

# Official Report

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2012-2013) 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*

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35<sup>TH</sup> Sitting

Thursday, 10<sup>TH</sup> January, 2013

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*Assembly convened at 2.07 p.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

## **ANNOUNCEMENTS BY THE SPEAKER**

### **New Year's Greetings**

**Mr. Speaker:** Hon. Members, first, it is to say a happy New Year to all of you, whom I have not had an opportunity to say that to for the year. I was unable to be here for the first sitting on 3<sup>rd</sup> January, 2013, so happy New Year to you all.

### **Leave to Member**

**Mr. Speaker:** Leave has been granted to the Hon. Minister, Mrs. Carolyn Rodrigues-Birkett, for today's sitting.

### **Thanking the Deputy Speaker**

**Mr. Speaker:** I would like to thank the Deputy Speaker, Mrs. Backer, for presiding in my absence, and on a very short notice.

### **Postponement of the meeting of the Committee of Selection**

**Mr. Speaker:** Members of the Committee of Selection who have received an invitation for a meeting at the break, please be advised that that meeting will have to be postponed because I wrongfully believed that the Standing Orders Committee's report had been approved at the last sitting. It is on the Order Paper for later this evening. We have to put that in order first before we can proceed with the meeting of the Committee of Selection. That meeting is postponed to an early date. Providing that the Standing Orders Committee's report is approved, the meeting of the Committee of Selection would be held sometime early next week.

## **REPORTS FROM COMMITTEES**

The following Report was laid:

Minutes of the 5<sup>th</sup> Meeting of the Committee of Selection held on 20<sup>th</sup> December, 2012. [*Speaker of the National Assembly – Chairman of the Committee of Selection*]

## **QUESTIONS ON NOTICE**

[Written Replies]

### **RESTORATION OF THE SUMS DELETED FROM 2012 BUDGET**

**Mr. Greenidge:** Minister of Finance, Hon. Dr. Ashni Singh, M.P., is reported to have said, in delivering his 2012 Mid-Year Report, he had restored the sums the House deleted from the 2012 Budget, on grounds that "The National Assembly was later deemed by the Courts of Guyana to have acted outside its constitutional remit in inflicting those cuts to the budget;" and

Dr. Roger Luncheon was quoted in the press on September 7, 2012 as saying that "the \$1 that was approved by the Opposition for the various agencies was totally inconsistent with the constitutional provision as ruled by the Chief Justice;" and that, "no one lost their jobs." "Contingency Funds were approved and funds made available belatedly, but still available to meet the wages and salaries of the contract workers at Office of the President."

Would the Hon. Minister of Finance say whether moneys cut from the budget and not approval by this House have been restored to the Ministries? If, so,

- (i) What categories and sums have been involved?
- (ii) What is the legal basis for such payments?
- (iii) What advice was provided on this matter by the Attorney General?
- (iv) What section of the Chief Justice's report/decision suggests that either the Chief Justice or the Ministry of Finance can restore cuts to the budget or that the Chief Justice can authorise the Ministry of Finance to make advances from the Consolidated Fund?

**Minister of Finance [Dr. Singh]:** Where the sums approved by the National Assembly under the Appropriation Act 2012 were found to be inadequate to meet the services of Government, supplementary financing was resorted to in accordance with the law.

- (i) The categories and sums involved have already been reported to the National Assembly in successive Financial Papers.
- (ii) The Constitution and the Fiscal Management and Accountability Act 2003
- (iii) The Attorney General confirmed in advance the appropriateness of the course of action adopted, which course of action was also approved by the Cabinet.
- (iv) The Chief Justice made several relevant references to the Constitution.

## **TAX BREAKS TO THE ORGANISERS OF HITS & JAMS ENTERTAINMENT CONCERT**

**Mr. Greenidge:** According to the Stabroek News of Thursday, 18<sup>th</sup> October, 2012, the Government of Guyana announced through Minister Irfaan Ali, M.P., that it will be giving tax breaks to the organisers of a Hits and Jams Entertainment Concert to be held in December in Guyana.

Will the Minister of Tourism, Industry and Commerce (ag.):

- (i) Provide this House with an authoritative report on the extent of the Government's financial and other support involved in supporting the concert and Mr. Brown's participation in it?

- (ii) Say how much support to such concerts have cost the taxpayer in terms of revenue foregone and other benefits since June, 2012?
- (iii) What quarter will support other than the tax break be provided by funded?
- (iv) On the basis of what reputable estimate has he announced that many foreign visitors are expected to come to Guyana only to attend the concert?
- (v) What criteria has the PPP Government been using in deciding on whether to extend financial support to the organisers of such events?
- (vi) Were they the same criteria applied to exclude *Sizzla, Bounty Killer, Vibes Cartel* and *Movado*?
- (vii) What inputs have the Minister of Foreign Affairs and Minister of Human Services and Social Security had in this decision?

**Minister of Tourism, Industry and Commerce [Mr. Ali]:**

- (i) The Government merely endorsed the concert. No financial resources were expended in supporting this concert or Mr. Brown's participation in it.
- (ii) The Government has established principles governing tax breaks granted to promoters and entertainers for big events during the months of February, August and December. We do not conceive these tax breaks as revenue forgone primarily because it is one of the fundamental reasons why established promoters and entertainers would host mega concerts. In fact, we are of the steadfast belief that this policy initiative is having a positive economic spin off for all stakeholders involved.
- (iii) The Government only offers tax breaks.
- (iv) A normative approach and the theory of reasoned action were taken into consideration in concluding that many foreign visitors would attend. Additionally, Chris Brown has fans worldwide and was certified double platinum by the Recording Industry Association of American (RIAA). Double platinum means that Chris Brown has sold over 2 million copies of albums.

Estimates received from local hotels showed that more than 700 hotel rooms were booked for a period of four nights directly associated with the Chris Brown Concert.

- (v) We have established periods for tax breaks. Entertainers and promoters would formally solicit waiver of taxes, for a particular mega concert from the relevant Minister who, subsequently, give his/her recommendation, based in his judgment, on whether the promoter or entertainer should be granted same. Guyana Revenue Authority (GRA) will grant the exemption of taxes with the consent or no objection of the Minister of Finance.

The period selected are carefully considered to stimulate visitor arrival and add international flavour to the menu of activities available to tourists and locals during these periods.

- (vi) The Ministry does not have any criterion that excludes anyone. For as matter of fact, only recently Movado performed at a major concert in Guyana.
- (vii) The concert in question was a Private Sector Activity endorsed by the Ministry of Tourism, Industry and Commerce. Moreover, the Ministry would consult with all relevant agencies to ensure that full consideration is given prior to the endorsement.

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

The following Bills were introduced and read the first time:

**(1) CUSTOMS (AMENDMENT) BILL 2013 – Bill No. 2/2013**

A BILL intituled:

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

**(2) LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2013 – Bill No. 3/2013**

A BILL intituled:

“AN ACT to amend the Local Authorities (Elections) Act to provide for the postponement of elections of councillors of local democratic organs. [*Minister of Local Government and Regional Development*]

## **PUBLIC BUSINESS**

## **GOVERNMENT BUSINESS**

## **MOTION**

### **FINANCIAL PAPER NO. 6/2012**

“BE IT RESOLVED:

“That this National Assembly approves of the proposal set out in Financial Paper No. 6 of 2012 – Schedule of Supplementary Estimates (Capital) totalling \$2,000,000,000 – Advances made from the Contingencies Fund for the period 18<sup>th</sup> December, 2012 to 31<sup>st</sup> December, 2012.” [*Minister of Finance*]

**Mr. Speaker:** Hon. Members, the Assembly will now resolve itself into Committee of Supply to consider Financial Paper No. 6 of 2012.

*Assembly in Committee of Supply.*

**Minister of Finance [Dr. Singh]:** Mr. Chairman, in accordance with article 171 (2) of the Constitution, I signify that Cabinet has recommended for consideration by the National Assembly the motion for approval of the proposals set out in Financial Paper No. 6 of 2012 - Supplementary Estimate (Capital) totalling \$2,000,000,000 – Advances made from the Contingencies Fund for the period 18<sup>th</sup> December, 2012 to 31<sup>st</sup> December, 2012 and I now move the motion.

*Motion proposed.*

## **CAPITAL ESTIMATES**

**Item 1 21-211 – Ministry of Agriculture – Ministry Administration - \$500,000,000**

**Mr. Greenidge:** Would the Minister be good enough to inform this Committee of the plan round which this flood control is taking place? As we had highlighted on the last occasion, when we discussed the problem of flooding, that there seems to be no system although extensive sums are being expended on this exercise. I think that it would be useful, before we approve these expenditures, to be assured that there will be a curtailment in the problems associated with flooding and flood control.

**Minister of Agriculture [Dr. Ramsammy]:** The last time I spoke in the National Assembly, I gave some idea of the plans for flood management and water management in Guyana. Even though the expenditure says for flood management and water control, indeed, we deal with both sides of the coin, sometimes dealing with flood-like conditions and sometimes dealing with drought-like conditions. Sometimes we do so for both at the same time in the same geographical area.

The National Drainage and Irrigation Authority (NDIA) has been making arrangements, indeed, to acquire additional machinery for its fleet of excavators, bulldozers and pontoons. The present supplementary request is to support the Ministry of Agriculture in meeting an expense of a \$500,000,000 subvention to the NDIA so that it could fully implement its fleet enhancement programme. The NDIA has consistently sought the Ministry of Agriculture's support to enhance its machinery and equipment capacity. Each year the capacity has improved even as the demands continue to increase faster than the improved capacity of the NDIA.

Over the years, almost one hundred per cent – in the earlier years – the NDIA had relied totally on private contractors for its earth work construction, rehabilitation and maintenance programme. For a few years now, it has reduced this reliance on the private contractors since it has been building a fleet of excavators, pontoons and bulldozers. This reduced reliance on the private sector has significantly cut cost and enabled us to extend and expand the work that we do. For example, the NDIA, instead of private contractors, was able to complete rehabilitation of all primary and secondary channels in east Black Bush Polder, Crabwood Creek, Golden Grove, Victoria, Vreed-en-Hoop, La Jalousie, Canals Polder, Den Amstel and Naamryck at a cost that is sixty per cent less than the private sector would have charged us. I will give you a good example. It used to cost us, let us say three years, ago, an average of \$28 million for desilting an outfall

through a private contractor. This is through the tendering process. Now, that same work is costing us about \$2 million, doing it with our own equipment.

