

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

32ND Sitting

Monday, 17TH December, 2012

The Assembly convened at 2.10 p.m.

Prayers

[Mr. Speaker in the Chair]

ANNOUNCEMENTS BY THE SPEAKER

Mr. Speaker: Hon. Members, just by way of a few announcements. The first is that most of you, if not all of you would have read that following my ruling and announcement that I will be referring a matter pertaining to the Hon. Member, Minister Rohee, to the Committee of Privileges, I received a motion filed by the Hon. Attorney General. After careful consideration, I thought that we should have the Courts interpret for us what are the limits, extents, responsibilities, rights and of course the relationship between this House, the Executive and indeed now the Judiciary. With that in mind, I choose not to convene the Committee of Privileges. If Members desire, I can circulate the letter that I wrote to the Hon. Prime Minister, the Leader of the Opposition and to Mr. Ramjattan explaining my reasons. I can circulate that letter. Thank you.

I wish to announce that on Wednesday at 2.00 p.m. we will be hosting a children's party for the children of Sophia Care Centre. We believe that that institution houses many children who are otherwise forgotten. So, it may be good for us at this time of year to spread some Christmas

cheer to them. So, I am inviting all Members to please come and assist the staff and Members of Parliament (MPs) who will be present to just spend some time with the children who, as I have said before, would otherwise have been forgotten except for seasons such as this.

I pause to say happy birthday to two Members. I believe it is Hon. Member's Keith Scott's birthday today; Happy Birthday to you. Happy Birthday as well to Mr. Christopher Jones; it is his birthday as well. There are quite a few birthdays coming up in this month. We have another Sitting, so I will announce the others.

I will like to announce as well, again, congratulations to our dear Minister of Education on the birth of your bouncing baby boy. Congratulations! He is a healthy big boy. As well, double blessings to Mr. Christopher Jones who had a baby girl born to him on the 4th of this month. So, he has two birthdays to celebrate in the month. Congratulations to you as well.

Members, I will like to mention that on Thursday last, a delegation comprising Minister Benn, Mr. Nadir, Mr. Christopher Jones, Mr. Morian, Ms. Kissoon, Mr. Adams, I believe and Mr. Neendkumar and I, were in Region 10. We visited schools. Some went to Kwakwani and some went to Linden proper. Unfortunately, given the date, the time of the year and school parties and teachers trying to produce their reports, we were not able to meet as many students as we anticipated. Certainly, the bonding and the comradery between the Members was exemplary. I commend it. I am hoping that we can get an agreement of members to do return to Region 10. I do not feel that we quite were able to fulfil what it is that we hoped or wanted to. So, hopefully in the new year, perhaps by mid January or early February, we will be able to get that done.

I will like to mention that the Clerk has been able to accede to my request to have the portraits of the former Speakers displayed in the lobby. There is also a display in the Clerk's Office of all former Clerks of the National Assembly; it is something that I had I asked of the Clerk. I would like to thank him and the staff for ensuring that it had been done as part of our ongoing project for lifting the profile of the National Assembly.

I believe that I can speak on behalf of the entire staff of the National Assembly in thanking the Hon. Minister of Finance. I am told that you have been quite instrumental in showing that the staff had something to celebrate this year. Thank you very much on behalf of the staff, Dr. Singh. Those are my announcements.

PRESENTATION OF PAPERS AND REPORTS

The following Papers and Reports were laid:

1. (i) Ministers, Members of the National Assembly and Special Offices (Emolument) Order 2012 - No. 187/2012,
- (ii) The Constitutional Offices (Remuneration of Holders) Order 2012 – No. 188/2012,
- (iii) The Annual Report of the Guyana National Shipping Corporation Limited for the year ended 31st December 2010,
- (iv) The Audited Financial Statements of the Guyana National Cooperative Bank for the year ended 31st December 2008,
- (v) The Annual Report of the National Industrial and Commercial Investments Ltd. (NICIL) Company Accounts for the years ended 31st December 2006, 2007, 2008, 2009 and 2010.
- (vi) Financial Paper No. 3/2012 - Statement of Excess (Current) Estimates totalling \$204,609,821 for the period ended 31st December 2012,
- (vii) Financial Paper No. 4/2012 - Supplementary Estimates (Current and Capital) totalling \$2,713,939,675 for the period from 2nd September to 17th November 2012,
- (viii) Financial Paper No. 5/2012 - Supplementary Estimates (Capital) Estimates totalling \$393,000,000 for the period ended 31st December 2012.

[Minister of Finance]

The Minister of Finance named Thursday, December 20, 2012 for consideration of the Financial Papers.

2. Audited Financial Statements of the National Sports Commission for the years ended 31st December 2005 to 2010. *[Minister of Culture, Youth and Sports]*

REPORTS FROM COMMITTEES

Mr. Greenidge: Thank you very much Mr. Speaker. I rise to submit the report of the Public Accounts Committee of Guyana on the Public Accounts of the year 2009. May I say by way of preamble that the Committee and the report before you was deliberated and it was prepared prior to my taking up this post as the Chairman, so I am really doing this on behalf of my colleagues. I will try as far as and briefly as possibly to highlight what in my view seems to be the major facets of the report. I beg to lay this report before the House. I gather that the debate follows.

ORAL QUESTIONS WITHOUT NOTICE

SITING OF THE AFRICAN HOLOCAUST MONUMENT

Mr. Speaker: Hon. Members, I have received two requests for oral questions without notice. I have acceded to those requests. The first comes from the Member Mr. Christopher Jones perhaps as a birthday present. It has to do, I believe, with the siting or resiting of the African holocaust monument.

Mr. Jones: Comrade Speaker for the benefit of the Members of the House let me share with them a statement which was issued by the Guyana Day Committee and the Committee for the Promotion of a Decade of People of African Descent. The press statement was issued on November 16th 2012. Among the issues raised in the press statement one cited, and I quote, On August 1st 2000 at 5.30 a.m. a ceremony ‘the turning of the sod/soil’ was performed at Parade Ground Georgetown, an ideal location for the citing or the 1823 monument.” Present at the ceremony was the former President Bharrat Jagdeo, the former Minister of Youth, Sports and Culture, Ms. Gail Teixeira, members of the Diplomatic Corps and citizens. At that ceremony, the President then informed the committee that, and I quote, “This will be an ideal place to erect the monument of the 1823 massacre” The question herein, Cmd. Speaker, is if on August 1st 2000, the then President Bharrat Jagdeo, present, Ms. Gail Teixeira, the Minister of Youth Sport and Culture, Members of the Diplomatic Corps and citizens, buried coins at the Parade Ground and announced that a monument would be erected there to honour those slaves who were slaughtered in 1823.

The question to the Minister of Youth Sport and Culture is firstly, what has occasioned the change in location? Secondly, who were the persons or organisations that were consulted, if any?

Minister of Culture, Youth and Sports [Dr. Anthony]: Thank you very much Hon. Member Mr. Jones for the question. In the year of people of African Descent, one of the core activities that we had set out, which we brought to this National Assembly, was the construction of the 1823 monument. In April of that year, we launched a competition for the design of the monument. We received five entries. Of the entries that we received for the design of the monument, Mr. Ivor Thom was chosen as the person who would design the monument. That was after being reviewed by a panel of judges.

On the selection of the site, on several occasions we made public calls for persons who had various ideas about where they wanted to site the monument, to come forward and suggest those sites to us. I recall last year in this same Parliament, during the budget debate and I think subsequently, we had other occasions when this matter was also raised about siting. I think Hon. Member Mrs. Backer was one of those persons who were very concerned about when we would get the monument started. Our last press release on this matter was sometime in March of this year where we sent out a press release to all the newspapers and media houses and we have asked again for suggestions pertaining to the siting. We then set a deadline for the 31st of March of this year. We received no submissions from any organisation, despite it being widely publicised. It is on four different occasions that we would have done this.

We then constituted as sub-committee that when out to look at various sites. The sub-committee set out a number of parameters that they were looking for, including the adequate land space for such a monument, the visibility of the monument, accessibility to the monument, an area perhaps where vehicles could be parked, connection to the East Coast of Demerara – it must have some relevance and connection – we were looking for some connection to the 1823 rebellion.

If we go back in history, there are a lot of places that can be considered. The Committee looked at Success, Chateau Margot, Le Ressouvenir, Elizabeth Hall, Bachelors Adventure, Paradise, Melanie Damishana, Anns Grove, Dochfour, Beehive, Good Hope, Parade Ground, the Victoria Law Courts, the National Park and the Seawall site.

Why did we look at some of these places? Success, for example, was where the body of Quamina was hung. After being shot they hung his body in front of Success. Chateau Margot was where Quamina was shot. Le Ressouvenir was where the whole 1823 rebellion started. It was the site of the Betel Chapel. Forty people were killed at Elizabeth Hall. There was a big standoff at Bachelors Adventure and Paradise between the Militia and the Rebels. In Anns Grove you had a standoff there as well. At Dochfour fifteens persons were killed. In Beehive another six persons were killed there. In Good Hope six persons were killed. On Parade Ground for example, and I think a lot of people feel that parade ground is a site where a lot of persons were killed, the records would show that 200 persons were arrested, 78 persons were sentenced to death. Of the 78, twenty eight persons were executed between the 28th August 1823 and the 10th of January 1824.

While some of those persons would have been executed on Parade Ground, most of them were not executed there. In fact their bodies were displayed on various plantations along the East Coast. Also, you had bodies being placed at the front of the fort. Fifty of those persons, after the last person was executed on the 10th of January, 1824 it started an outcry in Britain and fifty persons sentences were commuted. Some of those persons were sold to other plantations outside of Guyana, as in the case of Jack Gladstone.

I know that a lot of people would say Parade Ground, which was considered by the Committee. We were looking for a number of other features. While there is some connection there, we wanted land space. The space that we are looking for, for the monument was somewhere around 100 feet. If we go to the Parade Ground, we would be impinging on the existing playfield and the football field that you have there. Looking at these various considerations, the Committee then recommended that we go to the sea wall area which is very prominent. I just want to say one thing, and that is, while we would like to have the monument perhaps on a direct location where some of the incidents happened, there are so many places on the East Coast that would all be in competition as to where we should site the monument. When we examine each of these places, the space was not available. Therefore, we felt that by having it at the Seawall site, it has a direct connection. Anybody passing to go up the East Coast or coming down from the East Coast will have to pass that monument, and it has the adequate land space.

Just another thing that we perhaps should bear in mind is that in 1763 when we had the rebellion in Berbice, we did not erect a monument at the site of the 1763 Rebellion. We erected a monument right here in Georgetown. When we look at the uprising in Essequibo, the Damon Monument is erected at Anna Regina while the incident actually happened at the Trinity Church in La Belle Alliance. I think the important thing is that we would like to remember the occasion. This would be 189 years since this rebellion happened. It is very important to our history, because from the history we learn that 13,000 slaves rose up from 37 different plantations. I think it is very important that we find a place that is very convenient and to remember the occasion. This is one of the major rebellions in our country that in a way has been lost through history. We feel that by erecting this monument at a prominent spot it would remind Guyanese of this very important event in our History.

Ms. Ally: A supplementary question to the Hon. Minister. I would like to ask the Minister a direct question as to whether a determination was made prior to the turning of the sod at Independence Park. I have listened to your history lesson and I have not heard the answer about consultation and determination as yet.

Dr. Anthony: Mr. Speaker, from what I have read in the press you had a turning of the sod in 2000. I am talking about from the time 2011. When we made a pledge and we came to this National Assembly in this very concrete programme of what we would be doing for the International Year for People of African descent. One of the things was to construct this monument. We went out for public consultation. We invited people to tell us where we should site it and we got no response.

Mr. Jones: Comrade Speaker a follow up question: Is the Hon. Minister saying that the turning of the sod at Parade Ground was not a signal of intention to erect a monument there?

Mr. Speaker: Mr. Minister, do you wish to answer? Is it that you are saying that there was such an intention in 2000 and thereafter circumstances changed? Is that what you are trying to say?

Dr. Anthony: Mr. Speaker, I think I gave enough detail on the various sites that could have been considered, the various places, the historic attachment; the historic background to these things. In the end, because we did not have any person coming forward and suggesting where they wanted

it to be the Committee made a decision. We have started the construction of the monument at Vlissingen and Carifesta Avenue.

Mr. Speaker: The Standing Orders says that there are two supplementary questions permitted after the original question. I have noted that the Leader of the Opposition has indicated. I will respect Mr. Jones to allow the leader of the Opposition to ask.

Leader of the Opposition [Brigadier (Ret'd) Granger]: Mr. Speaker, could I ask the Hon. Minister if he is aware of the fact that the residents of Bachelors Adventure, the site at which 200 persons were massacred on the morning of the revolt, on their own initiative actually constructed a monument. That monument is clearly visible from the public road in compound of the Community Centre at Bachelor's Adventure. Also, whether the people of Bachelor's Adventure, where those 200 enslaved persons were killed were consulted, because a monument does exist and the people are conscience of it and were conscience enough to construct a monument with their own resources.

Dr. Anthony: Mr. Speaker, the team that went out as I said went to all the different places and they looked at all the sites and had various discussions and we have arrived at this site. I grew up not far from Bachelor's Adventure. In fact, I grew up in Enmore, so I am aware of some of the history there. As was said, it is visible, so you could see it. We recognise that different communities would want to honour what would have happened in their community. Perhaps, all of those that I have listed where persons died we should have something to remember them to. If we are looking at where most persons died, then Elizabeth Hall certainly should have been recognised, because more than 40 persons were killed there.

Along the East Coast there are many historic spots. We would not be able to suit or please every single community. Therefore, this particular monument would be for the entire East Coast if you like. It is for the entire nation. I think a lot of us do not even know the history of the 1823 rebellion.

EZJET DEBACLE

Mr. Speaker: Thank you Mr. Minister. Mr. Ramjattan you may proceed to put your question as it pertains to the EZjet debacle.

Mr. Ramjattan: I had a number of questions.

Mr. Speaker: We will take them one at a time and then we will answer them.

Mr. Ramjattan: Could the Minister indicate what the Government of Guyana is doing to assist passengers who have been unable to recover refunds from EZjet?

Minister of Public Works [Mr. Benn]: The Ministry is compiling the listings provided by EZjet based on the information they gave us last week on the 13th of December. They were unable to make refunds as of that date to a number of passengers. We do have in place a bond of US \$200,000 (GYD \$40,000,000). As was intended, passengers will be refunded out of that amount. I have since learnt that EZjet may have received some money, that is, the EZjet representatives in Guyana may have received some money and they are making some payments in the mean time. We anticipate based on the figures that we have that much of the refunds will be made from the US \$200,000 bond.

2.40 p.m.

Mr. Ramjattan: Could the Minister kindly indicate what background checks, if any, did the Government conduct before granting permission for EZjet to operate the service from Guyana to North America?

Mr. Benn: Mr. Speaker, and Hon. Member, the background checks revolve around business plans which were submitted by EZjet. The movement with respect to granting permission to EZjet came after perhaps some six to nine months of investigation, taking in of information, and related also to the permissions granted to EZjet by the United States Government through its Department of Transportation and also by the Canadian Government with respect to its operations.

Mr. Ramjattan: [Inaudible]...may get an answer here. Is the Government proposing any investigation into the operations in view of the fiasco it turned out to be, and the fact that the main principal is now in prison?

Mr. Benn: Mr. Speaker, we are examining the matter. The agency which is responsible, the Guyana Civil Aviation Authority, will look into this matter and report to the Ministry and the

Government. We have not settled on any question of any extensive investigation beyond the administrative approaches we are taking at the present time. The issues which the Hon. Member refers in respect of the sole incorporator of EZjet being in prison we see fundamentally as a separate issue at this moment.

Mr. Speaker: Are there any supplementary questions anyone wishes to ask?

Mrs. Lawrence: Thank you Mr. Speaker. Through you to the Hon. Minister, could the Minister say whether EZjet owes the Government any monies for landing fees or any other fees at this time? And could he perhaps tell us the amount owed to the Government?

Mr. Benn: Thank you Hon. Member. Mr. Speaker, based on the time in which invoices are prepared, delivered, and dealt with, there are amounts owing to the Cheddi Jagan International Airport (CJIA) of \$2.6 million and to the Guyana Civil Aviation Authority of \$3,185,742.

Mrs. Lawrence: A follow-up question, Mr. Speaker: could the Minister say whether the Government will make payments to those employees here in Guyana whom the EZjet owes, and whether the list of passengers he is presently awaiting from the company includes Guyanese and other persons who would have purchased tickets in New York or Canada? Thank you.

Mr. Benn: Mr. Speaker, thanking the Hon. Member again. The bond in place only covers for tickets purchased in Guyana and which were not utilized. So persons who purchased tickets under the United States or Canadian jurisdiction will be refunded through their systems in the United States of America and Canada.

With respect to employees here who may be owed whatever amounts by EZjet that is a private, corporate matter. It does not relate to the bond and why it is in place. I guess they will have to await bankruptcy or other proceedings.

QUESTIONS ON NOTICE

For Written Reply

GRANTING OF TITLE TO STATE LANDS AND PROPERTIES TO FORMER PRESIDENTS OR PRIME MINISTERS

Mr. Greenidge: Could the Hon. Prime Minister provide this Hon. House with a list of all the transactions involving the granting to former Presidents or Prime Ministers, whilst they were still in office, title to state lands and properties? For each transaction, the Minister will indicate the price per acre, the total cost, the size of the plot and other terms and conditions of the acquisition?

Prime Minister and Minister of Parliamentary Affairs [Mr. Hinds]: The Guyana Lands and Surveys Commission, which records all transactions involving State lands, was requested to search the information about which the Hon. Member, Carl Greenidge, M.P. enquired. The Commission submitted the attached list. Please see attached listing.

It may be appropriate to note that with respect to the land originally leased to Mrs. Burnham, subsequent negotiations led to a settlement in which 4 acres were granted at no charge on the release of any and all other rights to the remaining land.



GUYANA LANDS AND SURVEYS COMMISSION

**22 Upper Hadfield Street, Durban Backlands,
Georgetown, Guyana.**

Tel: (592) 2264524-9

Fax: (592) 2264052, 226-0520

To: Honourable Prime Minister, Samuel Hinds

From: E.Monize, Manager, Land Administration Division Guyana Lands and Surveys Commission

Date: 2012-12-17

List of Leases issued to Ex-Presidents, Prime Ministers, and their spouses by Lands and Surveys

Name	Lease No.	Location	Acreage	Remarks
Arthur Chung	Nil			
L.F.S Burnham	Nil			
Viola Burnham	GLL 546	Rear of Botanic Gardens	9.6 Acres	Issued 1972, Expired 1991
Mrs.Viola Burnham	GLL 547	Rear of Lands and Surveys backlands of Stabroek	12.49 Acres	Issued 1972, Expired 1991. Transport passed for part
H.D. Hoyte	Nil			
Mrs. M. Hoyte	Nil			
Ptolmey Reid	GIL 559	Somerset and Berks	4.9 Acres	Issued 1973 Expired 1993. Land is being utilized for school and community center now.
Ptolmey Reid	A 9187	Somerset and Berks	8.48 Acres	Issued 1973, Expired 1998. Land is being utilized for Housing Scheme
Hamilton Green	Nil			
Cheddie Jagan	Nil			

Samuel Hinds	N			
Mrs. Yvonne Hinds	N			
Mrs. Janet Jagan	N			
Bharrat Jagdeo	N			
Donald Ramotar	N			
Mrs. D. Ramotar	N			

PUBLIC BUSINESS

PRIVATE MEMBERS' BUSINESS

BILL – Second Reading

OFFICE OF THE CLERK OF THE NATIONAL ASSEMBLY BILL 2012 – No. 8/2012

A BILL intituled:

“AN ACT to set out the responsibilities and authority of the Clerk and Deputy Clerk of the National Assembly of Guyana and to provide for the establishment and administration of an independent Office of the Clerk of the National Assembly.” *[Mrs. Lawrence]*

Mr. Speaker: Before you proceed Mrs. Lawrence, please be seated.

In June, precisely the 26th June, 2012, I did receive a letter under the hand of the learned Hon. Attorney General pointing out that it is the opinion of his Chambers and of the Government that certain clauses in your Bill violate the Constitution of Guyana, and that the Bill should not be proceeded with. I believe I had intimated as much to you.

I had since the 9th August prepared a written ruling which I would not read, but the essence of it is that some aspects of the Bill, if passed, can come into conflict with the Constitution. But The Speaker has no jurisdiction to prevent a Member from presenting any bill. And it is only when a bill becomes law that it comes into conflict with the Constitution. Until such time, the Speaker or the Clerk cannot prevent a bill from proceeding. So, I did prepare something in written form and asked that it be circulated. I invite you to proceed.

I did, as I said, indicate my concerns to you and you had suggested a course of action to avoid some of the jeopardies that are likely to arise with regard to this Bill.

Thank you.

Mrs. Lawrence: Thank you Mr. Speaker. Before I proceed may I thank you for your ruling. This particular Bill is requested to go to a special select committee. Within that committee, I know we will be able to deal with any issues which may presently lie in the Bill that will cause any conflict with our Constitution. Despite that, it is my belief the timing of the second reading of

this Bill, entitled Office of the Clerk of the National Assembly Bill 2012, Bill No. 8 of 2012, is most appropriate. The headlines of several newspapers and television newscasts have all alerted the Nation to a predicted head-on collision between the Government and the Opposition. Additionally Sir, your warning to the Office of The President in relation to the President's threat of not assenting to bills passed by this esteemed body...

Mr. Speaker: One second Mrs. Lawrence. I never warned; I cautioned that we ought to avoid a constitutional crisis. I would not in any way indulge in warnings to the Office of the President or any other constitutional office holder.

Mrs. Lawrence: Thank you, Sir. It was described by the Stabroek News of Saturday 20th October, 2012 as, and I quote, "A further sign of tension between the two branches of Government".

This Bill No. 8 of 2012 must be placed in proper perspective. It has its origin not in the report of Sir Michael Davies but from agreements made by the major political parties in Guyana since 1997, by subsequent constitutional reforms passed in this Hon. House, and by decisions made and recorded in the 6th May, 2003 Communiqué between the then President Jagdeo and then Leader of the Opposition, Mr. Robert Corbin, as well as their follow-up meeting on 18th July, 2003. It was as a result of consensus that this Parliament be reformed to reflect the spirit and intention of our Constitution, that this Parliament requested the assistance of the Commonwealth Secretariat. It was our request that resulted in the engagement of Sir Michael Davies, Senior Parliamentary Staff Advisor, by the Commonwealth Secretary General, to carry on an assessment of the needs of the Guyana National Assembly. The Report of Sir Michael Davies which followed that engagement presented many recommendations for the improvement of the functioning of this National Assembly of this Parliament, including reinstating its independence and restoring its constitutional role as one of the three arms of the State and not an appendage of the Office of the President. It is obvious that the People's Progressive Party (PPP) and more particularly the Office of The President, determined to maintain their unconstitutional domain of the legislature, conspired with the PPP legislators to ensure that a Guinness Book record of gestation was established in giving birth to a newly reformed National Assembly through the implementation of some of the recommendations of the Davies Report.

Mr. Speaker, human beings have a gestation period of nine months from conception. I am advised also that elephants have a period of 22 months. I am not aware of any longer gestation period, but even if there were longer periods I am sure that there is none that lasts for fifteen years. Even if we take the 6th May Communiqué as the time of conception we are talking about nine years. If we want to be generous and take the conception as the date the recommendations were presented to this Parliament in 2003 that will still make a gestation period of nine years. Perhaps, the PPP in their quest for claiming records during their 20 years of Government may want to add this to their achievements. These recommendations were endorsed by the previous PPP nominated Speaker of this House, Mr. Ralph Ramkarran, who had urged speedy implementation. Additionally, the Davies Report was endorsed by this entire National Assembly, except for some minor objections by the PPP. What, therefore, is responsible for the prolonged delay in implementing many of its recommendations, including the one that this Bill is attempting to implement? I have already given the answer. I believe that it was a conspiracy. However, the saying goes, 'better late than never.' Perhaps the passage of this Bill will help to prevent the head-on collision that the media has predicted. And, perhaps, it would be the first test as to whether The President would hold good on his declared intention of not assenting to bills passed in this House. Time will tell, and the people of Guyana will be the judges.

I am of the opinion, and I am sure it is obvious to all thinking Guyanese, that if the recommendations provided in this Report received the attention which it ought to have, we would not be experiencing some of the challenges we are presently experiencing. I need to re-emphasise to this Hon. House that the Michael Davies Assessment Report and Recommendations were not foisted on us by the Secretary General of the Commonwealth. Rather, they are recommendations unanimously agreed by all in this House after prolonged discussion, negotiation and agreement. Today, however, we have an opportunity once again to change the present counterproductive and unconstitutional path we are currently on. We can endorse one of the recommendations of the assessment of the needs of the Guyana National Assembly by Sir Davies by supporting this Bill No. 8 of 2012 and sending it to a special select committee.

Our Constitution endorses the universal doctrine of the separation of powers and contemplates a clear separation between Parliament and The Executive. This Bill No. 8 of 2012 seeks to give

Parliament, through the Office of the Clerk, the authority to manage and administer its affairs without being under the external direction from The Executive as presently exists. Sir Michael Davies on page 18, paragraph 61 stated, and I quote:

“I paid a great deal of attention to the question of human resources which are inevitably the making or breaking of an efficient institution. I learned that the Clerk of the National Assembly has no power to appoint, dismiss or promote the staff who works for the Assembly.”

On the other hand, the crafters of our Constitution envisage that the Assembly should have independent staffing. Paragraph 2 of Article 201 states, and I quote:

“The Public Service Commission may, by directions in writing, subject to such conditions as it thinks fit, delegate any of its powers, or, in relation to any office on the staff of the Clerk of the National Assembly, to the Clerk.”

