

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

85TH Sitting

Friday, 19TH January, 2018

Assembly convened at 2.06 p.m.

Prayers

[Mr. Speaker in the Chair]

ANNOUNCEMENTS BY THE SPEAKER

Leave to Members

Mr. Speaker: Hon. Members, leave from today's sitting has been granted to the Hon. Winston Felix and the following Hon. Members: Hon. Member Mohabir Nandlall, Hon. Member Indranie Chandarpal, Hon. Member Dr. Frank Anthony, Hon. Member Dr. Vindhya Persaud, Hon. Member Sheila Veerasammy, Hon. Member Ganga Persaud, Hon. Member Mohammed Irfaan Ali, Hon. Member Dr. Bheri Ramsaran, Hon. Member Vickram Bharrat, Hon. Member Collin Croal, Hon. Member Vishwa Mahadeo, Hon. Member Nigel Dharamlall, Hon. Member Dharamkumar Seeraj, Hon. Member Cornel Damon and Hon. Member Priya Manickchand.

PRESENTATION OF PAPERS AND REPORTS

The following Paper was laid:

- (i) Audited Financial Statement of the Guyana Lands and Survey Commission for the year ended 31st December, 2010. [Minister of State]

PUBLIC BUSINESS

GOVERNMENT BUSINESS

MOTION

FINANCIAL PAPER NO. 1 of 2018

“Be it resolved that this National Assembly approves of the proposal set out in Financial Paper No. 1 of 2018 – Schedule of Supplementary Estimates (Current) totalling \$1,750,000,000 for period 1st January, 2018 to 31st December, the 2018.” [Minister of Finance]

Mr. Speaker: Hon. Members, the Assembly will now resolve itself into a Committee of Supply to consider Financial Paper No. 1/2018. Hon. Minister of Finance.

Assembly in Committee of Supply

Minister of Finance [Mr. Jordan]: Mr. Chairman, in accordance with article 171(2) of the Constitution, I signify that Cabinet has recommended, for consideration by the National Assembly the motion for the approval of the proposal set out in Financial Paper No. 1 of 2018 – Supplementary Estimates (Current) totalling \$1,750,000,000 for the period 1st January, 2018 to 31st December, 2018 and I now move the motion.

Motion proposed.

CURRENT ESTIMATES

Item 1 21-211 Ministry of Agriculture – \$1,750,000,000

Ms. Teixeira: In examining the supplementary Financial Paper, it appears to be in keeping with the message that was read, from President Granger, at the last sitting on 10th January, 2018. However, the calculation of severance must be based on the statistics of the state of the Industry. In the President’s message, he stated the Government had expended \$48.02 billion in financial support to the industry since 2011 and \$32 billion over the past thirty months – a rate of about a billion dollars a month. However, in the *Kaieteur News*, January 16, 2018, Mr. Holder said that it was \$48 billion, total in, the support, between 2011 and 2017, which was given to the Guyana

Sugar Corporation (GuySuCo). Could the Hon. Minister guide us? What are the correct figures? The President gave a total of \$48 billion plus \$32 billion. I am reading from his statement that was circulated in the House. I am not making these figures up. The total of the figures is \$80 billion, however, the breakdown of the figures that the Hon. Mr. Holder, and was published in the *Kaieteur News*, has given the breakdown, as follows, which comes to \$48 billion and not \$80 billion. We are going to discuss this very important document, in which the President's message uses these figures to state that the workers will only get half of their severance by the end of January and the other half sometime in the second half of the year. Therefore these figures are critical to understand what figures the Government is using and whether these figures, which are being manufactured, are in different or the President, regrettably, has been misinformed, because I cannot believe the President would willingly misinform this House.

Mr. Chairman: The Hon. Member has made a conclusion, what... [*inaudible*]

Leader of the Opposition [Mr. Jagdeo]: The question is if it is \$80 billion or \$48 billion.

Mr. Chairman: Well, that is the question, it is not a conclusion.

Minister of Agriculture [Mr. Holder]: I am a bit confused. Perhaps we are talking about two things, we are talking about liabilities and about subsidies. I gave of a subsidy, but I think the Hon. Member is talking about overall liabilities of the company, so it is two different things.

Ms. Teixeira: Mr. Chairman, can I assist the Hon. Member? This is the message from His Excellency the President, 10th January. The issue...

Mr. Chairman: Hon. Ms. Teixeira, there is Point of Order.

Minister of Natural Resources [Mr. Trotman]: Standing Order 40 (a), a clarification. May I enquire, through you, Sir, upon which Standing Order...When last I checked, I was...[*Interruption*]

Mr. Chairman: Hon. Members, I apprehend that a question was asked and there is an answer being given to the question. If we do not wait, we will not hear the answer.

Mr. Trotman: Mr. Chairman, I rose citing Standing Order 40 (a), a clarification. May I, for the benefit of the Members of the Government, be told under which Standing Order the current

questioning of the His Excellency's statements is being carried out? The President's statements are being brought into debate, upon which Standing Order? [Interruption]

Mr. Chairman: Hon. Members, I will enjoin you to avoid any kinds of personal references in our debate this afternoon. If a Point of Order has been raised, no doubt we will get a response will be given to that, Ms. Teixeira.

Ms. Teixeira: Mr. Chairman, would you like me to answer Mr. Trotman?

Mr. Chairman: I thought the question was raised directly at you.

Ms. Teixeira: Yes Sir. I am more than prepared to answer. The Government has come with a supplementary Financial Paper that states that the workers will be paid half the payment of severance to the workers.

2.21 p.m.

This came yesterday to this House, the 18th. The speech of the President, which was read by the Hon. Minister, gives a justification for the severance only being paid partially, half by the 29th of January, or the end of January, and the other half in the latter half of 2018. Therefore we have a right to scrutinise the figures upon which the submission has been made to only pay half of the severance. The figure of \$1.7 billion is premised on data provided in His Excellency's speech. I do not believe that the President would wilfully misinform this House.

Mr. Chairman: Hon. Member, it would be a good thing if when you ask the question you give an opportunity for it to be answered. If you draw a conclusion as you ask the question, then you are really not leaving the answer to be given.

Ms. Teixeira: For clarity, let me be concise. The President gave figures of \$80 billion, \$48 billion plus \$42 billion of subsidies, between 2011 and 2017, as part of the justification that the Government could not afford to keep the industry going and could only pay half of the payment. The Hon. Minister, stated in the *Kaieteur News* newspaper, gave a figure broken down by year, from 2011 to 2017, which I could read if you wish, but goes to a total of \$48 billion. Which is the correct figure? That is all we are asking. I cannot be more succinct than that.

Mr. Holder: I am confused. I was speaking about subsidies, subsidies as income to GuySuCo. The liabilities day to day is what is liable, what has to be paid out. We are talking about two talking about two entire different things. I am confused as to how do you connect with grants. I really do not know how to answer the question. We are talking about two separate disparities, and I do not see how they could be put together. It really has nothing to do with the paper before us which is asking for an additional subsidy, you might say, which is an income to the corporation.

Ms. Teixeira: Mr. Chairman, I now understand why the Government could not save this industry because it cannot get the numbers right.

Having found that the Government is unable to provide us with the correct figures, if it is \$48 billion or \$80 billion of liabilities, could the Hon. Minister, the calculation of the severance to be paid, if he has a correct figure of the number of workers who will be firing? I am asking the figure for the number of people who you are paying severance for. I am now moving to the more practical issue instead of sublime, which my colleague has difficulty comprehending, but the calculation of a total of \$4.24 billion severance pay having now found that we have difficulties with figures, could the Hon. Minister say if the \$4.24 billion deal with all the workers that have been dismissed, the balance who are at the Wales Sugar Estate who have no severance and those from Rose Hall, Enmore and Skeldon Sugar Estates? I am fearful that he has not got the figures right as to the number of workers who are going to be benefiting from this severance pay? Who are the beneficiaries of this total sum?

Mr. Holder: The numbers applied to 4,763 total workers including 1,851 from Skeldon Sugar Estates, 1,181 from Rose Hall Sugar Estate, 1,480 from East Demerara Sugar Estate and 251 from the Wales Sugar Estate, a total of 4,763 workers. Do you want a further breakdown?

Ms. Burton-Persaud: Could the Hon. Minister say if the sum, which is being sought, includes the outstanding moneys for overtime, Saturdays, Sundays and holidays worked which are still outstanding to some terminated employees, all of which come under the Factory Act, Chapter 95:02 section 24, subsection 1 to 4?

Mr. Holder: The answer to that question, it is yes.

Ms. Burton-Persaud: Is the Government aware of the laws that govern the payment of severance benefits and allowances as stated in the Termination of Employment and Severance Pay Act, Chapter 99:08 of 1998, Part III, section 16, which speaks to the payment *in lieu* of notices under the term Termination of Employment and Severance Pay Act (TESPA), and also Part IV, section 21, subsections 1-7, which speaks about the Severance and Redundancy Allowances.

Mr. Holder: I am advised that we are acting under TESPA and the union agreement. There was some mention about the President's statement and what I am seeing here, this is what came from his statement, "...expending \$48.02 billion in financial support to the industry since 2011 and \$32 billion over the past thirty months...."

We are talking about 2015 to now, as against 2011 to now, \$48 billion, from 2015 \$32 billion. We do not add them together. It is the total which is \$48 billion, in all of which \$32 billion would be for the last 30 months. It is at a rate of a billion dollars a month.

Mr. Chairman: Hon. Members, we must try to follow the guidance that exists for the rules as to how we ask questions. If everyone ask the same question or different questions at the same time, we are not going to get answers. I ask you, let us field our questions one at a time.

Ms. Teixeira: The Minister has now answered my question which I would like to ask my colleague to hold on, because the figures stated are \$48 billion and \$32 billion in the message. However, can I talk to the Minister's figures in the *Kaieteur News* newspaper, which he has not disclaimed on the 16th, which give a year by year breakdown of 2011. This is liabilities.

[**Mr. Jagdeo:** It is not liabilities; it is subsidies.] Sorry, it is subsidies, not liabilities. Now, even the Minister is confusing me. In 2011 - \$600 million, 2012 - \$4 billion, 2013 - \$5.6 billion, 2014 - \$6 billion, 2015 - \$12 billion, 2016 - \$11 billion and 2017 - \$9 billion. The figure is \$48 billion and that is the point that we are making. The Minister publicly said \$48 billion of which the \$32 billion, you have claimed, is included in the \$48 billion not 'and' but in the message...

[*Interruption*] Mr. Chairman, there seems to three or four different Ministers of Agriculture. As far as I know, I am asking the question to the Hon. Minister Holder. Again, the Minister just got up and said it is \$48 billion plus \$32.080 billion. The figures he gave to the *Kaieteur News* newspaper come up to \$48 billion between 2011 and 2017. The President's message on the 10th

January states, "...expending \$48.02 billion in financial support to the industry since 2011 and \$32 billion over the past thirty months - rate of about one billion dollars a month..." Therefore your figures are incorrect.

Mr. Holder: Mr. Chairman, the question is being asked and answered. We are talking about two different matters. Forget the \$82 billion because that is liabilities. The other is support to the Government which is income to the GuySuCo. The Government has been giving it subsidies. Do not connect that with the liabilities that GuySuCo has, the \$82 billion. In short, GuySuCo could not continue with those liabilities. To continue it needed a further income from another source. It does not have it internally, so the Government give the support. How are you connecting the \$32 billion with the \$82 billion? There are poles apart and they have nothing to do with each other, at all. If I read this, "expending \$48 billion in financial support since 2011 and \$32 billion over the past thirty months..." In short, 2011- 2017, we have spent \$48 billion of which \$32 billion was spent over the last 32 months which is the time of this Government. In short, your Government subsidised the additional one and this Government has put \$32 billion.

2.36 p.m.

Ms. Teixeira: Finally, it is as *pulling teeth* in this House to get the Hon. Minister to answer the questions. It is very clear that someone misinformed the President and, therefore, the Government has a responsibility to not embarrass the President as this. The Minister has finally corrected the figures. It is a total sum of \$48 billion, in total, in subsidies between 2011 and 2017. I hope, in particular, that the Hon. Prime Minister Mr. Nagamootoo has heard that because he belied about that figure last night too. I am sure now that the Hon. Minister Mr. Holder has clarified that. Thank you Mr. Holder. Now that we have the clarification we now can look at the statement of the state of the industry. In light of the \$48 billion subsidy, in light of your 'State' Paper that came to the House in 2017, and the fact that you announced in that 'State' Paper, which we had a lot of discussion about last night, the Wales Sugar Estate has already been closed and the Government was going to close three estates by December, 2017. How is it that only \$500 million was put into the budget of 2018 knowing that over 4,000 sugar workers were going to lose their jobs by 29th December, 2017? What kind of thing did you do? How could you not know that you had to put it in the budget? Now, you have the President coming to this House and saying that you are scraping through the Ministries. You knew that you had to find \$5 billion to

pay off the severance and what you are coming here with is a paltry part payment to the sugar workers. As the Minister of Agriculture, why was the \$5 billion for the sugar workers not placed in Budget 2018? You knew they were going to be sent off. You said so; you wrote it. Why did you not? Now you are coming with part payment. Why?

Mr. Chairman: Hon. Members, the purpose of this opportunity is to ask questions. If all the questions are exhausted, then we will proceed.

Ms. Teixeira: Ms. Burton-Persaud is waiting for her question to be answered and then I will come back subsequently.

Mr. Chairman: Are there no other questions, Hon. Members?

Ms. Teixeira: There were questions that were asked by Ms. Gillian Burton-Persaud. She is waiting for answers.

Mr. Chairman: She is in the room so she could speak for herself. She will do that.

Ms. Teixeira: Yes. I know. I am the Chief Whip so I am protecting my Members of Parliament, Sir.

Mr. Chairman: Hon. Members, I believe whatever questions Members have to ask they should address the questions to the particular Minister.

Ms. Burton-Persaud: Mr. Chairman, I am still awaiting the answer. It is if the Hon. Minister can say - maybe I missed it because of all the raucous that is going on – he is aware of the laws that govern the payment of severance benefits and allowances as stated in the Termination of Employment and Severance Pay Act, Chapter 99:08 of 1998, Part III, section 16, 1-2, and it states in regard to payment in lieu of notice. Hon. Minister, for your guidance, it states:

“In lieu of giving notice of termination under section 15(1), the employee shall pay the employer a sum equal to the remuneration and benefits payable to the employer up to the expiry of any required period of notice.”

Hon. Minister, you are aware of that law because it has to do with the computation of how the moneys were put together for payment and at this time we have a supplementary paper coming asking for additional moneys.

Mr. Holder: Mr. Chairman, (a), yes, I am aware of the law, and, (b), notices were served. You cannot have it both ways.

Ms. Burton-Persaud: Is the Hon. Minister aware that there are penalties under section 24? It that states:

“Any person who by an act or omission contravenes or fails to comply with any provision in this Act shall, unless a penalty is otherwise specifically provided, be liable to pay a fine of twenty thousand dollars and to imprisonment for eight months.”

I rest my case.

Mr. Holder: It has been brought to my attention. I am not aware of the relevance of the question asked and I have answered.

Mr. Chand: One of the numbers that the Minister had given is with respect to Wales Sugar Estate. My first question is with respect to Wales Sugar Estate. He provided the number of 251 workers who will benefit from the severance pay. I want to suggest that the number is 375 according to the official number we received from GuySuCo. It is whether the Hon. Minister confirm if it is 251 or 375. Which is the correct number?

Mr. Holder: The number 375 sugar workers are quite separate from the 251 sugar workers. I think the figure of 375 is *sub judice* and is before the court and, therefore, really it should not be discussed here at all.

Mr. Chand: Would the Minister verify these numbers as correct? He gave 1,851 workers for the Skeldon Sugar Estate. In a document, which we received through the Ministry of Agriculture on 31st December, 2016, the number given to us, with respect to the Skeldon Sugar Estate, is 1,789 workers. For that matter, I will give you the numbers we had got then and the numbers that you have are giving now. We got 1,789 sugar workers for the Skeldon Sugar Estate then you gave 1,851 sugar workers. We got 1,356 sugar workers for the Rose Hall Sugar Estate, then you gave

1,181 sugar workers. In a document on Old Year's day 2016 regarding the East Demerara Sugar Estate it stated 1,705 sugar workers, but now you have given us 1,480 sugar workers. Could the Minister clarify these numbers because the first set of numbers came from the Ministry of Agriculture that was provided to them by GuySuCo and these numbers are different?

Mr. Holder: There are some clarifications here. The East Demerara Sugar Estate had previously severed 257 sugar workers which are not included there because they got their severance. I think the figures he is giving me is that he is trying to compare 2016 numbers and 2017 numbers. Things happen within a year, so we are comparing chalk and cheese. One year is a different year from the other year. If you are telling me yearly figures for one period and different figures for the same period, then I think you might have a case, but you cannot tell us the figures of sugar workers in 2016 and then compare them with the sugar workers in 2017. It is confusing.

Mr. Chand: The number of 4,763 sugar workers, could we be told how many are managerial workers, how many are ordinary workers and how many workers are security personnel, if he has those numbers?

Mr. Holder: There are 142 senior staff under this. The security personnel have not been severed because they could not have been. They had to continue securing the estates, if not, it would be opened to all sorts of vandalism and what have you. That is a different story.

Mr. Chand: In the remarks column, it reads as follows:

“Please note that \$0.5 billion of the \$6.3 billion to be transferred to GuySuCo in 2018 is earmarked for severance pay.”

The question, which I have not heard an answer for, is, and I want to reinforce this question, why was the full sum not sought at that time? Here you have \$0.5 million earmarked from the last disbursement in the budget and now you are seeking to have \$1.75 billion. Why did you not seek the full sum of \$1.75 billion that you are talking about and the remainder that you talked about paying later which we do not agree with? It is in the remarks column, so it deserves an answer.

Mr. Holder: As far as I am aware, this is a supplementary paper. If I already had half of a billion dollars and I am short of and need \$2.2 billion, then I would come to you and say I need the

difference. I believe that what we are all about here, it is the difference. It is not what we already have.

Mr. Neendkumar: In view of the different figures, I would like the Hon. Minister to tell us, how much money the sugar workers of the Rose Hall Sugar Estate will be getting in January? How much money the sugar workers at the Enmore Sugar Estate will be getting? How much money the sugar workers at the Skeldon Sugar Estate will be getting? Tell us the amount.

Mr. Holder: They are getting half of the severance which is due. The total severance is \$4.5 billion and it is getting \$2.2 billion. The total severance for the East Demerara Sugar Estate is approximately \$1.631 billion and it is getting half of that. It is similar for the Rose Hall Sugar Estate and for the Skeldon Sugar Estate...

2.51 p.m.

Mr. Neendkumar: I was in Enmore and you could see the photograph with these children and their mother. Look it is here, I was there on Monday afternoon and these people were crying.

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

Mr. Neendkumar: Yes. Mr. Speaker, my question is, that you are coming here to ask for money and you are promising the people that you will pay them at the end of January, then you must know how much money you allocate to pay the workers in Enmore, Rose Hall and Skeldon; you must have some figure. You cannot come here...you are fooling the workers.

Mr. Chairman hit gavel.

Mr. Chairman: Hon. Member Mr. Neendkumar, are you seeking an answer to the question? Then you do not make a conclusion when you address a question, just allow the person to answer the question. Hon. Minister, please.

Mr. Holder: Calculations: having divided these figures by two; Skeldon - \$609 million, Rose Hall - \$705 million, East Demerara - \$815 million and Wales - \$150 million.

Bishop Edghill: Could the Hon. Minister indicate to this House when the Government became aware that in excess of 4,000 workers would be made redundant, could he give us the date?

Mr. Holder: I am advised that the severance...meeting was finished on 30th, November. That is when they knew...the numbers.

Bishop Edghill: Could the Hon. Minister indicate to this House, when GuySuCo made representation for moneys to pay for severance for these workers; the date?

Mr. Holder: I am advised that the date was the 18th December.

Bishop Edghill: Thank you, Sir. Could the Hon. Minister indicate to this House, if in that Memorandum that was sent by GuySuCo to the Government, a date for the payment of severance was indicated?

Mr. Holder: I am advised yes, at the end of January.

Bishop Edghill: Could we get a date in January?

Mr. Holder: It is the 31st of January.

Bishop Edghill: Could the Hon. Minister indicate, what was the specific sum that was requested for the payment of severance?

Mr. Holder: The actual sum at that time was \$4.213013 billion. Of course, that is now being corrected to this \$4.563 billion.

Bishop Edghill: It is being corrected.

Mr. Holder: Corrected; it is the final figure.

Bishop Edghill: Mr. Speaker, I would just like to be clear. Is the Minister saying that in the GuySuCo submission it was \$4.2112 billion, but it is now being corrected to \$4.5? What is the cause for the adjustments?

Mr. Holder: I gather it is due to the increased number of senior staff.

Bishop Edghill: Could the Minister indicate to this House, what was the law that guided the Government in dividing the payment of severance in parts?

Mr. Holder: I am advised that there is no law covering that, just based on financial necessity.

Mr. Chairman hit gavel.

Mr. Chairman: Hon. Members, all who wish to ask questions will be given a chance to do so. But, we definitely cannot answer the questions together nor hear them all at the same time.

Bishop Edghill: Thank you, Sir. Earlier this afternoon my Colleague, Ms. Gillian Burton-Persaud, did ask the Minister if he is aware of the Termination of Employment and Severance Pay Act and the provisions of that Act and he answered in the affirmative. Could the Hon. Minister tell this House which section, clause or paragraph of that Act guided the Government in dividing the payment of severance to sugar workers in parts and not giving them the totality in a lump sum?

