

Official Report

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST
SESSION (2012) OF THE TENTH PARLIAMENT OF GUYANA UNDER THE
CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE
PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN*

27TH Sitting

Thursday, 2ND August, 2012

The Assembly convened at 2.12 p.m.

Prayers

[Mr. Speaker in the Chair]

ANNOUNCEMENTS BY THE SPEAKER

Mr. Speaker: There is just one announcement. Members would have received on Monday last Notices of meetings of the Sectoral Committees. I have been informed by the whips of both the Government and Opposition parties that those meetings will be postponed to a date to be fixed. However, during the break at 4.00 O'clock I will ask some Members of both the Government and Opposition parties to meet with me in the Chambers to work out some issues pertaining to the composition of those very Sectoral Committees. Thank you very much.

PRESENTATION OF PAPERS AND REPORTS

The following Papers were laid:

- (1) Financial Paper No. 1/2012 - Statement of Excess (Current and Capital) Estimates totalling \$1,571,627,044 for the period ended 31st December 2012
- (2) Financial Paper No. 2/2012 - Supplemental Estimates (Current and Capital) totalling \$12,168,106,477 for the period ended 31st December 2012. *[Minister of Finance]*

The Minister of Finance named Thursday, 9th August, 2012 for consideration of the said two financial papers.

PUBLIC BUSINESS

PRIVATE MEMBERS' BUSINESS

Mr. Speaker: Hon. Members, under Public Business we do have some bill standing in the name of the Hon. Attorney General to Consider. However, by consent of the Chief Whips of both Government and Opposition parties and of course with your indulgence, Members, I would ask for your agreement for us to delay somewhat the consideration of these Bills, pending the motions which are outstanding to honour our fallen comrades, Mr. Robert Williams, Mr. Everall Franklin and Mrs. Sheila Holder, in that order. With your leave and consent, as I said, we can then proceed to consider the public business which is also outstanding. I take it that Members are ready to proceed. The Members of the respective families are present. I would like for us to commence this afternoon. Mrs. Backer, I hope I am not putting you on short notice.

Deputy Speaker [Mrs. Backer]: I am ready, Sir.

Mr. Speaker: In that case, Mrs. Backer, could you proceed. Just by way of correction of myself, we will take the motion to honour Mr. Franklin first followed by that of Mr. Robert Williams and finally that for Mrs. Sheila Holder.

MOTIONS

SYMPATHY ON THE DEATH OF MR. EVERALL FRANKLIN

“BE IT RESOLVED:

That we the Members of the National Assembly of the Parliament of Guyana –

- place on record our shock and profound grief at the loss to the National Assembly of the Parliament of Guyana, by the tragic death of Mr. Everall Franklin, on 30th November, 2011;

- pay tribute to the committed and meritorious service which he rendered to the National Assembly from 16th September, 2006 until the dissolution of the Ninth Parliament on 27th September, 2011,

BE IT FURTHER RESOLVED:

That the National Assembly directs that an expression of our heartfelt sympathy be conveyed to his sorrowing widow, children and relatives.” *[Mrs. Backer]*

Mrs. Backer: Thank you very much, Mr. Speaker. I rise to move the motion standing in my name entitled ‘Sympathy on the Death of Mr. Everall Franklin’. Everall Franklin, or if I can dispense with formality, “Everall” as I knew him, was born on the 1st of March, 1959 in England and he died on the 30th day of November, 2012 at the still youthful age of 52 in Guyana- the country that he made his own.

Mr. Franklin attended North Georgetown Secondary School in the 1970s and in 1977, he was among eight students who were awarded government scholarships to study in the then East, Germany. In fact, our own Minister, the Hon. Member Mr. Robeson Benn was among those eight students who travelled to the then East, Germany to study. Upon completion and having obtained his Masters in Chemistry, Mr. Franklin returned to Guyana in 1984 and fulfilled his contractual five-year period of employment with the Government of Guyana by working with the Institute of Applied Sciences and Technology (IAST) as a Chemist. He also worked at Minerals and Chemicals Ltd, a company involved in the mining processing and export of silica sand. He then formed his own company- Franklin Singh Disposal Services. At a more appropriate time, perhaps, I can share with some Members the name Franklin Singh Disposal Services.

I first met Mr. Franklin in late 1977 when he returned to Guyana, having travelled to far East, Germany sometime around September. He returned near Christmas of 1977 due to the untimely death of his father so as to pay his final farewell to him. Mr. Franklin on that return trip to Guyana had brought a letter for me. In those days we communicated by letter rather than by email et cetera. Mr. Franklin had brought a letter for me from someone in East, Germany whom I then had a particular interest in. Unless the records do not accurately reflect it, that person was not the Hon. Minister Benn. I say that because Mr. Benn would know who it is and we have all

been friends since then. That is the point that I wanted to make. I have also known the Hon. Minister Benn since 1977 and we have been friends since then and we continue to be friends.

Like most Guyanese, Mr. Franklin was very interested in politics and he also had, like most Guyanese, a great knowledge in politics. Sometimes, I believe the people outside of this House have more knowledge than we do. From 1994 when I entered formal politics to 2006 when Mr. Franklin, himself, became a Member of this August House we had many lively discussions about Guyana, a country that we both loved and still love. I suspect and am sure it is a country that all of us here still love. This may surprise the Government's Chief Whip that in those lively conversations between myself and Mr. Franklin on many occasions he out-spoke me. During these conversations that I have had with Mr. Franklin he often bemoaned the fact that the "two political elephants" as he called us, which is the People's Progressive Party/Civic (PPP/C) and the People's National Congress/Reform (PNC/R), spent too much time working against each other to the detriment of Guyana, rather than working with each other for the benefit of Guyana.

Having been elected to the National Assembly following the 2006 General and Regional Elections, he told me that he was going to do his best to make a difference in this House. In reading the 35 or more presentations that he made during his almost five years stay in the 9th Parliament, I can say that he did his best. He called "a spade a spade" and on several occasions he praised both the PPP/Civic and the PNC/Reform and also on several occasions he criticised, as I said, what he referred to as "the two elephants" in the room.

Mr. Franklin's contributions to the debates during the Ninth Parliament were almost always short and to the point; he rarely needed an extension. Being an army of one, so to speak, because he represented the Guyana Action Party (GAP), he had no Chief Whip to restrain him. He moved from one side of the divide to the other as he saw it necessary. There was no Chief Whip and in fact, he was his own Whip, if there was any. As he continued to witness what he saw as the unnecessary negativity and mistrust in this House, he became more convinced that a government of national unity was the political system of governance that would best lead Guyana to political, social and economic stability. It was therefore not surprising that he used all his influence to convince his party- the Guyana Action Party- that joining A Partnership for National Unity (APNU) was the best way forward. He did it not for him, nor for the PNC/Reform, but for all the people of Guyana.

Though not in the best of health at the time of the declaration Mr. Franklin was present at Pegasus in a wheelchair and he made an impassioned speech as to why we needed to move forward together. He was too ill to attend the formal launch of APNU on the 15th of July of last year at the Convention Centre, but his heart was with us. I believe and I am confident that his heart is still with us.

For us in APNU the greatest gift that we can give to Mr. Franklin is to continue to work tirelessly towards the achievement of a government of national unity. We may feel that with the rupture that has taken place in our society recently that that is impossible. It may seem impossible. We of APNU are satisfied that it is not impossible. In fact, we are satisfied that it remains a very possible reality. For us, the greatest gift that we can give him, as I said, is to continue to work tirelessly towards that achievement. It is a gift that A Partnership for National Unity is determined to deliver to him though posthumously.

In closing, we, the members of APNU, would want to express and we do express our profound grief and we extend our sincerest condolences to “Everall” who departed life on the 30th of November, 2011. My information is that at the time of his death he was not aware of the results of the just concluded elections. I think that those results would have given him more hope, not hope that one side had one or that one side had lost, but the hope that with that new configuration of all parties and all sides of the divide will continue to work and increase their efforts to make Guyana the place that not only “Everall” dreamt of and continues to dream of, but that all of us dream off. May his soul continue to rest in peace. *[Applause]*

Mr. Speaker: Thank you very much Mdm. Deputy Speaker.

Mr. Nadir: Mr. Speaker, I rise on behalf of the People’s Progressive Party/Civic and also on my own behalf to join in supporting this motion expressing sadness on the passing of our former colleague and Member of Parliament (MP), Mr. Everall Franklin and extending sympathies to those who survive him.

I want to concur with the sentiments of Member of Parliament, Mrs. Backer, in terms of the interest of Mr. Everall Franklin. I did not have the good fortune of knowing him all of those years. I met him just at the turn of the century when I had to seek his services. The first time I met him, I walked into his office, I did not ask about the name, “Franklin Singh”. I went in and he

saw me and asked me to come into his office and we had a long discussion about where Guyana was going. His concern was that wherever we are making a contribution from, we should put the welfare of the people of Guyana and our country first. That started a relationship of lots of discussion between the two of us.

In his five years in Parliament we know him as a person who is very considerate in terms of what he says. As the Hon. Member Mrs. Backer said, when he makes a decision it is with much thought that he makes that decision. Outside of Parliament, yes, he out-spoke everyone else. Once I had the opportunity of asking him why we do not hear much more from him in Parliament. He said that he did not want to waste his words so he listened carefully and wanted to make very poignant decisions for the betterment of Guyana. Those conversations ended up after his first bout of illness and him joining a particular team that congregated with myself at 5 O'clock just on the northern end of Camp Street.

He wanted to prove to me that he can play better table tennis than I did. That is when we got a little closer together. Quite a few afternoons he would turn out hoping that he can reverse also part of the illness which had taken him out of Parliament for a short while. What I found in those exchanges was the differences between us are not too far apart. Even in this House the differences are not too far apart. Many times it is for our own political points that we did our heels in, but in the end, like "Everall", I am yet to see a politician who is not committed to working for the best interest of this country. On behalf again of the People's Progressive Party and myself, we join in supporting this motion. Thank you very much. [*Applause*]

Mr. Speaker: Thank you Hon. Member. I invite Mrs. Catherine Hughes to say a few words on behalf of her very good friend Mr. Everall Franklin.

Mrs. Hughes: Thank you Mr. Speaker. I want to start by saying to the family and close friends of "Everall", once again, an expression of my sympathy. Mr. Franklin and I go back about sixteen or seventeen years. He was a very close friend. In many respects, other than my father I think he is the other person that is responsible for me to take up the challenge of being in this House.

Mr. Franklin loved coffee and in fact, that is how we met seventeen years ago. He would come to the Sidewalk Cafe and would always be selecting different flavours of coffee. I would sit down

and eventually have conversations with him, always about Guyana and where it was going. Eventually, together, we were part of a group called “Guyana’s First” which was a group of individuals that thought they should get together, put their heads together and see how they could move the country forward. Mr. Franklin felt very strongly about the role he could play in making a Guyana a place where everybody could somehow get a good quality of life.

One of sad things in the Mr. Franklin’s story is in fact the name “Franklin Singh Disposal Service”. Although it may offend a few, I think it is good for everyone in this House to know of how he came up with that name. Mr. Franklin, in fact, many years ago in the middle of our continuing garbage problem, had applied for duty free concession to bring two of the huge new model compactors to collect garbage. The company that he worked for actually dealt with reclaiming oil spills and all kinds of environmental hazards. He was an engineer. He had applied for duty free concession for these two vehicles and in fact had been denied the opportunity at a time when Guyana needed to improve the garbage collection process, to have those vehicles come in duty free. It had really upset him. A lot of those early days he struggled to have business and get Government contracts. In fact, we sat down one day and he said to a group of us in Guyana Is First, “Guess what, I am registering my company and I am going to call it Franklin Singh Disposal Services.” History will show that that is exactly what he did. For many years it was a running joke and people that know him well can attest to this. I see Mrs. Backer running. Mr. Franklin would say, “Oh, today is Friday. I have to go and collect the cheque on behalf of Mr. Singh.” He would always tell us stories about people saying, “Oh, tell Mr. Singh we say hi”. He would dutifully say, “Yes, he thanks you for your service and for your support”.

I was not sure whether I would want to mention that, but I am mentioning it because I think that everybody knows that those realities are still part of our existence today in Guyana and we continue not to deal with it face on. Maybe that story of the realities and of the other side of Mr. Everall Franklin, as we ask for support for this motion, can be a testimony of work we still have to do. I hope there are no other “Franklin Singh Disposal Services” that would need to be established just to guarantee that somebody, an enterprising, very valuable, very family oriented individual would have to make those types of decision just to make a daily bread in Guyana.

Again, to his Family and friends, we speak every now and again and we have been through that very difficult time, I would just say that you all are always in my heart. On behalf of the Alliance For

Change (AFC), we all know that Mr. Franklin was a very close friend of ours and we thank you for giving him to this country and to this Parliament. I thank you. [*Applause*]

Mr. Speaker: Thank you Mrs. Hughes, Hon. Member.

Mrs. Backer (replying): Thank you very much, Mr. Speaker. As I was looking through Mr. Franklin presentations, one such stood out and that was during, as I close, the 2007 debate where in trying to speak about the economic harshness that some people have to go through and difficult choices that people had to make, he inadvertently incurred the wrath of the women in the House when he made reference to women perhaps sometimes having to make choices that will lead to them being unfaithful and there was an uproar. Poor Mr. Franklin was taken by surprise because he was so quiet and unassuming, general. To show the kind of person he was, not only did he apologise unequivocally and withdrew the statement, but on the next day he brought chocolates for all the women in the National Assembly. I do not think any other man and there are many who have made mistakes in this House baring none, have ever done that. I see you smiling Mr. Speaker, I did not mean to include you in that.

Mr. Speaker: I remember what you told me years ago that you know when a man is lying when his lips move.

Mrs. Backer: Yes, but Mr. Franklin came and he offered chocolates to everyone. I think before that, we all loved him and after that we continue to love him even more. It is with great pleasure that I move this motion. Thank you.

Mr. Speaker: Thank you Hon. Members for your brief, but erudite presentations as we remembered our formal colleague Mr. Franklin. I will now put the motion.

Question put and agreed to

Motion Carried

Mr. Speaker: We will now proceed immediately to consider the motion in the name of the Hon. Member Mr. Basil Williams.

SYMPATHY ON THE DEATH OF MR. ROBERT WILLIAMS

“BE IT RESOLVED:

That this National Assembly records its deep regret at the death of Mr. Robert Williams on 30th January, 2012 and pays tribute to his dedicated service as a Member of Parliament from 1st January, 1981 to 13th November, 1986 and to the people of Guyana;

BE IT FURTHER RESOLVED:

That the National Assembly directs that an expression of its sympathy be conveyed to his sorrowing widow, children and relatives.” *[Mr. B. Williams]*

Mr. B. Williams: If it pleases you Mr. Speaker, I rise to move this motion under my hand in relation to sympathy on the death of Mr. Robert Williams. Mr. Robert Williams was a politician. He was very amiable, always pleasant and was definitely a people’s person. That is so evident by the fact of his involvement in so many mass based organizations. He was born on 18th day of November, 1949 at Manchester Village, Berbice. He was educated at Manchester’s Primary School and subsequently attended the Corentyne Secondary School. He joined the Police Force in the year 1970 and by 1974 he moved to the rank of sergeant. With his knowledge and the love for his job he gained rapid promotion and he was voted, in 1974, the best all-round policeman. Those talents would not have gone unnoticed.

In 1976, he was appointed the Regional Chairman in the People’s National Congress Reform under the watchful eye of its funded leader Mr. L.F.S. Burham. He also made rapid progress within the ranks of the People’s National Progress Reform. By 1980, he became a Minister of Government with responsibility for fisheries in the Ministry of Agriculture, a position which he held until 1983 when he was appointed Executive Chairman of Guyana Fisheries. During those years those of us who knew Robert would remember that he was not only the proponent, but the person who disseminated the juicy ideas in Guyana. You could not go to any public department and not see books and magazines in relations to those ideas.

2.42 p.m.

During that period also he was an avid trade unionist, being a member of the Guyana Trade Union Congress through the Guyana Labour Union. I recall his involvement on the floor of the Guyana Trade Union Congress, particularly when there were elections. Those elections involved

some of the highest ranking politicians in this country, including former Presidents Cheddie Jagan, Janet Jagan, the current President Donald Ramotar and several Ministers of Government. In fact, in those years that really was the ground on which many political battles were fought.

The late Robert Williams was then elected Mayor of Georgetown in 1986 where he served until 1989. Mr. Speaker, you would recall that those citizens were described by the late President, Mr. Hugh Desmond Hoyte as “Citizens of Quality”. In fact, there were indeed many citizens of quality at that time in 1986 such as former Commissioner of Police Mr. Barker, Mr. Decosa DaSilva and several others. Not to say that I was a citizen of quality, but I happened to have been a member of that council at that time that Mr. Robert Williams served as Mayor...

Mr. Speaker: We will have to add you to that party. Someone will have to do it for you – you were...

Mr. B. Williams: As Mayor, I can say that he was very energetic, he really paid special interest in his work and as far as I am concerned, I would say that he had a very successful tenure at the helm of the city.

He was awarded an honorary membership of the Conference of Black Mayors in the United States of America in 1987. It was during Robert’s term that we did a lot of twining type of activities with different municipalities around the world.

During his tenure also as Mayor of Georgetown, we were favoured by many visits from Heads of States from many countries in Africa and they all had to pass through the city of Georgetown to receive the key to the city. President Mugabe and others passed through the city under his watch. He participated in 2004 in Barcelona, Spain, in the World’s Urban Forum and in 1994, he was elected General Secretary of the Good and Green Guyana Party (GGG). A party which arose because of family squabbling and thankfully, that squabbling was resolved. Even though the GGG won the mayoral elections and I was also a member of that GGG team, I did not leave the PNC to join it, but I enjoyed it. [*Interruption*] I enjoyed the fact that...

Mr. Speaker: Take your time Mr. Williams; you go slowly because I am trying to understand this nuance myself.

Mr. B. Williams: At that time I think I was purged and so, I was on sabbatical at that time. What happened was that he continued in the City Council and he became Deputy Mayor under Mr. Hamilton Green, who is the Mayor. He died still serving in that capacity of Deputy Mayor.

Whilst he was Deputy Mayor, he took on the blunt of the work and held positions of Chairman of the Finance Committee of the Mayor and City Council; Chairman of Markets and Public Health Committee and during this period also he was the President of the Guyana Association of Municipalities and a Commissioner of the Guyana Elections Commission; he was Vice-President of the World Council of Dominoes Federation. From all of this, you would have seen that the late Robert Edward Williams was a man of many parts. He could have multitasked, he was well loved by all who he met and many Guyanese embraced him. He was very active in the Malteenoes Sports Club, of which he was made an honorary member. He was also Vice-President of the Demerara Cricket Club and he actually was at one time the Chairman of Georgetown of the very powerful party organ within the People's National Congress/Reform, which is currently headed by my sister next to me, the Hon. Member, Volda Lawrence.

Mr. Robert Edward Williams lived a full life and his dear wife of many years, Gwen, who is here with us in these hollowed Chambers, was always supportive of whatever he wanted to do. She was a very supportive wife. At all times she was very cordial and affable with his colleagues, because she also would have had to be an exceptional person because her home was really the peoples' home. Mr. Robert Williams even had a dominoes club at their residence, where people were always in and out. He was such a good gentleman and a brother and I will always think of him fondly, we shared many things. In many areas we participated in the clubs, in the sporting arenas and we were very close.

Mr. Speaker, therefore, in moving to the motion that is on the Order Paper:

“BE IT RESOLVED:

That this National Assembly records its deep regret at the death of Mr. Robert Williams on the 30th of January, 2012 and pays tribute to his dedicated service as a Member of Parliament from 1st January, 1981 to the 13th November, 1986 and to the people of Guyana;”

I respectfully, Sir, move that this resolution be adopted, as well as the further resolution that Assembly directs that an expression of its sympathy be conveyed to his sorrowing widow, children and relatives.

Mr. Robert Williams served this country and this nation well. Thank you, Mr. Speaker.
[Applause]

Mr. Nagamootoo: Mr Speaker, I rise on behalf of the Alliance for Change to support the motion in the name of the Hon. Member, Basil Williams and to endorse his remarks regarding the contributions of the late Robert Williams to the national life of Guyana.

I have been privileged to know Mr. Robert Williams almost from the age when both of us perhaps were in short pants and without pants, because we came from very humbled origins in the Corentyne. He, as I grew up to know him, the son of Aunty Ellen (we frequented her shop); we lived just a village or so apart. And when I said “no pants”, I literally meant that.

My parents had fishing boats and Mr. Robert Williams would be one of those, when we were just toddlers, who would go out to the mud shore. It was our duty after the fish was dragged from the Manchester water side to the Manchester Public Road, to haul the canoes up and we would be washing the boats of the slime from the kurass and other types of fish.

Mr. Robert Williams did that regularly and that was how he was able to supplement the income of his parents. I never met or probably never knew his father, but my old man always called Mr. Robert Williams, Cockspur’s boy. He died and probably he never explained who “Mr. Cockspur” was, but I did see the name ‘Cockspur’ in my father’s handwriting, his memoir of him being a friend. There was a commonality of relationships between the Nagamootoos and the Williams, particularly a relationship with Aunty Ellen and indeed she had produced a remarkable son from the Corentyne.

I remember the pride with which we all held Mr. Robert Williams when he joined the Guyana Police Force. I had tried before to join the Guyana Police Force on several occasions and was denied admission for one reason or the other ... [Interruption] [Mr. Speaker: Was it height?] Well I do not know, I did the written test, but probably Mr. Robert Williams, being a fair person both literally and figuratively, I think he had the nod ahead of me. He was far more handsome

than me. He was the pride of our community when he received accelerated promotions. I believe he skipped the Sergeant's position because he was sent into the interior and I understand his conduct was exemplary as a police officer.

Also from that area we were all also very happy when our dear friend Clarence Profit - in fact, myself, Robert, Clarence and I believe one of the Da Silva's sons – he became a Minister later on and a veterinary doctor – were all from the same catchment area and knew each other well.

Mr. Robert Williams' entry into politics was a surprise, because when I grew up with him I had never had an inclination that that was where he would have wanted to be. I thought that he was more inclined to becoming a professional policeman all the way up and perhaps he would have made his way all the way up.

We are associated with this motion not only on the basis that I knew the late Robert Williams and his family and his many sisters and we all embraced each other as family, but particularly when he was in the political arena. At a time when it was difficult for us to communicate at an organisational level, I had found it very convenient that I could have spoken in some difficult situations with the late Robert Williams and when he migrated politically, he also became “an ally”. I do not mean to say that Mr. Basil Williams never was, but maybe he did not try it hard enough. Mr. Robert Williams was indeed a political ally on many issues and later as it was to happen, when I was Minister of Local Government, he and I forged a very constructive relationship on several projects, more particularly the Solid Waste Project with which he cooperated fully in volunteering members of his staff to be trained as prosecutors for solid waste violations and helping to improve the law that was extant.

I wish to convey on behalf of the Alliance for Change and on my own behalf and of that of the Nagamootoo Family from Whim, our deepest regret at the death of the late Robert Williams and we join with this motion to direct sympathies to his wife, Gwen, and to his children and other relatives. [*Applause*]

Mr. Speaker: Thank you very much Hon. Member. I recognise Mr. Joseph Hamilton and then we will have Mr. Odinga Lumumba who was unavoidable absent when we commenced tonight.

Mr. Hamilton: Thank you very much Mr. Speaker. Mr. Robert Williams, if there is one thing I can say about him is that he was always willing to help. I got to know Mr. Robert Williams sometime in the mid 70's or thereabout, but it was in 1994 that I got to know him very well because we served together at the Municipality as Councillors. Mr. Speaker, you and the Madam Deputy Speaker, also would have served at the same time.

The personal Mr. Robert Williams, if I can used a quote of him one day discussing a matter where someone needed help and they were getting difficulties getting that help, he stated that his office was there to help the general public and he counselled that even if the powers did not reside in him to offer assistance he would endeavour to find out where the power reside so that assistance can be rendered.

I think all the persons who would have come in contact with Mr. Robert Williams that is what they can testify about, a man who was always prepared to lend a hand, to help.

We worked together at the Georgetown City Council for several years and we served on many committees together. He was the Chairman of the Finance Committee at the Mayor and City Council, he was elected there in 1998 and he served as Chairman of the Finance Committee until his death. Also, he was the Chairman of the Markets Committee. He was the Chairman of the Public Health Committee and he was a member of the Municipal International Relations Committee.

My experiences and I have dealt with many persons who profess that they have a grasped of the Local Government, but my experience is, I have never met a person who had an understanding of the Municipal and District Council's Act like Mr. Robert Williams, that was his Bible, Chapter 28:01. Any situation at anytime in any committee that crop up and we wanted clarity on the matter, it was Mr. Robert Williams we turned to advise us and interpret the Municipal and District Council's Act.