One does not have to be a legal expert to conclude that the drafters intended to provide for the separation of the parliamentary office staff from all other Government bodies under the Public Service Commission and make it independent. If there is any doubt about my interpretation paragraph 5 of the said Article 201 makes it very clear that before the Public Service Commission, or any Member thereof, exercises any of its powers in relation to any office on the staff of the Clerk of the National Assembly or any person holding or acting in such an office the Commission or that Member shall consult the Clerk.

It is obvious that even without this Bill it is unconstitutional for the Public Service Commission to act in relation to any staff of Parliament without consultation with the Clerk. This Bill is, therefore, merely seeking to regularise our constitutional provisions.

Mr. Speaker, the Davies Report documents many breaches which occur in respect of the aforementioned. Hence this Bill seeks to endorse the confidence shown in the Clerk of the National Assembly by the crafters of our Constitution, and those Members of this House who gave safe passage to our Constitution in its present form, by endorsing the Clerk of the National Assembly as the employer of the staff of the National Assembly. The Report also highlighted that a big difference exists between the institution of Parliament and the Government Department

which demands different treatment. This is as a result of the constitutional relationship which should exist between the Executive and the Legislature. This difference is recognised in several Commonwealth Parliaments, for instance, India, Belize, Canada the US and the United Kingdom to name a few.

Mr. Speaker: Mrs. Lawrence, you said several Commonwealth Parliaments and then you included the United States (US). You will have to exclude them from that.

Mrs. Lawrence: Oh, yes. During April of this year the Trinidad and Tobago Government saw it fit to invite the Commonwealth Secretariat to provide a needs-assessment of their Parliament with emphasis on the present staffing procedures. Studies have shown that the effectiveness of parliaments is important to the efficient working of the democratic process of lawmaking, oversight of the Executive, financial control, et cetera. Where Parliaments lack capacity through limited resources, or inefficient expert staff, to support members across parliament's whole range of work, it inevitably affects the balance of power with the Executive.

Pages 18 to 20 of Sir Davies Report outline the many unhealthy issues which presently exist regarding staffing. Hence, his recommendation that the Clerk of the National Assembly should become the employer of the staff of the Assembly and have complete control over all aspects of their employment. His arguments for building of a parliamentary cadre must be welcome by those who have served in this House for a long period and have had the experience and disappointment of losing a staff member who had acquired intimate knowledge of the work of a committee. Such Members would certainly endorse Sir Davies' recommendations.

In concluding, we have had agencies delinked from the Public Service. For example, we have had the entire Ministry of Agriculture delinked from the Public Service and had appointment and discipline shifted from the Public Service Commission to a board largely appointed by the Minister. Consequently, the recommendation for the parliamentary staff to be treated likewise is not uncharted waters for us in Guyana. What is needed is the political will. The question is do we have it. [Mr. Nadir: You never had it] Sir, may I remind the Hon. Member that there are some things about Guyana, especially our history, even though those documents were destroyed - one cannot find it on Google but - there are other people in Guyana who saw it fit to keep those documents. So I ask that this Bill of 2012 titled, The Office of the Clerk of the

National Assembly, Bill No. 8 of 2012 be sent to a select committee for further consideration, and that the committee submit its recommendations to this House. I beg that this committee do not create another Guinness record in implementing this legislation; that the Clerk of the National Assembly becomes the employer of the employees of the National Assembly.

Thank you, Sir. *[Applause]*

Attorney General and Minister of Legal Affairs [Mr. Nandlall]: Sir, my Hon. Colleague Member commenced her presentation by referring to statements which have been made in the press by Members of the Opposition in relation to the Government's position in respect of bills which emanate from the Opposition. The clear argument of the Hon. Member is that the Government's position seems to be one that will absolutely reject a bill coming from the Opposition simply because it comes from the Opposition. I wish to take this opportunity to reject that notion absolutely.

Mr. Speaker: I wish to thank you for clarifying that matter.

Mr. Nandlall: The Government's position is based upon principles. The principles that will inform the Government's position as to whether they will support a bill which emanates from the opposition are as follows:

1. We will not support a bill emanating from the opposition which we feel is violative of the Constitution.
2. We will not support a bill emanating from the Opposition that we consider to be inconsistent with current Executive policy or future Executive policy.
3. We will not support a bill which comes from the opposition which we in the Government, who have the financial responsibility of managing the financial resources, form the opinion through the Minister of Finance that we do not have the financial resources to enforce and execute that law.
4. Finally, we will not support a bill that we consider to be unnecessary.

Those are the principles that will inform the Government's position on whether or not it will support a bill which comes from the Opposition.

The Bill that is before this House in the opinion of the Government is (1) unnecessary and (2) unconstitutional. Therefore, we cannot support the Bill. I will give the reasons why. Sir, you would recall that I dispatched two letters to Your Honour and carbon copied to the Hon. Leader of the Opposition, the Hon. Member Mrs. Volda Lawrence and I believe my Hon. colleague Mr. Khemraj Ramjattan, in which I detailed the reasons why the Government will not support the Bill. I wish to oralise and expand on those reasons now.

Sir, the first rule in lawmaking, and I get that from the Chief Parliamentary Counsel - he is the expert - is to examine whether we need a law. That is the first thing. What mischief this law is intended to address.

3.10 p.m.

Now, my friend has spoken at lengths about the need for reform of the Parliament and the staffing arrangements and to invest the Clerk with powers of employment, et cetera, without identifying a single problem in respect of the current functioning of the Clerk of the National Assembly and the support staff. Not a single argument has she advanced as to what part of the Clerk's office is not functioning. Whether the staffs here are inadequate; whether they are incompetent; whether they are inefficient, but we are passing a law that will create a whole new regime of how staff is going to be hired.

Sir, there is a booklet distributed by the Australian Parliament. It is a legislation handbook printed and distributed by the department of the Prime Minister and Cabinet of Canberra Australia. It says the following in relation to legislation, under the introduction chapter:

“Departments should give careful consideration to whether legislation is actually needed or whether administrative action would be sufficient.”

That is the first point that they make in Australia. Secondly, they say:

“Legislation should not be proposed simply to give a matter visibility. The limited drafting resources of the Office of Parliamentary Council and the time available for Government business in Parliament must be used for proposals which cannot proceed without legislation.”

Now, I do not believe that any Government and of course this Government, will be opposed to any initiative that will strengthen in an administrative way the current capacity of the Clerk's Office of the National Assembly and his complement of staff. But whether we want to do that by legislation is the position with which I take umbrage.

So Sir, legislation first...

Mr. Speaker: Mr. Attorney General have you check to see how the Clerk's relationship vis-a-vis the Assemblies in Trinidad and Tobago, Barbados...

Mr. Nandlall: I am getting to that, Sir. Ours and oftentimes my colleague Cde. Gail Teixeira and the President, made on several occasions the pivotal point that ours is a Constitution which is advanced more than many other Constitutions in the Caribbean and indeed the Commonwealth.

In relation to the Clerk of the National Assembly, Guyana's Constitution and not this Constitution- this document, but dating back to the 1966 Constitution, the 1970 Constitution and the 1980 Constitution, incidentally drafted by the People's National Congress (PNC) when they were in power, all of them gave a uniformly expansive coverage to the Office of the Clerk of the National Assembly. A coverage in the supreme law of our country that is appreciably superior to that which is given to it by other countries.

In fact, my examination of constitutions in the Caribbean led me to conclude that only Jamaica has a constitution that gives that amount of coverage that our Constitution gives to the Office of the Clerk of the National the same amount of coverage – the Jamaican Constitution.

[**Mrs. Backer:** What do you mean by coverage?] It means that the amount of provisions that are dedicated exclusively to the Clerk of the National Assembly, the matters which are covered by our supreme law of the land in relation to Clerk of the National Assembly, the fact that the Office itself is expressly established, not by an ordinary legislation, but by the Constitution itself. And as I get deeper in my presentation I will demonstrate the ambit of power and protection and independence which our Constitution gives to the Office of Clerk of the National Assembly that is appreciably far superior to that which is given by the other Constitution. Take for example Sir, your Honour mentioned Trinidad, in Trinidad the Clerk of the National Assembly is mentioned *en passant* in the Trinidadian Constitution. It is not an office established by the Trinidad

Constitution, absolutely not. I wish to refer to the Constitution of Zambia. It says this in Article 73:

“There shall be a Clerk of the National Assembly and such offices in the department of Clerk of the National Assembly, as maybe prescribed by an Act of Parliament.”

Our Constitution not only establishes the Office of the Clerk of the National Assembly, but for that prescribed in the superior law of the land how that office must function, the terms and conditions of the holder of that office and many other matters ancillary to that office.

We did not leave it to an ordinary legislation to make those provisions. We made it in the Constitution itself. Belize, for example, and my friend/colleague cited Belize, because Sir, Belize did not have it in their Constitution in any elaborate way they passed a legislation, separate and apart from the Constitution that provides elaborately for the staff of the Parliament; the staff of the Clerk of the of the National Assembly.

So Sir, the point I want to make is that our Constitution provides for the Clerk of the National Assembly in a most elaborate fashion. Therefore, to relegate and of course, we have to recognise that this Constitution is the supreme law of the land and it is a trite principle of Constitutional Law and in order of priority of sources of law and we all know what they are in Guyana. If a matter or an office is provided for by the most superior of all our sources of law, then if you try to provide for it in an source of law that is inferior to that superior source, then you are diluting the significance of that office or that issue and that is what this Bill seeks to do. It seeks to relegate the Clerk of the National Assembly. I want to quote two Articles of the Constitution, to demonstrate the point I am making. Article 222 of the Constitution lists a number of offices created by this Constitution and provides for the remuneration packages of those office holders and protects them as a charge on the Consolidated Fund. It reads this:

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

Not an ordinary legislation, but by the Constitution itself. And then it lists, the number of offices that it applies and it says that these office holders remuneration package is to be a direct charge

on the Consolidated Fund and that no one, including this Parliament, can alter that remuneration package to the disadvantage of the office holder.

Among the offices listed are as follows: the Office 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, Judicial Service Commission, Public Service Commission, Teachers Service Commission, Police Service Commission, the Ombudsman, the Director of Public Prosecution, Auditor General and the Commission of Police. All of these; these are all independent constitutional office holders whose remuneration packages are guaranteed by the Constitution as a direct charge on the Consolidated Fund.

Therefore, to relegate that high office by passing an ordinary legislation to make provisions for the remuneration of the Clerk of the National Assembly is a dilution and a violation of the Constitution.

I gather from listening to my colleague that the thrust of this Bill seeks imbue in the Clerk a greater degree of independence. I submit that the Constitution has done that in an institutional way already. Therefore, that independence has constitutional *imprimatur* and protection. To do it by ordinary legislation is in principle, simply wrong and violative of the spirit of the Constitution.

Now let us look at the Bill – the long title. First of all, this is a Bill that has no marginal notes, that is the first thing.

Mr. Speaker: Hon. Attorney General I did refer in my ruling that Members of the Opposition do not have the benefit of expert legal drafters, so they have to make do with what they have.

Mr. Nandlall: I know Sir.

Mr. Speaker: Maybe you can help us to tidy up.

Mr. Nandlall: Sir, at the end of the day, if it is passed by this Parliament, it becomes law and marginal notes in our law are not insignificant. In fact, our Interpretation and General Clauses Act speaks specifically to marginal notes.

But let us go to the Bill itself, the Long Title says:

“An Act to set out the responsibility and authority of the Clerk and Deputy Clerk of the National Assembly of Guyana and to provide for the establishment and administration of an independent Office of Clerk of the National Assembly.”

Now the Constitution, as I said, guarantees that independence as well, expressly and by implication. But then, I go to clause 17 of the Bill, under the caption, “Responsibility of Clerk” and the Bill reads this:

“The Clerk of the National Assembly shall be responsible to the Speaker of the National Assembly.”

And the long title and the whole policy behind this Act is to invest that officer holder with independence, then the Bill itself makes the Clerk responsible to the Speaker of the National Assembly and I say that that is a self defeating and implosive situation.

I go on to clause 23, “Review of Appointments”. Again the Speaker has a role that is superior to the Office of the Clerk. The Bill reads:

“The Clerk of the National Assembly shall establish a procedure for reviewing appointments made under section 19 that are subject of any complain by a member of staff...

(2) The procedure shall be approved the Speaker of the National Assembly before being established.”

So again, you find the independence that the Bill seeks semantically and schematically to imbue in this office holder is penetrated and violated by the Bill itself. So Sir, those are my preliminary observations.

The major provisions I will dwell upon briefly. Clause 2, “There shall be in accordance with Article...” Remember Sir, I said that it was unnecessary and it is unconstitutional.

“There shall in accordance with Article 57 of the Constitution be appointed as an Office of the National Assembly, a Clerk of the National Assembly.”

Well that is in the Constitution, so that is unnecessary. There is no reason for that provision to be there and this in any event is simply duplicating that which the highest law of the land already says exists. So it is otiose.

Then they list the functions of the Clerk of the National Assembly. The functions of the Clerk of the National Assembly are adequately set out in our Standing Orders and by the traditions and conventions of this House. I do not think that anyone here, perhaps Mr. Ramjattan, but apart from him, has any doubts as to what the functions of the Clerk of the National Assembly are. But then we go on, clause 4 of the Bill says again:

“There shall be in accordance with article 57 of the Constitution also appointed as an officer of the National Assembly, as a member of staff of the Office of the Clerk of the National Assembly, a Deputy Clerk of the National Assembly.”

However, that is already there in the Constitution, so this is another duplicitous unnecessary provision. Then it lists the functions of the Clerk. I said, administratively we are not in doubt of what the functions of the Clerk of the National Assembly are. Therefore, if we are in doubt we can pass so kind of rule book, as it is done in the other countries or we can enhance and improve on our Standing Orders, but to make this the subject of legislation, is simply wrong.

Then we have “Acting Clerk of the National Assembly”, that is provided for by Article 6. Now this is a serious provision. It reads this:

“In the event of both the Clerk of the National Assembly and the Deputy Clerk of the National Assembly being unable for any reason, including if there are vacancies, to carry out their duties the Speaker of the National Assembly, may appoint any person to act as Clerk of the National Assembly for the time being and any persons so appointed, so long as his or her appoint continues, have all the powers and the functions of the Clerk of the National Assembly.”

Sir, this is violative of Article 57. Article 57 resides in the President a power to appoint a Clerk and a Deputy Clerk of the National Assembly. It is a presidential power. This Bill seeks to confer that power on the Speaker of the National Assembly to appoint someone outside of the Clerk and

the Deputy Clerk to perform the functions of the Clerk of the National Assembly. That is flagrantly in violation of Article 57 of the Constitution.

And if we are in doubt as to how presidential powers are to be exercise, Article 111, the framers of the Constitution did not leave it in doubt, they expressly provide on how presidential powers are to be exercise and those are listed in Article 111 of the Constitution. Article 111 sets out clearly that when the President has the power and he is to exercise it upon the advice or recommendation of anyone else, in this case Sir it is your good self, then if your Honour makes a recommendation and the President says no and remits it back to you and your Honour reconsiders it and sends it back, the President is obliged to accept your Honours recommendation a second time. So it is not that the framers of the Constitution did not cogitate and deliberate on how Presidential powers are going to be exercise. What this Bill seeks to do is to denude from the President a power which is vested in the President by the Constitution and resides, unfortunately, in your good self that power, putting you in problems, Sir.

Then sub-clause 2 of clause 6 continues and says that your Honour can appoint this person... it says:

“Notwithstanding subsection 1, in the absence from duty and other inability to perform the functions of both Clerk and Deputy Clerk of the National Assembly, extend for a period of more than three months, no person shall after the expiry of that period be appointed to act or continue to act as Clerk of the National Assembly, except with the approval of the Speaker and the appointment of the President.”

So the person can trespass for three months and then can seek Presidential approval. So Article 57 of the Constitution is being suspended essentially for three months.

Then sub-clause (3) compounds the problem further, where it says that:

“Both the Clerk of the National Assembly and the Deputy Clerk of the National Assembly are for some reason unable to carry out their duty and there is no Speaker of National Assembly or the Speaker of the National Assembly is absent from Guyana or is for any reason unable to carry out the functions of the Office, the Deputy Speaker may appoint a person to act as Clerk.”

So, not only is the Presidential power taken away and given to your Honour, if you are overseas it dilutes further, the Presidential power is relegated further to a Deputy Speaker of the National Assembly, which is an even more pronounced violation of the Constitution. **[Interruption]**

Then the next two lines that follow, obviously I believe it is a typographical error because it makes no sense. It says:

“National Assembly, while both Clerk of the National Assembly and Deputy Clerk of the National Assembly are unable to carry out their duties.”

That simply does not make grammatical sense.

Then I move to clause 7. Clause 7 is another very important clause:

“The Clerk of the National Assembly and the Deputy Clerk of the National Assembly shall each be appointed by the President on the recommendation of the Speaker.”

That is identical to Article 57, so again it is unnecessary. But it continues:

“After consultation by the Speaker with (a) the Prime Minister (b) the Leader of the Opposition and (c) such other members of the National Assembly as the Speaker considers desirable.”

The Constitution resides with you, a power to advise the President on who to be the Clerk. This Bill now adds a responsibility to you that is *ultra virus* the Constitution. So that you are now ... **[Interruption]** ... That is the point. I do not understand how it is that I have not gotten these points over. They have to change the Constitution because if tomorrow the President calls on the Hon. Raphael Trotman pursuant to Article 57 and says to Mr. Trotman, “Make a recommendation” and the Hon. Mr. Trotman refuses to consult with the Opposition and refuses to consult with the Prime Minister and he refuses to consult with any other Member, as this Bill obliges him to do, the Constitution tells him that he does not have to do that, so that this Bill is *ultra vires* and extra the Constitution. This Bill is imposing responsibilities that the supreme law does not impose, it is simple as that.

Mr. Speaker: Hon. Member your time is up.

Prime Minister and Minister of Parliamentary Affairs [Mr. Hinds]: Mr. Speaker, I move that the Hon. Member be given another fifteen minutes to continue his presentation.

Mr. Nandlall: So that is again violative. Then we come to the terms of the Clerk of the National Assembly and the Deputy Clerk of the National Assembly. Those are matters which are adequately and expansively provided for by Article 158 (4) of the Constitution and it says that so why say that when the Constitution says it already? You just do not pass a law because you want to pass a law. The thing is in the most supreme document of the country, why are you relegating it just simply to repeat it? This is obviously completely unnecessary.

Then Article 158 – again it is repeated. Clause 9 of the Bill it is a replication of Article 158 (5) (c). Clause 10 of the Bill is a replication of Article 158 sub-sections (1) and (2). Then we deal with the vacation of office. Now Sir, Article 158 itself speaks to how the Clerk of the National Assembly is to vacate his office. These are highly entrenched provisions of the Constitution, one cannot digress from the express provisions of the Constitution and that is what this seeks to do. First of all, the Constitution says that the Clerk shall be removed from office by the President, but shall not be so removed unless the National Assembly by a resolution, which has received an affirmation vote of majority of all elected Members, has so moved.

So you have explicitly how you remove the Clerk of the National Assembly. This is what is reflected in this clause. But it goes on; this clause now allows the President to suspend a Clerk of the National Assembly. So this is giving the President the power which the Constitution has not given the President. **[Mrs. Lawrence: Where are you seeing that?]**

“The Clerk of the National Assembly or the Deputy Clerk of the National Assembly shall be removed or suspended from office by the President.”

The Constitution has already given the President a power of removal, so you are now giving the President, by an inferior legislation, powers that the Constitution does not give him ...**[Interruption]** **[Mrs. Lawrence: That is why we will make it right at the committee]** I will deal with the select committee.

Then of course, the Clerk must take an oath - that is harmless and necessary, because we all take oaths. Then Sir, “Delegation of functions or powers” – as I said Article 57 establishes the office of Clerk of the National Assembly and Deputy Clerk.

3.40 p.m.

These are constitutional powers which are given to these two personnel which are not delegable under the constitution, but this bill now seeks to allow them to delegate a constitutional power. You cannot delegate a power that the constitution resides in you and you alone. Where are you getting that power to delegate? This again violates the independence and autonomy that is resided in the Clerk of the National Assembly. You are allowing that high power, that high constitutional office to be delegated by an ordinary law when the Constitution never contemplated that.

Clause 14 of the bill allows for the delegation to be revoked but it does not say by whom. It says “Every delegation under section 13 of this act shall be revocable in writing at will”, by whom? It does not say by whom. You are giving an authority a power to delegate a power that he cannot delegate and then apparently you are given somebody – a phantom person – a power to revoke that and to revoke it at will. That again violates Article 57 of the Constitution.

Then clause 15 of the bill, which is almost the end of the bill, seeks to establish an Office of the Clerk of the National Assembly. After all the long recitation about Clerk and Deputy Clerk and Acting Clerk and all these weird position they are creating, now at clause 15, almost at the end of the bill, it establishes the office that it has been speaking about all of the time. The scheme, the simple order of it is wrong and in any event, as I said, this office is already established by article 57.

I already spoke about the responsibility of the Clerk to Your Honour that Article 17 has and I have already dealt with how that undermines the very independence which the bill seeks to confer upon the office holder.

Then we go from clause 18 to clause 27 and these clauses, I submit, are in direct violation of Article 171 of the constitution because the cumulative effect of these article or these clauses are

that they confer a charge upon the Consolidated Fund without complying with the prescription outlined and required by Article 171 of the Constitution.

Sir, I have read your proposed ruling and I most humbly wish to disagree with it on this ground. Your Honour took the position that Your Honour has no power to stop the bill from going through but permit me to point Your Honour's attention to Article 171:

“Subject to the provisions of this Constitution and of the rules of procedure of the National Assembly...”

Hence everything is subject to the Constitution. Article 8 says that the Constitution is the supreme law and anything that contradicts that supreme law violates the Constitution so Article 171 and everything that goes on in this Parliament is subject to the Constitution.

“...any member of the National 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 and disposed of according to the rules of procedure of the National Assembly.”

Hence if a legislation, a bill, is violates Article 8 of the Constitution then it ought not to be proceeded with.

Mr. Speaker: Is the court not the proper institution to determine constitutionality or unconstitutionality?

Mr. Nandlall: If Your Honour is still in doubt...

Mr. Speaker: That is why the court has always sat to do just that and have struck down many laws that this Assembly had passed.

Mr. Nandlall: I do not dispute the court's power to strike down after it has passed but that does not mean that the court cannot intervene before it is past but quite apart from that Article 171 (2) says:

“Except on the recommendation or with the consent of the Cabinet signified by a Minister, the Assembly shall not - [Hence the Assembly is prohibited from proceeding.]

- (a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding, [That is Your Honour] makes provision for any of the following purposes -
- (i) for imposing or increasing any tax;
 - (ii) for imposing any charge upon the Consolidated Fund or on any other public fund of Guyana or for altering any such charge otherwise than by reducing it;”

Here there is a whole regime that is created. The cumulative effect will be a charge on the Consolidated Fund.

Mr. Speaker: Certainly you accept that there is already a charge so it is not as if this is creating a new charge. The Clerk gets paid, the Deputy Clerk gets paid. It is not as if this bill seeks to create a new charge which is unheard of.

Mr. Nandlall: Sir, the language is this: “for imposing any charge”. It says “or for altering any such charge otherwise than by reducing it.” Clearly, one has a power to reduce. If one attempts to increase that charge then one cannot attempt to proceed with the bill unless a Minister of the Government gives his consent. That is what the cumulative effects of these provisions are. Because you are seeking to add employment you are seeking to increase charges and wages and salaries which you are saying in the bill are going to be charged on public funds and the Constitution says that if you are to do so then you must proceed only with the consent of a Minister.

I am unable to persuade and convince my friends. The utterances that I am hearing are devoid of any reason. I have not made a single political remark. I prefaced all of my submissions on pure issues of law and all I can get on the other side is childish and infantile ranting.

For the reasons outlined we have advised the Hon. Member, the Chief Parliamentary Counsel detailed to the Hon. Member based upon the information I arrived at, that the bill is incapable of correction because we tried to correct it and therefore even if it goes to the Parliamentary Select Committee it is incapable of correction and that is the Government’s respectful position. I thank you. *[Applause]*

Mr. Speaker: Thank you, Hon. Attorney General.

Mr. Ramjattan: Mr. Speaker, it would be very much remiss of me not to make a couple of remarks so as to rebut what was just said. We have an Attorney General here who almost with a portion of the machine that he normally uses of slicing up that which is coming from the Opposition as if it is all utter nonsense.

We have been pleading, as you mentioned, Mr. Speaker, that we have to get some support in relation to legislative drafting. But we have also indicated in this Hon. Assembly that we have passed certain recommendations and we have supported certain reports, one of which is the Bradford Report that I mentioned last time, then there is the Michael Davies Report and the Pinder Report. All of these reports that Government over there have supported in relation to two things:

1. The staffing of this branch of Government being independent and controlled by the Clerk.
2. That there is independence, financially.

We now come here and hear that the Hon. Attorney General, the first one I am hearing arguing this point – Mr. Ramson, Mr. Singh, Mr. Bernard De Santos, none of them did before – saying that those recommendations that we unanimously decided on have been now blocked by the Constitution of this country. I am indicating that there is absolutely nothing blocking those recommendations and, all of those arguments mentioned just now are erroneous and flawed just like the Attorney General was told by the Hon. Chief Justice in relation to the Committee of Selection and the Budget Cases too.

This Attorney General pays lots of attention to the Constitution. I want him to read that same other article that he is quoting so much from. The article says, Article 172:

“Subject to provisions of paragraphs (2), (3) and (4), Parliament may by law determine the privileges, immunities and powers of members of the National Assembly...”