Presently, the fleet consists of sixty-one excavators around all of the regions, eight bulldozers and eleven pontoons. At the present time there are six pontoons in the East Demerara Water Conservancy (EDWC). Since becoming the Minister of Agriculture, the NDIA has consistently made a case to me for significant increase in the fleet size and a replacement of some of the machines. While there has been provision in each year's budget for improvement in the fleet, we need a more significant and immediate boost to handle weather related drainage and irrigation challenges. These challenges are continuous. There is rarely a period of transition from dealing with wet flood-like conditions to dealing with dry drought-like conditions, removed almost instantly from one extreme to the next. [Mrs. Backer: You can bring a Digital Video Disc (DVD) and just put it on because you are saying the same thing so often. You are not answering the question.] I am answering the question.

During December, 2012, we dealt simultaneously in the same geographical area with flood-like and drought-like conditions. The same farmers who demand more intervention for flood-like conditions, this week, want more responses to deal with dry water-deprived farms the very next week.

Unless an adequate NDIA capacity exists, in terms of its fleet, it will be inefficient to contract each piece of work each time an emergency arises. The NDIA, with the Ministry of Agriculture's support, presented a case for substantial capital input for the enhancement of the fleet.

For one, as Mr. Greenidge asked, we need to ensure that each outfall is continuously desilted. At the present time, with one pontoon and with two excavators on the Essequibo Coast, with one pontoon now being freed up for Region 3 and one for Region 4, it is not enough because when Hope is finished being desilted, by the time it gets to Nabaclis and Victoria it has to return to Hope. There are not enough pontoons and excavators to do a continuous desilting of the outfalls. That is critical for flood control because even if there is the internal main canals clean, we still depend on the flow out.

Region 6 has no pontoons and excavators and we depend on contract work to do the desilting. That is just one aspect of the work. The main canals must be kept continuously clean and there



again we need to have more equipment to do so. I am focusing on that one aspect – the fleet enhancement programme that will contribute to the maintenance of the canals and the construction of new waterways. This is one part of the work. The city work is not the responsibility, at this time, of the NDIA and the flooding in the city, whilst we try to help, is not within the mandate of the NDIA.

This particular programme, in terms of flood control and water management, is focusing on the fleet enhancement and that is why I have talked about that and given an example of the kind of work that we need to do in order to have an efficient system.

**Mr. Greenidge:** I would like to thank the Minister for his very extensive discourse on the question.

**Mr. Chairman:** The complaint has been that there is insufficient information. There should not be a complaint when there is too much information.

**Mr. Greenidge:** I did not have a complaint of that nature.

**Mr. Chairman:** It is not by you, but generally.

**Mr. Greenidge:** Okay. I would like to ask the Minister further, Mr. Chairman, whether he is aware of the circumstances under which these supplementary provisions are to be approved, because the explanation that he has provided seems to outline problems that are predictable and seems to putting emphasis on machinery. The fact that the machinery pool needs to be supplemented is not evidence of an emergency and I have a lot of difficulty with that approach.

If I might come to the specific issue, the question is: What makes this an emergency? What makes it conform to the requirements of section 24?

**Dr. Ramsammy:** The situation that we are trying to respond to...Mr. Greenidge, Hon. Member is correct. In Guyana's case, is predictable. We know that we have weather conditions that will either lead to flood or a demand for irrigation water, as there is now. We are in the middle of a so-called rainy season, but unlike last year, when we were trying to deal with floods, this year we are trying to find water to bring in for the seventy thousand hectares of rice lands. Whilst it is predictable, the emergency arises because the NDIA is not fully equipped to respond to these

conditions. We have been trying to build. That is why I took my time in trying to explain this. It is true that we are better equipped than we were last year and better equipped than we were in previous years. We know this. It is not enough. The emergency arises because we have a predictable situation but we do not have the capacity to respond to that situation.

When we get to times, such as these,... The NDIA has been saying this from the beginning of the year and from previous years but the budget could not accommodate a one-time satisfaction of the fleet size that we need. In fact, in the discussion for the budget we talked about that and the Minister was very clear that the budget could not accommodate that. We talked about that in the half year and during the supplementary we, in fact, discussed this – the previous supplementary. Indeed, at that time, the Minister had indicated that we might be able to meet this need so that the NDIA could be better prepared to respond to the present conditions and to the rains when it comes because it will come. The rains will come. We cannot have one machine providing support in Black Bush Polder; we need more. It is an emergency that is created out of not being able to respond to the predictable situation.

**Mr. Greenidge:** May I thank the Minister once more for a very sincere, apparently, delivery with feeling, but let me just say that the legislation is quite specific. Given the complexity that he has just outlined here for us, it makes it imperative that the document that was presented to us be supplemented by a written explanation with a plan for the expenditure of \$500 million, especially since in the course of the discussions on the NDIA, the Public Accounts Committee was, itself, concerned both about the capacity of the NDIA and the arrangements for it to manage the funds made available to it. There is almost an appropriate case for the expression *old house upon old house*.

In order to get an assurance, I think that we need to see the relevant documentation. I am sorry. Notwithstanding the extensive explanation by the Minister, we would want a document before we would consider supporting this particular item.

**Mr. Sharma:** Mr. Chairman, I would like to ask the Hon. Minister to explain to this honourable House what the difference between the National Drainage Board and the National Drainage and Irrigation Authority is. If one goes back to the Budget 2012, one would see that under Current Estimates there is a subvention under line item 6321, “Subsidies and Contributions to Local

Organisation”, there is amount under the caption, “National Drainage and Irrigation Board”. Then under Capital Estimates there is a similar amount of \$1.1 billion, just as in the Current Estimate, for the National Drainage and Irrigation Authority. I would like to know why there is the separation and it is not put in to one place. That is the first question. I would like him to answer that and then I will ask the next question.

**Dr. Ramsammy:** There must be an error because, indeed, the subvention is to the National Drainage and Irrigation Authority. The National Drainage and Irrigation Authority has a board, but the subvention is made to the authority.

**Mr. Sharma:** I thank the Hon. Minister for admitting to that error, but it does not answer the question of why it is not put in one area. Why is it under Capital and Current Estimates? It should be put in one area. I would like to draw the Minister’s attention to the Auditor General’s Reports, the most recent report and all of his reports from 2005 to present. The Auditor General is clearly saying that the way in which the Ministry of Agriculture is dealing with the funds that this House has passed, since 2005 to present, is contrary to the establishment and the way the National Drainage and Irrigation Authority was established. It was established by Act 10 of 2004. It has its own authority and its own laws. We have voted moneys for this particular authority and the Ministry of Agriculture is spending the money.

The Auditor General stated it in his 2011 Report, paragraph 176. I do not know if you would like me to read the details...

**Mr. Chairman:** We are looking to have questions, but if you would like to give advice, you may do so in a letter.

**Mr. Sharma:** It is a question. The question is: Why is it, from since 2005 to present, when moneys is voted in this honourable House, the Ministry of Agriculture would be spending the money and not the National Drainage and Irrigation Authority as stipulated and recommended by the Auditor General’s Department? As a result, the Auditor General is not able to carry out his functions as mandated by the Act 10 of 2004. The Minister needs to answer that. Why should we give him additional moneys when he is going to breach the rules of this House and also of the Act?

**Mr. Chairman:** Hon. Minister, given the fact that the Member needs to have that clarified before he gives or withholds his support, I would allow that question.

**Dr. Ramsammy:** I would answer it and I answered it in this House already, because in the last budget presentation that was specifically asked of me by the Hon. Member Dr. Rupert Roopnarine. In fact, the subvention is made to the NDIA. I had explained then that whilst the NDIA expends its money, it had not built a structure that should have included the fiduciary arrangements, so the persons within the Ministry of Agriculture's accounting department double. They do the functions. The Chief Accountant of the Ministry of Agriculture is also functioning as the Chief Accountant of the NDIA.

There is precedent for this, but I think that Dr. Roopnarine had said, at the last time, that, maybe, what we needed to do was what was done for the Rights Commission where it gets its own subvention but share a secretariat. It is a cost saving mechanism since it is an authority with a big function and spending a lot of money, but in terms of the number of people, it is a very small organisation. We have been talking and, indeed, there is a paper to the Cabinet of Guyana, which I hope that within a next week or two will be on the Cabinet's agenda, to discuss this, of not sharing the accounting department.

The subvention is being made to the NDIA and it is managed by the Chief Executive Officer (CEO) and his staff but the functions of the accounting personnel are shared for cost saving, and so on. That is the only difference.

Indeed, it is a similar situation as we see with the Rights Commission. The difference with the Rights Commission is that it is stipulated in the Act that that should happen. I took that advice from the Hon. Member Dr. Rupert Roopnarine and we are discussing that to see which direction we will go.

**Mr. Sharma:** The explanation given by the Minister is unacceptable.

**Mr. Chairman:** Noted.

*2.37 p.m.*

**Mr. Sharma:** I caution the Minister, in reference to the Audit Act 5 of 2004, sections 37(b), 38 and 39. I do not want to elaborate what it states, but there is a penalty in there about fine and jail sentence. The Minister will have to be very careful.

In the project profile, there is the project titled, “National Drainage and Irrigation Authority”, and this is the same project code that the Minister is asking about for the half billion dollar. Could the Minister say to this honourable House what was the cost of that project? What is the cost to date, excluding the money that he is asking for?

**Dr. Ramsammy:** I think under this head the Budget 2012 was \$1.1 billion and we are asking in that subvention to add \$500 million more. There is a list of things that we had proposed before and I can circulate it at the appropriate time.

**Mr. Sharma:** Mr. Chairman, a follow-up. That is not the question. In the project profile – let me give the Minister the page, the page is 61 - there is a project and there is a cost. What is the total cost of that project and give us an update, to date, excluding the half of a billion that he is asking for? If he cannot answer the question he could please state.

**Mr. Chairman:** Hon. Minister, the money sought is to supplement the project and I think the question is, therefore, what has been spent to date? It obviously means that you have exhausted that and I think that there needs to be an up dated as to the progress of that project, indeed...

**Dr. Ramsammy:** We have exhausted a total budget.

**Mr. Chairman:** It has been exhausted and that is why you are seeking supplemental, but the Member needs to get an idea of where the project is, to date, in terms of its status, completion.

**Dr. Ramsammy:** Flood management, water management, is a continuous thing. It never comes to an end. As long as there is the weather we will always have to respond.

**Mr. Sharma:** Mr. Chairman, again, I do not know if one of the Members over there can assist the Minister with a copy of the project profile so that he can turn to page 61 and say to me what the total cost of the project is and what the cost to date is. If he cannot answer let him just state that he cannot answer, so that I could supplement that answer.

**Mr. Chairman:** Hon. Member, I believe that the Minister, for what I discern, has answered to the best of his knowledge and ability to your questions, but if he wishes to embellish or to add anything...