Mr. Holder: I am advised that the Act does not cover that at all.

Bishop Edghill: I would like to...

Mr. Chairman: Hon. Member, please proceed.

Bishop Edghill: I am finding it very difficult to proceed, Sir, in this environment. Earlier, my Colleague pointed to the provisions of the Act which indicated that there are penalties for not complying with the Act. Which clearly stipulated that the payment of severance is not a discretion of an employer, it is mandatory if you are going to have them being made redundant. Is it a consideration of the Government that they are carrying out a discretion by the payment of severance or are they seeing this as mandated under the law?

Mr. Holder: It is our contention that that question has been asked and was answered already.

Bishop Edghill: If the question has been asked and answered, would it be wrong for me to conclude that when the Hon. Minister of Agriculture in the public said that the workers would be happy for this part payment that he is actually excising discretion to help them to save.

Mr. Holder: I do not think I need to answer that question, Mr. Speaker. No quotation was done or no source document...

Bishop Edghill: Could the Minister indicate, if any of these sugar workers who are being paid severance requested in any form or fashion, part payment of their severance?

Mr. Holder: As far as I am aware, nobody requested anything.

Bishop Edghill: If the workers did not request part payment of their severance, under the same law; Termination of Employment and Severance Pay Act, the Unions are to be involved. Was this an agreement between the Government and the Unions - the representatives of the workers or was this a unilateral decision of the Government?

Mr. Chairman hit gavel.

Mr. Holder: I am advised that there is no discussion between GuySuCo and the Union with regards to payment.

Mr. Neendkumar: Thank you, Mr. Speaker. In view of the response from the Minister of Finance, I would like to ask...

Mr. Chairman: Hon. Member Mr. Neendkumar, the last Minister who spoke was Mr. Holder.

Mr. Neendkumar: I will ask him a question, yes; in view of that. Six hundred and nine million dollars were allocated to Rose Hall with 1,851 workers...

Mr. Chairman: Is this question being directed to...?

Mr. Neendkumar: ...seven hundred and five dollars to Enmore –eleven hundred and eighty one, five hundred and fifteen to Skeldon and 1,480 workers and Wales two hundred and fifty one and one hundred and fifteen why is this disparity and could he give us an explanation of what is happening here?

Mr. Holder: I am advised that severance is paid based on the length of service and average earnings.

Ms. Teixeira: Could the Hon. Minister advise, this is only severance pay, part payment. A number of the workers have complained that the calculation, those who received some amount of money in November - severance that the calculation is incorrect.

3.06 p.m.

In that, cane cutters in particular, when they have to harvest the cane they are working seven days which includes, Saturday, Sundays and holidays *et cetera* which is part of their calculations for their severance, but this seems to have been omitted and they are only paid Monday to Friday as if they are salaried weekly workers when in fact they are not. Could you clarify that please Sir?

Mr. Holder: I am advised that neither the union nor anyone raised this issue GuySuCo so we are completely in the dark.

Ms. Teixeira: Mr. Minister, there are only a few people who got severance in November. The real bulk is coming at you now with this part payment that you are giving. Therefore, I am raising it with you that we hope that the workers are not being gipped of their full severance and the calculation particularly the field workers in Guyana Sugar Corporation Incorporation (GuySuCo).

Can I go to a second issue Minister? Severance is one thing owed to the workers. The second thing is that the workers are also owed their sick leave and their overtime. I am afraid my voice is not as powerful as Bishop Edghill's, severance is only one component of what the workers have to be paid who you have dismissed. You also owe them for their sick leave and their overtime. Could you say when those are going to be paid to the workers? These are part of the agreements with the corporation? They have not been paid as yet and as far as we know no accounts department in any estate has been instructed to pay these issues.

Mr. Chairman hit the gavel

Ms. Teixeira: Mr. Speaker, please, if I was behaving like that you would have thrown me out of this Parliament, seriously Sir. My voice is strong, but not as good as my comrade of course. I am asking a very basic question Sir and I am sure you appreciate the point that I am raising.

Mr. Holder: I am advised that all overtime was paid on 29th December. There is no overtime due to anyone and all other benefits will be paid by GuySuCo.

Ms. Teixeira: As of this week we have been in the Enmore Foulis Haslington area and the workers who have been dismissed many of them worked up to the last week of December have not received these two allowances I am talking about. They are concerned about, not only the

severance, but other things. Now, when the Minister says that the corporation will be paying for the other benefits; could the Minister say whether GuySuCo that said they do not have any money how much is it for the other benefits to be paid for the sugar workers? The reason, Minister, why I am asking that question is that if they do not have the money are you going to bring another supplementary to make sure the workers get paid as quickly as possible.

Mr. Holder: All benefits will be paid on the due date. GuySuCo had budgeted for all the other cost within its normal budgeting system. So, everything will be paid.

Mr. Teixeira: Could the Minister remind me of what is the due date for all benefits to be paid?

Mr. Holder: I am advised that sickness benefits will be due and payable on the first week of February and the 10 years benefit will be paid after the first crop.

Ms. Teixeira: When will the 10 years be paid after the first crop; I could not be hearing right that had to be wrong? There is no crop so, what are you talking about?

Mr. Holder: That is holiday with pay is the 10 years benefit, which will be paid after the first crop.

Ms. Teixeira: Is it last year or this year first crop?

Mr. Holder: It has to be this year.

Ms. Teixeira: Mr. Minister, I appeal to you; there is nothing in most of the estates growing. A lot of the workers have gone home or were sent home. Sir, what crop are you talking about? When at Enmore the fields are basically almost empty. What is left there are security guards, some of the drivers, and some of the clerical staffs.

Mr. Holder: We are talking about GuySuCo. If GuySuCo has a free estate and GuySuCo has liabilities GuySuCo will pay. It has nothing to do with Enmore and what have you and the Wales Estate benefits were paid in May last year, because Wales Estate was closed the previous year. We are being very consistent in terms of what is being done.

Ms. Teixeira: The reason why I am trying to get answers to the issues because, I am concerned that the Government and the President said that they had to scrape together from other budgets to

come up with the part payment of \$1.7 billion that I am worried when the corporation cannot pay as the Minister said they will pay all these other benefits that the workers are entitled. Is the Government going to come in back to scrape and pay the workers and how quickly?

Mr. Holder: I glad that we are talking here about two weeks pay or some little sum like that. It is all there in the cash flow for the company for this year. It is all budgeted for. It will be paid. What more does the Hon. Member want me to say?

Ms. Teixeira: Can we propose to the Hon. Minister and his two GuySuCo advisers that the Government or GuySuCo go and do some proper public relations (PR) work; talk to the workers, and explain these things to the workers.

Mr. Chairman hit the gavel.

Ms. Teixeira: The reason why there is only a part payment is because the Government said that the company was unable to pay. It was in bankruptcy.

Mr. Chairman hit the gavel

Mr. Chairman: Hon. Member, Ms. Teixeira, there must be questions. I think I have been extremely lenient with everyone. We must get the questions. We have many speeches but questions must also be part of it.

Ms. Teixeira: Thank you. Well, let me frame my proposal as a question. Would the Minister and the company under his portfolio, GuySuCo, be prepared to go and talk to the workers estate by estate and explain to them what he is saying here today to assure them that these things will be dealt with? I ask you, are you prepared Sir, would you be willing to do that?

Mr. Holder: Workers were spoken to in GuySuCo in the presence of the Union. They know everything that is required. The Government has no problem in going and talking to anybody. The entire constituency is the Government's and we have no problem at all in speaking to our constituents.

Bishop Edghill: Sir, earlier I asked the Minister and he answered, that it was a unilateral decision for the part payment of severance. Would the Hon. Minister be kind enough to tell this

House what would be the determinants that will determine when in the second half the balance due and owing to workers will be paid?

Mr. Holder: When these questions are asked one gets a bit confused. It might be something like supposed in Court a question is asked of an individual answer yes or no do you still beat your wife, what is the man supposed to say. If he says no, that means he used to but he stopped and if he says yes well *damned if you do, damned if you do not*. So, we keep on dodging... [Hon.

Member: Is it on or before the 31st December?] All are before December 31st 2018.

Mr. Chand: The Minister answered to say before the 31st December, would interest be accrued for the money owed to the workers?

Mr. Holder: I am glad the Termination of Employment and Severance Pay Act does not address that, so I think the answer is basically no.

Mr. Chand: Why is the Minister having a different approach in the disbursement of the severance payments in two parts, while all the severance payments so far has been done in one swoop?

Mr. Holder: I think we are all aware that GuySuCo does have severe financial problem. So, they can pay when they have funds or have access for funds, which is the simple answer.

Mr. Chand: The Minister is talking about GuySuCo's ability to provide funds, but this is the question of the Government providing the funds. Therefore the relevance of GuySuCo providing the funds one cannot follow, can you clarify?

Mr. Holder: GuySuCo has a liability, it owes people money, and it goes to someone and say, 'could you lend me this money to pay off these people.' The person they went to said that I do not have it all now. I will help you with part and I will give you the other part when I have fund. That is basically the situation GuySuCo does not have the fund. So, it will go to someone else, which is the government, and ask them. Then, the Government said that we will try and help you but this is where we are, our fiscal space does not allow it at this point in time.

Mr. Chand: The Minister gave the numbers of people that are to receive their severance payments, are these numbers absolute? Are other workers from Skeldon, Rose Hall, and East

Demerara likely to be made redundant sometime from now? If so, can you please give the numbers?

Mr. Holder: Everything is covered in the numbers previously submitted.

Mr. Chand: Are there any other workers to be severed from those three estates. I followed from that assurance.

Mr. Holder: As I said before the only workers that are not here are the security workers for reasons explained.

3.21 p.m.

Mr. Mustapha: Thank you, Mr. Chairman.

I heard the Hon. Minister say that the Guyana Sugar Corporation (GuySuCo) is seeking funds – seeking to get funds to pay out the remaining balance of the severance pay. GuySuCo is a fully owned state corporation. That means that the state has to accept responsibility of GuySuCo. My first question is: what factors influenced GuySuCo to pay only half of the severance pay?

Mr. Holder: The question was asked and answered. The factor that determines what GuySuCo will pay is access to finance. If it does not have access to finance, it cannot pay; it could only pay to the extent that it has access to the finance.

Mr. Mustapha: Just a follow-up to that question: seeing that the Minister has now accepted that GuySuCo is a state corporation, why has the state not used the US\$18 million signing bonus to pay the sugar workers? That would be \$4 billion and they could be paid fully rather than paying them half.

Mr. Chairman: I shall now put... Ms. Teixeira and then Mr. Komal Chand and then I shall put the figures to the House. Please proceed.

Ms. Teixeira: ...seriously. Minister, now that you have made it very pellucidly clear that the company has no money, could you please then tell us where is the money coming from to pay for the other benefits and what is the quantum of that? It is not involved in the severance pay.

The second question, as I am on my feet, is: could the Hon. Minister say - this is a first part payment - or give some idea of when he will be returning to this House with another supplementary to pay the second and final payments of the severance?

Mr. Holder: We keep having to answer the same question, over and over. It will be during the second half of this year, which means before the 31st December of this year.

Mr. Chairman: I propose...

Ms. Teixeira: The first part of the question was not answered, Sir. I asked two questions and he just answered the second one. I asked a first one.

Mr. Chairman: Hon. Member Ms. Teixeira, would you repeat the first question that you said was not answered?

Ms. Teixeira: Yes, Sir. In the light of the categorical and pellucid statement by the Hon. Minister that the company has no money, could the Hon. Minister now say where is the company getting the money to pay the other benefits? And what is the quantum of those benefits? What is the quantum in dollars of those benefits?

Mr. Holder: Mr. Chairman, GuySuCo has gotten a subvention from the Government to put with its other sources of income – sale of sugar or what have you - of \$6.3 billion. This House approved that in December during the Budget. So, that money is available to GuySuCo, apart from the other funds it will get from sales of sugar and things of that nature. It is part of its normal operating cost that it had budgeted for. So, this is quite separate from severance.

Mr. Chairman: I will now put the question. Mr. Komal Chand, do you have a final question?

Mr. Chand: Would the Minister be reminded that the President committed to have the money paid. Therefore, in the Minister talking about GuySuCo obtaining this money, is the Minister in contradiction with the President? There is an assurance.

Mr. Holder: I am not sure where the contradiction is. I do not think that the President expected the Minister of Finance to pay severance to individual people; severance is owed by GuySuCo. Any funds that the President is talking about will go to GuySuCo and GuySuCo will do what it does as a corporate entity. Is that the answer to your question, Sir?

Mr. Chairman: I now propose that the amount stated... Hon. Minister of Finance, do you...

Mr. Jordan: Thank you, Mr. Chairman.

Mr. Chairman, I would like to invoke Standing Order 76 - Amendments to Heads of Estimates of Committee of Supply - and to indicate that, following a meeting with Members of the Cabinet subsequent to the moving of this paper in Cabinet, we had a discussion and, following a meeting this morning with the unions, we put an amended proposal to the unions. I am not saying that it was accepted but we did put it to them. That proposal is to pay in full those whose severance is \$500,000 and less and to continue to pay 50% as agreed with the others. As a result, I am amending the figure upwards from \$1,750,000,000 to \$1,931,000,000.

Mr. Chairman: I thank the Hon. Minister. I shall now propose that the sum stated that is...

Ms. Teixeira: Point of order.

Mr. Chairman: You have the floor, Madam.

Ms. Teixeira: Yes. I have a point of order – Standing Order 76: Amendments to Heads of Estimates of Committee of Supply. Standing Order 76 (1):

“No amendment shall be moved in the Committee of Supply under this Standing Order until one day after that on which it was published in the Notice Paper.”

That is one aspect. And that amendment also states that it should be in writing. The amendment should also be in writing. Mr. Chairman, therefore, it is rather intriguing that there is a subterfuge in that it is being increased by a *slight of hand*. The House is about procedures.

Mr. Chairman: Hon. Member Ms. Teixeira, you should be asking a question.

Ms. Teixeira: No. I am on a point of order, Sir. I am not asking a question.

Mr. Chairman: You are on a point of order and you are making a speech, alright.

Ms. Teixeira: No. I am on a point of order. I am pointing out that...

Mr. Chairman: Hon. Minister, are you also asking for a Point of Order?

Mr. Jordan: Yes. Point of Order. Standing Order 40 (a), the word “subterfuge”, used immediately in and conjunction with suggests that I have been less than honest to this House. I would like a *slight of hand* also to be removed.

Mr. Chairman: Hon. Member Ms. Teixeira...

Ms. Teixeira: If he does not want the word “subterfuge”, that is fine because the issue I am dealing with is a procedural matter. So, I talked about the procedure being a subterfuge not him being...

Mr. Chairman: Hon. Member Ms. Teixeira...

Ms. Teixeira: Yes, Sir?

Mr. Chairman: Hon. Member Ms. Teixeira, would you withdraw the word “subterfuge”? Have you withdrawn it?

Ms. Teixeira: The problem is I am still on the floor on the point of order that the procedures to do with an amendment of a head are not being followed. That is my point of order. I am taking off the word “subterfuge” because the Hon. Member is insulted and I regret that. I am dealing with this House that procedures are what guide this House and that, whilst we are absolutely delighted that the amount of money is being increased... That an order paper, a supplementary...

Mr. Chairman, a supplementary financial paper came to this House which, on the floor, is being amended. Now, the Hon. Mr. Trotman would remember that, very clearly, in the Ninth Parliament, there were rulings and debates. Do you remember, Mr. Trotman? They were about amending, on the floor, a reduction or an addition and that it had to be put in writing and circulated. Now, we can pause this; the Minister can put it in writing. Remember, when the Minister began earlier in laying this paper, he had the approval of Cabinet, and you have to present your Cabinet approval here as well. Show that, Sir.

[*Mr. Chairman hit the gavel.*]

We wish to support the \$1.9 billion. We would like it to have been \$5 billion for all the sugar workers to get their money. However, the Minister cannot procedurally get up in this House and amend his own Bill without it being in writing and circulated before.

Mr. Trotman: I rise to invoke Standing Order 112 for the suspension of Standing Order 76 (1), in so far as notice is required and in so far as a written notice is required because the exigency of the situation requires that we pay the sugar workers their severance. The House has gathered, today, for the purpose of approving the severance and I move that we suspend Standing Order 76 (1) and (2) in so far as written notice is required, so that, today, we can pass, in totality, the sum of \$1.931 billion. Thank you. [Applause]

Mr. Chairman: I thank the Hon. Mr. Trotman for his intervention. Ms. Teixeira, will you speak to that?

Ms. Teixeira: Mr. Chairman, it is clear with the votes that we cannot stop or waiver a suspension. However, this House began at 2.15 p.m. It is now 3.40 p.m. There was ample time for one sentence to be written to amend this paper and circulate it in this House, almost three hours. Therefore, this is, again, just *pulling wool over peoples' eyes*.

[*Mr. Chairman hit the gavel.*]

Mr. Chairman: Hon. Members, there is, on the floor, a motion that the requirements of Standing Order 76 be suspended to allow for the passage, dare I say, by unanimity, of the sum of \$1,931,000,000 to be approved for payment of supplementary.

Question put, and agreed to.

Motion carried.

Mr. Chairman: Mr. Chand, do you have a question?

[*Mr. Chairman hit the gavel.*]

There is such a thing as abusing the use of the Standing Orders for purposes not necessarily helpful to the work of the House.

Hon. Member Komal Chand, do you have a question?

Mr. Chand: Well, on the amendment.

Mr. Chairman: Well, I think that we are overtaken by that; events have overtaken that. Thank you.

3.36 p.m.

Hon. Members, we are embarked on a certain course and that course cannot be interrupted. We will continue and complete it.

Hon. Members, a division was called, it will now be taken.

Division: Ayes 47, as follows:

Ayes

Mr. Gill

Mr. Anamayah

Mr. Charlie

Mr. Chand

Mr. Neendkumar

Ms. Pearson-Fredericks

Mr. Mustapha

Ms. Burton-Persaud

Mr. Hamilton

Bishop Edghill

Mr. Lumumba

Ms. Campbell-Sukhai

Ms. Teixeira

Mr. Rohee

Mr. Jagdeo

Mr. Rutherford

Mr. Rajkumar

Mr. C. Persaud

Mr. Figueira

Mr. Carrington

Mr. Allen

Mr. Adams

Ms. Bancroft

Ms. Wade

Ms. Patterson

Ms. Henry

Ms. Charles-Broomes

Dr. Cummings

Mr. Sharma

Ms. Garrido-Lowe

Ms. Ferguson

Ms. Hastings-Williams

Mr. Holder

Mr. Gaskin

Ms. Hughes

Mr. Patterson

Ms. Lawrence

Mr. Trotman

Mr. Jordon

Dr. Norton

Dr. Roopnaraine

Lt. Col. (Ret'd) Harmon

Ms. Ally

Mr. Williams

Mr. Ramjattan

Mr. Greenidge

Mr. Nagamootoo

Motion carried.

Financial Paper No. 1 of 2018 was amended from \$1,750,000,000 to the sum of \$1,931,000,000.

Mr. Chairman: Hon. Members, this completes the consideration of the item in Financial Paper No.1/2018. We will now treat, immediately, with the Supplementary Appropriation Bill.

Assembly resumed.

Mr. Speaker: Hon. Minister of Finance

Mr. Jordan: I wish to report that the Committee of Supply has approved of the proposal set out in Financial Paper No. 1/2018, and that the Committee approved of the amended sum of \$1,931,000,000. I now move that the Assembly doth agree with the Committee in the said Resolution.

Question put, and agreed to.

Motion carried.

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

First Vice-President and Prime Minister [Mr. Nagamootoo]: Mr. Speaker, with your leave, I move that Standing Orders No. 13 (N) and 54 be suspended to enable the Supplementary Appropriation Bill 2018, Bill No.1 of 2018 to be introduced at this stage.

Question put and agreed to.

Standing Orders suspended.

Mr. Jordan: Mr. Speaker, in accordance with paragraph (2), Article 171 of the Constitution, I signify that Cabinet has recommended the Supplementary Appropriation Bill 2018, Bill No. 1 of 2018, for consideration by the National Assembly. I now present the Bill to the Assembly and move that it be read for the first time.

INTRODUCTION OF BILL AND FIRST READING

The following Bill was introduced and read for the first time:

APPROPRIATION BILL 2018 – BILL NO.1OF 2018

A Bill Intituled:

“AN ACT to provide for the issue from the Consolidated Fund of the sums necessary to meet the expenditure (not otherwise lawfully charged on Consolidated Fund) of the Cooperative Republic of Guyana for the Fiscal year ending 31st December, 2018, estimates whereof have been approved by the National Assembly, and for the appropriation of those sums for the specified purposes, in conformity with the Constitution.” *[Minister of Finance]*

Question put, and agreed to.

Bill read for the first time.

Mr. Jordan: Mr. Speaker, I move that the Supplementary Appropriation Bill 2018, Bill No.1 of 2018 be read a second time.

PUBLIC BUSINESS

GOVERNMENT BUSINESS

BILLS – SECOND AND THIRD READINGS

SUPPLEMENTARY APPROPRIATION BILL (NO.1 FOR 2018) – BILL NO.1 OF 2018

A Bill Intituled:

“AN ACT to provide for the issue from the Consolidated fund pf the sums necessary to meet the expenditure (not otherwise lawfully charged on Consolidated Fund) of the Cooperative Republic of Guyana for the Fiscal year ending 31st December, 2018, estimates whereof have been approved by the National Assembly, and for the appropriation of those sums for the specified purposes, in conformity with the Constitution.” *[Minister of Finance]*

Question put, and agreed to.