What do paragraphs (2), (3) and (4) say? Paragraph (2) says this:

“No civil or criminal proceedings may be instituted against any member of this Assembly for words spoken before, or written in a report to, the Assembly or to a committee thereof or by reason of any matter or thing brought by him therein by petition, bill, resolution, motion or otherwise.”

This Hon. Attorney General is suing you and the Opposition Leader as Members and this article says that one cannot bring civil proceedings. He goes about “Oh! This Constitution is supreme!”

Mr. Speaker: Mr. Ramjattan, could we confine ourselves to the debate at hand and that is the matter of the bill in the name of the Hon. Member, Mrs. Lawrence.

Mr. Ramjattan: It is relevant because when one wants to put the word “paramountcy” of the Constitution conveniently so you are going to bring cases against Members... I am indicating that this Hon. Attorney General is being very “convenient” when he argues his position. Attorneys General must be principled right down the line.

I want to tell him that in relation to the Financial Management and Accountability Act...

Mr. Speaker: Mr. Ramjattan, the Bill is Mrs. Lawrence’s Bill dealing with the Clerk.

Mr. Ramjattan: Yes.

Mr. Speaker: The principle position of the Attorney General or any other Member is not under debate at this time; neither is the Fiscal Management and Accountability Act. I think that we have some matters dealing with that to come. The learned Attorney General made some points with regard to the Bill and you said that it would be remiss of you not to rebut so I ask you to confine your remarks to those.

Mr. Ramjattan: Sir, I am indicating that in our legislative framework we can have exactly as proposed by the Hon. Member... [**Mr. Nandlall:** Give reasons.] ...and we will give reasons. The reasons have been given. All of those that are in there we have indicated coincide with what this Parliament had agreed to in the three reports. And when you are now going to pretend that at that time it was not unconstitutional and that you are going to concretise it in the form of a piece of legislation and the legislation is not coming – its gestation taking such a long time. Now when it comes from the Opposition, you block it by saying, “Oh! Those things are unconstitutional”.

I am indicating that we the Members in this House be allowed to send this Bill to the Select Committee. And whatever are the arguments that will come up there in relation to those clauses that have to be deleted, like so many Bills from Government... They have proposed a lot of Bills that were sent to select Committees and very many provisions had to be shaved off and severed but they still went. All of a sudden, this Minister is saying that none of these things will ever pass muster; the Bill is incapable of passing muster. Well we on the other side are of a different opinion and we have waited 15 years almost for something to ensure that the Clerk has certain powers and that you, yourself, Mr. Speaker, have certain powers. The actual nitty-gritties of the Bill are all going to be determined in that Select Committee because we can have a number of these things done there.

My point in relation to the Financial Management and Accountability Act (FMAA) is that in that Act a lot of the financial provisions in the Constitution were played back in that Act. There is nothing wrong about quoting constitutional provision; it reinforces it, as in Section 34 of the Financial Management and Accountability Act. It says that all public monies raised shall go into the Consolidated Fund. That is Article 216. We got a lot of the article here where they are saying "Parliamentary legislative authorisation will be needed for appropriations". That is Article 217. So what if a Bill has the provisions of the Constitution? Was the FMAA diluting the effect of the Constitution? I have never heard these kinds of arguments and I want to say that I support, on behalf of the Alliance For Change, and that this Bill goes to the Select Committee. [*Applause*]

Mr. Speaker: Thank you very much. Hon. Members, I invite Mrs. Lawrence to conclude the debate. You started by saying that you intended to refer it to a Special Select Committee.

Mrs. Lawrence (replying): Yes, Mr. Speaker, I ask that this Bill standing in the name of the Office of the Clerk of the National Assembly Bill, Bill No. 8 of 2012, be sent to a Special Select Committee. Thank you, Sir.

Mr. Speaker: Hon. Members, before we proceed I think that it is apposite and appropriate that I perhaps refer to just a few salient points in my ruling lest we become confused. On page 2 at paragraph 10, I said:

“The question is: Does this National Assembly, as does his Excellency the President, have a fiduciary duty to ensure that all Bills meet the constitutional qualifications and threshold? I would answer in the affirmative.”

I went on to say that I believe that the High Court is the best place to determine constitutionality.

“It is my humble opinion [In paragraph 11 I stated] therefore that this Assembly has both a legal and moral duty to introduce and pass Bills that are not in contravention of the Constitution.”

Then at paragraph 16 I did say:

“I have examined the procedures in Standing Orders 54, 59 and 95 and believe that notwithstanding the objections raised by the Hon. Attorney General and Minister of Legal Affairs that a Special Select Committee can examine the due and proper regularity of the provision of the Bill and advise this House Accordingly. In addition that Committee will obtain the benefit of expert legal advice...”

I go on at paragraph 17 to say:

“I am confident that our parliamentary colleagues once seized of all of the facts and appreciating all of the circumstances will send to the House a Bill that we can all be proud of so it is the best place to dilate on whether or not its clauses are good and sound and then advise this House accordingly.”

I am still satisfied that this House will not act in a manner that is irregular. Thank you.

Bill read a second time and referred to a Special Select Committee.

Sitting suspended at 4.00 p.m.

Sitting resumed at 5.10 p.m.

MOTIONS

Mr. Speaker: Hon. Members, the sitting has resumed. Thank you. Please be seated. Hon. Members, at the time that we took the suspension we were at the point of inviting the Hon.

Member, Mr. Greenidge to move a motion for the introduction of the Fiscal Management and Accountability Amendment Bill, Bill No. 24/2012. I had indicated to Mr. Greenidge before he rises that I did have some concerns about this Bill. He and I have since met and some aspects have been clarified for my benefit. Nonetheless I continue to have some concerns but at the end of the day, as I indicated previously, it is for the House to decide whether or not this Bill goes forward. I can only voice my concerns and they have to do with the fact that the Bill seems to take some agencies out from where they are and not place them in another schedule but, as I said, I have discussed these concerns with Mr. Greenidge and I do not believe that I am empowered and should try to stop them. Proceed, Hon. Member.

FISCAL MANAGEMENT AND ACCOUNTABILITY (AMENDMENT) BILL 2012 – No. 24/2012

BE IT RESOLVED:

That this National Assembly, in accordance with Standing Order No. 52(1), grant leave for the introduction and first reading of the Fiscal Management and Accountability (Amendment) Bill 2012 – Bill No. 24/2012 –

A BILL intituled AN ACT to amend the Fiscal Management and Accountability Act 2003. [*Mr. Greenidge*]

Mr. Greenidge: Thank you very much, Mr. Speaker. I thank you very much for informing our colleagues as to the care with which you exercised your functions in seeking to guide Members to ensure that we do justice to the work that we do. I would only wish to assure you that to the extent that you have concerns which clearly might be shared with others it is for the House, in the course of the debate, to examine those to their satisfaction and take a decision. For the moment then, Mr. Speaker, may I ask that it be resolved that the National Assembly, in accordance with Standing Order 52 (1), grant leave for the introduction and first reading of this the Fiscal Management and Accountability Amendment Bill 2012, Bill No. 24/2012, intituled an act to amend the Fiscal Management and Accountability Act of 2003.

In essence the Bill seeks to deal with a matter which I am sure is close to all of our hearts. As it stands at the moment this, the original Bill, in so far as it carries a schedule which pertains to

Article 222 (a), is a flagrant violation of the Constitution and that is what we are seeking to amend here. It is in keeping with a motion that has already been approved by this House. Mr. Speaker I so move.

Mr. Speaker: Thank you. Hon. Members, the Member has moved that this Bill be considered. If there is any Member that wishes to give a statement as to why leave should not be granted he or she may do so now.

Minister of Finance [Dr. Singh]: Mr. Speaker, I rise to speak to the motion moved by the Hon. Member, Mr. Carl Greenidge on the matter of his proposed introduction of an amendment to the Fiscal Management and Accountability Act, 2003; a 2012 Amendment, of course, to the original principle enactment of 2003.

Like you indicated, Sir, in your remarks just delivered, the Bill seeks to remove from the schedule to the Fiscal Management and Accountability Act certain listed entities. I wish to submit, Sir, that the Bill, notwithstanding its apparent simplicity is in fact fundamentally flawed for a number of reasons which I will outline briefly and on the basis of which I will ask that this Assembly not grant leave for the Bill to be proceeded with.

Firstly, Mr. Speaker, I wish, with your permission and paying due deference to your good self, Sir, and without any intensions of repeating arguments made earlier, I wish to refer to the ruling you delivered earlier today and the observations made by the Hon. Attorney General and would like, with the greatest of respect, and as I said paying appropriate deference to your office and to your superior legal learning in these matters, urge you to reconsider the matter of your interpretation of Article 171 (2) of the Constitution.

That article, to my layperson's eyes says that this National Assembly shall not proceed upon any Bill, including an amendment to a Bill, which in the opinion of your good self, makes provision for any of the following purposes, unless that Bill or amendment to a Bill comes to this National Assembly with the prior consent of the Cabinet, signified by a Minister. Included amongst those matters is the imposition of any charge upon the Consolidated Fund or for altering any such charge otherwise than reducing it; the Attorney General, in fact, read this very subparagraph of this article. Article 171 (2) (a) (iii) says further that amongst these matters would be any matter that would have the purpose of or the consequence of payment issuance withdrawal from the

Consolidated Fund of any monies not charged there on for increase in the amount of any such payment, issue, withdrawal, etcetera. There are a number of other matters listed.

The Standing Orders which govern our proceedings in this august Assembly in fact replicate the very constitutional article. Standing Order No. 25 attaches to the right of a Member to introduce a Bill or propose a motion. Standing Order No. 25 attaches a proviso which replicates the provisions of Article 171 including, in particular...

Mr. Speaker: 25?

Dr. Singh: 25 (1), Sir. It says very clearly in the proviso:

“The National Assembly shall not, except on the recommendation or with the consent of the Cabinet signified by a Minister, proceed upon any Bill or an amendment to a Bill which in the opinion [of your good self, Sir] makes provision [for the same matters that were listed in the Constitution].”

Mr. Speaker: 25 (2)?

Dr. Singh: 25 (1). In fact 25 (2) goes on to stipulate: “The signification of the recommendation of the consent of Cabinet shall be recorded in the Minutes of Proceedings.” For this reason it would be recalled that on bringing any financial matter to this National Assembly it is customary that I, as Minister of Finance or whoever else is presenting the matter on my behalf or in my stead or on behalf of the Government, would signify the consent of Cabinet to proceed with the matter concerned. In fact this, since time immemorial, has been the language contained in the first paragraph of the Budget Speech and it has been the signification that is tendered before consideration of any financial paper or any financial Bill.

5.20 p.m.

Mr. Speaker, on those grounds, like I said, and with the greatest of respect to you, I would urge you to reconsider broadly your interpretation of this particular article and specifically the matter of the admissibility of this amendment Bill on the grounds that it is clear that to the extent that this Bill purports – I am doubtful that it does actually have that consequence, but that is a different matter – to put in place measures that will govern the provision of funding to any of

these entities, then, in fact, its consideration must be preceded by and premised upon the consent of Cabinet and formal signification thereof. Surely if the argument is that this Bill will have the effect of putting in place some arrangements whereby these entities will have access to public finances, be able to draw on the Consolidated Fund, be able to incur public expenditure under whatever mechanism, then this Bill will fall within the ambit of article 171 of the Constitution and Standing Order 25.

I would go further and say that the Bill also contains a number of other - at least a couple of other - immediately observable deficiencies not least amongst which it seeks to remove from the Schedule entities that are, in fact, not in the Schedule. For example, it lists the Judicial Service Commission which, in fact, is not a budget agency and is not listed in the Schedule. Surely that must be deemed to be a most fundamental flaw. It would seem reasonably evident that one cannot remove from a Schedule something that is not there in the first instance.

Furthermore, if the intention of the Bill is to somehow give service or effect to article 222A of the Constitution that speaks to certain entities in the Third Schedule - it would be recalled that the Third Schedule lists a number of entities that are the subject of article 222A - then one surely could not arbitrarily select entities or additional entities for inclusion in this list. The Constitution is very clear; it accords a certain treatment within the same article 222A to a finite list of entities named specifically in the Third Schedule to the Constitution.

I submit to you, Sir, that the entities listed in this amendment Bill, in fact, do not coincide identically with the Third Schedule entities and it is not clear at all the basis on which these entities were identified and others omitted because if the intention is to demonstrate some faithfulness to the Constitution, then surely the Bill would be faithful in replicating the entities listed in the Third Schedule and not arbitrarily list a motley crew of entities and arbitrarily omit others that are specifically named in the Third Schedule. I therefore suggest that the intention could surely not be any measure of faithfulness to article 222A, otherwise the entities named would have been those named in the said article and its derivative Schedule.

Finally, Sir, as you pointed out with your customary acuity, the Bill, in fact, removes from the Schedule entities which would be governed by the provisions for making financial allocations to these entities but makes no alternative legislative stipulations as it relates to the finances of these

entities. I believe, Sir, this was the basis for your own reservations, if I understood them correctly. Before I come to if we are going to remove..., the Schedule to the Fiscal Management and Accountability Act (FMAA) names budget agencies and it then prescribes a very elaborate architecture governing the financial management arrangements that will apply to these entities. By removing these entities and not articulating an alternative set of arrangements to govern their financial management and provision of financial allocations, etcetera, these entities are effectively left in no man's land. I agree entirely with the reservation that you have. As I said, that reservation was most appropriately, Sir, identified by your good self and I concur entirely with it because we would be left, were we to proceed with this enactment, with a situation where these entities would literally be standing on the proverbial saying of no man's land with no statutory or legislative provisions to stipulate how they are to be provided with finances.

I would submit, on those bases, that the Bill is so fundamentally flawed that it should not be proceeded with by this honourable House and, indeed, were you, Sir, to be favourably and graciously inclined to revisit the matter of your interpretation of article 171 (2) and Standing Order 25, I would submit that the Bill is more than flawed. It, in fact, collides with the Constitution and that Standing Order.

With those remarks, I urge this honourable House to invite the Hon. Member to withdraw the Bill and reconsider its contents and perhaps at some future date, return to the House with something that is not as replete with flaws as the current Bill is before us.

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

Mr. Speaker: A number of the matters raised have been addressed to me. My interpretation of article 171 (2) and Standing Order 25 is that there must be a specific charge being sought in the Bill. Every Bill will, in some way or the other, touch and concern the Consolidated Fund and if that were to be the case, it would mean that no private Member's Bill will ever see the light of day and so it must be that what is contemplated here would be... Say, for example, I set up a regime for the catching of stray animals and I say that each stray catcher shall be paid a sum of \$10,000 for each cow, then that is a direct charge. But for me to be so generous and sweeping would mean that nothing would ever, as I said, see the light of day from the private Members. The point is made and I note, with great interest, what I would call today the Nandlall's doctrine

on what Bills shall receive assent, which is perhaps the prerogative of the Government, but, at the same time, this House does have constitutional responsibilities and it is not my role to fetter or to restrict any Member from coming. If he or she, as I said, specifically says or makes a request in a Bill or in a motion that imposes a charge or cause for the payment, issue or withdrawal from the Consolidated Fund, then, yes, I believe that my powers are quite clear. But in a case such as this, I do not believe that the Constitution and or the Standing Order have been violated.

Mr. Greenidge (replying): Mr. Speaker, I thank you very much for the opinion you have given. May I refer you to Standing Order 52 (2) which states:

“If a motion for leave to introduce a Private Member’s Bill is opposed, the Speaker, after permitting a brief explanatory statement by the Member moving for leave and by the Member opposing it, may without further debate or amendment, put the question.”?

I would like to invite you to do so, Mr. Speaker.

Question put.

Mr. Hinds: Division.

Mr. Speaker: Could I have a sounding of the bell for the division please?

Bell rang.

Assembly divided: Ayes 33, Noes 30, as follows:

Ayes

Mr. T. Williams

Ms. Marcello

Dr. Ramayya

Mrs. Garrido-Lowe

Mrs. Hughes

Noes

Mr. Jaffarally

Mr. Damon

Dr. Persaud

Rev. Dr. Gilbert

Dr. Mahadeo

Mr. Nagamootoo

Mr. Ramjattan

Ms. Ferguson

Mr. Morian

Mr. Allen

Mr. Jones

Mr. Adams

Ms. Baveghems

Mr. Sharma

Mr. Bulkan

Mr. Bond

Ms. Kissoon

Mr. Trotman

Ms. Selman

Mr. Allicock

Ms. Wade

Mr. Felix

Ms. Hastings

Mr. Scott

Lt. Col. (Ret'd) Harmon

Mr. Greenidge

Mr. Seeraj

Mr. Neendkumar

Mr. Lumumba

Mr. Chand

Ms. Shadick

Mrs. Chandarpal

Ms. Teixeira

Bishop Edghill

Mr. Whittaker

Mr. Baksh

Mrs. Sukhai

Ms. Webster

Mr. G. Persaud

Ms. Manickchand

Mr. Benn

Dr. Anthony

Mr. Ali

Dr. Ramsaran

Dr. Westford

Mr. R. Persaud

Dr. Singh

Mrs. Backer

Mrs. Rodrigues-Birkett

Dr. Norton

Mr. Nandlall

Mrs. Lawrence

Dr. Ramsammy

Mr. B. Williams

Mr. Hinds

Ms. Ally

Dr. Roopnarine

Brig. (Ret'd) Granger

Motion carried.

Title of Bill read.

**FORMER PRESIDENTS (BENEFITS AND OTHER FACILITIES) (AMENDMENT)
BILL 2012 – No. 25/2012**

BE IT RESOLVED:

That this National Assembly, in accordance with Standing Order No. 52(1), grant leave for the introduction and first reading of the Former Presidents (Benefits and Other Facilities) (Amendment) Bill 2012 – Bill No. 25/2012 –

A BILL intituled AN ACT to amend the Former Presidents (Benefits and Other Facilities) Act 2009. [*Mr. Greenidge*]

Mr. Speaker: Hon. Members, we have another Bill in the name of Mr. Greenidge intituled Former Presidents (Benefits and Other Facilities) (Amendment) Bill. Mr. Greenidge, another Bill, Bill No. 29 has come in with the same title so I invite you to address that please.

Mr. Greenidge: Thank you very much Mr. Speaker. I beg your leave to put a small dilemma to you. As you have indicated, Bill No. 25 and Bill No. 29 are substantially the same, the second one incorporating the formality of a repeal of the original Bill of 2009, incorporating nothing else except making mention of the repeal of the original Bill of 2009. It is our intention to have this Bill before us, right now, Bill No. 25, be replaced by Bill No. 29.

Mr. Speaker: You are withdrawing Bill No. 25 of 2012. Bill No. 29 of 2012 has been circulated by the Clerk. I think I saw it for the first time when it appeared on the Order Paper, but we will not be able to proceed with that today. We are not proceeding with Bill No. 25 at all and Bill No. 29 will go through the normal course of things of this nature.

Mr. Isaacs, please be guided.

Bill withdrawn.

PUBLIC MONIES ON MARRIOT HOTEL BE HALTED UNTIL APPROVAL BY THE NATIONAL ASSEMBLY

WHEREAS on the 27th day of June, 2012, a Motion of this National Assembly was successfully approved which said Motion, among other things, resolved that the responsible Minister of Government:

- (a) Makes financial provision for the urgent commencing of an independent financial audit of the operations of National Industrial Commercial Investment Limited (NICIL); and
- (b) Provides the National Assembly as early as possible with:
 - (i) A detailed report on the disposal by sale or otherwise of all state assets entrusted on NICIL and the Privatisation Unit, the terms on which they were disposed of and the criteria used;
 - (ii) The outstanding bi-annual reports and annual audited accounts required of NICIL and the Privatisation Unit under the relevant legislation;
 - (iii) The handing over report from the Former Executive Director of NICIL (and Head of the Privatisation Unit and), Winston Brassington; and
 - (iv) Report on the disposal by sale or otherwise of all other state assets, including the terms on which they were disposed of and the criteria used;

AND WHEREAS the responsible Minister has failed to fully comply with the terms of the above-mentioned Motion, now known as Resolution No. 14 of 2012 of this National Assembly, to make the necessary financial provision or to provide the reports and information thereunder;

AND WHEREAS it is a notorious fact that NICIL has prime State Lands known as Block Apha, Kingston vested to it by Order of Minister Ashni Singh dated 23rd November, 2010 which vested is an illegality since NICIL is not a public corporation;

AND WHEREAS another illegality occurred when NICIL leased the said Block Alpha, Kingston for 99 (ninety-nine) years to a subsidiary company of NICIL, namely, Atlantic Hotels Incorporated which is the front company for the Marriot Hotel Project;

AND WHEREAS the moneys being invested by NICIL into Atlantic Hotels Incorporated are public moneys as defined by the Constitution and the Fiscal Management and Accountability Act, which moneys ought to be made payable into the Consolidated Fund;

AND WHEREAS the expenditure of public moneys, to be constitutional and lawful, has to be authorised for spending and/or investment by the majority approval of the National Assembly;

AND WHEREAS Government is using NICIL as an instrument, whether directly or indirectly through its subsidiary Atlantic Hotels Incorporated, to unlawfully acquire public lands and then to lease such lands, and also to spend billions of dollars of public moneys into the Marriot Hotel Project so as to avoid and evade authorisation and approval of the National Assembly,

“BE IT RESOLVED:

1. That the National Assembly finds it wholly repugnant that this illegal course is being taken by NICIL and its Directors and officers, which course is aided and abetted by the Government of Guyana;
2. That NICIL, excepting those necessary administrative costs for maintaining its running operations annually, forthwith pays into the Consolidated Fund all revenues and proceeds from the sale of all properties and shares of companies belonging to the State and vested in the name of NICIL during the period 1992 to 2012; and
3. That no further expenditure be incurred by NICIL or its subsidiary Atlantic Hotels Incorporated on the Marriot Hotel Project without the authorisation and approval of this National Assembly.” *[Mr. Ramjattan]*

Mr. Speaker: Members, before we proceed, I wish to state that I communicated with Mr. Ramjattan this morning, on reflection and having a second look at this motion, that there were some aspects of it which caused me some angst. There were some strong references to legality and illegality, but more importantly the first resolve clause of Mr. Ramjattan's motion specifically states that this House found certain behaviour or acts to be repugnant, which language, I must say, as I said to Mr. Ramjattan, I felt was a little excessive and has not been the language of this House. It then goes on to speak of illegalities and it speaks of aiding and abetting which, in my view, as I indicated to Mr. Ramjattan, are findings that a court of law can and should make. For those reasons I advised that the first resolve clause be deleted from the motion and the second and third which, I believe, preserve what the original intent was, be proceeded with. I thought that that should be made known and I believe that the Clerk has given effect to that and Mr. Ramjattan has understood. On that basis, Mr. Ramjattan, you may proceed.

[**Mr. Ali:** It is excessive by nature.]

Mr. Ramjattan: Thank you very much Mr. Speaker. As the heckler just mentioned, I am not excessive. I will respect your legal opinion on the deletion of that resolve clause and I will proceed. [**Mr. Benn:** Have you not consulted before?] There was no consultation before – absolutely none.

[**Mr. Ali:** The Speaker is the Chairman of the party still. Do not forget that.]

Mr. Speaker, for the purpose of getting across very graphically the message in relation to this motion, I want Members of this National Assembly to conjure up a situation whereby, as in the United States of America today...

Deputy Speaker [Mrs. Backer]: Mr. Speaker, on a Point of Order, I know we do not usually deal with heckling, but there is a consistent heckler heckling that the Hon. Speaker is still the Chairman of the Alliance For Change (AFC) and I am wondering if... [**An Hon. Member (Government):** What is your Point of Order?] It is untrue. It is inaccurate and malicious.

Mr. Speaker: The records in this country will show that, yes, I was Leader and Chairman of the Alliance For Change. I gave up that position many months ago. All of that is well known. If, on

the other hand, Members want to heckle me about it, I accept it as a badge of honour. I am proud of the fact that I was once Chairman of the Alliance For Change, so it is not a problem for me.

Minister of Water and Housing [Mr. Ali]: Mr. Speaker, I am very surprised that the Hon. Member Mrs. Backer, a senior politician of this country, would not know who the Chairman of the AFC is. That shocked me. I concur with you. They should know these things as politicians.

Mr. Speaker: Very well. Let us proceed. I am not offended.

Mr. Ramjattan: I was indicating to, more or less, get the situation and the scenario graphically communicated. I want to let Members here conjure up a scenario whereby President Obama of the United States of America would have sold off half of Texas and constituted a corporate entity, private in nature, in which he then takes the sale of the assets on behalf of Texas, puts it inside of that private company and after putting it there the private company's board of directors then goes and builds a Marriot Hotel USA. That is the scenario. What would the House of Representative Members do if indeed President Obama did that? If that could just be held for one moment, I will then proceed now to show how very irregular what has happened here with the money of the National Industrial and Commercial Investments Limited (NICIL) and the public and how they spend in the context... It is very much an analogy that the Members on the Government side are going to appreciate when I come to the end of my speech.

This is a contentious, controversial, but I must say, history making motion in this august Assembly, titled "Public Monies On Marriot Hotel Be Halted Until Approval By The National Assembly." This motion seeks to get to the bottom of that private company called NICIL which is quickly becoming a quasi-Consolidated Fund for the Government's special spending. This motion seeks to reveal how Government, through the device of this company, NICIL, is flouting our constitutional provisions concerning the public purse and, more particularly, how this important institution, that is this National Assembly, is being overlooked in relation to public moneys, how it has been made impotent in relation to how spending and investments of public moneys should be done and how a board, a set of Members there, comprised, as far as my recollection goes, the Hon. Minister of Finance, Mr. Brassington, Dr. Luncheon, Geoffrey DaSilva and, I think, Ms. Sonia Roopnauth, by its action of holding on to State revenues in the

account of NICIL and then spending same on a project, this infamous Marriot Hotel project costing some US\$52 million...