**Dr. Ramsammy:** The Hon. Member keeps cautioning me, and all kinds of things...

**Mr. Chairman:** We do not have any Miranda rights to read to you here, but anything you say can and will...

**Dr. Ramsammy:** The project cost is listed there and I have stated it here today also. I have stated it before. He has the page in front of him. It is \$1.1 billion; it has been expended. I need some more money.

**Mr. Sharma:** Mr. Chairman, I have the document that I am referring to and if the Hon. Minister should turn to page 61 he will see that the project cost is \$7.18.416 billion. That is the answer I wanted from him. Now, at 2012, in this particular document, the cost up to 2011 is \$6.089416 billion and that will give us, when the \$1.1 billion is added that he asked for in 2012 and he received, a figure of \$7.189 billion. Actually, at this project cost the Minister only has \$40 million to ask for. How is it that he is asking for \$500 million? That is the point I am trying to get at here.

**Mr. Chairman:** We have gone into high mathematics now Minister.

**Dr. Ramsammy:** Mr. Chairman, I explained before that as we continue to extend, expand and improve our responses, a request has been made by the NDIA to increase its budgetary subvention and that is what I am asking for.

**Mr. Sharma:** Mr. Chairman, again, the Minister cannot answer the question and he should state that he cannot answer the question. It is a technical question and it needs to be answered before he gets the money. I would not support this because he cannot answer the question. It is clearly that there is only \$40 million remaining on the project cost. I want to know how he arrived at the \$500 million and if there was any cabinet decision to increase this amount?

**Mr. Chairman:** Mr. Sharma, I believe that the Hon. Minister has stated the extent of his answers. At the end of the day it rests with you as to whether or not you will withhold or you will grant your approval based on what you have been supplied with, in terms of information.

**Mr. Sharma:** For information purposes, it is if the Minister could give me an update, based on the project profile, on the various activities that are listed here, tell me what is completed and what is yet to be completed and what this \$500 million is to be used for.

**Mr. Chairman:** Minister that, I believe, is an acceptable question.

**Dr. Ramsammy:** I attempted to give an answer before. One, to do all the earthen work, maintenance, rehabilitation, the desilting, and so on, which is needed to improve our fleet, so we need to expand a considerable sum... This amount of money will not enable us to build a fleet that we want, so it is a continuous process and will have to go... In the Budget 2013 we will ask for more money to improve that. We have to ensure that from three or four or five times desilting a year that it goes to twelve times per year and in some cases twenty-four times per year in some of the places. So far, we have implemented our water management programme within the limits of the budget we have. If I have to explain the whole one thousand activities that are there, I can do so too.

**Mr. Chairman:** Could a schedule or some other documentation be provided to the Member as to what is happening, in terms of drainage and irrigation?

**Dr. Ramsammy:** Mr. Chairman, I indicated that I would do so.

**Mr. Chairman:** Thank you very much. Mr. Sharma would that suffice for you?

**Mr. Sharma:** Mr. Chairman, again, the answer is unacceptable, but, as you said, we cannot force the Minister to answer.

**Mr. Chairman:** I did not say that.

**Mr. Sharma:** Well, it is normal. The Minister does not have to answer if he...

**Mr. Chairman:** I said he has answered to the extent of his knowledge and ability, your question. I did not say that we cannot force him. There are two different things altogether.

**Mr. Sharma:** Thank you Mr. Chairman. Could the Hon. Minister please say to this House what amount of this \$500 million was spent and how it was spent? This is an advance made from Contingencies Fund, the year came to an end on the 31<sup>st</sup> and whatever money remained would have elapsed. Why asked for \$500 million? Was this \$500 million actually spent?

**Dr. Ramsammy:** Mr. Speaker, we had budgeted for \$1.1 million to be from the Ministry of Agriculture to the NDIA. We have since provided a further subvention of \$500 million to the NDIA.

**Mr. Sharma:** Again, I am not satisfied. I have to rest here because it makes no sense I continue to ask questions.

**Mr. Chairman:** Thank you and noted.

**Dr. Roopnarine:** Could the Hon. Minister assist this House in understanding why..., in spite of the well laid plans of the NDIA and the considerable investment in the water control and water management? As we sit here today there is, in effect, a brewing water control crisis at the Mahaica Mahaicony Abary -Agricultural Development Authority (MMA-ADA) affecting the rice farmers in Region 5 and we need to understand what has happened and what steps are being taken to mitigate the damages that are to be encountered.

**Dr. Ramsammy:** At this present time there is severe stress on the rice farmers. This is the period that the rice farmers require irrigation water. At this moment, as we speak, there are seventy thousand hectares of land in Regions 2, 3, 4, 5 and 6, which have been put under rice cultivation, already sowed and another ten thousand hectares have been prepared for sowing. In all the regions there is water stress right now but, as can be recalled, a couple of weeks ago we had to deal with flooding situation in Region 6 because the week before that we faced a similar situation, which we are facing now, and Manarabisi and Mibikuri pumps pumped water out of the Canje and the Torani into the irrigation canals. The rain came and because the water was already high and caused some flood.

I know the Member asked me about MMA-ADA but I am giving him the picture for the whole thing. [**Mrs. Backer:** That was the question.] Okay. Well, I will just go to that, but I could have just given you what the situation... It is to use the opportunity to tell people that.



The truth is that in Region 5 the MMA-ADA project was only completed in phase one, that is, the Abary block. I know the Member visits and so he would know that the farmers in the Abary block are in a better situation at this time than the other blocks because the Abary block gets its irrigation water from the main canal, what is, in effect, its water conservancy. There was some problem there because somebody made an opening from there to get into the Mahaicony block and that reduced the water, but they are generally fine and hopefully the rains come soon and they will continue to be okay.

In the Mahaicony block, which is between the Mahaicony and Mahaica River, they depend primarily from on water from the rivers, and regulating that water is a major challenge, because we have to ensure that the pumps, which are used at Mora Point, and so on, do not drag in the salt water. It is always balancing and this is what we have been doing. Sometimes it is a major problem because we try to respond to all the recommendations made by farmers and technical people.

A number of interventions have been made in the last week, or so, not only to respond to the present need, but anticipating that we could also have rain because we are in the middle of the rainy season. That is what is happening now. I can assure that by the weekend much of the stress will be reduced, but we also, whilst we are anticipating rain, must anticipate that the dry conditions will continue. Just one detail here: that in late November and early December when there was rain there were structures which had to be created, structures that took time to be built to ensure that we do not have flood. In times such as these those structures have to be removed, and so you can go - that is what I was talking about earlier - from today needing that structure and tomorrow those structures providing a barrier. I believe that within the MMA-ADA area they should be, by this weekend, all satisfied.

There is an extra problem in Region 5, the MMA-ADA area, which is north of the highway and, as the Member knows, the irrigation system did not extend to north of the highway – this is where the cattle used to be – but all of that land, virtually all of it, has now been gradually transformed into rice fields and at that point, where the river supplies water, there is salt water, so the water, now, has to be brought from deep inside all the way out. These are the challenges. It is not an easy thing to respond to. Whilst we can always find, probably, some better way of doing what we do now, the truth is that we are responding as best as we could.

**Dr. Roopnarine:** I thank the Hon. Minister for the explanation. I must tell you, Hon. Minister, that my alarm increased yesterday when I was told that the levels in the Bellamy Canal dropped severely and there was a lot of rather chaotic and anarchic pumping of water in an attempt to save the rice fields. What I am interested in knowing is whether or not the Minister can give this House the assurance that every step is being taken to save the fields that are under rice, at the moment.

**Dr. Ramsammy:** It is given the assurance that everything, which is possible at this point, is being done. For example, today we are in a position to put into operation the second pump at Mora Point, but once we do that, we bring the salt water in. Everything that the farmers have asked has been done and we are open to more recommendation. Whatever people think is possible and could help, we are open to those recommendations and we will do them. This morning at four o'clock my technical people were in the area working and I believe that by this weekend there will be a relief. Of course, there are some who are faring better because they are closer to the water source and they are pumping, so that the ones further away do not have that. It is a level of cooperation that we also need, so that everybody benefits and not just some.

**Mr. Ramjattan:** What is indicated in the schedule of this provision is that this money has been advanced to the NDIA during a period of 18<sup>th</sup> December to 31<sup>st</sup> December. It has already, officially, been spent, that is, disbursed to the NDIA. My question to Minister is: For what component this \$500 million has been disbursed to NDIA? Is it for two bulldozers, three draglines or whatever? Could the Minister kindly give me that?

**Dr. Ramsammy:** I can give the Member that and, as promised before, I will circulate the list of the \$542 million that we needed, but we got \$500 million. I will distribute that.

**Mr. Ramjattan:** In view of the fact that the Ministry knew that the year was coming to an end, that is, that a new budget will come in 2013, could this not have been money asked for in a regular appropriation rather than a contingency?

**Dr. Ramsammy:** The answer is that every day we delay to make these expenses it is every day we are putting at risk our farmers. It not only \$500 million I need now. I need more to respond. The truth is that sixty-one excavators are not needed but there should be at least one excavator located in each polder. There should be an excavator located in Crabwood Creek; there should be

an excavator located in the front land of Black Bush Polder; there should be at least two. What is needed is not sixty-one exactors but one hundred and fifty. We are living within the constraints of...

**Mr. Ramjattan:** So do you wait for the twelve days?

**Dr. Ramsammy:** No.

**Mr. Ramjattan:** That is just before the end of the year.

**Dr. Ramsammy:** No. Mr. Chairman...

**Mr. Chairman:** Hon. Members, all questions should be directed through the Chair rather than having a banter between two Members.

**Mr. Ramjattan:** I understand that section 24 of the Fiscal Management and Accountability Act requires the Minister of Finance, when introducing a supplementary appropriation, to describe the impact of these variations, if they are approved, what they will have in relation to the financial plan done earlier this year. As a matter of fact, the Minister of Finance had indicated, since last year, that he was going to do how the variation impacts, but he has not kept that commitment. Can the Minister of Finance, in relation not only Financial Paper 6, but there were Financial Papers 3, 4 and 5 too, ensure how it is that our annual plan has been affected by these variations, in accordance with section 24?

**Mr. Chairman:** Hon. Minister, I propose to write you about this, because you did give a commitment last year. I think Mr. Ramjattan is asking for a reaffirmation of that commitment and for us to be assured that you are bringing your Ministry into compliance with this Act.

**Dr. Singh:** Mr. Chairman, I would be interested in seeing the record of proceedings of which I am supposed to have made this commitment. My position has always been that the Financial Paper, which is submitted to the National Assembly, constitutes the additional information that accompanies the Supplementary Appropriation Bill for consideration by the National Assembly. I have believed that I have made this point on more than one occasion in the Assembly or in the Committee of the Assembly. I have, in fact, gone further to say that in addition to the information contained in the document, which is the Financial Paper, which accompanies the

Supplementary Appropriation Bill that the Government remains available to provide any additional information that is requested or required by the Opposition in support of any particular item.