Mr. Robert Williams loved the city and therefore he loved the Mayor and City Council. The Mayor and City Council, presently have a steel band that is, The City Jammers Steel Orchestra That came into being with Mr. Robert Williams involvement with the Ministry of Youth Sports and Culture at the time when my Hon. Colleague, Mde. Gail Teixeira served as Minister of that Ministry. Through his intervention, the Ministry facilitated the pans and all the instruments

because he believed that his role was to try to help young people and that was why, as indicated by the Hon. Member, Mr. Basil Williams - his involvement in dominoes, he was "Mr. Domino". Sometimes you would go around South Georgetown, in the evening or maybe a Sunday afternoon and you would see a set of vehicles and you ask what is happening up the road there and someone will say, "It is Robert Williams Dominoes competition."

Mr. Robert Williams would be known as, for those who knew him, a friend, a confidant, a councillor, a planner and advisor and a mediator. He was a dear friend.

In the period of his sickness, I recall going to see him many days at the Georgetown City Council as Deputy Mayor and even in the time of his sickness, he continue to preserve, continue to give service to the people of the city. That was the man Robert Williams. He continued to serve the people of Georgetown; he continued to show strength and commitment to his work.

Also, we from time to time will discuss the matters of the Guyana Elections Commission where he served as a commissioner up until his death and you will recall that there were many instances, when Mr. Williams at the level of the Elections Commission took positions – his positions – to resolve matters at the Commission. You would know the records will show that many times he got serious political flack for positions he would have taken at the level of the Guyana Elections Commission. But he would always indicate to me that whatever position he took, he took it after giving great thought and his position was always with a clear conscience, it was always to enhance the work of the Guyana Elections Commission, where he served at a commissioner for several years.

So, Mr, Speaker, on behalf of the People's Progressive Party/Civic Government and my own behalf, let me say that I endorse the motion standing in the name of the Hon. Member, Mr. Basil Williams, expressing our deepest regret at the passing of our friend and colleague, the Hon. Robert Williams and seek to express our condolences to his wife and his children and his many relatives. May his sold rest in peace. [*Applause*]

Mr. Lumumba: Mr. Speaker, colleagues on both sides. Mr. Robert Williams was very close to me and I want to say this to his family and my friends and to everyone that Robert Williams cannot die. The passing or the disappearance of Mr. Robert Williams could not be seen as death, it has to be seen as rest. A gentleman who has worked so hard for so many years cannot die. We

have to have a new interpretation of death. A man who works from six in the morning to midnight or four in the morning cannot die – he just cannot die. I think what we have to say here is that wherever Mr. Robert Williams is, like he has always done, we are asking him to hold the door until we join him and I hope that when we reach Mr. Robert Williams there will be a good dominoes table that we all can join him.

I knew Mr. Robert Williams during the period of time that I was a member of the People's National Congress and the late ex-President, Mr. Forbes Burnham, did not ask me, he directed me that I must work with Mr. Oscar Clarke, Mr. Robert Williams and Mayor Hamilton Greene and you worked based on who called you first in the morning or late in the evening. Interestingly enough, the person that you called most of the time would be Mr. Robert Williams. We worked together in Georgetown in particular and I would like to say that, minus me and maybe Mr. Corbin, I have never seen any better organiser in politics than Mr. Robert Williams. **[Interruption]** I slipped that in for those who know, including Cde. Basil Williams and have seen the performances.

Mr. Robert Williams had some strong beliefs in democracy; he had some strong beliefs in working with the ordinary people, he was the champion of the ordinary man.

Mr. Robert Williams' decision to part with the PNC was very painful for him, because we discussed this for hours. I think this was done because he felt at that time the working class interest was not in the heart of the organisation. Even when Mr. Robert Williams was in the PNC, he had the ability to be in the PNC and to be friends with everyone, including Mr. Moses Nagamootoo and it is not easy to be a friend of Mr. Nagamootoo and Robert Williams was a friend of Mr. Nagamootoo. I can say that. I was a friend of Mr. Nagamootoo in the difficult times and still is - he is still my friend. We have different political views but he is still my friend.

I remember a meeting with Mr. Robert Williams, Mayor Greene, Cde. Mac David, Joseph Hamilton and of course the Chairman of the PNC now, Mr. Basil Williams and at that meeting we all made a decision that the interest...

3.12 p.m.

Mr. Speaker: Was Mr. Williams a member of the Good Green Guyana (GGG) then or was he just sitting in?

Mr. Lumumba: Mr. William then was like me then. He was a suspended mentally member of the People's National Congress (PNC) then. I do not know about now, but it was then. We all decided that the interest of the people must continue and from that discussion and discourse came about Good Green Guyana, but what was interesting was whenever we made a decision on Good Green Guyana the next day the PNC would know. It was the loyalty of this man, Robert Williams, that the PNC must understand and life must understand. He was a loyal soldier and he could not... Even during his days at the Guyana Elections Commission... Even Mr. Hamilton spoke about his decision making process. When one talked with Mr. Robert Williams, while he was at the Guyana Elections Commission, he was supposed to talk as if he was working for Member of Parliament Mr. Nadir, but he would always talk as if he was working for the PNC, and I always reminded him that he was supposed to be independent.

Mr. Robert Williams saw life politically. Everything that he did was political - when he woke up it was political; when he went to sleep it was political. Every single thing he did he had to study the ramification of the political system. It was unfortunate that Mr. Robert Williams was asked to leave the police force and became a Member of Parliament. We never reconciled the fact that we should have brought him back into this Parliament so that his benefits could have been recorded. I do not know if, on death, his family can have access to that, but there is one injustice which we need to correct about Mr. Robert Williams and it was the period of time that he served in the police force, came to this Parliament and because he did not agree with a certain person he was taken away from Parliament and he could not fulfill that period of time, so that he could get his requisite benefits. I am asking today for this joint body to find a way, legally we can do that, if not for him, for his family to get the benefits.

Thank you very much. [*Applause*]

Mr. Speaker: Mr. Lumumba. There are many like him and I think that you are on the right side of the House to influence the relief that they are entitled to.

Mr. Lumumba: Mr. Speaker, to respond to you, I do not know if there are any like him on this side.

Mr. Speaker: It is in terms of whose benefits were not granted or given.

Mr. Lumumba: Okay. Collectively, we should look at it.

Mr. Speaker: Thank you very much. I agree with you that he was unique.

Mr. B. Williams (replying): I endorse all of those sentiments expressed about Mr. Robert Williams by the other speakers on this motion and even as they spoke it occurred to me that I ought to put on the record of this honourable House that Robert Edward Williams really did the work of several Ministers. He was a social worker. He was a mediator. He was an arbitrator. He parented a lot of youths in this city and even outside of Georgetown. I remember his mediation skills when Mr. Lumumba had returned from Australia where he went in pursuit of a championship fight. He did not take me on that occasion because on the previous occasion when he took me for the fight with Anthony ‘the Pearl’ Andrews it transpired that, it was shown to Guyana, the only time the people saw him was, in fact, when the promoter entered the ring and said, “My man, Lumumba.” Apparently the cameramen thought I was the financier, or whatever, but I hogged most of the spotlight. As a result, we had to enlist the aid of Mr. Robert Williams’ skills to appease Mr. Lumumba, but he did not take me to the next championship fight. At the time of his return it was on the eve of elections in the GGG and we happened to have been contesting for the same position, so he advised me that I should not worry to run because he would win hands down. The race had Cde. Llewellyn John and other stalwarts in it. I told him that I would take my chances. Again, I had to enlist the skills of my late brother, Mr. Robert Williams, when the results showed that Mr. Lumumba came last. Even Mr. Llewellyn John beat him in that race. Mr. Robert Williams was a great mediator.

I would like to commend this motion on Mr. Robert Williams for us to recognise his life’s work and what a wonderful person he was. Mr. Speaker, I ask this honourable House to approve this motion. [*Applause*]

Mr. Speaker: Thank you Hon. Members for those fine words.

Motion carried.

SYMPATHY ON THE DEATH OF MRS. SHEILA HOLDER

“BE IT RESOLVED:

That we the Members of the National Assembly of the Parliament of Guyana –

- place on record our shock and profound grief at the great loss to the National Assembly of the Parliament of Guyana, by the tragic death of Mrs. Sheila Holder, on 20th November, 2011;
- pay tribute to the committed and exemplary service which she rendered to the National Assembly from 19th March, 2001 until the dissolution of the Ninth Parliament on 27th September, 2011,

BE IT FURTHER RESOLVED:

That the National Assembly directs that an expression of our heartfelt sympathy be conveyed to her sorrowing widower, children and relatives.” [*Mr. Ramjattan*]

Mr. Ramjattan: I rise to move the motion in my name to pay tribute to Mrs. Sheila Valerie Agnes Holder. That wonderful woman of so many parts and that lady of all seasons must rank in the top order of public figures in our country’s recent history.

From the time I knew her, her hallmark was public service. It was a voluntary, caring and incorruptible public service. This is what attracted me to her and realised such a solid friendship right up to her death. Her loving husband, who is here with us today, the gentlemanly Mr. Noel Holder, confirmed that prior to that journey into the active public realm her focus was on homemaking, raising a family of three children, coping with their educational, nutritional motivational needs at a time when runaway inflation, food shortages and declining academia were overwhelming our Guyanese population. For the purpose of the record of this august Assembly I wish to adumbrate her association with such public service.

Sheila, as we all lovingly called her, was an executive member of the Guyana Consumers Association from 1982 to 2001 and its president in 1995. She contested national elections in 1997 in an alliance of labour, citizens and the Working People’s Alliance and was sworn in as an elected Member of the Eighth Parliament of the Cooperative Republic of Guyana on the 4th May, 2001. In October 2005, along with yourself, Mr. Speaker, and me, she formed that new multiracial political party which we called the Alliance For Change which after only ten months

secured five seats in the National Assembly at the national and regional elections of August, 2006, an unprecedented occurrence in the history of Guyana, and she served her second five-year term as a Member of Guyana's Ninth Parliament. In the lead up to Guyana's national and regional elections, scheduled for 28th November, 2011, last year, she was elected as the AFC's Prime Ministerial candidate, a position she unfortunately had to relinquish due to the rather sudden illness which resulted in her premature and untimely death on 20th November, 2011.

Mrs. Sheila Holder was born on 7th February, 1946, the daughter of Sydney and Stella Marshall in Georgetown. She was the eldest of three siblings, the others being Paulette Ambrose Patricia, Angela Eunice Elizabeth and Lindsay Ann Theresa.

Her secondary education included a mixture of formal education at the Guyana Education Trust, piano folk training under Gloria Smith Mansook and art under the tutelage of the venerable E. R. Burrowes at Queen's College. A faithful member of his Working People's Art Class, she excelled in this field as well as in music and in 1968 won the Chopin Open Class Competition at the Guyana Music Festival.

On leaving school she secured employment as an art and music teacher in the Ministry of Education over the period 1965 to 1966 and then became a script writer, a broadcaster and producer for the Government Information Service and subsequently the newly established Guyana Broadcasting Corporation where she specialised in disseminating Government's information emanating from the interior locations of the country. During this period of her career she produced and anchored a woman's radio magazine programme called "Mainly for Women."

In August 1969, she entered into marriage with her childhood friend, from her music and art lessons period, Mr. Noel Holder and became a resident of the Ebini Livestock Research Station on Guyana's intermediate savannahs in the interior of Guyana where her husband was the officer in charge, a period broken for only one year, in 1971 to 1972, when she sojourned with him in Gainesville, Florida, where her husband pursued his higher degree – his Master. During this period of her life she was the prime mover in the establishment of the Ebini Primary School on that location; permitting the children of the employees who had formerly to attend school on the coastland, away from their parents, to enjoy a much more normal family life. She was also

instrumental in catering to the religious needs of the community by arranging for twice monthly visits by a priest of the Anglican Diocese of Guyana to conduct services at Ebini.

In 1975 she returned to the capital city of Georgetown when her husband was offered and accepted the position of Chief Executive Officer of the newly formed Livestock Development Company which ultimately owned and operated a number of dairy and branch operations in various, as it was then called, “eco-zones” of the country. During that period she not only became quite familiar with the entire interior of Guyana, but applied herself to the well-being of her three children, Sheldon, Yale and Kyla, and served in many executive capacities in the Parent Teacher Associations for her children’s various educational institutions.

I want to say that Mrs. Sheila Holder was not only an active advocate, as I stated earlier. She also found time, apart from her strong family life, to serve on the Board of Directors of Guyana Stores Limited, the Bauxite Industry Development Company (BIDCO), Guyana National Bureau of Standards. She was also the Chairperson of the Environment Section of the National Development strategy. She was appointed by the Consumers International UK’s representative for the Latin America and the Caribbean Global Policy Campaign Committee and she was also a trustee member of what was called then the Non-Governmental Organization (NGO) Forum.

During the period of 1999 to 2003, the height of her years as a consumer advocate, she was elected as an executive member of the Caribbean Consumer Consultative Committee and represented the regional group at meetings at CARICOM with heads of Government at the 7th CARICOM Council Meeting for Human and Social Development. She also attended the 23rd Meeting of Ministers and African Caribbean and Pacific states – European Union (ACP-EU) Economic Social Interest Groups Meeting at the European Union Parliament, Brussels.

Over that period too, 1995 through 2003, her consumer advocacy was reflected in the following very serious publications and articles, and I quote them. She authored the Guyana Consumers Association consumer magazine and also its annual reports. She contributed articles on consumer related matters and regional and international publications called “Consumer International”. “Privatisation of Telecommunications, the Guyana Experience”, was presented by her to the 4th Regional Conference of Latin America and the Caribbean in Chile, September, 1998. “Challenges for the Caribbean Consumer Movement” was another major article presented at the

opening ceremony in Jamaica, October, 1999. Another very important one – these are publications that we ought to do something about – “Food Security” at a workshop, again, in Jamaica, October, 1999. “A Perspective of the Caribbean Consumer Movement” in St. Lucia this time at the behest of the St. Lucia Consumer Association. “The Guyana Experience of privatised public utilities was presented again to the Sir Arthur Lewis College, St. Lucia. Then we also had a very important one, “Consumer Protection in a Liberalised World”, presented at the opening ceremony of the 5th Caribbean Consumers Conference sponsored by the Government of Trinidad and Tobago in May, 2003. She received an award for the advancement of the consumer movement in St. Lucia, West Indies, from the St. Lucian Minister of Commerce and Tourism as a result of these works and her reputation as a consumer advocate.

During her stay in this National Assembly Mrs. Sheila Holder served as a Member of the Parliamentary Management Committee, the Standing Committee to appoint Members of Commissions, pursuant to Article 119 (c), the Standing Orders Committee and she also served in a number of other Special Parliamentary Select Committees.

Following her parliamentary efforts and regional political exposure, such as in that of the National Development Institute sponsored Inter-American Forum and Political Parties, she was contracted in 2003 by the Organisation of American States to prepare a study of Guyana’s political party campaign financing status. We all know about that.

In 2004 she served as a Member of a Commonwealth expert team of five mandated by the Commonwealth General Secretary to report on the Cameroon electoral registration process. Following this international task she was asked to return to Cameroon as a member of the 45th Commonwealth Elections Observer Group to the Cameroon presidential election under the chairmanship of the Right Honourable Joe Clark who, by then, was the former Prime Minister of Canada. She was also a member of the Commonwealth Observer Group to the Mozambique elections in 2009.

Fortuitously she was selected by the World Bank, along with myself and you, Mr. Speaker, to participate in the famous seminar “Parliament, Government and Poverty Reduction” in Helsinki, Finland. It was during this meeting that the seed was sown among us, three parliamentarians from different parties, to form a new all-inclusive movement to change the partisan political

climate for the better of Guyana. And the Alliance For Change indeed was born thereafter. That is a beautiful story which must not be left untold.

Mrs. Sheila Holder saw her mandate as one to improve the moral standard of political intercourse in Guyana. She abhorred the prevailing winner take all approach which, in our opinion, resulted in what is considered zero-sum growth. She hated results she saw from this approach, namely that other countries of the world with far inferior natural resources are superseding Guyana in development – human, institutional, infrastructural, economic – largely, as a result of the alienation and the marginalisation of large sections of the population by this approach to politics and governance. As a parliamentarian, she gave praise to the Government when justified and criticised the political administration when evidence of corrupt practices and bad governance were revealed. We know that all too well. She, however, always ensured that due political decorum was maintained at all times and was intolerant of bad form, bad manners, unacceptable parliamentary behaviour, and even when exhibited by either side of the floor she would immediately exhibit her condemnation.

Mr. Speaker, I acknowledge your effort in having done an extensive piece on the quality of work she produced in this Parliament and I want to repeat a couple of them. I so seek your permission. It was in this National Assembly that Mrs. Sheila Holder distinguished herself as a legislator and representative of the people. She held the distinction, much to the chagrin of the Government side at times, of submitting the most questions for answers by Ministers and the most needling and provoking motions for debate and adoption by this House. Though the parliamentary majority at the time always weighed in against her, the victory was hers as adjudged at the court of public opinion. In December, 2008, she piloted a motion to seek to have the people of Region 10 access to television of their choice other than that rapacious thing called the National Communications Network (NCN). In that debate she was given to remark:

“But worst than that, Mr. Speaker, is the greater cause for concern which this situation presents in the context of developing our fledgling democracy since, along with transparency and accountability, freedom of thought and expression form the very rationale needed for constructing a democratic society.”

In 2012 the people of Linden and the greater Region 10 continue to cry out for justice and respect despite entreaties, pleads, demands and petitions in relation to television. There is still only the rapacious NCN. But as we have seen recently other rights have been denied Lindeners – the right to associate and assemble peacefully, the right to life, which denial surely, had she been around today, she would have roundly condemned.

In her final presentation on the national budget 2011 she took the Government to task citing example of bad governance as she said:

“Imagine telling us that they have adopted principles of inclusivity when large sections of our society continue to express feelings of exclusion, describe their experiences of discrimination and being denied equal treatment and equal opportunity in their profession and business. How could Member on that side of the House speak so brazenly about good governance when they have been dillydallying for a decade on establishing the Public Procurement Commission, the Human Rights Commission and their attendant tribunal?

To continue the quote.

“Real democracy could only be attained when there is no need for questions like these to be asked. Real democracy could only be attained when a programme is devised to devolve power to the people, restore village government and hold Local Government Elections. Real democracy can only prevail when systems are put in place to allow the judiciary and this National Assembly to be financially independent of the Government.”

She reasoned, and rightly so, that the budget is supposed to look at the concerns of the society and come up with fiscal, social and economic solutions for these issues. Mrs. Sheila Holder set out her vision for better fiscal management by recommending the adaptation of a system that exists in the more developed economies and societies whereby there is an interaction with specific section of the society. Her recommendation was that the budget should only be finalised after interactions with these members: the business class, labour class, women’s groups and NGOs; in a sense, it was the entire civil society. In such a reform system the Minister of Finance would be required to submit an outline of the proposed expenditure and then the final budget will be presented so that it could be subject to that kind of scrutiny she spoke about and which we

regarded as the “Holder Initiative”. These suggestions, in a sense, then should serve as a guideline to our Cabinet when in preparing the Estimates.

I need not, as you, Mr. Speaker, who wrote most of these words, to state how important that ought to be the case, especially in the context of this new dispensation. [Mr. Nandlall: You are reading the Speaker’s speech.] He had done a massive piece of research on her, Mr. AG, and that is what I am mentioning. You seem not to be listening, like you always do.

In October 2010, Mrs. Sheila Holder introduced for debate an all important and still relevant motion for the following resolve clauses:

“This National Assembly recognises that a strong democracy requires healthy political parties and resources to sustain and operate a basic party structure capable of representing people, contributing creatively to the public policy debate and contesting elections and that the role of money in politics undeniably influences the quality of democracy and governance...”

And then she went on.

“Be it resolved that the Government presents to the National Assembly such relevant laws and regulations pertaining to political party campaign financing, curtail abuse of public resources by the incumbent leading up to and during elections, as recommended by the Commonwealth Secretariat in order to create a levelled playing field for contesting parties at elections in Guyana.”

This motion was not debated in the Ninth Parliament and we, the Members of the Alliance For Change, will seek to bring it up back for debate. I am certain she would have appreciated that very much.

I could not leave Mrs. Holder’s parliamentary work without referring to the matter that created the greatest controversy of all - senior citizens’ pension. A squall, may I say, a tsunami was created in this Assembly when Mrs. Sheila Holder pointed to empirical data to show that many deserving pensioners were being denied their just rewards because the list was padded by unscrupulous being who not only crowded out the deserving who had served the country with distinction, but also prevented a much needed increase from being granted. During the debate she

was called on by an Hon. Member, from the other side, to retract her statements and her response to that Hon. Member was “vintage Sheila Holder”. She stood her ground and said: “I will retract nothing, Mr. Speaker, I am prepared to give the study to the Hon. Minister and to the Auditor General.” She even urged the Hon. Minister to publish on the Ministry’s website the names of all those pensioners receiving pensions so that she could have verified her assertions. That to date has not been done. However, we all smiled recently when a Demerara Waves report headlined “Pension system reform to be a priority - Minister Jennifer Webster”. On the issue of this old age pension and the controversies which arose because of her in-depth research, history will absolve her.

She worked zealously and assiduously for change in Guyana and earnestly expected to witness this happening at the national and regional elections, for change, that is, at those last elections held on the 28th November, 2011. However, Almighty God, in his profound wisdom, determined otherwise and called her to higher service on 20th November, 2011. This Assembly will miss her, her gentle yet forceful voice.

3.42 p.m.

She was certainly a champion parliamentarian with total integrity and the highest standard of morality and decency. I have missed her dearly, thus far.

In these circumstances, Your Honour, I move the motion standing in my name:

“That we the Members of the National Assembly of the Parliament of Guyana –

- place on record our shock and profound grief at the great loss to the National Assembly of the Parliament of Guyana, by the tragic death of Mrs. Sheila Holder, on 20th November, 2011;
- pay tribute to the committed and exemplary service which she rendered to the National Assembly from 19th March, 2001 until the dissolution of the Ninth Parliament on 27th September, 2011,”

“That the National Assembly directs that an expression of our heartfelt sympathy be conveyed to her sorrowing widower, children and relatives.”

I so move. [*Applause*]

Ms. Selman: I rise on behalf of A Partnership for National Unity to support the motion standing in the name of the Hon. Member Mr. Khemraj Ramjattan, under the caption, “Sympathy on the Death of Mrs. Sheila Holder”.

I have had the privilege of serving in the Parliament of Guyana during the period 2006 – 2011 with Mrs. Sheila Holder, a former Member of this National Assembly, who, after lifelong service to her country, Guyana, departed this earthly plane on 20th November, 2011.

Born on 7th February, 1946, Mrs. Sheila Holder spent most of her sixty-five years on this stage of life in service to the people of Guyana in various capacities. She was a wonderful mother, a skilful homemaker, civil society activist, consumer advocate, vice chairperson of the Alliance For Change, former Member of Parliament for both the Working People’s Alliance and the Alliance For Change from the period 2001 – 2011.

Mrs. Holder rendered exemplary service to the National Assembly from 19th March, 2001, until the dissolution of the Ninth Parliament on 27th September, 2011. During her tenure in the National Assembly, Mrs. Holder tabled the following motions:

- The Casino Gambling, published on 12th December, 2006, but was not adopted.
- Access to Local and External Channel, other than NCN Channel at Linden, which was published on 22nd July, 2008, but also was not adopted.
- Political Parties Campaign Financing motion published on 8th October, 2010, and adopted on 22nd April, 2011.

Mrs. Holder, whilst a Member of this National Assembly, asked numerous questions with and without notice.

Mrs. Holder entered this National Assembly in 2001 after being extracted from the Guyana Action Party/Working People’s Alliance (GAP/WPA) list of Candidates. Mrs. Holder served as a member of the Parliamentary Management Committee, the Committee on Appointments of members of constitutional commissions and the Standing Orders Committee.

Mrs. Sheila Holder participated in the World Bank’s seminar on “Parliaments, Good Governance and Poverty Reduction” in Finland in 2003. My research has revealed that it was during this time

that she was contracted by the Organisation of American States (OAS) to prepare a study on political party campaign financing in Guyana.

Mrs. Holder served as a member of the Trustee Board of the NGO Forum and as a Director of Guyana Stores Ltd., the Guyana National Bureau of Standards (GNBS) and the Bauxite Industry Development Company Ltd.

In 1995, Mrs. Holder became chairperson for the Environmental Chapter of the Guyana National Development Strategy. Within the region, she was elected a member of the CARICOM-recognised Caribbean Consumers Consultative Committee, a precursor to the Caribbean Consumer Council. Mrs. Holder was also a member of the Global Policy & Campaigns Committee of Consumers International as a representative for Latin America and the Caribbean. She represented the regional group at meetings such as the CARICOM Forward Together Conference with heads of Government, the 7th CARICOM Council Meeting for Human and Social Developments, and the 23rd Meeting of Ministers and ACP-EU Economic and Social Interest Groups in Brussels.

In 2002, Mrs. Holder was recognised by the St. Lucian Ministry of Commerce, Tourism, Investment and Consumer Affairs and the St. Lucian Consumer Association for her contribution to the advancement of the consumer movement in St. Lucia.

