, most of them, to the VAT Act. As we said, almost all are consequent upon the changes that we instituted in Budget 2017, and again, I repeat there is no economic impact as it relates to what obtains now and what will obtain in the future. There is a benefit however, in that, in terms of the electronic services, they support our green economy, they reduce paper and they will reduce the processing time of the Guyana Revenue Authority (GRA), thus allowing it to devote more attention to high impact areas. It will also reduce the time taken by the taxpayer to do business with the organisation.

Mr. Speaker and the House, I commend this Bill for passage. [*Applause*]

**Mr. Hamilton:** The Minister of Finance, presenting this Bill, started off by indicating that he wanted to allay any fears that might want to suggest that there is any added burden to the people who will be affected by the amendment. Secondly, he went on to say that it is not a new measure. These amendments were amendments that were overlooked when the measures were put in place for 2017.

The question is: Is the Minister sure that the new amendments will not impact on manufacturers *per se* and when he stands up to rebut he can indicate that to us? Secondly, did the Minister, at all, think that persons who would not be affected by the amendments should have been consulted before these amendments were placed before the National Assembly?

*10.29 p.m.*

These are two questions that I hope could be answered.

Clause 7 (a), let me say from the onset, to commend the Minister and the Commissioner General for bringing into play information and communications technology (ICT) to deliver services. I

think that will go a far way. My experience is in this regard, let us say, for the National Insurance Scheme (NIS), with the ICT intervention, I think now it has become a bit more efficient than it was. In times past, the NIS, for persons who need compliances, every month, they had to go to sit down at the NIS, but now it gives you three months and six months compliances which is far removed and more helpful to business persons. In the case of the GRA, it started off also with monthly compliances, today a person will get a one-year compliance. I am along the way commending the GRA for the steps taken to make it easier. The intervention, ICT in filing tax returns and electronic signatures and all of those things, is commendable, the whole use of information technology in delivering services.

The important thing to note, and I suspect, is that I hope the Minister would again allay some fears because, the Minister would be well aware that the new technology and methodology would have its own risk attached it. Therefore, in his rebuttal, it would be useful for him to say to us how GRA would deal with the security aspect of the intervention of this new technology. As all of us are aware, the whole issue of hacking into systems and the whole issue of corrupting data, we have seen in more modernised societies where data are stolen, data are lost and data are manipulated. Therefore whilst it is commendable that the GRA is seeking to move in that direction to deal holistically with ICT and its relationship with taxpayers, it would be useful for us to be told about the human resource (HR) and ICT infrastructure that is already in place and also that is likely to be in place to deal with the issues that will arise with this new intervention. For me, as I said, the Minister, it might be useful for him to say whether he thought not consulting or consulting would have helped some of the amendments specifically I am speaking to.

As it regards to clause 7 (a), the whole intervention of ICT in tax services, and that is commendable. I hope the Minister could allay the fears for citizens and that the GRA is working to put in place a strict security regime that could protect people's data in the transit of filing and the relationship, *vis-a-vis* the GRA and citizens, regarding records and data that will be going to the GRA and the information returning to the citizens.

Thank you. [*Applause*]

**Mr. Anamayah:** I would first like to endorse what the Hon. Member Hamilton has just said about clause 7 (a). I would start with that. Most certainly, the introduction of technology is commendable. I must commend the Minister and the Commissioner General for going this route.

On the face of it designed to make things easier for the taxpayers, but I have some concerns about the readiness of the GRA to implement. Is it truly prepared? Has there been training? Are the relevant personnel in place? Is the facility in place? Why I ask these questions is because in Berbice, in particular the New Amsterdam office,... I know as the Minister said, it is hoped, that with the introduction of technology persons would not have multiple visits. The opposite is happening in the local office there in Berbice where a taxpayer has to go several times, sometimes weeks, sometimes months to obtain a simple certificate of compliance to do a transfer of a property. It is supposed to be a simple procedure, but it is not working and documents are often misplaced, misfiled and taxpayers, as I have said, are required to make multiple trips. I think that the Minister would get the picture. I do not know. If the GRA cannot handle this process, how will it deal with this electronic filing? It could make things much easier or it could make things much worse, if there are not systems in place.

The Minister said that these are minor changes that the Bill speaks to. We would have hoped that there would have been some other minor changes, speaking generally, in keeping with what was promised initially by the Government of the reduction of VAT from 16% to 12%, and not only take it off instead of 14%. It is not only to have it removed from education. It should have never been imposed in the first place and from services, but from services and goods, and remove it from electricity and water. Those are things that were more a big picture item that we hoped would have been a part of the regime of changes.

The Minister said, in his budget presentation, which he alluded to just now, that the loss of revenue with the changes made, removing VAT from education, is about \$340 million. Mr. Minister, I am sure that that sum, I think, should be given back to the taxpayers, a rebate. If you are not minded to do that, maybe I am sure the rest of the nation would not mind if you create a fund for sugar workers and for the children, from utilising those moneys.

With those few words, I will take my seat. [*Applause*]

*Mr. Adams in the Chair.*



**Mr. Jordan (replying):** I want to thank the two speakers from the Opposition for their kind contributions. In particular, I want to thank them for commending the approach of the GRA to introduce the new technology.

The introduction of any new system or procedure is always met sometimes with trepidation, even though at the end of the day it could have a lot of good. This seems to be no different in this case, that there are concerns and these concerns are valid given the history of the GRA prior to 2015. Subsequently to 2015, there is a lot that has happened in GRA to clean up its act, so to speak. In fact, you would have noticed in the newspapers, leaked International Monetary Fund (IMF) reports that are being serialised. All instances, I think it should be made very clear that it is this Government that requested those reports, because we wanted to know what is going on so that we could shape proper policy and put proper measures in place to improve the efficiency of the organisation. We are happy that those reports were there, because in any case, under the rules of the IMF, after six months, they will be published, anyhow, on the IMF's website. I do not know why the need for leaks, even when the reports are still in draft stages, so to speak. That is beside the point. The point is that GRA was found to be in very bad shape. It was confirmed by all the studies. We have been promised and we have undergone considerable help by friendly donors, both bilateral and multilateral in all areas, human resource development, IT, and so on, to make the GRA operations as efficient and as effective as possible.

Indeed, all the systems that you could put in place, the overrides and everything else, double layers and quadruple layers, and so on, to safeguard information, all of that is going through. I do not think I could stand up here and promise you that it will be foolproof. Lots of us have seen pictures where foolproof systems have been fooled, so to speak. I think every effort is being made to have a system that could be as safe as possible. In fact, I think even as we speak, GRA is in the process of cleaning out the taxpayers' database, so that we could have in the system, something new and could be worked on.

You will also appreciate too, I think, the largest number of persons to exit GRA in circumstances other than retirement, which has taken place, and that is because we are trying to weed out the so-called 'bad eggs' that continue to give the vast number of workers there a bad name, so to speak.

As I said, these are mostly consequential amendments to the Schedules, consequent ones to all the changes that we have made. In fact, there is no effect on the manufacturers. Indeed, if there is one, there is a very extremely positive one due to the amendment of clause 7 that amends section 25 (3), where we are removing preceding financial year to current month. This will help start-up businesses. Start-up businesses do not have a preceding financial year, so to speak and therefore, did not benefit from this measure that we are now trying to put in place. By doing current month, you could see right away the benefit that manufacturers will get. Generally, as I said, they are not going to be any negatives on this.

The last point I want to just quickly address is that Hon. Member Anamayah spoke about the VAT on education. I really do not want to get into that, simply because this Bill is not the Bill that addresses that. It is the wrong Bill. As a matter of fact, the Bill was subjected to negative resolution that came out of the Statutory Instruments Committee (SIC) and it was read earlier today. That would have been the one that you might have been able to make your comment on. We have done what we have done. We have pulled it out from the educational services. It is very interesting as you raised it, because I have on my phone, right here, a letter from a certain private school which has converted the VAT into an increase in fees. I have it right here on my...  
[**Ms. Manickchand:** They said that they changed it.]      They changed it. I see. At least you are aware of what I am speaking about. Those are some of the things that we spoke about and that we were afraid will happen.

Anyway, at this time I will just thank the Opposition for supporting the Bill and I recommend it for the House for passage. Thank you.

*Mr. Speaker resumed the Chair.*

*10.44 p.m.*

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

**Mr. Chairman:** Hon. Members, this Bill has nine clauses, all of which were read and explained in detail when they were presented by the Hon. Minister. With your agreement, I will suggest that this course: I would repeat the clause number and seek your response to it, and then I would move to the second clause without the necessity of reading each paragraph or each provision of the clause. If you agree, we will proceed in that way. **[Hon. Members: Yes.]** Thank you.

**Mr. Chairman:** Hon. Members, we have completed examining the clauses for inclusion in the Bill.

*Bill considered and approved.*

*Assembly resumed.*

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

## **INCOME TAX (AMENDMENT) (NO.2) BILL 2017 – BILL NO. 18/2017**

A Bill intituled:

“An Act to amend the Income Tax Act” *[Minister of Finance]*

**Mr. Jordan:** I rise to move that the Income Tax (Amendment) (No.2) Bill 2017 – Bill No. 18/2017 published on 2017-12-11 be now read a second time.

This Bill is a very important Bill in that it seeks to amend 10 sections and to insert two sections, so to speak. I dare say it would be a third section to be inserted, because an important section was omitted from the Bill. When we come to the Bill itself I will ask that this be included. The insertion has been circulated and we will deal with it when we come to it.

This Bill, in particular, continues the series of reforms that we started principally in the 2017 Budget and would have arisen out of the Tax Reform Committee Report, the Caribbean Regional Technical Assistance Centre (CARTAC) report on the Value Added Tax, and further consultations with stakeholders during the 2018 Budget, in particular the new set of stakeholders that we would have included in the pre-budget consultations.