**Mr. Ramjattan:** I will produce the *Hansard* in which that commitment was given at a later stage, but I am absolutely certain that he made the commitment and it was based on that commitment made to us that we passed certain provisions in this Parliament.

It is the final question to the Minister of Agriculture. It does appear, from what the Minister of Agriculture, is indicating that there is need for maintenance and the desilting of certain canals because it would appear here that the siltation is blocking the canals and outfalls. Has the Minister has been in any way, or through the NDIA, doing anything to ensure that the design or the magnifying of these canals, that is, digging them wider, is being done so that the flow can be greater and the deposition can be decreased in relation to designing now of our canals?

**Dr. Ramsammy:** When I was talking it was about the desilting and the cleaning of the outfalls not the internal canals, but they also need some...

Yes, there have been, for decades, discussions on these outfalls. We have started some investigation of using geo-textile tubes that would reduce siltation of the outlets. The first such tube is located at Victoria. We also know that in many countries and in Guyana, in the old days, there were those groynes along the outlets that reduced the siltation. Those are medium and long term plans. Those design works have been studied and have been completed. It is now getting the relevant amount of resources to implement them in an accelerated way.

**Ms. Wade:** Mr. Chairman, I would like the Hon. Minister to say to this House, within the MMA-ADA area, if the farmers south of the main canal will benefit?

**Dr. Ramsammy:** Yes, of course, on south of the main the canal, as the Member knows, for irrigation purposes, they have to depend on the main canal for irrigation. The drainage in that area is primarily through the Abary. During the dry period, which was there, we used the occasion to move a pontoon and excavator in that area and a great deal of cleaning and desilting were done in that area. Whilst I have tried to provide some information I have tried not to also go into all of the technical details, but for those who are familiar – Ms. Wade, the Hon. Member, is

familiar - when there is heavy rainfall and movement of water is depended on into the river, because that is the only exit, out to the sea. There is already a high of level the Abary River. In fact, the risk is that the Abary River water is going to flood the area and therefore there is no way of emptying the water into the river because it is already high. What have been done, and I am sure the Hon. Member Ms. Wade is aware, being a member on the board, is that there have now been constructing a facade drain canal parallel to the Abary River. Instead of moving water by gradient or pump into the Abary, which is already filled, we, in fact, go into the facade canal which is now going to be linked. One of the projects that we have been trying to get the contractor to get complete is the sluice at Abary, because for that facade canal to work the sluice has to be completed. That is the only thing now left. In those works, which were being done south of the main canal, which have been almost fully brought under cultivation now, they have benefited from irrigation water from the main canal and through this construction of a new facade canal and a sluice the drainage would be enhanced.

*3.07 p.m.*

**Mr. Trotman:** There has been serious allegation against, at least, two officers of the NDIA and they continue to remain employed in the authority. I am concerned, and I am quite sure that this House is concerned, that those persons continue to exert some influence over the use of these funds. We are talking about large sums of money which have been utilised by the NDIA. I am wondering, Sir, if the Minister can say if it is that he has sought to find out if, in actual fact, the allegations against those persons are true. If it is true, why it is that they are continued to be employed and as they continue to be employed in his oversight of the use of these funds, which he is asking permission for, to what extent those funds may have been compromised by the presence of those persons who exert the kind of influence that they have in the NDIA?

**Mr. Chairman:** Hon. Member, Minister before you answer it, the question, in fact, does go to the character of two employees. However, the fact that you have mentioned the word “oversight”, if these officers have oversight over half a billion dollars, I believe that this House ought to be concerned with it, but at the same time I would caution that we do not enter into any kind of inquisition against any officer. But I do agree that where oversight is concerned for such a vast out lay of funds, the House ought to be satisfied that these funds are to be properly accounted for, so Minister, to the best that you can, please answer.

**Dr. Ramsammy:** I would want to assure that all provisions are made for efficient monitoring of the expenditures. Allegations were made and those allegations were fully investigated, not only by the Ministry of Agriculture, but by the board of the NDIA. Based on my request the board requested the Auditor General to look into this matter. The Auditor General, as did the board, found that most of the allegations were not consistent with the facts. There was one area in the allegation that indeed constituted a conflicted of interest.

The Auditor General's recommendations: One, these were not in writing but orally, that the particular officer should immediately be moved from the area. I do want to go and be guided into the conflicted of interest situation. Indeed, I am satisfied, as was the Auditor General, that that was a potential for a conflict of interest. The officer was immediately moved from those duties to duties where the conflict was removed. The recommendation by the Auditor General on this particular officer was that, given the conflict and given the fact that we do not have any control over who will ever tender for work, or so, and given the fact that there are contractors who are regularly getting work through the tender process, we should seek to separate our relationship with this particular employee. We have done this before, each time in a messy way - people went to court; people went to Ministry of Labour, and so on. We saw an opportunity to end the relationship in a cleaner way because the particular officer contract is due to come to an end in March. We prefer to go in that direction and not to renew the contract. The officer is not presently within the work area or performing duties that will bring him into anyway supervising or deciding on these funds.

**Mr. Ramjattan:** In view of another officer, Field Engineer, Mr. Pablo Singh, in his investigation, finding corruption in the NDIA and he being interdicted, is this sum of money \$500 million going to be spent properly there, Mr. Minister?

**Dr. Ramsammy:** There are all of the monitoring mechanisms in place. The particular officer, not by me, but by the NDIA board, that report was investigated and the board found, and the Auditor General found, that most of what is written in that report was not based on facts.

**Mr. Nagamootoo:** I heard the Hon. Member Mr. Ramjattan making a request for detail explanation or details of how the expenditures were made of the \$500 million, and similar request has been made by the Hon. Members Mr. Greenidge and Mr. Sharma. The question

is...Before I say that, I want to make this statement which is that we do not expect this House to unreasonably withhold permission for expenditure in the agricultural sector and this goes to the request for details that I have heard we have been asking for, that we need explanation and a commitment was made. I would have rather like to see that a request might have been made for an allocation to help the farmers in Cotton Tree, who have suffered from an unjustifiable flooding and recklessness which have destroyed their crops. We are not, in the Alliance For Change, unreasonably withholding the support for any allocation or for any expenditure, but we would like to see that the details, which have been provided to this House, are in keeping with the law. My question to the Hon. Minister is: How soon does he expect to furnish the detail explanation in writing?

**Dr. Ramsammy:** By the next sitting it will be circulated.

**Mr. Chairman:** Thank you very much. We have had quite an extensive and, I think, wholesome review of the sum sought for the Ministry of Agriculture.

Hon. Minister of Finance, on the issue of section 24, as I said, I had proposed to write to you because I believe there still exists a vast chasm between us, in terms of our opinion, because section 24, subsection 4 states, "...and provide a supplementary document describing the impact that the variations, if approved, will have on the financial plan outlined in an annual budget." My literal interpretation tells me that there ought to be a document setting out the impact of the variations. I propose that we meet at some time to discuss how we could perhaps narrow that chasm that still exists, in terms of our opinion, so that we can satisfy the requirements. I will write to you proposing that we meet at some time to discuss that.

**Dr. Singh:** I will be happy to meet with you at any time, Mr. Speaker.

**Mr. Speaker:** Thank you Mr. Minister.

*Question put.*

**Mr. Hinds:** Division.

**Mr. Chairman:** I will ask that the bell be sounded, please.

*Bell rang.*

*Committee divided: Ayes 36, Noes 26, as follows:*



*Ayes*

Mr. T. Williams

Ms. Marcello

Dr. Ramayya

Mrs. Garrido-Lowe

Mrs. Hughes

Mr. Nagamootoo

Mr. Ramjattan

*Noes*

Ms. Ferguson

Mr. Morian

Mr. Allen

Mr. Jones

Mr. Adams

Mrs. Baveghems

Mr. Sharma

Mr. Bulkan

Mr. Bond

Ms. Kissoon

Mr. Trotman

Ms. Selman

Mr. Allicock

Ms. Wade

Mr. Flex

Ms. Hastings

Mr. Scott

Lt. Col. (Ret'd) Harmon

Mr. Greenidge

Mrs. Backer

Dr. Norton

Mrs. Lawrence

Mr. B. Williams

*Ayes*

Mr. Jaffarally

Mr. Damon

Dr. Persaud

Rev. Dr. Gilbert

Dr. Mahadeo

Mr. Seeraj

Mr. Neendkumar

Mr. Lumumba

Mr. Chand

Ms. Shadick

Mr. Nadir

Ms. Teixeira

Bishop Edghill

Mr. Whittaker

Mr. Baksh

Mrs. Sukhai

Ms. Webster

Mr. G. Persaud

Mr. Benn

Dr. Anthony

Mr. Ali

Dr. Ramsaran

Dr. Westford

Ms. Ally

Mr. R. Persaud

Dr. Roopnarine

Dr. Singh

Brigadier (Ret'd) Granger

Mr. Nandlall

Dr. Ramsammy

Mr. Rohee

Mr. Hinds

*Motion carried.*

**Item 2 45-451 Ministry of Housing and Water – Housing and Water - \$1,500,000,00**

**Mr. Greenidge:** Once again we are obliged to ask for the information that should have been provided in the supplementary document and I ask that the Minister give us some idea of the nature of the emergency associated or the urgency associated with this particular request.

**Minister of Housing and Water [Mr. Ali]:** Thank you very much Mr. Chairman. Thank you very much Hon. Member for the question. This supplementary is coming at a time when we would have described the overarching housing master plan, which is covering the period 2013 to 2017, which was costed at a total figure of \$13 billion and this investment was earmarked to be made within the period ending 2016. For a matter of fact, if we are to go to the Ministry of Housing's submission to the Ministry of Finance in 2012, in terms of a request to the Ministry of Finance, the Ministry's request at time was \$8.5 billion, that is, when it made the request for allocation for 2012. However, because of the fiscal position at time, it was allocated and approved by this National Assembly, a figure of \$1.9 billion and this Contingencies Fund of \$1.5 billion would bring the total investment, against the \$8.5 billion, at \$3.4 billion, still somewhat shy of what would have been required, in terms of implementing that master plan.

The \$1.5 billion would be used to extend the Ministry's development for new house lots in new housing areas and to consolidate the infrastructure in existing schemes. It could be recalled that at the budget presentation of 2012 the Hon. Member Lt. Col. (Ret'd) Harmon spoke extensively on the issue of improving the infrastructure in the housing schemes, and so part of the Ministry's programme is to go in those schemes, as we said earlier, which would have had seventy-five per cent occupancy, and raise infrastructure level and complete infrastructure. That is, in some areas

where there are crusher run roads now those roads are going to be completed with asphaltic surface, and so on.