My colleague, the Hon. Member Mr. Khemraj Ramjattan, has already alluded to the fact that during 2004 Mrs. Sheila Holder was part of the Commonwealth expert team of five mandated by the Commonwealth Secretary-General to report on the Cameroon registration process for presidential elections, and that she returned, subsequently, as a member of the 45th Commonwealth Elections Observer Group to the Cameroon presidential elections under the chairmanship of Mr. Joe Clark.

Mrs. Holder had presented several papers at international conferences, including the presentation of “Privatisation of Telecommunications, the Guyana Experience” at the Consumers International Fourth Regional Conference for Latin America and the Caribbean, held in Santiago, Chile and she had contributed articles to regional and international publications.

Mrs. Holder was an outstanding politician. Mrs. Sheila Holder was a patriot who embodied the attributes of grace and service. She was a fierce fighter for a better and united Guyana and worked tirelessly to promote change in her dear land.

We, in APNU, extend our heartfelt condolences to her widower, her children and family, including the AFC family, in this time of grief.

Mrs. Sheila Holder was the embodiment of dignity, fairness and equality. She was an upstanding citizen and, as was said earlier, an uncompromised politician and words cannot express how much she will be missed in this National Assembly and in Guyana.

Mrs. Sheila Holder's medical condition had forced her to withdraw from the position of Prime Ministerial candidate for the AFC. Her sudden demise has created a vacuum which cannot be filled. However, we in this National Assembly can only wish her family and friends, and members of the Alliance For Change, of which she was a founding member, deepest sympathy on the passing of this wonderful woman who has left a legacy to be admired and patterned. Guyana has lost a dedicated and concerned citizen.

Mrs. Holder fought a courageous battle until the end and that, I believe, is the legacy that she leaves behind for us to emulate. Rest in peace, dear daughter of Guyana.

I wish, therefore, on behalf of A Partnership for National Unity, to support the motion in its entirety. May her soul rest in peace.

Thank you. [*Applause*]

Mrs. Chandarpal: Hon. Members and relatives of Mrs. Holder, I stand to give support to the motion moved by the Hon. Member Mr. Khemraj Ramjattan on the death of Mrs. Sheila Holder, former Member of the National Assembly.

All us who are Members of Parliament have come from diverse groups with diverse interests and it is usual for us, from time to time, in this National Assembly, to be representing various political parties. In the course of interaction we build relationships and communicate regularly on issues in which we find commonality.

I had known Mrs. Holder long before she entered this National Assembly. She was passionate in the work which she did with consumer affairs and, from time to time, I used to hear commentaries on the radio on the various consumer issues. This is how I knew her – with her passion for matters pertaining to the ordinary people. She was a consumer advocate and a very passionate one indeed.

Mrs. Holder entered the National Assembly in 2001 on a GAP/WPA ticket and in 2006 was a Member of Parliament on behalf of the Alliance For Change. From 31st May, 2001 until 19th June, 2011, the last being the Consumer Affairs Bill, she spoke on ninety-two issues, and that was from the time she entered the National Assembly. As a Member of Parliament, she was always passionate about issues which she raised in the Assembly. She was never shy about representing the issues she raised, and we heard from the Hon. Member Mr. Ramjattan some of the issues which she was very passionate about and those which she had represented from time to time.

On a personal note, we worked well and I recall many interesting conversations, but I want to refer to three Hon. Members who had very cordial relations with her. The first is Ms. Bibi Safora Shadick, who had a very cordial relationship with her because, according to Ms. Shadick, she was teaching the children Mathematics after school and there were many discussions which they shared. She said to me that there was one instance the St. Stanislaus College Parent Teacher Association (PTA), where she was responsible for the raising of funds to supplement teachers' salaries, especially for those who had to pay for transportation to get to work. We heard about her public service and this is one of the issues that I can refer to.

According to Hon. Member Dr. Westford, Mrs. Holder would have called her regularly to make representation on behalf of a number of public servants, and those were things which were very often.

According to my colleague Ms. Gail Teixeira, and I want to quote:

“Sheila sat on a number of parliamentary committees with me. She was always a dependable member, always on time, and only absent if unavoidable. Also, she was prepared and willing to step out of the opposition block parties, from time to time.

As a woman, many were our private discussions concerning challenges women face in politics and how more women can be helped to choose their path and how we could encourage the new women who are coming to the National Assembly for the first time.”

On a personal note, as I said before, we had many interesting conversations and I want to start with the first one which was when we were setting up the Association of Women Parliamentarians. There were many conversations as to how we could have got this Association to function.

Also, we spoke on the question of heckling and she used to say to me that that was the part of the work in the National Assembly she hated most. It was the personal heckling. She would come to me and say as, Chief Whip, “Can you not do something to stop this heckling? I cannot stand this personal heckling.” I know she was very passionate about that one.

The other issue we talked a lot about was gardening. She and I had a passion for gardening and what was interesting was that we had a common gardener. He used to do a few hours of work with her and then came and did a few hours of work with me. Ever so often, he hit the bottle and forgot that he had to work for both of us. We would talk about all of the things he was supposed to do, and did not do. Many were the moments spent talking about the things we loved in gardening, the things we planted, and so on.

Another conversation was fashion trend. What was interesting was that although we all were from different parties, we found, from time to time, in the Assembly, even now, all of us, especially the women, that we have a fraternity in which we stepped out of our politics and got involved in discussions relating to family, friends, things we love and things which we believe in as women. I remember that when we discussed fashion trend, we always told her how beautiful she looked, because, as Members know, she was a beautiful woman and she carried herself always with dignity and decorum. She had really good taste.

When she started to get sick, and began to look very thin, we would have talked to her and said, “You are really doing a lot of exercise. Tell us what the secret of getting so trim is.” She would have joked about the different things she did. I recall that one day she came and had a changed hairstyle, in which she cut her hair short and it looked grey and we said to her, “You know what, we do not like that look.” She said, “You do not like this look, but my husband loves this look

because now he can say that we are on the same level”, because she had said that he always had grey hair, and she was on par with him, in terms of the way they looked.

As a politician, Mrs. Sheila Holder was a very astute politician and many were the debates. As I said, she spoke ninety-two times on different issues and, as was stated before by Hon. Member Ramjattan, she had brought many questions. I do not know how many of these. I can say that when we look at her parliamentary record...For all the Members of the Assembly who are not aware, the Women and Gender Equality Commission had commissioned a document by the National Assembly library in which there are all the women parliamentarians, from the time we won adult suffrage in Guyana, who participated in the Assembly. There is such a document of all the speeches that they made and what were the issues. I extracted from the document all of the issues which she spoke on.

As I said before, she was an astute politician and even though we did not agree many times with the things she said she was never one to back down and say she was sorry for the position she took. She was always very strong on what she believed in.

Also, what was amazing about Mrs. Sheila Holder was the research that she would have done when she came to the National Assembly. All of her presentations were well researched and she certainly knew how to present her case in the Assembly. She had a great relationship with the women from the People’s Progressive Party/Civic (PPP/C), including, as I said, all of us who started working closely with Mrs. Sheila Holder from the time she was here in 2001, and I think that up to the time of her death that relationship was a very strong one.

I know that some of her family members are here, including her husband who she loved very much. She also spoke of her children and her grandchildren whom she was very proud of. Ever so often, she would share with us, from time to time, she went and visited, about how she was happy visiting her children and being with her grandchild. I know her family has lost a wonderful mother, wife, and grandmother. Her relatives and friends have lost a very good person. The National Assembly has lost a very valuable Member. The women of Guyana have lost a very good role model.

Once again, we, of the PPP/C, would like to place on record our profound grief at the great loss to the National Assembly and Parliament of Guyana by the tragic death of Mrs. Sheila Holder on

20th November, 2011. The country has lost a true patriot. I would like the National Assembly to pay tribute to the committed and exemplary service which she rendered to the Assembly from 19th March, 2001 until the dissolution of the Ninth Parliament on 27th September, 2011, and that the National Assembly directs that an expression of our heartfelt sympathy be conveyed to her sorrowing widower, children and relatives.

May her soul rest in peace. [*Applause*]

Mr. Ramjattan (replying): I am moved by the strong support and endorsement of this motion in my name. I now move the motion, as stated here, that we place on record our shock and profound grief, that we pay tribute to her and that we also direct an expression of heartfelt sympathy to her widower, children and relatives.

Question put, and agreed to.

Motion carried.

Mr. Speaker: It is 4 o' clock and so we would proceed to take the suspension. Just before doing so, I wish to say to the sorrowing relatives of the three comrades, who we honoured this afternoon, that I associate myself with the fond words which were spoken.

In recessional order, I wish to say that Sheila was a friend and sister, particularly to Mr. Khemraj Ramjattan and I. I can tell you. In many respects, she was our exemplar and we were proud to stand alongside her. We will always remember her and the vacuum that she left cannot, to this date, be filled.

I recall that when I joined the Mayor and City Council, as a very young politician, Mr. Robert Williams was, as Mr. Basil Williams said, the politician's politician. It is from him that Mrs. Backer and I tried to learn the arts and crafts of politics and statesmanship. He was a people's person. I believe that he gave more than he was capable of giving, to his own detriment in many regards, because he gave and he gave and he gave. Many people who considered themselves as his friends continued to take from him and perhaps did not give back as much as Mr. Robert Williams tried to give in return.

For Mr. Everall Franklin, I would say that he was my brother, my friend and my shepherd. In his last days, he was a shepherd to me and I thank Mr. Everall Franklin for all that he has done in my own life. As Mrs. Sheila Holder, he stands out and the vacuum will not be filled.

On behalf of all of the Members of the National Assembly, I express our heartfelt condolences and sympathy. Even though some time has passed, we thought that it was important to still gather to pay our respects and to demonstrate that together we can cross the floor, from time to time, as we heard this afternoon, as each of those Members did, to demonstrate that we can honour the memory and good work of persons who have taken up the challenge of representing this nation as Members of this National Assembly.

With those words, I would just like to say to the families that we will be, in due course, sending them a record of the speeches and presentations made this afternoon, but I will, on behalf of the Assembly, give them formally a copy of the resolutions passed. I would like them to have a complete record, bounded and presented to them.

Sitting suspended at 4.04 p.m.

Sitting resumed at 5.14 p.m.

GOVERNMENT BUSINESS

BILLS – SECOND READINGS

OFFICIAL GAZETTE BILL 2012 – Bill No. 9/2012

A BILL intituled:

“AN ACT to provide for the publication of the Official Gazette in printed and electronic form and for connected purposes.” *[Attorney General and Minister of Legal Affairs.]*

Mr. Speaker: Hon. Members, I thank you for your patience and indulgence, as we have got through with the motions just before we took the suspension. We will revert to the Order Paper’s agenda as was printed and commence with the Official Gazette Bill 2012 – Bill No. 9 of 2012, first published on 29th June, 2012.

Attorney General and Minister of Legal Affairs [Mr. Nandlall]: Sir, it gives me great pleasure to be the person piloting this Bill into its second reading.

Sir, you, yourself, and Members of this Assembly would recall that when I did my budget debate presentation I unveiled certain plans and a legislative agenda and the Official Gazette Bill 2012 – Bill No. 9/2012 was referred in that presentation.

This Bill is an extremely important piece of legislation. In short, what it seeks to do is to establish, for the first time in our country, a statutory footing for the Official *Gazette*. Secondly, it seeks to make that document more accessible to the people of our country and to the people of the world by placing it online on a Government's website.

The Official *Gazette*'s presence and use as part of the legal system of our country date back to some four hundred years. I can find no precise time, date or manner of its introduction into our country, but my research indicates that it was brought here by the Dutch sometime in the seventeenth century. It has remained with us since. Over those centuries, its importance has not declined. In fact, and instead, in my view, I believe that its importance has increased tremendously. Though it has been with us for all of those centuries, it has never been a subject of legislation and I can find no reason why this omission has existed for so long. Its presence and evolution to its current important status seem to owe itself to custom and practice only. Yet, none can deny the fundamental use which it has served and the multidimensional functions which it performs.

Although its existence does not lend itself to any legislative basis, it has found itself expressly mentioned in a series of legislation in our statute books. One only has to examine the Interpretation and General Clauses Act, Chapter 2:01, to glean the various pivotal functions which the Official *Gazette* performs. Section 15 of that legislation provides for every Act passed by the Parliament to be published in the Official *Gazette* and to come into force, or to come into operation, on the date of that publication, unless the law otherwise provides.

Section 21 provides that all subsidiary legislation, proclamations, rules, regulations, orders and by-laws shall be published in the Official *Gazette* and shall, likewise, come into operation on the date of the publication, unless it is otherwise stated.

Section 27 provides that where any written law ascribes to the President, Minister or public officer, any functions ascribed by a statute, the name of the President, Minister or the public officer must be gazetted. That is why whenever there is a new Government the entire executive is required to be published in the Official *Gazette* with their ascribed functions. Under the Prescriptive Title law, all application for prescriptive titles must be advertised in the Official *Gazette* so that anyone who may claim an interest in the property, which is the subject of that application, is required by law to lodge an opposition to that application and to be heard by the court that will eventually hear the application for prescriptive title.

5.20 p.m.

The Deeds Registry Act and the Deeds Registry Rules provide that every conveyance of a property held by transport must be advertised in the Official *Gazette* to provide the opportunity for all and sundry who may feel that they have an interest in the property and that that interest is going to be wrongfully alienated to file a notice of opposition to the passing of that conveyance. Similarly, Sir, that advertisement also seeks to inform creditors of the transportee, that is, the holder of the transport, that he is or she is about to alienate a property to which he or she has a right to levy in the event that he or she wishes to litigate for his or her recovery of that debt and to oppose the passing of that conveyance and to file an action immediately for the recovery of that debt.

The law also requires every mortgage to be advertised before it crystallises as an encumbrance on the property which forms the collateral of that mortgage. Again, all the world gets an opportunity, by virtue of that advertisement in the *Gazette*, to file an opposition against the mortgage, if it feels that it has an interest in the property that will be the subject of the mortgage or if it feels that the person, who is the holder of the transport, owes it some debt and by the encumbrance of this property, by virtue of the mortgage, would tend to defeat or make it difficult for it to realise any judgement which it may obtain as a result of filing proceedings to recover that debt.

The High Court Act requires that every action must be advertised in the Official *Gazette* before the trial commences so that all parties, their attorneys-at-law and witnesses, would get an opportunity of being informed that the case will be begin its trial. Similarly persons who are to

be tried at the criminal assizes their names are published in the Official *Gazette* and the date and time of their trials are thereby advertised.

Anytime a property is to be sold at an execution sale, that property reaching that stage, by virtue of an enforcement process, pursuant to a judgement granted, that execution sale, its date, place and the property that is going to be sold also required by law to be advertised in the Official *Gazette*. As a lawyer, there is the ancient remedy of parade execution which forms part of our legal system. That remedy allows the local authorities and rate collectors, if they do not fall in the category of a local authority, the right to put that property up for sale for non-payment of rates and taxes. All properties that are going to be subject to that parade execution, as it is the technical term, are required to be advertised in the Official *Gazette* and the date and time of the sale also published.

The above contains only some of the matters which are required to be published in the Official *Gazette*. I say all of that to say that I do not think anyone can rationally dispute the importance that the Official *Gazette* serves in our legal and governmental structure. If I may add a few other examples as they come to my mind, all officers attaining a certain rank in our disciplined forces are by law required to be gazetted. All of our national holidays, which are to be declared, are required by law to be gazetted. It is an almost inexhaustible list of things by practice and by statutory obligation which is required to be gazetted. Yet for some inexplicable reason, and critical as all these functions are, the Official *Gazette* was never part of a legislation of our country and this Bill seeks to correct that omission, one, that I said is some four hundred years old. In that context this is quite a historic piece of lawmaking which we are part of.

The other aspect that the Bill seeks to address is a common problem known to all of us - because we are politicians, we are on the ground, we walk the villages, we walk the streets, we walk to the towns of our country and we receive regularly the complaint - is that the Official *Gazette* is not published on time; that the Official *Gazette* is not available or accessible easily, or as easily as it should be, to the ordinary people of this country. When one looks and reflects upon the number of important notices and matters which are by law required to be published by the Official *Gazette*, it is a great travesty that it does not reach - or at least that is the belief or the complaint of the people - them in a timely manner or it does not reach them at all. This Bill in its second component seeks to correct that omission.

We have accepted that we have to tread the technological paths. We have accepted that the world is going in that direction and unless we implement policies, change structures and promulgate doctrines that ensure that we are part of that global trend, then we are likely to be left behind as a country. This administration clearly recognises that, hence, there is a whole sector that deals with Information Technology (IT) and it deals with, for example, the One Laptop Per Family (OLPF) programme.

Currently, I listened to a consultant who came here recently, who revealed that, based upon his investigations and services conducted in Guyana, he found the staggering statistics that over fifty-nine per cent of our population are online or have access to online facilities. I say that “in staggering” because he revealed the statistics of other countries, in particular the most advanced countries in the world, and we rank very high among the statistics which he has revealed. One only has to look at the activity on the Facebook page, or on the internet and on the websites, and on the blogs, and so on, and recognise what a potent forum that is and how widely used it is.

Therefore, Sir, in putting this Official *Gazette* online not only are we taking our development up a notch on the technological ladder, but we are resorting to a course that we are almost certain will improve the situation of non-accessibility, because there is the empirical data and the actual information to suggest that our people are regularly online and they have access to the computer and to the internet. Therefore I am assured, or at least I feel sure, that this Bill, by putting it online, will address in a significant way the issue of accessibility.

Another fundamental dimension that this Bill will address is the fact that we live in a country where a large percentage of our population resides outside of Guyana, in the Caribbean but more particularly in North America, and to some extent in Europe, but they continue to own properties in Guyana; they continue to transact businesses in Guyana. In the movement of the world in the direction in which it is going, in the creation of one global village, making the information which is to be contained in the Official *Gazette* accessible to the entire world is of outmost importance. As a practising lawyer - Sir, you would know and my friends who are lawyers on the other side, and non lawyers too – I would have been confronted, time and time again, with the situation of proprietary fraud, where people who live overseas lose their properties. They give a power of attorney to a person with the belief, and with the view, that that person would take care of their property, but the power of attorney also authorises them to sell. The person, who is that power of

attorney, is the dishonestly used to transfer or alienate that property from the owner who resides in America. The Official *Gazette* not being online, he has no opportunity of seeing unless someone in Guyana reads the hard copy of the document and advert his attention to the fraud and thereby he gets an opportunity to save his property. Unfortunately there are a large number of instances where this was not brought to the attention of the owner who resides out of Guyana and as a result that owner has been defrauded of his or her property. This Bill seeks again to address that unfortunate state of affairs by making the Official *Gazette* accessible online to all the world.

Clause 3 of the Bill simply seeks to regularise, in statutory framework, past and future publications of the Official *Gazette* and to maintain the evidential status quo of the Official *Gazette* by codifying what our practice is, that is, to make the Official *Gazette* receivable in evidence. That is the position now and clause 3 of the Bill seeks to simply codify that and to bring all the Official *Gazettes* published prior to this Bill and hereafter into the framework of this Bill. It is an important formal clause.

Clause 4 tells of the manner in which the Official *Gazette* will be published and where it will be published. Clause 4 also tells of all the matters that are currently published in the Official *Gazette* will continue to be published in the Official *Gazette*.

Clause 7 reiterates the practice or custom which currently is extant, which is that matters contained in the Official *Gazette* do not need to be proved in a court of law and they constitute *prima facie* evidence of what the publication is. Your Honour would know about the doctrine about judicial notice whereby all matters published in the Official *Gazette* of this country simply has to be laid over to a judge and they constitute *prima facie* evidence of the veracity of what is stated therein, obviating the need by the presenter of the evidence to the court of establishing the proof of the existence of the materials that are contained in the publication.

Clause 8 creates an offence for anyone who, in any manner, interferes with the publication of the *Gazette* or wilfully causes wrong information to be published in it.

Clause 9 allows the Minister to make regulations for future publications of the Official *Gazette* if such an occasion presents itself for regulations to be promulgated.

With those brief words, I commend this Bill to the House for it to be read a second time.

Thank you very much. [*Applause*]

Mr. Speaker: Members who wish to speak on this Bill may do so now.

Mr. B. Williams: I am not sure why the Hon. Attorney General was so brief in his presentation because the Bill is non contentious and the APNU has no problem in supporting the passage of this Bill through this honourable House. Two quick points that I concur on, in the passage. One, the security of the online *Gazette* would be very important and we would not want one to be able to hack into the website and do any damage and dislocate information in the *Gazette*. I trust that the Hon. Attorney General would address us on that point.

Secondly, the difficulty we have with the hard copy is that it is expressed to be released on Saturdays, but it is not got until Thursday, and, as you know, Mr. Speaker, if an opposition has to be done it is supposed to do so within fourteen day. When it is got on Thursday, five days would have been lost, virtually one week. We are happy that it is going online so that we could have it on Saturday's instantaneously. Other than that, I concur in the passage of this Bill, on behalf of the APNU. [*Applause*]

Mr. Speaker: Very grateful for you brevity.

Minister of Human Services and Social Security [Ms. Webster]: I rise in this honourable House to lend my support to this Bill. This Bill is a very important Bill, as my colleague the Hon. Attorney General said.

The history of this matter goes as far back as the colonial period. I think it is important as to what the Hon. Attorney General is seeking here to do is to ensure that the *Gazette* is made more accessible to all. I will not go into the primary function of the *Gazette*, because the Hon. Attorney General spoke to that, but perhaps, Mr. Speaker, permit me to say that this Bill seeks to formalise the process. The Hon. Member made mention of persons being able to hack into the online site, but it is our intention to have this *Gazette* published electronically in the portable document format on the Official *Gazette* website. I am sure that we would all agree, by consensus, that by doing this no citizen of Guyana should be discriminated against or denied access to this document, because we live in a globalised world and there is need for us to be able to identify clearly where Guyana is going, especially in the area of Information and

Communications Technology (ICT) and this is another such step in that direction, by placing the Official *Gazette* online.

I also want to, perhaps, highlight the fact that in 2002 the late Member of this House, Mrs. Holder, had spoken through a motion about accessibility of the Official *Gazette*. Today she is not here with us, but she would have been pleased to know that we are moving in this direction of making the *Gazette* more accessible to all, especially Guyanese at home and abroad.

It is with these few words that I lend my support to this Bill. [*Applause*]

Mr. Ramjattan: The Alliance For Change supports the Bill. There is one bit of concern that we have. Indeed, we are going to have the printed form concomitant with the electronic form, but we would also like to make the point that at all those places where there are stapled on, let us say, the local authorities, that that also be continued because there may be places where they are no internet services but it still requires this. Once that is made clear, as I notice the Hon. Attorney General shaking his head in affirmation, we support it fully. [*Applause*]

Mr. Nandlall (replying): Let me take this opportunity to thank all Members of the House for their support. Let me assure the Hon. Member Mr. Ramjattan that the mechanisms that are in place for circulation and accessibility of hard copy will, of course, continue. This is intended to provide another source through which the Official *Gazette* can be accessed. To my friend, Mr. Williams, I agree that the integrity of the website or the mechanism, which will be used to publish the Official *Gazette*, must be a secure one. I am not one of those technologically equipped persons to speak on this matter, but I am sure the technical people, who will be charged with the responsibility of establishing the website and to put the document on the website, would be obviously concerned that it is sufficiently secured to prevent any, I think, hacking, which is the technical term, or unlawful interference.

I now humbly ask that the Bill be read for a second time.

Question put, and carried.

Bill read a second time.

Assembly in Committee

Clause 1

Mr. Speaker: I am advised that an amendment to clause 1 has been proposed by the Chief Parliamentary Counsel.

Mr. Nandlall: It is a very minor amendment which was an oversight.

Mr. Speaker: Could we apply the slip rule to this?

Mr. Nandlall: All that it does is that it defines who the Minister is. The Act speaks to a Minister, but it does not say who the Minister is and that was discovered subsequent to the ...

Mr. Speaker: Which clause would this be? There is no interpretation section. I do not see anything in clause 1 or 2.

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

Clause 2

Mr. Nandlall: Clause 2 is to be amended, Sir.

Insert the following words, immediately after the word 'Act', "Minister means the Minister responsible for Legal Affairs".

Mr. Speaker: Clause 2 has "Official *Gazette*" or "Gazette." Where would you want to put this? In this Act you would have to include the words after... and then you go on to Official... You are defining Minister and you are defining Official *Gazette*. Is that correct?

Mr. Nandlall: Yes Sir.

Amendment put and agreed to.

Clause 2, as amended, agreed to, and order to stand part of the Bill

Clauses 3 to 9 agreed to and ordered to stand part of the Bill.

Assembly resumed.

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

DEEDS REGISTRY (AMENDMENT) BILL 2012 – Bill No. 11 of 2012

A Bill intituled:

“AN ACT to amend the Deeds Registry Act.” [*Attorney General and Minister of Legal Affairs*]

Mr. Speaker: Hon Members we will now proceed with the consideration of the second Bill in name of the Hon. Attorney General and that is a Bill intituled an Act to amend the Deed Registry Act.

Mr. Nandlall: Sir, I rise to speak on Bill No. 11 of 2012, the Deeds Registry Amendment Bill of 2012. I do so, Sir, with a profound sense of pride, having canvas on successfully as a parliamentarian...