Ordinarily, what would have happened when there was a capital project, such as a Marriot Hotel? It would have come here under either the budget, capital estimates, or under the Appropriation Act earlier this year, under some item where there would have been a proper agency head and a voted provision sought. That is what capital projects' procedures would have been. Parliamentarians would have had the ability and capacity to ask questions based on the legend and could have done so to the Minister who would have been bound to answer. Parliamentarians then could have voted on that item and if they would have wanted to reduce or to cut that project, it could have so been done. That is the procedure for processing our taxpayers' finances into a major capital project such as the construction of a hotel, one as big as the Marriot Hotel project, but that is missing here. This National Assembly cannot scrutinise this capital project neither can we vote on it when State revenue, taxpayers' moneys, in the quantity of some US\$21 million out of that US\$52 million, is going into this project. We do not have a line item. We do not have an agency head. We cannot ask questions on the legend. We cannot even vote on it!

Before I touch on those important matters more specifically, I want to state my purpose for the first "WHEREAS" clause which mentions a previous motion brought here by Mr. Carl Greenidge and which is now Resolution 14 of 27th June, 2012. This resolution of the House must be appreciated for what it is. It is a command of this House that the Minister of Finance makes financial provision for the commissioning of an independent audit of NICIL, that a report be provided to the House as to the sale of all State assets entrusted to NICIL, including terms on which they were disposed. From all appearances, this command of this House, through that resolution, is not being heeded. It seems like the Minister and the company, NICIL, have certain immunities and privileges which entitle them, the Minister and NICIL, to dismiss this honourable House's command. It is as though they are beyond scrutiny, beyond reproach and beyond accountability. Well I want to reassure this House that this Opposition, and at least the Alliance For Change, will not make it happen.

NICIL, vicariously through the Minister of Finance, and the Minister of Finance, personally, are accountable to this House and that is a concept that they apparently do not understand. They are

accountable to this National Assembly! This House must not countenance such an exercise of defiance of the Assembly's command from a company, the veil of which when lifted reveals that section of the Cabinet well known as the financial sultanate of Guyana - the Hon. Minister of Finance, Dr. Luncheon of the National Insurance Scheme (NIS) fame, Mr. Brassington of so many other companies fame, *et al.* This House must express, in this motion, its concerns – I had to delete the word “repugnance”, Sir – about the conduct of those players involved. It is what I regard as something that is wrong which ought to be extended to the Government which, as I said, in a sense, is encouraging that conduct of NICIL. This exercise of defiance to this House's command reveals that NICIL, and the prime movers behind it, has this disposition of re-configuring what the financial architecture of this State is.

I wish to lay against NICIL and its prime movers the activity of arranging for the vesting of State lands known as Block Alpha in Kingston into the proprietorship, unto NICIL, by no other person but the Minister of Finance. There is the vesting Order which makes NICIL and its prime owners look even worse.

5.50 p.m.

For those who do not know, Minister Ashni Singh, by an Order dated 23rd day of November, 2010, under powers granted to him, I concede, by the Public Corporations Act of 1988, which only permits the vesting of State lands to public corporations, not privately incorporated companies under the Companies Act - then erroneously thinking that he had such powers - vested it in to the private NICIL - this Block Alpha.

Mr. Anand Goolsarran – he used to be the Auditor General of this country – in a brilliant piece, “Revisiting NICIL Part 2,” which by the way went uncontroverted, and it was published in the *Stabroek News* of 9th October, 2011, was one of those who discovered, of what I will call, the wrong. I had the word illegality here but I had to delete it. He wrote about it recently. Mr. Christopher Ram, also, earlier had done so in very many articles in his business page in the *Stabroek News* newspaper. This is what the former Auditor General, whom I respect and I am certain those over there respect him too, after his researching of the matter had to say:

“NICIL is a body corporate owned by the State and a private limited liability company incorporated under the Companies Act. While section 6 of the Public Corporations Act

permits the concerned Minister by Order to reconstitute a company in which controlling interests vest in the State in to a public corporation, there is no evidence that this was done in respect of NICIL. NICIL, therefore, is not a public corporation in the context of the provisions of the Public Corporations Act. It follows, then, that section 5 is not applicable and therefore moveable and immovable property of the state cannot be vested in NICIL.”

The Minister of Finance may want to answer, when his time comes, when it was that he reconstituted NICIL from a private company into a public corporation under the Public Corporations Act 1988. Let us see the Order which was subject to negative resolution or the notification in the *Gazette*, whichever one applies to that reconstitution.

It is important to understand that, indeed, the Hon. Minister can vest public lands from one public corporation to another public corporation or from the State to a public corporation by vesting Order but he cannot do so – I have studied the provisions too – under the Public Corporations Act in favour of a private company! Otherwise, he could easily vest away our lands to any private company – Queens Atlantic Investment Inc. (QAI) – and that is not the architecture financial framework of our State!

The vesting by the Minister of Finance of State property, Block Alpha, to a private company, which he along with others controls at NICIL, is most troubling. This prime State land was not even given a valuation. But valuers who I have spoken to have indicated that it is no less than approximately US\$2 million. It does not end there. After vesting the land worth so much, the Minister, as Chairman of NICIL, along with the other Members thereof then set up a subsidiary company called Atlantic Hotels Incorporated (AHI), which is run now by the Board and Mr. Brassington, who is Chief Executive Officer (CEO) of NICIL, and had this Block Alpha lease. It was vested to NICIL from the State, from the Minister to the Chairman of the Board, and now to AHI for ninety-nine years at one Guyana dollar per square foot. This thing is incestuous, so much so that, as a matter of course, it will breed deformity. What is that deformity, Mr. Speaker? Mr. Goolsarran, again, pointed out:

“If the Minister has deemed NICIL to be a public corporation, mistakenly or otherwise, and has transferred assets to it, then he has a duty to comply with the Public Corporations Act and not the incorporation documents of the private company.”

This is the smartness about it. The Government uses NICIL conveniently as a public corporation to vest prime lands to it and it is not, by the way, a public corporation. To continue the argument, assuming it is a public corporation, when it is time to spend the proceeds from the property, it regards it as a private company so that it could spend as it wants. That is not under the Public Corporations Act. All moneys, under the Public Corporations Act, of a public corporation must go to the Consolidated Fund. It is so conveniently and cleverly used and because of the inconvenience of the Public Corporations Act, as I mentioned here, its disposal is in accordance with a private company. The Government falls back conveniently under the Companies Act for purposes of disposal. What all of this would necessarily mean is that NICIL ought not to have been in this rental business of a dollar per square foot.

I want to bring to the attention of this honourable House that when NICIL was created its purpose was for “the subscribing for, taking or otherwise acquiring or holding shares, stocks, debentures or other financial instrument of any company, co-op society or body corporate”. It ought not, then, to be in the business of forming subsidiaries and then renting its properties to these subsidiaries in such sordid incestuousness as present here. This is improper; this is wrong!

It should be understood that NICIL was formed initially to monitor the performance of state-owned and controlled entities and other Government investments and to ensure all revenues derived are collected and paid over to the Consolidated Fund. In addition to having State property vested in its favour, NICIL goes on to form a subsidiary company and then rent. Apparently, it wants to get into the real estate business.

But more, NICIL also takes billions of dollars that it has from the takings of privatisation proceeds, from the sale of land, the sale of shares in public corporations, the sale of State assets, the sale of State shares and then hives those moneys into its bank account. I understand that only recently the Guyana Geology and Mines Commission (GGMC) paid over about a quarter of a million dollars to NICIL rather than, as the Constitution commands, place all of those moneys into the Consolidated Fund. I submit that not to put those moneys into the Consolidated Fund is

State misappropriation. NICIL then treats those moneys as its private property with an unhindered, unencumbered capacity to spend the moneys as it likes, so that the financial sultanates such as hotels, Marriot style..., and so they take the moneys and spend them.

I had done a paper on it entitled, “The Marriot is a Ponzi Scheme.” Again, it went uncontroverted. I had said in that article that \$2 million out of that \$21 million went to some Pakistani American, close friend of the former President, to do the design of the Marriot Hotel. Moneys totalling some \$21 million will have to be put into this project by NICIL - \$4 million as equity.

Mr. Speaker: Mr. Ali, you can object on a Point of Order if there is anything that he is saying is not true.

Mr. Ali: I will say something about that just now.

Mr. Speaker: Okay. If there is anything that he is saying is not true, you may rise on a point of order and correct him.

Mr. Ali: I will speak just now.

Mr. Speaker: Thanks.

Mr. Ramjattan: I will show in a moment that this \$21 million can turn out to be lots more in the long term. NICIL’s moneys are public moneys and it cannot spend them like that. What NICIL has in its bank account, which it will invest into the construction of the Marriot Hotel, is public money. The Fiscal Management and Accountability Act 2003 makes it clear what public moneys are. There is a definition in there. It means all moneys belonging to the State, received or collected by officials in their official capacity or by any person – and that means legal person too – authorised to receive and collect such moneys. That is what the FMAA states. That superior law called the Constitution, which was being heralded so much by my learned friend Mr. Nandlall, article 216 states this:

“All public moneys raised and received by Guyana shall be paid in to and form one Consolidated Fund.”

NICIL has not been paying in these public moneys in to the treasury – our Consolidated Fund – and the moneys are amounting to a large sum, a really large. Since 2002, NICIL acquired the following state-owned entities for zero consideration. National Edible Oil Company (NEOCOL) – one hundred per cent ownership, Guyana National Printers Limited (GNPL) – 99.6 per cent ownership. I do not know who has the point four per cent. Guyana National Shipping Limited (GNSL) – one hundred per cent, Guyana Oil Company (GUYOIL) – one hundred per cent, Property Holdings – 73.1 per cent, Bauxite Industry Development Company (BIDCO) – one hundred cent, Guyana Pharmaceutical Corporation (GPC) – one hundred per cent plus twenty per cent of the Guyana Telephone and Telegraph Company (GT&T) shares which was recently sold for US\$30 million to a Chinese company called the Datang Telecom Technology & Industry Group. It has a ten per cent share in the Guyana National Cooperative Bank (GNCB) Trust, Omai Gold Mines Limited – five per cent and Guyana Stores Limited (GSL) – three per cent.

This private company, by the way, also has in its name a number of prime real estate lands since 2002. I will just deal with the ones for the year 2002 because it had a lot more transferred to it since 1999. Disposal of these properties means a windfall and in relation to some we do not know whether they have been disposed and at what prices. That is what Resolution 24 from Mr. Carl Greenidge is asking for. But from what we know it has sold and retained moneys for the following properties: 5.6 acres to Banks DIH at Plantation Ruimveldt. I understand that it was for tens of millions of dollars. It sold 4.1 acres to Prittipaul Investments; it sold 0.2 acres to Hampton Incorporated; three acres to the Guyana Bank for Trade and Industry (GBTI) in which it has put up that very beautiful bank there and that was worth a couple of a hundred million dollars; 18.8 acres to Queens Atlantic Incorporated – the famous Ramroop – at Plantation Ruimveldt and one hundred and three acres to National Hardware at Liliendaal and Pattensen.

This private company is estimated by some businessmen, who I spoke to recently, as being the wealthiest company in the country. All of its assets belong to taxpayers, which means State assets, State revenues and public moneys, and it is controlled by this little sultanate of six or seven members. I was asked by the *Kaieteur News* newspaper about four months ago what was the estimated amount and I said \$50 billion. I may be wrong, Mr. Speaker, but I would certainly like the Minister to tell the House how much it is that is in there today.

This company, with all of those State lands, all public moneys and all public property, has also a massive financial platform. It then can go to the bank and arrange loans of big amounts, such as it is doing in relation to this Marriot Hotel project. It wants a subordinate loan of some \$21 million which it is going to put in to this Marriot Hotel project as if that money belongs to those six directors and as if it does not belong to the State, which means then they ought to come here, in this National Assembly, for approval for any spending or investment.

Surely, any company which has its private moneys, properties and actual hard cash, such as Demerara Distillers Limited (DDL) and Banks DIH, can go and invest in whatever grand scheme it wants. It can go and build a hotel if it wants, but taxpayers' moneys – public moneys, State revenues - can only be spent and invested through this National Assembly. That is the big point that I want to make in relation to the second clause, now the first resolve clause. That is the law of this land. All public moneys for spending must pass through here. If it is a project that is capital in nature, as I mentioned here, we have to question it. We have to have a legend. As the late Mr. Winston Murray always called for, we want more details on it and specificity and all of that. We do have it. That is the law of this land. Anything else is executive lawlessness and it is wholly unconstitutional. I have another word but I have to delete it.

Section 85 of the FMAA makes that very clear that when one breaches the provisions of the FMAA, it is a crime and one can go to jail. Article 217 of the Constitution provides that no moneys shall be withdrawn unless by legislative authorisation. We know that. That is elementary for us parliamentarians. This Government is aware of that and yet it allows NICIL to do as it does, knowing that provision, with its eyes wide open. This use of NICIL by Government as an instrument for spending, then through a sub instrument called AHI to do so in that very irregular way, is corruption in broad daylight.

Taxpayers' moneys which are in NICIL's accounts, are going to be used to substantially underwrite the financing of this proposed hotel project. From all indications, as I mentioned earlier, Sir, this sum will be approximately \$21 million out of the \$52 million. It is \$4 million in equity, \$2 million in design fees and almost \$15 million in a subordinate loan stock to come from some bank. An additional sum of \$27 million, rated as a senior debt, is to be syndicated by some important bank. There is no disclosure as to who will be guaranteeing all of these loans. The

Alliance For Change (AFC) believes that ultimately it will be a governmental obligation. The Minister can rebut if that may not be the case.

From the documents which were released based upon certain questions that I asked earlier this year, the Minister of Finance, on the proposed Marriot Hotel project, demonstrated clearly that this Government's disposition is one of compromising the interest of Guyanese tax dollars.

In the case of a default, which we are saying is inevitable, the people of Guyana will lose, at the very least, US\$21 million. Whilst in configuring this arrangement for the spending and investment of the Government by Government, which we trust to act in our interest and which is obligated to do so, would NICIL's \$27 million, which is going to come from the senior debt, be subordinated to that of NICIL's \$21 million? Perhaps, the Minister will answer.

When we had asked in this National Assembly, also, for certain feasibility studies in relation to this Marriot Hotel project we were told that we cannot see it because it was a private contractual matter. But when it comes to moneys which are going to be spent on such a project, we know that they are public moneys. Why, then, if it is public moneys we cannot get some light into or a peep into the feasibility studies?

I want to also address why this sub instrument called AHI – Atlantic Hotels Inc. – without being properly capitalised and therefore without the capacity to deliver, entered in to a contract with that Chinese company for the construction of a \$52 million hotel. I want to know the answer to that question because it is rather strange that a company which has nothing to do with anything of a hotel is entering into this agreement for this massive amount of money. I want to surmise that, indeed, that has happened because both AHI and NICIL are instruments of the People's Progressive Party/Civic Government's spending that are outside of the legal architecture financial framework.

There is no commercial justification for this massive spending on a hotel when occupancy rates are so low in Guyana. [*Interruption from Government Members.*] Please give me the feasibility study. You are talking about feasibility and you do not want to give the study. All of the other hoteliers in this country are saying that occupancy rates are so low. The AFC is, therefore, inclined to believe that the only motive is to defraud the taxpayers of their moneys, just as what happened to shareholders in Colonial Life Insurance Company (CLICO) when Government

allowed US\$34 million to go overseas for some real estate business of Mr. Duprey from Trinidad and Tobago. The foregoing issues are compounded, by a lack of viability, as I mentioned.

[**Mr. Ali:** Where is economic analysis? How is it not viable? Tell me.] That is why we would like to see your feasibility. You are asking me for it. Why do you not give it to me? I asked for it.

[**Mr. Ali:** We invited you.] You invited me.

Many investments in the local hotel industry have gone bust because of low occupancy as well as the perennial issues of crime, unreliable and uncompetitive electricity, a dirty city and poor drainage, which will retard development from local tourism, even amongst Guyanese who are longing to come back home, much less foreign tourists.

I recall the case of one investor group failing in its quest to buy Guyana's iconic Pegasus Hotel for \$14 million because none of the banks would lend that sum of money to it. It could not have raised the required financing because the banks found it too risky and that is our prime hotel. The proposed \$52 million for the Marriot Hotel is a far cry from that \$14 million. For years now credible investors have shied away. I know that two hotels are up for sale in Main Street and although discounts in prices are given they are not going.

I am saying that at this stage if \$52 million, primarily \$21 million is from Government's taxpayers' moneys, is being invested one has to indicate by the time this hotel is constructed and all that happens and profits start coming in, years would have passed and we would have had to pay interest on that principal. We will have to. That will accumulate. According to an economical analysis which was done by Mr. Christopher Ram, it would be in excess of \$6 million more in three years. This is giving a cost to our taxpayers' money. Do you know what?

What we are seeing, in relation to this hotel, is that those important components of it are going to go not necessarily to the management of the hotel; it will go to the Marriot International. We will have to pay it a management fee of ten per cent. We will have to also sell off, as was recently done, the casino aspect of it and I understand, also, the restaurant aspect of it.

I feel that with all of this money being spent when we have so many priorities which are far more important, if, indeed, the feasibility study is saying that the country is doing well, why are private people not wanting to invest that US\$21 million. At the ultimate stage, we might have to do a bailout, as with CLICO.

If the Government really believes, in this project, why is it that the named American firm's feasibility studies, and so on, are not being produced for the public scrutiny? Guyana has a strong and progressive private sector. I was there when the Hon. Minister of Finance was talking to a large group at the Pegasus Hotel. There is also talk that Guyana has a good investment climate. Those private people would invest in any viable venture which makes a good return. The local banks are flushed with liquidity. They are hunting for such projects. The hotel sector, then, must be invested in by those private sector companies if the feasibility is so good. Unlike investments by the State, the private sector investments have beneficial, fiscal effects to the economy. When private people invest their moneys, they pay their duties; they pay their Valued Added Tax (VAT); they pay their corporate taxes. When it is a public scenario, such as this, hardly any of those are paid.

Rather than focusing on building this hotel, and then paying the Marriot International ten per cent to operate it, Government should focus and commit the very resources to addressing the everyday problems of poor infrastructure, roads, drainage, unreliable electricity, crime, public health, unemployment, and even our NIS might need some money. Some of this money should go into the University of Guyana to enhance a programme on tourism.

Finally, Mr. Speaker, I want to make it clear that the arrangement involving NICIL and the Government of Guyana raises – I emphasise it because I think I made mention of it – serious questions as to the governance in the use of taxpayers' money. NICIL has been, literally, a slush fund for deals involving the powers that be and their favourites and friends. This company, headed by those members of the sultanate and controlled there with active encouragement of the Government, has diverted billions of taxpayers' dollars away from the Consolidated Fund and therefore away from parliamentary scrutiny.

6.20 p.m.

The AFC has been demanding, for some time now, that all funds of NICIL to be transferred to the Consolidated Fund and a forensic audit be carried out on that almost chameleon company. It is a public corporation one time and then it is private company at another time, public corporation for vesting and private company for spending. It has to be one and not the other.

We seem to have an adverse reaction from His Excellency the President, because I notice he was there at the site to visit. It is not a good sign at all. Whatever is the case, as regards encouragement from the President or the Government, the National Assembly must not allow this scandalous occurrence to go un-condemned. This Assembly must always have its gaze fixed on how - with increasingly clever devices in disingenuous methods - this PPP Government seeks to degut this National Assembly of its power over the public purse. We must never let that happen. I seek every Member to understand this Ponzi scheme and to support this motion in my name.

Thank you. [*Applause*]

Mr. Ali: What we have just witnessed was, indeed, the Hon. Member Mr. Ramjattan waffling truly *Gangnum style*. I want to say that the Hon. Member Mr. Ramjattan sole intention in bringing this motion to the National Assembly is to present a blockade on the development of this country; and the private sector has been loud in its endorsement of this project. For a matter of fact, a group of the hoteliers endorsed this project,t but we still see the Hon Member Mr. Ramjattan and the AFC, especially, on a prolonged campaign to block this development. It is not any secret that this prolonged approach by the AFC, in particular, is driven by self interest cemented in protectionism and it is doing it the great American tradition way, that is, by lobbying. This miniature political entity has now become a political lobbyist entity. It is no secret that the owner of the Pegasus Hotel, who is a close friend of Mr. Ramjattan and a strong financial supporter of the AFC, has been publicly driving the blockade on this major development. The Hon. Member Mr. Ramjattan must also come clean and declare his personal and party interest in this matter. It is without a shadow of a doubt that the AFC and the Hon. Member Mr. Ramjattan have personal and political interest in this matter and their very political existence and financial viability depend on this matter. I dare the Hon. Member to contradict me here tonight.

Mr. Ramjattan: You are contradicting, Sir. There is absolutely...

Mr. Speaker: Are you rising on a Point of Order?

Mr. Ramjattan: Yes, because he is making a statement that is...

Mr. Speaker: Let us hear the Point of Order.

Mr. Ramjattan: The point is that he wants me to come clean...*[Interruption]*

Mr. Speaker: Allow Mr. Ramjattan to address me please.

Mr. Ramjattan: ... misinforming the House and misleading the House.

Mr. Ali: Mr. Speaker, I have declared to the House nothing but the truth and nothing but positions that are factual.

Let me say that this issue about accountability and transparency is an issue that does not embrace the Government alone. We have a responsibility to be accountable and transparent. That is why we are going to ensure that all the financial statements of NICIL, as a company, are laid in this National Assembly and you are aware, Mr. Speaker, as well as the Hon. Member, that those financial statements are being laid right here in the National Assembly. Now we are hearing, "Yes, but it is after ten years and after five years." I have never heard the Hon. Member Mr. Ramjattan speaking about after twenty-eight years we got an audited financial statement presented to the National Assembly.

Let me say that accountability is not spoken; accountability is manifested in action. We know, the public knows, that the President has given a public invitation to the Opposition, just as the Opposition came and got all the information it requested on the hydro project, to come to the Office of the President and a full and complete presentation of the Marriot Hotel project would have been made, but the intention of the AFC and the Hon. Member Mr. Ramjattan is clear. He described this project - which we would want to ensure is a national asset, which we would want to ensure is an integral part of the development aspiration of our people - as an inevitable failure. A national politician, a man who is supposed to be having the interest of Guyana at heart was describing an investment, such as this, as an inevitable failure, yet in his entire prolonged dancing around he could not have given us one solid economic analysis to show that this project is not viable. [**Mr. Ramjattan:** Occupancy rate is low.] Even your pronouncement on occupancy rate is wrong. I will prove to you that it is wrong.

He then sought to accuse the Minister of Finance of many things – of incorporating a private company and of using this company for the sultanate. It was some my riddle, my riddle. What he

failed to understand was that NICIL, as a company, was incorporated by an Hon. Member right in this House. [Mr. Greenidge: I hope that you will not talk that nonsense again.] I am presenting facts. NICIL was incorporated by the PNC Government under the Company's Act at the time when the Hon. Member Mr. Carl Greenidge was the Minister of Finance. Dr. Ashni Singh was not around then. It was this Hon. Member who saw the merit in incorporating this company. It was this Hon. Member who saw the necessity to incorporate this company and that led the charge in incorporating it.

Let us take a moment to examine what was some of the functions he perceived at that time. The primary objectives of NICIL were set out in its Memorandum of Association by the 1980 Government. I would only read the notable ones:

- “ (a) To subscribe for, take or acquire or hold shares, stocks, debentures or other securities of any company, co-op society or body corporate.
- (b) To carry on business which the directors consider capable for the company to carry on.
- (c) To purchase or acquire all or any part of a business, property or liabilities of another company.
- (d) To purchase, accept transport for, take a lease on or acquire for the purpose of the company any estate, lands, buildings, wards or other interest in immoveable property and To sell, transport, let or lease or dispose of any right in any immoveable property held by the company.”

[Ms. Manickchand: Is who incorporated this...] again, it was not the Hon. Dr. Ashni Singh who incorporated this. It was indeed the then vibrant Carl Greenidge as Minister of Finance.

Let us go to (f). [*Interruption*]

Mr. Speaker: You know it is ironic, Members, that more noise is coming from the Government side while a Government Minister is speaking and I am not being able to hear.

Mr. Ali:

- (f) To issue or guarantee the issue of or the payment of any interest on the shares, debentures or other security of obligations of any company in association.
- (g) To establish, promote any or otherwise assist any company or companies for the purpose of carrying on or acquiring any of the property or furthering any of the objectives of the company.
- (h) To invest the money of the company not immediately acquired in such manner and from time to time as may be determined by the Board of Directors.
- (i) To erect, maintain, reconstruct and adopt any buildings, offices and to construct, maintain and improve roads, water works, canals, railways and other roads for the purposes of the company.

I would agree that whilst in those days the Government had very limited assets, we must appreciate the work of the then Hon. Minister of Finance Mr. Carl Greenidge in defining the objectives of this company and in incorporating it so that today we can use this instrument to further enhance the development aspirations of our people and of our country.

Let us look at this now. The Hon. Member said that the Government, being an investor, would deny the taxpayers and the revenue base of this country important duty, taxes and other concessions that go together with a development such as this. The Hon. Member is in such haste to put a blockade on this development that he does not understand or he has failed to recognise the fact that any hotel project with thirty-five rooms and above can benefit from this fiscal incentive in taxes and duties and this is public knowledge. Any company investing in a hotel in the tourism sector, with thirty-five rooms and above, is entitled to certain incentives. Statement of facts cannot be denied.

The Hon. Member Mr. Ramjattan began his presentation by saying imagine President Obama was selling Texas, half of Texas, and putting it into a private company and that company would be making the investment. Well, Mr. Speaker I have news for the Hon. Member, spend some time researching the subject before dancing around it.