I have here, Mr. Chairman, the extensive list of the new areas that are going to have development in and also the existing areas that will have consolidation. I would have no difficulty in presenting this information, but just, briefly: The development of four new sites in Regions 3, 4 and 6 and the locations are Lust en Rust, West Bank Demerara, Zeeburg/De William, West Coast Demerara, Parcel 1678 Cummings Lodge, East Coast Demerara and Bloomfield, East Berbice. These developments would see a total of two thousand five hundred and twenty-five new lots created and would bring benefits to more than ten thousand three hundred and fifty-three persons.

In the consolidated of infrastructure, there are ten existing sites in Regions 3, 4 and 10. The locations are Uitvulgt, West Coast Demerara, Tuschen, Phase I, East Bank Essequibo, La Parfaite Harmonie, West Bank Demerara, Anna Catherina, West Coast Demerara, Great Diamond Section 'A', Block X, East Bank Demerara, Golden Grove Section 'A' Block Y, Mon Repos, Section 'D' Nonpareil, Providence, Wisroc, Linden, and other areas, bringing benefits to more than four thousand two hundred existing lots or approximately seventeen thousand two hundred and twenty persons.

**Mr. Chairman:** Thank you Minister. I am sure you would not mind circulating that list as it has already been made public by your statement. It would be good if you could.

**Ms. Kissoon:** I heard the Hon. Minister said Wisroc and other areas for Region 10. Could he say if Phase II Amelias Ward is included in that and how much is allotted?

**Mr. Ali:** As I said earlier, when I said Wisroc and other areas, I meant nationally, but the area, which is being focusing here, is Wisroc Phase I. There is the Amelias Ward, for example, which is an area that there is continuous investment under the Low Income Settlement (LIS) II Programme and once the occupancy level gets up to the seventy-five percent... because it makes no sense sometime to put the final investment and there are large trucks, and so, are still going in for the construction phase. Once the occupancy level gets up to that point definitely those areas will come into consolidation.

**Ms. Kissoon:** A Follow-up. Hon. Minister, Phase II Amelias Ward, where it does not have that seventy-five per cent occupancy, works have been stopped and works have been started in Phase III Amelias Ward where you are talking about the seventy-five per cent occupancy. I am wondering if the criterion here is mixed up, or something, because that is what is happening right now, or the priority. If so, why?

**Mr. Ali:** As I said earlier, this would not cover all the areas under consolidation. Yes, there are areas where we are having new works and that is to create new house lots because of the demands in those areas. I am advised also that there is more development in Amelias Ward, which is under the Inter-America Development Bank (IDB) Programme, the IDB LIS II Programme. For a matter of fact, the designs are with the IDB now for approval.

**Mr. Chairman:** Thank you Minister. In fact, I got your list, even as I was requesting it, it has been shared.

**Mr. Ali:** No Mr. Chairman, we brought it so that we could have shared it.

**Mr. Chairman:** Thank you. Minister, I wish to repeat that there is nothing wrong with sharing this information in advance of the date, even putting it in the newspaper so that the nation knows why you are seeking moneys and what it is for. There is nothing dishonourable about seeking money for buildings and roads and housing. It should be publicised; it is something to be proud about and not to be brought out only on the date. Thank you very much and it is commendable that you have done this.

**Mr. Ramjattan:** Mr. Chairman, unfortunately I did not get a copy. I want to know if it has the allotment for each of the housing schemes because it is \$1.5 million.

**Mr. Ali:** Just on one note of caution, Mr. Chairman, and for Mr. Ramjattan. The allocation that is seen there is an estimate by the engineers. When the tender comes in then the Ministry will know the final price.

**Mr. Ramjattan:** In view of that - I understand this as being a contingency - it has already been advanced to those housing schemes. My next question would be... It cannot be estimates at this time. It has been advanced and having been advanced we would like to see that reflected here because my next in relation...

**Mr. Ali:** No.

**Mr. Ramjattan:** No. That is not how you do this thing [An Hon. Member: It is the engineer's estimates...] Thanks very much. When we are looking at the paving of roads from La Parfaite Harmonie right down to Anna Catherina, who was the contractor who got the roads paved for this Ministry that has disbursed \$1.5 billion? Could I get that answer, because this was moneys advanced already?

**Mr. Ali:** Mr. Chairman, if you look in the description of works in the schedule, which was circulated, it gives the stage, in terms of project development, that we are at, project implementation.

**Mr. Greenidge:** I would just like to ask our colleagues on the other side to understand that they cannot bring a document pertaining to expenditure of \$1.5 billion and expect us to be looking at it after the Minister has spoken in the process of approving. This is a large sum of money and the law is very clear, and there are specific requirements set out, again, by Mr. Ramjattan. Our view on this side, certainly on the APNU side, is clear that where the expenditure can be justified we would not stand in its way, but we will not embrace expenditures where Ministers or the Minister feels that it is a exercise of petulance, so he just does not provide the documentation, when noise is made he will hand it at the last moment to us. This is not the way it is to be done. The Act has specific requirements and as you, yourself, said, Mr. Chairman, we should try and ensure that the pledges made to honour those Acts be honoured. In my view, that is the line that the Government ought to understand, that in the future we will not support expenditures, especially of this size, if it is not prepared to observe the obligations set out in the law, but where a case can be made... It is not just a simple case of providing information and the information is not confirming to what the law requires. Section 24 is very clear. It is not a complicated section.

**Mr. Trotman:** I am rather confused by this document which I was given here because if this is money that has already been spent, according to the Minister, how then can we have something, information which states that the Ministry is going to tender, on several instances here? The Minister ought to provide us with an explanation that justifies on what is written here, rather than attempt to fool us by the information which he has given.

**Mr. Chairman:** Was that hypothetical or was it about the Minister fooling you?

**Mr. Trotman:** My question to the Minister is: How can he, in good conscience, present us with information which is flawed, as exists in the proof here, in this document which he has provided? He cannot now say that he is going to tender whilst he has already spent money that he has taken out of the...

**Mr. Chairman:** What I would ask is that it be rephrased. There is obviously a glaring contradiction and so I ask that the Minister verify that contradiction rather than it is to be seen as...

**Mr. Ali:** Mr. Chairman, just let me say that I did not at anytime say that the Ministry spent this money. I said that there is a situation in which at the beginning of 2012, or even before 2012, the Ministry submitted a project proposal to the Ministry of Finance. Its proposal, at that time, in keeping with the programme, the macro-programme, for housing requires \$13 billion of investments by 2016 and in 2012 a budget submission of \$8.5 billion was submitted.

*3.37 p.m.*

At that time, based on the fiscal position of the country, the Ministry of Finance and the Parliament approved \$1.9 billion, but the pressing and urgent need for housing and house lots and the pressing and urgent need for the consolidation of the roads and other infrastructure in this scheme necessitated urgent interventions and expenditure.

**Mr. J. Sharma:** Mr. Chairman, if the Hon. Minister could refer to the capital profile and as is stipulated in the capital profile, this project is ongoing. It is ongoing, but the total project cost here is below the amount that was voted for. I do not know if that was a mistake. Can he answer that first question before I proceed?

**Mr. Ali:** Mr. Chairman, the head where these resources were programmed was under line item 1900900 "Infrastructure Development and Buildings". It is not a project. There are several projects that fall under this head. This is the programme head and then we have a number of programmes that fall under that head. What we are doing now is seeking additional resources under this head for an extended programme for which I have elaborated on.

**Mr. J. Sharma:** Thank you Mr. Chairman. The Minister did not answer the question, but I am going to move on anyway. The Minister needs to explain, probably, this remark in this column of

the Financial Paper should have read, “On the 12<sup>th</sup> day of Christmas the Ministry of Housing got \$1.5 billion” and thanks to the budget cut that was given. If it was not for the budget cut where we cut \$18 billion from the Low Carbon Development Strategy (LCDS) project there would not have had savings to give here. It should have read something to that effect. The Minister needs to explain how it is that 75% of the voted provision is given to this Ministry for 12 days of expenditure. The Minister, being a person from financial background like myself, would have known that he has to confirm to section 43 of the Fiscal Management and Accountability Act (FMAA) which states that at the end of the year, all balances must be refunded to the Consolidated Fund. This submission here which is given to us is indicating that this money was not spent, apparently it was not returned to the Consolidated Fund and they are now going to utilise it. We need details as to how this was done.

The Members of this House should be aware that an advance from the Contingency Fund is an expenditure from the Consolidated Fund; that is how the law stipulates it. These are supposed to be expenditures. If we do not vote to support this here, it is automatically already expenditure because the Minister had issued it from the Contingency Fund.

**Mr. Ali:** Mr. Chairman, I gather it was a comment and some suggestions and so forth.

**Mr. J. Sharma:** Mr. Chairman, it was a question. The question here is for the Minister to explain how 75% of the voted provision for the entire year, within 12 days, could have been allocated to his Ministry and spent. It had to be spent. I made mention of how the law would have mentioned an advance from the Contingency Fund. It says, an advance from the Contingency Fund is an expenditure from the Consolidated Fund. Also, Section 43 of the Fiscal Management and Accountability Act speaks about the lapse of money at the end of year which should be returned to the Consolidated Fund. The Minister cannot be giving us a paper here saying that he is now going to spend it. The year has already gone. Since the 31<sup>st</sup> the books have been closed, so explain that to me.

**Mr. Ali:** Mr. Chairman, just to give some clarification on this matter. Sometime during the last Parliament the Auditor General made some pronouncement on this matter, that is, the Minister of Finance can advance funds to the Central Housing and Planning Authority (CHPA) in the Housing Fund which then executes the work for the purposes of housing. My Permanent

Secretary (PS) is advising me that the Auditor General has advised and ruled on this matter in the last Parliament. [Mr. Ramjattan: We have to rule on it here, this is the National Assembly.] I understand. I am just saying to you what the Auditor General would have advised at that time. [Mr. Ramjattan: We have the power and you all want to take it away.]

**Dr. Roopnarine:** The Hon. Minister has spoken of responding to urgent and pressing need. He has also alluded to the fact that we are in the presence of new developments as well as dealing with existing areas. I wonder if the Hon. Minister will explain whether in visiting the spanking new development north of Sophia Road, he turned his eye southward and saw the conditions of Barnwell North and Cane View to the east and west of Mocha where there are now roads. People are walking on mud tracks. Children are going through flooded streets to get to school when they can. I am very disappointed that in this list of works that the Minister is putting before us, I see no mention of the urgent and pressing need for the infrastructural work to be done in Cane View and in Barnwell North. Perhaps the Minister could explain whether he has some future plan for these areas. I wish to remind the Minister that the regularisation of these areas began some two years ago. It seems to have halted. There are some people who have been living there beyond 18 years. They want to know, especially as they watch the swift and spanking development north of the road, including well developed culverts and roads and so on, what is the matter with them, why is it that they are in this state of neglect and dereliction? Perhaps, the Minister can explain.