If I may look at the first amendment, the first amendment that I will like to deal with is the amendment to section 5B (2) by the insertion of the word immediately after the word ‘traveling’ of the word ‘vacation’. This simple but poignant amendment will seek to put on equal footing private sector workers and public sector workers for the purpose of receiving vacation allowance. Those who work in the public service would know that for a long time now - and introduced under a previous People’s National Congress (PNC) regime - that vacation allowance was made tax free and equivalent to one month of your gross salary, which is your base salary, but at the same, time private employees never enjoyed this benefit. Indeed, if they wanted to, then they actually had to travel overseas to claim the tax free component of this benefit. This simple amendment will now remove the anomaly and, in a sense, will also remove the discrimination in the treatment of the vacation allowance. Private sector employees, now would be on the same footing as the public sector employees, in that their vacation allowance that would be recognised for the purpose of tax free by the Guyana Revenue Authority, would be restricted to one month of their base salary, consistent with what is happening within the public service. I know, without telling any tales out of school, certain private organisations pay whopping vacation allowances way - above the salaries that the people get. So, now, whatever base salary the person is getting, the vacation allowance would be recognised up to a maximum of that base salary. We hope that that would remove the need to treat with other benefits in kind, where, as we said, certain employees would be paid huge vacation allowances in *lieu* of salaries. Again, as I said, this would not be entertained under this new regime, because we are restricting it to just the base salary of the employee.

Then there is an amendment to section 20 by the removal of the words,

“...and such deduction shall be apportioned according to the individual’s earning period and allowed accordingly.”

This again, is a simple amendment, but again means a lot to a number of people especially at this time when some people may not have the benefit of permanent employment. The way how the income tax works at the moment is that you have to work for a full year to get the benefit of the full year’s free pay. I think they are now calling it your personal allowance. At the moment that personal allowance is \$720,000 or 1/3 of your gross income, whichever is higher.

If you worked for three months and earned \$300,000 in that three months you will be charged income tax by your employer, because they will take out your monthly free pay which is \$60,000 out of the \$100,000, \$40,000 is left, and they will take 28% of that which is roughly 1/12, so that would be \$11,200 in taxes, which will come out of your money and three times that would be \$33,600 out of your \$300,000 for the three months that you have worked. Let us say that that is all you worked for for the entire year, so you will still have \$33,600 taken out by your employers.

Now, with this particular amendment \$33,600 will still come out of your salary because, your employer would not know whether you would be working only three months for the entire year or not. He has to, by law, take out the tax, but when you file your income tax the next year, you would still be refunded the \$33,600, because you were still below the threshold of the \$720,000, you can take the entire amount now. So, right away your disposable income would have gone up. I think this measure will cost a significant sum, but, as I said, we are determined, as we continue to broaden the tax base, we will like to give back more and more to taxpayers so that their disposable income will improve.

The next two significant amendments are in respect of section 33E (1) and 33F (1) to allow for a sliding scale in withholding taxes on gold declarations and a reduction in the withholding of tributors tax from 20% to 10%.

*10.59 p.m.*

Through its Manifesto, the Government had promised to assist small and medium scale miners. This promise was kept in 2015 when a range of concessions was given on fuel, machinery, equipment and so on, based on gold declarations, in conjunction with the Guyana Gold and Diamond Miners Association (GGDMA), and the Guyana Geology and Mines Commission (GGMC). Further discussions, consultations and representations by the GGDMA, the Guyana Women Miners Organisation (GWMO) and people with small claims have convinced us of the need to change the existing 2% of gross proceeds that are treated for the purpose of income tax to now a sliding scale based on the price of gold. This new regime that will replace the 2% of the gross proceeds regime at the moment will be as follows: when the price of gold is under US\$1,100 or any other equivalent – any other recognisable currency equivalent - the tax shall be

2%; between US \$1,100 and under US\$1,300, the tax will be 2.5% of gross proceeds; between US \$1,300 and under US\$1,600 per ounce of gold, the tax will be 3% of gross proceeds; and over US \$1,600 per ounce of gold, the tax will be 3.5% of gross proceeds. It will also be recalled that, in the 2017 Budget, the Tributors Tax was increased from 10% to 20%, the rationale being that we have a multiplicity of withholding taxes at various rates and we were trying to equalise all withholding taxes at a standard rate of 20%, which is the rate that your interest in the bank is being charged, and it is the rate that is used in a number of other situations. But strenuous representation by the GGDMA has resulted in us reversing this measure that we have put in place in 2017, to be 10%.

I wish to state and make it very clear here that, notwithstanding the reversal and notwithstanding the sliding scale and so on, tributors will have to continue to file annual tax returns and pay any taxes due or be refunded all overpayments. At the same time, the Guyana Revenue Authority (GRA) will be working with the GGMC to intensity efforts, thereby allowing all persons and operators in the industry to fall within the tax net. I think that this cannot be overemphasised that everyone has to pay his or her fair share of taxes. Regardless of what sector one is in, the country will not be able to grow and develop if each of us does not pay his or her fair share of taxes. Indeed, if we do not, then some of us will carry the burden and will continue to carry the burden for others, and tax rates will not be able to come down at the rate at which we would like them to come down.

It must also be noted that this industry, the gold and diamond miners industry, will continue to keep records in accordance with the law, as outlined under the provisions of Section 33E (5) of the Income Tax Act Chapter 81:01 which states as follows:

“Nothing in this section shall be construed as exempting a gold or diamond miner from the requirement to keep adequate records of his income from mining operations.”

So, it is absolutely clear there. There cannot be an exemption from one not filing taxes or keeping proper records.

The amendment of Section 60A (6) continues our recognition of our senior citizens and this amendment seeks to insert a new paragraph (c) which will exempt taxpayers, 65 years and older,

from the fees for a Taxpayer Identification Number (TIN) certificate and the reprint of a TIN certificate, thus continuing the benefits to senior citizens.

Then there is an insertion to sections 3A and 60B, and this has to do with the discussions on the previous Bill in relation to the information and communications technology (ICT). This will allow the Commissioner General to authorise the use of electronic technology to administer this Act and provides for filing of returns by the use of electronic media. Again, this will bring the Authority in conformity with the proposed Electronic Act and will allow for the electronic filing (e-filing) of documents and electronic payments (e-payments) by taxpayers and thereby reducing the need for visitation to the Authority and all taxpayers will stand to benefit from that.

Clause 8 amends section 71(1) of the Act to provide for persons, “whether assessed to tax or not,” to be prevented from leaving without having paid tax due until the prescribed conditions are satisfied. For the purpose of this, let me just read section 71(1) of the Act. It states as follows:

“If in any particular case the Commissioner-General has reason to believe that a person who has been assessed to tax is about to leave Guyana before the expiration of the time allowed for payment of such tax under section 97 or 103 without having paid such tax he may by notice in writing to such person demand payment of such tax within the time to be limited in such notice. Such tax shall thereupon be payable within the time so limited and in default of payment shall be recoverable forthwith by process of parate execution or in the manner prescribed by section 104 unless security for payment thereof be given to the satisfaction of the Commissioner-General.”

The law dictates that an assessment must be raised upon a taxpayer when he or she submits a return. The law allows for self-assessment whereby the taxpayer must file and pay all taxes outstanding upon the filing of his return. As a consequence, the tax is due whether the assessment has been raised or not. This intended change will allow the Commissioner General to take steps to recover the tax when the taxpayer is about to leave Guyana and he or she has not paid within the time allowed for the payment of the tax, even though an official assessment may not have been raised by the Commissioner General.

The amendments to sections 82, 86 and 98 allow for changes in the deposit requirements for appeals to the Board of Review and to a judge in chambers.

Section 82(5), appeals to the Board against assessments, stipulates:

“No appeal shall lie to the Board unless the person aggrieved by an assessment made upon him by the Commissioner-General has paid to the Commissioner-General tax equal to two-thirds of the tax which is in dispute.”

This subsection will now be replaced by subsections (5) (a), (b) and (c) which will allow for the reduction in deposits for the appealed matter to be one-third of the taxes in dispute or to lodge a bond or guarantee to the satisfaction of the Commissioner General rather than the previous two-thirds deposit previously required.

Section 98 of the Income Tax Act stipulates:

“No appeal shall lie under section 86(1) (a) to a judge by a person aggrieved by an assessment made upon him by the Commissioner-General or by a decision of the Board, unless that person has paid to the Commissioner-General the whole amount of tax which is in dispute under the assessment made upon him.”

The insertion of the words “or has lodged a bond or guarantee to the satisfaction of the Commissioner-General” now allows that the appeal to a judge can be heard by the lodgement of a bond or guarantee in the alternative to the full deposit. It is because having to deposit all of the amounts of the tax in dispute before the matter can be heard is clearly an onerous burden, especially when the amounts are large; for small amounts, yes, but, for large amounts, it cannot happen. Now, all that has to happen is to provide a guarantee or a bond and the matter will be heard.

The amendment of section 86 (6), by the insertion of subsection 86 (6) (a), provides for a charge of interest in the amount of 12% if the taxpayer’s appeal is unsuccessful to the said body. This amendment is made in order to dissuade frivolous appeals to these bodies now that deposit requirements are being minimised. Here, all taxpayers are expected to benefit in their appeals at least through the mechanism of going to appeal whenever there is a tax in dispute.

The amendment of section 93(4) (b) of the Act by the deletion of the words “there shall become payable by such person to the Commissioner-General, unless the Commissioner-General otherwise directs, a sum of ten percent of such amount or ten dollars whichever is greater and”.



Section 93(4) states as follows:

“If any person shall fail –

- (a) to deduct or withhold any amount required to be deducted or withheld by him by subsection (1); or
- (b) to remit or pay to the Commissioner-General any amount which he is required by subsection (2) to pay the Commissioner-General by such date or dates as may be prescribed, he shall be guilty of an offense; and in addition to such amount there shall be become payable by such person to the Commissioner-General, unless Commissioner-General otherwise directs, a sum of ten percent of such amount or ten dollars whichever is the greater and section 99(1) (a) shall apply in relation to such amount and to such additional sum as if the same were tax payable by such person on the date when such amount was required to be deducted, withheld, remitted or paid, as the case may be.”