I have here a study by the well known Brian. H. Stress and he concluded in that study...

Mr. Speaker: Who is that person, Sir - D.J. Stress?

Mr. Ali: Mr. Speaker, may I continue?

Mr. Speaker: But we need to have the source.

Mr. Ali: I will read it for you. [**An Hon. Member (Opposition):** Source?] I am going to give you the source. The paper is entitled, “Using Public Private Partnership to Fund Development Projects”, Brian H. Stress... [**An Hon. Member (Opposition):** It is a Robb Street paper.] It is a Robb Street paper... Henry Stewart publication 1479–1110, *Journal of Retail Leisure Property*, volume 3, number 1, pages 21 to 31. He identified more than thirty-six examples of public private partnership in the hotel sector in the United States of America. It is all outlined in this journal. [**Mr. Ramjattan:** ...[inaudible]] When factual positions and studies are cited, hear what the Opposition will say: “What kind of nonsense you are citing”, but the Hon. Member Mr. Ramjattan can come here and make a statement and provide no empirical evidence, no study, no analysis, or nothing, and that is accepted.

Mr. Speaker: Mr. Ali, the debate is to the Chair. I have accepted your reference, even though I have never heard of the journal, and that is the most important thing that you should be focused on.

Mr. Ali: Mr. Speaker, that is a problem we have nationally. We have to encourage people to read more.

I wish now to turn my attention to six headings in which I would analyse this investment and seek to present the factual position based on theoretical analysis to show that, indeed, this investment is not only a viable one but one that would create and open up many economic opportunities for the people of this country. When examining a project, such as this one, there are some important parameters on which we must do our analysis. The financial viability, the social and economical benefits, the important sector that would benefit and how this investment would capitalise that sector and add to the value of that sector, to examine the country’s strategic plan for that sector and how the investment fits into that strategic plan and vision and what is the net effect, in terms of the structured transformation, that a project of this magnitude would bring.

I have said before that this investment is expected to yield an estimated return of \$6.4 billion, based on a ten-year holding period. This is equivalent to a rate of returns of eleven per cent on the overall project, with NICIL equity investment attracting a rate of return of approximately 16.6 per cent. [**Mr. Ramjattan:** What is the return of NIS and CLICO?] Now we have gone to CLICO and NIS. Bring the motion and let us debate it. This immediately debunks that argument that the project is not economically viable and it does not present viable rate of returns.

Let me say this too, that the Hon. Member misled us when he said that the project cannot attract private investment, when he said that the project is not viable enough to the interest of the financial sector – the commercial banks. This is far away from the truth. We know that there are commercial banks and private capital that will flow into this project. I think that we should not allow our selfish political agenda to blind the rest of the people. To avoid this, we must tell the entire story and we must not stray from the truth. The truth is the financial sector and the private sector have both expressed that this project is indeed viable and they are investing in it, so the notion by Mr. Ramjattan is, indeed, one that is misleading.

Mr. Speaker: Mr. Ali, if you know that fact and it has not been broadcast and made known to the public then Mr. Ramjattan is not in error, and if mentioned or not mentioned the names of the investors...

An Hon. Member (Government): We need statistic.

Mr. Speaker: Okay, but then you cannot accuse the Member of misleading the House if that is a fact known only to one side. Go ahead please.

Mr. Ali: Mr. Speaker, I wish to humbly differ by saying this: that the fact that I am relating to you and the Hon. House tonight would have been available to the Opposition if the Members would have accepted the invitation of the President to go for that briefing.

Mr. Speaker: Very well. Thank you.

Mr. Ali: It would have been available, and it still is available, if the Opposition would have gone to that briefing.

This project is based on the input output model of the Bureau of Statistics in Guyana... The total wealth creation or value added impact of this project is estimated at approximately \$17.4 billion, if the input output model is used. [Mr. Greenidge: By whom?] You go and use the model. [Mr. Greenidge: Well tell us.] We have a responsibility to use our training to analyse anything. It is also projected that this project would create more than two hundred and fifty jobs, directly. It will also create indirectly more than one hundred jobs.

As I said, one of the key sectors, which will benefit from this investment, is the tourism sector and we must analyse the potential impact of this project on the sector itself. It is a fact that Guyana has witnessed significant growth in its tourism sector and we have seen a manifestation of it is several... [Interruption from Opposition Members.] I have all night. [An Hon. Member (Opposition): You have all night, you can go.] Will go.

Mr. Speaker: Move on with the debate.

Mr. Ali: The tourism sector has seen, over the years, investment in several new hotels. For a matter of fact hotel rooms in the year 2007 were standing at seven hundred and fifty. Today, as I speak, here, there are in excess of two thousand seven hundred hotel rooms which are available. Are we saying that the private sector lacks vision? Are we saying that all those people who invested in those rooms did not understand the market? All of these investments were backed by the commercial banks. The projection is clear. They are all projects that were financially viable and the financial sector sees in the tourism sector here in Guyana great viability in the future.

6.50 p.m.

We have seen the increase in arrivals here in Guyana. For example, in the year 2001, the arrivals stood at ninety-nine thousand three hundred and seventeen. At the end of the year 2011, the arrivals went up by fifty-eight per cent to one hundred and fifty-six thousand nine hundred and ten.

Mr. Speaker, can I enquire from you...

Mr. Speaker: Could you allow the Hon. Member to complete his presentation, please?

Mr. Ali: I was just to enquire from you, Mr. Speaker, whether the protection of the Speaker is only for the Opposition.

Mr. Speaker: Mr. Ali, I would allow that one in the spirit of Christmas and it is because my birthday and the Prime Minister's are around the corner, but be careful.

Mr. Ali: In the interest of Christmas and fairness we have to be opened and transparent and all of us in here...

Mr. Speaker: Are you laying a specific accusation that I am not being fair and transparent this evening, if so, do so now, if not withdraw it?

Mr. Ali: No...

Mr. Speaker: If you are saying that I have not been fair and transparent this evening, say so. I am asking you, Sir, is that your accusation against me?

Mr. Ali: I am directing my...

Mr. Speaker: No, but you are skirting. You are being smart and you are skirting to suggest as if I have not given you protection and given your colleagues protection this evening. I said I would allow that first one and you came with a second one to imply that I am not being fair with you. Mr. Ali, I will not allow you to continue your speech until you withdraw it. If you will not withdraw it, I will not allow you to continue speaking.

Mr. Ali: I withdraw on this very important...

Mr. Speaker: No, Mr. Ali, you will withdraw it unconditionally or I will not allow you to continue to speak.

Mr. Ali: Mr. Speaker, I wish to withdraw.

Mr. Speaker: Thank you very much. Proceed.

Mr. Ali: Let me say also, occupancy rate in 2012 were estimated at the following rates: Georgetown, seventy per cent and Rupununi ninety per cent. For a matter of fact, at various

periods during the peak season there was indeed one hundred per cent occupancy at most hotels. This is indeed a statement of fact.

What would the establishment of this first major international hotel brand bring to Guyana? The Marriot Hotel is one of the leading lodging companies in the world, with more than three thousand seven hundred properties in seventy-four countries and territories. The Marriot Hotel will therefore see the establishment of the first major international hotel brand in Guyana.

What would this do? This would in turn serve as a benchmark for all local hotels, thereby encouraging them to improve their quality and range of services to meet international standards. I want to say that the Guyana Tourism Authority and Ministry of Tourism have made it very clear that they are going to proceed towards the formalisation of regulations that would see the grading of hotels.

Mr. Speaker: Hon. Member, your time is up.

Mr. Hinds: Mr. Speaker, I beg to move that the Hon. Member be given another fifteen minutes to continue his presentation.

Mrs. Backer: Mr. Speaker, I rise to move that that motion be amended and that the Hon. Member be given fifteen to conclude his presentation.

Ms. Teixeira: Mr. Speaker, this is unprecedented. I am just asking for you... We have not done this to each other in this House and we have been allowed to have debates and considerations that both sides are able to speak. If you are now going to block, then that is a problem.

Mr. Speaker: Hon. Members, we have had, as Ms. Teixeira pointed out, a history and a practice of allowing latitude, even though it is abused on both sides. I will ask that we do not crib and confine Members in their speeches, but at the same time Members ought to be aware of the limits. If it was that the Whips did not work out the time before, well then I would say let us give some of latitude. I am asking for that as a favour, as it is Christmas.

Question put, and agreed to.

Mr. Ali: Thank you very much Mr. Speaker. This project would also encourage other reputable international brand name hotels to invest in Guyana and we have seen this in many other

countries. This project is going to boost our capacity of the local sector to tap into high-end tourists and business customers. It will also promote Guyana as a meeting incentive conference event or exhibition destination.

How important is this project in the context of our five-year tourism development plan? The Marriot branded hotel is intended to support the tourism development plan which is aimed at:

- Positioning and maintaining tourism as a national priority, with a commitment of sustainable development of the tourism sector.
- Streamlining and strengthening the organisation of tourism with increase annual budgetary allocation, facilitating donors support and institutional strengthening of the Guyana Tourism Authority, to increase market demand within the diaspora, vacation and business target market.
- Establishing and securing a clear position and image of Guyana's tourism in the market place as a quality, friendly, safe, green, pristine and sustainable destination - rich in cultural biodiversity.
- Enhancing the quality of the natural and built environment benchmarking and monitoring tourism performance based on revenue, employment, investment, spacious spread, travel and tourism competitiveness, index and contribution to Gross Domestic Product (GDP).
- Prioritising and produce bio free access that is competitive and compensates for Guyana's strategic and access advantages.
- Supporting tourism enterprises through industry-friendly policies regulations, investment policies and proactive actions and services to boost growth, competitiveness and development.

This project allows us the clear opportunity to build our infrastructure as a corporate head quarters for conferences. We must not look at this investment in isolation of the new airport because, as we speak now, Routes International is working with us in extending our market access and promoting Guyana as an important transit point for major airlines. Indeed, from all the studies and all the analysis, Guyana is well placed geographically to benefit from this.

Much is said about this partnership, about this collaboration, between the public and private sector, but I wish to say that this is not a novel idea. This is not an investment model that has not

been tried and tested. For a matter of fact, it will be recalled that in Port of Spain, Trinidad, a few years ago announced, what was termed then, the Port of Spain International Waterfront Centre and it was not only talking about investment in a Hyatt Hotel, it was talking about the twin towers, the *Nicholas* Towers, the hotel and conference centres. What it was doing was to build the infrastructure which would have allowed Trinidad to be classified as a developed country by the year 2020. It is to guess who the investor was – it was the Government of Trinidad and Tobago.

Mr. Speaker, go to Jamaica and you will see an example; St. Kitts, you will see examples. Let us also look at the State of Baltimore. In the State of Baltimore a decision was taken to invest US\$112 million to develop a convention city. In *Awka, Nigeria*, the State took a decision to invest in two new four-star hotels. In Niger, \$19.6 billion was spent by the State on the development of the five-star hotel. A city state Government invested in one hundred and sixteen hectares of land for the tourism sector and the hotel sector. There is the Cuban joint venture to build hotel in Venezuela, \$94 million. If you go to India, the State of Lucknow, there is a hotel commercial complex of 2.48 hectares.

There is enough evidence; there is enough information out there that would substantiate the fact that investments, and all the investments that I have listed, are all viable and have contributed to the transformation of those States. Look at the desert in the United States of America that was transformed into casinos... [**Mr. Lumumba:** Las Vegas.] It was Las Vegas that was transformed into casinos and hotels. We need to understand that projects such as these create a transformational effect, and create an enabling environment to pour greater investment and we must not shy away from making bold decisions as leaders; we must shy away from understanding the context in which these decisions are made.

Before I conclude, I would like again to reinforce the call of President Ramotar by inviting the Hon. Members in the Opposition to meet with him, to meet with the technical team and the Minister of Finance and ask all the questions that they want to ask. I am sure that all of these questions will be answered. Let us also ask the Hon. Member Mr. Ramjattan and the AFC to stay away a bit from their personal and party interest in this matter, their personal and party interest in blocking this investment and ensuring some sort of protectionism as lobbyists for one hotel or one businessman.

Mr. Speaker, with these few words, I thank you. [*Applause*]

Mr. Speaker: Hon. Members, it is five minutes past seven o' clock, I think this is a good time for us to take the suspension, though I must issue a disclaimer. I am told that the snacks, there may be some partly here, but I am sure Members are anxious to leave this building early rather than later this evening, we take the suspension now.

Sitting suspended at 7.07 p.m.

Sitting resumed at 7.40 p.m.

Mr. Greenidge: I rise to support the motion before us, the essentials of which seem, to me, to be very clear and have been very much absent from the presentations emanating from the last speaker on the other side. I would like to draw the attention of our colleagues to the two resolutions, the clauses, at the end of the motion, which specifically called on the Government to do certain things. It is in that context that this motion needs to be understood. The context is that there are resources, significant resources, at the disposal of a major financial agency of the State. Those resources are managed under a cloak, or behind a cloak, of secrecy and that secrecy often masks a number of irregularities. It is being said that the resources should be used in the way which maximises the opportunity for economic growth in this country.

In the context of economic growth, it is no use telling us that moneys have been put into one entity. All the investment of a government has to confirm or be subjected to the same litmus test. The returns across a spectrum of possible investments are looked and the resources are directed to the investment that yields the highest return. Nothing that has been said, for example, by the last speaker, suggested to us that the returns, which are expected from Marriot Hotel project, if we might call it that, would yield the maximum relative to all the other opportunities, all the other options, for the use of resources. That is why it is being argued that the resources and their disposal should come to one central point; they should be discussed within this National Assembly, recognising the principle that it is the representatives of the people who must take that decision and then one can decide in transparent and clear manner where the best returns to the resources lie. The contention, therefore, is that until the Government respects that principle, this House should not sanction the use of resources generated at the level of NICIL for any investments, any additional investments, in the Marriot Hotel.

I will turn in a minute to the question of the viability, the feasibility, the returns to the Marriot, but before I go there let me once more...I remind you, Mr. Speaker, that it seems that our colleagues have forgotten that the discussion on NICIL was the subject of a long exchange that we had earlier this year and yet we have them coming back here making all sorts of false and inaccurate allegations as to NICIL, how it worked before relative to how it works now.

Let me remind my colleagues that NICIL was established as an entity... **[Mr. Neendkumar: It was by you.]** Yes. It was by me... to hold and manage financial resources. The privatisation proceeds were that which were managed by NICIL. NICIL never disposed of any of those resources and what is more, Mr. Speaker, NICIL, itself, was not responsible for privatisation. That is, it was not responsible for taking State's assets and giving it to the friends of Members of the Government, which is what it does today. It is also the case that NICIL never had under its control commercial enterprises such as the oil company and the others. Those were separate companies managed under the Public Corporation Act. **[Mr. Neendkumar: What have happened to the bicycle factory, the glass factory and Sanata Textile?]** The glass factory and the bicycle factories were never part of NICIL. Rest yourself - they were never. You keep insisting on bringing to this House untruth. If you want to have a debate that is going to be meaning full... **[Mr. Neendkumar: ...[inaudible]]** Is it you who are making all of that noise? **[Mr. Neendkumar: Yes.]** It is no wonder the nonsense is emanating from that corner.

Mr. Speaker, we have been subject here to a whole variety of sleight of hand in relation to NICIL. I am saying to you, that the resources managed by NICIL are managed in a manner that is not transparent. It is only after the motion earlier this year threatened and, in fact, required of the Government to bring to the National Assembly the reports of companies, such as NICIL, which have resources which are supposed to go into the Consolidated Fund. It is only then that the Government made the effort to accelerate the annual reports. We suddenly find annual reports today here, when earlier on, at the beginning of the year, there were annual reports as far back as the years 2004 and 2005 only. There is a great urgency to have the annual reports, because the Government does not want to hand the resources over for general scrutiny, but the motion was passed, the resolution is very clear. All the entities which fail to confirm with the law, as of the first quarter of this year, would have to hand over the resources to the Consolidated Fund. That was the decision of this House; that is the decision which we will be going to enforce.

As regards to the question of NICIL, it is a different entity. There is an entity today which the Government has established; it has merged the operations of that entity with a whole set of other things that existed before; it is not the same entity; it is managed differently and by different persons for different purposes. It is to hide the manner in which the Government manages its financial resources and that is the reason why the Government is so reluctant to have the entity hands over resources when it collects them.

Let me turn now to the major entity, which is mentioned in the motion, and that is the Marriot Hotel. Let me say, first of all, that what we have heard so far... (Let me, perhaps by the way of a transition, say to you that my Latin is bad but I remember that there is a word "*nihil*" which in Latin means nothing.) From the discussion coming on the other side, in connection with NICIL, we get very much that impression that what we have been told meaning nothing of consequence, nothing of value.

We are also told, misleadingly, that there is an entity, which is called the Marriot, as was explained just now, emanated somehow from a major investor. It is not true. The owners of the name "Marriot" have not in any way sanctioned, licensed or given a franchise for this hotel. As far as the documents, which are made available to us, are concerned, no such document exists. Indeed, as far as we can see, the company, which is required to do the construction, has not given a guarantee that at the end of that exercise its operations will automatically be licensed by Marriot. That needs to be said. If it is indeed that is true then it should be said but the Government cannot simply build a hotel and call it Marriot on grounds that down the road it will hope that it will be a part of a Marriot franchise. There is a very specific process by which one enjoys that franchise. The idea that it is also the first major hotel company in the country, of course, is nonsense. There was Choice House Forte; there was Le Meridian, and so forth. That is the point I would like to make.

The other issue is this: That the exercise of enhancing tourism, which we are given as a major reason for establishing a hotel, is back to front. There has to be the very assets and resources, to which the Hon. Member, Mr. Irfaan Ali made reference, before the Government is going to make sure that it is going to attracting tourist. In other words, it is not the hotel that brings the tourist, but the safety, the cleanliness and the infrastructure that is associated with the facilities. It is not by building a hotel. There have been built, I am sure, over one hundred and fifty hotels since the

Government started to give concessions for the construction of hotels at the time of the World Cup. We have given extensive concessions and yet the number of tourist that we entertained each year is nowhere near the numbers associated with small countries such as Barbados and St. Lucia. It is not the total number of visitors that matter; it is the tourist beds per number of population, and in that regard we are way behind. The reference point is that it is not an absolute number that matters and that is what our friends need to consider.

7.51 p.m.

The biggest issue facing us here in respect of these investment projects, whether it is Amalia or the so called extension of Timehri is the failure of the Government to bring to the public's attention the feasibility study and the economic studies which underpin these projects. As I said, they all started out with secrecy. Many of them we heard of after, even in the case of the use of resources for Timehri and for the hotel. After the budget is passed is when we hear from another source that moneys have been passed to contractors for undertaking works. This is not the way to handle the management of a project, especially if you are so sure that the returns in relation to the project are going to be positive. As regards the Marriot specifically, we have a number of questions that have yet to be answered to satisfaction; the question of the specific benefits that are expected and the question more importantly of the economic rate of return that is expected on the hotel.

The contracts and the feasibility study have not been provided in their entirety. It is not sufficient, Mr. Speaker, to call a set of politicians into a room to have a look at some numbers you have and say it is the discussion of an investment project that is of this size. You have to provide the documentation so that independent analysis can be done and the decision of all the politicians on both sides of the divide can be informed by independent analysis and not by figures that are just generated out of the top the head of a politician that either comes into a room or comes into Parliament and says what is convenient. They have to be able to stand the light of day; that is what has to happen.

As regards this particular project we know that as regards the Marriot – I am speaking to information provided by the Government itself when it provided information earlier – and the tendering exercise we are told there was one bidder. There were apparently some 23 firms that

did the initial application, but how we arrived at the one firm no-one knows, at least not on this side; I have not seen that.

Also, when you look at the financing arrangement, the leverage for the hotel is very high. In other words, the equity element remains small relative to the loans and the moneys that will be borrowed. So far as that is concerned, the amount coming from the Government of Guyana is to be treated as, in the terms of the contract, a subordinate debt meaning that at the end of the exercise when moneys have to be repaid or if the project itself fails, the Government's contribution to the exercise is met after the commercial contributors to that. So, Republic Bank for example which has organised or syndicated a portion of the loan is treated as senior debt; that is what the contract says. That means that it will have to be dealt with before the Government's input is met. In effect therefore, the Government has or is providing a guarantee in relation to this debt. One has to take that into account in so far as you may be engaging in an investment that may not yield positive returns. It may then have consequences for the liability of the Government.

As regards the company itself, SCG, as far as I can remember the arrangement seems to allow for the possibility of them to become a major shareholder in the exercise and for them to a proportional share in the board of directors. The process by which and the formulae by which we arrive at that is not altogether clear. I think one of our concerns is the reason why the Government itself is not too worried about ensuring that all of us are comforted by the rates of return they expect from this investment. It is that in the end the exercise has nothing to do with the provision of rooms as such in Guyana; it has to do with facilitating another casino operation.

I do however wish to say that the management contract associated with this project remains a contract that we have not seen in its complete form. The bases upon which the partners of the Government in this exercise are to be remunerated are not entirely clear. Traditionally, there are two bases on which they are recompensed. You have a base fee and an incentive fee and they are configured very often in a way that serves to ensure that the partner has an interest in increasing the revenues generated by the hotel. The arrangement that we have seen do not suggest that this particular fees structure will facilitate that exercise.

I think one can go further. It is fairly clear, in Guyana, that there is a situation market for hotel rooms. I do not think anyone other than the Ministers who speak in this country can be unaware that there has been overinvestment in hotel rooms and that hotel rooms for most of the year operate at less than 40 percent capacity utilisation. Calling it untrue does not solve the problem. The fact is that most of the hotels have room rates that are low; the occupancy rates are low. In those circumstances it is important that the Government itself not contribute to investing more moneys into generating hotel space, especially when the cost per room of the hotel that is being proposed by the Government here is above the average level of a hotel that is less than 200 rooms in total. That is a very important issue; the cost at which these rooms are being constructed.

Why would you build a hotel where the average cost of rooms is above the international average that is being established? In the end you will have to be selling the rooms at rates which are not competitive internationally. If that is the case then the viability of the project is what is going to be questionable. That is what everyone is arguing. You are building additional hotel rooms purely with an eye to solving a problem that has nothing to do whatsoever with attracting more tourists, but with diverting tourist from existing hotels, some of which are felt to be undesirable politically; that is the issue. If that is the issue then you are using taxpayers' resources really to settle political vendettas. That is wrong. We have built a number of hotels in recent times, yet we find hotel rooms not fully occupied. It is not the business of the Government to get involved in such an exercise.

We have been told again, another sleight of hand that this is a private, public partnership project (PPP), but who are the partners? In these circumstances the syndicated loan by Republic Bank hides or masks the other investors. We do not know who they are; at least I do not know who the other investors are. Who are these other investors? Let them tell us who they are. This is just a bank syndicating a loan. Until you know the other behind that loan, do not tell us about PPP, because that is not what is at hand before us.

The issue here is this, if I might recap. We are saying that national resources are needed to deal with a range of problems that face us. When the Government invests resources we have to be sure that the resources are invested in the projects that will yield the highest returns. If a project such a Marriot is expected to yield the best returns of all the possible projects then the

Government should not be afraid to put all of them before us so that we can compare the rates of return. That is why the motion requires in Resolutions 2 and 3 that the moneys collected by NICIL and currently used by NICIL to be directed to projects such as Marriot be brought here, in other words they go to the Consolidated Fund, they will come to the House and when the House examines the budget and considers... [*Interruption*] It is the very Constitution that the Attorney General was so sorrowful about us infringing that he is now dismissing as unworthy.

It is the Constitution that requires moneys collected on the states behalf to be deposited into the Consolidated Fund. I am trying to explain the economical logic behind bringing them all to the same place so that we can be sure that when moneys are spent they can yield the highest returns, the incremental capital output ratios can be low so that the indebtedness, the growth of poverty and so forth can benefit maximally from the resources that are at our disposal.

The tendency of the Government to treat with these issues by way of secrecy, by not brining the technical studies underpinning these contracts – the technical studies based upon which they claim that a project such as the Marriot will yield positive returns – in the absence of that information these projects such as Marriot cannot be supported. That is why I will support and urge the House to support the Resolution especially because it also reinforces the earlier Resolution that was made. It is that this House approves the Resolutions which are part and parcel of a system. One recognises that unless you are in a position to look at the utilisation of resources through the same spectrum we are not going to find ourselves doing a great deal to advance the rates of return on Government investments. I therefore invite our colleagues to embrace a Motion and in particular to ensure that the revenues from NICIL are paid into the Consolidated Fund as already have been agreed by this House, and that no further expenditures be undertaken by NICIL through its subsidiary Atlantic Holdings Incorporated in relation to the Marriot Hotel. I believe the reasons are very sound. The House will be wise to embrace this Resolution. Thank you very much Mr. Speaker. [*Applause*]

Dr. Singh: Thank you very much Mr. Speaker. I rise to make my contribution to this debate this evening on the subject of the Marriot Hotel and in particular on the matter of the utilisation of public moneys on the said hotel development.

Let me say at the very onset of my remarks that I am frankly astonished that political leaders who purport some measure of devotion to the national cause and to the cause of development in our country could in fact come to this House, not to ask for more scrutiny of the project, not to ask for the ultimate degree of openness and transparency of the project, but to in fact demand that the project be halted. That, in and of itself, speaks to the true reason why this Motion is before this House and discloses and unmask the motivations that underlie the arrival of this Motion before this august Assembly.