**Mr. Ali:** Thank you Mr. Chairman. I would like to advise the Hon. Member that he is correct, Barnwell is indeed under regularisation. Some of these areas that are being regularised take longer than others because in regularising areas, there are sometimes conflicts in terms of where your pawls fall and so on. So, in some areas it is done in a very speedy manner and in some areas there are conflicts. This has nothing to do with politics. I want to assure you that as advised by the technicians, we are in the process of finalising the regularisation of that area. Once that is done, it comes into the Infrastructural Development Enhancement Programme. Definitely, it is part of our programme; it is in the pipeline.

The second issue is in relation to the Mocha Road. As you know, a contract has already been awarded for that road. Works would have commenced and are ongoing at this moment in the construction of an asphaltic paved highway.



**Dr. Roopnarine:** Thank you for mentioning the Mocha Road which I had not mentioned, but perhaps you would explain why the construction of the Mocha road stops at the bridge just before Barnwell North and in fact, turns into a dirt track. Is there a plan to go beyond the bridge?

**Mr. Ali:** I am advised that the works in that area beyond the bridge is in the next phase of works.

**Dr. Roopnarine:** When will this be?

**Mr. Ali:** As soon as the regularisation is completed. Mr. Chairman, we cannot give you a time right now, but we can give a commitment that as soon as that is made available, I will be producing it to the Hon. Member.

**Dr. Roopnarine:** Mr. Chairman, with your permission, I wish to remind the Hon. Member that he gave me a previous commitment in relation to the building of the Lima Road in Jonestown. Perhaps, if he can give me a progress report, I will be very grateful.

**Mr. Ali:** Yes, Mr. Chairman, I am very happy to give an update on that matter. As we said at that time, it is in the CRIP Programme. It has been designed and everything is ready. The CDB has now given its verbal approval on the last mission here. They are going to send the letter giving the formal approval and works are going to commence under the CRIP Programme.

**Mr. Nagamootoo:** Mr. Chairman, would the Minister be able to say now that we have seen the details of what he intends to do with the \$1.5 billion that this request for approval in the Parliament is deceptive, misleading and in violation of the law. I say this from the Minister's own words, "these are new projects". This would be future expenditure. They have said here in the rubric that the money has been advanced, spent already, in those faithful 12 days of December, between the 18<sup>th</sup> and the 31<sup>st</sup>. It is a matter for him to answer whether he did not feel that the request stands in contradiction with the purpose as carved in the documents supporting the request for expenditure already done.

We would, in normal course, feel very welcomed for the opening of 8,000 odd house lots anywhere. We would, unconditionally, support a programme that says it is for house lot development and to help people to own their houses. You could not come here and say that the money has been advanced and then say in the explanation that no design layout has been made in respect of \$266 million that had already been spent, purportedly, for construction and upgrading

for access roads, Parcel 1768 Cummings Lodge. If this is in conformity with the law, how could we have this glaring contradiction? It is going to tender for Uitvlugt on January 12<sup>th</sup> 2013, Plantation Lust en Rust to tender January 19<sup>th</sup> 2013, Great Diamond and Golden Grove to tender January 12<sup>th</sup>. In one for Providence it says that the tender would open on January 29<sup>th</sup>. Another one for Bloomfield is to be tendered on January 19<sup>th</sup>. My question is specific. The issue is not that you have spent this money from the Contingency Fund and you are asking for replenishment of the Contingencies, you are saying that it has been advanced and you are now seeking *ex post facto* the approval of the House for the money having been expended and yet you have not gone to tender or you have not made a layout. This is the height of irresponsibility and recklessness for any Minister to come here with. This is an expenditure that we cannot approve.

**Mr. Chairman:** Hon. Member, what I understood from the Minister and he will have a chance in a minute, was that he never said that the money had been spent. The Financial Paper did speak to money expended and it would appear that there is, as I have stated earlier, a glaring contradiction between what was stated in the Financial Paper and what the Minister is saying. He never said that he had spent this money. He said that he was operating under the Auditor General's advice that moneys could have been advanced for works upcoming. That is the basis on which the presentation and the request is being made today. That is what I understood. At no time did I hear the Minister say that this money has been spent and that he has spent it. I am just saying that that is the answer given to the question that Mr. Trotman posed earlier and it has been brought up by Mr. Sharma as well. That is the understanding I got. Certainly, there is a contradiction. I would not venture to say whether it is an inadvertent, deliberate or other contradiction, but for the Minister's benefit I will say that he did say that money has not been spent by him. He is operating under the Auditor General's advice.

**Mr. Ali:** Mr. Chairman, I thank you for elaborating what was said. I would just like to say that this money is replenishment. It is going into the Housing Fund. The Housing Fund has ongoing projects. Let us take an example. Look at the areas. When you are developing new housing areas, it begins not only from the roads; it begins from clearing the vegetation, doing the surveying, the block plans, the block layouts and all of this, incurs cost. This cost is borne by the Housing Development Fund under the Central Housing and Planning Authority which the Government is basically replenishing at this time.

**Mr. Ramjattan:** Let us focus this thing right now. Assuming, Mr. Minister, that this House does not approve this \$1.5 billion, are we going to see you still spending this sum in accordance, as you say here, if you are saying that it has not been spent yet?

**Mr. Ali:** Mr. Chairman, this money has already been expended as... [*Interruption*] Mr. Chairman, can I be given a chance to complete?

**Mr. Chairman:** Hon. Members, let us hear the Minister please.

**Mr. Ali:** Mr. Chairman, the money has already been disbursed by the Ministry of Finance. The Ministry of Finance has already disbursed that money to the Central Housing and Planning Authority. The money is in the Housing Fund. That is where the money is. Thank you very much, Mr. Chairman.

**Mr. Ramjattan:** Let us put it to a vote.

**Prime Minister and Minister of Parliamentary Affairs [Mr. Hinds]:** Mr. Chairman, I was thinking of whether there is not the understanding here that the money has left the Ministry and gone to the CHPA to do this work. The Minister is quite right when he says the Ministry has dispersed it or sent it to the Central Housing and Planning Authority. That authority has the right to retain its funds and do the work and bring the improvements to the housing areas that are listed here. When we reject it, we are stopping this work.

**Dr. Singh:** Mr. Chairman, permit me, Sir, to attempt to lend some clarity to this matter. What appears to be posing the challenge is an appreciation of the fact that there are a number of separate entities involved in any such project. There is the Ministry of Finance, to whom a request for a Contingency Fund advance is submitted, there is the Budget Agency, which is the Central Government Ministry, executing an appropriation granted to it, or resources allocated to it. In the current instance that entity is the Ministry of Housing and Water. There is a statutory body, a body corporate by the name of the Central Housing and Planning Authority that administers a housing fund. It is a statutory entity, not a scheduled budget agency, nor an agency within the definition of the Central Government. It is a statutory agency administering a statutory fund that is legally entitled to receive funds and to discharge the responsibilities assigned to it under its establishing and originating statute. In the current instance, given the most recent

assessment of the project obligations and housing development obligations of the CHPA/Housing Fund it was ascertained that there are a number of projects that are at a mature stage of execution. That is to say that they have either just been tendered or are about to be tendered and for which... [*Interruption*] I am not referring only to this list. There are projects that were tendered recently, there were projects that were tendered earlier in the year and there are projects that were tendered last year that are in current execution and there are projects that would be tendered in January and in February and in March and later on the year, because we are in keeping with our growing housing programme, constantly developing new housing areas.

Given, like I said, the assessment of the current obligations with respect to infrastructural development, it was ascertained that in relation to these projects a need exists with immediacy. As a result of which, the Ministry of Housing made a request for the funds that would be required for the execution of these projects by the Housing Fund. In response to which a Contingency Fund advance was granted by the Ministry of Finance to the Ministry of Housing. The Ministry of Housing in turn expended the resources by providing a capital grant to the Housing Fund for the purposing of financing the execution of these projects. What you have is distinct entities that have a distinct role to play.

The Ministry of Finance has granted an advance to the Ministry of Housing. The Ministry of Housing has expended the resources, and disbursed the resources to the Housing Fund. The Housing Fund which is the executing entity, an entity that resides outside of the Central Government and that has a statutory existence in its own right, will be executing those projects with the resources that have been disbursed to it by the Ministry of Housing. I hope that provides some clarity to this matter.

**Mr. Chairman:** Hon. Members, I note the time and I note the request for the vote. I note the fact that this is \$1,500,000,000 for the housing sector. In view of all those circumstances, we will take the recess. I invite representatives of the three parties to meet with me during the recess. We will resume at 5.00 p.m. I wish to mention Hon. Members to speak in the following order, Mr. Allicock, Mr. Hamilton and I believe Hon. Minister Benn who celebrated his birthday very recently and who will be hosting you for the hour with the finest of wines and food. In the meantime, I will like I said, invite Members, if they so desire to meet with me, so that we can discuss this matter some more. We will go into recess.

*Assembly resumed*

*Sitting suspended at 4.05 p.m.*

*Sitting resumed at 5.00 p.m.*

*Assembly in Committee of Supply*

**Mr. Chairman:** Thank you Hon. Members. We will resume in Committee of Supply immediately. Hon. Members, at the moment we took the recess we were at the position where I sensed that we were ready for a vote. Therefore, I wish to take us immediately there.

*Item 2 45-451 Ministry of Housing and Water – Housing and Water - \$1,500,000,00 agreed to and ordered to stand part of the Schedule.*

**Mr. Chairman:** Mr. Minister is it that this stage that you...

*Question*

“That this Committee of Supply approves the proposals set out in Financial Paper No. 6 of 2012 – Schedule of Supplementary Estimates (Capital) \$2,000,000,000 – Advances made from the Contingencies Fund for the period 18<sup>th</sup> December, 2012 to 31<sup>st</sup> December, 2012.”

*put, and agreed to.*

*Assembly resumed.*

**Dr. Singh:** Yes, Sir. I wish to report that the Committee of Supply have approved of the proposals set out in Financial Paper No. 6 of 2012 and I now move that the Assembly doth agree with the Committee in the said Resolution.

*Question put and agreed to*

*Bill read a first time*

**Dr. Singh:** Mr. Speaker, are we now at the second reading of the Bill?

**Mr. Speaker:** We move to the second reading, yes.

**Dr. Singh:** I believe, Mr. Speaker, we have to suspend the Standing Orders to take all three readings at this Sitting.