This amendment serves to remove the imposition of two separate penalties for late payment and provides for a single penalty, thereby simplifying the said section.

These amendments, some of them simple but yet have wide benefits to a wide cross section of taxpayers. And I want to essay that there are so beneficial as not to be contentious by our Colleagues in the Opposition and that the Bill will see safe passage in the shortest possible time.

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

**Mr. Lumumba:** Thank you, Mr. Speaker. I want to wish you a Happy New Year, and to my Colleagues on both sides of the House.

Taxes are relevant and very important. We need taxes for two main reasons. One is that revenues have to be raised for the country. In the modern world, taxation is used as a tool to stimulate the economy. The way the Minister has presented taxes... Mr. Speaker, when we were growing up as little kids, when there was a problem with your parents, your mother used to say, “*I gon carry you to the police station.*” Now, your mother is going to say, “*I gon carry you to GRA.*” I see that Mr. Statia is smiling. He has now become the Commissioner of Police because all one has to tell his or her little son or daughter is that, if he or she misbehaves, he or she will be carried to the

GRA. [Mr. Williams: I am trying to get your thought.] You need to try and get past Mr. Nandlall.

I want to speak on section 33E.

*11.14 p.m.*

I applaud the President for speaking about the village economy, the economics of the village. When we were growing up, our grandparents built their own little economies because most of our grandparents were either farmers or gold miners. The strength of the village economy was when your grandfather returned from the *bush*, as we call it, with some gold and he bought some more lands and built some more houses. Of course, he bought some rum for the boys. [Mr. Williams: Did we have pork-knockers like that?] Many. You would not know. You and the Minister of Finance are Georgetown boys. Minister Joseph Harmon would know and Minister Roopnaraine would know; they are countrymen.

We are always concerned about the miners. I am happy to see that the Minister has carried out some consultations and has agreed to move the tributors tax from 20% to 10%. That is how we need to approach governance. If the Minister or the Government had held consultations earlier, prior to the Budget, with the Gold Miners and Diamond Miners Association, with the Opposition and the private sector, then it would not have made the fatal mistake to increase the tributors tax by 20%. That increase caused a downslide of the economy, lower returns on gold, lower revenue from gold. I would have thought that, in these amendments, the Minister would have considered removing the tariffs on the mining equipment.

Gold, rice, bauxite and sugar are still the pillars of our economy. When you affect one of them, you affect the national economy. We still need to increase the production of gold so it can embrace this economy. We are making a mistake by contemplating that, from 2020, with the advent of oil and gas, everything is going to be okay. We have to be careful to look at the negative impact on the economy in the interim period because gold and gas will not bring severe revenue to this country for another six or seven years. I would have thought that, in the amendments, the Minister would have removed the tariffs on the mining equipment. Even though on one hand he has removed the 20% and taken it back to 10%, the biggest problem is still the cost of the equipment.

Minister Broomes is not here but she will tell you that many of the small miners are crying in the wilderness. Their equipment are being seized; reductions are low; production is low; they cannot pay for their equipment and they are losing their equipment. A combination of a lower tariff, the removal of tariff on the equipment and the moving from 20% to 10% would have helped in production.

The Minister also needs to understand that, even though it is not his area, you cannot deal with the gold issue in isolation of access to mining areas. This should have been a more comprehensive Bill or maybe it is quite possible that the Minister of Natural Resources intends to come, at some point in time, and deal with how he is going to resolve the issue of creating more opportunities for miners.

Even if you move the tariff from 20% to 10% and even if the Minister comes back with another amendment to remove the taxes from the equipment, there must be access to land. The reason mining has increased production is because, when we were in Government, we were able to release lands bountifully to all potential manuals and that created an opportunity for small miners to pay their bills, buy houses, buy land, take care of their families, send their children to private and public schools, buy motor vehicles, *et cetera*.

The Minister, at length, talked about the sliding scale. Our own assessment pinpoints that this sliding scale can now have an effect of 25% to 75% increase in taxes on the ordinary miners. Maybe our calculations are different from the Minister's calculations. I want to be careful with my words because I do not want to disrespect the Minister. I do not want to say that he is a con man but it is a con in there because the numbers... **[Mr. Williams: Are you imputing**

**[inaudible]** I meant it very clearly. I am not saying the Minister is a con man. He is not. He is a very decent *fella*. **[Mr. Williams: Are you imputing dishonesty?]** I am not

saying that. Con does not mean dishonesty. Con means he is clever. What I am saying is that, when we look at our numbers, we are saying that there is an increase in taxes. He has cleverly getting back this same money and he will get more revenue. He is saying that it is a sliding scale but our assessment is that he is going to be overtaxing the poor miners. These poor miners are from places like Buxton, Beterverwagting, Mahaica and Den Amstel so we know who he is going to cruel and who will be penalised. I am asking the Minister to relook at this matter and the Minister will probably tell me that the Commissioner General told him to do this. **[Mr.**

**Williams:** He will respond just now.]  
You need to win some cases.

I did not know you were the Minister of Finance.

Basically, the first mistake was made by the Government when it attempted to force the ordinary miners to pay this cruel 20% tributors tax. To me, the Minister is under the impression that the ordinary miner has the capacity to manage an office in the interior. I believe that the whole issue of income tax with the very small miners should be eliminated. I think that the 10% is good enough. I think that the land owner should pay the income tax and I think the small miners should not have that monkey wrench on their neck. Again, Minister is a *town boy*. I do not know if he ever went into the *bush* and see the condition of the work because he would have known that it is almost impossible for them to keep records in the bush with rain, mud, mosquitoes and malaria. Then you are asking them now to carry a secretary in the *bush*. She would not be a secretary for too long so I am asking the Minister to look at that also and make that an exemption.

There are three factors here. I want to believe that the Government does not really understand the mining industry. The Government is willing to impose financial conditions to workers and tributors from villages which the President prefers to call villages that need to step up with their economies. The 2017 decision on the 20% was done without consultations and I said that twice earlier but I am glad to see that the Minister has gone back and had consultations with the miners and the private sector. He has not held consultation with the Opposition but I am glad that he brought the changes to the house, kicking and screaming, and I will like to give ourselves some credit for that.

With this short rebuttal, I hope that the Minister will reconsider his position, in particular as to do with the income tax issue in terms of forcing the small miners to go in the *bush* and prepare annual income tax papers. I think it is rough and the Government has to come up with more creative ways to raise revenue. I think that there are much creative ways to raise revenue and the Minister has a brilliant mind and he can consult with the Opposition Leader who would helped him and have taught him many things. He will be able to come up with a much better alternative at some other point. Thank you very much. [*Applause*]

**Ms. Manickchand:** Thank you very much, Mr. Speaker. I rise to speak on the Income Tax (Amendment) No. 2, the second Bill for the year, No. 2 of 2018. Firstly, I want to congratulate the Ministry, the Minister, the Commissioner General and staff at GRA for moving towards making the services accessible by internet and computers and also moving towards an e-system in the Authority. I know this is probably not something that is going to be implemented immediately. I know there are already problems with your manual work so I would expect that this is going to take some time. Even when we implement it, I expect that there are going to be hurdles in initially working that system but I support it and I think it is the way of 2018 Guyana.

While I support it, I would like to suggest that either the Minister of State or the Minister of Legal Affairs ensures that all the laws are online. Clearly, the Government has recognised that we need to move towards a place where our people can access services online. Yet, our very laws are not online. Very basic laws like the Fifth Schedule to this Act are not online. Actually, it is not on GRA's website. It is not on the Attorney General's website and it is not on GO-Invest's website. That is a basic thing that we need to do to make sure that our country is ready. Sorry, I mean the Fifth Schedule to the Customs (Amendment) Act.

I support the measures in all the Acts that I see coming through amendments to allow us to file and so forth through using our e-services.

I would not be very long and I certainly would not go into all of the sections that are supported. I will not touch on the one Hon. Mr. Lumumba just dealt with, except to say thank you for hearing us because, in hearing us, you really heard the people of Guyana. Thank you for reducing, on their behalf, the tributors tax that really should be zero but we will do with the 10% from the 20% that you had before.

Two clauses I want to raise for the Minister's consideration. Clause 8, which causes me quite a bit of worry, seeks to amend section 71 (1). The previous section 71 (1) states:

“If in any particular case the Commissioner-General has reason to believe that a person who has been assessed to tax is about to leave Guyana before the expiration of the time allowed for payment of such tax under section 97 or 103 without having paid such tax he may by notice in writing to such person demand payment of such tax within the time to be limited in such notice. Such tax shall thereupon be payable within the time so limited

and in default of payment shall be recoverable forthwith by process of parate execution or in the manner prescribed by section 104 unless security for payment thereof be given to the satisfaction of the Commissioner-General.”

Section 104 deals with the Commissioner-General having the power to prevent someone from leaving the jurisdiction of Guyana. That is a serious power to have. That is a serious discretion. I have no hesitation in granting the person who presently holds this office that discretion because I do not believe, from my personal knowledge or from the way he has dealt with the people’s business since he has assumed that office, that we have any reason to question whether he knows the limits of his discretion and how to exercise discretion in public office.

*11.29 p.m.*

We never make laws for a person; we always make laws for an office that will live in time. We could have a very sane person today and a mad man tomorrow or a sane person today and a dictator tomorrow; we could have a lot of scenarios. The reason I have more worry, is because persons under this Government have had to take it to court for doing things such as stopping them at the airport under arcane legislation, dragging them back and measuring their gold bracelets worn generally. These are matters that are being adjudicated on so I cannot go into details. We have seen overstepping by this Government, infringing people’s rights, as a result of which we probably have more constitutional motions being filed now than ever before in our country’s history. I believe it was reported on today that the Transparency International Institute (TII) filed an action against the Government, again a constitutional action. This causes me worry because, in the previous Act, what we had to do...