Bill read for a second time.

Assembly in Committee.

Bill considered and approved.

Assembly resumed.

Mr. Jordan: Mr. Speaker, I move that the Supplementary Appropriation No.1 for 2018, Bill 2018, Bill No.1 of 2018 be read a third time and pass as amended.

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

Mr. Speaker: Hon. Members, this concludes our consideration of the financial paper and the Appropriation Bill 2018. It seems that we can, at this time, take the recess and return in one hour. That would be at 4.52 a.m.

Sitting was suspended at 3.48 p.m.

Sitting resumed at 5.01 p.m.

5.01 p.m.

WITNESS PROTECTION BILL 2017 – BILL NO.13 OF 2017

Attorney General and Minister of Legal Affairs [Mr. Williams]: Mr. Speaker, if it pleases you, I rise in support of the Witness Protection Bill No. 13 of 2017. It is a Bill that will be instrumental in the Government's anti-corruption fight. It comes on the heels of the recently passed State Assets Recovery (SARA) Act No. 14 of 2017 and the Protected Disclosures (Whistle-blower) Bill No. 12 of 2017, which was passed only last night in this hallowed Chamber.

This Bill fulfils Guyana's obligations to the United Nation (UN) Convention against Transnational Organised Crimes (UNTOC) and its protocol; the United Nations Convention against Corruption (UNCAC); and the Inter-American Convention Against Corruption (IACAC), which call on state parties to introduce appropriate measures to prevent witness intimidation, coercion, corruption or bodily injuries. Further, this Bill gives effect to the Caribbean Community (CARICOM) Agreement establishing the Regional Justice Protection Programme of 1999, which came into force in 2006.

As a Government, we are committed to fulfilling our international obligations with respect to corruption. With this Bill, Guyana joins other countries in CARICOM, namely Trinidad and Tobago, the Bahamas and Jamaica, to implement the regional agreement and reduce it into our domestic law. Leadership is essential in fighting corruption and President Granger has led this charge to eradicate corruption in all its forms. Fighting against corruption is one of the objectives of the A Partnership for National Unity/Alliance For Change (APNU/AFC) Government. The protection of witnesses is a great concern to the Government. Corruption, in all its forms, undermines development, destroys public trust, weakens institutions and wreaks havoc on the poor. It is a cancer on society. Corruption, whether in the public or private sector, results in the misappropriation of resources and this greatly affects the economy. It is for these reasons that credible testimonies are critical to investigate and prosecute criminals and any other public

officials who squander national resources for personal gain. Providing witnesses with proper and adequate protection will play a crucial role in bringing the guilty to justice.

Witness protection is essentially and especially important in the fight against serious and organised crimes, as offenders will often try to prevent witnesses from providing information or evidence. This is why obtaining cooperation is such a challenge. Victims and witnesses are reluctant to give information and evidence because of perceived or actual intimidation or threats against themselves or members of their families and other associates. Another challenge is the physical and mental vulnerability of the witnesses and the taking care of their welfare in various aspects which calls for the physical protection of the witnesses from investigation to the conclusion of the case. These challenges can be remedied by the introduction of a witness protection programme.

Criminal activities such as corruption, drug trafficking, serious and organised crimes, human rights violations and terrorism have a profound impact on human security and the development of any country. However, while it is recognised that these activities are a scourge in our country, we must also recognise that our ability to successfully investigate or prosecute serious crimes is often very limited. This is because persons are not willing to voluntarily come forward with evidence that could lead to the conviction of criminals, especially if they themselves have a criminal background or have been involved with some aspect of the crime. This is because combatting corruption depends on the willingness and ability of individuals to provide information and give evidence. However, their ability to recall relevant information may be affected by many factors, including the fear of being victimised or harmed by those prosecuted.

Moreover, because whistle blowers witnesses and other persons could be subjected to threats and intimidations from criminals and high ranking officials involved in corruption, who attempt to obstruct the course of justice, the Witness Protection Programme must be established and will be established by this Bill and it can be a very powerful tool.

The United Nation's Office on Drugs and Crime (UNODC) has defined witness protection programme as:

“A formally established covert programme subject to strict admission criteria that provides for the relocation and change of identity of witnesses whose lives are threatened by a criminal group because of their cooperation with law enforcement authorities.”

This is what the Witness Protection Bill No. 13 of 2017 does.

This Bill establishes a system for protecting witnesses and other persons who collaborate in ongoing investigations and trials both criminal and civil. It is a comprehensive Bill that secures the protection of not only witnesses, but any person involved in the investigation or in the court process and their associates. These persons are called participants. Clause 2 is instructive and highlights the persons who are eligible for protection under the Witness Protection Programme.

In clause 2:

“Participants mean witnesses, jurors, judicial officers, legal officers, law enforcement personnel, associates of such persons and any other persons to whom protection or assistance or both is given under the Witness Protection Programme”

Additionally clause 2 defines -

“Associate means a person including a family member of that person who, by virtue of his relationship or association with a participant or prospective participant, may be considered for protection or assistance or both...”

This is an important aspect of the Bill. It is not limited to witnesses, but the programme casts a wide net to ensure that all involved in the process and their family and other associates can receive the necessary protection. Having stated who are eligible for protection, allow me to deal with the other salient features of the Bill.

The administration of the Programme - Part II of the Bill provides for the establishment of the Witness Protection Programme and three agencies - the Administrative Centre, Investigative Agency and the Protective Agency to administer this Programme. It lays out the functions of the three agencies and their interdependence on each other for the effective and proper administration of the Programme. The Centre has the sole responsibility for the management of the Programme and, in carrying out its duty, will collaborate with approved authorities.

Approved authorities include the President, Attorney General, Director of Public Prosecutions (DPP) and the Commissioner of Police. Some of the functions of the Centre include determining the level and duration of protection or assistance for a prospective participant, after consultation with the investigative agency and the Director of Public Prosecutions in relation to criminal matters and the Attorney General for civil matters, “determining the financial implications of admitting the prospective participant to the programme, arranging for the provision of safe houses and liaising with the appropriate authorities of other jurisdictions”.

The Centre may do a number of things to facilitate the safety and security of participants, including the provision of payments to the participant to meet his or her and that of his or her family, reasonable living expenses or to meet costs associated with relocation, and assisting the participant in obtaining employment, and providing the documents necessary to establish a new identity for the participant and assist the participant in obtaining other employment.

The Investigative Agency is another important component of the Witness Protection Programme and the function of the agency will be performed by the police or any other person as determined by the Minister, the Minister being under this Bill the Attorney General. These functions include conducting investigations; submitting their findings to the centre; preparing and forwarding to the Centre an assessment of the application, a threat assessment - including a prison report where the applicant is in prison, and a risk assessment. Additionally, in the case of an emergency, the Investigative Agency may apply to the Centre for provisional entry into the programme by a prospective participant.

Lastly, the Protective Agency, this is a component of the programme that will ensure participants are protected. The functions, like the Investigative Agency, will be performed by the Guyana Police Force or any person as determined by the Minister. In addition to protecting participants, they will be responsible for the relocation of participants. When they receive the prospective participant's application from the centre, they will conduct interviews, examine the threat and risk assessment submitted to the Centre and may require a prospective participant to undergo medical tests or examinations and psychological or psychiatric evaluations.

Cases to be considered for protection and the criteria for admission to the Programme - Part II of the Bill also provides for the Witness Protection Programme and is designed to provide

participants with protection, assistance or both, in civil and in criminal matters in respect of offences set out in the First Schedule to this Bill. Some of these offences include murder, manslaughter, treason, robbery or any domestic violence, sexual, drug trafficking, trafficking-in-person, money laundering and any other offence related to terrorism.

Part II, also sets out the criteria for admission into the programme. The programme will not admit any persons hiding from provision of child support or maintenance. The criteria set out in clause 4(4) are there to serve a gatekeeping function and will prevent the system from being abused, in deciding whether to include a prospective participant in the programme, the Centre will consider a number of factors, including: any criminal record of the prospective participant; the results of any medical, psychological or psychiatric examination or evaluation of the prospective participant; the seriousness of the offence to which any relevant evidence or statement relates; the nature and importance of the evidence or statement; the nature of the perceived danger to the prospective participant; and the expected duration of the protection or assistance to be provided.

5.16 p.m.

Further, this Part requires the prospective participant to disclose to the Centre a number of details before he or she can be included in the programme. These include details of all of his or her outstanding legal obligations and details of any dependants and related obligations.

The Memorandum of Understanding - Part III of the Bill sets out that the Administrative Centre will prepare the Memorandum of Understanding (MoU). This MoU is an agreement between the Centre and the participant. The importance of this agreement is that the participant would know exactly what is being offered by the Programme and their obligations. The contents of the MoU will include the basis on which a prospective participant is to be included in the Witness Protection Programme, the details of the protection or assistance that is to be provided, the terms and conditions upon which protection or assistance shall be provided and an undertaking that any participant will not compromise, directly or indirectly, the security of, or any other aspect of the protection or assistance, or both, being provided.

The Security of Identity of Participants – Part IV of the Bill provides for a register which shall be accorded a security classification of participants which shall contain detailed information in

respect of each participant. It makes mandatory that all ancillary documents, the original of each MoU, new identities issued under the programme, the original of each approval granted by the centre, identity documents returned to the Centre and the register, shall be kept by the Centre.

Part IV also gives access to these documents and the register, only to the Centre. However, in the interest of the due administration of justice, the Centre may allow another authority to have access to those documents and the register. Where the Centre allows another approved authority access, the Centre shall notify the approved authorities of such access.

Protection under the Witness Protection Programme - Part V of the Bill provides for the protection of the participant and the maintenance of the integrity of the Centre. This part provides that the appropriate approved authority shall ensure that a participant's rights are protected and that the participant performs his or her obligations and complies with any restrictions placed on him or her. Even though participation in the programme is completely voluntary, it is incumbent on the participants to ensure that they fulfil their aspect of the agreement. As such, where the participant who has been provided with a new identity is found to be using the new identity to avoid obligations, or to avoid restrictions placed on him or her before assuming the new identity, he or she will be notified in writing of impending action by the authority to ensure performance of the obligations or compliance with the prior restrictions.

Additionally, a participant shall be accorded secrecy and confidentiality by the Witness Protection Programme in all his dealings with the Programme. In particular, the Programme shall set down the necessary measures, including the appointment of staff of integrity and the provision of secured premises, so that the participants' dealings and disclosures with the programme are kept secret and confidential. Furthermore, a participant who has been provided with a new identity under the Programme shall not disclose his former identity, unless he has obtained the prior written approval of the Administrative Centre.

This part also identifies the circumstances in which either the participant or the Centre may terminate the protection. These include circumstances where the participant refuses to give evidence or deliberately breaches a term in the MoU; where the participant had knowingly given false or misleading information to the Centre or his conduct is likely to compromise the integrity

of the Programme. It may also be terminated where the circumstances that gave rise to the need for protection or assistance cease to exist.

Participants are encouraged to comply with their obligations as termination of the protection may result in former identity being restored. However participants are entitled to seek a Presidential review of the decision to terminate the protection or assistance.

As the provision of witness protection is serious business, the Administrative Centre will be tasked with ensuring that the participants transition into their new identify and new lifestyles discreetly. The scope of the protection offered by the Programme is wide-ranging to ensure the safety and security of participants. The centre may do a number of things to facilitate the safety and security, including the provision of documents necessary to establish a new identity, relocation of participants both in and out of Guyana temporary, residence in a safe house, protection before, during and after trial.

Further measures to ensure the safety of participants - Confidentiality is the hallmark of any witness protection programme. Without it the work of the Programme will be counter-productive. It is confidentiality that will safeguard the integrity of the Programme.

To this end, Part VI makes it an offence, for a person, without lawful authority, a person who has been a participant or a person who has undergone assessment for inclusion in the Programme, to disclose any information about the Programme. It is also an offence for a person to offer a bribe to a person employed in the administration of this Act or being a person employed in the administration of this Act, to accept a bribe.

In crafting these offences, the Bill contemplated that access to information on anything is readily available *via* the internet. It is important to note that, in drafting the MoU, participants will be agreeing to ensure that their actions do not prejudice the objectives of the Programme. Also, this part provides that, where, in any court proceedings, the new identity of a participant is an issue, or is likely to be disclosed, the court may hold the relevant part of the proceedings *in camera* and make an order intended to ensure the non-disclosure of the participant's identity.

In concluding, the value of evidence provided by whistle-blowers, victims and witnesses about criminal or corrupt activities cannot be overstated. They perform a sacred duty of assisting the

court in discovering the truth and are the cornerstones of our justice system. Therefore, it is good practice in any modern justice system to provide assistance and support measures to these persons in order to facilitate their ability to participate in the justice system and to give the kind of testimony that is required for the maintenance of the rule of law.

Evidences provided by these persons are crucial in securing convictions and they must be protected. By tabling this Bill, the Government has continued to demonstrate its commitment towards improving justice and reforming the sector so as to ensure a good life for all Guyanese. Moreover, it complements the Government's anti-corruption strategy and transparency in public office. As Guyana is now on the cusp of substantial economic development, we must strengthen our justice system. This would allow investors and foreigners to have confidence in our justice sector as corruption will deter investors. As the Bible says;

“Righteousness exalts a nation, but sin is a reproach...”

Moreover, reforming the justice sector will assure Guyanese that this Government is serious about fighting crime and corruption. It will concretise that we have a policy of zero tolerance for corruption. I am confident that this Bill, along with other legislation, would positively contribute towards combatting corruption and enhancing integrity in Guyana and I commend this Bill for its safe passage in this honourable House.

Thank you very much. *[Applause]*

Mr. Lumumba: Mr. Speaker, I rise to bring brief comments on behalf of the People Progressive Party Civic (PPP/C) on the Witness Protection Bill, Bill No.13/2017. I must acknowledge that this Bill must be introduced to Guyana at some point, and the reasons are simple. Where in Guyana we have too many unsolved or unresolved cases because of the lack of participation of credible witnesses whose absence are often based on fear, bribery, intimidation and loose lips. So, at some point in time, this Bill had to be introduced.

I listened with attention to my parliamentary Colleague, who now is beginning to sound like a bishop or maybe a prophet. What rang in my ears was the fact that he mentioned that the Ministry of the Presidency (MotP) and the Attorney General would be a part of the management. I think that both the President and the Attorney General are political animals on political

appointments and I think that they should be exempted from any role and the management should be left to the Director of Public Prosecutions and the police, in particular the Special Branch. These are some of my initial recommendations that, at no point in time, we should allow the political arm of the country to reach because the decisions could be political. I am not saying that whoever the President or Attorney General might be, might not be credible persons. What I am saying is that we have to prepare ourselves for the future.

This Programme could only work if the citizens of the land show a high degree of discipline and where the State recognises that it takes enormous resources to implement such a Bill. Those resources include manpower, trained individuals, trained security, and high degree of financing and special relationships with other countries that might be able to accommodate our witnesses.

This Bill requires a great amount of work and should not be rushed because people's lives are at stake here or people's lives would be at stake. This Bill should cover all criminal areas where witness protection would be necessary. I have notice that on page 25, First Schedule, section 5, the Bill, either intentionally or by error, does not list corruption and embezzlement as offences, and that might give rights to protection under this Programme that those should be included.

Corruption and embezzlement are two of the most significant elements of crime - white collar crime - that have negative impact on the other countries in the Third World, in particular Guyana, the Caribbean, Africa and Latin America. These are some of the examples of white collar crimes that can slow the growth of an economy and if steps are not taken to eradicate these elements, then we would not have any State resources to play with. This is an example of witness protection in the United States.

5.31 p.m.

Let us look at the United States of America, for example. I have run into the case of a gentleman named Philip Tolomeo, who was a loan collector for a dangerous organised crime gang known as the Calabrese crew in Chicago from 1978 to 1988. When Tolomeo fell out of favour with Frank Calabrese he fled Chicago, but not before embezzling money from the crew. He also took comprehensive records detailing the gang's collective activities. Mr. Tolomeo would later enter the Federal Witness Protection Program/Witness Security Program (WITSEC) and provide the records to the Federal Bureau of Investigation (FBI). It is not to the Office of the President, not

to the Attorney General, but to the FBI. His testimony lead to the conviction of two members of the Calabrese crew.

In the United States of America, the Federal Witness Protection Program/Witness Security Program is intended for crucial witnesses such as Tolomeo, whose prospective testimony puts them in immediate danger. This Bill is not to willy-nilly select any person to be in the witness protection programme. Since its inception in America in 1970, more than 7,000 foreign witnesses and more than 9,000 foreign witnesses' family members have entered the programme and have been protected, relocated and given new identities by the United States Marshal Services. The United States Marshal Services provides security, health and safety. Yes, there is the Department of Justice, always on the forefront of operation, authorised the admission into the programme of witnesses whose lives are in danger.

The Unites States of America Office of the Attorney General has a rule, not in the management, but it has a rule in all witness protection cases as defined specific in cases where witnesses may be granted entry into the programme, including an offence defined in title 18 of the United States Code, section 1961, which covers orangised crime and racketeering; any form of drug trafficking offence described in title 21 of the United States Code, or any other serious federal felony, for which a witness may provide testimony that may subject the witness to retaliation by violence or threats of violence.

We have to make the comparison as to whether a programme established in a society with over 300 million people can work in a society of just over 200,000 households. Guyana is a country where a family knows every family; a country that struggles to pay liveable salaries to public servants; a country that pays security forces less than US\$400 per month; a country whose jails are porous and insecure and a country that apparently lacks revenue to sustain a dynamic programme. Can we compare ourselves, in Guyana, with a programme or programmes in India, A country with one billion two hundred and ninety million people? In India, a family of 50 can be lifted from one county and be put 100 miles and away and nobody would miss them or recognise them. In Guyana, a family can be taken and be moved from Pomeroon to Georgetown and a child is being sent to St. Sidwell's Primary School. On the first morning, the ten-year-old child will be asked by his schoolmate "where are you from?" What is he supposed to say, "I am not from Pomeroon"? By two o' clock in the afternoon everybody would know that family.

This Bill does not indicate, in any way, that legal measures are going to be taken to ensure that there be treaties in other countries other than to vaguely state that there are the Caribbean countries to work with. It is clear that even if there is going to be a witness protection programme, there will have to be a country or countries, that are willing to accept our witnesses and all the conditions of those witnesses. They cannot stay in Guyana. It is because Guyana is too small and it is not sophisticated enough to handle such a programme at this point in time. I do not want to judge the Attorney General, but I want to say that the programme is needed, it is a must. The question is whether we have the capacity to implement that programme at this point in time. What I am arguing here is capacity. I am not arguing that we should not have this programme. I am arguing that it must be clean. It that it must not be political and whether we have the capacity at this point in time. We understand that we want to meet the international obligations, but the international obligations or the agencies have to understand that we are a young country. The United States of America took hundreds of years to implement such a programme, so it cannot cast its shadow on us at this point in time, without preparation. It is whether we believe our country has the capacity of witnessing a fresh start in a new community. Which neighbourhood in Guyana can protect the integrity of a stranger? Which school can protect the integrity of a new child with unknown parents? Which community is holistic enough that it can accommodate a total stranger without any questions being raised?

This project will have to do the following:

- provide job opportunities for the witnesses
- provide assistance for housing
- provide subsistence payments on a monthly basis to accommodate the needs of the family
- provide new identification documents for the witnesses and their family members whose names were changed for security purposes
- arrange for counselling and advice from psychologists, social workers and all who have to be fully trained in the area of confidentiality.

This Bill puts a lot of pressure on the Minister of Finance, a lot of pressure. As you know, Mr. Speaker, he is very conservative.

In addition, the security services have to provide 24 hours protection during court appearances and until years after the trial. It is not a case where we can just pluck a witness, give him shelter for two years and forget about it. For the rest of his life, he and his family will have to be protected. There are other complications. The witnesses must not make contact with former associates, friends and protected family members, neither can they return to the town from which they were located. This is a very drastic programme and we must ask ourselves whether, for the sake of conviction, we are prepared to jeopardise the lives of families.

This is not the issue of right or wrong. It is not the issue of whether it should or should not be done, it is just a question of timing. I understand that the revenue from oil and gas will carry Guyana to another level and programmes such as this can be sustained in the future. However, we need guaranteed confidentiality in the security sector, which will come with substantial salary increases plus the Government's ability to contract services to foreign countries that are willing to accommodate the witnesses identified by this programme. In essence, while it might be necessary at some point, I think both sides of this House need to seek alternative measures to improve the justice system.

I think there are many other options that can be looked at to improve the justice system. I am not an attorney-at-law, but I do believe that in a small state such as Guyana there might be other measures that can be taken to ensure that where there are witnesses, we can protect them.

[**Mr. Williams:** You have to tell them.] Well, the Attorney General has always said the he is one of the most brilliant men in the country, so I assume that you have the answers.

In closing, the credibility of this programme is based on three key factors. Increasing the confidentiality zone in the security sector which is a very important issue, to increase the confidentiality zone the security sector and the trust in the police. That can only be done by improving the lives and the conditions of the police forces and the security forces. We cannot expect a policemen to be confidential and to be important, and to carry out all of these functions with \$50,000 to 60,000 a month, and then to ask them to protect a very important and bigwig witness.

The allocation of resources to this programme is a second important element.

The third element, which is just as important, is partnership with other countries that are willing to accommodate the witnesses. There must be two or three countries that are open to partnering with us, especially in cases of high profile criminal issues.