Mr. Speaker: Is it to you predecessor?

Mr. Nandlall: ...to effect this change and now, Sir, I get the opportunity to do it myself. This Bill, the amendment to it, is quite simple, but the consequences and the profundity of it are very far-reaching, and it makes a most fundamental change to the land law of our country. I heard the utterance from my learned friend on the other side on whether I will be as long as I was just now. Unfortunately I may have to be a bit long, simply because of an indifference to the non lawyers, to in this National Assembly, so that we all understand the complexity of our land law system and the change which we are seeking to bring to it.

We have a very complicated system of land ownership. Historically, the colony of Guyana was ceded by the Dutch to the British in 1803. When the British came here and sought to transplant their legal system as part of the colonising or colonisation process they kept as part of the legal system of Guyana certain aspects of the law which existed in the Roman Dutch time and, for the purpose of this debate, the aspect of the law that was retained, and is relevant, was the aspect of our law that dealt with land ownership. Thus, Sir, today there is a system of land ownership in Guyana that is two-fold. There is the Roman Dutch system and there is, what is called, the Torrens system of land registration which Premier Dr. Cheddi Jagan introduced into our country, importing it from Australia and New Zealand in 1963.

The aspect of land ownership which concerns us here is not the land registration system, but the Roman Dutch system. These two systems exist side by side in our country. Some areas of Guyana are governed by Roman Dutch System and some areas of our country are governed by the Torrens land registration system. They are different systems of ownership and the documents have titled has a different name.

Under the Roman Dutch system the document that have titled is called the transport and under the land registration system the document of title is called the certificate of registration. When we implanted in our country, in 1962 or 1963, the land registration system the plan was to start a reform right across Guyana to make our country be governed by one uniformed system of land ownership, that is, the land registration system. Unfortunately, fifty years, or thereafter that process has not been completed. There is Georgetown, for example, which is governed by the Roman Dutch system, and take my village, Annandale, which is governed by the Torrens system of land ownership, but certain parts of Buxton and Lusignan, the villages before and after Annandale, are governed by transport. There is that complexity obtaining and then.

Sir, when the English law was received as part of the civil law formally in Guyana, in 1916, another complexity was added, that is, two alien registration land ownership system were imposed, alien to the British, because one was from Holland and one was from Australia, and then English principles were imposed upon these two system, and so we have a very complex, we have perhaps the most complex land law in this part of the world, because our land system of ownership straggles almost three different legal systems. Over the years we have identified deficiencies in the systems that we inherited, because we have put all in one melting pot expecting them to function, but some, because of their inherent characteristics, are simply incompatible and cannot work.

This Bill seeks to address one of the deficiencies which has arisen in the transport system. The transport system is governed and administered under the Deeds Registry Act and it recognises only one form of ownership and that is captured by section 22 of the Deeds Registry Act, the relevant portions I will read.

“Every transport of a movable property shall vest in the transferee the full and absolute title to the immovable property or to the rights and interest therein described in that transport subject to -

- (a) Statutory claims
- (b) Registered encumbrances
- (c) Registered interest, registered before the date of the last advertisement of the transport in the *Official Gazette*
- (d) Registered leases before the date of the last advertisement of the transport in the *Official Gazette*”

Outside of these identified situations, one holds a transport and that transport gives one absolute ownership of that property to which it relates. There was the situation unfolding whereby a person buys or pays down a deposit, sometimes ten per cent, because that is the normal thing, or sometime more, for a property, but in accordance with our present law, in a manner in which it is constructed, that purchaser receives no interest, whatsoever, on that property, because the agreement of sale cannot fall, or does not fall, into one of the established categories listed in the legislation to which that transport is subject. Therefore the transported holder, after he would have entered into that agreement of sale, and after he would have received a deposit on the purchase price, is almost free to deal with the property as he wishes, because the agreement and the passing of money do not confer onto the purchaser any protection whatsoever.

Compared this to the situation in every other parts of the Caribbean, and in England, a stark difference will be found. In Trinidad and in England, and everywhere else in the Caribbean, at least the English speaking Caribbean, the agreement of sale under their system confers upon the purchaser an interest which the law recognises. In those jurisdictions it is called an equitable interest and therefore the title holder or the titular owner is constrained in a subsequent dealing with the property because the property becomes subject to that interest which has been acquired by the purchaser. In Guyana, unfortunately, such a situation does not prevail and our courts have over the last three hundred years, in particular over the last fifty years, have over and over again declared by their written judgement that a purchaser under an agreement of sale, irrespective of the fact that he may have paid off the purchase price, irrespective of the fact that he may have been put in possession, and is in possession, has no interest whatsoever.

If the vendor decides to mortgage that property or if the vendor decides to sell to another purchaser, the first purchaser only recourse is to look into the Official *Gazette* weekly - I just outlined the difficulties with accessibility of the Official *Gazette* - and to look for the publication of that conveyance in it in order for him to oppose the conveyance of the property to this new found purchaser. Unless he sees that advertisement in the Official *Gazette* and he opposes it then the property passes to the second purchaser and he would have lost completely the benefits of that agreement, or all he will be left with is to sue for breach of contract, and that normally is not an adequate remedy because what he wants is the property. Unless he is able to establish in a litigation, which is expensive and which is protracted, that the vendor and the second purchaser were acting in complicity with each other, both knowing of his prior sale and in an effort to defraud him, only then would he be able to set aside that transaction and to get that property back conveyed to him by an order of Court and that Sir, as Your Honour knows, is a most difficult exercise.

This agreement, for the first time in the history of our country, seeks to confer on that hapless purchaser some form of protection. [An Hon. Member (Opposition): *[inaudible]*... hire purchase.] The hire purchase one will come later. I personally, and I am sure Your Honour has and I am sure all the practitioners in this House, have experienced some of the most tragic stories of people losing their properties in this situation. I walk with me here, Sir, a reported case which I argued all the way at the Caribbean Court of Justice (CCJ)... [An Hon Member (Opposition): and lost.]... and lost, because I was trying to persuade the court to accept the justice of the cause and to try to get it, by judicial interpretation, to put such an interpretation to our extant legislation so as to protect the purchaser in this situation.

I will read briefly, Sir, just the fact of this case and this will demonstrate the situation. The name of the case is *Ramdass against Lookie*. I appeared for Ramdass. The case was argued all the way at the CCJ. Significantly, because of the complexity and profundity of the situation, the entire CCJ came out to sit - President de la Bastide, Justices of Appeal Nelson, Pollard, Saunders, Bernard, Wit and Hayton. A panel of seven judges, very historic sitting, came out to comprehensively review the land law and all of the assistance that counsel could have given was given. Over one hundred and fifty years of decided cases was presented in a bundle, that was this high, got from the Official *Gazette* of that time, because those times there was not even reports,

and from all the writings could have been found Duke, *Treaties on Movable Property*, Ramsahoye, *The Land Law*, Shahabuddeen, *The Legal System*, all the historical text were referred, all articles written on this matter was forwarded to them and yet they were unable to help. What was most hurtful in this case was the parties here were brothers and sisters. The facts read:

“In 1984 Lookie agreed to sell three parcels of land, thirty six acres to her brother Ramdass for \$30,000...”

And for the Berbicians, it was right at Canje.

“...the sale was evidenced by a receipt. Ramdass, who was the brother, entered into possession of the land and cultivated rice and pastured cattle on the land which he had purchased. In 1986 Lookie sold all her land to a third party who they called ‘M’, including that part which was previously sold to her brother and the evidence revealed that her brother had fully paid and these lands are adjacent to each other.”

The sister was living here, the brother was living right next door and the brother went into possession from since 1984, this case, Sir, was decided in 2008. From since 1984 to 2008, this brother was occupying this land, has built his house and was farming this land and the property was passed without his knowledge to this third party, who eventually got transport, and that was the case that went all the way to the CCJ in an effort, by the brother, to get back the land which he would have been living on for nearly twenty-five years.

The CCJ ruled this way:

“Held equitable interest in the immovable property was not recognised and could not be acquired in Guyana. The equitable interest which a purchaser would have gotten in every other country in the Caribbean and in England was not recognised in Guyana. Ramdass had acquired...”

That the brother who had fully paid and live on the land for thirty years.

“...no equitable interest in the land purchased from Lookie, but merely had a right to seek against Lookie an order for specific performance of the agreement of sale

and that M, the new purchaser, had acquired a clean title.”

Therefore Ramdass, who would have paid for this land, who would have occupied it for twenty-five years, had to remove himself from the land. This case, I believe, more than any other, which I have read, aptly demonstrates the travesty... [An Hon. Member (Opposition): Where is Lookie?] Lookie has died... which obtains in our country and unfortunately we are not in short supply of transported owners of land who are willing to sell it multiple times. Not only sell it multiple times, but then go and mortgage it, on top, to the bank, leaving all the purchasers, forming a line, and a mortgage, on top, of the property, and then the transport owner jumps on a plane and goes to Queens and to Brooklyn, leave four or five families in chaos in this country. We have had that repeatedly, as I speak, I am aware of about four cases pending for trial, dealing with this same situation.

I feel, and my friend Mr. Williams, who called upon me during my budget presentation to bring this Bill, that we are all aware of the travesty and the miscarriages of justice which are taking place in our country as a result of this institutionalised deficiency. Whether I have got it right, Sir, I am not sure. I hope that I have, because I am correcting a system here that has been part of our law since 1803 and even beyond 1750. I do not profess, as I stand here, Sir, to have found a solution to a four hundred years problem. That is why I have assured the Bar Association – it welcomes this Bill – that regulations, if we find difficulty unfolding, will be passed to correct those deficiencies.

The Bill, as I said, is simple in its formulation. All that it seeks to do - one has to read it with the substantive Act, the principal legislation - is to amend the current law to allow for an agreement of sale to be registered against the land and for that agreement of sale to be filed, as of record, at the Deeds Registry and to be annotated in the manner that a mortgage is on the face of a transport so that any person who wishes to subsequently deal with that property would be required to go to the Deeds Registry, as a person should go, even now, and examine the transport to see what encumbrance or encumbrances or what registered interests may have been annotated on the face of the transport and thereby making that person aware that there is possibly a prior agreement of sale and if that person still proceed to sign another agreement of sale, well then that is a matter for that person., but at least we are putting in place a mechanism that would make

it substantially more difficult for innocent people to be defrauded of their money when they purport to enter into transactions for the purchase of land held under transport in our country.

The Bill also speaks to how that document can be cancelled and it speaks to the situation where it can be cancelled by the agreement of the parties and, of course, that cancellation will be transmitted to the Deeds Registry. It is in the same way that a mortgage is cancelled and the same way that a mortgage is written off, the agreement will be written off on the transport.

I have already spoken with the Registrar of Deeds and the officers there to create the necessary infrastructure to facilitate the implementation of this Bill if it is passed by this honourable House. The problem that the Bar Association has raised with me is that a person may enter into a farcical agreement of sale simply to encumber a property to avoid it being levied upon. That is one of the concerns raised. Or a dishonest purchaser - now we were trying to guard against dishonest vendors - having entered into an agreement of sale, and now having a registered interest, can now dilate and fail to complete the agreement within the time prescribed.

In relation to the latter, that can happen now in any event and the only recourse that is there is to go to the court and ask for either for specific performance or for rescission, so that position obtains in any event. The first one identified is the deliberate encumbering of a property simply to avoid or simply to encumber it for ulterior reasons, but that can obtain now in any events, because two parties can execute a mortgage and encumber a property in the same way. This Bill must also be viewed in the context of the new High Court rules which shall be soon promulgated and those rules seek in a major way to expedite litigation.

6.20 p.m.

And they provide categories of cases that will be disposed of summarily. All matters relating to land, fortunately, especially as it relates to possession of land, rescission of agreement of sale, setting aside of agreements of sale for land, cancellation of interests on land, would fall into that category of cases that will be expediently dealt with by the courts under the new rules. While I listen to the Bar Association, I remain un-persuaded that its concerns are of such magnitude that it should overturn the greater good which this Bill seeks to address.

Therefore, I believe that I have set out, in sufficient details, what this Bill is about, what its rationale is and what mischief it seeks to address, and I commend it for its second reading. Of course, in my response, I will deal with whatever problems my friends may have with it.

Thank you very much, Sir. [*Applause*]

Mr. B. Williams: A Partnership for National Unity (APNU) supports the overarching interest of this Bill and that is the mischief which it seeks to remedy. That mischief is that the law as is and as it stood for centuries empowered an owner to sell the same property many times over and, of course, on most occasions, to the detriment and suffering of people. A lot of poor people have been affected by this legislation. When I came into contact with that law, I could not imagine that it could have stood for so many hundreds of years on the record. I could not understand it and so even before my learned Friend went to the Caribbean Court of Justice (CCJ) so that he could make his inaugural appearance... [**Mr. Nandlall:** It was not my inaugural appearance.] I was of the view that that would have been... [*Interruption*] He benefitted from the experience. I was resolute in my belief that we needed legislation to correct it because in law we tend to respect longevity. Cases are hardly found where 200 years of law is overruled other than by way of legislation.

The English law is easier. If there is the situation where Mr. Nandlall wants to buy land and he sees Mr. Williams on the land already and he goes over Mr. Williams' head and says to Mr. Harmon, and he could in fact say to Mr. Nagamootoo...and when he finishes all of this, he could still obtain a clean, indefeasible title. Something has to be wrong with that. In the law, the judges tend to alleviate such harshness and I do not know why they never attempted to do that in this particular area of the law. One can see somebody on the land and still go to purchase.

In the Region, there is a case called Kercher and Ferguson and everyone who did land law would remember that case and the justice of the case. That is why we really cannot fault the English common law because it is founded on rules of equity and fairness. That is how there is the mechanism of the equity blue-eyed boy. In other words, one could not, under English law, see Mr. Williams on the land and go and sell to Mr. Harmon and get a clean title because the law would fix that person with actual notice. But if one decides to buy the land without going to look at it, the court will fix that person with construction notice. As such, one could not escape. In

other words, one had to be a *bona fide purchaser* of value without notice. We did not have that in Guyana and many of us tried to impose that principle in situations where we found multiple sales of the same piece of property and so the law developed that we do not have equitable interest and that was clear. It requires legislation. I do not know why Mr. Nandlall's predecessors never passed the necessary legislation.

Mr. Speaker: The Government did not begin with Mr. Nandlall's party.

Mr. B. Williams: No, Sir, but I am fixing Mr. Nandlall's Government with that responsibility.

We agree that we need to remedy this mischief and pluck this lacuna in the law. I am happy that the Hon. Attorney General, Mr. Nandlall, has brought this piece of legislation. However, members of the bar are concerned; they feel that there was not sufficient consultation on the matter. They believe that it is not easy to overrule 200 to 300 years of law and that there should have been full consultation. Perhaps, what we could consider even as we agree to pass it is to send it to a special select committee and then entertain whatever memoranda and suggestions that members of the bar or other interested parties might wish to bring to bear.

I would say that APNU is in total agreement that this Bill should be passed in order to remedy this mischief where people could sell over the heads of the initial buyer's property without... The only assistance they had was if they could prove fraud and, of course, in any law, fraud vitiates consent. So without further belabouring the point, I would like to rest at this time and say that we concur on the passage of this Bill that once one is registered in the register that would be established pursuant to this Act, the agreement of sale entered into between the transported owner and the purchaser, that would constitute notice to any other purchaser. Perhaps, we could go to the special select committee and entertain other views on the matter. I am of the strong belief that with the core issue in this matter, that is preventing multiple sales of the same property, we would not have any problem from the Bar on that score. I think members of the Bar Association need some safeguards. They do not want an encumbrance to be there indefinitely. They do not want the registered interest to take the form of an interest in the property. All those things they have raised with me and the question of what would be the nature and character when it is registered. I think those are things that we could deal with in the select committee. But as I

said, we must plug this hole and prevent people from selling property times over at the expense of purchasers.

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

Mr. Ramjattan: Thank you Mr. Speaker. I just want to commend Hon. Member Mr. Anil Nandlall for taking this opportunity to fix that lacuna, this law in relation to what Roman Dutch transports had in our system. It was agonising to see so many examples of these “tricksters”, as we call them, trying to get away from their obligations, profiting from second, third and fourth deals and us living, somewhat, in a scenario whereby we always felt it created an equitable interest. What happened in the Ramdeo case was that we then got from the highest court- the Caribbean Court of Justice- that indeed in Roman Dutch law that an agreement of sale did not constitute an equitable interest. There were decisions in our Court of Appeal, some supported by Chancellor George and there were some decisions of older chancellors that gave varying positions on the matter. Once that was settled, however – and it was settled in that Ramdeo matter – we then realised that we have to now venture forth how we settle this.

This approach I can see as one that is indeed as healthy and proper as it can get, but I am not an expert in land law and those who have been experts, the lawyers from the very older, larger Chambers, have indicated to me that though this is going a substantial way into correcting a problem, that substantial way might not be the best way and they would like to have a select committee with a certain deadline where they can put in their inputs to ensure that this is done with at least as best perfection as is humanly possible. To that extent then, and since we are all lawyers, some of us not in the area as others, we in the Alliance For Change feel we ought to give those senior lawyers – about four of them are Senior Counsels indicating to me that they would like to see that happen and to plead with the Attorney General that that happens...that we do not pass it as is without those senior lawyers who have hundreds of years of legal services behind them getting their request met.

I know the Hon. Attorney General wants this to be moved as quickly as possible. I know that he has played a role in, first of all, realising the problem and secondly now trying to remedy it. But in law, after so many centuries of a situation, it is still best that we take the precaution of ensuring that what might be unforeseen ramifications and implications by a solution as this be

looked into by these senior lawyers. I will want them to support this being sent to a select committee with a certain deadline and we can come back here and once that is done we move on to the third reading.

Thank you very much, Mr. Speaker.

Mr. Speaker: Hon. Members, we were hoping to have the Hon. Member, Ms. Shadick, address us, but I believe that she had to leave momentarily as she is observing Ramadan. However, I believe in the circumstances that we will proceed.

Mr. Nandlall (replying): Thank you very much, Sir. I would like to thank both of my learned Friends who spoke on this Bill and who have clearly recognised the importance and the mischief which this Bill is seeking to remedy.

I am constrained in the circumstances to agree for it to be sent to the select committee, but my only reservation is that normally when we send things to select committee they take a long time and I hope, having recognised how important it is and how many people continue to be defrauded and we are going shortly into recess, as of next week in fact, that every effort will be made, the consultations ought not to be protracted and that we all make a concerted effort to expedite this Bill in the select committee and to bring it back for quick passing. I, therefore, ask that the Bill be sent...

Mr. Speaker: You may also add, if you wish, a *proviso* in terms of time.

Mr. Nandlall: Yes Sir. I will undertake to begin the consultation during the recess period. I know who the lawyers are because they have spoken to me. I see my friend Mrs. Backer is nodding in disapproval. When I say “begin the consultation” I mean I will write them and ask them to put their submissions in writing and have them ready to be presented at the earliest opportunity when Sitting resumes in October.

Ms. Teixeira: Mr. Speaker, just for neatness, let us complete the second reading and then move it to select committee. Procedurally, the select committee will then... Whilst the hon. Attorney General is free to alert people, the parliamentary select committee will then start its own procedures. Could I be as bold to suggest that this matter should return to the House no later than

December, 2012? I do not know if that will give sufficient time. It is a very important issue, but it should be here before the end of the year.

Mr. Nandlall: I am grateful for my Chief Whip's guidance and, of course, her wisdom and experience.

Mr. Speaker: Ms. Teixeira is an expert on parliamentary procedures.

Mr. Nandlall: I know Sir. I hope that I get to speak at her tribute when we pay tribute...years from now, not anything close. [*Interruption*]

Mr. Speaker: Anything could be said but it is good to respect your adversary. I could say that Ms. Teixeira is one of our most formidable political adversaries and that is something that I do not hide. It is a mark of respect, if I can put it that way.

Mr. Nandlall: She is a champion parliamentarian by any standard or rather of Olympian standard. I am paying tribute to her while she is a sitting parliamentarian.

In accepting my Hon. Colleagues' suggestion, I am asking that the Bill be read a second time and that it be sent to a select committee to be returned to the House on or before the 1st December, 2012. I think it is consensual that we ought to be able to complete whatever work has to be done to it before that.

Question out, and agreed to.

Bill read a second time and sent to a special select committee.

MOTION

GUYANA'S FOLLOW-UP TO COMMITMENTS MADE TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL WITH REGARD TO HOLDING CONSULTATIONS ON 3 MATTERS (THE ABOLITION OF CORPORAL PUNISHMENT IN THE SCHOOLS, THE ABOLITION OF THE DEATH PENALTY AND THE DECRIMINALIZATION OF CONSENSUAL ADULT

**SAME SEX RELATIONS AND DISCRIMINATION AGAINST LESBIANS,
GAYS, BI-SEXUAL AND TRANSGENDER PERSONS)**

WHEREAS Guyana appeared before the United Nations Human Rights Council (UNHRC) during the first cycle of the Universal Periodic Review (UPR) in May, 2010 and again in September, 2010 where its report was adopted;

AND WHEREAS on October 18, 2010, the Government of Guyana tabled in this National Assembly a “Compendium of Documents on Guyana before the First Universal Periodic Review of the United Nations Human Rights Council, 8th Session May 11, 2010, and the UNHRC 15th Session, September 23, 2010”, the contents of which are referred to in this motion;

AND WHEREAS at the conclusion of its review, Guyana received several recommendations and committed itself to consult on 3 main matters that may be considered controversial in Guyanese society, namely the abolition of corporal punishment (Recommendations 70.36 to 70.41), the abolition of the death penalty (Recommendations 70.23 to 70.35), and the decriminalization of consensual adult same sex relations and discrimination against Lesbians, Gays, Bi-sexual and Trans-gender persons (Recommendations 70.47 to 70.53), with a view to garnering public sentiment which may lead to legislative changes;

AND WHEREAS public consultations with target groups and in geographic regions have commenced on these matters as well as public discussions in the media and amongst civil society organizations;

AND WHEREAS the Government is of the view that parliamentary consideration of these three matters would enhance the national examination procedurally by being the subject of a Special Select Committee which would organize the national consultations in a complimentary credible way,

“BE IT RESOLVED:

That this National Assembly approves of these matters being submitted to the House for consideration by a Special Select Committee established for that purpose;

BE IT FURTHER RESOLVED:

That this National Assembly adopts the following Terms of Reference to guide the work of this Special Select Committee in the determination of:

- (i) The attitude of Guyanese, especially parents and children, to corporal punishment and its possible abolition;
- (ii) The attitude of Guyanese, particularly the families of victims, criminologists, and professionals, on capital punishment and its possible abolition;
- (iii) The attitude of Guyanese of any changes in the legislative provisions and criminal code regarding consensual adult same sex relationships and discrimination, perceived or real, against Lesbians, Gays, Bi-Sexual and Transgender persons;

BE IT FURTHER RESOLVED:

That the Parliamentary Special Select Committee presents to this House its work programme and time frame for adoption and implementation;

BE IT FURTHER RESOLVED:

That the Parliamentary Special Select Committee advises the National Assembly of the status of its work programme periodically and reports its findings and recommendations with regard to any or all of these afore-mentioned matters.” *[Prime Minister and Minister of Parliamentary Affairs]*

Prime Minister and Minister of Parliamentary Affairs [Mr. Hinds]: Mr. Speaker, my Chief Whip is saying to me that there is agreement with the Chief Whip on the other side that this be put off to the next Sitting on the 9th August, 2012.

Motion deferred

PRIVATE MEMBERS’ BUSINESS

MOTIONS

FORMER PRESIDENTS’ PENSIONS AND BENEFITS

WHEREAS the National Assembly should make appropriate, adequate and reasonable provision for a President to enjoy a comfortable and dignified retirement;

AND WHEREAS it is in the national interest that such provision be made and be related to the capacity of Guyana to support it;

AND WHEREAS the provisions of the Former President's (Benefits and Other Facilities) Act 2009 has caused concern and resulted in adverse reaction among sections of the citizens of Guyana, in particular as to the ability of the country to sustain the benefits set out therein,

“BE IT RESOLVED:

That this National Assembly immediately takes steps to have the aforementioned legislation repealed without prejudice, however, to the payment of benefits;

BE IT ALSO RESOLVED:

That a Parliamentary Committee be convened to examine the Pensions (President, Parliamentary and Special Offices) Act, Part II Section 4 (Rate of President and Calculation of Pension 7/8 Ceiling of Pension) and to make proposals for their revision;

BE IT FURTHER RESOLVED:

That the Special Parliamentary Committee submit as a matter of urgency a revised superannuation benefit package for those persons to whom the Parliamentary and Holders of Special Offices Act applies and for those other categories of employees catered for by other government pensions and arrangement/plans; and

BE IT FURTHER RESOLVED:

That this revised superannuation package be sent by the Special Parliamentary Committee for consideration and approval by the National Assembly.” *[Mr. Greenidge]*

Mr. Greenidge: Thank you very much Mr. Speaker. I start off by seeking your protection because even before I have uttered a word that I am hearing dissenting comments from the other side. I do not know what they are disagreeing with. May I say, if I might Mr. Speaker, that when I heard the Attorney General make reference to Ms. Teixeira a minute ago, I was not sure

whether he was pleading to extend his own tenure in office or whether he was seeking to shorten hers. I suppose we can leave that for now.