The Courts have decided too many times what busybodies and interlopers are. It also decided that once you have a stake, you are a voter and you can or would be affected that you are no longer a busybody. In fact, we could go the lengths of India and say, if you have a leaf and a problem, then write it there and I will look at it. We have not gone there as yet, but I would like to see us progress to that place.

Previously, the taxpayer, at least, had to be written to. He had to be sent a notice to be made aware that he owes taxes. Then this thing would kick in, which says, “I would gave you a letter, I would give you a time limit to pay and if you do not pay then I could stop you from leaving the

country,” *et cetera*. What we are seeking to do in this House tonight is not even to give him notice. We are changing it from someone who has been assessed to tax, to doing all these things, such as stopping him from travelling and doing parate execution, *et cetera*, whether he is assessed to tax or not.

The danger lies in people who have to remit things such as Value-Added Tax (VAT) to the GRA, they almost always owe the State or as I should say owe us. We do not always owe income tax because, if I cleared last year, then I have one year again before I am required to pay income tax. Storeowners, for example, who are required to remit VAT to GRA, always have a sum they owe. If you have a sum you owe, you could always - a dictator sitting at the head in the chair of the Commissioner-General (CG) - can always use his discretion under this section, go to parate execution, and worse. To stop a man from travelling and interferes with his freedom of movement, which, under our laws, is a constitutionally guaranteed right.

I am wondering if we are going to be facing a challenge or opening ourselves to one. As you know, the Constitution dictates also that it is the supreme law and anything in contravention of that law, so far as it contravenes the Constitution, shall be unconstitutional and shall be struck down. I do not think that it looks like a simple amendment, although the Minister made it sound as simple as it can get. We are moving by this amendment to remove the notice that is sent to a person to say, you owe X amount. We are saying, whether he has been assessed to tax or not, which is apparently a term of art that means that a notice would have been sent to him. That is my concern.

I am asking that this amendment be thought about again and weighed in one hand to see the benefits we will get from this, versus the dangers of putting this kind of amendment in an Act. Standing here, not knowing much more than was presented, sometimes the unfortunate thing is we could have discussions over what some of these things could do for the country or take away from us. I see this taking away more from us as a people, inherently things that belonged to us, than it gives to us as a State. When you stand again to speak Minister, I would like you to consider that we drop clause (8) completely from this Bill, as an amendment, and we would support that.

The second problem or serious issue that I have with this Bill is at clause (9). I actually support the intent of it. Clause (9) seeks to allow a person, against whom a decision has been made regarding the taxes he has to pay, to lodge a bond or a deposit in *lieu* of the tax, but only if he could show hardship to the Commissioner-General. The problem with this is, the Commissioner-General or people who would have had his powers delegated to them, would be the person who assesses that a particular taxpayer citizen must pay a tax. If that taxpayer citizen is offended and rejects the assessment made by the Commissioner-General, this is now saying that he must go to the same person, who said, "You must pay this tax," and say, "I disagree with you and want to appeal your decision, but I do not want to lodge the amount that I am supposed to. I have X hardship, could you let me lodge a bond instead?" It is the Commissioner-General who will have to say, "Yes I agree with the hardship that you have." The amendment of section 82 of the Principal Act:

"Where the Commissioner-General, is satisfied that the aggrieved person has established hardship he may grant the application to lodge a bond or guarantee in lieu of the deposit of tax."

If it is the Commissioner-General who made that decision in the first place, then he would be sitting almost as a judge in his own cause because he would now be a party to the appeal. The appeal to the Board would be a taxpayer citizen who has been assessed and now has to deposit a certain amount versus the Commissioner-General's assessment. Essentially, the Commissioner-General, who is now a party to that appeal, has to make a decision as to whether the taxpayer can essentially be allowed to appeal against him. Generally, that is clumsy. In any drafting that is clumsy. I would recommend because I like the provision, but I do not like who has the discretion since it will not sit squarely with what we know in administrative and public law, I would recommend that either the Board or the judge in the chambers, to whom the appeal is made, that person or body, decides whether or not the person has a hardship enough so as to allow him to lodge a bond or a guarantee in *lieu* of the tax.

Minister, this is not something that we are disagreeing on; we agree with the intent. I understand that we are coming back here, not too long from now, and I would recommend that, if this is something that even finds a little favour with you, we pause this until we come back, shortly, and determine if it is something that we want to do. I am saying as it stands right now:



“Where the payment under paragraph (a)...”

And paragraph (a) states:

“No appeal shall lie to the Board unless the person aggrieved by assessment made upon him by the Commissioner-General has paid to the Commissioner-General tax equal to one third of the tax in dispute.”

What is happening here is, the Commissioner-General has assessed a man and the man disagrees with it. He cannot appeal to the Board, unless he pays one-third of the tax in dispute. He must then go to the Commissioner-General and say, “I wish to appeal your decision sir.” This is by clause (9) sub-section (5) paragraph (b), which would be the new 82 (5) (b):

“Where the payment under Paragraph (a) would cause hardship to the aggrieved person, the person may apply to the Commissioner-General to lodge a bond or guarantee equal to one-third of the tax in dispute.”

The Commissioner-General has said, “I assessed you; you have to pay X tax.” Citizen John says, “I do not agree with you and I want to appeal.” He must now go to the Commissioner-General and say, “I am appealing you, I am going to pay one-third of this tax.” If he wishes to say, “I do not have this money, which is why I am appealing to you in the first place and I want to lodge a guarantee or bond.” The Commissioner-General has to go back to clause (9), which would now become our new clause 82 (5) (c).

“Where the Commissioner-General is satisfied that the aggrieved person has established hardship he may grant the application to lodge the bond or guarantee in lieu of deposit of tax.”

The Commissioner-General must now say, “I am satisfied that you have hardship, you could lodge the bond.” Let us go through that logically. The Commissioner-General assesses Citizen Mary and says, “You are to pay X amount of tax.” Citizen Mary says, “I do not agree with you Commissioner-General. I do not owe X amount of tax, as per your assessment, but I will pay my one-third of what you have assessed me and I am appealing you to the Board.” That is the end of Citizen Mary’s problems. If Citizen Mary says, “I do not agree with you Commissioner-General and I do not have one-third of the money to pay, in fact that is why I am appealing you in the

first place to the Board.” Citizen Mary must return to the Commissioner-General, who assessed her in the first place, to say, “Could you please find me for me that I have significant hardship because I suffered with my chickens and ducks, my children cannot go to school and my husband just got knocked off from the Guyana Sugar Corporation (GuySuCo). I cannot pay what you are asking me for, I have significant hardship. Could you allow me to pay a bond instead or to put up my house or give a guarantee?” It is the same Commissioner-General, who told her in the first place that she owed so much, and against whose decision she is appealing, that must decide if she is suffering hardship. That is against the whole tenet, from the Opposition’s and my respectful view, of how we administer the public’s business. It would be that this person is being adjudged in his own cause.

I want to be very clear, the intent of this section is excellent that we are now introducing that a taxpayer can pay a bond or guarantee in lieu of one-third of the tax that was assessed. That person is being placed in an almost difficult situation, depending on who is sitting in the office. It is an impossible position to get because we are talking about human beings and one human being just said that, “You are supposed to pay this” and was just told to his/her face, “I am not paying it. You are wrong and I am taking you to appeal.” Then that citizen, the one who said, “You are wrong,” is expected to soften his heart two minutes later and say, “Well I find that you have hardships, so I am going to let you pay a bond to appeal me.” How likely is that to happen?

I am asking kindly that, while the intent of this remains, we remove this discretion about whether this person has hardship or not, from the office of the Commissioner-General and place it in the body of the Board of Assessors or the Judge of the High Court.

With those few words, I take my seat. *[Applause]*

**Mr. Jordan (replying):** Mr. Speaker, again, I would like to thank the two Members of the Opposition for their contributions. If I may just quickly deal with the matter that was raised by the Hon. Member, Mr. Lumumba, who asserted that there were lower outputs of gold and gold revenue.

*11.44 p.m.*

Sometimes when you dabble in these arcane subjects, you could get tied up. A lower output does not necessarily mean lower revenue. As the Hon. Member may have read, gold revenues for this year exceeded revenues for 2016, even though output was lower than 2016. Obviously, a factor in there called 'price' would have influenced those revenues.

The issue of the sliding scale - I wish to assure the Hon. Member that we resisted the sliding scale. We had several meetings with the Guyana Gold and Diamond Miners Association (GGDMA). They had put up the sliding scale and we resisted it for an entire year. They then went public and said that the new method that they were proposing was based on the higher gold prices that were used and that the Government had lost 'X' millions of dollars as a result of not implementing it. We studied it and we said that it was a gold mine indeed and so we implemented it. This is a proposal that was put to us by the Guyana Gold and Diamond Miners Association, one which was studied for an entire year and which was eventually implemented. We did not change the 2% arbitrarily. This was recommended to us, vociferously, by the Guyana Gold and Diamond Miners Association. We have had letters, kudos and so on from the Guyana Gold and Diamond Miners Association for these measures that we have come forward with. I am not disagreeing because we have had a lot of battles with that Association and we thank them kindly for the kudos that they have sent our way as a result of the budget measures that we have put in place.

A point made by the Hon. Member, Ms. Manickchand, about the issue of amending the one that I think she was passionate about, which was clause 9. We would recall that during the debate of ... Sorry, that was section 71(1), which was the first one that the Hon. Member mentioned. I think that she was concerned about constitutionality and the freedom of movement and so on. I do know that the Hon. Member would recall the passionate debates that took place during the debates on Budget 2017 measures in January, 2017. I think that, at one time, we were even threatened with a law suit or a court action by the Hon. former Attorney General, but a year has passed and I have not seen any moves to the Courts.