I believe that, in general, it is a good Bill. It is needed and is required. I have some concerns about the capacity of our country to handle this Bill at this point in time. I do not think that it is a People's Progressive Party/Civic (PPP/C) or A Partnership for National Unity (APNU) issue here. The question is whether, at this point in time, our society is able to sustain such a programme. Even if we are going to continue to work on this Bill, or if this Bill is passed, the whole question is the implementation programme and to keep it out of the political hands, because it can easily be mishandled.

I thank you very much. [Applause]

Minister of Natural Resources [Mr. Trotman]: I rise to make a very brief intervention on this Bill. In doing so, I wish to compliment and commend the Hon. Attorney General and his staff for the efforts in bringing the Bill to the House. This Bill, as we will hear - I do not know whether the Hon. Member Rohee is speaking this afternoon, because he himself would have had a hand in getting us to where we are today - has taken some time. Many hands and many minds would have worked on this Bill. Before going into the Bill, I would also like to thank Hon. Member Mr. Lumumba for his comments. As with sugar, crime is something that requires our national support and national involvement, so we thank the Opposition for supporting the Government's payment of severance this afternoon and we thank the Opposition for supporting this Bill, this afternoon. I have four points. Today is a good day for Guyana. [Ms.

Charles-Broomes: The day that the Lord has made.]

It is found in Psalms 118, as we

are in the mood.

The Hon. Member Lumumba made four very critical and very, I would say, poignant points. The first being that there should be little or no political hands on this process. I am sure that the Hon. Attorney General will respond in a fuller way, but I will speak to that by saying this, that the origins of this Bill began in this region in 1996, when the region faced the horrors, for the first time, of the Dole Chadee gang and the murders that have been committed in Trinidad and Tobago. Coming out of that, regional heads of Government met and began considering the

incidence of transnational crime and the impact that these crimes were having in Guyana. That is why I referenced the Hon. Member Rohee because he would have had to grapple with this and such like matters in the past. Coming out of the 1996 Dole Chadee escapades, the idea of witness protection, in a more formal sense, was born. As a result, Trinidad and Tobago was the first jurisdiction in the region to go the way of witness protection. I believe that Jamaica followed, Guyana is to follow next and Barbados is now considering it as well.

In 2001, again, we know that the Caribbean Communities (CARICOM), through the heads, established the CARICOM Task Force on Crime and Security. That task force considered a range of matters which threatened not only national, but, of course, regional security. Coming out, as a follow-up to the recommendations, there were several that were implemented in this country, one of them being the Law and Order Commission which was established by the previous administration some years ago. The Parliamentary Oversight Committee on the Security Sector of the National Assembly, which, of course, we thankfully have and it is growing in its confidence and in its stature. It never met in the Tenth Parliament. It perhaps needs to meet more in the Eleventh Parliament, but it never met in the Tenth Parliament.

This Bill is part of the continuum towards strengthening the regional security architecture. Yesterday, the Minister of Legal Affairs and Attorney General spoke about a suite of legislation.

Yes, the second point raised by the Hon. Mr. Lumumba was about white collar crimes. We dealt with white collar crimes and the regime to cover those yesterday. Today, we are dealing with protecting the witnesses from a certain category of crimes where violence and the threat of violence are used against them.

The other matter raised by the Hon. Member Mr. Lumumba is: Can the programme work in Guyana? It is perhaps the most salient and valid point that we, as a nation, have to grapple with. In considering what obtains even in the United States of America - we have become quite amazed by what we see on television, in the dramatic series of witnesses being protected and being hunted and killed and exposed - the region is not going to be spared of some of those ills. In fact, Trinidad and Tobago itself, even with the resources that it, and even with every effort being made, has suffered the misfortune of some of its witnesses who were in protection. In fact, some have been threatened and in some instances some had been killed

5.46 p.m.

While we recognise that this is no easy task, on the other hand, we also recognised that its time has come and we cannot wait until we get oil revenue, because oil revenue is going to create a whole new range of threats and challenges for security that would have to be met by legislation such as this. We recognised the laments and concerns raised by the Hon. Member Lumumba, but we also recognise that time is not on our side.

I reference the fact that one jurisdiction in this region already has members and citizens who have found their way into Syria and Iraq as battle hardened fighters and warriors. Some of them have started to consider wending their way back. Some of them have been captured and arrangements are actually being made to repatriate some of them back to this region. We speak of regional and transnational movement of crime, so the actions of a criminal in Guyana will have an impact on criminal activity in Trinidad and Tobago as it will in Kingston, Jamaica. No jurisdiction is going to be spared and this is why legislation, such as this, has to be put in place now. Yes, the financial requirement is going to be a steep one, I know, that the Hon. Minister of Finance has considered, but we do not have a choice.

This brings me to my fourth point and that is collaboration. I reference the involvement of CARICOM because this is a CARICOM initiative. It comes out of IMPACS, Implementation Agency for Crime and Security. It comes out of the crime and security strategy which was developed by CARICOM. The efforts are not going to be standing alone in silo to what obtains in Trinidad and Tobago, what obtains in Barbados and what obtains Jamaica. Already in Trinidad and Tobago and Barbados there is collaboration for the movement of witnesses. I have every reason to believe that our witnesses will also enjoy - if I may use that term, perhaps, a bit loosely - the right to be transferred elsewhere. Mr. Lumumba, again, is correct, that moving one within a region of Guyana, perhaps given the nature of the crime committed, may be insufficient.

We do not believe that this is something idly to be gone after and we believe that no effort should be spared in securing the system.

I wish to present a quote from the website of the Director of Public Prosecutions' office in Jamaica which I believe quite sums up the need for this legislation. I quote from the website in Jamaica. It states:

“The principle of open justice can sometimes act as a bar to successful prosecutions, particularly in homicides, organised crime and gun crime. Witnesses may fear that if their identity is revealed to the defendant, his associates or the public generally then they or their friends and family will be at risk of serious harm. It is therefore imperative that witnesses be offered protection so that they could live without fear and help in the pursuit of justice for victims of crimes.

Criminal changes can be laid against those who intimidate or threatened witnesses this sometimes act as a bar to witness intimidation.”

The comments there are the comments here as well that we need this system put in place. We know it is an onerous financial, logistical and security burden that is going to be placed on the shoulders of very few, but the alternative is frightening. We have no choice but to start to put these facilities in place and indeed as the Hon. Member Teixeira, who herself would have had to deal with this matter in the past, has remarked at the last two sittings of the silos. We cannot do this in isolation of the other regimes which we have put in place such as the one for Financial Action Task Force (FATF) and fighting anti-terrorism and financial crimes; we cannot do so without the legislation which was passed yesterday for protecting whistle-blowers; we cannot do so outside of the framework of the regional security system and the CARICOM initiatives and we cannot do so without the friendships and relations with our friends and allies across the board, be they in Brazil, United States of America, Canada or the European Union.

In closing, I wish only to mention that as I went through the Bill yesterday in some detail, I was quite impressed with its details. I was somewhat perplexed by some provisions, but as I read more I understood. One of the things, which I believe is of importance, and it have been referenced this afternoon, is the degree of seriousness to which the programme will be administered, in that no ordinary person can qualify to be protected as a witness and that one will have to go through a series of hurdles and layers of scrutiny before one will qualify. I believe that this is best because there are some people who may be very well known to some of us, who would love to escape the long arm of the law by claiming to have information about things that they know nothing about or know only peripherally about and, therefore, seek to be protected by the state at great expense, whilst finding themselves release from obligation for burdens criminal or even civil that they may have attracted.

Ms. Joanne Bond, who I see is sitting here, I believe at a stakeholder workshop, made comment of this and I would like to quote her because I thought her thoughts were quite on point. She said that persons may want to use the programme as an escape as a way out to finding a new life with a new identity. As such the administrative centre will carefully review the importance of evidence and statements and if your evidence is not enough to lead to a conviction, there may be no need for even applying for the programme.

I commend the Attorney General's Chambers for the detail for ensuring that there is a signed Memorandum of Understanding between yourself and the agency to ensure that you understand the seriousness of the undertaking which you are entering into and understanding as well that there are going to be people's lives who are going to be endangered by your actions, if you take them lightly. It is if you take them lightly and seek to violate them, not only do we imperil the entire programme, but you imperil your own life and the lives of others.

With that said, I wish only to add that I am satisfied with this Bill and it brings Guyana alongside Trinidad and Tobago and Jamaica and hopefully soon Barbados as the four largest territories in the Caribbean. It brings us in conformity and in alignment with our CARICOM and regional and international obligations; it strengthens the national and regional security architecture, and it gives us the best hope of preserving the safety and security of the people of Guyana.

With that said, I thank you and I commend the Bill for passage. [*Applause*]

Ms. Teixeira: The issue of the two Bills that we are dealing with both, yesterday and today, as I pointed out in my speech yesterday that we on this side of the House are, in principle, in support of whistle-blowers legislation, such as yesterday's with the Protected Disclosures Bill and, of course, we would support, in principle, the issue of witness protection. However, we are not discussing the principles of whistle-blower and witness protection. We are dealing with the Bills that are before us and it is if they live up to and fulfil our requirements, achievements, objectives that we wish to reach, that is what is the subject here and that is what I tried to do yesterday on the issue of Protected Disclosures Bill and I will try not repeat some of the arguments because they are interlinked. However, the issue is the Bill and just to have full disclosure, the Bill before us is not new.

The Bill was brought to this House called the Justice Protection Bill in 2006 by the then Attorney General, Doodnauth Singh. It was brought before this House, debated and regrettably when I went to check the debate only one person spoke on it other than Mr. Doodnauth Singh. This was on the 2nd May, 2006 and, maybe, I think, if my memory is right, it was the last day before we got ready for the 2006 Elections and maybe that is why people were distracted. There was only one speaker, Mr. Ramesh Rajkumar, who spoke in support of it. However, the Bill then was passed and not assented too. The reason why it was not assented too was because the Government felt that, at time, we did not have the capacity to implement it. Now, the context of all of this was that the Convention on the Mutual Assistance in Criminal Matters and the Convention on Legal Assistance in the CARICOM countries and the Justice Regional Protection system were all emerging at that time. In fact, a number of countries, from 2000 to 2006, brought these various pieces of legislations together.

The use of a template in which the template shows that there are similarities between Guyana and Trinidad, but they are not exactly the same. In 2006, after the Bill was passed, I was the Minister of Home Affairs and a CARICOM delegation came to meet me, which had passed some of the legislation. Now, before I forget, part of this legislation was also part of the Caribbean Single Market and Economy (CSME), that whole area that was trying to make sure that countries were on the same legal frameworks, laws and trade, and so this was one of the areas that was thought to be important for the CSME. And a number of CARICOM countries sent a delegation to Guyana to ask if they could send their people here under witness protection and they said to me - I do not mean it facetiously – “you have a big jungle, big country with big areas, could we just send people with new identities and you got this huge country and you could send them in”. I politely explained to them that it is not quite as easy as they thought.” However, it was something the CARICOM Secretariat and the CARICOM member countries, including Guyana, was having difficulties.

The Bill that came in April, 2006, passed on the 2nd May, 2006 and there were many discussions at Cabinet and in the security area of how to bring this into operation. Today, we have a Bill that the Hon. Minister Trotman, I believe, believes many people had a hand in it. However, when I looked at the 2006 Bill and the Bill before us today, I regret to say that there has only been a modicum of changes and, in fact, some of the changes are not good changes. The Bill that came

before the House in 2006 was “Justice Protection”. It was copying the CARICOM 1990 Agreement of the Justice Protection System, so it used those words. A number of countries that came later started to use the words, “Witness Protection”, and so one of the changes in the Guyana’s Bill between what Mr. Doodnauth Singh brought and what is here, before us today, is the change in the name from Justice Protection to Witness Protection.

The issue that is different too, is that some interventions and inclusions do not exist in the old one and actually do not exist in other Witness Protection Bills. As I said, being consistent with the Bill, wherever there is the word “Justice” it is to change it to the word “Witness”. I do not think that is earth-shattering. However, in addition in the previous Bill the definition of approved authority remains the same. The problem with the changes that are shown that were made from 2006 to 2017, when this Bill was laid, my concern with the changes or the lack of changes, in some cases, is that it is 11 years between the 2006 Bill and the present one.

6.01 p.m.

There is 11 years in which the world, as Mr. Trotman and Mr. Lumumba described it, has changed radically in many ways with cybercrime, globalisation, technology and a whole range of methodology that the criminal world has and where governments are many times found running behind and not up to date with.

My concern with this Bill is that the fundamental and very important changes that could be taken were not taken and were not included. As I said, and I do not want to repeat it, yesterday, the United Nations Office on Drugs and Crime (UNODC) had put forward some of the best manuals and guidelines on legislation to do with whistle-blowers, witnesses and witness protection systems. These came after 2006. There seems to be no attention given to that. The UNODC has worked with us and is working with you. You have an anti-corruption consultant who is preparing your strategy, and surely part of that must be to look at the laws, see what are the deficiencies regarding the laws and how to improve them. I cannot believe that this went through such scrutiny.

In the present Bill, having taken the old Bill, what happens, again, is that we do not come into modernity. Eleven years ago things were different and we were different as a people and, as a country, our capabilities were different. There is no proper definition of what a “witness” is in

terms of if we compare it with other legislation. The law of 2006 had many deficiencies. It was not a good Bill. Historically, it was not. I regret, however, that that Bill, with some minor changes, has come back to this House 11 years later, ignoring what is a much more modern and structured system for witness protection which is available to us, which we could have studied and included in ours.

It is my regret that I have to listen to the Hon. Minister Trotman who says that we have no choice, we have got to agree to this and we have got to do this, and I am saying “Lord help me”. It is something as usual that you have to take a bad Bill and you have to adopt it, as we did in 2006, to meet a requirement and we are doing it back again. That is why yesterday we said that these Bills, this Bill, and the previous one, should have gone to a Parliamentary Special Select Committee to allow for the kind of inclusion of matters that would make it better. There seems to always be this gallery that has difficulty, does not read any of the Bills, but intends to constantly be a noise in the background. [Ms. Charles-Broomes: What do you know about home affairs?] You do not know anything about parliament.

That is my regret because I am put in a position in this House to support the Bill because they need it. We do not have any choice, it has to be done, but the Bill was defective. The Bill today is defective because very little serious changes for the good have been made in it. In fact, what we have again is a deficient Bill dealing with what are people’s lives. Witness protection and whistle-blowers have to do with people’s lives. [Mr. Williams: What about deficiency?] Yes. I will get to that. I do not need you to remind me.

The issue of the definition of the “witness”... If we had taken the time...That is why I am not believing you, Mr. Trotman, with no disrespect. With all the interventions that went into the drafting of the Bill, I have found some extant pieces of legislation that have witness protection programmes that work and are secure. What is the intention of a witness protection programme? It is to be able to prevent crimes, to be able in a court of law, as Mr. Trotman said, to win a case, to provide evidence in a case or to provide evidence in an investigation that would lead to convictions and, therefore, the assessment has to be based on that. The definition of a witness is weak.

When we come to the actual Bill, what have you changed? This change in particular worries me. Under clause 3, subsection 2(4) of the Bill where a new clause is added in, there is something called the Administrative Centre and it has Government Department, the Police Force and the Guyana Defence Force officers.

“any person, for the purposes of the Act, including a corporation but not a participant or a prospective participant in the Witness Protection Programme;”

That is completely new that is added. It is the Minister who determines this.

“The Administrative Centre, to be located on premises determined by the Minister, which may with the approval of the Minister make arrangements with and enter into a memorandum of understanding...”

Subsection 2(b) which is the Investigative Agency, in all the other legislation, this agency makes it very clear that it shall be the police force. Regarding the Protective Agency, it states that it should be the police force. However, in our Bill, the changes or amendment that is taking place, it states:

“...such other persons as may be determined by the Police.”

You are saying the Investigative Agency is:

“...the functions of which shall be performed by the Police Force or such other persons as may be determined by the Minister.”

That is completely new. Why one is removing what is a clear police function by any other person? It is the same thing with the Protective Agency. Subsection (c):

“(c) the Protective Agency, the functions of which shall be performed by the Police Force or such other persons as may be determined by the Minister.”

Here, again, this is a new intervention. I believe these are not good interventions. If it is the Police Force, it is the Police Force, but, of course, you would have the contradiction. The Minister who is being referred to in the Bill is the Minister of Legal Affairs and who is the one who carries out the functions, determines the agencies to do this and who is also the person

dealing with the Police Force. In a number of legislation it is the Minister of Public Security that deals with the witness protection programmes.

[**Mr. Williams:** You said that last night]

No, I did not say that last night. You must be dreaming me.

[**Mr. Nagamootoo:** He ran

out of dreams.]

He ran out of dreams. You are right, Mr. Nagamootoo. He had to dream about me. Seriously?

Hon. Minister, my concern about you, as the Minister of Legal Affairs, is that by having this Investigative Agency in which the police is doing its function or you can, as the Ministry of Legal Affairs, or any other such person, as may be determined by the Minister, both in protection and in investigation. The Minister's role is very concerning. You do not like to talk about other legislation, but in South Africa's Witness Protection Act it is the Director of Justice, it is the Department of Justice and it is the Director of the Witness Protection Programme. In some legislation, it clearly states who is in charge of this programme. Our legislation copies a bit of Trinidad's legislation, but it is still very specific on who is doing what. In South Africa's Bill it states:

"The Director that has been appointed in the Department of Justice who is in charge of the Witness Protection Programme."

It makes it very clear. The Minister who is responsible for the programme in South African is the Minister of Justice.

However, when you come to the Canadian version, it is the Director of the Royal Canadian Mounted Police (RCMP), who is the Commissioner of the Police force, and the police force is the RCMP, that controls and manages the witness protection programme in Canada. Every country chooses.

I see the Attorney General saying that it is the Attorney General. We keep remembering there is a Minister of Legal Affairs and an Attorney General. In our country, for many years, we have one body, but we do not have to have one body. The Attorney General has his *locus standi* in the Constitution and does not necessarily have to be a Minister. I would actually prefer, for the purposes of witness protection, it would be better that it is the Attorney General *vis-a-vis* and versus the Minister of Legal Affairs.

As we keep moving along, it is all copied, cut and paste from 2006. Then we come to the issue of clause 5 where the change that they made is also a bad one, because the Minister, where he makes changes... It talks about affirmative motions. In the original Bill, in 2006, it pointed out that the Minister or the President, based on the Bill at that time, can make and take to the National Assembly regulations and orders for an affirmative motion or resolution. Regrettably in this Bill, it is reversed and it either does not exist or it is made negative. An important part of what was protection in the old Bill, which I said was deficient, has now been multiplied in the brand new second-hand Bill which has now removed the affirmative resolution and kept the negative resolutions.

[**Mr. Williams:** Are you supporting the Bill?]

I have made my position clear, Sir. I am afraid if you do not understand that I cannot help you.

Also, I noticed that the role of the President has changed. In the old Bill the President had a particular role to play in witness protection. I noticed the President's functions seem to have been miniaturised.

Again, we keep going through page by page which is the same as 2006. As pointed out yesterday, it is critical for a Bill on justice protection and witness protection to include additional or other forms of protection. It is not your typical thing where everybody jumps to relocation, which I will deal with in a little while.

Measures for protection of witnesses, this is where the two Bills have a slight overlap. They should have in the Bill the measures for protection, which are included, as you said - it is not only people who are in acts of corruption, like gang members, crime, murder, rape, and others - in both Bills, yesterday and today's, pending trial and pending giving evidence, not just relocation, bodyguards, security, change of their address and change of identity. It can talk about transferring people to another part of the country and paying their living expenses, and so on. Some things again are not in this Bill that need to be in the Bill and it is leaving them out. As I said, what needs to be included in the Bill is assessing the relevance of the information that has been given of whether the person's information is vital which should be in the Protected Disclosures Bill and also in this Bill. I mean it in this way. This is to allow Hon. Minister, where it is the agency now or body that is not saying whether the person is of value, it is whether the information is of value.

6.16 p.m.

If it allows administrative or judicial authority to achieve at least one of the following outcomes, and this is to prevent continuation of the crime or the completion of the act, prevent a Neutralised Act such that the criminal, identifying perpetrators and accessories *et cetera*, to ascertain the whereabouts or destination of the instruments, goods, effects and proceeds of these criminal acts...to handle which authorities criminal instruments *et cetera* and to contribute, the last one, in the judgement of the competent official evidence for further pursuit of the investigation.

The other part of Witness Protection too...this is where the people who are dealing with protected disclosure have to take into consideration this information, but, this is also important for witness protection.

In addition to that, the assessment of the risk is...there are manifest dangerous conditions that the person will face, their family group; it is not just they. I pointed it out the other day that there is not a proper definition of the “family group” or what is called the “associates of the witness”.

These are areas that were omitted in 2006 and they are still not included in this one. The reason I may look, and some people might think I am nit-picking, but, if we are going to do something, let us try to do the best that we can do. We had the Civil Aviation Bill that has gone the Select Committee and work has gone on to make changes in it. The Petroleum one has not met yet, the Cybercrime only had about two meetings, but, the Select Committees could help. [Mr.

Williams: I am closing off at the next meeting you know.] It is okay you could do what you want, are you not in charge? You have not had a meeting anyway, so I do not know what you are closing off. [Mr. Williams: In fact we had two.] That was since last year July.

The issue, too, is lack of clarification in the Bill; it comes from, again, the old Bill, where we are cutting and pasting. All the way along it is just complete cut and paste of 2006 straight into the Bill. I do not know what you are telling me about anything brand new in here. The brand new things I been calling out just now.