The question of pension and benefits is before us. This motion seeks to address two Acts and perhaps I can start off by drawing to the House's attention the two Acts so that there is no confusion. There is, of course, the Pensions (President Parliamentary and Special Offices) Act which is linked to the pensions of parliamentarians and holders of special offices and those categories of employees catered for by the Government's pension plans. I am not proposing to say very much on this because in this particular arena we are proposing that this matter be addressed by a select committee.

The other Act that this matter concerns is the Former Presidents (Benefits and other Facilities) Act 2009. I think it important to draw that distinction from the very beginning so that there is no confusion as regards our intention.

The Constitution of the Co-operative Republic of Guyana, Article 181, has a reference to the issue before us, the question on the pensions and the benefits. Article 181 (1) states:

“The President shall receive such salary and allowances as may be prescribed under the provisions of article 222.”

Article 222 states:

“There shall be paid to the holders of offices to which this article applies such salaries and such allowances as may be prescribed by or under any law or, in the case of the Clerk and Deputy Clerk of the National Assembly, as may be determined under article 158 (4).”

And the other elements go on to cite that the payments can be made from the Consolidated Fund.

Article 181 (2) also says:

“A person who has held the office of the President [And this pertains to former Presidents now] shall receive such pension or, [and I emphasise this] upon the expiration of his term of office, such gratuity as may be prescribed by Parliament. Any such pension or gratuity shall be a charge on the Consolidated Fund.”

I emphasise that my reading and my understanding of the wording is of pension or other payments rather than pension and other payments. That is just something to note.

Mr. Speaker, may I now invite colleagues to look at the motion itself and to emphasise that the preamble makes reference to or acknowledges the desirability of adequate, appropriate and reasonable packages for former presidents. This arises because I think it is widely acknowledged that this is such an important office and that we do not want to arrive at a situation in which in pursuit of income to supplement whatever savings the holders of the office have that they devalue the office. The importance of dignity in requirement and a comfortable package is important. We do not want the former incumbents to be hand-to-mouth or be involved in activities that will bring the office into disrepute. I think it is widely acknowledged that the office of the president or former president is not one of an ordinary citizen and we would require and expect presidents or former presidents to conduct the rest of their lives without the need to enter into business, bartering, commerce or trade that may involve conflicts of interest as well. So that is captured in the preamble and I want to emphasise this because it is not the intention of this motion to deny the former Presidents packages that have these characteristics that are listed.

We have also, in the Resolved Clauses, attempted to take steps to have the legislation repealed. This legislation here specifically refers to the Former Presidents (Benefits and other Facilities) Act. I will touch on this later at the end. We are proposing here that a parliamentary committee be convened to examine the pension arrangements, in particular, and that the special parliamentary committee submit, as a matter of urgency, a revised superannuation package which takes into account all the persons and categories of persons who would be captured within that framework or regime.

Having said that, let me turn, specifically, to the question of the Former Presidents (Benefits and other Facilities) Act. I am not attempting here to reopen the debate on the package, but really to draw to the House's attention the controversy, the concerns, the alarm which this package has itself raised. You will recall that during the course of the hustings prior to the Elections, it was the centre of considerable debate and controversy.

The President is currently entitled to a pension, as I mentioned earlier, and the elements or nature of that pension is set out in the Act. In essence, it entitles him to 7/8 of the pension of the current

President. However, the criticism that has been levelled at this Former Presidents (Pension and other Facilities) Act has arisen because in addition to the pension which, given the way it is cast can actually be higher than the salary the President would have been receiving in his time.

6.50 p.m.

In addition to that, it has attracted criticism because it had been considered to be excessive. The terms and abomination and so forth have been used. One of the major concerns has been the failure to really quantify the benefits that have been listed in the Act. I will turn to that in a minute. What I am trying to indicate to you, Mr. Speaker and to colleagues, is that having cast a set of benefits that are additional to the pension there has been no attempt to set these out in a manner that would make them quantifiable. In that regard therefore, I think one can consider that they have been badly drafted. Many of them have to be considered as unlimited and to the extent that they are unlimited, almost any estimate will do. You have had estimates running on average I suppose in the region of \$3 Million a month as being the benefits in addition to pension the President will receive.

If I may just quickly remind you that the list of benefits here include the expenses or the imbursement of expenses for the utilities, services and personal household staff including an attendant and a gardener, services or clerical and technical staff, free medical attendance and medical treatment or imbursement of medical expenses, fulltime personal security and services of the Presidential Guard Service at the place residence, the provision of motor vehicles, full toll free road transportation in Guyana, annual vacation allowance and interesting a tax exemption status identical to that enjoyed by a serving president. These are the categories of benefits listed. The criticism they attracted is interesting as I have said, because they turn largely, but not exclusively on the fact that they are caps or limits to these except perhaps in the case of a [inaudible].

Let me just quickly refer to some of the criticisms that have arisen. First of all the range is wider than can be found elsewhere. I can say that in the case of Trinidad and Tobago for example, the Prime Minister's pension is capped subject to being equivalent to what a sitting Cabinet Minister enjoys. It is capped and linked to something, which ours seems not to. In Jamaica, the list is a similar list to the one that we have, but it is capped. In the case of Jamaica the person has to be

entitled to a pension. As such, he must have had worked for a specific period. [Mr. Lumumba: How long of a period, one year?] Any pension has a period associated with it. As far as I am concerned you need to go and check.

The question of the package also is linked very much to what you might call its morality. By its morality, in a situation where the vast majority of your populace enjoys income nowhere approaching... [*Interruption*] Do you mind? The vast majority of the populace earns income far below those that have been set out in the Act. In fact we had a situation of growing and alarming income disparities as well as a minimum wage of \$35,000 a month and circumstances in which an old age pension set at \$10,000 per month required extensive and agonising exchanges between the two sides and almost blackmail in order to get the Government to deal with it. In those circumstances many people have deemed the payment of these benefits in addition to a pension to be excessive and immoral almost if not immoral.

In looking at the pensions, when I say there are no limits, the free medical expenses for example are not limited to the former President and his spouse; in fact taxpayers would have to the medical cost for the former President and all the dependent members of his family for the rest of the President's life. If they opt for treatment abroad, the Act places no restriction on how much will be paid for that treatment. There are no caps on any of the facilities, no conditions for their receipt, in other words, no condition for the receipt of the benefits and no consideration for cost. The only two services that seem to be limited in number are those of the gardener and of an attendant. Even in those cases you might be able to circumvent them by retaining a landscaping service.

If a former President chooses to work abroad they would still be entitled to tax-free pension and all the benefits and facilities permitted under the act. If they are resident here or if they are resident abroad they are still entitled to clerical and technical staff, whether they are in Guyana or resident abroad. Assuming that the President may wish to do private consultancy service, there is nothing to prevent them getting the clerical assistance to support the private consultancy service that they carry out.

The drafted legislation therefore will seem to impose on the State all the costs that would be associated. For example, if the President chooses to have two or more residences, which is my

understanding, whatever facilities are there that may weigh heavily upon the utilities cost, for example a swimming pool or swimming pools, they would have to be met by the state. It seems that on the other side they are confused as to the difference between a former President and a current President. We are speaking about former Presidents. We are not aware that Burnham as a former President received anything.

This question of the lack of caps on the number of cars and the number of vehicles, the question of tax status of the former President, the fact that there is no limit when there is paid employment or when the President engages in business; all of these poses major difficulties. There is no requirement for them to have served any minimum time in office. Whilst the privileges and benefits are specified, there are no obligations specified or associated with these benefits, and that proves to be problematic. May I also say that the legislation makes no reference to limits in the event that the person takes up any form of paid employment or of a business? These are some of the difficulties that have given rise to the criticisms and the attacks on this particular piece of legislation.

What we have in mind here in moving this motion is that caps should be put on every single one of the items that are mentioned here. Legislation, I might add, and I do not claim to be a lawyer, but having worked for many years in the area of public finance and as a Chief Planning Officer who dealt with budgets of institutions, I think legislation is expected to conform to certain standards. In conforming to certain standards, one of those standards has to be that the elements are quantifiable. It has to be bad legislation when it is drafted in a manner that you cannot identify the sum total of the Government's obligations.

The other observation is that one should seek here to put order into the legislation and to bring certainty as well as a sense of balance, a balance that can emanate from the deliberations of this House. The important thing I think in deciding on the amounts to be enjoyed or the amounts to be paid should be this, we should link the benefits the capacity of the State to pay as well as to link it to the benefits that are paid by other operatives within the system whether it be Judges or Permanent Secretaries or other categories of similar or close status. We would want to ensure that the amendments take into account this ability to pay.

Less our colleagues raise questions about retroactivity and so forth, and the question of vested rights, which I know lawyers like to raise, the intention here and my argument here is that you cannot claim to have a vested right when the right itself has no ceiling. The rights in terms of cars for example can range from one to infinity; that is not a right. It is not a right because the State in passing its appropriation Act each year has a discrete amount that is provided for the Minister of Finance to manage. If that is discrete, then an element of it such as the pension cannot be infinite. That is the argument here and in the light of these considerations, what we propose to do in relation to this specific Act is to bring to the House, in fact it will be presented shortly to the Clerk, an amendment to the Act which specifically seeks to cap the individual benefits and also to deal with the question of the tax status, so that unlike the current situation which allows the former President to enjoy tax-free benefit for anything that he cares to import almost, we will seek to put a limit on that as well as in the event that he earns an income, that that income is taken into account when specifying the other benefits for which he is entitled. In the light of that, I wish to commend this motion to the House and to invite our colleagues on the other side to embrace it in the spirit of trying to ensure that we have legislation and regulations that are fair and defensible across the political spectrum. I thank you very much. *[Applause]*

Mr. Speaker: Hon. Members I note that the Hon. Attorney General is listed to address us next. We are just about five minutes past seven o'clock which is time for our evening suspension. I do not know whether the Attorney General wishes to proceed now or to do so after the break.

Mr. Nandlall: After the break, Sir.

Mr. Speaker: Mr. Greenidge, I did not hear you address the issue of the matter being sent to a Select Committee. Do you wish to do so later? Is it still your intention?

Mr. Greenidge: I did make mention to it Mr. Speaker, but in case it was not clear, when I respond I will spend more time on it.

Mr. Speaker: Thank you. The Sitting is suspended for half an hour.

Sitting suspended at 7.05 p.m.

Sitting resumed at 7.43 p.m.

Mr. Speaker: Good evening Hon. Members. The Sitting is resumed. Please be seated. Hon. Members, just before we took the suspension the Hon. Attorney General was slated to address us. Please proceed.

Mr. Nandlall: Thank you very much, Sir. I seek your kind permission to deviate a little from the motion upon which I am scheduled to speak and to announce that pursuant to a public commitment which has been made by the Government and the joint Opposition the terms of reference for the impending Commission of Inquiry has been agreed upon and I would like to take this opportunity to read it into the record of this Assembly.

Mr. Speaker: One second. What you have there is an official document?

Mr. Nandlall: Yes, Sir.

Mr. Speaker: I do not know about it being read into the record, but we will take it for information purposes.

Mr. Nandlall: Very well Sir. The terms which have been agreed are as follows:

“1) Inquire into and report on the circumstances surrounding the shooting to death of Ivan Lewis, Ron Somerset and Shemroy Bouyea and the injury of several other persons on the 18th of July 2012 at the Mackenzie/Wismar Bridge specifically to:

- a) Identify what unit was employed at the scene at the bridge and what was its composition.*
- b) What training was given to the unit individually and collectively in preparation for the crowd control operation?*
- c) Determine whether the shooting to death of the three persons was done by the police detachment on the bridge.*
- d) If so determined, inquire who gave the orders to fire and whether the police had justification for the use of lethal force at the scene*
- e) Inquire into instructions given and the conduct of the Guyana Police Force’s detachment in carrying out its law enforcement functions on Wednesday 18th July 2012 at the scene of the Wismar/Mackenzie Bridge.*

- f) *Inquire what, if any, general or specific instructions the Minister of Home Affairs gave to the Guyana Police Force to maintain law and order in Linden immediately before, during and immediately after the events on Wednesday July 18th 2012.*
 - g) *Inquire into the actual cause of death of the three deceased*
 - h) *Enquire into the nature of the violence and destruction and its perpetrators that immediately followed the July 18th shooting.*
- 2) *Inquire into and report on the role and involvement in any of political organisations and other forces in organising, mobilising and promoting the protest actions from their commencements and immediately after the shooting on July 18th 2012.*
- 3) *Make recommendations implementations of which will assist the Guyana Police Force in effectively and professionally discharging their responsibility for the maintenance of law and order in the aforesaid community of Linden and similar communities without endangering their safety and that of civilian persons.*
- 4) *Make recommendations for compensation for personal injury, damage and loss to victims of the event of July 18th 2012.”*

These, as far as I am aware, are the consensual terms of reference arrived at upon which the Inquiry will be launched.

Mr. Speaker: What the Hon. Attorney General just did was akin in my mind to a public service announcement. It is not a matter for debate, but in the same vein that the Minister of Education gave us the results of the Secondary School Entrance Examination (SSEE), I think it is called, commonly known as common entrance; it is in that same spirit that this Minister gave that announcement. I am not mindful to have it become the subject of a debate because it is not the subject of a motion. So, we will take it just for informational purposes only. It is not to be debated on. Members may wish to take it up outside with the Minister or with the press, but that was really just a public service announcement which I think was in the national interest to him.

We have two Members on the floor. I do not know if one wishes to now have a motion to suspend the Standing Orders because we are in the middle of a debate on a motion in the name of the member Mr. Greenidge. I recognise Mr. Nagamootoo first and then Mr. Granger.

Mr. Nagamootoo: Mr. Speaker, I do not intend to make this an issue of debate. While it may be noted by you, Your Honour, that this is akin to a public service announcement, we, from the Alliance for Change, find it misleading. It is very misleading first of all to say that it was a joint position and to conclude, even though while I was seated I said it was not so. The Hon. Minister ought to have corrected himself. He exceedingly ended to say that it was a consensual arrangement. That is misleading; the Alliance for Change is not a party to that announcement public or otherwise. We have reservations over what have been said.

Brig. (Ret'd) Granger: Mr. Speaker, I think there is a danger in having these announcements made...

Mr. Speaker: Are you taken by surprise?

Brig. (Ret'd) Granger: Yes. Things which are written, produced, edited and delivered by one side could be very prejudicial. I would hope that this does not form part of the record of this House.

Mr. Speaker: It is not part of the record.

Brig. (Ret'd) Granger: We have had experience earlier this year in which unilateral declarations are presented as consensual agreements. I do not think we should go that way at all. Thank you.

Mr. Speaker: In the past, the Minister of Education has been good enough to inform me. She asked me whether she could make a statement on the results of the examinations and I said 'of course' because we all would like to know. I was taken by surprise of this announcement. This announcement as I said will not form part of the record of this House. We are in the middle of a debate on a motion in the name of Hon. Member Mr. Greenidge, but we note the announcement. As a Member and a Minister, that is okay. You have heard the concerns of your colleagues. I am very loath to allow us to enter into a debate on this matter, because it is highly irregular, unprecedented, and neither was notification given to me nor permission sought before that announcement was made. I was taken by surprise as was everyone else present. I presumed quite frankly that it was with the consent of at least one set. Minister I think we better to into the motion properly.

Mr. Nandlall: Sir, I must say that the APNU, through Mr. Joseph Harmon, has agreed that this thing will be read. I assumed also that Mr. Harmon would have consulted Mr. Ramjattan. This was agreed since...

Mr. Speaker: Hon. Member I am starting to feel as if the House is being abused. If people have their own private arrangements going on at least do the others the courtesy of letting others know what is happening. It seems like some kind of private arrangement is happening and it is an insult to the rest of us. If there was an agreement then I am saying to take that agreement outside, but is not part of the business of this National Assembly if that agreement was hatched and dealt with elsewhere. Let us go on with the debate.

Mr. Nandlall: May I now go to the motion, Sir.

Mr. Speaker: Yes, thank you.

Mr. Nandlall: The motion which has been moved by the Hon. Member Mr. Greenidge raises some serious issues. I would like to address them briefly. My first issue with this motion relates to its appropriateness to achieve the objective which it sets out to achieve. A National Assembly is the supreme lawmaking institution of the land. A National Assembly in my humble view ought to exercise great circumspection and care in the conduct of its proceedings and its procedure which it employs to conduct its proceedings especially in a situation where it seeks to review its own conduct and its product and indeed its own work.

The first thing that I believe we should address our minds to is whether it is possible in the first place or whether it is procedurally proper or whether it is the requisite mode by which we should embark upon our own review. We have a constitutional structure under which we are operating, which devolves governmental functions, so to speak, into three major arenas, the Legislature, the Executive, and the Judiciary, each having its own clearly delineated and defined functions to perform and sphere of responsibility within which it must operate. Each, as they are designed to co-exist peacefully and peaceably with each other, is required to perform certain scrutiny and examination of the other's conduct.

7.57 p.m.

In this tripartite constitutional structure the judiciary is reposed with the exclusive constitutional responsibility of reviewing legislation passed by this House. That is a function that is clearly beyond any form of doubt, ambivalence, equivocation or disputation.

I can cite, as I stand here, numerous situations where this important function of the judiciary, *vis-a-vis* the legislature, has been adumbrated and upheld by courts right across the Commonwealth Caribbean, the Commonwealth generally and indeed in our own country. We had the case of the Labour Amendment Act, for example, in 1984, which was reviewed by the court and struck down as being unconstitutional, because the test which the law requires legislation to meet, when they undergo their process in this Parliament, is that it must meet the Litmus Test of constitutionality. In that case it was found that that bill, the Labour Relations Bill, among other things arising out of the Timal's case then in the Mohammed Ali's case, it sought to justify certain wage freezes and to make them operate retrospectively. The highest court of the land at that time, the Guyana Court of Appeal, struck it down as being unconstitutional and reasserted the supreme and singular role and exclusive role of our courts to review legislation.

More to the point, in 1995 I believe, this Parliament unanimously passed a legislation relating to elections. In essence, what that legislation sought to do was to make it a requirement for a voter at elections, in addition to the Constitutional requirement of being 18 years and over and being resident in Guyana - that is the two Constitutional qualifications for voting - this legislation added a third one, which is that a voter must also be in possession of a voter's identification (ID) card. This Parliament, as I said, unanimously agreed for to be done and pass a law to that effect.

My learned friends from the other side challenged, not only the elections of 1997 and held a pursuant to that law, but they challenged the law itself having agreed to it. Agreement among us here is immaterial when it comes to the court's power of review. Because the legal position and the jurisprudential position is that we in this House, whether minority, majority or unanimity cannot pass a law...

Mr. Speaker: Mr. Nandlall, sorry to interrupt you, are you speaking to the Lawrence motion or the Greenidge motion? Your arguments are very sound...

Mr. Nandlall: I am speaking to the Former President's Benefits and other Facilities Bill and I am getting there.

The court smacked that legislation down as unconstitutional and the courts once again reaffirmed its exclusive function as the body to review legislation.

This motion seeks to remit to a select committee, an Act passed by this House seeking to review it with a view, as the last Resolved Clause says, to revise the superannuation package which is promulgated by an extent legislation that is enforced. So in a nutshell, this Parliament is being moved by way of a motion to remit to a select committee, a particular legislation with the objective of subjecting it to a review and to change it. [Mrs. Backer: That is what you just did with the Deeds Registry Act.] I will answer that. I am saying and I submit that the mechanism by way of a motion is wholly inappropriate for that to be done.

It is not that it cannot be done, but there is a process by which it can be done and that is, you bring a bill to amend the law, that is how you amend a law. If that bill requires examination at a select committee, well then the bill is referred to the select committee. I challenge my friends to cite a single instance where a legislation has been sent, by way of motion, to a select committee for its review. I challenge them on that ground and I can safely say that they cannot cite a single example of where this has been done.

A motion is moved for different purposes, none of them have ever been to remit legislation to a select committee for review. [Mrs. Backer: So what is the point?] The point is that it was disclosed only in today's newspaper or yesterday's newspaper that it costs this Parliament \$1.7 million to sit everyday and that is the taxpayers' money. Therefore, we must be careful and we must be cautious in the manner in which we use taxpayers' money. Because we are going to send this to select committee and then we are going to, in the select committee, make recommendations, those recommendations will have to come back to the House to be adopted and then a draft bill will have to be crafted and laid in the National Assembly for debate all over again and then for passage. That, I am submitting, is a waste of time because the same objective could have been obtained and achieved if the bill... if the Opposition could have worked together and crafted a bill which captures their concerns and Parliament will not have to be burdened to bear the expenditure of that consultation that they ought to have among or between themselves to come up with the bill, then put it before the National Assembly for its approval or disapproval.

I am saying it Sir from two perspectives; one, from the perspective of propriety and acceptable Parliamentary procedures and from the perspective of saving valuable Parliamentary time and valuable taxpayers' money. [*Interruption*]

The second issue that I will raise in relations to this bill, which incidentally this bill was passed when Mr. Nagamootoo was on this side and I cannot recall him voting against it, I just wish to put that on the record. The second issue has to do with whether one by ordinary legislation can touch the matters which are dealt with in this bill. A bill that seeks deal with pensions is one that would have to enjoy, in my humble view, a two-thirds majority. Pension forms part of one's propriety interest, I refer Sir to the second Resolved clause, which says:

“That a Parliamentary Committee be convened to examine the Pensions (President, Parliamentary and Special Offices) Act, Part II Section 4 (Rate of President and Calculation of Pension 7/8 Ceiling of Pension) and to make proposals for their revisions;”

Those who cannot read very clear language and are in doubt as to whether this motion seeks to remit to the select committee, to review pensions, I cannot help them. The motion is very clear. We all know that Article 142 protects property from arbitrary seizure and that provision has been interpreted over and over again to say that property is not confined to physical property alone, meaning immovable property, but it relates to money and it relates to pensions and that is protected as a fundamental right. If we are in doubt Article 149(B) also speaks to it. The side note is: “Right to pension and gratuity.” And this was put into our Constitution as a result of the Constitutional Reform process. It says that:

“Every public sector worker shall enjoy an absolute and enforceable right to any pension and gratuity granted to him or her under the provision of any law or any collective agreement of any kind whatsoever.”

Not only does Article 142 ensconces property and that by itself includes pension, in the 2003 Reform Process, it was decided that for further entrenchment and perhaps clarity, if apparently there was no clarity before, pensions were dealt with separately and added to the Constitution as a fundamental right.

You have a motion being put to be sent to select committee to review the change of a law which is protected by the fundamental rights provision of our Constitution. That also must be read in conjunction with Article 222 of the Constitution. Article 222 speaks to the: “Remuneration of holders of certain offices.” and amongst the persons listed as persons to which this Article applies, it includes Offices of the President, Speaker, Deputy Speaker, Clerk and Deputy Clerk of the National Assembly, any judge of the Supreme Court, members of the Elections Commission, Public Service Commission, Teaching Service Commission, the Director of Public Prosecutions, the Auditor General and the Commissioner of Police; very powerful offices that are given security of tenure in this Constitution in relations to their removal as well as security of tenure in relations to their remunerations packages.

This exercise that this motion seeks to embark upon must be read in conjunction with these provisions to make sense of it because if while the argument is... [*Interruption*] If while these persons are occupying offices their salary, their allowances and other terms of service cannot be altered. Listen to the breath of the language which is used, “their salaries, their allowances and other terms of service are protected to the extent that while they hold office it cannot be altered to their detriment”. On what basis when one reads this - this protects them while they are in office – the pension provision as a fundamental right and one reads Article 142 that secures property from diminution and arbitrary acquisition, then clearly one must get a sense that there is a clear intention of the framers of this document to protect the remuneration of office holders of a particular constitutional calibre, during their tenure in office, as well as when they depart office.

Therefore, those who are going to be embarked on this exercise will have a very fundamental hurdle to cross in how is it that they are going to alter in a select committee, moved by a motion, the proprietary rights guaranteed as a fundamental right by a Constitution. Review it and reduce it, because that is the expressed tenure of my friend’s motion.

Someone mentioned a former President’s name and said that it seeks to reduce only his pension. Well he is perhaps in the strongest position, because it has accrued to him already. On what basis are you going to take it away? Because he has demitted office and he is entitled to a pension from the date of his demission of office. Therefore, I do not know on what basis my friends are going to get this to operate retrospectively to take away vested rights.

We know that a fundamental canon of construction is, that laws must be construed in such a manner not to deny and deprive vested rights and proprietary interest and that is another fundamental hurdle that one would have to face.

Pensions becomes payable from the time the pension holder is entitled to it – and allowances and benefits. In the terms of a President, it begins from the day that he demits office. There is no age limit for those who feel that a certain person must reach the age of 55. That is not how Presidential pensions operates, it operates from the time that he demits office. [*Interruption*]

This is a motion that is taking this Parliament down a road of unconstitutionality that is the ultimate result that will flow from this motion. Therefore, it is extremely difficult having recognised the legal arguments and principles that I have raised and my friends on the other side can continue to be reckless and they can continue to be vengeful, that will not detract me. The record of this Assembly will reflect that as a sitting Attorney General, I raised the objections which I have raised. None of them have gone into any personality; none of them has sought to defend any position. All I have sought to do is to draw to the attention of my colleagues, the legal hurdles that will befall them and I consider that my responsibility and my duty to this Parliament.