Before I come to that matter, permit me to address, because of their freshness in my mind, a few of the specific remarks made by the Hon. Member Mr. Carl Greenidge. I seem to recall that I heard Mr. Greenidge refer to some cloak of secrecy, I believe was the phrase he used, and attached this cloak of secrecy that he perceives to exist to the Marriot project. Setting aside for the moment the fact that the realities of our country's history, specifically, as it relates to openness and transparency and accountability, would disqualify Mr. Greenidge from speaking on any matter pertaining to openness. Setting aside that Mr. Greenidge has the dubious distinction of being the only Finance Minister in the history of our country not to have had a single set of audited accounts tabled in the National Assembly in relation to the period of his tenure...

Mr. Greenidge: Mr. Speaker, can the Minister please stick to the truth; this is a complete fiction. We have spoken on this already. It is untrue.

Dr. Singh: Mr. Speaker, I will repeat. The Hon. Member Mr. Greenidge became Finance Minister in October 1983 and he demitted office in October 1992. It is a matter of public factual record that audited accounts, and indeed a matter of public notoriety, that audited accounts in relation to the years 1983 to 1992 never made their way to this National Assembly.

Mr. Greenidge: Mr. Speaker, if Dr. Singh does not want to be interrupted in this manner, I would recommend that he sticks to the truth. I have before me the table of accounts laid in this Parliament as prepared by the Clerk of the National Assembly. I am sure that he will verify for it.

Mr. Speaker: Could I have a copy of that please?

Dr. Singh: When was 1983 laid or 1984?

Mr. Speaker: This is an ongoing issue. Maybe I should be furnished with a copy. Mr. Clerk did you do a schedule that I can see please. This is going to go on for the life of the Tenth Parliament. The Clerk will provide me with the record. Proceed Dr. Singh.

Dr. Singh: Mr. Speaker, the facts speak for themselves. The Hon. Member refers to a table but studiously avoided telling this House when the 1983, 1984 or the 1985 accounts were tabled. Instead of utilising the time afforded to him during his point of order to tell us of the existence of a table, he could equally have disclosed to this House on what date the audited accounts for 1984 or 1985 or 1986 tabled. I maintain that they were not tabled.

I would go further. The Hon. Member spoke of NICIL and privatisation and sought inappropriately to cast aspersions on the integrity with which this Government has managed the privatisation process and to cast aspersions on the accountability with which this process have been executed. Once again, the matter of accountability and transparency and privatisation transactions is matter upon which Mr. Greenidge has no moral authority to speak.

Mr. Anand Goolsarran, the former Auditor General, who the Opposition has developed quite a penchant for quoting is on public record for saying that Mr. Greenidge refused him permission to audit privatisation transactions. To borrow a word used by the Hon. Member Mr. Ramjattan, it remains uncontroverted.

Mr. Greenidge: Mr. Speaker, we have been on this route before. President Jagdeo himself repeated the untruth. Our colleagues are so predictable. We are aware that as soon as they have to answer concretely, they are going to find a bogie. I have before me, Mr. Speaker, the correspondence referred to by Mr. Goolsarran, a letter from myself to Mr. Goolsarran, a letter from the Solicitor General to Mr. Goolsarran, and if you wish I can read them for you. What in essence I am saying to you is that the letter nowhere instructs to Mr. Goolsarran not to...

Mr. Speaker: You rose on a Point of Order because the Minister is quoting Mr. Goolsarran and you are rebutting. It seems to me that what you need is a press conference because you have Mr. Goolsarran on the outside saying statements and you have letters. For us to stop this debate and enter into the dialogues as to the exchange of letters... These are statements being made by Mr. Goolsarran on the outside of this House and you can rebut them. Dr. Singh, can we move on? I say we move on.

8.21 p.m.

Dr. Singh: Thank you very much Mr. Speaker. [*Interruption*]

Mr. Speaker: I suggest you move on.

Dr. Singh: I must confess some measure of disappointment that the Hon. Member moved with such alacrity to adopt your advice, because I was about to disclose how far divorced he is from the truth in general. The Hon. Member Mr. Carl Greenidge had the audacity to say that the Marriot International parent company has not endorsed the Guyana project. So the world at large would know how closely wedded or how far divorced, by tendency, Mr. Greenidge is from the truth. I will read the press release issued by Marriot International on 20th June, 2010. The press release is headed “Georgetown Marriot Hotel to Open in 2013 Seeking Lead Status” et cetera. (My print is a little poor.) The first paragraph says:

“Marriot International Inc. announced today that it will open its first Marriot branded hotel in Guyana in 2012.

The 150-room Georgetown Marriot Hotel is on track to receive LEAD certification – meaning Leadership and Environment Design Certification - from the United States Green Building Council, and is on track to be the Marriot’s first lead hotel in the Caribbean and Latin America.”

To clarify that we are speaking about the same property, the press release goes on to say:

“It will operate under a management agreement with Atlantic Hotel Inc. (AHI). AHI is currently owned by the Government of Guyana as part of a public/private partnership between the Government of Guyana and private sector investors.”

And the press release goes on. In fact, no less a person than the Regional Vice President of Marriot International Inc. attended and spoke at the turning of the sod ceremony last year in Kingston. For a front bench Member of the Opposition to come to this House to ignore... I cannot imagine that those facts could have escaped the Hon. Member. So the inescapable conclusion is that the Hon. Member chose conveniently to set those facts aside, by design, to mislead the people of Guyana on this matter. And it is understandable that in the contest for

political space the Hon. Member may want to score a political point here and there, but to misrepresent or ignore these facts which are in the public domain is most deplorable, particularly coming from a prominent front bench Member of the Opposition; and in the words of Mr. Ramjattan, from a former Minister of Finance.

The Hon. Member went on to speak about not knowing what the tendered price was. I will remind Members of this Hon. House that the civil works contract for the Marriot Hotel was, in fact, the subject of a public tender. This tender was opened in full view of the public. The price was announced publicly. It is not a matter of secret how much the Hotel will cost. It is not a secret who tendered. It is not a secret when the advertisement was placed. In fact, we have all of those records – every advertisement, every bid received. Indeed, thanks to a question asked by the Hon. Member Mr. Khemraj Ramjattan, I believe in February or March of this year, this Government tabled an answer. In fact I had the honour, on behalf of this People’s Progressive Party/Civic Government, of tabling a comprehensive answer to all of the questions asked by Mr. Ramjattan. [**Mr. Ramjattan:** It has to come here.] It came here. Here is where I answered the questions. I did not answer them in the media like Mr. Greenidge is doing now. I answered them in this House. The Hon. Member Mr. Ramjattan asked for copies of the agreement between the Government and the China Shanghai Construction Group. We made available the agreement between Atlantic Hotel Inc. and Shanghai Construction Group. That agreement was tabled in this House. He asked for other agreements executed by Atlantic Hotel Inc. and we tabled the tax agreement, the investment agreement, and the lease agreement. The Hon. Member asked also whether there was a feasibility study and in a written answer – which I hope the Hon. Member read because we took time to answer this question – to this House, and in particular to Mr. Ramjattan in response to his question, I said the following on behalf of the Government:

“Yes, there was a market feasibility study conducted by the Marriot Hotel Group and one conducted in 2000 by an independent American firm which was updated in 2012. There is also a draft ESIA Report which is awaiting final issuance by the EPA pending the receipt of building permission. These documents are confidential at this time, however, the Government is willing to have a closed door presentation that will allow certain details of these documents to be made available under the condition of utmost

confidentiality, and discussed with key Opposition Members without these documents being made public.”

Mr. Speaker, this was tabled in this House in March. A public commitment on the part of Government, by interpretation and invitation, to have a discussion to answer any questions asked and to share any level of detail with the understanding there were certain confidentiality clauses applicable to these particular documents. That offer remains. And I am saying on behalf of the Government of Guyana that we have absolutely no difficulty with any degree of scrutiny of this project. [*Interruption*] The Hon. Member seems to be unacquainted with certain business practices. The fact of the matter is that certain agreements are confidential by their very nature. If the Hon. Member is really interested in knowing the facts and not pursuing instead a political circus, then he will not have any objection to coming to a meeting and receiving those details. But he is not really interested in the information; he is interested in a political charade. I maintain that this Government is willing to meet with any Member of this House and show any level of detail on this project. I maintain that. But the fact of the matter is that it is not really the agreement Mr. Ramjattan is interested in.

Mr. Ramjattan started his presentation by using a US analogy. It was a most interesting analogy. I would like to borrow from his and offer one of my own. Imagine a prominent US legislator going into one of the US Houses and seeking actively to block, to obstruct, to bring to a halt, a prominent national project that will create jobs, generate income and transform an entire sector, catapult an entire sector. Imagine it is disclosed that mere months earlier the sole competitor at the premium end of the market published a full page advertisement endorsing the very political leader that now seeks to obstruct this project which will come into competition with a major sponsor and supporter of his Party. Imagine the political scandal in the United States of America. He would have had to resign at the very least. Imagine a full page advertisement mere months ago... The fact of the matter is that the position taken by the Alliance For Change (AFC) on the Marriot Hotel has its root in this full page advertisement taken...

Mr. Speaker: You are not suggesting a no-confidence motion by any chance.

Dr. Singh: That remains an option Mr. Speaker. The fact of the matter is if this was to transpire in the United States of America it would have been a matter of grave embarrassment to the party

with which you, Sir, are associated. I do not know you, Sir, to be a man who would condone such behaviour. (*Held up a photocopy of news article*) Endorsements of the alliance for Change by a standing Mr. Robert Badal, owner of the Pegasus Hotel; Sunday Stabroek, 6th, November, 2011! [*Interruptions*] The fact of the matter is that this is political patronage and croonism at its worst.

Mr. Speaker: One second. Hon. Members, could I be allowed to hear Dr. Singh in his presentation? I need your compliance, please.

Dr. Singh: Mr. Speaker, I understand their agitation and embarrassment on this matter. This, I would say, goes down as a tragic day in our country's political history because it is his worst example of political croonism and political corruption. Let me say this, Mr. Badal as a citizen of Guyana is perfectly entitled to support any party of his choice. That is not the issue. The issue is for Mr. Badal's support to the Alliance For Change to be immediately converted into that Party taking an intractable, inflexible position to oppose a project in which Mr. Badal has a financial interest. We will always defend Mr. Badal's right of freedom of political association, but we will condemn when vested interests are protected and served in this crass and vulgar manner. I will not add to this. I believe this is compelling. This is as compelling an expose as is needed as it relates to the AFC's motivations as it relates to the Marriot. I will not introduce at the current time the fact that Mr. Ramjattan is also known to have represented Mr. Badal as a legal counsel. That is a different matter altogether.

Mr. Speaker, driven by this highly questionable basis, the arguments presented by the opposition wondered from the spurious to the opportunistic. I will highlight just a couple of examples of why I say this. Mr. Ramjattan cites the Constitution and says that the Constitution refers to all being moneys paid the Consolidated Fund. One would have thought he was quoting verbatim from the Constitution in the manner of his presentation. Except, if one were to examine the article to which Mr. Ramjattan was referring he rather conveniently omitted a significant part of the article contained within parenthesis. I will read what that article says in its fullness. I refer here to the same article as Mr. Ramjattan, but on this occasion it will not be truncated for opportunistic and expedient political purposes; it will be read in its fullness. Article 216 says:

“All revenues or other moneys raised or received by Guyana (not being revenues or other moneys that are payable, by or under an Act of parliament, into some other fund established for any specific purpose or that may, by or under such an Act, be retained by the authority that received them for the purpose of defraying the expenses of that authority) shall be paid into and form one Consolidated Fund.”

NICIL was registered as a company under the Companies Act. NICIL like any other company is entitled to retain its revenues. If one were to follow Mr. Ramjattan’s argument, every Government company would be required to pay all its revenues into the Consolidated Fund. If one were to follow Mr. Ramjattan’s argument every Euro generated by the sale of a ton of sugar by GuySuCo will have to be paid into the Consolidated Fund because GuySuCo is a Government company. The proceeds, of the sale of every gallon of gas by Guyoil will have to be paid into the Consolidated Fund. These are Government companies. If Mr. Ramjattan has a problem with the statutes which allow Government to establish companies then he must pursue that matter through the appropriate avenue. He must abolish the option to establish Government companies. But as long as there is a Companies Act which governs the operations of companies, and as long as that Companies Act permits the establishment of Government companies, and as long as companies are entitled to retain their revenues to fund their operations NICIL is no different from GuySuCo, Guyana Power and Light (GPL), Guyoil, National Shipping, and so many other Government companies which retain their revenues and fund their operations. There is absolutely nothing wrong with that. There is no collision with the laws of Guyana. In fact, NICIL has transferred over the years in excess of \$20 billion to the Consolidated Fund.

The Hon. Member again opportunistically, if you will permit that, Sir, refers to NICIL’s legal authority for vesting of property by vesting order. One would have thought that given the profession he practices the Hon. Member would have been acquainted with legal notices published, and would probably even retain a record of legal notices published and pay keen attention to them, particularly given he has been in public life for so long, and political life in this Parliament. One can only assume he is acquainted with these facts. The Hon. Member seeks to make a distinction between public corporations and companies – a distinction that indeed exists – and goes on to say that NICIL, as a Government company, cannot exercise the authorities granted to public corporations under the Public Corporations Act. I do not know whether it was

by accident or by design, and I would not like to think, Sir, because he is a political colleague of yours it was by design, but there is a certain Section 66 of the Public Corporation's Act 1988. That Section 66 says as follows:

“The Minister may, by notification in the Gazette, apply any provision of this Act without modification, or with such modifications as may be specified therein, to anybody corporate not being a corporation owned by the state, or in which the controlling interests vests in the state, or in any agency on behalf of the state.”

Section 66 goes on in its second subsection to say:

“That any provision of this Act applied to any body corporate under subsection (1)(that subsection which I just read) shall have effect notwithstanding anything contained in any written law other than that provision so applied or in any contract or other instrument.”

That, Sir, is in the Public Corporation's Act.

Furthermore, on 12th August, 2000 there was published in the Official Gazette notification made under the Public Corporations Act, and signed by no less a person than his Excellency the President saying that in exercise of the powers conferred upon him by Section 66 of the Public Corporations Act, etcetera, it is hereby notified that Section 5, etcetera, shall be deemed, with effect from 10th July 2000, to apply to the National Industrial and Commercial Investment limited. The Official Gazette of 12th August, 2000 contains that notification. So for a legal practitioner, and again a prominent political figure, to come to this House and to argue that somehow something amiss has taken place can only be done by design to mislead the people of Guyana. It could only have been with the design of advancing this partisan, antinational political cause. That is what this is all about – pursuing a partisan, antinational political cause. That is what is going on here. [Mr. Ali: Wait, Mr. Ramjattan going.] Is he going to speak to the media too? Mr. Greenidge has them occupied, I am sure. Perhaps, you should give him some time.

I will say this, we have as a Government demonstrated abundant willingness to answer any question asked on this project. In fact, no less a person than His Excellency The President convened a meeting on the Amaila Falls project, and we had the distinguished presence of the

Hon. Leader of the Opposition, for which we were grateful. There were front bench members from the AFC, and detailed technical presentations were made; every single question asked was answered and His Excellency The President extended an open invitation. He said, “Go away, consult your advisers, and return with any questions you may have to follow up”. His Excellency’s invitation remains open but tragically unanswered. Because the reality is that political stances, such as those taken by the Alliance For Change on this matter, have nothing to do with openness and transparency.

What I am about to say should be fairly evident to all and sundry, but I will say it. We are in a contest for political space. The Opposition is preoccupied with the fact that if there are positive developments under the People’ Progressive Party/Civic (PPP/C) Government the PPP/C will look good. If jobs are created, new hotels are constructed, and hydro-power is harnessed, the PPP/C will look good. The people will be further endeared. We are already endeared to the people of Guyana but the PPP/C will be further endeared to the people of Guyana, and they will continue to be banished in the wilderness of opposition.

The reality is that what you are seeing playing out here is not a project being assessed on its merits. The reality is what you are seeing is not a project which is being assessed to see if it is good for Guyana, if it is good for the people of Guyana, will this create jobs, will it generate income, will it make our country a modern country. How can one compare a five star Marriot Hotel with any other hotel property in Guyana? There is no hotel in Guyana, the Pegasus included – one must give due regard to the fact that the Pegasus has served our country with distinction for a number of years – but even the proprietor of the Pegasus would not suggest his hotel is currently... In fact, despite the arguments made about the hotel industry having excess capacity and so on, the very proprietor of the Pegasus Hotel is investing significant moneys in upgrading his own property, recognising the bright prospects of the industry and the bright prospects of Guyana. [Mr. Nagamootoo: You just curse the man.] I did not curse the man; absolutely not. Mr. Badal is a member of the private sector. [Mr. Nagamootoo: You just curse the man.] I did not. Let me say clearly for the record, I emphasise that Mr. Badal enjoys, like every citizen of Guyana, the right of freedom political association. If there was any rebuke at all, Sir, it was for the crass use of the parliamentary vote to advance political causes; not Mr. Badal. Mr. Badal is not sitting in this House using his vote to advance his own interest. It is Mr.

Ramjattan that is doing that. The reality that we are witnessing here is a contest for political space. And the Alliance For Change is taking a position that no matter how good this project is for Guyana, no matter how many jobs it will create, no matter how many people will provide services and generate multiplier benefits for the economy of Guyana, because the Alliance For Change has a vested interest in stopping competition for the Pegasus Hotel the Alliance For Change has no shame in coming to this Hon. House and seeking to stop this project.

Mr. Speaker: Your time is up Hon. Member.

Mr. Hinds: Mr. Speaker, I move that the Hon. Member be given fifteen minutes to continue his presentation.

Question put and agreed to.

Dr. Singh: Recall, Sir, as I said earlier, permit me to repeat it. We were not asked for additional information here. We were not asked for enhanced scrutiny. We were not asked for testimony before the Economic Services Committee or any other mechanism that exists. We were told, kill the project. [**Mrs. Backer:** Did you offer those things?] Of course we did. [**Mrs. Backer:** When?] We said clearly we are inviting the Opposition to ask us any question. We said that in a parliamentary answer that I tabled. I tabled on 12th March, 2012, in writing, an invitation for us to be asked any question. That invitation was never acted upon. Instead, the Alliance For Change comes now and says we must stop this project in its tracks with great haste. Mr. Speaker, I will say this, despite the invectives being thrown from that corner of the House – and that is all they know about – I see the Leader of the Opposition maintaining a very dignified silence and I hope he will rise to the occasion and dissociate his Party from this vulgar abuse of the parliamentary vote tonight. This is an opportunity for the A Partnership for National Unity (APNU) to say we will not be branded with the same cronyism brush of the Alliance for Change. This is an opportunity for the APNU to say we do not wish to be painted by that brush. I call on the leadership of the APNU to join us in roundly rejecting this motion which is designed, like I said, to pursue narrow partisan interest, and, in fact, is counter to the interest of the people of Guyana.

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

8.51 p.m.

Lt. Col. (Ret'd) Harmon: Mr. Speaker, I rise to the challenge thrown out by the Hon. Minister. I want to give the Minister the assurance that, on this side of the House, there is no division. Now back to the debate. We have had a long of histrionics; we have had a lot of people talking about what the others were saying and all these things. However, I want to get this debate back to something that the Guyanese people can understand what we are talking about here. Let us bring it back there.

I rise to support the motion filed here by the Hon. Member, Mr. Khemraj Ramjattan. In looking at the motion, I see an effort to make the Nation Assembly a more meaningful place in the governance of this country. This is what I see in the motion. It is our view that part of the struggle to make the executive arm of Government more accountable for its management of the resources of this country; this is what this motion is all about.

We have been regaled by speakers on the Government side of the transformational nature of this Marriot Project. But what is it transforming? Is it the hospitality industry? Is it the tourism product that we are trying to transform? **[Mr. Ali: What do you think?]** I will tell you what I think.

We have been asked to view this major infrastructural investment as part of a development continuum, which includes other links, the Cheddie Jagan Airport International expansion, the Amalia Falls expansion and now this Marriot expansion. This is what we have been asked to do to make that linkage – fibre optic cable, deep water harbour, yes all of that... **[Interruption]** **[Mr. Ali: Mr. Harmon, it is a complete overhaul.]** I will like that, you speak for yourself. All of these are investments using the people's money for projects which are meant or should be meant for the greater good of all Guyanese, this is what this is intended to be. But let us see what it is that we are asked to deal with here today.

We support, over here, projects which are for the greater good of all Guyanese. I want to put that on record. What we cannot support is the utilisation of people's money - the Guyanese people money, on projects which are for the benefit of a few; that is what we cannot support. When we examine the operation of this Marriot brand; let us look at it in the Caribbean. My friend, the Hon. Minister spoke about the Marriot brand across the region and across the world, but let me examine the Marriot brand in this region.

Let us first of all look at the Marriot brand in Suriname. Do you know what they have there? They have a Marriot Courtyard. **[Interruption]** Do you know what the investment was? Twelve million dollars - \$9 million by investment by Royal Bank of Trinidad and Tobago (RBTT) and \$3 million investment by a private investor... **[Mr. Ali:** Let us go to St. Kitts now.] Let us look at Trinidad, do not go to St. Kitts as yet. The Trinidad Marriot –Courtyard, that is the level; let us look at Jamaica... in Trinidad it is the Marriot Courtyard; let us look at Barbados – it is the Marriot Courtyard. Now all of these countries that I have referred to are countries with a very well developed infrastructure and a tourism product that is far more advanced than ours. Yet, all of these countries decided that the Marriot branding will be the Courtyard level. But here in Guyana, we are a poor country, we do not want that. We do not want a \$20 million investment; we do not want the Marriot brand for that kind of money. We want the Marriot branding for \$50 million US – this is what we want. We want a Marriot hotel and resort.

The Marriot product – there are several categories of investment by the Marriot... **[Interruption]** **[Mr. Nadir:** The Courtyard is the lowest.] Even if it is the lowest, all the rest of countries around here have it, but we want the highest. We have a donkey cart's economy and we want to live Cadillac style.

We here in Guyana, our public infrastructure is in a poor state and we have to agree with that. The tourism industry in Guyana is focusing on and I heard the Hon. Minister speaking about several things about tourism. Our focus is on eco-tourism, is that not so Mr. Minister? But what we want to do, we want to build a Marriot by the beach; by the Demerara Harbour beach. That is where we want to build the Marriot. If we were to use this very basic matrix to determine the utility of the Marriot branding, we begin to see that the Marriot brand was acquired by our neighbouring countries for far less than the investment we are trying to put into this.

If private individuals in the face of empirical business data are prepared to spend this kind of money, I have no problem with that...

Dr. Singh: Mr. Speaker, it is not my intention to interrupt the Hon. Member really; I am tempted to let him continue. But I did think that I should make the point that there is a great distinction between a Marriot Courtyard and a full Marriot Hotel. **[Mrs. Backer:** That is not a point of

order.] This is a point of elucidation and it is not appropriated to compare a full service Marriot...

Mr. Speaker: Hon. Members, I have not even been able to hear Dr. Singh's clarification and I need to hear it.

Dr. Singh: I was merely making the point Sir, that there is a great distinction between a Marriot Courtyard and a full service Marriot. It is not appropriate to compare the cost of a Marriot Courtyard with a full Marriot Hotel.

Mr. Speaker: Thank you. I think that is the point that Col. Harmon was trying to make, that the two are so different and the countries in the region have chosen the Courtyard and Guyana has chosen the higher end.

Lt. Col. (Ret'd) Harmon: Mr. Speaker, in the scheme of the Marriotts, as the Hon. Minister has risen on this point of order, I can educate him a little further on what the Marriotts are. There are about eighteen brands under the Marriott, including the Marriott Hotels and Resorts, which is the highest and that is what we want. The next is the Ritz-Carlton – the Ritz-Carlton is even below that... *[Interruption]* **[Dr. Singh:** We can go to [www....](http://www.marthasville.com)] Well alright, you can say what you want, tell me about the Marriott. The Ritz-Carlton, then next we have the JW Marriott, you have the Bulgari, you have the Renaissance, the Autograph Collection, you have the AC Hotels and then you go to the Marriott Courtyard, then you go to the Marriott. So when you are talking about branding, you are talking about going to the top of the level, the highest level. Why do you want to do that, to put it right here? That is the point I am making; you want to go to the top of the level.

I have heard the learned Minister speak about the Hyatt and the development of the Trinidad waterfront. But what I want to say is that Trinidad did not build the Hyatt Regency and then look to develop a waterfront after. They put in place a Waterfront Development Plan, which was passed in the Assembly and a process of development started. The Hyatt is just about one aspect of it; it was a process of development. What we are talking about here is just building a Marriott and putting it there by the seawalls. What about the rest of the city; what about the jetty?

[Dr. Singh: The solution is to stop it.] No friend, you just listen to what I am... listen and learn. *[Interruption]*

Dr. Singh: Mr. Speaker, on a point of elucidation, the Hon. Member invites me to listen and learn. I am quite happy to learn, because I am still capable of learning, unlike, I suspect, some on his side.

Mr. Speaker: I will only allow... [*Interruption*] Hon. Members, I will only permit points of order, elucidations or clarifications that are pertaining to the content of the subject that we are debating. Thank you.

Lt. Col. (Ret'd) Harmon: Mr. Speaker, when you are building a Marriot Resort in the capital city of Georgetown you have to examine closely the infrastructure of the city - you have to examine that. When I was a child many moons ago, I grew up in the countryside at a place called Pouderoyen. The street where I live was a very narrow street called Middle Street. It was bricky; there were a lot of bricks, holes and so on in the street. Mr. Speaker, do you know what happened? There was a gentleman there called Mr. MacDonald. Mr. MacDonald went to the Hinterland and he was mining for gold and diamond and he struck out; he made some money. He came back to Georgetown and bought the best car that you could find. [**Mr. Ali:** You had the best car Mr. Harmon.] I was a little boy then, you were not even born. He bought the best car you could have found and brought it into the village – you know that was his little Marriot. The car could have only driven in one way and had to reverse out because the street was so narrow. The roads were so filled with bricks that after a short time, the tires went, the shocks went and that was the end of his car.