When quoting the Constitution, we tend to forget that there are some explicit exceptions in the freedom of movement. I believe that one of them has to do with outstanding taxes, which is explicitly stated in the Constitution. You may correct me if you think that I am wrong, but I believe that one of them explicitly states about owing taxes to the Commissioner-General.

Everywhere around the world, the issue of taxes and paying taxes is a problem. That is why policymakers ensure that, as far as possible, loopholes would be closed and those who try to avoid taxes illegally or to evade taxes illegally would have to pay a price – (a) in terms of the evasion and (b) in terms of when they are caught.

Notwithstanding the passionate arguments that were made by the Hon. Member and given what I know; given the difficulties that the Commissioner-General has in implementing; and given what appears to be nothing more than lip service, as many continue to escape the tax net - especially many of the so-called hard-to-tax professions, I believe that the Commissioner-General should be endowed, as strongly as possible, with powers that would allow him to ensure that taxes are collected all around. I maintain this point because I am passionate about it. I refuse to continue to pay taxes to provide services for people who are not paying and for who are far richer than anyone of us in here and would evade taxes with impunity. They rub shoulders with the *hoi pollio* of society and we treat them as royalty and so forth, knowing fully well that they are evading substantial taxes. I have no reason to dilute the powers of the Commissioner-General. I commend him and whoever went before him and who would come after him, in resolutely enforcing the income tax laws, so that some equity could be retained in the system and so that this drive to reduce rates could come about faster than we think. We cannot ask for reduced rates in the hope that persons would pay, when only a few persons are paying. I commend the Commissioner-General and his staff for broadening the base over the last 2 ½ years which has allowed us to make considerable tax concessions to various parts of the economy.

The issue of the hardships - I have no reason to believe that this is a matter that needs to be changed at this stage of the game. There is an Income Tax Appeal Board. I do not know whether an individual, who might have been dealt with, what they perceive to be unfairly by the Commissioner-General, whether they cannot make an appeal to the Income Tax Appeal Board. That Board is functioning, it meets regularly and it is fully constituted. I believe that there are general recourses.

Let me say this: First of all, we are dealing only with the Income Tax and not with the VAT as you had suggested. Income tax, if you are working with someone, you would have to pay as you earn. That tax is supposed to be taken out and remitted. If you are self-employed, you have an obligation under the law to pay taxes, according to the assessment. The Commissioner-General

does not have to raise an assessment on you. The laws are there about how much you are supposed pay. It is just that you are doing it under self-employed.

When you reach the hardship stage, there is at least an implied suggestion that you have used the Government's revenue for your own purposes and, now, the long arm of the law has finally caught up with you. Why would you be in this scenario if you have not been under declaring taxes, paying no taxes or cheating the taxes? I know that there may be genuine hardship cases. I have to believe in the goodness of man and humanity that those would be assessed and dealt with accordingly by the Commissioner-General. I see no reason at this stage to, again, remove the powers of the Commissioner-General to enforce the taxes and also to get rid of frivolous claims where people would have him on a *see saw* or on a *yo yo* for years and tie him up, while taxes are due. We have a number of instances where that has happened.

At this stage, while I appreciate your comments and the passionate way in which you have delivered them. I want to believe that these are like saving clauses, as opposed to general implementation that would take place. This is just in case, and I believe that it would be used sparingly and would not become the norm. Therefore, I see no reason why this is...

I thank the Members of the Opposition for supporting, generally, the intent of these measures and I would ask that the Bill be passed.

Thank you, Mr. Speaker.

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

**Mr. Chairman:** Hon. Members, with your agreement, I propose that we treat the consideration of this Bill No. 18 of 2017 in the same manner in which we did with the previous one. There are 12 clauses in this Bill. I would simply refer to clause one since the clauses were read and explanations were given on each clause, when the Hon. Minister presented the clauses to the House.

*Clauses 1 and 2 agreed to and ordered to stand part of the Bill.*

### **Clause 3**

**Mr. Chairman:** Hon. Members, you would have received an amendment for a new clause 3(a).

*Amendment put and negatived.*

*Clause 3, as printed, agreed to and ordered to stand part of the Bill.*

*Clauses 4 to 10 agreed to and ordered to stand part of the Bill.*

*11.59 p.m.*

### **Clause 11**

**Mr. Jordan:** Mr. Speaker, at clause 11, it should read section 93(4) (b). We are inserting (b) after (4).

**Mr. Speaker:** I thank the Hon. Minister for that. I apologise to Hon. Members because that information was given to me quite some time before we got here - section 93(4) (b), that is clause 11, (b) should be inserted after (4) in that clause.

*Amendment put and agreed to.*

*Clause 11, as amended, agreed to and ordered to stand part of the Bill.*

*Clause 12 agreed to and ordered to stand part of the Bill.*

*Assembly resumed.*

*Bill reported with amendments, read the third time and passed as amended.*

### **CUSTOMS (AMENDMENT) (NO. 2) BILL 2017 – Bill No. 19/2017**

A BILL intituled:

“AN ACT to amend the Customs Act.” *[Minister of Finance]*

**Mr. Speaker:** Hon. Members, I crave your indulgence for one minute please.

**Mr. Jordan:** I rise to move that the Customs (Amendment) No. 2 Bill 2017 – Bill No. 19/2017, published on 2017-12-13, be now read a second time.

This Bill, with a mere two clauses, seeks to amend the Fifth schedule to the Customs Act, Chapter 82:01, to give the Commissioner-General the discretion to substitute a value for goods on basis determined by a competent valuer.

Just by way of definition, the custom value means the value of goods for the purposes of levying customs duties. Hence, an importer or an authorised agent needs to declare the value of imported goods as part of goods declaration at the custom entry point, along with a supported invoice. Some countries may also require a separate valuation form to be filled out either in respect of each consignment or in respect of a series of consignments imported over a period. In addition, customs officials may also require additional documents and information where they have a doubt regarding the truth and accuracy of the declaration.

The agreement on Article 7 of GATT 1994, which means the General Agreement on Tariffs and Trade, which is generally referred to as the Agreement on Customs Valuation or ACV, lays down the main principles of customs valuation. Customs value should not be arbitrary, fictitious or based on the value of indigenous goods. It should be real and based on the value of goods under import or of like goods. It should also derive from a sale or an offer of sale in the ordinary course of business under fully competitive conditions. If the actual value is not ascertainable, the customs value should be based on the nearest ascertainable equivalent of such value. The Agreement on Customs Valuation contains provisions to implement these principles.

I am going through this because the real value to the customs officer or the real value that should be accepted by customs officers is generally called the transaction value. This transaction value is the price actually paid or payable for the goods when sold for export to country of importation. That is ordinarily the price on the invoice that comes into the country and, generally, it should be the true and accurate value.

However, in the business, as it relates to Guyana and the experience of the Guyana Revenue Authority it is that, based on information garnered from a risk profiling process, at least 70% of all imports have exhibited evidence of either under invoicing or under declaration. This trend continues, even when post-clearance audits are conducted, so that, for most cases or seven out

of 10 cases, the Guyana Revenue Authority rejects the transaction value or the declared value by the importer at the port of entry because of suspicion of under invoicing or under declaration.

As is noted, the transaction value is the value that should be used; however, application of the transaction value method is subject to, one - the customs authority being satisfied with the truth and the accuracy of the declared value, two - compliance with valuation condition, and three - availability of objective and quantifiable data with regards to the valuation factors for making adjustment to the price actually paid or payable.

Where customs officers, at the port of entry, have reason to believe that the transaction value is not the true value, then the ACV or the Agreement on Customs Valuation, under the GATT, gives a hierarchical sequence of the valuation methods that should be used. There is nothing arbitrary about the customs officer saying, "I do not agree with the invoice of 300, I believe that it should be 700". He has to do that in conformity with the rules that have been established internationally.

If you do not accept the Transaction Value you have to go to the next in line, which is the called, the Comparative Value Method, which is based on the transaction value of identical goods. I think that is important. If you are bringing in a sack of something and you say that it is \$300 and you know the identical price it is supposed to be \$350 then, the customs has a right to use the Comparative Value Method. After the Comparative Value Method on the Transaction Value for identical goods is the comparative value method based on transaction value of similar goods or close substitutes.

After that there is the Deductive Value Method, which is based on subsequent sale price in the importing country. After that, it is the Computed Value Method, which is based on cost of materials, fabrication and profit in the country of production. Finally, when all of that fails, you have what is called the Fall Back Method, which is based on previous methods with greater flexibility. As indicated earlier, these methods have to be applied in sequences. We cannot jump from the Transaction Value to the Fall Back Value. We have to exhaust all methods in their sequence before we could reach to the last methods.

As I have said previously, the reason why we are introducing this Bill is to give the Commissioner-General the legal armoury to make assessments that are not based on the



transaction value, so that the passage of this Bill will strengthen the Commissioner-General's hand in that he would now be empowered to substitute the value of goods on the accepted alternative methods. This power will not be used arbitrarily, there would be a process. That the declaration is made and the customs officer has reasons to doubt the accuracy or the documents that have been given, the customs officer may ask the importer to provide further explanations, including documents or other evidences, that the declared value represents a total amount actually paid or is payable for the imported goods adjusted by the valuation factors.

If after receiving further information, or in the absence of a response, the customs officer still has reasonable doubts about the truth or the accuracy of the declared value, it may be deemed that the custom value of imported goods cannot be determined by the Transaction Value Method. Before making a final decision the customs officer shall also communicate to the importer, if requested, the grounds for doubting the truth or accuracy of the particulars or documents produced and the importer shall be given a reasonable opportunity to respond. When a final decision is made, the customs officer will also communicate to the importer. There is no arbitrariness in this arrangement. It will be grounded in law and the sequence in which the valuation, other than the Transaction value, could be used.