One thing I want to suggest as an amendment, because you are not going to let it go to any Select Committee anyway; sometimes one wonders if one is wasting his or her time talking here. For example, in clause 24 (3) it states:

“...Board” means the Board of Governors referred to in Article 5 of the Agreement.”

I know what it means; it is a Caribbean Community (CARICOM) agreement. However, maybe Minister Greenidge could raise this. The CARICOM has the most unfriendly, *unuserworthy* website that I have ever come across. Do you want to try to find any agreement on it? Good luck. Therefore, if CARICOM is going to carry some of these Regional agreements or ones that you find somehow, could we ask the Minister of Foreign Affairs to put them on his website, particularly those that are relevant to the laws that we are making? When it says that the Annual reports to the boards, it is not talking to the Minister, it is talking to the board of governors; that is under the agreement of Caricom – the Regional Justice Protection Programme. If you just read it would suddenly come across the board of governors and you are not sure who they are and where they came from.

In addition to that, in the original Bill -2006 it was section 26 and in this Bill it is 25.

“...It was affirmative resolution, regulations made under this section are subjected to affirmative resolution...”

However, in this Bill today, in front of us, it is talking about negative resolution. These are for the Minister; there are wide breadths of regulations respecting the establishment of new identities for participants. These are all negative. Again, I said 90%; even the Schedule 1 is 2006. What is missing from the Bill, which is a very critical thing and if you go into all the other Acts like this, you will find it. The regulations and the forms: in all these Bills they have the form that the applicants as prospective participants involved in the justice protection programme...

Mr. Speaker: Hon. Member, you have five minutes remaining.

Ms. Teixeira: ...and so on to get physical protection. Last comment, in principle we support this Bill, we recognise the importance. However, these are not good pieces of legislation. They needed more work and you have had two and a half years, 30 months to do much better than we

did. [Hon. Member: All of you did nothing.] Yes that is true; we did nothing. You could satisfy yourself with that.

However, I want to just add one thing to the identity issue, which no one has mentioned and that is that - please remember that when we are talking about relocating witnesses to other countries, that includes us; that countries could send people to us. One of the problems though, extraterritoriality applies on a two way, three way and four way strip and is very difficult to refuse if you are part of these agreements and conventions to be able to assist. However, there has to be something in the law that also deals with how do you move people while you are breaking the law; because these people have new identities, they are not passing through immigration, they are sometimes having secret flights and so on. There has to be some inclusion in the law in some subtle way, to allow for other laws being broken left right and centre.

The Witness Protection Programme is one that I do not believe, in my own view should be under a Minister's jurisdiction. The Minister of Justice, the Minister of Legal Affairs in our context, should have a total oversight. I believe firmly that a professional technical person like Jamaica, a director who is dealing with Witness Protection exclusively under a department, in where reports are submitted to the House for debate by affirmation or by negative motion. In all countries that have Witness Protection Programmes, by the way, the reports of those departments in the case of Jamaica, the department of Justice South Africa, are given an annual report to give you an idea of how many people have applied, how many people are maybe under consideration, how many people have been put on the Witness Protection; of course no names given, no identity is given and that the Parliament is able to say, 'this is a costly programme'. When you come with the budget to say you need so much money, the Parliament is *au fait* and understands the weight which you are carrying with these responsibilities. Those are my suggestions, Sir, they may be of no use to you and I noticed from the language in certain places, it never does. I will not give up my right as a Member of Parliament to put forward my suggestions to a Government which does not want to listen to any modicum of amendment. I am still saying, this Bill is necessary... I agree with you Mr. Trotman. It is an important Bill; I am proposing it goes to a Select Committee, Sir. Thank you. [Applause]

Mr. Williams (replying): If it pleases you, Mr. Speaker. In the first instance, I would like to thank my Colleagues, Hon. Mr. Trotman for his incisive approach and support for the Bill and of

course, I would like to thank the Members on the other side, the Hon. Member, Mr. Lumumba with an American perspective and the Hon. Member Gail Teixeira.

I am sure that it was not the intention of the framers of this Bill to compare and contrast its provisions with that of the almighty America. *In our neck of the woods*, we believe that the provisions in this Bill are adequate enough for us to certainly make an attempt to protect the lives of witnesses in this country that could easily be shut out; because they observed or they have knowledge of or they are familiar with a matter that involves some dangerous persons and it goes before our courts.

In fact the Hon. Members on the other side are among those who have called for Witness Protection Programmes in this country. We know in Guyana, the faith of Mr. Bacchus who was a witness and was prevented from testifying when his life was snapped out, under the watch of the previous Government. I do not want to go into that at this point in time. The point is one could easily say the Attorney General has been subrogated in position because it was Mr. Rohee's force; so you needed to have that kind of protection. We do not want to go into that. What we are saying is that at this time in Guyana, with the state of the Justice system, we need to enhance it further by guaranteeing to witnesses, the protection that they would need in exchange for giving testimony that could lead to convictions. This Bill is designed for that purpose. The Minister, it is not as it is contended, has management or charge of this process, the Minister has nothing to do with the operational aspects of this Witness Protection Programme. I must say the Hon. Member Teixeira recognised that by saying that the role of the Minister in comparison to what it was in the previous Bill has been substantially reduced.

[**Ms. Teixeira:** Like the President not you.]

The president also does not have a role in the management of the programme; he is merely facilitative on certain aspects. One largely is, if you are going to be taken off or terminated from the programme, you have recourse to go to the President on appeal. I do not know how that could be in control. We reject the contention that the President, the Attorney General or any Minister of the Government would be in a management position or an operational position in respect of this programme.

My Hon. Friend, Mr. Lumumba, said the story clearly. Mr. Lumumba said I am not a lawyer and that is why I would not chastise him in any manner or form when he said we do not have the crime of corruption listed amongst the offences in the schedule. Corruption is a generic term; I

am not proposing to lecture you right now, but, it is a generic word for different types of offences and you would not find an offence charge for corruption. When you look, for example, offences under the Anti-Money Laundering and Countering the Financing of Terrorism Act, you have offences that deal with corruption there. When you look at offences under the, Anti-Terrorism and Terrorist Related Activities Act that one embodies the convention against transnational crimes, corruption and things like that. It is a generic term and the corruption is well provided for in the various categories of offences that we have there. We said very clearly and it occurs prominently that we signed on to the Regional Protection Programme of 1999, which came in effect and is operational since 2006. This programme in Guyana is not confined to identity or relocating people in Guyana alone; from Pomeroon to Georgetown administration is given. It is regional. A witness could be relocated anywhere in the region, 15 countries.

6.31 p.m.

Even in Guyana you could be relocated, because in the former incarnation I know of many persons charged with serious offences, repaired to certain parts of the hinterland, and are moving around there like it is nobody's business, for years. It is not true to say that we cannot and we have to be like America and resources like America for us to start a witness protection programme. The Guyanese people are crying out for it. We know that we cannot have a whistle blower programme; we cannot fight corruption, and the purloining of state assets if we do not encourage whistle blowers and if we are going to encourage whistle blowers we must be able to protect them.

I know from the consultations that we have had country wide one of the questions that run through out of those consultations, and the Members of the Chambers are here and they can tell you is this question that is always asked, whether it is Berbice, or Essequibo, what about the protection if we are to disclose we want to assure the Guyanese people and people who believe that they have a duty to disclose unlawful conduct and corrupt activities that they will be protected after the passage of this Bill in this honourable House. Therefore, I do not wish to detain us further. I would like to say that I commend this Bill to this honourable House for passage.

The question was put and carried.

Bill read a second time.

Assembly in Committee.

Mr. Chairman: Hon. Members, the Bill has been presented in six parts. What I should do to [Inaudible] our speedy treatment of it is to refer to each part and name the various clauses and seek your approval first to move to the one after that.

Bill considered and approved.

Assembly resumed.

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

COMMITTEES BUSINESS

MOTIONS

ADOPTION OF THE FIRST INTERIM REPORT OF THE PARLIAMENTARY SECTORAL COMMITTEE ON ECONOMIC SERVICES

BE IT RESOLVED:

That the First Interim Report of the Parliamentary Sectoral Committee on Economic Services of the National Assembly of the First Session of the Eleventh Parliament be adopted. [*Mr. Ali, Chairperson of the Parliamentary Sectoral Committee on Economic Services.*]

Mr. Speaker: The Chairperson of this committee is the Hon. Mr. Mohamed Irfaan Ali who has been excused from being here today. It will then fall to the deputy Chairperson of this Committee or another Member of the Committee to present the report. Mr. Komal Chand if you are a Member of the Committee you may then proceed.

Mr. Chand: Cde. Speaker, I beg to present the Interim Report of the Parliamentary Sectoral Committee on Economic Services of the first session of the Eleventh Parliament and the resolved clause reads as follows:

“**BE IT RESOLVED:**

That the First Interim Report of the Parliamentary Sectoral Committee on Economic Services of the National Assembly of the First Session of the Eleventh Parliament be adopted.”

The Committee Members are as follows Hon. Jaipaul Sharma, Hon. Mohamed Irfaan Ali, Hon. Carl Greenidge, Hon. Noel Holder, Hon. Simona Charles-Broomes, Hon. Juan Edghill, yours truly, and the alternate Members are the Hon. Jennifer Wade and the Hon. Collin Croal.

The committee’s mandate as is set out in paragraph three in resolution No. 19 of 2003 states:

“The committees shall, in the discharge of their scrutinising role, examine all policies and administration, for each sector, to determine whether the execution of government policy is in consonance with the principles of good governance and in the best interest of all the people of Guyana.”

The committee agreed to meet twice monthly from 10 a.m. This is our objective, but unfortunately we have not been able to meet as many times as we set out.

6.46 p.m.

One of the concerns or one of the reasons for this is that Ministers who are Members of this Committee are busy at times, and, therefore, because of their unavailability, it did pose a problem for the Committee to meet as it should.

During the period of approximately 13 months, the Committee met on 14 occasions. That is from the period 9th December, 2015 to the 16th November, 2016, and we set out in the report the dates that the Committee met. The work programme was also agreed to and one of the priorities of the Committee’s work was to examine the Commission of Inquiry (COI) Report of the Guyana Sugar Corporation. That was one of the priority works of the Committee and all Members agreed that attention should be paid to that matter and other matters alike. In fact, there are three areas of focus: the sugar sector, rice sector and the National Industrial and Commercial Investments Limited (NICIL).

In light of the sugar industry, the Committee agreed unanimously that GuySuCo should be the first priority which was also in keeping with the Committee’s mandate. Unfortunately, yesterday,

we saw, in spite of our unanimous position, the work of this Committee was stymied from the letter that we received from the Clerk of the National Assembly. In fact, there was this long delay, and it was not a delay that an Opposition Member asked that the matter be put aside until the National Assembly approved for the Committee to deal with the matter, as was submitted by the Prime Minister, yesterday. We had started but that letter affected us from continuing in keeping with what the Clerk said the position was, and we went along with that.

We also had the issue with what really fell under the responsibility of this Committee because we had a number of inaccuracies highlighted in the Sectoral Committee areas of scrutiny when compared with the gazetted responsibilities of Ministers. We recognised that, from time to time, Ministers are assigned different positions, and the Committee, unaware of them, have matters that should not be under the jurisdiction of the Committee considered. But that was addressed whereby we followed what the gazetted position was, from time to time. The Committee, nevertheless, continued with its work with a view to finalise its planned work. The Committee, as I said, focused a lot on the sugar industry, and, in fact, five meetings of the Committee's deliberation revolved around GuySuCo. As I said, the matter was finally put aside or put to rest until the report of the Committee is approved by the National Assembly.

The Minister of Agriculture observed that this COI Report was so important that it would receive the widest possible consultations with all stakeholders in charting a course for GuySuCo's future. That is something that did not take place and that the Committee never got down to fulfilling that position. In fact, when it was not followed up by the Commission, the Members of the Committee from the Opposition attempted to do so. But, again, another letter came to the Members of the Opposition on the Committee, informing us that we should not endeavour in that exercise because it is a matter for us to get the approval of this Committee, and the Committee itself, having agreed, did not really set out to do the work because the other Members were not agreeable. One of the issues then and was strongly considered was the closure of Wales Estate. You will recall that we had a motion to discuss this matter as a matter of urgent public importance, that is, the closure of Wales Estate, but, unfortunately, that motion was not approved for discussion.

The work of the Committee basically surrounds the COI Report and, as I said, we did not get down to the other matters. There was the question of submission by organisation and political

parties with respect to the COI Report. Unfortunately, the political parties did not submit the report, as was expected. The unions did and a number of individuals also did submit reports. We did not have the opportunity to have the persons appearing and have them amplifying their position because we thought that that was necessary. Again, it was stymied because of the position taken by the Clerk in his letter to us.

The matters of Wales Estate, as I said, were not allowed for discussion, and even the consultation and the meeting with the workers who are affected were not allowed. These were unfortunate setbacks, as far as the Committee is concerned. What is also of importance, looking at the Report and what comes out of it, one wonders whether this Committee, bearing in mind the fact that this important Report was not allowed and the decision, yesterday...what importance one will put to the future work of the Committee because of the fact that there is an important matter but: one, we are not able to meet as we should because of the problem with attendance; and, two, important issues that ought to be under discussions are not really addressed by the Members of the Committee. This has cast a very bad picture and does not bode well for the future of this Committee, and maybe other Committees. We hope that the Government will examine this matter, especially as far as the attendance of its Members is concerned, and particularly the Minister who, undoubtedly, is engaged in so many other issues and even issues outside of Guyana.

I therefore submit this and recommend that this motion be adopted so that this Committee's work will be accepted and we hope that we can continue as soon as possible because, for some time now, this Committee has not been meeting; for many months now, this Committee has not been meeting. We hope that this would be overcome. I therefore commend this Report for acceptance. Thank you. [Applause]

Vice-President and Minister of Foreign Affairs [Mr. Greenidge]: I thank you very much, Mr. Speaker. [*Interruption*] If you want to come and speak, you are free to, Colleague.

Our Colleague has just spoken on the question of the Interim Report of the Parliamentary Sectoral Committee on Economic Services. I do not want to say anymore on that Report, except to draw the Assembly's attention to the fact that this Interim Report has no specific recommendations, and the constraints highlighted by our Colleague were recognised by the

Committee, and it has, I think you will see in paragraph 17, endeavoured or committed itself to continue to try to overcome the challenges that it faces. My assessment is that the Report of the Committee is not quite as pessimistic as made out and one also needs to take into account the focuses of the meeting itself. It had committed, at the beginning of its tenure, to look at three broad areas. Most of the time was taken on GuySuCo or the diversion of the COI, and it did not get around to rice. It did, in fact, notwithstanding the comments about the unavailability of Ministers, invite the Ministry of Foreign Affairs to make a presentation on Brexit and there was a complete discussion on that. So, there are some lessons there for the meeting and how it is managed and how it manages its time and its focuses. Those are the only comments I would like to add and to say that we support the recommendation that the Committee continues its work. Thank you. [Applause]

Mr. Chand: Thank you, Cde. Speaker. I think I hardly have anything else to say. I think the speaker's contribution coincides with my observation, and I therefore recommend that the National Assembly accepts this Report. Thank you.

Mr. Speaker: I thank the Hon. Member. Hon. Members, I must apologise to Hon. Members Bishop Juan Edghill and Mr. Dominic Gaskin. Their names were restored to the list so I must call on them in that order to also speak. If they do not wish to speak, then, of course, we can take the next item. The names of those two Hon. Members were removed from the list of speakers and subsequently restored. I call on Hon. Bishop Edghill to speak on the matter.

Bishop Edghill: Thank you very much, Mr. Speaker.

7.01 p.m.

I rise to lend my support for the adopting of this Interim Report of the Parliamentary Sectorial Committee on Economic Services.

Let me first of all take the opportunity to thank, which we did do in Committee, the Hon Jaipaul Sharma, who chaired the first session of this Committee. In keeping with the Standing Orders, the time for the rotation would have come and the Hon. Irfaan Ali has assumed the Chairmanship. Largely, this report, tonight, represents the work that was done under the stewardship of the then Chairman, Hon. Jaipaul Sharma.

Incidentally, much of what was done was in keeping with getting the issues of the Guyana Sugar Corporation (GuySuCo), sugar and the Commission of Inquiry (COI) report. The report reflects those discourses and intentions. My Colleague, the Hon. Minister of Foreign Affairs, had indicated and during that period, as well, we had that historic Brexit vote and the Committee seized upon the occasion to have that presentation, so that we could be advised about how we should properly prepare or how this particular action on the international front would have effects on us in Guyana. That was dealt with as well.

I think that it is the belief of the House that committees are places where Hon. Members could develop consensus on issues where we could dialogue, disagree for long hours and then try to find common grounds of how we would proceed. I think that, in our Committee on Economic Services, we did have some of that in as much as we did not have agreement on all matters. That is why, having had this interim report that is before the House tonight and having had the motion, which was according to us and based upon the minutes and the record, the work of building consensus in the committee to have that motion last night treated the way it was treated and defeated, did not speak well for the work of bipartisan approaches in the Committee.

The other aspects that we would want to indicate is that our Committee did advertise and did make public our intention to garner the support and views of members of the public as it relates to the issues that were under consideration. I think that it is a good thing when we have members of the public who are paying keen attention to the work of the Parliament and its committees and respond in a very robust manner by making even written submissions and making themselves available to answer questions as they relate to their presentations.

We did have the benefit of having the Board of Directors, as well as senior management of GuySuCo sit with the Committee, making presentations and answering very pertinent questions. At the time of the submission of this interim report, that exercise was yet to be concluded. We look forward that, in our next report, we would have those responses, if that is the way the Hon. Members will wish to go.

We are still to interact with the several members of the public that made written submissions. A matrix has been drawn up about the issues coming from the various individuals so we intend to deal with the matters issue by issue, as against personalities, based on how they have been raised.

These were the things that I particularly wanted to highlight. While my Colleague did indicate that there are no specific recommendations, I would just hope that we would be able to get down to our work and that the issues about unavailability of Members would be overcome and that the Committee would be able to get down and do its work, especially that which is unfinished. I would like record the Committee's profound thanks to the previous Chairman, who still remains our Vice-Chairman, and to all members of the Committee for the work that has been done so far.

Thank you very much. *[Applause]*

Minister of Business [Mr. Gaskin]: I too would like to support the adoption of this report, the Interim Report of the Parliamentary Sectoral Committee on Economic Services for the first session of the Eleventh Parliament 2015-2016. I would like to thank the Members of this Committee for their work during that period and for the preparation of this report. I should say though, right from the start, that I am not a Member of this Committee and, therefore, I have had to rely solely on the report that is before us for my assessment of the work of the Committee. I also would believe that, not having being a Member of the Committee and given the brevity of the remarks of the previous speakers, it would be inappropriate for me to go on for too long on this report.

I would like to draw your attention to page 5 of the report, where in the last paragraph, the Committee had identified three main areas of focus, which included the rice and sugar sectors and the National, Industrial and Commercial Investments Limited (NICIL).

I notice that, in the penultimate paragraph on that same page, the Committee agreed to have a presentation on Government's plan to improve the rice sector. I am not sure whether this presentation ever occurred, but I do not want to discuss sugar. I think that has been dealt with *ad nauseam* yesterday; enough has been said about sugar and there is suddenly nothing much that I can add to what has already been said.

On the rice sector, I hope that the Committee will continue its examination of the rice sector during the coming session because there is a lot to say on the rice sector. I do not think that we need to wait on a presentation of Government's plans to improve the rice sector. I think that has been overtaken by time and the reports coming out of that sector speak for themselves. As a matter of fact, I am reminded of a visit to Mexico by the Hon. Prime Minister and First Vice-

President, and the Hon. Minister of Natural Resources back in 2015, where they held discussions on the exportation of rice and paddy to that country. I remember sitting in this House upon their return and listening to the ridicule from the Opposition - *rough rice* and joking about. They were making fun of the Prime Minister that he went on a wild goose chase.

I notice that the Committee had also requested certain documents to help prepare them to develop a work programme. I never saw the work programme appended to this report, but I noted that some of the documents requested were the 2014 and 2015 Mid-Year Reports from the Ministry of Finance. I did have a look at those reports and I also had a look at the rice export figures and it was very satisfying for me to note that, in 2017, our paddy exports to Mexico were 113,000 tonnes. I do not believe that we have been exporting to Mexico in the previous years, at least no significant amounts, so this does represent significant advancement for the rice sector. I have also noted that we have, over the years, diversified our export markets and we are now exporting to 38 different countries, which is also to the credit of the rice sector and, of course, to the efforts of our Government to assist in perusing new markets for our rice.

I would urge the Committee, when it meets again, to continue its examination of this rice sector and to report to this House, at the end of the session, on the progress of the rice sector. This is because I believe that the rice sector is a very important sector. It has done us well. We lost a very lucrative market to Venezuela and never-the-less the sector was able to rebound. I think it is to the credit and the resilience of the sector that rice is now back on track. I believe last year was a record year for the tonnage of rice exported, not necessarily the value because we have now had to export at competitive international prices and we were not the beneficiaries of any sweetheart deals. But, like I said, the sector has proven itself to be resilient and we look forward to further good news from the rice sector. With that being said, as I said, I support the adoption of this report by the House and I think that is all that I wish to say on this report.

I thank you very much. *[Applause]*

Mr. Chand: I wish to thank the speakers. I have noticed a departure. You did refer to what we understand as the practice that we have adopted that Members of the Committee are the people who would be allowed to speak to the report. I have noticed this departure. Although the Government wanted to balance and to have matching speakers, unfortunately, our good

Comrade, Mr. Jaipaul Sharma, could have competently filled this position. I do not know if it is a change of our position or if it is an aberration.