What we are seeing here today is that we are investing in a Marriot Hotel, a five star branded hotel, in the capital city of Georgetown that is in a mess. [**Mr. G. Persaud:** inaudible...] That was the only car. And now the mess of Georgetown City; the roads are bad, there is garbage, the canals are blocked, bad electricity, people who are homeless, children on the streets, adults who are also roaming the streets with no place to live and right next to where they are building the Marriot, there is something called Cardboard City. I do not know how many of my colleagues might have gone there, but I went out there and there are a large number of persons who are living out there. I have not seen in the design that has been given to us of the Marriot what they are going to do about that. I have not seen how the Marriot relates to the rest of Georgetown. The Mayor of Georgetown has spoken *ad nauseum* about the problems he has with the Government's refusal to allow the city to develop in a certain way.

There is a Greater Georgetown Development Plan, 1999-2012. The elements of that plan, I am sure if they were to be embraced by the Government, we will see a better city. But what has happened? The Government has refused to implement the terms and the recommendations in this plan – they have refused. The proposals were made by a Prof. Akbar Khan, a Town Planner and the only recommendation, as far as the city is saying was followed, was that the new commercial buildings in the central district of Georgetown, that those people who were developing such buildings, should provide parking facilities for their customers. Even this is observed more in the breach than in the conformity – that is the only thing... *[Interruption]*

So when we are talking about a Marriot branded product, bringing it into the city of Georgetown, we have to cater for all of these things. We cannot build a Marriot and then build a plan around it; it is the other way around. You fix the place and then you can build a Marriot ... *[Interruption]* ...that is what we are doing.

Clearly, even before the Marriot agrees that its brand is to be used... **[Mr. B. Williams:** Are you still lecturing?] ...Yes, I am still lecturing. Even before the Marriot agrees this is what is required by the Marriot, there are twelve conditions which any person or state or company that is seeking to get the Marriot branding, have to satisfy. The first condition and my learned friend, Hon. Member, Mr. Ifraan Ali, addressed some of them, but there are twelve and Mr. Speaker, I will indicate to the House the areas where we have a serious difficulty in the providing of information by the Government on this project. First of all it says:

“What is the exact location of your project?”

Well we have that.

“If available, please provide a map illustrating the areas surrounding your project and identify the location of your project on a map.”

They did that, I think I will give them a tick for that.

“Who is the owner of the land?”

“Please provide some basic information on the ownership group, for example, primary lines of business, total revenue for the recent year, if not publicly traded, the name of the individual owners.”

You have that.

“What sort of project are you proposing and what facilities will the project have, for example, resort with golf course, pool, tennis etc. or business hotel with convention space?”

How many rooms do you anticipate building and what will be the size of a standard guest room?”

You have that, yes, I heard you picked for that.

“Have you engaged a consultant to perform a market study and prepare operating projections for the project, if so please provide a copy?”

Where is it? [Mr. Ali: We got that covered.] Who got it? That is what we are asking for here. Where is it?

“What is the total project budget you envision? Break it down to at least the following categories: Land, Construction, Furniture and Equipment.”

Tick.

“How do you intent to finance the total project?”

What percentage of the debt and what percentage of equity and what are the sources of each.”

Where is it coming from? That is what we want to know. We want to know.

“In which of our brands are you most interested?”

What did you say? [Mr. Ali: The resort.] The resort - the highest, yes.

“Are you interested in a franchising arrangement?”

Answer! [*Interruption*] No or yes? This is what they asked.

“At what stage are you in the development and design process? Have you hired an architect interior designer, et cetera?”

“Please provide us with information on your background, ties or pass experience with the tourism and our hotel industry.”

Who has it? Atlantic Hotel Inc.? They were just formed, what experience do they have? This is what ... you have to provide this even before you get the branding.

Mr. Speaker, clearly an environmental impact assessment will have to be done and this must feature issues such as global warming. Is that why this Environmental and Social Impact Assessment (ESIA) is taking so long, is that why you all cannot get it so long? Minister Robert Persaud was talking here about global warming and the rising of the sea and sea levels and we are building a Marriot right at the sea. Unless our plan is to isolate the visitors, who come to the Marriot, from the rest of Georgetown, then these issues must be addressed.

The National Assembly has a right to demand this information that they were asking for. We have a right. The Marriot people themselves understand that reality. Mr. Andrew Haughton, about whom the Hon. Minister of Finance spoke earlier, the Vice President for the Caribbean, when he was here at the turning of the sod... [Mr. Benn: How do you know about it?] How I know about it? I research, that is what I do. Mr. Speaker, this is what the gentleman said among other things:

“We hope to therefore attract conventions here,”

That means the conventions and so on.

“We hope to attract business people who would continue to move your country in a direction that the electorate decides.”

Mr. Speaker, we as the representatives of the people are saying that the project must come to the National Assembly for approval. That is what we are saying. We are saying that the projects...

Mr. Speaker: Cde. Harmon one second, the motion before us is asking for two specific things. What I am hearing from you is that approval is contingent on information. If it is the latter, well then let us move in the direction of the latter.

Lt. Col. (Ret'd) Harmon: Mr. Speaker, I am supporting the motion by the Hon. Member, but I said that at the outset. In addition to that, what we are saying is that we have to have information as well. Let them bring the information.

I wish to reiterate that I stand here and I wish to state categorically that we support the motion standing in the name of the Hon. Member, Mr. Khemraj Ramjattan. *[Applause]*

Mr. Lumumba: Mr. Speaker, I stand here today in opposition to this motion. I think what we have here today is a difference in approach to development. Before I get there, I have a lot of respect for Mr. Harmon, but I want to say that I am glad that Mr. Harmon did not represent Guyana during the battle for independence. Mr. Harmon stood there this evening and he said basically, I remember when Burnham and Jagan sat with the British, when the British asked Jagan and Burnham, “Are you capable of running Guyana? Mr. Harmon would have said, no! He would have said no. I have never seen such ideological representation of neo-colonialism like tonight.

Mr. Harmon is saying to us that we should not have a Marriot, we should have a little one, we must not think far and we must not think big. Mr. Harmon is saying if I am going to school I must not wear white sneakers, I must wear a brown one – that is what he is saying. I do not understand.

Mr. Speaker, NICIL has submitted historically, all of its annual documents to this National Assembly. We have submitted reports and reports on all of our projects. This Government does not have any phantom deals. The only phantom deal I know of and the Minister of Finance referred to the ten years of phantom, ten years of the people’s money being misspent, ten years of someone walking in a bank or a vault with a crocus bag and fetching out the taxpayers’ money with no report. *[Interruption]* **[Mr. Ali:** Who was the Minister?]**]** The man that got away – Steve McQueen...

Mr. Speaker: Hon. Members, it is 9.15 p.m., there are four other Members to speak and we need to leave here early.

Mr. Lumumba: Mr. Speaker, when we talk about abuse of the public trust, the PNC/APNU cannot talk about public trust. The sale of Guyana Telephone and Telegraph (GT&T) - no open bid, US\$15 million; \$1 billion left back, half billions in property. The Managing Director of one of the entities was to be the General Manager of GT&T after and poor Mr. Harte had to tell him: "Do not be stupid!"

If you are dealing with development, there are things that you have to put in place, a modern airport, a five star hotel etc. When Brasilia started in Brazil, it was jungle, they started from nowhere. When I first went to China, the only modern hotel they had in Shanghai was the Marriot. [Lt. Col. (Ret'd) Harmon: What year was that?] You would not know, you were a soldier, you went in the *bush*.

The Opposition has been elected to protect all the electorates, including theirs. They have a right to ask questions and we must give them answers. But the Opposition or those elements in the Opposition, does not have the right to use this Assembly as a lobbying forum. I believe that in the heart and soul of Mr. Ramjattan, he needs to tell us, he needs to come clean, he needs to say... [Mr. B. Williams: Speak to the motion.] That is to the motion. I am saying that the motion is improper because it is a lobbyist effort. Mr. Ramjattan must say, "Am I the personal lawyer of Mr. Badal? How much money did he give us for the campaign and what was the nature of the discussion before the cheque was presented to the AFC? He must do that. I am saying to Mr. Ramjattan, let him take a ... like Minister of Home Affairs, Minister Rohee...

Mr. Speaker: Is it a Point of Clarification or...

Mr. Ramjattan: Well no, it is misinformation and they are talking about... and Mr. Badal is not here either. He is...

9.22 p.m.

We cannot do anything in this place. They are just going to thrust that on us – that we are collecting money from some lawyers.

Mr. Lumumba: Mr. Speaker, I asked a question.

Mr. Speaker: Mr. Lumumba, Mr. Ramjattan denies it and unless you have any basis or any documentation or anything to support your argument I advise that you move on.

Mr. Lumumba: With due respect to you, Mr. Speaker, I asked a question. I am asking Mr. Ramjattan is this thing makes sense. Did he, from a personal or political capacity, receive any...? That is what they ask in the American Congress and the British Parliament, Mr. Speaker.

Mr. Speaker: He said “no”.

Mr. Lumumba: That is the question. If he said “no’, then it is “no”.

Mr. Speaker: He said “no”.

Mr. Lumumba: Are you saying “no”, Mr. Ramjattan? He is not answering. Mr. Speaker, let us look at the relationship of development and Government participation in public and private sector: Brazil preparing for World Cup Football: Many buildings, many projects, hotels, arenas, transportation will be built by the Brazilian Government. They did the same in South Africa. London did the same for the Olympic Games. We believe that in order to move the economy forward it is important that Government set an example.

Construction of the Marriot Hotel is an attempt by Government to fuel the economy and provide leadership in the private sector. There is no other agenda.

This Government has a success story. It is important to note that APNU or the PNC have tried to be involved in public and private sectors in the past and here is their record:

- Upper Mazarooni Hydro Project – Failure
- Clay brick project, with taxpayers’ money – Failure.

[Dr. Singh: Who was the final failure?] The one that got away, Mr. Greenidge.

- The paint factory
- The glass factory
- The bicycle factory
- Sanata Textiles

- Cotton Factory at Kimbia – Mr. Jones knows that well, he trained there, he worked there.
- Plastic factory at Buxton
- Destruction of the Manganese industry
- Destruction of the Bauxite Industry
- Destruction of the Housing Industry
- Destruction of the economy – 38 % interest rate

Mr. Speaker, this Government, and in particular under the leadership of the Minister of Finance, must be given an opportunity to succeed. We have shown the relationship between development and major projects. There is a fundamental discussion, as we speak, in the American Congress about the relationship of private/public projects and economic development and that is what we are referring to. We do not see the ‘Marriot Project’ as one just to idolise and for political discussion.

Let us look at Detroit. Look at the billions of dollars the American Government put in the restoration of the car industry. The objective was to drive the industry, drive the economy. President Obama is presently asking for billions for the transportation projects around the United State; the objective: to drive the economy.

We cannot have an Opposition whose only role is to say “no”. We cannot have an Opposition where all is negative. We must have an Opposition with the capacity to sit at the table with the Government and discuss the way forward. With this Opposition, one year in Parliament: “no, no, no”. For weeks and months “Let us attack Minister Rohee”. For weeks and months “Let us find something on Minister Rohee”. Let the Opposition focus. They need to focus on what we are about to do. We are trying to bring employment to the poor people of Guyana. We are trying to energise the economy. We are asking you to join us. Instead the Opposition decided that they rather join hands with a lobbyist – Mr. Badal and the Pegasus. I applaud Mr. Badal for what he is trying to do with the Pegasus. He is trying to improve the Pegasus but the construction of the Marriot will help the Pegasus.

Recently we had a motor racing project in Guyana and every room in Georgetown was full, every single room, yet Mr. Harmon is going to tell me that we do not need a big hotel and that we need a small hotel.

Member of Parliament, Mr. Harmon, spoke about Suriname, he spoke about Jamaica. All of those countries have five-star hotels. We need at least one five-star hotel in Guyana. What is wrong with that? What is wrong with having a good hotel? Mr. Speaker, Mr. Harmon travels and he stays at five-star hotels; I know that. He stayed at the Hyatt the other day. Why did you not go into the ghetto and stay? Why did you not go into the ghetto? The gentleman came here and told us that we must not build a five-star hotel but he travelled to one. Why do you not want to stay in Laventille? You should have stayed in Laventille.

Mr. Speaker, I am appealing to my brothers and sisters that for once, at least for Christmas, say “yes”. Just for Christmas say “yes” to the Government of Guyana, thank you. [*Applause*]

Mr. Speaker: Hon. Members, may I invite then the Hon. Attorney General to address us?

Mr. Nandlall: Thank you very much, Sir. I rise to make my few contributions to this motion which is being discussed tonight. I wish to commend my colleagues on this side who spoke before me – the Hon. Irfaan Alli, the Hon. Dr. Ashni Singh, the Hon. Mr. Lumumba – who with commendable lucidity and clarity have adumbrated all of the issues which are relevant to this debate.

If I am to categorise and classify the arguments emanating from the Opposition one finds a difference in the arguments coming from the APNU and the Alliance For Change. The Alliance For Change predicated their discussion on or Mr. Ramjattan predicated his arguments on issues of transparency and the process in which we engaged in relation to the ‘Marriot Project’ and that seemed to be the thrust of his arguments in support of the motion. The APNU, on the other hand concentrated heavily on the viability of the project and spoke less to the motion itself.

Coming back to Mr. Ramjattan’s argument and the motion’s express language, Mr. Ramjattan has raised several issues regarding unconstitutionality, illegality and these charges he has placed squarely upon the shoulders of the Government and NICIL. Now I could understand the Hon. Member Mr. Greenidge. He is an economist and has a financial background. Mr. Ramjattan is a lawyer of many years standing and his motion complains principally about act of unconstitutionality and acts of illegality being perpetrated by the state. It begs the question: why is it that Mr. Ramjattan has chosen to come to this Parliament to bring a motion rather than challenge these manifest illegalities as palpable unconstitutionality about which he speaks in

the court? There must be a reason why a lawyer does not want to go to court to challenge an illegality and he comes here to bring a resolution when we have established very clearly, Sir, that resolutions have no binding force on the Government's policy and I will cite again the authority which I have cited to the Assembly. It says in the text *Private Members' Business, a Practical Guide* – a book emanating out of the House of Commons in Canada:

“In deciding between a bill and a motion the first difference to keep in mind is their effect since in agreeing to a motion expressing a resolution the House is only stating an opinion. The Government will not be bound to adopt a specific policy or course of action.”

It is clear that the Government is not bound as a matter of policy to give effect to a resolution emanating from a motion and Mr. Ramjattan knows this. Why has he chosen this method? That is what gave credence to my friend's argument and the poster that my friend holds up in support of his argument. This is why; it has a political... He speaks about incest and he speaks about deformity which flows from the incest and he is championing the cause of a person laying in the bed of his own political party. You cannot get more incestuous than that and that is where the deformity will come from and that is the point that we are making emphatically on this side.

Going back to the court, my learned friend, Mr. Burch-Smith, was here to listen to this debate but he could not stay. Mr. Burch-Smith is involved in a matter, and there are several matters, in which NICIL's disposition, alienation and deal with properties have been the subject of litigation in the courts. Recently, Mr. Ramjattan must be aware, a ruling emanated from the Caribbean Court of Justice (CCJ) in a case filed by Toolsie Persaud Limited concerning the land at Plantation Turkeyen. After the ruling of the CCJ and not being satisfied with that ruling, Mr. Toolsie Persaud re-launched litigation in the court and part of those litigations consisted of a direct challenge of how that plot of land was alienated by NICIL to a company in Trinidad called Multi Cinemas Limited. That was a subject of a direct challenge in the court filed by learned Senior Counsel Mr. Robin Stoby. When I produced the amendments and the notification in the gazette, which Dr. Ashni Singh made reference to in his presentation; Mr. Stoby swiftly withdrew his challenge. There is a written ruling by the Hon. Chief Justice legitimising and giving his stamp of approval of NICIL's power to alienate property in the manner in which NICIL has done in relation to this Kingston property.

All this illegality that my friend is speaking about, the reason why he cannot go and file proceedings to challenge the illegality about which he speaks about is it will not see the light of day in the court. The application will be rejected. There is more than one written judgment to that effect. [Mr. Nagamootoo: So what, you control the court.]

All I am doing as a lawyer, as the Attorney General, is citing extant ruling of our court which guides this Parliament, guides practicing lawyers and the citizens of this country and there is an utterance on the other side that I am controlling the court.

The argument has been advanced that Guyana is not ready for this type of investment. The arguments advanced is that we have a dirty city; that we do not have the business atmosphere and environment that will conduce to this magnitude of investment in the hotel industry; that there is a mudflat and a “cardboard city” adjacent to where the hotel’s proposed site is. I have traveled across the Caribbean and I know that my learned friend, Mr. Harmon, has as well. I just came back from Panama City where I saw some of the most spectacular buildings located in this part of the hemisphere situated in that city and immediately before one enters Panama City one drives through the worst slum areas I have ever seen.

Outside of Le Meridian Pegasus in Kingston, Jamaica... In fact, if one stands in an elevated position in Le Meridian Pegasus, Kingston, Jamaica, and one looks out sees a shanty town from Old Kingston blocked off from New Kingston by cardboard and there are hundreds of cardboard houses.

When one goes to Trinidad one sees that there is a village in Sande Grande in an oil-rich Caribbean country in the year 2012 that there is no electricity.

In all of these countries one finds hotels of the stature and caliber of the Marriot. Why? It is because these are the institutions; these are the economic driving forces that drive economic activity in a country to eventually alleviate instances and incidents of poverty. The Government is being faulted for partnership or partnering with the private sector in this investment but right across the ocean, just an hour “airtime” flight from here the Trinidad and Tobago Government constructed a spectacular over 50-story building that houses the Hyatt Hotel. It is a Ministry of House project; so much so that in the lobby of the Hotel is a photograph of the Hon. Minister of Housing of Trinidad and Tobago, Dr. Roodal Moonilal. The Trinidadian Government rented that

facility to Hyatt international on very flexible and generous and incentive based terms and conditions. Why?

My friend speaks about Marriot in particular and my colleague, the Hon. Member Mr. Manzoor Nadir, told me that when he was Minister of Tourism he met with the Vice President of Marriot in South America and Latin America and they have a total of 54 hotels spanning this part of the globe with over US \$800 million of investment in this region. We should be proud that Marriot has identified us as a viable place to invest.

It is a partnership among Marriot, the private sector and the public sector. The other argument that my colleague and learned friend Mr. Harmon advanced is that the hotel is too close to ocean and global warming will render the hotel under threat, but the reality is that hotels throughout the Caribbean are largely located on the edges of beaches, on the edges of the Caribbean Sea. That is where the hotels are located. In Barbados, in Trinidad, in Antigua, in St. Lucia, in Rio De Janeiro in Brazil they all line the beaches. Most of these countries are rocks in the ocean. They are more susceptible to global warming than we are. In any event a hotel of the standing and multinational company like Marriot that has so many experts at their disposal have commissioned a feasibility study. The people did not come here and arbitrarily and whimsically decide that they will establish a hotel here...

Mr. Speaker: Hon. Members, there is a din. Let us complete this debate.

Mr. Nandlall: ...and invest in Guyana. They did so based upon a feasibility study. They must have done an actuarial survey of their investment to look at the risks to which they will expose themselves and look at the viability of the project. These are not people who are untrained and inexperienced in the hotel industry. These people have hotels have hotels right across the globe so we have to credit them with some kind of acumen and business initiative and they have come here and they have looked at the traffic at the airport, they have looked at the market and they have decided that Guyana is attractive enough and a viable market to invest in a resort-style Marriot Hotel, not a Marriot Courtyard.

Also my friends have plucked statistics out of the air and would like us to believe that hotel occupancy rates are below 40%, one said, below 50% another one said, and my colleague Dr. Ashni Singh pointed to the fact that Pegasus, itself, the hotel that claims to suffer some great

injury as a result of this proposed competition, is expanding its facilities and improving its facilities and upgrading its facilities to the tune of US \$9 million. That is the information published in the press. The question is, why? If that company is enjoying merely a 40% occupancy rate why is he expending and investing US \$9 million? It does not make sense. Many of my colleagues in this House know of my association with a hotel in this city and before I came to this Assembly I enquired – that is an 86-room hotel establishment – of the level of occupancy and out of 86 rooms only two are available. The point I want to make... I invite you, any one of you, to call tomorrow or tonight and enquire. The statistics which are being fed to us are misleading and are concocted to serve the argument of my friends.

The motion speaks to the depositing of moneys into the Consolidated Fund and it speaks to the lack of transparency which is alleged afflicts the operation of NICIL but we have said ad nauseam in this House that Dr. Ashni Singh explained in great length the origin of NICIL, the nature of the company and the reason why it was established. Cde. Irfaan Alli explained about the wide mandate of the Articles of Association that allows it to invest and engage in business of great amplitude. That seemed not to have satisfied my friends but the truth of the matter in terms of accountability and transparency is: We have stated in this House that we have one privatization policy; the execution unit of it is NICIL. It was the subject of a white paper which we tabled in this National Assembly when my two friends were on this side of the House and we have to this date faithfully followed the principles adumbrated in that white paper that we will dispose of property through a publically tendered and advertised process; that it would be open to bids and properties are going to be sold at market value. In 2010, NICIL released a document which was circulated in this National Assembly in which NICIL detailed every single transaction in which it was engaged in beginning from 1993 to 2010. My friends did not read that. That was disclosed since 2010 or 2009; long before any issue of transparency came up.

The Auditor General audits the accounts of NICIL annually and those accounts are prepared and put as part of the Auditor General's Report and they are handed over directly to this National Assembly. My friend, the Hon. Mr. Greenidge, chairs that Committee – the Public Accounts Committee. That Committee has enhanced power under the Constitution to look at the Auditor General's Report and to summon NICIL and to summon any agency that they have a problem with and ask whatever question they want to ask and to subpoena any document that they want to

subpoena. I do not understand on what basis we still hear this cry about lack of transparency and secrecy.

We conceded in June of this year when the motion was put in front of this House and debated by the Hon. Member Mr. Greenidge that all of the financial years of audited financial accounts of NICIL, the umbrella company and its various components, we did not have all ready and we gave an undertaking then that we will produce it before the end of the year 2012 and they are all here. They are all here. Where is the lack of transparency? I do not understand what else we need to do as a Government. The Minister of Finance said the Mr. Ramjattan and the Alliance For Change and APNU were invited to a close-door session at Office of the President (OP) to look at all of the documents and a reason was given why the investors wanted some degree of confidentiality in terms of their investments and that is not an unreasonable demand. That is not an unreasonable demand.

I say that the allegations that are being peddled and repeated ad nauseam about lack of transparency of the operations at NICIL is one that is founded in fiction and being manipulated and peddled for political reasons and expediency.

9.52 p.m.

Recall that there were televised debates dealing with one of the topics, specifically NICIL. We invited the Alliance For Change and A Partnership for National Unity (APNU) too. APNU took a principled decision earlier that it would not have come, but the Alliance For Change had kept coming. In relation to the NICIL's debate, it brought no other than one of its other bedfellows, Mr. Christopher Ram. He attended the interview and I said to him repeatedly during that televised live programme to let him identify on national television - the cameras were rolling live - a single transaction that he can establish that there was corruption; let him identify a single transaction that he believed was tainted with financial or other irregularity. I asked him that question over six times in one hour and he abysmally failed to identify a single transaction. Sir, what else can we do?

All we are hearing are these allegations, wild, unsubstantiated claims being made, and this anti-development dogma and ideologies being perpetrated and peddled by leaders of this country without any empirical data, without any evidence, to support these contentions. Your Honour,

you had the cause to tell my friend that he was speaking about... What is striking is that when my friends began this political tirade, they become very loose. Tonight we witnessed one Member being so loose that he started to allege that a particular hotel was built to do money laundering and to wash drug money and Your Honour had to correctly pull him up. I see that he has imposed an exile on himself. He is not here anymore.

Sir, I just wish that the people of this country must see these political antics that are manifesting themselves in motions and television programmes, and so on. As political antics, they are anti-governmental, anti-developmental and all designed to perpetuate this myth that there is a lack of transparency. NICIL has become their favourite flogging horse when the Constitution clearly allows for NICIL to keep its moneys, to invest as it sees fit and to deposit excesses in the Consolidated Fund. Article 216 states that very clearly. If my friends believe that the Government is violating article 216, there is the forum of the court to go to. They do not want to go to the court. They do not want to engage in any one-on-one debate on television. They want to keep these side freak shows, these antics, these circuses, going to score political points. I, therefore, reject this motion out of hand.

Thank you very much. [*Applause*]

Mr. Ramjattan (replying): I must say, in rebuttal, after hearing the debate here from this side and the Government side, that in connection with what was exclusively said by the Government side, it has not addressed the issue as to parliamentary scrutiny of public moneys. I want to indicate that what we had as a reasoning from the Hon. Minister of Finance as to article 216, that which is in the parenthesis, is so flawed and erroneous that I noticed that the Attorney General kept clear of it. Let me just say this: It is a fundamental role of Parliament to always scrutinise the public purse. Under Title 8 of our Constitution, article 216 states:

“All revenues or other moneys raised or received by Guyana (not being revenues or other moneys that are payable, by or under an Act...”

This Minister was trying to use that parenthesis to indicate that it means the Companies Act. There could have been never any contemplation by the framers of this Constitution under the financial architectures in colonial times, nor even in republican times that a company, although it came under an Act, would be where moneys can become payable to. It has to be a specific Act

that states a certain fund will be created, such as the Lotto Funds, and that fund will keep the moneys. It all must be for purposes of going into the fund to run that Lotto's company business.