This Bill will allow the authority to abide by the agreement of the World Trade Organisation of which Guyana is a signatory and it is intended to provide a fair, uniform and neutral system for the valuation of goods for customs purposes, and which conforms to the commercial realities and prohibit the use of fictitious or arbitrary custom values, thank you Mr. Speaker. *[Applause]*

**Ms. Manickchand:** I am hearing from Minister Jordan and, again, I want to be every clear, I do not doubt the Minister that there is going to be no arbitrariness and that he does not intend there is any arbitrariness, I believe him. I believe that, like I said earlier if there is going to be... we are not speaking about a person in an office, we are making laws in this House to pass. We cannot make laws in this House, where we have to begin from a defensive position to say that there would be any arbitrariness so do not worry and trust us. We have to make laws imagining that we are going to have the maddest person in that office and that this law will stand up and protect the citizens from his or her madness. That is how we must make laws here.

*12.14 a.m.*

We will make mistakes and we must come back to amend them when those mistakes are made, and we find out that indeed there was a madman or a madwoman or a mistake was made in trying to do our best in this law. In this particular amendment, the Customs (Amendment) (No. 2) Bill 2017, we are coming here to not pass a new Bill and when it starts to be put in use we will find out that some mistakes were made.

We are coming here with this amendment to amend an Act that already exists and we are already defensive about it. In the softest, most trustworthy voice, the Minister stands up to tell us “There is not going to be any arbitrariness. We promise you. Trust us, there is not going to be any arbitrariness”. I am saying that I believe that is the intent, but what we have, right now, and this is one of the issues,...

In fact, I just got from honourable Chief Whip, Ms. Teixeira, the Fifth Schedule of this Act, which is very necessary if we are to read and understand this amendment. It could not be found anywhere else. It is not online nor is it any of these green volumes. When I say online, I mean, it is not on the GRA’s website; it is not on the website of the Attorney General’s office. It is not anywhere. It is funny that when I called a businessman, a friend, who imports - if he does not import, let me be careful in saying what he imports before I inadvertently identify him - his products are on the shelf and probably all of us in here are waiting for his imports to come in. He said to me “Happy New Year Priya. I was going to call you because this is an issue for plenty of the importers”. In a budget where we already heard that imports are down and the economy is doing poorly, barely bumbling along, as a result of which we have to slash here and slash there, and sugar workers cannot be paid the severance to which they are entitled, according to the Termination of Employment and Severance Act (TESPA). Are we paying them half of what they are entitled to now? We will see in the next half year if we can manage to pay them.

We know that the Government is doing poorly and the economy is doing poorly and we want to ensure that an environment is created where businesses, small or large, especially those importing and bringing in products for people, could thrive. This amendment is dangerous. I said to you that when I called this businessman, who is just a bit older than I, he said “I was going to make contact with you. I was giving the New Year a chance to pass”. The reason for that was the kind of thing which was happening at the Customs where persons’ containers were being stalled for a while and they could not have got their products on the shelves. All of us in here are aware

that if there is a supplier, a franchise holder - for want of a better word, I do not know what we call them, say an agent - selling a particular product and that agent does not get his container cleared, then it is off the shelves. Especially when dealing with baby food, and so on, because that is extremely horrifying for parents, particularly mothers when they are having to switch formulas or switch diapers simply because the one that is being used is not on the shelf.

The problem here is that there is a system where all of the processes the Minister spoke of were used. The transaction value was the first process that was used at the Customs for the custom's officer to determine what it is this person owes as duties and taxes. The transaction value was used, the invoice, receipt, and possibly even the bills of lading, so that it could be seen as to what the shipping agency charged persons for their goods. That is how used to determine, until this proposal. What was being determined is what importing citizens owed this country and then if we were not satisfied with that ... This Schedule that I was only just able to put my hands on because of the resourcefulness of Ms. Teixeira, who apparently took a while to get it from the Parliament Office, because, apparently, it is in scarce supply,.... I do not know why it is... It should just be scanned and put online. After the transaction value, if the custom's officer is not happy with that, he moves on with the various things that are listed in this Schedule that the Minister spoke of, which is that the officer could move to the value of goods that are similar in nature or value the goods through the various five things that were spoken of.

That is already there in our laws, that the transaction value does not have to be accepted. If that is rejected, you can then go and see what would be goods of comparative value. If you also reject the comparative value, you can then go and find out a similar value for the goods. There were five things that the Minister listed. Of course, the Minister is privy to the Schedule and I just got it. Whatever it is, there are five things that could be gone through, right now, in the law that states that the custom officer could say, "I do not like your transaction value, go back and bring something else." There are these five processes. When those are finished with, we are now coming here to pass an amendment to say that all of that was passed, the customs officer will be still unhappy. It gives the Commissioner General the discretion... I am assuming the Commissioner General is not standing up and valuing anybody's property, so we are looking at an officer being delegated that duty. We are seeking to give the Commissioner General the discretion to determine that, after all of that, they disagree with the value that has been arrived at

by the supplier, citizen, for these goods. He may reject that value and substitute it with a value of a competent valuator.

A competent valuator is not defined anywhere in any of the laws that I can find. Who is a competent valuator? It is probably one of the officers standing in the next row who will be called and it will be said, "You do not deal with this thing. You competently value how much it is going to be". This is the definition of arbitrary. If the Minister and the Commissioner General know what is going on, right now, they will know the level of trouble people are getting to clear their goods. There are certain types of goods where the 'small' business people are bumped out of the market right now. I can tell you what some of them are. Cake supplies, such as Wilton products, and so on, the 'small' business people cannot bring in anymore because the people cannot afford to pay the numbers of incentives they needed to be paid before the goods are passed. One particular person - if I call his name, then you will know because you are all friends - business is growing because the 'smaller' people who used to compete with him cannot afford these extra costs. They are importing too small a number to be able to offset those extra costs. This is a problem and if there is something I know about you, it is that you know what is happening on the ground in respect to these issues. You must know.

This, here, is a definition of arbitrary. After all of these five things, we are then asking another competent valuator, who we do not have, and we do not know, the country and the business persons, who are going to have to deal with this Act, do not know what that means. It just means another 'customs man', that they have to go and incentivise with again. I am sure they were trying to incentivise the first one who was going through the five procedures, to make sure their goods can come on the shelves so that they can be sold to us. What do you think happens to us when all of these costs have to be paid? We are going to be paying, as consumers, higher costs for goods. It is not just the businessman who it is you are punishing here. You are punishing every mother who has to buy foreign products for her children. You are punishing every consumer who is buying juice which is imported because we cannot do these things here. We do not have cheap and renewable power. That was shut down, as you can remember. We have to pay a lot for that. We cannot manufacture these things here. We have to import all these things here. We are importing plantain chips, as much as the President is encouraging that there be a new industry, the plantain chip industry. There is plantain chip from Mexico and that is because

it can produce it at a much cheaper cost than it can be produced here, although we are growing plantains. Minister, this is a big problem.

Then I heard the Minister said that in addition to all of this, that they are going to be written and given time in which to pay and time to appeal, and so on. It is not stated here. As I said, when I began, we cannot make a law. We are not making something new. This is not a sunset legislation. Is it in the Schedule? [Mr. Jordan: It is already in the law.] I am being told that it is in the Schedule. I would have to believe that but as I said, the Schedule was hidden until a few minutes ago, from the country, not from us alone. It was not online or anywhere that it should be found. Laws are not things that we should be searching for. They should be accessible at the click of a finger. I am saying that I checked the GRA website and, at up to 12-something p.m. today when I left, it is not on the website. I am absolutely sure about it. I searched up and down the website looking for it. We also searched up and down the website of the Ministry of Legal Affairs looking for it. If it is that the part that states there is time to pay is contained in this Schedule, and I take your word that it is, then it is fine. I am still vehemently objecting to this new measure that is being put in place and I am saying that a reason was never heard. Is there a reason that this is being put in place? Is the Minister saying to us that the experience of the new Government is, after two years of slowed down imports and a declining economy, this is needed?

We now need to give the Commissioner General's discretion to appoint someone called a competent valuer which is not defined anywhere in the main Principal Act, in the Schedule or in this amendment, to arrive at a new valuation although there are these five measures that are already in the Fifth Schedule. I am seeing the Minister on a computer, so I am hoping that it was found online and that we can be directed to it. I understand you were looking for it also.

I would invite the Members of the Government to disregard everything I say and to go on the Guyana Office for Investment (GO-Invest) website and look for the amendments that were being dealt with today. The laws are not up to date. You will see notes on the Income Tax Bill stating that this does not exist, except that it does because it came in amendments that came after the main Bill. There are Acts which have been posted, that are old, but that is *neither here nor there*. The issue, Minister, is that this particular amendment seems unnecessary, having regard to all that you said that is available currently as measures that can be used by the GRA in the Fifth

Schedule. Additionally, the fact that you had to say, Minister, that it is not going to be abused and is not going to be arbitrarily applied may indicate that even subconsciously, you know that it can be arbitrarily used and whimsically applied. As a result of which I am saying to let us put a halt on this. It is clearly not necessary. We have not heard, as a House, why this Act is being amended. Usually we hear, from our experiences, as country, men have been raping their wives. Men have been not getting consent for sexual activity, as a result of which we need to pass the sex offences laws. Rape is causing a lot of emotional and physical harm, so now we come to this House and we must pass a new sex offences law that states “marital rape is an offence”. We usually hear a reason for the purpose of bringing an amendment. When we had to amend the same sex offences law, we heard the reason that somebody had gone to court and challenged one of the, what we called, the revolutionary provisions’, and it turns out the court ruled it was unconstitutional. What was passed happily, boastfully, it turned out that particular section was unconstitutional.