7.16 p.m.

I also want to endorse that under the Chairmanship of Mr. Jaipaul Sharma, we had been able to have successful meetings. I am endorsing the observation made by my Colleague, Cde. Bishop Edghill. We have had some differences. Although we are a bipartisan Committee, we still had differences about the way forward on some issues. He had been able to *steer the ship*, so to speak. All the Comrades who spoke, I want to commend them and to finally ask that we accept this report unanimously.

Thank you Cde. Speaker. [Applause]

Question put and agreed to.

Motion carried.

Mr. Speaker: Hon. Members, I thank you. We will now take a short recess for half an hour and we will return at 7.45 p.m.

Sitting was suspended at 7.17 p.m.

Sitting resumed at 7.54 p.m.

ADOPTION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON ITS EXAMINATION OF THE PUBLIC ACCOUNTS OF GUYANA FOR THE YEARS 2010 AND 2011

BE IT RESOLVED

That the Report of the Public Accounts Committee on its examination of the Public Accounts of Guyana for the years 2010 and 2011, respectively be adopted and refer the Report to the Government for consideration. [Mr. Ali, Chairperson of the Public Accounts Committee]

Mr. Speaker: Hon. Members, we will continue consideration of the committees' reports. The Chairperson of the Public Accounts Committee (PAC), Mr. Mohammed Irfaan Ali, is not here. There are two names listed for this, Hon. Ms. Gail Teixeira and Mr. Carl Greenidge. I invite the Hon. Ms. Gail Teixeira to speak.

Ms. Teixeira: Thank you very much Mr. Speaker. I am happy that this report of the Public Accounts Committee that was submitted since November, 2016, is finally being discussed on the floor tonight. The person who really should be moving this and who would have moved it in 2014 would have been the Hon. Member, Mr. Greenidge, who was the Chairman of the Public Accounts Committee (PAC) at the time. I am sorry, maybe we have made a mistake, and he should have been moving this report.

However, be that as it may, as a Member of the PAC at the time, we had, as the report points out, 50 meetings between 2012 and 2014 in the Ninth Parliament. Basically, we were able to finish the Auditor General's Reports of 2010 and 2011 and prepare the report of the PAC. We decided to do one report for 2010 and 2011. What we had done as a Committee to ensure that the Committee caught up with time, in 2012, was to try to deal with both reports together by interviewing the various agencies before us.

The unfortunate thing is that we had finished these two reports, probably in 2013 and we had to have them drafted - the draft reports - so that the Committee could have looked at them, but, unfortunately, that did not happen until the new PAC came along in the Tenth Parliament. They reviewed the draft that was provided for them by the staff. Regrettably, the Committee of the Tenth Parliament was unable to examine the draft and to ensure that it correctly represented what we had discussed.

In the main, the general challenges are basically correct. The individual Ministries are also basically correct. There are some areas that I may have to clarify. However, there are some general issues that had been bedevilling the budgetary agencies for quite a long time and I noticed in the recent reports that they have continued to do that. Some of the issues include signing off at the end of the year on incomplete works as if they are crazy - these are the Accounting Officers. In the PAC, under Mr. Greenidge's Chairmanship, this was taken very seriously. It was a bipartisan approach and was highly critical of the Accounting Officers. The Ministries or Regional Executive Officers (REO) were signing off on incomplete works and paying in advance for works that had not been started or were finished. That is why, on page 7, this is actually listed as the number one challenge that is faced across the budget agencies.

There are a number of issues in the report that calls for the Minister of Finance (MOF), Finance Secretary (FS), Auditor General (AG) and the Attorney General (AG) to look at it in terms of

what may be legal amendments or legal issues to be determined. There are several of them and I will just try to highlight some.

For example, on page 15, the issue of the term “continual abuse” used by the Auditor General:

“However other Members of the Committee were not satisfied with the explanation proffered by the Finance Secretary, in trying to justify the approval of advances from the Contingency Fund.”

In this case, the then Attorney General, Mr. Ramson, had given his opinion to the PAC and to the Auditor General on what his interpretation was in the use of funds from the Contingency Fund as well as, in this particular case, it was the Lottery Fund, which had been repeated in several Auditor General’s Reports. Therefore, it was thought that since there was no consensus in the Committee and some Members disputed the term, the recommendation from the Report of the Public Accounts Committee on the Public Accounts of Guyana for the years 2010 & 2011 is:

“That the Finance Secretary and the Auditor General consult on the interpretation of the criteria as set out in the Fiscal Management and Accountability Act (FMAA) for the approval of advances.”

There was also another recommendation to deal with legal changes on page 16 at the bottom.

“(a) The FMAA Act and/or Regulations should be amended to provide for the present pre-paid arrangements for fuel across agencies.”

The paragraph before that reports the Guyana Defence Force (GDF) as one of the agencies, not the only one obviously, that purchased fuel, pre-paid for large amounts in advance. This was found to be occurring in a number of agencies and was thought to be not a practise that should be encouraged, but the agencies came and tried to justify it. It was thought that this was a matter that should be examined to see whether we should amend the regulations on that.

A couple of agencies came up for old issues, such as the Guyana Elections Commissions (GECOM) for 2006, with regards to \$500,000 which was unaccounted and unreturned by the then Chief Executive Officer (CEO). There were also a number of other issues which had to do with the purchases of printing ink. These were issues and recommendations with regard to the

use of public funds and with regard to GECOM. Unfortunately, we have seen some of these issues in more recent occurrences and there appear to still be problems.

With the Georgetown Public Hospital Corporation (GPHC), I just want to make one correction in case there is a misunderstanding by some readers who are now coming on board in the Parliament. On page 18, where we talked about the GPHC, the challenges to do with the storage bond, whereby they referred to the “Diamond Bond” as the new GPHC storage bond. Further down, the recommendation is:

“The Georgetown Public Hospital Corporation should commence plans to acquire its own storage bond.”

This was one of the issues that led to the new Diamond storage bond, which is the Ministry of Public Health’s storage bond, not the New Guyana Pharmaceutical Corporation (GPC) storage bond. That was implemented during 2011 and 2013 or 2014.

There were also recommendations to do with the use of the bail money.

“The Committee also had strong concerns about the discrepancies uncovered at 50% of the sample of police stations on the issue of storage of bail money (Para 305 of 2010).”

The recommendations were:

“The current management system should be reviewed to ensure that ...”

On page 19 (d):

“A complete audit (100%) of all police stations should be carried out, on the storage of bail money in next cycle of auditing.”

Again, other issues to do with legal matters had to do with the interpretation of what is classified as a ‘Local Organisation’. On page 19, the issue of the Office of the President that had classified the Presidential Guard Service and the Castellani House as Local Organisations. This was an issue which was debated on and found to be controversial. Therefore, the recommendation was:

“The Auditor General, the Ministry of Finance and the Accounting Officer should further examine the issue of criteria for classifying Local Organisations.”

Would the Castellani House and the Presidential Guard Service be called Local Organisations?

The Guyana Revenue Authority (GRA) was found to have several recommendations on how the agency was being managed in terms of auditing. One of the recommendations which some Members felt very strongly about was that:

“The GRA should increase the cost for obtaining a liquor licence.”

I believe this was done in 2016 and Minister Jordan will correct me if I am wrong.

When we come to the regions, some of the same figures rolled over. Issues relating to the functioning of the Public Works Committees and the Regional Democratic Councils (RDCs) were focused on quite a lot. It was found that the Public Works Committees were not doing the work they should be doing, which is to visit the projects and programmes, and make sure that they were functioning or being executed in a proper way. They should go between contracts. Also, when a project is completed, they should visit on the ground and not to just allow the Clerk of Works, engineers and the REO or the Accounting Officers to sign off. This became particular in a number of regions.

In Region 10, it was found that a culvert had been signed off on, paid for in advance and it broke down. There was another case in Region 3, where money was advanced and signed off, *et cetera*. There are a couple cases in the regions that are serious in terms of a lot of procedural issues not being followed. What came out clearly in the regions, if my Colleague Mr. Greenidge will remember, was that a number of problems that the regions had experienced were due to the lack of staff to deal with storekeeping, recordkeeping, expediting, *et cetera*.

8.07 p.m.

When we did the report on the Fort Canje Hospital, for example, on the dietary issues, it was found that if you do not have a storekeeper, how are you keeping proper records? This was what you call a universal problem across the public sector. So, whilst you thought that you needed the doctors, nurses and managers, where you were really thin, was with the guys who were keeping the logbooks and record books, the store keepers, the storage bonds and all of that, where the main assets are included, and, of course, the store ledgers and all that kind of stuff.

Region 10 came in for particular problems because this was a region that was called several times before the Committee for transgressions against both, the Accounting Officers,

Superintendent of Works and the Engineering Department. One of the recommendations is that they should do a 100% audit of the region in the next two auditing cycles.

The issues of importance, and the reason why I am giving some details, I am sure the Hon. Member, Carl Greenidge, would have his own areas of interests, but one of the concerns, too, was in relation to when you go to what was called the Ministry of Labour, Human Services and Social Security, now called the Ministry of Social Protection. Again, I believe that there is a correction in the report, and it may just be language, but there seems to be in a mixed up in terms of when we were looking at the databases in the Ministry, that is, for old age pension and those for what could be called special circumstances and Board of Guardians. It seems as if the two issues got kind of mixed up in the report because the Board of Guardians do not deal exclusively with pensioners, ill people, Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome (HIV/AIDS) patients, single mothers, persons with disable children, *et cetera*, verses old age pension, which is specific. Had we looked at that, we probably would have cleaned that up a bit more, just for clarity, for the public and for the Members of Parliament (MPs).

There are some interesting recommendations to do with the General Registrar's Office (GRO), particularly in the light of the Ministry of Social Protection, in terms of the death certificates from the GRO. This is so that you would know, on a monthly basis or quarterly basis, how many people had died in terms of records for pensioners. That, again, was something since 2012 which we had brought up.

The work of the Committee, which is not included in here because it is a report on the Auditor General, but I do believe that, in the future, it should be included.

Part of our work too, is to look at the Auditor General's performance. It is part of the Rules of Law and Constitution that we also look at the performance of the Auditor General's Office. We dealt with the vacancies and promotions that had to come in, including the expansion of the organisational structure of the Audit Office to have more engineers. That was omitted from the Public Accounts Committee. I understand, because this has been a traditional format which we have used, but I believe the work that went in the Tenth Parliament to do with those issues and the criteria to put systems in place, in terms of making sure that the process of hiring within the Audit Office was one that could stand scrutiny, and the promotional mechanisms, that there were

proper Standard Operating Procedures (SOPs) in relation to that. That work is completely omitted from this report. It is unfortunate because a lot of work went into that, including having a small bipartisan subcommittee with the now, Minister Lawrence, Mr. Nadir and myself, in terms of looking at, for example, the Public Procurement Commission (PPC) and the names that came forward through advertisement. That is not on the Auditor General's Report. However, that is a report of the PAC in that Parliament, the Tenth Parliament.

We had gone publicly and advertised. We got 64 names that came forward in the Tenth Parliament and were nominated or who were interested in sitting on the PPC. We had a small committee to create criteria for how the persons would be weighted and selected. Some of the work that had gone into that was not completed before the Parliament was dissolved and subsequently prorogued.

I would like to ask you to look at the general challenges, which are on pages seven, eight and nine, and also to look at the general recommendations. There are specific ones. We gave a recommendation to the Auditor General too, in that, when we were examining some parts of the report, the language was not clear and so we asked that the Auditor General's Office be very careful, in crafting the language, to make it very clear what it is that they are saying, what it is they found. We had examples after examples of that in the Auditor General's Reports in 2010 and 2011 that even the Committee was not exactly sure what they were really saying. It took time, questioning, until it came out what was the real issue. We said that this was happening quite a number of times, in the 2010 and 2011 reports, and it would help - Mr. Jaipaul, I think that you were there then, too, as a Member of that Committee and you remember those things well - that was one of the recommendations.

One of the issues, as I close my comments, is that, the Standing Orders pose a problem to us. The Standing Orders (82)(3) pose a particular problem with this report and again, the Attorney General and others who are law minded might guide. Standing Orders (82)(3) states;

“Within ninety days of the presentation of a report from the Public Accounts Committee, the Government shall table its Treasury Memorandum, as its response thereto.”

This part of the Standing Orders, which was amended, was around 2005 and 2006, when the new Standing Orders were done, included this part about the Treasury Memorandum, which fulfilled

what was, I believed, the FMAA Act. It became part of the Standing Orders and from then on, any PAC report that came, within 90 days, you had the Treasury Memorandum being laid here that were the Government's responses to the recommendations that were made. Unfortunately, in this case, this report should have been in 2014, it was not and it has now come and sat here for over a year.

My question is and dilemma is, let us put it that way, that in Standing Orders (82)(3), does it mean that if the report has not been debated in the House, but is presented as the language states in the Standing Orders, should we have a Treasury Memorandum to go along with this within 90 day of the report being presented?

I am not a lawyer and I keep being put in my place by those who are lawyers, that I am not one. But, my interpretation of the English language says that within 90 days of the presentation of the report from the Public Accounts Committee, 'presentation', it does not state 'approval'. If it is the wrong language then maybe we have to amend the Standing Orders or that we have to go back to the FMAA and find out if it states 'presentation' or 'approval of the National Assembly'.

In this case, what I am trying to say is, if the language is literal and a presentation is made, then there should be a Treasury Memorandum. In fact, in the future, if we have such terrible delays, like this one, with the report sitting for 13 or 14 months on the Order Paper, that the Ministry of Finance should then proceed to issue a Treasury Memorandum, which would then be debated or discuss in line with the PAC's report, whenever it comes up. This is because, now, it means that this report, hopefully, would be approved. I think that it is a useful one. It means that we now have to wait 90 days, having approved it, for the Treasury Memorandum to come from the Ministry of Finance. My interpretation of the word 'presentation' means 'presentation' and not 'approval'.

I want to just, lastly, say that the Members of the Committee, we had our views from time to time, but I believe that the committee worked well, it did a lot of work. We had 50 meetings. I think that the PAC of that period, in the Tenth Parliament, was probably the most active Committee in the House at the time; a short time but nevertheless, 50 meetings. We were meeting almost every Monday and stuff like that, and meeting Government and Regional entities. I think the Committee Members worked well, all of them, on both sides of the House.

Thank you. [Applause]

Mr. Greenidge: I would like to first of all thank Ms. Teixeira for her comments. Perhaps, not so much for the comments on the traditional items, which were being reported here, but also for providing some useful insights to the House as regards the background to the work of the Committee. Also for giving an indication of important work that, perhaps, may categorise, increasingly in the future, the work of the Public Accounts Committee. I am speaking here of the background work in terms of the one on the Audit Department, the rules and so forth, which she had mentioned, I do not want to go over those, as well as the institutional arrangement for setting up. You would remember that the leg-work, in terms of establishing the Public Procurement Commission, was done by this body.

I would say, also, in that regard, that, yes, I agree that the Committee and the volume of work it undertook, as well as the quality, should be recognised. Between 2012 and 2014 alone, 25 meetings were held. It is a large number of meetings for such a Committee and they were able, I think, to move from a situation where we started as, perhaps, one of the most acrimonious. I chaired several committees during that year, and it was perhaps the most acrimonious of all the committees. There were a lot of contentiousness between the two sides. I think that the newspapers capture some of those. In the end, when we moved from the institutional issues, which were other than pertaining to the appointment of the staff of the Auditor General and stuff like that, we found that, notwithstanding differences, there was a certain unanimity about the inadequacies that the system, as a whole, was exhibiting. Those are what you see reflected in the comments, as part of our responsibility to carry out an oversight of the work of the Audit Department and, specifically, of the report.

If I may touch on one or two areas, some of which might have been mentioned by Ms. Teixeira; not for the point of repetition but, to cast light on some different angles. Let me say, for example, that one of the challenges that faced the Committee and which you would see reflected in the report refers to the very Treasury Memorandum. The Committee found that, notwithstanding the fact that the Treasury had been responding by a way of issuing Treasury Memoranda at least up to 2009, there were often a non-acceptance of the recommendations. These are recommendations of a public accounts committee which consisted of the two sides. First of all, the

recommendations were not accepted and a number of those that seem to have been accepted were not implemented. That was one feature to note that I would like to add.

Additionally, some of those issues, for example, that were most prominent and evident had to do with the Customs Anti-Narcotics Unit (CANU) and the State Planning Secretariat, where, at the end, it was this House, as it were, that brought the Executive to yield by not approving funds, perhaps for the first time, when the Executive did not implement those.

The House's attention is being drawn to the general challenges and these are set out on pages 7 to 9. I would just like to say that, in respect of those challenges, a number of specific agencies have been named. Perhaps, it is useful, in going through them, to note perhaps some of the most egregious of the issues because they were not *ad hoc*. They seemed to me to reflect systematic weaknesses. You will see, for example, that the very first one states that;

“Across Budget Agencies, Accounting Officers and engineering staff appeared to persistently sign off incomplete projects.”

I mean this almost defeat the whole purpose of having the exercise done by way of having oversight.

8.22 p.m.

The measures to prevent overpayment was something that was also noted by the Committee and in almost every single meeting that there were, which had the Committee facing the executing agencies, it was found that this issue was a recurrent one.

There also seemed to be the question of Accounting Officers where they encountered problems in one agency and rather than disposing of them or removing them altogether, they were recycled to other agencies. This means that the source of the problem was just shifted to another place and perhaps the problems spread. There are safeguards built into the system, such as performance bonds for example, and entities tended not to use these, so, in the end, it could be found that the very mechanism that would prevent a contractor being paid and not delivering was actually undermined, so this was something that the Committee agonised over at each meeting.

There are some specifics that mention the weaknesses that were found in the Auditor General's department, such as the number of the engineering staff and the taxing of staff pertaining to local

government agencies, in particular and the failure to put appropriate or timely policies in place once problems have been recognised which kept reoccurring in all of the agencies, and the rest of them can be seen on page 8 and the top of page 9 where some of them were referred to.

The other dimension, which is perhaps worth mentioning, has to do with the Auditor General's report itself, which was addressed. If you look at the Auditor General's report in Guyana, I think it is striking that, as far as I can remember, none of these reports are less than almost 200 pages. They are enormous. If you look at the Auditor General's report of the United Kingdom , which is multiple, in terms of the work that it is doing, covers expenditures of a multiple of what we are involved in spending in Guyana, and yet the Auditor General's report is probably only ten pages at maximum. It reflects two things. One is perhaps that the Auditor General's coverage is uneven, big things may get two pages and small things may get two pages. It also reflects the fact that our system is in a very parlous state by the fact that so many things have to be mentioned. That is an aspect that needs attention. In looking at that report, you see many issues coming from one year to the next, the same issue, meaning that the system was unable to fix itself or fix its weaknesses.

If I might touch quickly on the agencies themselves that are mentioned from pages 9 and onwards, it will be seen that the language is strong. When I say this, I mean that this is notwithstanding the fact the sometimes the two sides did not agree on many things, but on these matters, often the feeling was often so strong that the language could be seen being reflected here.

In the Ministry of Agriculture, the committee expressed dismay in respect to one matter, namely the accounting officers, and the inability to locate staff who were indebted to the Ministry and left without repaying the debts. It seemed to be a very common feature and it can also be seen reappearing in respect to the Ministry of Education. There are issues, such as in the Ministry of Tourism, and what appeared to be the abuse of taxies and the funds for expenditure on taxies. There were, in the case of the Ministry of Labour, things that we are familiar with now, issues pertaining to the database for pensioners and the failure to weed that out. There is language, again, in relation to the Ministry of Public Health, such as concerns about transactions.

The New Guyana Pharmaceutical Corporation (GPC) was mentioned by Hon. Member Gail Teixeira and the New GPC attracted a considerable amount of attention, as you would be aware, about outstanding supplies, the procurement and storage of drugs by the agency and, I quote, “the huge cost associated with the exploration of drugs and the alleged loss of records due to fire”. This is one of the features in relation to that issue that drew our attention and attracted our attention for a number of times.

The Ministry of Indigenous People’s Affairs and issues to do with, for example, the Amerindian Development Fund where cheques for the capital provision were unpaid for over two years. These were some of the features. The Ministry of Home Affairs and overpayments as well as problems in the Guyana Defence Force (GDF), some of which were mentioned by the Member from the other side. Also, the inability of Accounting Officers could be seen, including in the GDF, to make proper explanations to the Public Accounts Committee of their actions or failure to undertake actions, and a number of the other agencies, Georgetown Public Hospital Corporation, and so forth.

I do not want to go through all of them, but it is just to draw attention to some of these because some have to do with financial issues and some have to do with systemic issues that apply to the efficacy of the system. It was seen, for example, the Supreme Court of Judicature, the Committee agreed that unsystematic - I do not think the word should really be unsystematic, but let us say it is probably more systematic - the removal of case jackets in magistrate districts was of concern and the Committee called for something to be done about it. This has implications for more than the financial side, so I am drawing your attention to these as issues that agitated the minds and the attention of the Members and of the Committee as a whole.

The Guyana Revenue Authority (GRA), the one that I would add to that, is one that is still a contentious one. Not only the level of fees associated with the liquor licences, and so forth, but the head of the GRA was quite intensively grilled over the apparent sitting on the GRA’s hands when it comes to managing the business of businesses selling liquor licences and constituting public nuisances although there were extensive complaints about a lot of these. One of the things that arose out of the response of the head of the GRA was him saying that there was overlapping jurisdiction here. It therefore felt that these things were too political and felt that it should not be

out on a limb taking the heat when other entities would be sitting and not doing anything about it. That is another dimension that I thought I would mention so that you can see.