I thank you very much, Sir. [*Applause*]

Dr. Roopnarine: Thank you Mr. Speaker. First of all I want to commend the Attorney General and his colleagues of the legal fraternity for their display of civility and harmony in the recently concluded debate on the important and historic pieces of legislation on the Official Gazette and on the Deeds Registry.

I am afraid I cannot commend the Hon. Attorney General with the same feeling in relation to his just concluded disquisition on Parliamentary propriety, on the appropriateness of the measure that we are taking, the fact that we are in danger of not approaching our business with sufficient circumspection and sufficient care.

I do not believe myself that we are trespassing on the business of the judiciary in relation to the review of legislation. I believe that in asking that this matter be sent to a select committee, we are simply saying that there are aspects of this legislation that in our opinion require some

refinement and some more precision. The argument that we should not be proceeding by way of motion and that instead we should bring a bill that can be referred to a select committee in due course, is an argument that I think has a certain validity, but I am not sure that in making the argument the Hon. Attorney General has excluded the procedure that we are seeking to apply this evening.

I am also a little bit disturbed that the Hon. Attorney General assumes that we would not be able to arrive at a consensus in the select committee that is being proposed. I quite agree that Articles 142, 149(B) and 222 would require a two-thirds majority to get anything achieved. But I am not ruling out the possibility that working together on the select committee, we would not be able to arrive at the consensus that we seek. We quite agree that those particular Articles of the Constitution cannot be interfered with by anything less than a two-thirds majority, but I believe that we can, in the interest of what we are attempting to do, win that consensus in the course of the discussions on the select committee.

I have to say that I have had the privilege of listening to the learned Attorney General in the Chief Justice's court and I know that he is long on disquisition and always arrived sufficiently armed with his plethora of precedents to make his argument. I did not realise until this evening what a constitutional conservative the Hon. Attorney General is.

On the issue before us, I want to say that I think it is safe to say, as the Hon. Mr. Greenidge has already pointed out, that no other single matter aroused more wide spread agitation in the election campaign of 2011, an agitation not limited to supporters of the Opposition parties. It was an agitation that we found in all communities where the poor and the powerless were over represented, including communities traditionally supportive of the PPP.

Why did this issue touch such a nerve among the people? This is the question that we need to address. I believe first of all, that it was due to the completely derisory pre-budget pensions paid to people who are at the end of a working life received a pittance of \$8100; it was derisory because not infrequently, this amount of money could not even have supported the transportation cost to uplift the pension in many instances. That was the first issue: that people were being presented with a situation in which the former President would be in effect, be granted an extremely fulsome pension in the presence of their own rather paltry payments.

The second point has to do with the hassles that are attendant on the ability to access pension payments. For instance, recently there were pensioners on the Corentyne who were complaining bitterly over the inconvenience caused when the postmaster was not a justice of the peace, causing them to run around looking for a JP to sign the proof of life document to verify that the individual was indeed alive.

8.27 p.m.

This has proven to be an exhausting business, hard on the spirit and on the pocket, and citizens across the country are pleading to have the postmaster either be lawfully qualified to sign the proof of life document or indeed to have a Justice of Peace (JP) present at the post office.

Indeed, I believe that - and I was very heartened to hear that, it is being contemplated – what is required is a serious review of the entire system since the pension system is in dire need of reform. I am happy to hear that there is some commitment by the Hon. Minister to engage in this reform process. We have to deal with this pension environment which, I believe, had a great deal to do with the agitation that people felt across the country in the presence of the fulsomeness of the pension that is to be paid to the former President.

One of those pensioners, in fact, called me this morning from the Corentyne, to draw my attention to an article that appeared in today's *Stabroek News* in relation to some reforms that were being enacted in Suriname. I will quote. It is on page 5 of today's *Stabroek News*:

“Senior citizens who receive their old-age pension from the Central Old-Age Pension Fund (AOV) no longer have to go through the annual registration and requirement to submit a Proof of Life document now that the Fund and Central Bureau for Population Registry (CBB) have matched their data banks.

AOV director John Samson says that the cooperation between the two services must result in a better performance of both systems. On the 29 February CBB director John Sahari and his counterpart at AOV decided to match their data banks after a painful incident when a senior citizen died at an AOV counter moments before he was to submit his Proof of Life document. The incident proved how laborious the process is for senior citizens to prove that they are still alive.”

It goes on to state:

“Immediately after the matching,...”

It was between these two institutions...

“...the registration of senior citizens at the banks was terminated. This was bliss for the very old and those that are sick or can barely walk.

I am saying that while we have this level of distress within the pension environment, I think that it is no accident or it is easily understood why the issue of the former President’s pension caused as much agitation as it did in the communities around the country.

What we know is that the Hon. Minister of Finance, himself, was eventually of a mind to raise the pension from \$8,100 to \$10,000 in the budget. I believe that he has convinced himself of the inadequacy of the pension payments and told us in no uncertain terms, in various discussions, that he, himself, would have liked to have raised it even more, but the argument that he made was that we had to be very careful that what we did in this regard was commensurate with the country’s ability to pay. This was his argument and it was an argument that he made with his customary conviction. I have no doubt that he believed this. All we are saying, in relation to this particular package, is that this too must be taken in the context of the country’s ability to pay.

It was obvious that the spreading dissatisfaction over the former President’s pension was biting deep into the PPP’s support and this was evidenced by the very lengthy defences mounted in the press by the highest officials of the Government that launched a media counteroffensive. No less a person than my friend, the Hon. Prime Minister, wrote on 5th November in *Stabroek News* and he said in that occasion - (as a person who has had the pleasure of knowing the Hon. Prime Minister for many a year I would not be one to accuse him of, in effect, a self-serving presentation, but others who do not know him as well as I do might well argue that this is a case of special pleading) - that in effect, what the political parties were doing in the course of the campaign was raising up this issue merely to agitate people. [Mr. Hinds: Read the words.]

I quote your words.

“The efforts by the opposition parties and their media fanatics to dramatise the value of the allowances and benefits given to past Presidents ignore the fact that not one of the

benefits and allowances given to President Jagdeo is new. It is regrettable that Members of the Opposition and the media, being unable to identify real election issues, have stooped to new lows in trying to beguile and deceive and agitate the Guyanese voters...”

The Hon. Prime Minister was not alone. There were other heavyweights who weighed in, namely Dr. Nanda Gopaul, who wrote on this matter; the Hon. Mr. Robert Persaud, who at the time was the campaign manager for the PPP/Civic, and Mr. Prem Misir, all weighed in to provide clarifications and to launch an assault on the competing parties and on the media.

Writing in the *Guyana Chronicle*, on Monday, November 7, 2011, Mr. Misir pointed us to the legislation of the United States of America (USA) and he provided a table to prove his point. I am very grateful to Mr. Misir for pointing us in the direction of the US legislation. But what he neglected to tell us is that the US legislation is careful to impose a number of restrictions and limits on the benefits that are to be enjoyed by former Presidents. I am choosing to quote from the American process because it is not a poor country and what it states here is very interesting. I am quoting from the *Congressional Research Service (CRS) Report for Congress*, Order Code 98-249 GOV and it was updated on 18th March, 2008. On page 3 of this report, on the question of staff and office allowances, this is what it states:

“Six months after a President leaves office provisions of the Former Presidents Act, as amended, authorize the GSA administrator to fund an office staff. During the first 30-month period when a former President is entitled to assistance under the FPA the total annual basic compensation for his office cannot exceed \$150,000. Thereafter the aggregate rates of staff compensation for a former President cannot exceed \$96,000 annually. The maximum annual rate of compensation for any one staff member cannot exceed the pay provided at Level 2 of the Executive Schedule, currently \$172,000. A former President supplements staff compensation or hires additional employees from private funds.”

In other words, there is a clear intention to impose limits and restriction on all of these expenses. What is found in this is that, in effect, it is imposing, not only time limits, but it is also imposing administrative measures to ensure that there is no abuse of the system.

The report states:

“GSA, in consultation with officials representing the former Presidents, prepares yearly operating budgets. Funds are appropriated by Congress and are included as part of GSA’s Annual Appropriation Act. In addition to assisting the former President’s offices with budget preparation, GSA also provides administrative support for the offices of former Presidents, assisting on request for equipment supplies and other expenditures.”

It goes further.

“The FY 1955 Treasury, Postal Service and General Government Appropriations Act proscribes the use of funds for allowances and office staff for former Presidents for partisan political activities.”

It is another restriction.

On the question of travel expenses:

“Legislation enacted in 1968 authorizes GSA fund to be made available to a former President and no more than two members of his staff for official travel and related expenses.”

[**Mr. Nadir:** What is the cap?] It is no more than two. That is a cap.

On medical expenses, this is what the Americans insist on:

“Former Presidents and their spouses, widows and minor children are entitled to treatment in military hospitals because of their status of secretarial designees authorized to receive such benefits by the Secretary of Defense. Health care costs and billed to the individual at an interagency reimbursement rate established by the office of management and budget. Former Presidents and their dependants may also enroll in private health plans at their own expense.”

In terms of Secret Service protection, it used to be that the Secret Service provided lifetime protection for former Presidents but that was amended to say:

“The FY 1995 Treasury Postal Service General Government Appropriation Act amended 18USC 3056 to limit protection to 10 years for former Presidents who begin serving after January 1st for their spouses.”

What we find in this is that even in a country, which is not as deprived in many ways as ours is, and other countries in the Caribbean that have been cited, there is an insistence on administrative and other restrictions to ensure that the benefits paid to former Presidents are, in effect, capped and clearly limited.

When we turn to our own instance, which is the Act that we are seeking to review and amend, namely the Former President’s (Benefits and other Facilities) Act 2009, what do we find? We find in clause 2:

“Every person who having held the office of the President and ceased to hold that office by virtue of the provisions of Article 92 of the Constitution, or otherwise, shall during the remainder of his lifetime be entitled to the following...”

It is “during the remainder of his lifetime...” Even the United States of America insists that certain of the benefits are restricted to ten years. It cannot continue with these benefits for the lifetime of a former President. In our instance, we are talking about, for a lifetime, having full-time personal security and services of the Presidential Guard Service at the place of residence, and Mr. Greenidge has already made the point about the provision of motor vehicles, without saying how many motor vehicles we are discussing.

All we are attempting to do, in effect, is to take these matters into the Special Select Committee where we can together try to work out what is a rational and affordable set of benefits that would make our former Presidents live lives of dignity. What we are saying is, which I personally believe, that any former President would be more relieved to find that what has been granted to him or her would have, in effect, the agreement of the whole House. I do not believe that we want the President to believe that half of the House somehow disapproves of what it is that he is receiving. I would prefer, myself, to have the former President enjoy his benefits and what he receives after the full agreement of the entire House. I am hoping that this is what can be achieved in the Special Select Committee and I hope that Members of the other side will see the need for consensus on this matter if only because such consensus on this matter would be

something that the former President would appreciate rather than feeling that he is enjoying something which is disapproved of by half of the National Assembly.

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

Mr. Lumumba: Mr. Speaker, my comrades on both sides of the House, Mdm. Backer said that I should take my leave from Dr. Rupert Roopnarine and I do not have a problem with some of the things he has said. I want to point out to Brother Rupert Roopnarine... I say “brother” for many reasons and he knows why I say “brother”. [**Mrs. Backer:** Were you in the WPA too?] I never was. I know the days when the Member of Parliament took on the People’s National Congress because of what he remembered then as its wickedness and its exploitation of the masses. I think that he still has copies of several of his speeches. Also I remember that on many occasions Brother Rupert Roopnarine had to jump several trenches. I want to point out to Brother Rupert Roopnarine that he should remember the days when old-age pension was \$300. [**Dr. Roopnarine:** It was a disgrace then.] It was a disgrace then and I am so happy... I wish that you had said that in your presentation and pointed out that this Government, this political party, which at one time you walked with, saw the necessity to move it to a point, not necessarily where it should be now, hopefully it would be better in years to come.

It is important to point out to this Assembly that when the first change was made it was made to accommodate the late President Desmond Hoyte to ensure that his wife was taken care of by this country. Very important, we understand that.

I oppose this motion for several fundamental reasons. The first reason, to me, is that this motion seems to be vindictive. It seems so. It seems to be personal. It lacks a given objective - several things in this motion. At one point it seems to attack the pension, at another time it seems to attack the benefits, but everyone will benefit from the pension. There is debate; there is interpretation of the benefits.

This motion also is contradictory. It is contradictory because the presenter of this motion can be questioned as to his reason of collecting pension and benefits. I will get to that.

We must not only talk about the pension and benefits, but of historical reasons behind pension. In my presentation I will attempt to show that the world questions those who collect pensions

when they play part in undemocratic leadership. The world questions getting pensions when individuals were part of a cabal that destroyed economies and left societies in shambles. [Mr. Greenidge: What are you talking about?] You will get that. You will know that it is you. An unworthy worker, a destructive leader or an unproductive Minister cannot and should not justify collection of pension.

What is Mr. Greenidge afraid of? Does he believe that President Jagdeo would rent a maid or sell a few cars by means of his tax exemption, as a certain leader in this House who has sold two or three cars? If there is a need for clarity, I think Member of Parliament Dr. Roopnarine made some profound statements. If there is a need for interpretation, I believe that the process has to be a different process. The process cannot be one of dialogue; the process cannot be one of trying to disdain, trying to condemn people, trying to say that we are up to some wickedness. I think Member of Parliament Dr. Roopnarine...

Mr. Speaker: Mr. Lumumba, did you get that from Dr. Roopnarine's presentation?

Mr. Lumumba: Dr. Roopnarine's presentation clearly explains why he went to Cambridge and why the others did not go many places because they lack understanding of what the process should be. I believe the process to develop this country has to be a process of dialogue. A one-seat majority does not mean that everything has to be pushed down our throats. It means that we have to talk and we have to discuss things.

It is my position...

Dr. Roopnarine: Mr. Speaker, I am not in the habit of rising on particular Points of Order, but I wish to say that I thought I had expressed the wish that in the Special Select Committee, which was being proposed, there would be precisely the kind of dialogue my honourable friend is talking about and I was not...

Mr. Speaker: In fact you anticipated consensus being arrived at rather than that not being the case.

Dr. Roopnarine: I did.

Mr. Lumumba: Mr. Speaker, I am rather disappointed in Brother Roopnarine. With all his brilliance and control of the English language, I thought he would have had a better understanding of grammar.

I said clearly that the process should have been different, as opposed to a process that seems antagonistic, whether it is in the Special Select Committee or whether it is in another form; that has to be worked out. What I am saying is the process could have been different and should have been different.

It is my position that this issue must be grounded in the role people play, and either by being productive or unproductive. Furthermore, the mover of this motion needs to agree that he cannot be qualified for a pension and I will put this on the table. **[Mr. Nagamootoo:** He brought the tax *[inaudible]*...] I will not respond to Cde. Nagamootoo. Mr. Robert Williams is dead and it cannot be justified when Mr. Nagamootoo had collected the envelope. I believe that some people should not get pension and some should.

I want to talk about the World Bank report on Guyana, June 24, 1991. I found interesting, at that point in time, that the Minister of Finance was the Hon. Member Mr. Carl Greenidge. The report states:

“Guyana’s Economic Reform Programme continues to be carried out under difficult circumstances of negative economic growth caused by adverse factors, deterioration in infrastructure and excessive debt burden.”

The report further said... **[Mr. Greenidge:** To which report is he referring?] It is the World Bank report on Guyana’s state of economy under the PNC – The World Bank Report, Guyana Recent Economic Report, 24th June. **[Mr. Greenidge:** That is no report from the World Bank.] You have asked me to quote it and I have quoted it. As Mr. Rex McKay would have said, “You have to go and find it. I have quoted it.”

Mr. Greenidge: Mr. Speaker, would you please invite him to cite the correct report, please, on a Point of Order.

Mr. Speaker: Hon. Member, you have referred to a 1991 World Bank Report. Is it a country report?

Mr. Lumumba: Yes Sir. It is the Recent Economic Development, 24th June. Do you want to see a copy, Sir?

Mr. Speaker: I think that that is sufficient specificity that it could be found.

Mr. Lumumba: It further said that urgent attention has to be given to rebuilding the country's infrastructure. The report further stated:

“Except for the bug-like mining under the Reynolds concession, the other activities are handicapped by continuous divestment and neglect resulting from years of inappropriate economic policies. Physical infrastructure, notable transportation, immigration, drainage and sea defences are bottleneck to augment production.”

I am making the point that the mover of the motion was the most destructive economic element in this country and he has no right to bring this to the House.

Mr. Greenidge: Mr. Speaker, on a Point of Order, I think the rules governing who can and cannot raise motions are quite clear. I would ask the Member to restrict his comments to the motion before him instead of regaling us with all of this nonsense.

Mr. Speaker: Hon. Member, I was in fact just going through the motion to see in what part or parts you were speaking on and to say that any Member, who is here, has been elected by the people of Guyana to represent them in this House. We may say whatever we may want to say but the people of Guyana have elected Mr. Greenidge to be here. If it is your opinion that he ought not to have brought this motion, the people have said to him, “Do so”. It is in the same way that they elected you to represent them.

Mr. Lumumba: I will withdraw that part of it, but I will still say, based on the economic report that I am reading, the mover of the motion has been the most destructive economic element in this country.

Mr. Speaker: Proceed, not on that point, with the debate.

Mr. Lumumba:

“Further, as a result of poor policies, deficient management, financial difficulties and disintegrating physical infrastructure, agriculture production has been declined. Sugar production in 1990 was less than 130 tons or about thirty-seven per cent of the output prior to nationalization of the industry.”

Similarly, Member of Parliament, Mr. Greenidge –

“Rice output has continued to fall and in 1990 was half that of the late 1970s.”

I am just really trying to make the point that there is a genesis in this document. I believe that if the PNC election was held in January Mr. Greenidge would not have brought this motion to the table. I believe that this is a poor propaganda document to generate a fan club and Amna Ally...

Mr. Speaker: It is the Hon. Member Ms. Amna Ally.

Mrs. Backer: Mr. Speaker, on a Point of Order... [*Interruption*]

Mr. Lumumba: It is the beautiful Amna Ally.

Mr. Speaker: Okay, Hon. Member, there is a Point of Order and I recognise the Deputy Speaker who is trying to get my attention.

Mrs. Backer: Mr. Speaker, I think that it is absolutely inappropriate for the Hon. Member to refer to the Member of the House by her name without giving her an appropriate title and to try to think that he is complimenting her by saying that she is beautiful, which is also derogatory. It is a very sexist statement and I ask that... I nearly said “she withdraws it” because he sounds like a woman in distress.

Mr. Lumumba: You sound like a man in distress. Mr. Speaker, I apologised and said “the beautiful Chief Whip, Amna Ally” and she loves that. She has no objection to that.

[**Ms. Ally:** I object to it.] Is it to me saying that you are beautiful?

Mr. Speaker: Hon. Member, for the benefit of all Members, we will refer to each other as Honourable or Minister or as Comrade from time to time. The rules permit that. If we want to embellish with who is handsome or beautiful, I do not know. Let us just stick to the official formal honorifics.

Mr. Lumumba: Mr. Speaker, do not misjudge me because I appreciate somebody. I made this point because I believe this motion was based on a different type of politics, because the PNC, or APNU, in its interest did not see the necessity of moving this motion or carrying out the discussion of this motion prior to the election last weekend. [Mrs. Lawrence: We did not have the dispensation.] Well, they did not. They understood clearly the irrelevance of...

Mrs. Backer: Mr. Speaker, I am constrained to rise again. I do not know if the Hon. Member Mr. Lumumba has any authority... [Mr. Nagamootoo: The handsome Mr. Lumumba.] I do not want to stretch it to fantasy now. ... to speak about APNU and what our motives were and suggest that Mr. Greenidge... I want to put on the record that this motion in the name of the Hon. Member is a collective motion by APNU and it is fully supported by all Members of APNU, including the Leader of the Opposition.

Mr. Speaker: Hon. Members, just to say that Points of Order must be referred to a particular Standing Order that is being violated. If a Member gives his or her opinion as to the political context in which a motion or Bill is introduced he or she is entitled to do so and, of course, in rebuttal, the Member may rebut what Mr. Lumumba said, but his statement has not contravened any Standing Order, *per se*.

8.57 p.m.

Mr. Lumumba: Thank you for protecting me, Mr. Speaker, from this hostility.

Mr. Speaker: What I would like you to do is the wrap up.

Mr. Lumumba: The irrelevance of this motion can be seen by the productivity of ex-President Jagdeo and the way he managed the society. [Mrs. Backer: Productivity? How many children does he have?] It is unfortunate that the Member of Parliament only sees productivity in terms of pregnancy, but productivity can also be in the form of the economy.

The real Gross Domestic Product (GDP) grew by 5.4 per cent in 2011. [Ms. Ally: What does that have to do with anything?] I am justifying why he must get his pension. You raised the question of the pension, Mr. Speaker, and I am giving you the justification. I said earlier that the Member of Parliament, Mr. Greenidge, should not get any pension. I am telling you why the ex-President should get his pension. Inflation was contained to 3.3 per cent in 2011 - an

improvement, after the destructive element of Member of Parliament, ex-Minister of Finance, Mr. Greenidge.

Rice production, in 2000, was 291,000 tons; it increased to 401,000 tons in 2001. When the Member of Parliament was Minister of Finance, rice farmers left for Suriname by the dozens.

Government Sector: Public sector deficit as a per cent of GDP amounted to 4.4 per cent. Gross international reserves at 2011 amounted to \$798 million. Under former Member of Parliament Greenidge, it was just over \$295. Shame!

Mrs. Backer: Mr. Speaker, I rise on a Point of Order. Standing Order 41, “Contents of Speeches.” Standing Order 41 (1), which speaks about relevance, “...a Member shall confine his or her observations to the subject under discussion.” I stand to say that this Standing Order has been breached so many times.

Mr. Speaker: Before you proceed, Mr. Lumumba, let me say that you are entitled to address the House, but you are not entitled to impugn the character of the mover of the motion. If it is that you would like to lay the foundation as to why it is that the former President is entitled to a good pension, do so, but you are not to juxtapose that the mover..., because he was never a former President and he demitted office on 5th October, 1992. I will not permit you to try to impugn the character or the performance of the mover, but I cannot stop you, and will not try to stop you, from building a good case as to why you think that the immediate past President is entitled to the pension that he receives or is entitled to. That is your right.

Mr. Lumumba: I accept. I apologise. I agree. Mr. Greendige has done enough and I would not continue on that. I would not mention that.

Infrastructure Development: Under President Jagdeo, the Takatu Bridge was completed in 2009; Berbice River Bridge was completed in 2008; there was the completion of four-lane road – Ruimveldt to Providence, construction of the Aquatic Centre in 2011, construction of the Guyana National Stadium in 2007, reconstruction of the Mahaica to Rosignol main public road, reconstruction of East Corentyne Highway, construction of the CARICOM Secretariat and the National Convention Centre.

Mr. Speaker, how can you be against someone who took a country from darkness into light? How can he be denied a pension?

There are Generals throughout the world who have been denied pensions because they have brutalised the state, because they have killed people, because they have denied people their democratic rights. This President has been a good President. President Jagdeo has been a good President. He had been a President of the people of Guyana. He is accepted by the United Nations (UN); he is accepted by Union of South American Nations (UNASUR) and CARICOM.

I do not understand how a Member of Parliament who has never served as a President can judge a President, a man...

Thank you Mr. Speaker. [*Applause*]

Mr. Speaker: If I am to take your argument: How can a Member of Parliament, who has never been President, voice a favourable opinion of a former President?

Mr. Ramjattan: I was a young student of Ho Chi Minh when there was talk by that side, and the senior members, that there must be...especially, I can recall Ms. Gail Teixeira, Hon. Member, talking about revolutionary morality to all of us, and, of course, the good Clement Rohee, Hon. Minister, in inverted commas, at this stage. We will be making a determination of that later. They talked to us at Accabre; they talked to us at regional conferences, that we must do that which is called giving the ultimate sacrifice, if that needs to be done. And also, not to do anything necessarily expecting high wages and salaries, and all of that! [**An Hon. Member (Opposition):** They were out of power.] They were out of power. My history also tells me that when Odinga is talking about those days... [*Interruption*]

Mr. Speaker: It is the Hon. Member Mr. Lumumba.

Mr. Ramjattan: The Hon. Member Mr. Lumumba... [**Ms. Shadick:** What is good for one side must be good for the other.] That is right. I agree. He was talking then about how bad times were. He was one of the chief protagonists of what was happening in those days.

Mr. Speaker, if I may just get back to the motion. I want it to be stated clearly, in rebuttal to what the learned Attorney General said just now, that there is an article in this Constitution which

states that that we can bring motions of this sort to ensure that we revise and review any matter that we want. Article 171 (1) states:

“Subject to the provisions of this Constitution...”