*12.29 p.m.*

The court had struck it down and so we had to come back to the House and amend it accordingly. The reason given was that while we wanted to do this the court had stated, in keeping with the Constitution, that would have been unconstitutional as a result of which we have to amend it by using these words. I am asking, what is the reason given? Why is it that the Ministry and the new Government feel that they need to put this extra burden on businessmen and women who are importing and using the customs house and services? What is the need for this right now?

I thank you. [*Applause*]

**Mr. Anamayah:** I wish to endorse everything that my colleague has said. The Fifth Schedule, which we found, does outline a long list of measures and states how the values could be ascertained. We are not saying for one minute or condoning importers defrauding the revenue authority. We want the Commissioner General and his agents to collect all the taxes that are due lawfully. This is open for abuse and it puts too much powers in the hands of the Commissioner General and in particular the customs officers. As the Hon. Member Manickchand said that we do not expect the Commissioner General to be there to look over every transaction, to police every container that is coming in. It would be done by custom officers and other agents in the

department. We know that there was a time in the early 1990s in this country where there were certain custom officers who used to drive the fancy cars, had diamond rings on all five of their fingers and I think we are going back to that with this piece of legislation. They will completely ignore the procedure outlined in the Fifth Schedule which many importers are already ignorant of. We could not find it and we have the resources to find it. The importers are, I am sure, ignorant of their rights and what is available to them. Nevertheless the custom officer would just make one sweep, do away with that and go straight to the new powers given to him now and say, "I reject your value." Although he could have easily verified if it is a reputable company, say that the person purchased from Walmart, the importer, and has the relevant information. The officer can call them up and Walmart can tell you what the value is because. It is a reputable company. It would not put its reputation at stake to lie for any given importer, and all of that would be ignored, and the officer would say, "No, this is the value."

Further, besides the arbitrariness of it there is no recourse. What if the importer disagrees with the GRA, does this then go to the GRA review board? Well, perhaps the Minister could answer that. A time limit should be set by the Commissioner General as to how long this new valuation should take. Five, two or three days or if it is a perishable item or if it is close to expiration and all of these matter needs to be examined and, of course, as the Hon. Member Manickchand said, how will the competent evaluator be chosen, on what mechanism and how do we know that they know the value? In addition, if it causes delay to the importers, who bears the demurrage and storage costs? If it is a perishable item, if it is loss, after all this, if the importer is found to be correct then who compensates him for all these losses?

More thought needs to be put into this and that is why we are telling the Hon. Minister of Finance that we cannot support this Bill because it puts too much powers in the hands of the Commissioner General and, in particular, the custom officers, and it will be abused. It is not the law at present and they are already rejecting the value and now they are making it legal. It is recipe for corruption in that department.

With these few words, we cannot support this amendment. [*Applause*]

**Mr. Jordan (replying):** I thank the speakers for their contributions. There is an important part of the debate or my initial opening statement that I think has been missed, but it is known. The

GRA's experience is that seven out of every ten transaction values are a fraud, essentially. This came about not only under this Government. I remember way back in 1992 or 1993 when the then Government had just got into power it was appreciative of the severe under valuation and under invoicing, that it stationed ..., the former President, but he was a young cub at that time, on the wharf together with a Rambo,...because of the extent of this under invoicing and under valuation. While we may have made a dent into it; the dent as you can see is not big enough, because, if to date still seven of every ten declared values are fraud, then you can appreciate. I appreciate all the things that were said about demurrage charges, this, that, and the other. The issue is, if the importers believe that they could get away with reporting values that are not true and correct, given an incentive, then they will do it. [Ms. Teixeira: Guess if you cannot

fix it, then poor people will suffer.] No. Poor people are not suffering because the original values that were as close as possible to the approximate values are the values on which the Customs will be able to do it and it is not the Customs which is making the arbitrary value. Once the Customs decides that this transaction's value does not appear to be right, it will be turned over into the various stages or as we put here now, "The Commissioner General may ask for the appointment of a valuator."

Very often when we attempt to come to here and put in amendments to laws, it looks like if they are draconian, and so on. There are countries already that have these provisos in their law. I am told our neighbour Trinidad, has a similar clause in its customs laws. We even have this wording in one of our laws. I am looking at the capital gains legislation and it states in part:

"...and where the Commissioner General is dissatisfied with the amount of considerations stated for the disposal or acquisition of any such property, he may reject such consideration and substitute therefor the market value of a competent valuer."

Which is similar to the words as you see in this amendment in part states that:

"The Commissioner General may reject that value and to substitute it the value of a competent valuer."

The words are the same and we just uniform all the Customs law. [Interruption]



Now, if the importer still has a problem with the independent valuator, he or she may have recourse to the Customs Tribunal which is enforced at the moment. All three of the tribunals have been constituted and are in force. The person can make a complaint to the Customs Tribunal. All of this can be avoided if the true values are declared in the first place. There would be no need for all of this go around, and so forth, because the true value and the transaction value can be used and goods cleared within the 14 or 21 days, that is given, before warehouse charges is stated, and so forth. This is a last resort. It is not adding any burdens, but it is meant for Customs again and the Commissioner General, in particular, to have within him a recourse, given what we are dealing with in Guyana. I hope that at this late hour we could just pass this Bill quickly. Thank you Sir.

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

*Bill considered and approved.*

*Assembly resumed.*

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

## **MOTION**

### **CONFIRMATION OF THE CUSTOMS (AMENDMENT OF SCHEDULE) ORDER 2017 – 39 OF 2017**

**BE IT RESOLVED:**

“That this National Assembly, in accordance with Section 9 of the Customs Act, Chapter 82:01, confirms the Customs (Amendment of Schedule) Order 2017 (No.39 of 2017) which was made on the 11<sup>th</sup> December, 2017 under section 8 of the Customs Act, Chapter 82:01 and published in the *Official Gazette* dated 11<sup>th</sup> December, 2017.”

*[Minister of Finance]*

*12.44 a.m.*

**Mr. Jordan:** “Be it resolved:

That this National Assembly, in accordance with Section 9 of the Customs Act, Chapter 82:01, confirms the Customs (Amendment of Schedule) Order 2017.39 of 2017 which was made on the 11<sup>th</sup> December 2017 under section 8 of the Customs Act, Chapter 82:01 and published in the *Official Gazette* dated 11<sup>th</sup> December, 2017.”

This Order, very simple, originated in a proposal by the private sector to exempt machinery and equipment from the payment of customs duties to set up refilling stations for vehicles, principally designed to accommodate LPG, where LPG is liquefied petroleum gas. We readily agreed to this proposal, for two reasons essentially. One, is that it continues our greening strategy or our greening agenda as it may be recalled in the Budget 2017. We announced a number of proposals that were aimed at greening Guyana, among these were

- tax exemptions on the importation of items for wind and solar energy investments,
- tax exemptions for investment in and construction of water treatment and water recycling facilities,
- tax exemptions for investment in and construction of waste, disposal facilities with particular reference to recycling facilities for plastic items,
- exemptions of customs duties and taxes on machinery and equipment to set up charging stations for electric vehicles,
- exemptions of customs duties and taxes on green houses and component parts for use in the agricultural sector,
- lowering of the excise tax on hybrid and electrical vehicles and zero rating and excise tax on specially designed refuse trucks and biofuel, biogas or biodiesel.

Those were some of the measures. This can be seen as an additional measure in the drive to, as quickly as possible, to green our country.

Of course, the second aspect has to do with our emerging oil and gas sector. As we may know, LPG or liquefied petroleum gas really refers to flammable hydrocarbon gases which include propane, butane and a mixture of these gases. The LPG which is liquefied through pressurisation comes from natural gas processing and oil refining. It sounds familiar.

As we may know, and I am not going to get into anything, it is to just quickly remind you all that the Liza-1 well will be set for production in early 2020. We have already learnt that a by-product of that oil extraction will be gas. Some of it will be pumped back into the wells to ensure pressure and some of it will be available for use in Guyana. We have indicated no flaring because of the environmental impact. Discussions are underway with ExxonMobil and a number of other potential investors for the use of this gas. The discussion with ExxonMobil is about bringing a pipeline to shore at a suitable site and for an investor to take the gas that will become available and be able to sell it to the Guyana Power and Light Incorporated (GPL) with the grid, so as to use it to establish an industrial park where the gas can be turned into any one of these different gases, propane gas or butane gas, which can be used for cooking and other purposes, including vehicles, buses, and so on, that will use this particular kind of gas. In a sense, this Order is timely and so far we are seeking to attempt to establish these refilling stations and granting them duty-free concessions.

Thank you Mr. Speaker.

**Mr. Hamilton:** We are very late into the morning and therefore I will be quick and in a hurry as indicated by my honourable friend, Mr. Carl Greenidge.

The Minister, in his budget presentation, spoke to this new measure and he had outlined, not so long ago, the purpose and the reason, and he reminded us about measures of similar nature that were put in place for 2017. It might have been useful in the Minister's presentation to edify us as to the measures specific to electrical vehicles, specific to hybrid vehicles and electrical filling stations and if we have had any takers. My concern is whether the measure might be just a fad to continue the stream that he has started. We are adding another measure which might be laudable, but the fact is he needs to say what has happened with those measures, whether it was productive, how many vehicles, perhaps electrical vehicles, were imported in Guyana in 2017,

how many hybrid vehicles and, therefore, we can believe him that this measure is good and suitable for the greening of Guyana.

Futuristically, the measure, I suppose, is useful but, at the same time, when we are enacting a legislation or bringing measures into place we must have an understanding as to how many persons it is likely to affect in a positive way. That is what is lacking from what the Minister has said to us and, therefore, as I said, sometimes these type of measures can be termed laughable measures because there is nothing that we are putting in place such as the electrical vehicle measure and electrical power station. The GPL, as we know it, cannot even keep the lights on in our homes and, therefore, the electrical charging station and the electrical vehicle from the start are a failure. It will fail, because who will bring in an electrical cars and an electrical filling station when the power grid is unable to even give us lights to work the fridge. Therefore those are the things we have to pay attention to when we are attempting to enact these types of measures, how it will affect people and it must be in a positive way.