**Mr. Chairman:** My apologies.

**Mr. Hinds:** Mr. Speaker, with your leave, I move that Standing Orders 13(n) and 54 be suspended to enable the Supplementary Appropriation (No. 3 for 2012) - Bill No. 1 of 2013 to be introduced at this stage and to be taken through all the stages for its reading.

*Question put and agreed to.*

*Standing Orders suspended.*

5.34 p.m.

**Dr. Singh:** That having done, I now first of all wish to signify that in accordance with Article 171(2) of the Constitution, Cabinet has recommended Supplementary Appropriation (No. 3 for 2012) - Bill No. 1 of 2013 for consideration by the National Assembly. I now present the Bill to the Assembly and move that it be read the first time.

## **INTRODUCTION OF BILL AND FIRST READING**

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

### **SUPPLEMENTARY APPROPRIATION (NO. 3 FOR 2012) – BILL NO. 1 of 2013**

A Bill intituled:

“AN ACT to provide for the issue from the Consolidated Fund of the sums necessary to meet the expenditure (not otherwise lawfully charged on the Consolidated Fund) of Guyana for the fiscal year ending 31<sup>st</sup> December, 2012, estimates whereof have been approved by the National Assembly, and for the appropriation of those sums for the specified purposes, in conformity with the Constitution.” *[Minister of Finance]*

*Question put, and agreed to*

*Bill read a first time*

**Dr. Singh:** Mr. Speaker I now move that the Supplementary Appropriation (No. 3 for 2012) - Bill No. 1 of 2013 be read a second time.

## **PUBLIC BUSINESS**

### **GOVERNMENT BUSINESS**

#### **BILLS – SECOND AND THIRD READINGS**

##### **SUPPLEMENTARY APPROPRIATION (NO. 3 FOR 2012) – BILL NO. 1 of 2013**

A Bill intituled:

“AN ACT to provide for the issue from the Consolidated Fund of the sums necessary to meet the expenditure (not otherwise lawfully charged on the Consolidated Fund) of Guyana for the fiscal year ending 31<sup>st</sup> December, 2012, estimates whereof have been approved by the National Assembly, and for the appropriation of those sums for the specified purposes, in conformity with the Constitution.” *[Minister of Finance]*

*Question put, and agreed to.*

*Bill read a second time.*

**Dr. Singh:** I now move that the Supplementary Appropriation No. 3 for 2013, Bill No. 1 of 2013 be read a third time and passed as printed.

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

#### **Bills – Second Readings**

##### **TELECOMMUNICATIONS BILL 2012 – BILL NO. 18/2012**

A Bill Intituled

An Act to provide for the establishment of the telecommunications Agency and for a regular, coordinated, open and competitive telecommunications sector and for matters incidental thereto or connected therewith. *[Prime Minister and Minister of Parliamentary Affairs]*

**Mr. Hinds:** Mr. Speaker, Hon. Members, I will ask again that the second reading of this Bill be deferred. I can report that we are having meetings with Guyana Telephone and Telegraph (GT&T), the holder of a monopoly in this sector. As we said before, we would want to use all possible means to reach some agreement with them so when we do have a Bill passed in Parliament, hopefully, they would not be any going to court and so forth. The Bill would become effective; go into effect. I can say too that we have received, I think last November, some representations from the other provider, Digicel, and we expect to invite them for talks also.

**Mr. T. Williams:** I would just like to ask the Hon. Member a question.

**Mr. Speaker:** No, that will not be permitted, Sir.

**Mr. Hinds:** As I understand it the Hon. Member was asking about timelines. I would say that these matters are very difficult, very challenging matters. We will do our best to proceed as rapidly as we could. If I were to hazard a guess I would say I hope that we would conclude within the first quarter of this year.

*Bill deferred.*

## **PUBLIC UTILITIES COMMISSION (AMENDMENT) BILL 2012 – BILL NO. 17/2012**

A Bill Intituled

An Act to amend the Public Utilities Commission Act. *[Prime Minister and Minister of Parliamentary Affairs]*

**Mr. Hinds:** Similarly, the companion Bill, the amendment to the Public Utilities Commission Act is also deferred.

**Mr. Speaker:** May I presume on behalf of the Member, Sir, that this Bill will be placed on the same timeline as the other.

**Mr. Hinds:** Yes, Sir. That is so.

**Mr. Speaker:** Thank you very much.

*Bill deferred.*



## PRIVATE MEMBERS' BUSINESS

### BILLS – SECOND READINGS

#### 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. Carl Greenidge*]

**Mr. Speaker:** Before you begin - you could stand – may I say that what you are about to do has never been done because I do not believe that a Private Members Bill in the last 30 or at least 40 years has reached to this state. I believe this is a signal moment in the history of the National Assembly of Guyana – that you have reached to this stage. Congratulations.

**Mr. Greenidge:** Thank you very much Mr. Speaker, I will perhaps be much more appreciative of your congratulations after we will have passed it but nonetheless I would not... [*Interruption*] Thank you very much. I hope that we would be able to entertain and pass a number of others in the wake of this particular one.

Mr. Speaker, it is perhaps especially significant, the point that you make, in the light of the fact that this Bill has been the subject of a motion that was extensively debated, and which motion pertains to concerns about the constitutionality of at least one act of Parliament which is inconsistent with the Constitution that we currently embrace. The motion to which I made reference gave rise to Resolution No. 11 of 2012, and as I am indicating the concerns that have caused us to still be looking at the issues are the concerns that, notwithstanding that motion, we drew to the attention of the Government the fact that the schedule of the Fiscal Management and Accountability Act itself infringed directly the provisions of article 222 and 222A of the Constitution. We remain in the situation where that Act is un-amended by the Government. That is the reason why we have brought this Bill to the House, In essence what we are saying is that the Bill deals with a number of agencies which are meant to be part of the framework that are intended to protect our fundamental rights. I am speaking here of the Judiciary, the Service Commissions, the Ombudsman, the Public Procurement Commission, the Auditor General's

Office, which has subsequently been fixed as it were, and GECOM. The safeguards are intended primarily to protect our individual rights as well as the collective rights; those rights that we enjoy, and which the Government in exercise of its functions can sometimes be in conflict. I would say the Bill, and the attempt to deal with this issue, is particularly important at this point in time when I think a number of people feel, and a number of public debates point to challenges of these individual rights that are enshrined in the Constitution.

I would like to, perhaps, make a couple of opening observations, as it were, before turning to the specifics of the Bill. And I make these observations in light of some comments you yourself flagged when the Paper was laid for the first reading, and some of which arose from the interventions of the other side when they were attempts to have the Bill not considered. Amongst the first of those was a suggestion that the Opposition should be required to present a white paper prior to the submission of this Bill on constitutional issues. I would like to say that apart from the fact that under the dispensation that we have, which is similar to that of the Westminster system, white papers are matters of policy for the Government. When the Minister of Finance in 2003 introduced the entire Fiscal Management and Accountability Act, not an amendment, he did not see it fit to do so with a white paper. That Bill, in fact, is the Bill that I am arguing which actually jeopardised our rights in the sense that it infringed articles 222 and 222A of the Constitution. Somehow the Government, at the time, did not feel it necessary to implement a white paper for such a sweeping bill, but certainly for an amendment we are being asked to present a white paper. In any case, I see under the current dispensation this is out of order. When the motion was announced on Order Paper No. 20 the Minister of Finance reacted by taking the Auditor General's Office from the schedule and no white paper was involved. This is as it should, because I am contending there is absolutely no constitutional requirement for a white paper and it is inappropriate for the Opposition to be required, and let alone a Private Member's Bill, to be accompanied by a white paper.

The other observation is that the amendment of the schedule requires an amendment of the Constitution. That is an interesting view but, again, it would have been a lot more persuasive if when the Government itself modified the Act by taking the Auditor General's Office from the schedule they had seen it fit to do so by way of a constitutional change. So I fail to see any justification for such a recommendation and, in fact, I suspect the recommendation that was

being made was made on the assumption that a two-thirds majority would have been required to make the constitutional change effective. I am sorry to disappoint our colleagues on the other side. In fact, as we will show in a few days time when we seek to effect that change in the Constitution, it requires no two thirds majority. I am saying that we are going along with their recommendation, and I hope they will find it fit to lend their support to this as well as that amendment.

Also, may I say there is the apparent conflict arising from section 82 of the Fiscal Management and Accountability Act which section says the Minister may by order amend the schedule. There was a re-interpretation of this which suggests that if the Minister may amend the schedule then the House could not amend the schedule. I have sought advice on this since I myself am not well versed in these areas, and I am persuaded that the drafting of the Act in that manner could never have intended to disenfranchise the House. The House then delegates responsibilities to Ministers, the Minister passes an order and that could never mean, and it ought not to have intended to mean, that if the Minister has the power to pass an order to modify the Act then the House has not any power in that regard. Of course, it cannot mean that because the House itself could repeal the Act which has been done at times in the past. So I as I said, having consulted feel the House retains its power to amend any legislation which the House itself passes.

The other observation I will tackle a little later, but the idea is that the deletion of agencies from the budget agencies listed on the schedule would somehow disenfranchise those entities that are removed. I, again, challenge this because there are many entities that are not on that schedule which receive State moneys. They receive the moneys which is reflected in the Estimates of annual revenue and expenditure and is therefore not required to be on the schedule. There are also many entities that are neither mentioned in the FMAA Act directly nor in schedule 222A of the Constitution and they also receive state moneys. So the suggestion that if the entities do not appear under the Fiscal Management and Accountability Act they cannot get funds is not really accurate. And I will give you an idea of the specific ones a little later.

We might now turn to the substance. If you have a look at the Constitution you will find that article 222A lists a number of agencies in the Third Schedule and those entities include, and I am not going to read all of them, the Ethnic Relations Commission, the Human Rights Commission, and for our purposes now, the Judiciary, and the Office of the Auditor General. That is what

article 222A says. But article 222 itself tells you something about the entities so listed. What it tells you in the body, sections 5 to 7 which deal with the properties or characteristics of those agencies, is that they are independent and no other agency should interfere with their operations. More specifically article 222A says they are to be (a), and I quote:

“...a direct charge on the Consolidated Fund and determined by a lump sum way of annual subvention approved by the National Assembly.”

Let me just take the time, Mr. Speaker, to draw to your attention that if you look at the Estimates you will find lump sum payments specifically in the sections that deal with Details of Subsidies and Contributions, meaning it is a one line allocation; and you will find them in the subsequent section that deals with the Details of Subsidies and Contributions to International Organisations. The entities in question are not listed here, all the entities that I will highlighted. This means that although the Constitution on the one hand says these agencies should receive lump sum payments not subject to financial management that will infringe their financial independence the Ministry of Finance has a number of these agencies under the FMAA Act called budget agencies, and when they are budget agencies certain things follow from that.