This article was a major point of issue in the recent court matter.

“...and the rules of procedure of this National Assembly, any Member of the Assembly may introduce any Bill or propose any motion for debate in, or may present any petition to, the Assembly and the same shall be debated or disposed of according to the rules of procedure of the Assembly.”

What we have here is that which can be the process through which we can have a debate in the Special Select Committee as to what it is, will be a proper pension; what it is will be proper facilities, and other benefits, not only for the President but, as it was expanded in the motion, to other Members who also come under the category of emoluments, including the Leader of the Opposition, the Prime Minister and so many other persons.

Because we never had that debate and deliberation, this motion is seeking now, in this Parliament, the Tenth Parliament, to have it. And to have it in what is called a deliberative atmosphere, checking out what are the international standards, such as in the United States of America, the wealthiest country in the world, which still has caps and has administrative arrangements. It cannot be over the board and over the ceiling. Go to the Caribbean and see what the Jamaican President gets, see what the Trinidadian President and Prime Minister get. We can come, as the Bill indicated before, and everybody has a dignified retirement, knowing very well what the capacity of the Guyana economy is to support that state of dignity. That is all that it is.

The learned Attorney General did not indicate to us which Constitution provision we are breaching when we bring a motion, nor which Standing Order. He said it has never happened. The novelty of a motion here does nothing to affect its validity. If we were to go and say that because it has never been done before and we must not do it, there would not have been a man who went to the moon. Some congressman told Mr. Kennedy, “Where are you going? Nobody has gone there.” But they went after all. The description of the Attorney General, as very

conservative, all of a sudden, is, indeed, a very honest description. And it is not what is going to get us places.

As against what used to be a dispensation of simply accepting what the Government would like to see, we are merely asking the Government, and let it be magnanimous, to set up a Special Select Committee and let us deal with these matters. [Mr. Nandlall: It is faulty procedure.]

There is absolutely no fault in any procedure here. I have just read from the Constitution. Any Member can bring a motion. The motion is asking that the matter be sent to a Special Select Committee – a subset of this larger National Assembly. [Mr. G. Persaud: It says Bill or motion.] It says Bill and or motion. We can create legislation out of Special Select Committees. Who says we cannot do that? We have done it several times before.

Let me say this: This motion also came about after I had indicated in the national press that I was going to bring a Bill to repeal the Former President's (Benefits and Other Facilities) Act. I did that in this context of appreciating that all of these things listed in the President's (Benefits and Other Facilities) Bill were uncapped and, as a matter of fact, was costing the Government and the people of Guyana too much money.

That is why, in the campaign, we made it a big deal. The President's pension, facilities and other benefits were \$3 million a month and our critique was well received. That is why there is a dispensation that puts the Government in the minority. I am certain that it is because of that one campaign issue which helped to contribute to that. We have an obligation now, that since we carried that as our line then, we should talk about it. Instead of ensuring now that a better deal is made, than rather repealing the whole thing, we ask that it goes to a Special Select Committee. The Government Members have now indicated that it is wrong procedure - it is unconstitutional. Well, it is not. It can be done by this motion and we are saying that this motion should be supported.

I want to make another point and it has to do with what it is specifically that we are talking about here, especially in the first resolve clause. Remember, there is a Pensions (President) Act which was passed in 2004. The Pensions (President) Act is not being sought to be, in any way, repealed or amended. What this motion is talking about... [Mr. Nandlall: Like you did not read the

motion.] I will read it again for you because apparently you did not read it.

“AND WHEREAS the provisions of the Former President’s (Benefits and Other Facilities) Act 2009 has caused concern and resulted in adverse reaction among sections of the citizens of Guyana, in particular as to the ability of the country to sustain the benefits set out therein,

BE IT RESOLVED:

That this National Assembly immediately takes steps to have the aforementioned mentioned legislation repealed without prejudice, however, to the payment of benefits;”

I want it to be understood that the President’s pension, by virtue of the constitutional provision talked about by the Hon. Attorney General, is captured as an enshrined right. His pension cannot be touched. We agree with that. [Mr. Nandlall: Look at the next clause.] Hold on Mr. Attorney General. We are saying that because of that article in the Constitution, which states that superannuation benefits are an entitlement and a property right, and property rights are enshrined, we cannot go there. But these other facilities and benefits are not pensions. They are benefits and facilities under an Act that came into being in 2009 and sought to make the President of Guyana, since he was not going to have a third term, to get some additional benefits. It was not part of any gratuity. That is the point I wish to make here. That this resolve clause speaks directly to a repeal of that Act of 2009. However, during the course of the repeal...

Mr. Hinds: Mr. Speaker, I thought I heard a statement from the Hon. Member Mr. Ramjattan which seems to impugn ulterior motives to the 2009 legislation which was brought. I think that, also, it was a reference to a past President who is not here to defend himself. I think on those counts that statement should be withdrawn, Sir.

Mr. Ramjattan: I am not going to withdraw any statement. I did not impugn anybody.

Mr. Speaker: The Standing Orders speak to any statement that impugns or seeks to imply improper motive on the part of any Member of the House. However, to the extent that indeed some Members were... Was it tabled in your name, Hon. Prime Minister?

Mr. Ramjattan is referring to what transpired in the Ninth Parliament, but I take cognizance of the fact that the Bill was piloted in the name of the Hon. Prime Minister who remains and continues as Prime Minister. We would expect that the House passed legislation which was

proper. Let us move away from imputing improper motives, or ulterior, illegal or unconstitutional.

Mr. Ramjattan: If I did say anything wrong I would like to state now that I am maintaining that it was indeed a Bill that was passed to give other benefits and facilities to a President who was already getting a pension. That is what it was. I am not saying that is a neutral statement. That is what I said just now.

Hon. Members (Government): No.

Mr. Ramjattan: If I said it otherwise, I am restating it as I just mentioned.

Mr. Hinds: Mr. Speaker, I think it was also said there that this was brought, seeing that the President of the day was making arrangements, seeing that he would not have been coming back again for a third term.

Mr. Ramjattan: If that is offensive to you, Sir, I withdraw it.

Mr. Hinds: I will accept the withdrawal.

Mr. Speaker: Let me say this, that there is nothing improper for a Government to make provisions for its Members who are demitting office or otherwise. If, on the other hands, it is done in such a way that laws were flouted or it was done on the backs of people, it is a different matter. It is not improper to take care of persons who are demitting office, and that is the argument that Dr. Roopnarine was making, but it is to what extent.

The Government should not be made to feel ashamed for putting things in place for a former President *ipso facto*, but it is the extent to which - that is the argument of Dr. Roopnarine and even Mr. Greenidge - it goes. We are tending to become or wanting to become a democratic state with decent norms and practices.

Mr. Ramjattan: It is important to understand that what this motion is seeking is clearly getting at the 2009 Act in which additional benefits and facilities, which do not constitute a constitutional property right. It was by a simple majority it was passed in the Ninth Parliament. If today we feel that there is going to be the need to, at least, repeal or amend it, we can so do. This Parliament, the Tenth Parliament, that is, can undo that which occurred in the Ninth Parliament

once it is not going to breach any Constitution. We have seen that being done by this same Government. Remember, there was something called the Elections (Amendment) Law which had to do with scutineers' payment. It went to the court and it was held unconstitutional. It was *Everall Franklin and David Patterson vs. The Attorney General and the Guyana Elections Commission*. It was held to be unconstitutional. In the face of the unconstitutionality by the Court of Appeal, that Government, there, passed a law overruling the Court of Appeal, then the highest court in the land. The Government loves to talk about the Teemal's case, but it also created a precedent when it overruled...*Everall Franklin and David Patterson vs. The Attorney General and the Guyana Elections Commission*. That is what it did. It must not give the impression that it is holier-than-thou and the precedent was only set with the PNC in the Teemal's case.

The other resolve clauses are indicating that this whole issue should be determined by a Parliamentary Special Select Committee. The other resolve clause is asking that this special parliamentary committee submits, as a matter of urgency, a revised superannuation benefit package for all those persons who come under the article. For all you know, there could very well be an increase. The judges' superannuation benefits could very well be increased; the Director of Public Prosecutions (DPP)'s could very well be increased because she is not getting so much of whatever. It could very well be what it is as against other countries' DPP, judges and all those categories of officers coming under the President, Parliamentary and Special Officers Act and the Parliamentary Holders of Special Officers Act. That has never been done. There is what is called a certain methodology...

Mr. Speaker: Mr. Ramjattan, just for my edification, does this motion address Members of Parliament as well?

Mr. Ramjattan: It does because that category also has... I think the article also includes...

Mr. Speaker: I think we should welcome...If it does not, it should, because Members of Parliament need to have their packages reexamined.

Mr. Ramjattan: It would very well be included.

Mr. Speaker: If it does not, I am advocating that it be included to ensure that Members of Parliament are taken care of.

Mr. Ramjattan: Even the final resolve clause is asking that this revised superannuation package apply across.

What the argument of the mover of the motion is, as I asked him about it, is whereas the pension of the President is seventh-eighth of the existing President's salary that is not the case when it comes to those other office holders. For judges, it is not seventh-eighth of the existing judge's salary. There can be a judge, who is still living, but who retired in 1970, or a Prime Minister, and his or her money is not referable or attached to the existing Prime Minister's salary. Although the person is a past Prime Minister, he or she is getting a pittance. The last Parliament made sure that from 2009 those Presidents, who came out of office, such as Mr. Jagdeo, would have a pension that is referable to an existing President's salary.

If Mr. Ramotar's salary is raised to \$2 million, he will get seventh-eighth of \$2 million. That is the discrimination that the motion is getting at, by setting it back to a Special Select Committee, so that those other office holders can live with some dignity and comfort. What is wrong with taking care of our older, elder statesmen? The Government wants to selectively do it. That is what is being said here and we, in the Alliance For Change, is supporting it. **[Mr. Nandlall:** You did not speak to the second resolve clause.] I have already spoken to that. If you have not listened because you want to heckle, then you can go right ahead.

The AFC is going to support this. It constitutes what we all should have in this House as a very magnanimous method of coming around to dealing with this question of not only the President's pensions and the President's benefits and other facilities. That has carried the President into a category right up in to the air. Very big pension and salaries he will get. A lot of other people, however, will remain...

We also want to make the point that in the context of such poor pittances for ordinary workers. The thing is damning when workers cannot get anything as what the past President now gets. That is sickening coming from a working class Government that taught us about revolutionary morality and the sacrifices that one has to make. Twenty-five years after, it has forgotten about those things. Everything has gone through the door now. The Government Members want super

salaries. They want to pay salaries to people who do not work at the Office of the President. All manner of things are happening now.

9.27 p.m.

Freedom House staff are on the pay packet of Office of the President and all of that. And these people, now, are saying that we should not have a deliberation in some Special Select Committee, speaking about international practices that would make the thing reasonable.

It is a motion that ought to be supported.

Thank you very much. [*Applause*]

Minister of Labour [Dr. Gopaul]: I am reminded of Mark Antony, in *Julius Caesar*, when he said, “O judgment thou art fled to brutish beast, and men have lost their reason”.

In looking at the motion, and hearing what Hon. Member Mr. Ramjattan indicated, just now, that the National Assembly can discuss issues and debate issues, as indicated in the Constitution. His statement might be considered as right and supported if only the motion was clear on that. Reading the motion, it is clear that it intends to touch the former President’s benefits and that came out here this evening – benefits and pension. When the Hon. Member Dr. Roopnarine indicated that this country is too poor to sustain the benefits, again it brings out and gives one the impression that as a consequence of that we would have to review the pension package with a view to reduce.

I am happy that the Hon. Member Mr. Ramjattan indicated in his presentation and he recognised that he cannot touch the pension earned by the President. I will dare say pension and benefits.

I intend to deal with this issue from the position of addressing salaries as well as pension because they go hand in hand. In dealing with ability to pay, the Government, in 1979, said that the economy had not grown and as a consequence was unable to honour the increase which it agreed to between the Trades Union Congress (TUC) and itself for increases in the minimum wages for the years 1977, 1978 and 1979. It deemed it as an act of faith agreement and when the economy experienced some distress in 1979 it decided wholesale not to honour the agreement, but moved to touch the increments of workers, who had already earned those increments. The increments

were stipulated in their contracts of employment and the collective agreement. As a consequence of that withdrawal of the increments, the Teemal case was filed.

Seeram Teemal, being a member of National Association of Agricultural, Commercial and Industrial Employees (NAACIE), and at that time I was the General Secretary of NAACIE. We felt that a case could be made out for the taking away of the increments of workers which were earned and made payable. Justice Vieira ruled, in that matter, that it was wrong and unconstitutional and he restored it. The Government was unhappy over that decision and moved to Parliament and enacted legislation which is known as the Labour (Amendment) Act, No.9 of 1984. The Labour (Amendment) Act No. 9 of 1984 sought to strike down the judge's order in the Teemal case, but, more so, deprived people of the right to property, under the Constitution, and moved to amend parts of the Constitution that has already been repealed - the Constitution prior to the 1980 Constitution.

Mohammed Ali, another NAACIE member, along with several hundreds of NAACIE members challenged the Labour (Amendment) Act No. 9 of 1984. That went in front of Justice Baburam at that time. Again, Justice Baburam ruled that the Act was unconstitutional. This is what he said in terms of ability to pay. I quote from page 251 of *Resistance and Change*, by Nanda Gopaul which dealt with the increment case.

“It would be an alarming situation for an employee to be told by his employers that no matter what they have set out as their terms of employment they will reduce his salary at anytime they thought fit and if he did not like what was done, he could seek employment elsewhere. This would be contrary to all ethical moral and legal concepts. It is not done in civilised communities”.

The judge went on to say:

“The common law governing contract therefore was not to be ignored but was to be applied by the courts in a proper discharge of their functions. A denial to citizens by a court of relief for an infringement of his vested contractual rights would be tantamount to a denial of the rule of law. The rule of law is a foundation upon which is structured the system of true parliamentary democracy. The rule respects as well protects the rights of

citizens granted under the Constitution, under statute law, under the common law and equity.”

This is clear. Justice Baburam ruled and the Government was not happy and it moved to the Court of Appeal and the Court of Appeal upheld Justice Baburam’s rule and the decision by Justice Luckoo. Justice Luckoo said:

“One cannot but come to the conclusion that the pit and substance of section 7 was a legislative plan...”

[Interruption]

Mr. Speaker: Members, I would like to hear. Could you start over that paragraph? I am not getting a chance to hear you, Dr. Gopaul.

Dr. Gopaul: I go to Justice Luckoo in handing down the main decision, which was supported by Justice Massiah. He had this to say:

“One cannot but come to the conclusion that the pit and substance of section 7 was a legislative plan ex post facto to prevent the enforcement of the Teemal vs GuySuCo judgement and not to enforce the undertaking given by Clarke and Martin, GuySuCo lawyers, with respect to the other public sector workers of NAACIE, in respect of whom such undertaken was given. It seems to be that once the Act is used to defeat the public sector workers, in respect to whom a clear understanding was given, the Act had no more utilitarian value.

In my judgement the language of the enactment of section 7 was such that, no other conclusion is possible and that was the intention of the legislature. I hold, therefore, that the plaintiffs/ applicants have satisfied the burden of proof which lies on them to show that there was a clear transgression of constitutional principles which is discriminatory in effect and the violation of article 149 of the Constitution.”

As a result of that decision, wages were restored as property in the amended Constitution as referred to by the Hon. Attorney General. It was not only wages, increments and benefits were also added as property under the amended 1980 Constitution. **[Mr. B. Williams:** Could you

read the provision?] Pardon me? [Mr. B. Williams: Could you read that provision that you said about benefits and increments? I know it but ...] It is article 142, page 84, Sir, and I will quote for my Hon. Member.

“No property of any description shall be compulsory taken...”

And then it moves on, Sir, to indicate:

“Nothing in the sort shall be construed as affecting the making...”

It is 142 (3).

“...so far as it provides for the orderly marketing or production or growth or extraction...”

Then it goes on to:

“...so far as it provides for the making of contributions compulsory by workers to industrial schemes...”

It is bringing pensions also, Sir.

“...workers’ organisation intended to work or provide for the benefit or welfare of such workers or their fellow workers or of any relatives and dependants on of any of them...”

So the article was extended not only to increments but to pension benefits and schemes.

[Mr. B. Williams: Does it mention about increment there?] Yes. It mentioned increments.

On page 224 in the Constitution, salary is protected again and it indicates clearly, in this Constitution, that salary cannot be made less favourable. [Mr. B. Williams: We know that.

We are talking about increments and benefits. Where are they accrued and you said that the Constitution provides for that? It is not there.] It states, Sir, under article 222 (3), of page

224:

“The salary and allowances payable to any holder of any office to which this article applies and his other terms of service shall not be altered to his disadvantage after his appointment, and, for the purposes of this paragraph, in so far as the terms of service of any person depend upon the option of that person, the terms for which he opts shall be

taken to be more advantageous to him than any other terms for which he might have opted”.

It is a clear position in the Constitution that you cannot reduce anyone’s salary; you cannot touch.... I will now deal with the issue of the right to pension. I am going to quote from 149 B, page 98 of the Constitution. It states:

“Every public sector worker shall enjoy an absolute and enforceable right to any pension and gratuity granted to him under the provision of any law or collective agreement or of any kind whatsoever.”

It is pension by the public sector, or by collective agreement, or by any other machinery that exists; that pension is guaranteed. Mr. Speaker, the Constitution also addresses the issue that you cannot reduce the pension...

Mr. Greenidge: Mr. Speaker, I am really sorry. I really find that these presentations are perhaps trying our patience. May I just refer to you that... [Mr. Neendkumar: You have lost a whole decade.] Yes. You are still lost. That is clear. As far as the first resolve clause is concerned, please note that it is specifically stated “without prejudice”. Nowhere in any of the presentations given has there been any suggestion of a reduction in the pension or the gratuity of public servants. So why is it that we are discussing that? Nowhere has that been proposed. Mr. Speaker, the English have an expression of putting up a straw man, so you put up a straw man knock him down. I would urge colleagues not to try our patience by putting up ideas that have not been proposed in order to knock them down. The proposal is quite specific.

Mr. Speaker: Hon. Members, I think we can start to crystallise the issues here and what is not an issue is the pension of any former President.

Mr. Nadir: There is no issue of a Standing Order about trying patience.

Mr. Speaker: That is true too. I do not know that any Member of this House would want to interfere with what is a clear constitutional provision *vis-a-vis* pensions. That would be ludicrous. As Mr. Greenidge has said that is not being, in any way, interfered with or is he, in any way, skirting around anything that suggests that the pensions of a former President are to be interfered with. But, I have heard a second argument coming from the Hon. Attorney General...

Mr. Nandlall: The second resolve clause, simple language, is: “That a Parliamentary Committee be convened to examine the Pensions (President, Parliamentary and Special Offices) Act, Part II of Section 4(Rate of President and Calculation of Pension 7/8 Ceiling of Pension)...”

Mr. Speaker: But, Mr. Nandlall. Hon. Attorney General...

Mr. Nandlall: “... and to make proposal for revision.”

Mr. Speaker: ... you and I know that if it is to be revised it could only go up. Nothing can be done to derogate from. There is nothing stopping any committee from reviewing anything, but it cannot be in derogation from any grant given, so you cannot say that the committee cannot. It could either remain or increase, but it cannot take away.

Mr. Nandlall: I agree except, Sir, that when you read what the motion seeks to do, when you read the preamble, is that it seeks to reduce. That is what the motion *ex facie* says, that we must be able to afford it, that this thing is so high...

Mr. Speaker: Hon. Attorney General, this is why some of these matters need to go to the Special Select Committee where they could be dilated. I think that is what Dr. Roopnarine was saying. That is the best place for some of these arguments to come out with good legal advice, with good advice that you are getting now from Dr. Gopaul. Go ahead Dr. Gopaul.

Mr. Nandlall: I am happy that my point is recognised, Sir.

Mr. Speaker: Dr. Gopaul, proceed please.

Dr. Gopaul: I merely want to make this point that if it is that the mover of the motion is giving the undertaking to this House that it is not seeking to alter the benefits of any person who has acquired pension under the President’s Act, pension and benefits, then perhaps we will say that there might be need for an examination. I heard clearly, coming from speakers who spoke in support of the motion, that they are targeting, one, the pension of the former President and, two, more especially, they are looking at benefits, which they are talking about, that needs to be quantified. That is what they are saying. I am submitting that in dealing with and discussing this issue of pension, salaries and benefits ought not to.

Something is distressing in bringing this motion. If we want to review the whole aspects of the pension Act it would have been better if proposal had come to the House, as suggested by the Hon. Attorney General, via a Bill, and, in looking at the Bill, we can say send it to a relevant committee of the House.

Mr. Speaker: As you can see, Dr. Gopaul, a Bill comes when you know, with some finality, what it is that you want to do. A Special Select Committee allows you to enquire into a matter, make recommendations and if there is a requirement for legislation you can come... but, in a sense, it would have taken you straight to the point that you want to cut without further analysing. Perhaps what the Members on this side are saying is that they want to enquire to see what is happening without going to the stage of cutting anything at this point and time. Let us understand that there is method behind the approach.

Dr. Gopaul: I am happy, Sir, that if that is the position that you are not seeking to deal with benefits which have been earned, accrued and made payable to any holder, I will say that again we were... by the Hon. Member Ramjattan, when the Hon. Prime Minister intervened, he tried to make the point that the 2009 Act was placed there to give the President certain benefits because he recognised that he was not going to be allowed a third term. I merely wish to point out that it was not the 2009 Act, but it was Act No. 6 of 2004, Pension President Act 2004, that spoke to the issue of the pension and I quote, section 2:

“The Presidents pension shall be 7/8 of his annual salary of the President in Office and shall continue as 7/8 of such annual salary of each of his successors.

It then went on with widow. Following the passage of that, Sir.... [**Hon. Member:** That is 2004.] Yes. It is 2004.

Mr. Greenidge: The 2009 Act is the Act that makes reference to the President’s pension and other benefits. I do not know why the Hon. Member keeps redefining the motion.

Mr. Speaker: I know why. I believe that he was saying that Hon. Member Mr. Ramjattan made reference to the pegging of the seventh-eight, which is really contained in the 2004 Act, when in fact your motion speaks more to the 2009 Act. It was Mr. Ramjattan who brought in matters pertaining to 2004 Act.

Dr. Gopaul: It is 2009 Act, Sir. I am saying that it was there in 2004.

Mr. Speaker: Right. That is why he was answering to that.

Dr. Gopaul: I am saying that when the 2009 Act came into being it was specific to Mrs. Hoyte and that is why it was named President's Hoyte Pension Act of 2009. That brought benefits to Mrs. Hoyte, which included all the benefits which were made payable. I have heard this about the benefits, question about medical expenses et cetera. Hon. Member Dr. Roopnarine said that in the United States of America things are capped for a certain period. Once a person earns a pension, it is not paid for a certain period in Guyana. A pension is paid for a lifetime, once a person goes into retirement.

Mr. Speaker: That is not an issue. We accept that that is okay.

Dr. Gopaul: It is a security, but a statement has been made and it needs clarification.

Mr. Speaker: There is some trepidation, but that is not an issue.

Dr. Gopaul: Following that amendment, I would state how salaries moved and pension was paid.

Mr. Speaker: Dr. Gopaul, before you do so, could I invite - I do not know if there is any agreement - the Hon. Prime Minister to move for a suspension of the Standing Orders to allow us to proceed? I do not know whether there was some discussion or any discussion at all on the way forward. I would like to be advised. I do not want to be blamed as before.

Mr. Hinds: I have been advised that the Chief Whips have come to some agreements for this sitting and the next sitting and on that basis I move that...

Mr. Speaker: Is it for this sitting and the next?

Mr. Hinds: Well, some arrangements about business which extends completing business before the recess. On that basis I move that Standing Order 10 be suspended so that this sitting is continued until the debate on this motion is completed.

Question put, and agreed to.

Standing Order suspended.

Mr. Speaker: There is the view abroad that it is the Speaker who decides on how late we go and when we meet, and so. I am glad that you clarified that it is the whips that come into agreement on that.

Dr. Gopaul: Following that special Act, No. 8 of 2009, Mrs. Hoyte secured a widow's pension in accordance with section 3 and as a result benefited from an increase from \$87,143 per month in 2004, because the Act was passed, to \$347,395 in 2006, \$378,660 in 2007, \$489,468 in 2008 and \$543,543 in November 2010. While Her Excellency Mrs. Janet Jagan received, from October 2006, a pension of \$729, 529 per month and from March 2009, she received a pension as a legislature of \$137,938 per month. Then it moved on as an ex-President where she got a pension \$876,692 per month. Former President Arthur Chung pension was also affected in that it moved up and he received a pension from October 1, 2006 in the sum of \$729, 529, while in June 2008, as a last pension paid to him, he was in receipt of a pension of \$1,085,427. Following his passing Mrs. Chung got a widow's pension of \$542,714 per month up to August of 2009 when she also unfortunately passed away.

All the ex-Presidents, in addition to pension, benefited from state vehicles with drivers, gardeners, the provision of security personnel, payment of maids, utility bills, payment of annual vacation allowance for ex-Presidents and their spouses and where applicable duty-free concessions.