On the regions, I do not want to say anymore because the Hon. Member Gail Teixeira has drawn your attention to those.

In terms of general recommendations, you will see that there were some quite strong recommendations arising out of the work of the Committee. For example, in addition to calling on the Finance Secretary to look at the contracts of Accounting Officers and use that as a tool, as it were, there was a call for the Finance Secretary to be empowered to surcharge accounting officers on the basis of more simplified rules because it was felt that the rules, as they existed at the moment, were something of a disincentive for effective use of these possible financial tools.

I draw your attention to the fact that the third recommendation, a very strong one, is calling for Accounting Officers or engineering staff who knowingly wait until the end of December to sign off incomplete projects should be removed by the Finance Secretary because this was a means by which there was over expenditure. Remember at the very beginning, that was what the concerns of the Committee was attracted to.

There was something also about the staffing of the Auditor General's office and a suggestion that the rules and regulations be amended to allow for an increase in the staff complement dealing with engineering to be increased from four to eight. That was a specific recommendation. We felt that the work was such, and the weaknesses of the executing agencies were such, that the oversight, which the Audit Department was supposed to carry out, could not be done effectively with the number of engineering staff it currently has. It has to be more because, of course, one does not think of engineers when thinking of financial audits in the first instance, so it is worth mentioning.

The Auditor General's report, we felt should also highlight inter-agency challenges, and the like. This is set out here very clearly.

The other one, which I want to mention, is the recommendation that the Finance Secretary should simplify the criteria for the writing off of losses. That continues to be a need even now as one is now involved in the executing agency one sees that need continuing and I would urge that

the treasury and the House to pay some attention to that, with the view of making our lives a lot easier.

I think those are the main points I wanted to raise and I would just like to emphasise that the Committee, having started out in very difficult territory, with a lot of difficulties at the political level and trying to work together, did achieve a great deal in the end. For that reason, I would like to commend both the Members of the Committee for their contribution to that achievement and also to the supporting staff, who at times went out of their way to ensure that not only that we worked effectively in spite of internal difficulties, but also at times when we are not always social. I think they enabled us to complete our work. Even after the Committee had ceased to meet, the reference made by Hon. Member Gail Teixeira about the completion of the report was attributable, in no small measure, to the enthusiasm and energy of the team in trying to ensure that the work was completed by reminding us, and in agitating.

Thank you very much for the opportunity to serve in Committee. Thank you. [*Applause*]

Ms. Teixeira (replying): I thank Mr. Greenidge for his contribution on the report. I wish, not to debate any further, but to ask that the Minister of Finance, in particular, and the Ministers and the Minister of Communities, and so on, to really look at this report. A number of these issues, as Mr. Greenidge said, have been reoccurring for years, particularly to do with resources and also clear policies, and sticking to those policies, and making sure that the staff is holding to the rules and financial rules. It would really help in the process if we are saying that we are fighting against a number of things, including abuse, corruption, inefficiency, and all of these things for the Cabinet members, in particular, to pay attention to this report and to go through it and see in what way they can enhance the work of their own Ministries and agencies underneath them.

However, too, in terms of the Standing Orders, it would be useful that in 90 days' time, we are allowed to have a treasury memorandum (TM) that would allow us to see what the reaction by the Government is and, two, some of the recommendations and which ones are accepted and which are not.

In terms of the Committee, I think there is a new Committee and it is different in the sense that there are Ministers now sitting on that Committee as was not in the past. We hope that the next

report of the Public Accounts Committee, which is also in the list of reports for us to look at, would have been able to overcome some of the issues that were found.

I would also like to suggest on my own that the Ministry and Ministries, and the Ministry of Finance, should look at training in some of these agencies, because there is a lot of new staff, to make sure that they are *au fait* with the financial rules and regulations. In addition to that, one of the recommendations made, to do with the Accounting Officers, where they may overpay a contractor, and so forth, and the moneys could not be recouped, that consideration be given that these deductions are made from their vacation allowance.

8.37 p.m.

It is a very stern and rough one to do but in fact the Government may have its own version of that. The issue was to try to get the message across that in the accounting system it does not allow persons to get on top of the ball.

The very last issue before I forget, and that is, we took our job seriously, we did not agree all the time but one of the things that you may want to consider, just to re-emphasise on what Minister Greenidge said, and that is in all of the Auditor General's reports you would sometimes see some books not being reconciled from 1988, 1990, some overpayments that come from 2001, and issues such as that. We were confronted with that in the report and we made recommendations that the issue of writing off losses must be done and we found the Finance Secretary, traditionally and in the Committee, very reluctant to do this because these matters go Cabinet and, I believe, Cabinet has to approve and then nobody wants to write-off a \$5 million or \$10 million. In fact, the losses are not huge because sometimes there is overpayment of teachers by \$10,000, and issue as that, that and it goes back ten years and we are still holding on.

The other issue for policy of the Government, which was also discussed, is that people's salary go directly into their accounts at banks and so if there is an overpayment...This is what the Accounting Officers raised and it is in the report that how do they get the money back, because it is the Integrated Financial Management and Accountability System (IFMAS) which pays straight into people's bank accounts in the main. It is how do you now go to the bank and say that we overpaid and we would like to take out back \$10,000 or \$30,000. This was flagged in the report and does require a policy examination of it. There were differences in the Committee between

those who are lawyers and non-lawyers on whether this could be done or not. Am I correct, Mr. Greenidge? It is a policy issue and now we have an electronic system of paying people in the main except at the very low levels where they get cash as weekly workers, that once it is overpaid, then how to get back the money? It was based on people's honesty in giving back the money and in many cases they just ignored it or some of them left the country and cleared their accounts. I leave it to Cabinet and the Government to look at this issue, because it is an issue that confronted us, it confronts you and it will continue to confront until we are able to find some mechanism. Once we want to be in this electronic age these are some of the challenges that we would face.

I hope that National Assembly will adopt the report and I hope the Minister of Finance, in particular, will pay attention to the report and bring a treasury memorandum in accordance with Chapter 82:03, within the 90 days.

Question put, and agreed to

Report adopted.

ADOPTION OF THE FIRST SPECIAL REPORT OF THE PARLIAMENTARY SECTORAL COMMITTEE ON SOCIAL SERVICES OF THE TENTH PARLIAMENT

WHEREAS in accordance with Standing Order No. 104(1), every Committee shall before the end of the Session in which it was appointed, make a report to the Assembly upon matters it has addressed or were referred to it;

AND WHEREAS the Parliamentary Sectoral Committee on Social Services appointed in the Tenth Parliament was unable to conclude its agreed upon work programme;

AND WHEREAS the National Assembly on 10th March, 2016, by way of Resolution No. 29 of 2016, approved that the Social Services Committee of the National Assembly of the First Session of the Eleventh Parliament adopt all outstanding work of the previous Committee.

AND WHEREAS the Parliamentary Sectoral Committee on Social Services of the Eleventh Parliament reviewed the First Special Report of the previous Committee on its visit to the

Amerindian Hostel, the East La Penitence Female Lock-Up, the Sophia Children Care Centre and the Juvenile Holding Centre and agreed that it be laid in the National Assembly,

BE IT RESOLVED:

That the National Assembly adopts the First Special Report of the Parliamentary Sectoral Committee on Social Services of the Tenth Parliament. [Dr. Persaud, Chairperson of the Parliamentary Sectoral Committee on Social Services.]

Mr. Hamilton: I rise to present on behalf of Dr. Vindya Persaud, the First Special Report on the Parliamentary Sectoral Committee on Social Services of the Tenth Parliament. Just an observation, the cover is stating the Eleventh Parliament. The report specifically deals with visits to some locations, the Amerindian Hostel, the East La Penitence Female Lock-up, the Sophia Children Care Centre and the Juvenile Holding Centre. The visits were done on the 13th June, 2014. Basically, the report outlines the interaction with the officials at these agencies and the recommendations coming out of the visits. I would dare say that I suspect some of the recommendations time might have overtaken them and the agencies might have put themselves in order.

The Amerindian Hostel, specifically, one of the important issues I would just raise is that some of our hinterland brothers and sisters, who are staying at the hostel, might not be versed in speaking English and the disadvantage that they are placed in at the hostel. Of all the observations, that is an issue, I suspect that we have to look at.

Regarding the East La Penitence Female Lock-up, again, we are talking three years heads but at the time of the visit, it was in poor shape sanitary and environmentally wise. I hope by now those issues are fixed.

The Sophia Children Care Centre, major issue at the time, indicated that there was no welfare officer. I just want to highlight those three important observations and therefore it might be useful for my colleagues, the Ministers of the Ministry of Social Protection, Ministry of Public Health, Ministry of Communities and Ministry of Indigenous People's Affairs and even Ministry of Public Security because...In general, for all these places, it is the issue of proper sanitation. In one case where they were females held in lock-up, in the other case where children dwell and in

the other case where Indigenous people come into Georgetown dwell and I hope by now the relevant Ministries would have looked at those matters and those places are in better shape.

I would want to thank the Members of the Committee at the time and the staff that worked with us during the Tenth Parliament and to say that I could only hope that these issues that were raised in the report by now we have taken care of them and all the agencies are in better shape and the people that dwell therein are better provided for in those residents.

Thank you. [Applause]

Minister with the Ministry of Indigenous People's Affairs [Ms. Garrido-Lowe]: I rise in support of the First Special Report of the Parliamentary Sectoral Committee on Social Services of the Tenth Parliament. As my colleague, the Hon. Member Joseph Hamilton, mentioned the report was three years ago. As he rightly said some things have been rectified. We did visit the Amerindian Hostel, the East La Penitence Female Lock-up, the Sophia Children Care Centre and the Juvenile Holding Centre on Friday, the 13th June, 2014.

The visit then at the Amerindian Hostel was a very timely one and the Amerindian Hostel, as everyone should be aware, houses patients, women, men and children who have nowhere to stay when they are referred to the Georgetown Public Hospital Corporation for emergency or continuous treatment or for the first time mothers who are referred by the region to Georgetown to deliver their babies. They are normally accompanied by relatives who help to care for them during their stay. On our visit to that establishment, then, there were a lot of things we noticed. For instance there were a lot of broken window panes, the flooring in some places were damaged and there was need for more linens, mosquito nets, washing sinks and toilets were not in and needed repairs, also leaking roofs, and so on, kitchen cupboards needed repairing and there was need for a large pressure pot.

Needless to say, since the A Partnership for National Unity/Alliance For Change (APNU/AFC) Government came into office, we have remedied some of the situation. So far, we have done rehabilitation works to the male and female dorms by painting and repairing the closet doors. We have also done some work to the fence and the paved around the hostel, renovations to the lower flat extension, dining and play areas, and construction of the walkway at the back of the building so that persons could go now and hang their clothes and it is not to walk in the mud. We still

have some outstanding works to be done there, that is, repairs to the furniture and rehabilitation of the remaining washrooms.

With regard to the East La Penitence Female Lock-up, yes, as the Hon. Member Joseph Hamilton said, we observed that when the cell was overcrowded the females would have to go in the bathroom just to get a space, but now that is fixed.

The report pointed to many things that should be repaired and fixed and they are being fixed, right now, and what are not, we will continue, as a Government, to ensure that facilities are better for our people.

Thank you very much. [*Applause*]

Mr. Hamilton (replying): Thank you very much Minister Garrido-Lowe. Just to make the point, as I said, that we are talking about three or two years ago, or thereabout, and I am glad to hear the Minister was indicating that some of the issues and deficiencies, at that time, many have been remedied and the Government continues to work on those that are still outstanding.

Therefore, in that vein, I would not like to commend to the National Assembly to adopt the First Special Report of the Parliamentary Sectoral Committee on Social Service of the Tenth Parliament.

Question put, and agreed to.

Report adopted.

8.52 p.m.

ADOPTION OF THE SECOND SPECIAL REPORT OF THE PARLIAMENTARY SECTORAL COMMITTEE ON SOCIAL SERVICES OF THE TENTH PARLIAMENT

WHEREAS in accordance with Standing Order No. 104(1), every Committee shall before the end of the Session in which it was appointed, make a report to the Assembly upon matters it has addressed or were referred to it;

AND WHEREAS the Parliamentary Sectoral Committee on Social Services appointed in the Tenth Parliament was unable to conclude its agreed upon work programme;

AND WHEREAS the National Assembly on 10th March, 2016, by way of Resolution No. 29 of 2016, approved that the Social Services Committee of the National Assembly of the First Session of the Eleventh Parliament adopt all outstanding work of the previous Committee.

AND WHEREAS the Parliamentary Sectoral Committee on Social Services of the Eleventh Parliament reviewed the Second Special Report of the previous Committee on its visit to the Regional Hospital, the National Insurance Scheme the Police Station in Mabaruma, Region 1 and agreed to be laid in the National Assembly.

BE IT RESOLVED:

That the National Assembly adopts the Second Special Report of the Parliamentary Sectoral Committee on Social Services of the Tenth Parliament. [Dr. Persaud, Chairperson of the Parliamentary Sectoral Committee on Social Services.]

Mr. Hamilton: I rise to present the Second Special Report of the Parliamentary Sectoral Committee on Social Services of the Tenth Parliament. This report specifically deals with visits to Government agencies that were done on the 11th and 12th July, 2014. The visit to these agencies was done specifically in Region 1. Visits were done to the Mabaruma Regional Hospital at Mabaruma, the National Insurance Scheme and the police station at Mabaruma.

The report speaks to the interaction with the employees, the doctors and the nurses at the Mabaruma Regional Hospital and their understanding of what was taking place in the area, the observation of the team and the recommendations flowing from some of the issues at the hospital at that time. I dare say, as I did with the first report, that we are talking about over three years and I suspect many of these issues might have been fixed by now. At the time, of course, the issue we always have with hospitals would be the issue of drugs and drug shortages, the issue of staff and staff shortages, at the time at the hospital, and the issue of all the necessary facilities that should be at a hospital. Those matters were discussed with the Regional Health Officer (RHO) at the time and the Chief Executive Officer (CEO) and one of the issues was, they were having difficulty recruiting personnel with their requisite technical skills in the region.

I know one of the issues that is a major bugbear to the Ministry of Public Health is the issue of retaining pharmacists in the system. I am sure Dr. Cummings, when she gets up,...One of the

issues is that the moment the person's five-year contract time is finished that person would move on to the private sector, even though that person would have been trained within the Government system and by the Ministry. Many of the hospitals and pharmacies have to make do with the pharmacy assistants. Of course, the issue of proper storage of drugs was brought up.

Visit to the National Insurance Scheme (NIS): For the entire Region 1, we were told that the office that serves Region 1 is in Mabaruma and that office was built in 1989. For the people who know Region 1, you would think about how difficult it would be for the people in Port Kaituma, Arakaka, and Matthews Ridge to interact with NIS to do their business, so they would have to travel to Mabaruma. I hope that is an issue we would attempt to fix, so that people would not have to continue to deal with that.

Regional system, Hon. Minister of Communities, the subregions were to deal with half of the region or part of it and it was to function just like the...that is out. As indicated now, specifically with the NIS visit, a businessman who got his employees' contribution and who was in Port Kaituma or Matthews Ridge or Arakaka or wherever he has to come to Mabaruma to do that. That was a major issue.

The police station at Mabaruma: At that time, the accommodation for police officers was a travesty, that is, what was a building or a supposed building. The photographs are in the report. As I said, I hope, that those matters... I think that the Minister of Finance should show some attention to the issue of those matters such as the NIS office that serves the total region. I know and I am sure that the Minister of Public Security is paying attention to the issue of proper facilities for police officers that are in the outlying regions.

Once again, I would like to thank the Members of the Committee and the staff of the Parliament Office who serve the Committee and who worked with the Committee. I would only hope that by now we would have moved on from many of the issues identified in the report that were deficiencies, by now many of them have been rectified so that our people can get better service.

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

Minister within the Ministry of Public Health [Dr. Cummings]: Mr. Speaker and Members of this august Assembly, I rise to contribute and to support the Second Special Report of the Parliamentary Sectoral Committee on Social Services, which I am now a part of.

However, this report outlines the findings and observations of this Committee when a visit was made at the Mabaruma Regional Hospital, the National Insurance Scheme and the police station in Region 1, the Barima-Waini Region, conducted on 11th and 12th July, 2014.

As was mentioned by the previous speaker, time would have overtaken. We are talking about three years ago and Mabaruma has since become a town. The delegation at that time and the visit to Region 1 was led by the Hon. Ms. Volda Lawrence, Members of Parliament (MP), Ms. Mabel Baveghems, Ms. Reneta Williams, Hon. Ms. Valerie Garrido-Lowe, staff members of the National Assembly, namely, Ms. Savitah D'Andrade, Mr. Ricky Hardeen and Ms. Michelle Chung.

Initially, this report was presented to the National Assembly by the Chairperson of the Committee on 9th March, 2017. Some challenges were mentioned, considering the main health facility in Mabaruma which was visited. The report noted seven cases of maternal deaths which took place in Yarakita in 2014. There has been a constant decline in maternal deaths in that region since then, with five deaths reported in 2015 and one maternal death in 2016 and 2017 respectively. The decrease in maternal mortality in Region 1 is as a result of several factors. There was an increased capacity building of the health care providers, such as ultrasound training by staff from the American University. There is also more services being made available such caesarean sections being done during outreaches in the operating theatre and contraceptive service being offered to the patients there.

The report noted that in Region 1 there were one Environmental Officer and two Environmental Assistants to take care of the sanitation. I want this Assembly to note, to date the Environmental Health Department has been boosted from a mere three persons to a unit having eight staff members. The staff members are first responders with support at the national level in cases of floods or any other environmental disasters.

The capacity of the morgue being able to store two bodies has been noted. As stated in the report, the morgue can now accommodate up to four bodies and the pathologist continues to be flown into the region when necessary.

In 2014, there was inadequate supply of drugs for chronic diseases such as diabetes. There has since been an increase in the quantities of supply and more regular supply of pharmaceuticals and medical supplies. We have now retained a Pharmacy Assistant on a permanent basis.

In closing, the underlying issue presented in this highlights the paucity of adequate human resources at the entities visited. The report notes that the region is still in need of affordable, stable and reliable electricity which this Government is working on with the solar farm project. There is also the need for information technology (IT) infrastructure development so as to enable the use of information and communication technologies within the region. With the introduction now of information and communications technology (ICT) within the region, this initiative will reduce overdependence on paper in keeping with the President's green initiative. The public awareness campaign being done by the National Insurance Scheme and the Communication Department of the Mabaruma Police Station is now boosted by the Mabaruma Radio Station 93.1.

I just want to commend the staff putting together this report, especially on both sides of the House. Just to let them know, the Government continues to work assiduously to ensure the public health mantra is there too of having healthy people and healthy communities.

I take pleasure in presenting this report to the National Assembly. [Applause]

Mr. Hamilton (replying): Mr. Speaker, just to say, on behalf of the Committee, I would like to ask the National Assembly to adopt the Second Report of the Special Sectoral Committee of Social Services of the Tenth Parliament.

Thank you very much.

Question put, and agreed to.

Report adopted.

**ADOPTION OF THE THIRD REPORT OF THE STANDING COMMITTEE ON
APPOINTMENTS TO ADDRESS MATTERS RELATING TO THE NOMINATION
AND APPOINTMENT OF MEMBERS TO THE ETHNIC RELATIONS COMMISSION**

WHEREAS the Parliamentary Standing Committee on Appointments agreed to uphold Resolution No 68 of 2014, which approved the list of entities to be consulted for nomination to the Ethnic Relations Commission;

AND WHEREAS the entities met and made submissions of their nominations between April 27, 2016 and January 25, 2017;

BE IT RESOLVED:

That this National Assembly approves the following persons from the following categories as members of the Ethnic Relations Commission established under the Constitution, and signify to the President that:

Christian Bodies

Dr. John O. Smith

Hindu Bodies

Sister Rajkumarie Singh

Muslim Bodies

Mr. Roshan Khan

Labour Movement Bodies

Mr. Norris Emanuel Witter

Private Sector Organisations

Major-General (Ret'd) Norman McLean

Youth Organisations

Mr. Deodat Persaud

Women Organisations

Ms. Ruth Howard

Cultural/Ethnic Bodies

Afro-Guyanese

Mr. Barrington Braithwaite

Indo-Guyanese

Mr. Neaz Subhan

Indigenous/Amerindian Bodies

Mr. Ashton Simon

have been nominated in accordance with Resolution No. 17 of 2003, and Article 212 B (1) (a) of the Constitution to be appointed members of the Ethnic Relations Commission; and

BE IT FURTHER RESOLVED:

That this National Assembly adopts the Third Report of the Standing Committee to address matters relating to the nomination and appointment of Members to the Ethnic Relations Commission. [*Minister of Social Cohesion, Chairperson of the Committee on Appointments.*]

Minister of Social Cohesion [Dr. Norton]: Mr. Speaker, the meetings of the Committee were 19 in total and we upheld resolution No. 68/2014, which approved the list of entities to be consulted for the nominations to the Ethnic Relations Commission.

From the discussion we had, the Committee decided that letters would be sent inviting representatives to a meeting at the Arthur Chung Convention Centre where a coordinating body would be established. At that meeting we had a sensitisation process ably executed by the Hon. Ms. Teixeira; all in all, we consider that meeting to be successful.

9.07 p.m.