Those are the few words I would want to say on this. [*Applause*]

**Mr. Speaker:** I was going to remark Hon. Member that you did say quick and in a hurry. That is all.

**Mr. Hamilton:** I must wait on you, Mr. Speaker.

**Mr. Speaker:** I was only going to remark that. I say nothing more.

**Ms. Teixeira:** I have looked at the affirmative motion and the Order and this is a classic case of cart before the horse. I understand and I appreciate that the Government wants to look modern and ‘sexy’ technically and that Guyana is going in the direction of hybrid cars and electric cars and refilling stations for LPG. However, we have some problems with this. My colleague Mr. Joseph Hamilton has raised some issues and I wish to add to that. I would like to also comment on something my colleague Priya Manickchand said that we cannot run a country if the basic Schedules of the Acts cannot be found anywhere.

Last year when we were dealing with all those Bills, Hon. Minister, which you brought on taxation, funny enough, the GRA was the only place that the revised 2012 Bills on the electronic website could have been found. It was very good that we were able to find all the amendments

and the Schedules. For some strange reason, the design of the contents of the website has changed. I was proudly telling everyone that if anyone wants to find information on GRA that person could not find it sometimes on the Parliament Office website and also that person could not find it on the Minister's website because the Minister of Legal Affairs, my colleague over there, has also changed his website. You cannot print any Bill or Act that you find on the Laws of Guyana on the Ministry of Legal Affairs' website. You can save it but you cannot print it. For what reason, only God knows. You could have done it before.

On the GRA's website, which I was very proud of, last December, 2016, when we were dealing with the different laws on tax, I was very pleased I could have found some of the information on it. Funny enough, this year you could not open some of the Bills or the Acts and you could not access the Schedules. Now, this Bill deals with a Schedule. People who are doing business in Guyana, how can they do this? I do not need to do this all the time and I do not need to look at the VAT Act and Excise Tax Act. That is not part of what I do in my life, but how do people in the business sector function if they cannot access any of these Schedules and Regulations, and not just the Principal Act. I cannot comprehend it. I finally found the First Schedule, but it was not on the GRA's website. It was not accessible. I was trying to open certain things on the website but it was not opening. Maybe the Commissioner General, who is here, can, now and again, check his website. The issue here is that having found the information you could not print it. You could not walk with it to the sitting of the National Assembly because you could not get a printed copy. This is what is bizarre in this place and yet we are talking about the electronic filing of our income taxes. Lovely, but can we not get some of the basics available? Can the Attorney General and the Minister of Legal Affairs do something with the website containing the laws of Guyana so we can one, save them and two, we can print them? You were able to do that before but I do not know what changed with the web programmer.

The second issue is the actual motion before us. "The cart before the horse", why do I say that? In all of the issues we are struggling with, such as VAT, items not being zero-rated, items that were zero-rated becoming non zero-rated and excise issues, and so on, this is not a priority. It is even worse than that, it is not only an issue that is not a priority. Having heard the Hon. Minister's justification, I believe, the Hon. Minister is living in some other world because natural gas, which is LPG, is part of the whole extraction process. Has the Minister read the agreement?

I am talking specifically to my colleague, friend, my banter, whatever he calls me, about the legal agreement between ExxonMobil and the Government of Guyana dated 26<sup>th</sup> September, 2016 available December, 2017. Are you aware of what it states about natural gas? There is a reason Comrades why in 1999 the then exploratory licence did not include natural gas because it was recognised that natural gas would be a major area for investment and export.

*12.59 a.m.*

However, in the agreement that you have signed, you are now confined. In fact, you have been so generous and magnanimous with our natural resources that the present agreement has given ExxonMobil total control of the natural gas production – what comes out of the earth and what they put back in - and limits natural gas use in Guyana to domestic purposes only.

We have lost and President Granger was so informed, \$40 billion as a result of this one concession to ExxonMobil. **[Hon. Member: [Inaudible]]**

You may not like it Minister, but, why I am saying that is because you are living in a pipe dream. Natural gas is part of the process of extracting oil; the petroleum. The company at this point based on your agreement has control over it at point. The agreement you have does not require them to send you it, or to pass it to you or to give it to some other party to bring it to you. In fact, the agreement says, allows the company that if it does not... **[Hon. Member: [Inaudible]]**

...am I saying something that is disturbing you at one o' clock in the morning? I am glad I have woken you up, because this is a patrimony and this is why you brought this. I have not brought the Customs Order, talking about Liquefied petroleum gas (LPG) and giving zero ...for refilling stations. I did not bring that. You guys brought it. Once you brought it, you have to now deal with the issue of the agreement, of the agreement you have written. I did not draft this. This is nonsensical. This is an absolute joke, Comrades. Because... **[Hon. Member: [Inaudible]]**

...well you could leave then. If you are too tired, go home to your husband, who cares. The issue is here, Sir, that the natural gas the company does not have to give you any. The company too could decide that when the gas is used to bring up the petroleum and I am being very simplistic in explaining, they could pump it back in and would get zero. This issue, Comrade, if you are trying to “mamaguy” the Guyanese people that you are doing something really modern and sexy and Guyana will, in a matter of a years' time, have refilling stations with LPG, this is a hoax.

In contrast, **[Hon. Member: *Inaudible*]** some of us on the Opposition side are stupid are we not? **[Ms. Manickchand: Is it him that is calling you stupid?]** You know, seriously. The issue of the contract, you have brought this, this creates the aura. This is part of the way in which you are fooling the Guyanese people that somehow we are going to have the LPG refilling stations. You are giving excise rate, as my Colleague asked, you brought in a year ago zero rating for electric hybrid cars and so no. Could this House be told, how many applications, how many cars have been brought in? Could the Government say with Guyana Power and Light (GPL), how many stations will be there for you to plug in your car? As my Colleague said, could we not get GPL fixed right? Could we not get the hydro plant of Amaila so we could benefit? This is a problem that the priority... **[Hon. Member: *Inaudible*]** ...be quiet, when you get blackout you have good lights. I would like to be proven wrong. I hear a lot of little “scatteration” over there. I would like to know, Mr. Speaker and Minister, let me dare you, not you of course my dear, but, let me dare the Government, show me wrong; I am willing in a year’s time that you will come to this House, Minister, and say Ms. Teixeira you were wrong, here I have a filling station issuing LPG to the Guyanese people. Do it in one year’s time. I will accept Minister. If Minister, you do that in a year’s time, that this... **[Hon. Member: I will bow down.]** I will not bow down to anybody, you could do that. I will accept that I was wrong. I am not bowing down to anybody, my Colleagues bow down.

Minister, I am asking you who have been around in finance for a long time. My Colleague, during the debate on the motion on the jailbreak, said it was not worth the paper it is on. Minister, this Bill is not worth the paper it is on, because it is a pipe dream. We are calling on you... **[Hon. Member: *Inaudible*]** I am just quoting from my Colleague over there. I must be a camp...at least I quoted.

Minister, I am asking that the best thing for this affirmative motion would be to pause it, come back with the real issue of how it is going to work. Because your feasibility studies, if it did exist for natural gas, could then guide us with it. Of course, I could anticipate, as I know you will, not you necessarily, all 30 of you on the Government side; that you will as usual “dis” everything we say and proceed to vote. Could I then ask and could I then repeat, Minister, as you find this so funny, that in a year’s time bring to this House how much machinery and equipment was given, excise duty free, how may stations set up and how many vehicles of that nature could use that

will be in the country, then, I will accept that I was wrong. Thank you very much, Sir.  
[Applause]

**Mr. Jordan (replying):** Thank you, Mr. Speaker. Thank you, Mdm. Teixeira and the other speaker. Just two quick points; I know it is a late hour, but I am hoping that at least one private sector person was listening to your speech as delivered in your own imitable way. Because I will say, again, it is the private sector in our pre-budget consultation that requested that we... [Ms. **Teixeira:** Since when do you respond to request?] You had your request at the time, now you...requesting that we remove or we give concessions for LPG and for filling stations. Yes, I am going to one year from now; go to the exact private sector people who made the representation and say show me your filling station, because you asked us to do this. It is the private sector representation in the 2017 Budget that many of the green measures were put into the Budget. I am hoping that the private sector is listening to what the Opposition has to or has not to offer them.

The last point I would like to make is familiar to many of us. My friend likes to call it the chatterati who professes to know everything about oil and gas and giving us all of these different mumbo-jumbo and dooms day and so on of it. The well to be exploited is called the least; it has roughly 500 million barrels of recoverable oil. It is an oil seal of which natural gas is a by-product. The natural gas is not in sufficiency quantities from that field to be considered to be exported in any shape or form.

*Mr. Speaker hits the gavel.*

What is available after some has to be pumped back anyhow into the hole to keep the pressure up, is between 30 and 40, I cannot remember the units that they use; not even enough to power a major power plant. But, just enough to give us a plant that could be converted from present fuel using natural gas and some others that could be used to fuel industrial part. As the other fields come on stream, the additional gas could be made available and we could determine what... this is not about the contract or so on. We have strayed very far, but, I think the time is now when we could affirm this motion and all go home, so to speak. Thank you, Mr. Speaker.

*Question put, and agreed to.*



*Motion carried.*

## **ADJOURNMENT**

**Mr. Speaker:** Hon. Members, this concludes our work for today. I thank you very much for the assistance and this path with which we dealt with matters. I invite the Prime Minister to move the adjournment.

**Mr. Nagamootoo:** Mr. Speaker, I would like to move that this House be adjourned until the 18<sup>th</sup> January, 2018 at 2 pm.

**Mr. Speaker:** Hon. Members, the Sitting is adjourned to the 18<sup>th</sup> January, 2018 at 2 pm.

*Adjourned accordingly at 1.14 a.m.*