I heard comments about medical expenses and our state, our country, cannot overlook the service rendered by former Presidents, regardless from whichever party or whichever side they came from.

9.57 p.m.

The People's Progressive Party Civic (PPP/C) Government, in exercising the benefit under these laws, did so even-handedly. I want to say clearly that I was in contact always, after the law was passed, with Ms. Hoyte. I was the Permanent Secretary of the Office of the President and I paid particular attention to the welfare and well-being of Ms. Chung and former President Arthur Chung. There were times, Sir, when medical attention was necessary. Nurses were taken from

Georgetown Public Hospital Corporation to offer home care, and doctors there, and all the medical expenses, which were incurred during a prolonged period of illness for both former President Arthur Chung and Mrs. Chung, were absorbed by the state. We did not discriminate. I am saying, Sir, that in looking at this issue we must ensure that all those who served us and all those who will serve us for the future benefit from what we have given and what we are accustomed. To deal with the issue of a small country and ability to pay would not be right, because that was the position taken before the Teemal case, in the withdrawal of the increment, it was the state's financial position and we saw what happened in the courts.

I am merely appealing to colleagues that because... I am happy and I am not going to deal with these issues since it is agreed that the pension of holders of the position of President and those who would have earned the pension would not be touched. I do not want to go into the detail to justify why it is not to be touched because it is clear. I recall when Hon. Attorney General made his presentation that he said clearly the effect of examining the existing law, if it were to reduce the benefits, it can be looked at unfavourably in a court of law. That was obviously refuted. I merely want to say, Sir, that the President's pension Act does no harm to this country, does no harm to the economy of this country and that as a nation, and as a Parliament, we should uphold a parliamentary decision made when the Act was enacted. I also want to say clearly Sir, that when 2009 Bill was debated there was an opportunity then, if we felt that we had a cause for concern, it could have been raised then.

The year 2004 passed, the Act was passed, Sir. I am saying that we in the PPP/Civic, and we on this side,... [*Interruption*]

Mr. Speaker: Allow Dr. Gopaul to complete his presentation.

Dr. Gopaul: ...do not support the motion as currently put. I am leaving the House at least happier because the commitment, which was given, was not what was initially spoken about when the debate commenced on this motion. Sir, I believe that there should be another way out if you want to examine pension, but not in this manner of the motion. Therefore, I have to say that we do not support the motion in its present form. [*Applause*]

Mr. Speaker: I have the duty of making an announcement. I think a first, a bunch of keys has been found in the MP's lounge by the Deputy Speaker and it more likely belongs to some Member of Parliament. It seems to be the keys of the doors of many properties.

Minister of Finance [Dr. Singh]: I rise to make my contribution to the debate this evening on the motion moved by the Hon. Member Mr. Carl Greenidge, under the title "Former Presidents' Pensions and Benefits." Let me say at the onset of my contribution that I associate myself with all of the remarks made and contributions offered by my colleagues on this side of the House, which contributions have pointed to several compelling reasons why this honourable House should roundly and wholly reject this motion tonight.

The Hon. Member Dr. Rupert Roopnarine asked the question: Why did this issue become as contentious as it did? I do not believe that there is much denying that it did generate some amount of contentions. I will say this that the issue of former presidential benefits and pensions became as contentious, as it did, because of deliberate misrepresentation and distortion by those on the other side of the House. There is no doubt about this fact, and I will, during the course of my presentation, highlight the manner in which this matter was taken out of context; the manner in which the facts were deliberately manipulated; the manner in which innuendos were advanced in pretence of and in substitution of fact, all with the intention of scoring cheap political mileage.

Let us be clear that the Former President's (Benefits and Other Facilities) Act 2009 was not a stand-alone piece of legislation. It in fact was a single instalment of a family of legislation, which family was brought to this House over the period 2009 to 2010 with a very clear intention, and that intention was to place into statute, to write into the statute books, benefits and facilities that were previously provided on a discretionary basis solely and purely by administrative fiat.

Let there be no doubt that former Presidents had, long before this 2009 Act came as a Bill to this House, for years, indeed, for decades, been in receipt of the benefits and facilities referred to in this Act. We all know of former Presidents who continued to receive, after they demitted the presidential office, security at their residence; who continued to receive the benefit of medical care and attention; who continued to receive the benefit of personal and household staff; who continued to receive the benefit of security and transportation and duty-free concession on vehicle. All of us in this House know of former Presidents who received those benefits on the

basis of administrative fiat. All of us in this House know that long before the passage of the Leader of the Opposition Benefits and Facilities Act that the Leader of the Opposition, the Hon. Mr. Granger's predecessor in office, received certain facilities by administrative fiat and with the latitude of administrative discretion.

Recognising the imperative of writing into the statute books - hitherto the only benefit that a former President was statutorily entitled to was his pension, his monetary pension - the benefits and facilities that had already been provided by administrative fiat, this PPP/Civic Government brought to this honourable House, not just the Former President's (Benefits and Other Facilities) Act, but the Office of the Spouse of the President Act, 2009 also, removing from administrative fiat the provisions that would be made to a spouse of a President, in the case of a male President, a First Lady, and establishing an Office of the First Lady.

We brought to this honourable House in 2010, the Leader of the Opposition Benefits and Other Facilities Act; an Act that continues to be on the statute books; an Act that established statutorily the Office of the Leader of the Opposition. The Leader of the Opposition, of course, having been previously recognised in the Constitution, but there was no statutory basis for funding of that office and provision of certain financial and other support facilities.

This suite of legislation was brought to this honourable House during the period 2009 to 2010 in order to introduce into the statute books, to enshrine in law, greater transparency and accountability to the facilities that will be provided to this office. This piece of legislation...

[**Mr. Ramjattan:** Mr. Murray made it.] In fact, Mr. Murray had welcomed this legislation and the *Hansard* reflects that. If the truth is to be told, this administration should have been commended for bringing these pieces of legislation and for writing in to law benefits and facilities that were previously being provided purely by discretionary administrative fiat and to bring certainty and predictability, to remove unpredictability, to eliminate the opportunity for capricious removal of benefits, to introduce some degree of certainty as to the expectations that could be had by the holders of these offices.

What instead we witnessed was what I will describe as a manufactured controversy.

Instead of recognising that these facilities have always been provided, solely because of the fact that an election was eminent, what we witnessed was a brazen attempt by selected Members of

the Opposition to manufacture a controversy on this matter and to deliberately spin the facts to create a misleading impression solely for the purposes of political opportunism. Let us examine statement made by, *Kaieteur News*, the Alliance For Change. What was the headline? It was “Jagdeo’s pension package is \$3 million plus, more than we thought”. A statement made knowing full well that the pension was not \$3 million, but seeking refuge in a deliberate obfuscation to stir public anxiety and public disapproval of this matter.

When one speaks of one’s salary or one’s pension, one does not add in the value of other benefits. If the Members want to speak of other benefits, speak of other benefits in totality, but in fact, repeatedly, the insinuation was made, particularly by the Members of the Alliance For Change, that somehow President Jagdeo would be receiving a pension in excess of \$3 million, the misrepresentation to which I alluded to earlier.

Another release, “AFC says Jagdeo’s multimillion dollar pension will change and no deal without APNU.” Again, headlines and sound bites design for the purposes of political titillation. *Kaieteur News*, again, the 13th November, 2011, it was “Jagdeo’s pension twenty time Guyana’s income per head”. *Kaieteur News*, 4th November, 2011, “Jagdeo’s pension plan rattled my soul - said Moses Nagamootoo,” a man and a Member of this House who sat and voted in favour of this Bill and then conveniently heard the rattling of his soul upon his departure on that side of the House; a man who sat - it is recorded because this Bill was subject to a division in this House - in this House and voted for this Bill suddenly woke up and for political opportunism – I am speaking about the Hon. Member Mr. Moses Nagamootoo - conveniently discovered a rattling of his soul. I say that this matter, and particularly by the Alliance For Change, was a subject to deliberate misrepresentation and distortion, as I said, at the altar of political opportunism.

This misrepresentation has not stopped. Up to today I listened with astonishment at the Hon. Member Mr. Carl Greenidge, on citing examples to support his arguments, gave the example of Jamaica and sought to suggest that it had restrictions that required, I believe, the reference was to the period of service. Am I correct? In fact, not so long ago, just a few months ago, a huge debate raged in Jamaica about former Prime Minister Andrew Holness’s legal entitlement to a pension. I will read from the *Jamaica Gleaner*, “Andrew Holness’s legal entitlement to the same amount of pension as his much longer serving predecessors after serving a mere two months as Prime Minister has raised eyebrows.”

My point is that the fact of the matter is that Jamaica has a provision that states a Prime Minister who served for one day is entitled to a pension that is equal to the incumbent Prime Minister salary - one hundred per cent of the incumbent Prime Minister's salary. It is a matter of public record in the *Jamaica Gleaner* and other Jamaican newspapers. Yet the Hon. Member Mr. Greenidge would come here and seek to have us believe - if the facts were not there to refute him, the record would reflect and the public might be inclined to believe - that somehow this imaginary restriction that he comes to this House and tells us about actually exists in Jamaica. The fact of the matter is that it does not.

Let us be clear that the insinuation that the presidential pension entitlement was somehow altered in 2009 is not an accurate assertion. The fact of the matter is that the basis for computing a presidential pension was actually set in the 2004 Act and that 2004 Act quiet clearly states the President's pension shall be seventh-eighth of the incumbent President's salary. That was set in 2004. It was not in 2009. The insinuation in the months before the election and the insinuation even during the course of today's debate is that somehow in 2009 the basis for computing the President's pension was changed. That is not so. Let us be clear that this matter was the subject of a manufactured controversy. Recognising the fact, we had...

Mr. Speaker, I refer to the suite of legislation. I did not refer to the former President Hoyte's Pension Act, but I will say this, and much ado was made about the circumstances of Mrs. Joyce Hoyte, that Ms. Hoyte found herself in the circumstances that she became a presidential widow before the passage of the 2004 Pensions (President) Act, as a result of which the entitlements of a person who becomes a presidential widow after 2004 would have been preferential compare to her benefits because she did not become a presidential widow, she had already been a presidential widow at the time when the 2004 enactment was made.

What did we do? The matter having been brought to our attention, we came to the National Assembly with a special Act called "The President Hoyte's Pension Act"... [Hon. Members (Opposition): How long?] It was 2009... and remedied this matter to ensure that Ms. Hoyte would have received the same benefits that any other presidential widow would receive.

Mr. Speaker, make no mistake about it. The Hon. Members would have us believe that somehow this Government committed an injustice. They were sitting in this House. Did they ever attempt

to bring a Private Members' Bill to fix this matter? If they were so concerned, why did they not bring a Private Members' Bill? As soon as the matter came to our attention we brought an Act to fix it. Had the PNC Members been genuinely concerned about Mrs. Hoyte's circumstances they would have brought a Private Members' Bill and they are still to explain why they never brought a Private Members' Bill... [*Interruption from the Opposition Members*]

Mr. Speaker: Hon. Members, one second...

Mrs. Lawrence: Mr. Speaker, I rise on a Point of Order. The former Leader of the Opposition began an engagement that was called a "constructive engagement" with the former President of this country at which discussions were made with regards to the pension for Ms. Hoyte. It is incorrect for the Minister of Finance to stand in this National Assembly and said that we, of the People's National Congress, did nothing, for five years, when they failed to honour that agreement and five years after begging them to give her what was due to her. [*Interruption*] We ask him to withdraw that statement. Shame on you!

Mr. Speaker: Point of Order is becoming like speeches paradise. What I heard the Hon. Minister to be saying is that no Private Members' Bill was brought to the House. That is a fact. It is also a fact that the matter was a subject of much discussion in political engagements, so both are factually correct, but indeed neither was a motion nor any Bill brought private, or otherwise, between the period 2002 and 2005.

Dr. Singh: Let us be clear that while this Former President's (Benefits and Other Facilities) Act and indeed President's pensions Act, might appear to be a generic issue that would affect all former Presidents, and indeed there are at least two former Presidents, including one in this honourable House. Let us be clear that much of this (I was referring, of course, to the person of the Hon. Prime Minister who is himself a distinguished former President.) that a lot of this manufactured controversy was manufactured with the aim of denying and denigrating the legacy of the People's Progressive Party/Civic in Government and in particular the legacy of the Jagdeo's presidency.

Let there be no doubt about this. This was an attempt to sully the tract record and reputation of a distinguished Guyanese son who rose to the highest office of this land, who emerged as Guyana's longest serving Head of State and who served our country, our region and the global

community with great distinction. If we are to speak of a political area of cooperation, collaboration of magnanimity, we must not be reluctant, we must not be shy of acknowledging those who have contributed to our country over the years, and to pretend that the Jagdeo's legacy was not one that sought tremendous improvement in Guyana is in fact to be downright dishonest.

If one were to examine the legacy and the contribution made by former President Bharrat Jagdeo to this country, one would look at his distinguished tenure as a Minister of Finance which was followed by outstanding successive terms of office as President. One would witness in absolutely every sphere of national life the distinguished mark of former President Bharrat Jagdeo.

10.27 p.m.

If we were to look at legislation, the Jagdeo presidency saw us emerge with a new constitution – the 2001 Constitution. We saw modern legislation in the financial sector. We saw modern legislation for protection of our people - women and children. We saw legislation to address accountability and better management of public resources. We saw dramatic improvements in the economy - reduction of our external debt from US\$2 billion to US\$1 billion. We saw the increase in our external reserves from less than US\$25 million to more than US\$800 million. We saw an economy that today is no longer vulnerable to the vicissitudes of a global economy that is no longer exposed to the volatility of a single commodity, an economy that can withstand external shocks and that has proven its resilience over the course of the last five years with uninterrupted growth in the face of the most hostile, external, economic environment. We saw dramatic improvements in our country's infrastructure: new roads and bridges, highways, projects that have been the dreams of generations. Generations of Berbicians have dreamt of a Berbice River Bridge and the Bharrat Jagdeo presidency delivered that Bridge to them. Generations of Guyanese dreamt of a Bridge to Brazil and the Jagdeo presidency delivered the Takatu Bridge. Generations of Guyanese have seen the development of their natural resources stymied by pending unresolved frontier and border issues. The Jagdeo presidency saw the resolution of our maritime boundary with Suriname by an appeal to the United Nations International Tribunal for the Law of the Sea. [*Interruption*]

Mr. Speaker: Allow the Minister to finish please.

Dr. Singh: We must not be shy as a nation to acknowledge these accomplishments. If we want to speak of a new political culture, pretending that these improvements did not happen is an inauspicious start to this new political culture that the Opposition would like to pretend that they are championing.

Let us speak of the social sector. There are new schools and hospitals in the Hinterland. One hundred thousand persons...

Mr. B. Williams: On a Point of Order, Mr. Speaker, Standing Order No. 41, the Hon. Minister is way out of line and he is totally speaking on matters unrelated to the business at hand. In fact, the entire tenure of the Hon. Member's address is to incite the Hon. House into disorder because he is not sounding in truth in any way and [inaudible]. The Hon. Member has failed to address 40% poverty in this country.

Mr. Speaker: Hon Member Mr. Williams...

Mr. B. Williams: Corruption and violence... [*Interruption*]

Mr. Speaker: Hon. Members, I will not allow this to be either a mini budget debate or a referendum on the Jagdeo presidency. Hon. Minister of Finance, you will restrict your comments to the motion at hand.

Dr. Singh: The point is made, Mr. Speaker, that this manufactured controversy is really intended to deny, like I said, the legacy of the Jagdeo presidency and to deny, in fact, the outstanding accomplishments of the People's Progressive Party in Government over the years. But the people of Guyana will not be fooled. This manufactured controversy, notwithstanding, those improvements are there for all to see. [**Mrs. Backer:** Tell us about Varshanie too. Tell us about Varshanie and the marriage.]

Mr. Speaker: Hon. Member Mrs. Backer, allow the Minister to finish please. Let us not get into that. [**Mrs. Backer:** If he is talking, let him talk.]

Dr. Singh: When one arouses that kind of excitement on the other side of the House, he or she knows he is saying the right thing. They do not want to hear it. They want to deny the truth, but the people of Guyana will not be fooled.

If one examines this motion, the fact of the matter is that this motion is fundamentally flawed and should be rejected. The motion is ill-conceived and it is poorly constructed. It represents a blatant attempt to piggy back on this manufactured controversy, as I said.

The Hon. Attorney General has already made the point and I will repeat it only briefly for emphasis that if the intention is to amend any particular piece of this legislation or any particular piece of this set of Acts... Let us say, for example, if the intention is to amend the Former Presidents (Benefits and other Facilities) Act, then the appropriate instrument to effect that amendment would be a Bill brought to this National Assembly. If one were to peruse this motion... Let us examine it closely.

The motion is entitled “Former Presidents’ Pensions and Benefits”. The first Whereas Clause we do not have any problem with. The second Whereas Clause, I think, we do not have any problem with either. Let us examine the third Whereas Clause.

The third Whereas Clause refers solely to the provisions of the Former Presidents (Benefits and other Facilities) Act. It says that the provisions of the said Act have caused concern and so on and it refers to the ability of the country to sustain these benefits. It makes no reference, notwithstanding the title of the motion and notwithstanding the language of the motion which seeks to draw into the debate issues related to the presidential pension, to the Act that addresses presidential pensions. It only makes reference to the Act that addresses former presidents’ benefits and other facilities, without a doubt recognising that pensions cannot be adversely affected. I think Mr. Ramjattan has made that point. If that were the case, why introduce in the title former presidents’ pension? If you recognise, as you claim to do, that the pension is not an issue, why introduce it in the title of the motion? It is for the sole reason that mentioning pension is intended to cause public excitement because they want to make the misleading nexus between presidential pensions and old age pensions. Old age pensions are not a post-employment pension or a superannuation benefit. And so to draw that comparison is totally inappropriate. If the presidential pension is not a matter for contention, why include it here? Why include it in the title of the motion if it is not solely for the purposes of political excitement? Why include it in the second resolved clause? The deliberate allusion to presidential pension when my colleagues on that side have said the presidential pension would not be amended, the inclusion of presidential

pensions in the title and the frequent references to presidential pension, is like I said earlier, solely for the purposes of stimulating political controversy.

Let us take the first Be It Resolved clause. The first Be It Resolved clause calls for the Former Presidents (Benefits and other Facilities) Act to be repealed. This is not how one goes about repealing an Act. If the desire was to repeal an Act, bring a Bill to repeal the Act - not include a Be It Resolved clause calling for the Assembly to repeal an Act. There is an appropriate means to repeal an Act and that is to bring a repeal Bill.

Let us take the second Be It Resolved clause. Although by title the motion purports to deal with presidential pensions, the second Be It Resolved clause refers to an Act that does not address presidential pensions. It refers to the Pensions (President, Parliamentary and Special Offices) Act but makes no reference to the 2004 Act, the Pensions President Act. If the intention is to review presidential pensions and benefits, how could one possibly exclude the Pensions President Act 2004? This is the Act that governs presidential pensions. This Act is completely excluded from here.

Once again, this motion has nothing to do with a genuine examination of this matter. This motion is opportunistic to capitalise on public debate and political contention on this matter as a result of a manufactured controversy. If one peruses this motion, it contains such fundamental flaws even if only its formulation that it is unworthy of passage in this honourable House.

As I conclude my contribution to this debate, I would say that the issue of presidential pensions and benefits was a controversy and continues to be a controversy that is manufactured by the Opposition. The rule that governs the presidential pension is a rule that has been in place since 2004 and President Jagdeo will not be the first former President to benefit from that rule. There have been former Presidents and there have been former presidential widows who have benefitted from the 2004 Act – the rule of 7/8. The presidential benefits contained in the Act of question are benefits that were provided by administrative fiat and we have now taken the transparent step of enshrining those benefits in statute and for that this Government is to be commended.

Despite the efforts by the Opposition to manufacture this controversy, the legacy of former President Bharrat Jagdeo is an outstanding legacy that for generations to come will be celebrated

by the people of Guyana. And so I call on my colleagues in this House to roundly reject this motion - the treatment that it deserves. [*Applause*]

Mr. Greenidge (replying): Thank you very much Mr. Speaker. Mr. Speaker, since you, like us, were regaled with the exceptional contribution of Comrade Jagdeo – the motion is not about him – I hope that I might be allowed to make a couple of observations in relation to President Jagdeo. I am looking here at a list of the scams that took place during his tenure: the stone scam, the milk scam, the gold scam, the law books scam, the re-migrant duty free vehicle scam, the Institute of Applied Science and Technology (IAST) scam, the wild life scam, the export of dolphin scam, the polar bear scam, the GuySuCo scam, cocaine in lumber, cocaine in molasses, cocaine in rice, cocaine in pumpkins, cocaine in fish! [*Interruption*] The wedding scam...

This is supposed to be a serious motion. I am trying to show that if he wants to be frivolous and to convert these exercises into exercises on adoration, we can also go in that direction. But the motion is a different motion.

First of all, you will recall, Mr. Speaker, that I started off by explaining that there are two elements to this motion. I mentioned the two pieces of legislation. I have heard in the presentations that someone decided that pension is what he was going to speak about so everything now turned on pension. Then we were regaled with... [**Ms. Teixeira:** He likes that word.] [**Mrs. Backer:** He likes the word. “Is he word, is he word.”] Mr. Speaker, I need protection from my own side.

Mr. Speaker: You are protected. Go ahead.

Mr. Greenidge: In essence, the motion, I think, is properly before the House. I am not aware of any Standing Order that says that no motion can precede a piece of legislation or a motion must not have the same subject like a piece of legislation that it is going to follow. There can be a motion and it may or may not be followed by legislation. Here the intention is that it will be followed by legislation in both cases.

As regards the aspect of the motion dealing with pensions, what we tried to explain to you is that as regards the pensions, gratuities of the regime of persons who benefit from governmental pensions are to be looked at by the select committee in the context of the arrangements for the

President's pension. That is one focus, one package. They will look to see whether common principles should apply to both sides. There was never any intention and there is no intention to seek to reduce those pensions.

As regards reductions and the question of benefits, let me say that there is an Act of 2009 which specifically defines the benefits we are speaking about. I hear persons trying to conflate the two different things by talking about pensions being benefits and other stories. The benefits that we are making reference to here are set out in the legislation and what we are saying in respect of those benefits is that they are uncapped and in the case that we are trying to deal with here, we are saying that in relation, for example, to cars there are unlimited benefits. The benefits can be claimed, as I said, from one to infinity because the intention was to badly draft them so that they could be handed out at the discretion of whoever is managing the system. That is bad drafting; it is bad legislation; it is bad policy. If the legislation is to be acceptable, it has to be quantifiable. That is what we are saying. All of these benefits are to be kept. The access to tax free importation is to be kept.

The suggestion that the Attorney General is making that only courts can review legislation is irrelevant. The House processes legislation. It can decide to review that legislation and amend the legislation. It does not have to call upon the courts to do it. The courts may look at the constitutionality of the legislation. We can check on whether the legislation is consistent with the defined or specified policies of the House. And that is what we are proposing to do. And a select committee is an appropriate mechanism for doing it, especially where the issues are contentious.

To tell us that the controversy over the President's overall benefits only arose as a result of the Opposition is clearly mischievous. In fact, the legislation, when it was laid in 2009, led to extensive controversy outside. It predated the announcement of any election. It had to do with the feelings of people outside that in such difficult circumstances it was unconscionable. To add to exceptionally high pensions are these un-quantified and excessive benefits and other facilities. That remains the case now. Even if the Opposition Members were not bringing it to the attention of the public, one could find that it was discussed in the newspapers and in a variety of living rooms in the United States, Barbados and elsewhere. If our colleagues on the other side believe that this issue is solely one manufactured by the Opposition, then that would explain why they ran into difficulties during the course of the Elections. They are living a reality that has no nexus

to what people outside are experiencing. People are worried, concerned and disgusted by the degree of laxity that legislation like this provides.

With that explanation, I urge colleagues to bear in mind what it is we are proposing to do here. In the first instance, we will bring a Bill to amend the Act of 2009. Secondly, the committee is to look at the pensions and gratuities and it will be asked to look at the issues and make recommendations to the House that will emerge in the form of [inaudible]. So I urge the House to embrace this motion in the spirit in which it is intended.

I thank you very much.

Mr. Speaker: Before I put the motion, I just want to share the benefit of some quick research that I requested and in the limited time available. On the 18th June, 1976, this House, in the third Parliament:

“Resolved that this National Assembly recommends that steps be taken to amend the Constitution of Guyana to provide for declaring vacant the seats of Members of the Assembly who seek to support the party on whose list they were elected to the Assembly.”

The point is that there was a motion, at least once, that sought to recommend amendments to the Constitution. That motion was passed by this House and moved by the Hon. Dr. Jagan at that time. Thank you.

Question put, and agreed to.

Motion carried.

ADJOURNMENT

Mr. Speaker: Hon. Members, that concludes our business for tonight.

Mr. Hinds: Mr. Speaker, I move the motion that the House be adjourned until next Thursday, 9th August, 2012.

Adjourned accordingly at 10.52 p.m.