At that meeting we were able to identify the coordinators for each of the different cluster bodies. We had Swami Aksharananda from the Hindu bodies, Mr. Kakkan Ramjohn from the Islamic bodies, Mr. Raphael Messiah from the Christian bodies; Major-General (Ret'd) Norman McLean from the Private Sector Bodies, Mr. Sherwood Clarke from the Labour Union bodies, Ms. Grant from the Women bodies, Mr. Winston Asana from the Youth bodies, Mr. Eon Boule from the Amerindian bodies, Dr. Seeta Shah Roth, from the Indian bodies and Ms. Pearl McLean from the African bodies.

We had no problem in getting a report from seven of the 10 clusters and their nominations. We had some difficulties in having the nominations to this Ethnic Relations Commission (ERC); from the Muslim, Indian and Amerindian bodies. After we gave them an extension of the time in which they could submit those nominees, we eventually got the nominees from the Muslim and Amerindian bodies. The difficulty with the Indian bodies persisted, but, eventually we did manage to get a nominee and finally we were in a position to have nominees from all 10 of the clusters.

We would like to present to the National Assembly the nominees that we had from all the different bodies. From the Christian bodies we had Dr. John O. Smith; from the Hindu bodies Sister Rajkumarie Singh; from the Muslim body Mr. Rosh Khan; from Labour Movement bodies Mr. Norris Witter; from the Private sector Organisations Major-General (Ret'd) Norman McLean; from the Youth Organisations Mr. Deodat Persaud; from the Women Organisations Ms. Ruth Howard; from the Cultural/Ethnic bodies - the Afro-Guyanese, we had Mr. Barrington Braithwaite; Indo-Guyanese, Mr. Neaz Subhan and the Indigenous/Amerindian bodies - Mr. Ashton Simon. The Committee therefore recommends that those individuals be signified at the National Assembly's choice to the President for appointment as members to the ERC. Thank you. [Applause]

Bishop Edghill: Thank you very much, Mr. Speaker. I rise to speak to the motion asking for the adoption of the third report of the Standing Committee on Appointments to address matters relating to the nomination and appointment of members of the ERC.

We on this side of the House fully support the establishment and operationalising of the ERC. We would, however, like to bring to your attention, Sir that this motion that we are debating

tonight is on the order paper since the 18th April, 2017. We are about to celebrate its anniversary in another couple of months, so thanks that tonight somehow we are dealing with this matter.

While this might be just a matter of...well we are here now, we do not see it that way. This is a very serious matter. As a matter of fact, the process in getting us to here, to where we are tonight has been one that has been in the making ever since the 11th Parliament began and the Committee on Appointments started its work; here we are two years later with this motion to get the ERC going and while we are dealing with this, all the other Rights Commissions have also expired; the Women and Gender Equality Commission, the Rights of the Child Commission and the Indigenous People's Commission. While we are dealing with this, we must address our minds that something has to happen at the level of the House that allows for the expeditious treating of these motions to operationalise those very important constitutional Rights Commission and that they should not be left to languish. Why it is true, as the report will highlight, the Committee under the chairmanship of Dr. Norton, went straight into work and we got on board, the stakeholders to work with us and there was a report the 10 delay is one that I find to be unacceptable. It is the first thing we would like to put on the record.

Secondly, the need for an ERC in Guyana is one that cannot be overemphasised. As a matter of fact, this country had been without one since 2011. Since there is a high level of impatience being displayed, I will not want to go into all of the details of why that is so. The fact of the matter is that, a Committee having finished its work should somehow have the support of the House and those who manage the business of the House, that we do not have Committee reports languishing this long on the order paper, when the people need to be served and these very important bodies needs to be addressed. We will come to, depending on where we close tonight, on two very important appointments to another very important institution; the Financial Intelligence Unit (FIU), the accountant as well as the lawyer. I am not even sure if we passed both of those motions tonight; the two individuals are still available, after having all of those months in a holding pattern waiting for approval of the House. Something must happen at the level of the House how we deal with Committee reports.

Secondly, we have a situation, if we read this report and we fully support the recommendation of the motion. For the establishment of the ERC, we were asked to consult with more than 160 organisations in 10 different categories. I believe the Hon. Minister and chairman of the

Committee omitted to mention to us that this new ERC has been expanded from seven constituencies to 10, because they have since added the cultural bodies; Amerindians, Africans and Indians.

In this consultation process, the National Assembly must also take notice that something needs to be done as it relate to how we consult and how we get civil society groups to be engaged. While it is true at the level of the Committee; we did put deadlines by which we must get responses from various groups with their nominees as a way of expediting the process. The reality is, when you read all of the reports you will discover that in many of the constituencies we did not have 50% participation. You are going to have a Constitutional body with nominees coming from constituencies where a significant part of that constituency did not play a role, choose not to play a role or were unable to play a role in the choosing of their commissioners. For example, Youth: which is a very important and significant constituency in this country and I believe every Member of the National Assembly would want us to pay keen attention to what happens with our youth. Here in this House, by two third's majority, we agreed that 41 organisations must be consulted; very laudable. The report that is before us shows that 15 out of the 41 made the decision about who will be the nominee for the youths. This National Assembly must say if they find that to be acceptable or not. If it is not acceptable, then we must discover, what is the cause of the inability to get all the youth bodies together to consult or most of them to consult and we must put mechanisms in place to help them. It may be that we may have to provide additional support to bring them together, since they are not necessarily meeting all the time.

If we are to look as well in the religious sector, out of the 36 Christian bodies that we agreed on to be consulted here at the National Assembly, only 19 participated. We may want to also have a look at what transpired at the private sector bodies. From the report, a very few and I, use the word few relatively; maybe just two or three participated.

9.22 p.m.

I think we must discover how we can do this better, and as a committee I would think that we have done a lot. We have extended the deadlines, we created the environment, but maybe there is more to be done because we want these bodies to be truly representative in joining the confidence and support of a wide cross section of Guyanese so that their decisions and their

pronouncements would not be subject to ridicule by a large section and they do not have the confidence of the majority. So, I would want to bring that to the attention of the House. If we are going to consult with civil society in keeping with article 13 of our Constitution it must not just be a routine thing, we must look at how we can better get civil society engaged to play a meaningful role.

We fully support going ahead with this motion and we look forward for a functioning and fully operational Ethnic Relations Commission. One that is free from political interference where they would be able to do their work in a very independent manner. As a Member of the Committee on Appointments, during the period of time when the consultations took place at the Arthur Chung Convention Centre to the time when the clusters met and reports were submitted to as recent as last, week when I attended a function, various members were either saying with interface with various Members of this Assembly and expressing concerns; I say this tonight Sir because I think our only role as a Committee and as a House is to facilitate the process of getting the persons appointed and of course turning tonight's motion into a resolution that signals to the President to swear in and appoint these bodies, but they should be left to themselves to determine who is their Chairman and Deputy Chairman. They must be left to themselves free from interference from anyone in this House about their programme and their work. I do not say this tonight very lightly. I say it based upon the fact that during the period of time that this has been on the order paper I am aware there have been a lot of interactions with individuals and groups and that is causing some concerns out there.

We on this side of the House will always lend our support to all the constitutional bodies especially when they are pursuing the interest of the people of Guyana and we will like them to do so independently and free from political interference.

In the spirit of this motion Sir, we commend it and we ask that it be accepted. Thank you Sir.
[Applause]

Dr. Norton (replying): We do recognise the length of time this report has been there on the order paper. It was not in our interest for it to be here that long. It was not deliberate. It was on the order paper last night and we saw what happened and many other instances similar to that before had occurred.

It is a fact that we would want more participation from civil society, but it is not because we did not make an effort. Many of times we had to extend the deadline which was given to them and even after that persons did not respond. What is important to note, it is a fact that, we hope that there would be no interference with the process, there has never been, but we are conscious of the fact that unless there was the classical effect that happened on the road to Damascus only then would we understand why is it a Chairman of the Ethnic Relations Commission ends up in this House just after giving up that position.

I just would like to recommend the members that were mentioned before to be appointed members of the Ethnic Relations Commission and that the National Assembly adopt this third report of the standing committee.

Motion Put

Motion carried

**ADOPTION OF THE FOURTH REPORT OF THE STANDING COMMITTEE ON
APPOINTMENTS TO ADDRESS MATTERS RELATING TO THE APPOINTMENT OF
THE ACCOUNTANT OF THE FINANCIAL INTELLIGENCE UNIT**

WHEREAS in keeping with the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment Act 2015, Act No. 1 of 2015,

The Principal Act is amended by the substitution for section 9 of the following section as section 6, Subclause 4(b)-

(3A) The Financial Intelligence Unit shall include-

(b) An accountant appointed by the Parliamentary Committee on Appointments from a short list provided, based on applications in response to public advertisement.

AND WHEREAS, the Committee had advertised the position and subsequently shortlisted ten (10) applicants for the position of Accountant but interviewed nine (9), since one (1) applicant withdrew from the position;

AND WHEREAS the Committee on Appointments after deliberations reached a decision by majority and recommended Mr. Surendra Lall Boodhoo as a suitable person to be appointed as the Accountant of the Financial Intelligence Unit (FIU) in accordance with the Anti- Money Laundering & Countering the Financing of Terrorism (Amendment) Act 2015, Act No. 1 of 2015,

BE IT RESOLVED:

That this National Assembly adopts the Fourth Report of the Standing Committee on Appointments to address matters relating to the appointment of the Accountant of the Financial Intelligence Unit;

BE IT FURTHER RESOLVED:

That this National Assembly signifies to the Clerk of the National Assembly that Mr. Surendra Lall Boodhoo be appointed in accordance section 5, of the Anti-Money Laundering and Countering the Financing of Terrorism Act No. 1 of 2015. [*Minister of Social Cohesion, Chairperson of the Committee on Appointments.*]

Dr. Norton: Thank you very much Mr. Speaker. The Committee on Appointments was given additionally responsibilities for the appointment- to bodies by several statutes enacted by the National Assembly on the Tenth and Eleventh Parliament. In particular the Anti- Money Laundering & Countering the Financing of Terrorism (Amendment) Act 2015, Act No. 1 of 2015 gave this Committee on Appointments the responsibility to select and recommend a person for the appointment as an accountant for the Financial Intelligence Unit. That responsibility which was given to this committee was in the form of a mandate which is as follows. It was mandated by the Anti- Money Laundering & Countering the Financing of Terrorism (Amendment) Act No. 1 of 2015 to appoint persons to a specific position.

The Principal Act is amended by the substitution for section 9 of the following section as section 6, Subclause 4(b):

“(3A) The Financial Intelligence Unit shall include-

- b) An accountant appointed by the Parliamentary Committee on Appointments from a short list provided, based on applications in response to public advertisement.”

This committee had 20 meetings. The committee upon request was provided with the criteria, job description and terms of reference for this position. Two Members of the Committee were assigned to review the advertisement that was placed in the national newspapers, which were four in total.

At its sixth meeting held on 13th April, 2016 the committee acknowledged the application of 29 candidates and their applications were applied to a spread sheet. We had a subcommittee which consisted of three Members from the Committee which was tasked with preparing the evaluation for shortlisting of the applicants. The applicants were asked whether or not they deemed themselves as a politically exposed person as defined in the Anti- Money Laundering & Countering the Financing of Terrorism (Amendment) Act 2015.

They had a short list of 10 applicants which appeared before the committee for interviews. The committee conducted a preliminary interview of nine persons since one of the persons was absent from the interview. We eventually arrived at a candidate, but the candidate declined. We then shortlisted again two applicants for the position. Out of the two applicants one indicated no interest and the committee decided to select Mr. Surendra Lall Boodhoo as the candidate. Following his selection due diligence was exercised by the Commissioner of Police. After receiving that information that he was of no interest in the past to the Guyana Police Force and also they had no information which was requested by the committee from his current place of employment. The committee hereby submits for consideration of the National Assembly Mr. Surendra Lall Boodhoo for the position of Accountant within the Financial Intelligence Unit. The Committee on Appointments examined and adopted the report and a motion and the report is accordingly hereby submitted. Thank you. [Applause]

Bishop Edghill: I thank the Chairperson of the committee for the remarks that he made, but I would have expected that he would have indicated to this House if after all of this time Mr. Surendra Lall Boodhoo is still available for the job, because we might be going through the motion here tonight then to discover that the person we are approving here is no longer available for the job.

The appointment of the Director, Deputy Director, Accountant and Attorney at Law at the FIU became the responsibility of the standing Committee on Appointments as a result of the amendments made to the Anti- Money Laundering & Countering the Financing of Terrorism Act 2015. I bring this up to say that this is not merely receiving nominations from entities or agencies, but this now involves conducting actual interviews and interfacing with the individuals directly who are to be appointed to this important body.

9.37 p.m.

This journey that we are supposedly concluding tonight started since the 23rd December, 2015, two years and months, to find an accountant for the Financial Intelligence Unit (FIU). And even after the Committee would have agreed and would have interviewed and had the assurance of this candidate who we found to be suitable, based upon a process, I do not know if this House expects professional people to wait from April of one year, having applied and been successful, to fill a vacancy sometime after January the following year. I just highlighted that to say that we have to find a way of doing things better because, if we do not, we will participate in a zero-sum process, and that is all I am saying.

We fully endorse the candidate as proposed in the Report but we lament the fact that it had taken so long and I do hope that we can still engage the services of the gentleman for this job. Thank you very much. [Applause]

Dr. Norton (replying): I present this Report to the National Assembly and I ask that this nomination be accepted for the position of Accountant to the FIU.

Mr. Speaker: I thank the Hon. Member.

Question put and agreed to.

Motion carried.

Mr. Speaker: Hon. Members we will now consider the adoption of the Fifth Report of the Committee on Appointments (CoA) in relation to the appointment of an attorney-at-law to the FIU. There are three speakers listed: Hon. Dr. George Norton, yours is the first name; followed by Ms. Gail Teixeira; and then Dr. Norton, you will close.

ADOPTION OF THE FIFTH REPORT OF THE COMMITTEE ON APPOINTMENTS IN RELATION TO THE APPOINTMENT OF AN ATTORNEY-AT-LAW TO THE FINANCIAL INTELLIGENCE UNIT (FIU)

Dr. Norton: Thank you very much, Mr. Chairman. The Committee was mandated by the Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) Act No.1 of 2015 to appoint persons to a specific position, specifically an attorney-at-law appointed by this Committee – the Committee on Appointments – from a shortlist provided, based on application in response to a public advertisement. Once again, two Members from the Committee were assigned to review the advertisement that we had in the national newspapers and, from that advertisement, we had acknowledged the application of two candidates.

At a meeting held on 27th June, 2016, the Committee conducted interviews of the two applicants for the position of attorney-at-law. The Committee also acknowledged that neither of the applicants interviewed for the position possesses the requirements outlined in both advertisements. As a result of that, we had to re-advertise with some adjustments being made to decreasing the number of years of experience that was required, inviting or seeking the assistance from the Guyana Bar Association and the Guyana Association of Women Lawyers (GAWL), requesting that they encourage their members to apply for this position. As a result of that, we had 10 applicants for that position. Here again, we had to find out whether or not these persons were politically exposed persons (PEPs). It was brought to our attention that one of the applicants was a PEP, and, as a result, not eligible.

Five applicants were invited to appear before the Committee for interviews. The interviews were conducted and the Committee noted that one of the applicants had indicated a non-interest in the position of attorney and, as such, has withdrawn her application. Following the interviews, there were differences of opinion among the Members of the Committee. The four Opposition Members present proposed a candidate, Ms. Sparman-Stephen...

Mr. Speaker: Hon. Minister, I wonder whether it is important for this meeting to know the details of what transpired at the discussion concerning the candidates individually. I would want to suggest that we proceed without the necessity of detailing that. Thank you.

Dr. Norton: Thank you very much, Mr. Chairman.

There was a difference between the candidate accepted by the Members of the Opposition and that of the Government. At the 20th meeting held on the 5th April, 2017, the Committee agreed on the candidate for the position of attorney within the FIU. The selected candidate indicated her interest and accepted the position and the salaries offered and the due diligence process was initiated. Subsequent to the Committee's decision, it was agreed that the Commissioner of Police would conduct the due diligence.

The Committee hereby submits for consideration of the National Assembly and this Report is accordingly hereby submitted. Thank you.

Mr. Speaker: I thank the Hon. Member for his statement.

Dr. Norton: Mr. Chairman...

Mr. Speaker: Yes. Please proceed. Do you have something else to say?

Dr. Norton: Just to find out if at this stage I can mention the name of the person?

Mr. Speaker: Hon. Member, if you are mentioning the name of the person who has been selected then, by all means; the name of the accountant has already been mentioned.

Dr. Norton: Okay. The Committee hereby submits for the consideration of the National Assembly, Mrs. Yonette Ramao-Scarville for the position of attorney-at-law within the FIU. Thank you. [Applause]

Ms. Teixeira: Thank you, Mr. Speaker.

I am sorry that the last report that we will deal with today is the one that we do not have unanimity on, and that is all the other reports that were brought here: Public Accounts Committee (PAC), and the Parliamentary Sectoral Committee on Social Services adopted and the other Committee on Appointments reports.

Mr. Speaker, the Committee has, as a constitutional body, as you know, appointed through the Parliament and it has been given additional responsibilities of the Local Government Commission appointee, the FIU, in terms of Director and Deputy Director, Accountant and Attorney-at-Law, and the AML/CFT Authority. I am sorry that we will not get to that, it appears,

today. It is because these appointments of the FIU – the four staff and the Authority - are all part of the AML/CFT Act of 2015, and it is part of our commitment for the Caribbean Financial Action Task Force (CFATF) and the FATF in terms of being able to bring our AML/CFT up to standard. These are commitments we have made.

I do not dispute the Report by the Hon. Minister and the report correctly reflects what were the difference of views and the process that emerged in the Committee. However, there were a number of issues which we need to flag, and that is the difficulties in getting an attorney-at-law to work in the FIU. There were several advertisements, as the Minister pointed out. We went three times to public advertisement. We went to the Guyana Bar Association, and the GAWL to appeal to them to encourage lawyers to apply, and only on that attempt would we finally get about 10 applicants.

One of the criteria that I think that we need to explain, which we have not done so far, is that, based on the AML/CFT Act of 2015 and the CFATF requirements, we have to make sure the persons working with the FIU and the Authority are not PEPs. Therefore, each candidate had to go through that due diligence, and we said that in our advertisement. The Director of FIU, which was approved by this House in 2016, actually wrote the Committee trying to seek how fast or how quickly we could deal with the accountant and the attorney-at-law. There was some haste in and pressure on the Committee to get this Report in and, in this particular case, the attorney-at-law was June, 2017.

The difference of views was primarily based on the interview and our waiting system but also on the issue of whether the candidates were PEPs or not. In the view of the Opposition, the person who has been selected is a PEP and, therefore, we cannot support the candidate that is being recommended to be the attorney-at-law for the FIU.

I would like to say that, on our side, we feel that the person to be selected has to be a person to go into court and work with the FIU in bringing cases and hopefully winning cases. We do not support this candidate. We feel that this is not a person that would be able to fulfil the requirements that we advertised or the requirements under the law. Therefore, we regret, at this hour at the night and on the last report, to have this difference of views.

Just for the information of the House, we have fulfilled a number of our requirements as the CoA, and the delay in having these issues. I seek, again, publicly now, to call on the Chief Whip and the Prime Minister, head of the House, that whenever we have these reports, if for any reason, we should not let them lie so long and that, if we have to have a special Sitting of Parliament just to get through these, we should do that because, as pointed out, particularly in the case of appointment of persons in relation to jobs, we cannot expect people to wait for six to seven months when they are actually working somewhere else, in some cases, or that they have given notice or they are waiting for approval before notice is given. And this can put a person in conflict with their present employee, if he or she is working. So, I appeal to the Leader of the House and the Chief Whip that let us try in the next session, this session that we are in now, to prevent this from happening – reports sitting for a long time. We can have more frequent sittings. We are averaging only one sitting per month and I am very happy that, on this occasion in January, we have had three sittings.

9.52 p.m.

I hope that we can keep this up because we do have business in the House that we have to deal with. We have the Indigenous Peoples' Commission (IPC), Women and Gender Equality Commission, and the Rights of the Child Commission that are pending coming to this House. Also, the three service commissions – the Police Service Commission, the Public Service Commission and Judicial Service Commission, which are also pending. These are all important issues. Like the Public Accounts Committee (PAC), I believe that the Committee on Appointment carries a lot of responsibilities under the Constitution and, therefore, we should be given some kind of prioritisation to get our matters debated and approved as quickly as possible.

In closing, I just wish to say that, regrettably, on this side of the House, we cannot support the motion as presented from the Committee. [Applause]

Dr. Norton (replying): I ask that the National Assembly adopts the Fifth Report of the Committee on Appointments in relation to the appointment of an Attorney-at-Law to the Financial Intelligence Unit (FIU). Thank you.

Question put and agreed to.

Motion carried.

Mr. Speaker: Hon. Members, I thank you. This brings us to an end of the work which we had set ourselves to complete today and with your assistance we have achieved it. I would, however, crave your indulgence to make one observation. I note the very high enthusiasm expressed both in word and deed to conclude the work of committees. I think all Members present here and some not present share some of that responsibility that these committees were not considered before tonight. My only hope is that the enthusiasm, which I see, will continue to be so and to find expression. If only on each Sitting we take the report of one committee, and indeed if we are minded we can take more than one report, then we will not find ourselves with this major mistreatment of our committee reports.

I thank you very much and I will ask the Leader of Government Business to move the adjournment.

ADJOURNMENT

Mr. Nagamootoo: Mr. Speaker, I move that this House be adjourned until 15th March, 2018.

Mr. Speaker: Hon. Members, this House stands adjourned until the 15th March, 2018.

Adjourned accordingly at 9.58 p.m.