[**An Hon. Member (Government):** Why can GuySuCo...?] I am indicating to you that you cannot, and this is an outrageous interpretation of a major article of the Constitution. It is intellectual dishonesty, if I may say so. [**Dr. Singh:** On what basis is it intellectual dishonesty?] It is because it is clearly stating so, and it is only in parenthesis, that the major, primary purpose of that article is all revenues to go into the Consolidated Fund.

More than that, to flesh it out, the Fiscal Management and Accountability Act indicated – when we passed this I remember he was not here; there was another Minister here as far as I recall - ... It was passed and I remember the very brilliant Mr. Winston Murray indicating that, yes, there can be certain Extra-budgetary Fund and the fund must come by a specific Act of Parliament and the specificity of that Act of Parliament which will then make the fund to be kept in that rather than be put into the Consolidated Fund. That is in section 39. An Extra-budgetary Fund may be created by an Act, which legislation shall set out the officials who will undertake the financial arrangement and all of that, and it specifies what the requirements for these Acts, as spoken about in article 216. Moreover, after section 39, we put in also a very important section, section 40, that whatever the Government does with these Extra-budgetary Funds and funds that will remain there it has to let the parliamentary process, at least, see what is happening. This is what section 40 states:

“Subject to any other law, resources allocated from any Extra-budgetary Fund for the purpose of financing Government social or economic development projects shall be included in the relevant investment plan and programmes of expenditure contained in the annual budget and such resources shall be processed through the Consolidated Fund.”

That is what it is saying. Article 216 was given flesh by the FMAA and it indicates that those moneys from those budgetary funds are extra-budgetary and come with a specific parliamentary Act must pass through the Consolidated Fund. That is what we have here. The Hon. Minister of Finance is now saying that we could put them into a private company and because companies come under the Companies Act we could do what we want to. It is an outrageous thing to talk and a double farce in relation to accountancy to come here and say that. My goodness! [**Dr. Singh:** What is a double farce?] It is whatever it is. You are a smart guy, but you are

being covert here. [Dr. Singh: I do not understand it; explain it.] You and your financial sultanate...

I want to indicate, too, that the Members on the Government side seem not to want to appreciate article 217 (3), “No moneys shall be withdrawn from the Consolidated Fund except...” There are the exceptions, and the exceptions are stated here, but all must be deposited here, and when the Government wants to spend it, it has to come here. The Members on the Government side did not address that – none of them. They want to now do a fanciful and whimsical interpretation of that parenthesis to say well NICIL was formed under the Companies Act and so that is the Act that this parenthesis is talking about. It is not talking about that.

The case my learned friend was talking about that occurred with Justice Stoby has no relevance whatsoever. NICIL indeed can sell properties; we understand that, but the moneys must go into the Consolidated Fund. If the Government wants to spend it on Marriot or *Gangnum*, or whatever it is, it has to get the National Assembly’s approval. That is where the Members on the Government side are mistaken. That is the trouble where...

Mr. Speaker: Mr. Ramjattan, one second. Hon. Prime Minister, we are drifting past the ten o’clock hour. Could I have a motion that we continue until?

Mr. Hinds: Yes Mr. Speaker, I would like to propose the motion that we suspend Standing Order No. 10 so that we can complete this motion.

Question put, and agreed to.

Standing Order suspended.

Ms. Ally: Mr. Speaker, I wish to ask that we go beyond ten o’clock so that we can complete the business. The other business is the Public Accounts Committee Report.

Question put, and agreed to.

Motion carried.

Mr. Ramjattan: I want it to be understood that when this motion came with those clauses, and I had added that first one about the repugnance in their conduct, it had to do with these provisions all being literally damaged beyond redemption.

I want to also make this very important point again that we are not blocking any social or economic development. We are ensuring that there to be lawfulness and that the procedural proprieties be met before we do it. I want to indicate that when the Members of the Government side were quoting Jamaica, Trinidad and the Hyatt Hotel, and all of that, the public aspect of the moneys in that partnership had to pass through what is called the Capital Estimates of Trinidad's Parliament. **[An Hon. Member (Government):** No!] It had to! Parliament had to approve of it. **[Dr. Singh:** Show me where it is.] Show you where! I am saying so and I will show you where. It has to be passed here. They do not want to listen to that.

I am also indicating that there is a scenario where the Minister of Finance did indicate that there was an Order in which the Government made NICIL a public corporation, as it were. **[Dr. Singh:** ...*[inaudible]*] What did you do? **[Dr. Singh:** You should have been paying attention.] I indicated in my address if he would mind showing me where, if it is true. This is the point here. I want to know that indeed it is a public corporation, because this is the rebuttal. Being a public corporation, it has to now, under section 23 of the Public Corporations Act, come under that regime. What is the regime of the Public Corporations Act? That is why I was making the point that the Government conveniently wants NICIL to be a public corporation and conveniently wants it to be a private company. If it reconstitutes NICIL, a private entity, into a public corporation, it then has to live with the regime that the Public Corporations Act talks about and that, under section 23 (7), is stating this:

“Any direction given under subsection (6) by the concerned Minister, with reference to a corporation fully owned by the State or any agency on behalf of the State, may require the whole or any part of the proceeds of any such disposal to be paid into the Consolidated Fund.”

Again, it is saying that okay you want to mix it up now... **[Mr. Nandlall:** You are making up your own argument now.] It is not making up an argument. Indeed if it was not, we had the scenario where it could not apply. The Government is making now that indeed it was a public

corporation. It has to live with that regime and that regime is one of a public corporation. Public corporations must put their proceeds in the Consolidated Fund. It does not want to do that. It is saying NICIL is a private company. That is why Mr. Irfaan Ali was not saying that it was a public corporation. He said it is a private company. It could buy and sell and it could do all kinds of things. Private companies, if they are now reconstituted into public corporations, must come under the Public Corporations Act and they must live with the consequences of that regime. **[Mr. Nandlall:** Read... *[inaudible]*) Mr. Attorney General, you could say what you want but you must learn to be the custodian of this Constitution rather than just go around hammering it all over the place.

I want to indicate that the Members on the Government side have not addressed the issue here and they talked a lot about how we are blocking development.

What they have done is also...on the point favouring Mr. Badal... They are saying that I am a lobbyist for Mr. Badal. When Mr. Yesu Persaud had said that they were wrong about Ramroop getting all the duty-free concessions and all the concessions, they said that Mr. Yesu Persaud was an ignoramus. They came here with all kinds of thoughts. What did they do? They then had to come back here with a piece of law to say that they were wrong and that the illegality has to be legalised and that is what they did. That is what they are doing here too. They have already tarnished and did a lot of sleight and slur against a premier businessman, Mr. Badal, in the hotel industry by indicating here that I am lobbying for him to keep his monopoly. **[Ms. Shadick:** That is what you are doing.] My goodness. This patriotic...

Mr. Lumumba: Mr. Speaker, in my presentation, I have complimented Mr. Badal for the improvement in Pegasus Hotel. I have complimented him and so has the Minister.

Mr. Ramjattan: You can say what you want. You insulted him.

Mr. Lumumba: I insulted you!

Mr. Speaker: One second. At the end of the evening, the litmus test is whether Mr. Badal feels comfortable with the publicity he has received today.

Mr. Ramjattan: I am certain he will not be. I have nothing about Mr. Badal in my resolve clauses – absolutely nothing – but they started personalising the issue. They want to divert our

gaze from the actual constitutional breaches to come to the conclusion that we are supporting Mr. Badal.

This is the only working class Government that is funding a multinational corporation. That is what it is doing there now. All its anti-imperialist talk and its working class this and that and it is now going to take taxpayers' money, sugar workers' money, to go fund for US\$21 million Marriot International. Look at the Members on the Government side. Look at the working class people, the so-called Socialists, Marxists and Leninists. "*Y'all aint shame?*" They want to slaughter a champion of an entrepreneur that put his moneys into a hotel here and took the risk. They want to put private people's money...

I want to let them understand that the purpose of this National Assembly, which is the sovereign entity after the people, is it should make the decisions on all these major matters. Article 9 of the Constitution makes it quite clear that sovereignty resides with the people and or their representatives in the relevant bodies. The representatives here have an obligation to ensure that we be the custodians of the provisions of the Constitution if the Hon. Attorney General and the Minister of Finance do not want to. If they do not want to be custodians of the provisions of the Constitution and of the FMAA, we will do that. They can come with all their sleight of hand arguments that we could now put it in the private company and do whatever we want. It is outrageous what I have seen here. Let me tell the learned Attorney General that indeed we will be going to court, but we did not want him to raise a *sub judice* argument here. We want this motion to be passed first and then we are going to go there. I want to see what his arguments will be. **[Mr. Nandlall:** I am very happy.] You are very happy. Then you are coming and quoting all kinds of wrong cases in relation to Justice Stoby.

We agree that there must be Government and private partnership - I want to end on that - but the Government part of it must be approved by this Assembly. It must be scrutinised. What kind of shady deal do you want to have which you only would like in the executive branch and we, being the representatives of the people here, the true, sovereign body, are not going to see it? Well what is that? We are not going to fall for that kind of sleight of hand. **[Mr. Neendkumar:** What do you want?] We want total scrutiny. Indeed, if you are saying that the Marriot Hotel project has so much merit about it, show us the feasibility study. **[Mr. Nadir:** You do not want to see it.] We do not want to see it? Let the people see that feasibility study. You do not want to.

Let me say that those speakers over there did not have much to say on the actual resolve clauses and they were very wordy about the motion. They talked plenty but they did not address these issues. I am urging the Members here that they must, in the context of what I have just articulated as the arguments as to why it is the resolve clauses of this motion must be supported, notwithstanding all the manner of claptrap, drumming and dancing,... We want always to ensure scrutiny of the public purse, its spending and investments. This is the first time it is to see a company siphons off moneys from the Consolidated Fund. Do not do it. It is completely wrong and the Government knows it but it does not want to believe it.

Please, I urge then that Members of this House support this motion as it is in relation to those two resolve clauses so we can have another command from this House. The Hon. Attorney General said it has no binding effect. That is the impotency he wants here. **[Mr. Nandlall:** The books said so; it is not me.] When they had the majority in the Ninth Parliament, everything had potency about it. That is what they do not understand. **[Mr. Nandlall:** The books said so.] You cannot get pass here. You must understand that we have a right to scrutinise. Your garrulous nature is not going to damage the validity of my argument.

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

Mr. Hinds: Mr. Speaker, I would like to call on Standing Order No. 39 (2), Right of Reply.

Mr. Speaker: I anticipated that. Proceed.

Mr. Hinds: Thank you very much Mr. Speaker for granting me permission to speak under the Right of Reply. We, the Members of the Government side, thought that we would not have replied, but that we would have listened to the closing remarks of the Hon. Member who introduced this motion. A lot of painful and hurtful things were said to this Government and I would assume that the Members from the other side would also hold that a lot of painful things were said, by this side, to them. We may say that all that we said are true and accurate but we accept that they too would feel pain.

In the course of the debate on this motion, there seems to be two general areas of debate. One is the procedures and processes of NICIL and, particularly, Mr. Ramjattan, in his closing statement, referred to those again and he exhibited that he did not pay attention to the presentation of the

Minister of Finance who spoke exactly to the question he has raised. He raised the question about NICIL being both a private company and a public corporation and the Minister spoke to the issue where there is a clause in the Public Corporations Act which sets out a procedure where sections of the Act can be applied to companies such as NICIL. He also referred to an Order that was made, I think, in 2000 which established this. The issues of the procedures and processes of NICIL and of the Government, with respect to NICIL, and the way that Mr. Ramjattan was arguing should be taken to the court. These are matters that should be taken to the court. There is much more that I could say on it, but I would say on the question of procedures and processes, it is eminently a question to be taken to the court. That is one part.

The other part has to do with whether this is going to be a profitable venture or not, issues of accountability and making information public, and so on. Again, I think the Hon. Minister of Finance led in listing the number of occasions and documents that have been made public and laid even in this House, so that should not be an issue. We should realise that in the establishment of a hotel for commercial ventures such as this that there would be a lot of things that could not be laid publicly in this Parliament or publicly in our country at certain times. At the appropriate time, everything will be made public and I would like to recall that the Opposition Members have been invited to come and hear about it.

The question comes down to choice of development by the Government. Yes, I would agree that maybe APNU would not have invested in the Marriot Hotel. The AFC would not have invested in the Marriot Hotel, but that is not the issue. The issue here is that the Government, in its judgement, has made the judgement that an investment in the Marriot Hotel is a key investment for this country.

In terms of the criticism that we have chosen the high-end Marriot rather than the Marriot Courtyard, one has to look at what other countries have done; one has to look at the hotels which are available here in Guyana and see where we should fill in. The judgement is to fill in at the high level, to put in a Marriot Hotel in our situation. If we had put in a Marriot Courtyard, then many of our even local hotels could complain that we are competing with them. We are putting in a hotel at the top end.

10.21 p.m.

I have seen the upgrade that has been initiated at the Pegasus Hotel and I have commended it. I think that there is no doubt that it is exquisite with what we have seen that it is doing so far and that is a good thing, but one hotel alone of the order of the Pegasus is not enough for the tourism sector that is being developed here in Guyana at this time.

The two issues on this matter are procedures and processes of NICIL, particularly with the Marriot Hotel project, I notice that the resolve clause, now number one, speaks to NICIL in its entirety. It takes the opportunity of wanting to close down NICIL in its entirety. It has deviated from the subject of the debate here which is about the Marriot Hotel project.

The second issue of this debate is on the choice in investment procedure. It is a Government choice and we accept that APNU would have done something else and that the AFC would have done something else but we could only honestly do what is our judgement. We cannot do APNU's judgement or we cannot do AFC's judgement.

There has been a lot of references to our garbage city. We have had thrown in the face of us Guyanese people in a manner which, to me, sounded like persons who are non Guyanese speaking about matters in Guyana. I do not think that we would speak of matters in our home in the way I have been hearing Members of the Opposition speaking about Georgetown being a garbage city, about our country being the most corrupt in the world. Comrades, even if those things are true and to the extent that they are true, I would expect... Let me not worry to speak of the Opposition; let me speak about us of the People's Progressive Party/Civic. We keep faith in our country Guyana and in the people of Guyana and these challenges about a garbage city are things that we would work to change. We would work with the people of Guyana to change our garbage city. We would work with the people of Guyana to bring to an end – an absolute end – any possibilities of referring to us and our people as the most corrupt in the world. We would work with our people. *[Interruption]*

Mr. Speaker: Okay, Hon. Members. I cannot hear a word. I cannot hear a word and I would like to hear the Hon. Prime Minister complete his presentation.

Mr. Hinds: Mr. Speaker, I would end by submitting that anyone who supports these two resolve clauses... I would even want to take Mr. Harmon with me because Mr. Harmon's presentation was that more information is needed. Mr. Harmon did not speak about closing down NICIL. He

did not really speak about spending more money. He spoke about more information being needed and we have said and reiterated that in the circumstances of the need for confidentiality in a commercial operation at this time... The Minister reiterated the invitation by the President, to participate.

People, who are voting to support this motion, should be aware of what they are voting for. They are voting to block a development of the Government and that is their choice but that is what they should say: that they are voting to block this proposal by the Government. I say no more.

Mr. Speaker: Hon. Members, that concludes a very long and emotive debate.

Question put.

Mr. Hinds: Division.

Mr. Speaker: Let there be the sounding of the bell for the division.

Bell rang.

Assembly divided: Ayes 33, Noes 31, as follows:

Ayes

Noes

Mr. T. Williams

Mr. Jaffarally

Ms. Marcello

Mr. Damon

Dr. Ramayya

Dr. Persaud

Mrs. Garrido-Lowe

Rev. Dr. Gilbert

Mrs. Hughes

Dr. Mahadeo

Mr. Nagamootoo

Mr. Seeraj

Mr. Ramjattan

Mr. Neendkumar

Ms. Ferguson

Mr. Lumumba

Mr. Morian

Mr. Chand

Mr. Allen	Ms. Shadick
Mr. Jones	Mrs. Chandarpal
Mr. Adams	Mr. Nadir
Mrs. Baveghems	Ms. Teixeira
Mr. Sharma	Bishop Edghill
Mr. Bulkan	Mr. Whittaker
Mr. Bond	Mr. Baksh
Ms. Kissoon	Mrs. Sukhai
Mr. Trotman	Ms. Webster
Ms. Selman	Mr. G. Persaud
Mr. Allicock	Mr. Benn
Ms. Wade	Dr. Anthony
Mr. Felix	Mr. Ali
Ms. Hastings	Dr. Ramsaran
Mr. Scott	Dr. Westford
Lt. Col. (Ret'd) Harmon	Mr. R. Persaud
Mr. Greenidge	Dr. Singh
Mrs. Backer	Mrs. Rodrigues-Birkett
Dr. Norton	Mr. Nandlall
Mrs. Lawrence	Dr. Ramsammy
Mr. B. Williams	Mr. Rohee

Ms. Ally

Mr. Hinds

Dr. Roopnarine

Brigadier (Ret'd) Granger

Motion carried.

COMMITTEE BUSINESS

MOTION

ADOPTION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE OF GUYANA ON THE PUBLIC ACCOUNTS OF GUYANA FOR THE YEAR 2009

BE IT RESOLVED:

That the Report of the Public Accounts Committee of Guyana on the Public Accounts of Guyana for the year 2009, be adopted. *[Mr. Greenidge]*

Mr. Greenidge: I rise to move this motion on the Report of the Public Accounts Committee for the year 2009. If I might take some time to just explain a couple of things on the report, as I indicated earlier, it is a report which follows a fairly well established format. I draw the attention of colleagues to paragraph 3 (1) which sets out the general problems and issues observed in the Government's financial management, ranging from issues pertaining to capital expenditure being met from current allocations to the non establishment of the Public Procurement Commission and the failure by subvention agencies to submit financial statements.

The report contains a number of recommendations. Depending on how one classifies them, there are roughly twenty-one sets of recommendations, some of which require action by the House. I draw the House's attention especially to those at paragraph 311 which deal with the non refund of moneys to the Consolidated Fund; paragraph 313 which deals with the non establishment of the Public Procurement Commission and the recommendations thereto and the non submission of statements by subvention agencies, and there are a number of them – National Drainage and Irrigation Authority (NDIA), National Sports Commission (NSC), Georgetown Public Hospital Corporation (GPHC), National Trust and the State Planning Secretariat.

Paragraph 53 also has some recommendations that I think the House will find useful to examine and pursue.

Paragraph 518 which deals with the Guyana Defence Force and problems of moneys collected from the NIS and not paid over and also paragraph 528 which deals with Region 9 and problem of items inappropriately loaned to contractors and private individuals and not properly reclaimed.

There are a number of issues for attention. The Committee has commended, in some cases, the Accounting Officers for the work that they have done in clearing up certain things but it finds that a number of the concerns raised had been repetitions of those that had been reported before and most of them appear again in the current years examinations that we are undertaking.

Those are the points that I would like to draw to your attention in relation to the report.

Ms. Shadick: As one of the two Members of the Public Accounts Committee who are still Members of it in this session – Hon. Member Volda Lawrence having been the Chairman for the Committee when this report was prepared – I think that it is only fitting that I should say a few words. While I know that the Chairman now, Mr. Greenidge, read, what is written here, does not really reflect the work of the Public Accounts Committee.

This House needs to understand and appreciate that the Public Accounts Committee has the responsibility for the supervision of the Audit Office of this country, and that is a big part of our work. In as much as we did quite a lot of work with the Audit Office, we were able to examine the accounts for the year 2009 in record time and finish before another report was presented. I cannot say the same for what is going on in this present Committee because right now we have one report catching up another and we have not reached halfway in the examination of the 2010 Report.

Suffice it to say that I have stood here before and there are, in these reports, issues which keep reappearing. Some of them might be new instances, in a few cases, of the same problem, but many of them are carry-overs from years before which keep coming back in the Auditor General's Report. For instance, there is the issue about the pension fraud. That has been there since 2004. It still keeps coming back. It still is in here. There still is a recommendation about police reports and all of that. There are things that the Auditor General keeps mentioning. There

are things that the officers keep saying: “There is no police report and so the matter cannot be dealt with”, and so on. This House needs to understand that even though we might see these things keep repeating, they are not matters that happened in the year 2009, necessarily. They might be matters that happened eight, seven or ten years before 2009 but they are coming back because for some reason they cannot be taken off the books.

I would like to say that in the year 2009 the Public Accounts Committee worked with the Audit Office and the Audit Office produced two Value for Money Audits with which the Committee was not really satisfied that the audits were really value for money audits because of the subjects which were chosen, but the reports were very informative and gave the Committee some means of discussion. The Audit Office was undergoing a transition phase, as all of us know, because it is autonomous, it has its own thing and the Public Accounts Committee exercises supervision.

All in all, however, that year 2009 was very refreshing when we found that lots of agencies were able to...If they had paid salaries to people who may have left, because of some reason, and they went into the bank, that was the first year that we found agencies being able to recover deductions which were made and paid to the Guyana Revenue Authority (GRA) and in some cases the NIS. That was very heartening. I take that in the context of the announcement by the GRA that it is now going to be giving refunds to taxpayers. We argued for this when GRA appeared before the Committee because it used to give refunds to businesses, but not to the small taxpayer. The Public Accounts Committee in its own way is fighting the battle for the small Guyanese taxpayers in whatever way it can. We were very pleased to be able to do so in this year.

We had some very good and positive things that we found in the year 2009. There are agencies which improved their performance and stayed according to the law. There are still some which did not clear the cheque orders in time, could not find vouchers to back up whatever they had, but a significant number of agencies showed improvement in the way they handled the public funds and the Auditor General could find less and less things to complain about.

All in all, I would like to say on behalf of the Government side...I know that I am the only Member on the Government side with the institutional knowledge of what happened in the year

2009 and it would be remiss of me if I did not get up to give some kind of background to what is happening.

We are seeing some of those issues which are coming back now in the year 2010 and we are trying to deal with them as best we can, but I must say that the rate of work of the Public Accounts Committee, up to and including this report... I do not think it is being repeated and will be repeated in this session of Parliament. The way we are moving is not how we moved before. I would like to stress that we try to have things come up to date. We must finish examining one report before another one is presented. Already there are two reports coming together and it makes the work of the Public Accounts Committee very much harder.

Sir, with those few words I would like to commend the report to the House.

May I crave your indulgence please, Sir, on a matter that is not a PAC matter? This afternoon we were given a very nice looking diary. Everybody in the House got one. I, being a person who likes to see what is given to me – I do not like a pig in a bag – turned to the back page and saw a map of the world and I saw, off South America, the Falklands Islands and – my eyes are not too good – another set of islands, but in bracket there is the UK, meaning that they belong to the United Kingdom. I think that Guyana's stance is that we recognise their right to be independent and not to be called property of the United Kingdom. That, in itself, is inappropriate.

When one turns to the front there are things in Spanish. It has nothing to do with Guyana and the Caribbean. Then there is a map of Central America. It has nothing to do with the Caribbean and nothing to do with Guyana. Sir, I, myself, have returned the diary given to me to the Clerk and I am saying that it is very inappropriate for a Member of Parliament of this country to be seen with something that says...

Thank you very much.

I commend the Report of the PAC for 2009.

Mr. Speaker: Hon. Members, I will say something on the diaries in a minute, but I think that we should conclude our business.

Question put, and agreed to.

Motion carried.

ADJOURNMENT

Mr. Speaker: Hon. Members, this brings us to the end of our business, but before I invite the Prime Minister to move the adjournment motion, it is just to address the diary issue, I am assured and I am satisfied that the Clerk and his officers and staff have done their best to find an appropriate diary for us. It is executive. It is quite appealing. It has the one page per day for those of us who have busy days. They assured me that despite their best efforts they have not as yet been able to find the right diary. In one instance, an order was placed but the printers said that they needed orders in excess of six hundred. It is very difficult to find eighty diaries, at a low cost, which can meet our universal satisfaction.

I, therefore, take the opportunity – I am sure that the Clerk would not object – to say that if any Member knows of any place where we can get nice diaries, which are perhaps green in colour and more in keeping with what we need, please recommend to the Clerk's Office. It was not in any way meant to make any political statement or to offend anyone. The staff tried their best, after going through an array of diaries. Please call the Clerk's Office and advise him where good diaries can be found, here or there, or if anyone is travelling and sees some... We might be able to work something out.

I would like to remind Members that there is a party for the children of the Sophia Care Centre. Hon. Minister Webster, we have written to Ms. Ann Greene and I am asking for your support. That party starts at 2 p.m. and goes until 4 p.m. It will be held right here, so Members are invited.

For Thursday's session there is a very important...It is known that there will be a session on Thursday, Prime Minister. The Hon. Minister of Foreign Affairs will be moving a motion to commemorate the forty years of diplomatic relations between Guyana and Cuba. I think that it is something that is monumental and momentous and we should all be here to give our unanimous support and be on our sterling best Guyanese behaviour. That motion, I believe, should enjoy our full support. We are making efforts to have the Cuban Ambassador present as well as Members of the Guyana Cuba Friendship Society as our guest.

After the sitting, and I hope that it is not a protracted sitting, the Clerk will have after proceedings snacks prepared for our guests and others who will spend the afternoon or evening with us. I know that in the past some Members delighted in karaoke and other events. Being that it will be the last sitting before Christmas, I am hoping that we can end it on a better note than that which characterised most of the year. Members are invited to remain.

We are working with the Office to have at least four or five former Members of Parliament from both sides of the House, as our guests, to return and share in the festivities with us. Those are my late evening announcements. With that said, I invite the Prime Minister to move the motion.

Mr. Hinds: I formally move that the House be adjourned to Thursday, 20th December, at 2 p.m.

Mr. Speaker: Hon. Members, the House is adjourned until Thursday, 20th December at 2 p.m.

Adjourned accordingly at 10.46 p.m.