The FMAA list, its own schedule, has 39 agencies which could be divided into five categories; specific ministries - Office of the President, Office of the Prime Minister; Georgetown Public Hospital Corporation is the secondary category; GDF is a third; Regions 1 to 10 a fourth, then there are what I call others. These make up the 39. But in or amongst the 39 are others that are in direct breach of the Constitution. The Constitution says that the Judiciary is supposed to be independent and should have lump sum payments. We have on this legislation the Judiciary named here as a budget agency not in receipt of any lump sum payments. As you might see from the front of the Estimates the Supreme Court of Judicature and the Elections Commission, for example, have specific pages which the Minister of Finance may amend before it reaches the House, and it comes with the Ministry's recommendations. This was never the intention or the meaning of independence in the Constitution. So the Supreme Court, the Chamber of the Director of Public Prosecutions actually is not specifically mentioned or treated as a budgetary agency.

Budgetary agencies have some characteristics that I would like to draw to the House's attention. Budgetary agencies are agencies that in addition to being subject to line by line management by the Ministry of Finance in the sense of when the budget proposal goes to him he can change any of the line items and not the sum total in a lump sum manner, these agencies on the schedule are answerable to the Finance Secretary for all matters falling in the purview of the officer answerable for the agency. They are not, and I stress, they are not required to be answerable on all financial matters. The court, for example, could find itself being quizzed by the financial secretary on matters pertaining to court cases. And except for Order No. 20, which the Minister of Finance passed, these agencies remain subject to supervision by the Ministry of Finance. The Minister can amend their budget submissions, he can terminate or delay disbursements within the fiscal year notwithstanding the budget approved by this House if, and to quote the words of the Fiscal Management and Accountability Act section 33(4):

“He may delay or terminate those disbursements if at any time he believes that the exigencies justify them.”

He may also suspend the payment of any expenditure of public moneys and, as I mentioned, the details of the proposals can be amended. I am saying that these discretions that are exercised by the Finance Secretary and the Minister of Finance are unconstitutional because the Constitution at article 222 is unambiguous, it is very clear. It says no one should interfere with their independence in the exercise of their functions, and that their money should be provided specifically as lump sum payments. So the agencies, Office of the Ombudsman, GECOM, Parliament Office, the Service Commissions – Police, Public, Teaching - and the Public Service Appellate Tribunal, are agencies listed in the Constitution as independent. The Ombudsman, for example, is under title 5, subtitle 2, and so forth. Under the Constitutions of these individual entities, as I had indicated at the time of the motion, and as well under Chapters 2, 5, 6, and 7 of the Constitution these agencies are supposed to be treated as independent. The specific references to paragraphs or sections are Public Procurement Commission 212W to 212EE; the Service Commissions section 5 title 7, the Human Rights, Women, Gender and so forth are all there, and the Public Service Appellate Tribunal. Article 212G (2) says commissions in general shall be independent and a direct charge on the Consolidated Fund. That is just in case one has forgotten that article 222 actually says that.

The article 217(4) also goes on to say that in respect to service commissions Parliament prescribes the manner in which the withdrawals may be made from the Consolidated Fund or any other public fund. So I think it is very important we recognise, acknowledge and remedy this breach of the Constitution as a matter of urgency; it has being there in existence for over nine years. And for those who are concerned that the power of a lump sum payment hands a blank cheque to agencies such as the Judiciary, let me say Mr. Speaker, you will remember we had this exchange in the course of the motion, that the terms governing accountability of these, what I call constitutional agencies, are specified in the Constitution under articles 216, 217 and 218 as well as 222A and B. I believe that those provisions are adequate. Notwithstanding all of this, the agencies remain inappropriately listed as budget agencies.

And may I go on to say that in March 2012 the A Partnership for National Unity (APNU) in the preliminary discussions, before the Alliance For Change (AFC) was involved in those exchanges, when we had gone to speak to the People's Progressive Party/ Civic (PPP/C) about their willingness to change the budget, we had given them a list of items that we wanted to see treated in the budget. Amongst those listed was this particular item. I would like to say - because I know we have colleagues on the other side who are very fond of rendering their versions of reports of joint discussions - that we did actually engage in an exchange over the removal of these items. It was in that exchange, if I may say, that Dr. Luncheon waxed very warmly on the sympathy of the Government in correcting these oversights but saying, unfortunately, almost with tears in his eyes, that this could only be done if it had the benefit of a two thirds majority. As I have indicated to you, I do not need to be delayed by that now, but my reading of the Constitution is that particular matter article 222A requires no two-thirds majority. Therefore, we will be seeking in a few days time to lay a bill to amend the Constitution and bring the entities that are constitutional entities properly under schedule 3 of the Constitution.

However, the motion on this matter of the constitutionality of including constitutional agencies as budgetary agencies did require the Government to do some things fairly specific; and I just want to be sure at this stage that we understand what is being proposed. I know there are a number of queries raised about whether the agencies need to be on one list or the other, as I mentioned before. Let me just say to You, Mr. Speaker, and to colleagues, that agencies currently receive state funds although they are not mentioned on either list; I mentioned that

earlier. If you look at the list of agencies which receive state funding in one form or the other these include GNNL, you will probably know this as one of the subsidiaries of NICIL; there is the Lethem Power Company, which we had cause to devote a lot of time to last year; NICIL itself receives resources although it is not mentioned under either list – the Constitution or the Fiscal Management and Accountability Act – National Communications Network (NCN); and statutory bodies like CHPA, which we were just chatting about, the Cheddi Jagan International Airport, Lands and Surveys Commission, University of Guyana (UG), Guyana Revenue Authority (GRA) and National Trust, all of these are agencies mentioned in neither of the two documents, neither one the lists nor the schedules, but they receive moneys. I am reacting to a query that arose during the course of the exchanges which suggested that if the entities were not mentioned, if they were taken off of this schedule of the Fiscal Management and Accountability Act they would be in limbo and therefore you would not know their rights. That is the observation I would like to make here.

I would go on to say that even egregiously many agencies, which do not enjoy the statutory standing of these constitutional agencies appear in this section that deals with lump sum or block votes - Lethem Power Company is one of them - and they have privileges which the Constitution sought to endow the constitutional agencies with, but which the constitutional agencies do not enjoy.

*6.04 p.m.*

So that is the observation I would like to make here, further emphasising the unconstitutionality or the unconstitutional nature arising from the inclusion of a number of these agencies under the Fiscal Management and Accountability Act.

I would also like to say to you that again this question of whether taking them off the list would make a difference, if you look again at the Estimates themselves, you will find under Agency Code 11- GECOM and under Agency Code 7 – Parliament Office and so forth, these are the agencies we are taking off. They are already in the Estimates. Therefore, the Estimates specify that they can receive resources.

My quarrel or my contention is that, insofar as they are under these Agency Codes, Supreme Court, for example, under 55, Public Prosecution under 56, the Appellate Tribunal and so forth.

They are not treated in the manner specified by the Constitution and we need now to make sure that the Appropriation Act reflects the requirement of the Constitution, so that they receive moneys by way of block votes and you can treat them, if you want, as are the Statutory Expenditures shown under 4.5 of these Estimates, where a number a agencies whose moneys cannot be changed after they have been approved are listed. You can do the same with the Constitutional Agencies.

Mr. Speaker and colleagues, these are the main points I would like to make in relation to the Bill. It is quite a straightforward Bill. It simply seeks to take off the schedule, those agencies that should not be here. They should not be here, not because we do not like them on there, but because the Constitution, which is the supreme law of the land, requires that they be treated as financially independent. The supreme law of the land cannot be subsidiary to the Fiscal Management and Accountability Act, especially when the Act includes a number of agencies that conveniently fall under the control of the Ministry of Finance and in many instances appears under the Office of the President, which is an even more egregious mode of treatment.

In the light of these points, Mr. Speaker and colleagues, I would like to commend to you the Bill and to urge that you lend it your support since it is worthy. May I make one point before closing? It is to pick up an observation made by I think by the Hon. Minister of Finance when they were trying to block the consideration of this particular Bill. The first item that is listed in the Draft is the Judicial Service Commission and the Service Commission actually does not appear on the Schedule, so that we can amend. I do not think it is a big issue, but all the others appear on the Schedule of the Fiscal Management and Accountability Act. I thank you very much for your patience. [*Applause*]

**Mr. Speaker:** Hon. Members, I invite a representative from the Alliance for Change to address us, if they so desire.

**Mr. Ramjattan:** Mr. Speaker, I would have thought it would have been more or less parliamentary, so that we will hear their arguments and I would probably do a rebuttal.

**Mr. Speaker:** They have just one speaker and they have chosen when to bring that speaker on. That is their prerogative.



**Mr. Ramjattan:** Well in that case may I utilise the opportunity to indeed support Mr. Greenidge in his Private Members' Bill. There are some aberrations, as he mentioned and it is in view of the fact that we need to straighten these matters out that making what ought to be independent entities and also making those institutions which ought to be financially independent going in accordance with Article 222 (a). Though we may only see in the Schedule to Article 222 (a), a short list of those entities, it does necessarily follow, by virtue of what Article 222 and the other financial provisions of the Constitution have been dictating, that indeed these do not need Budget Agencies, but rather independent entities.

I concur with the arguments as presented by Mr. Carl Greenidge and the Alliance for Change supports the passing of this Bill. [*Applause*]

**Mr. B. Williams:** If it pleases you Mr. Speaker, I rise to support the amendment to the Schedule in the Fiscal Management and Accountability Act or Bill, as laid by the Hon. Member, Mr. Carl Greenidge.

Section 82 makes provision for amending the Schedule and if one was to have the course to the definition section of the Act, section 2, they would see a devised Budget Agency and this really is the crux of the matter. Head of Budget Agencies is also define and the schedule of Budget Agencies. I believe it is important to recognise that Budget Agencies means a public entity for which one or more appropriations are made, which is named in the schedule. Another important definition is Head of Budget Agency, which includes a Permanent Secretary, Acting Permanent Secretary or other officials as maybe designated by the Finance Secretary pursuant to another section of the Act.

So what this means is, if we were to look merely at this Act, one would not get the real appreciation as to what is the remedy or the mischief that we are seeking to remedy in this proposed Bill. So we must start with the National Constitution which would explain why we have come with this proposed amendment.

Before 2001 the Constitution itself expressly delineated commissions and other institutions that were supposed to be independent. There was not any Schedule. Basically, they were independent and a common thread for independence was that they were not accountable to anyone, for example, in the execution of their duties and also that they were entitled to lump sum payments.

In fact, in relations to Service Commissions Article 226 clearly speaks to the independence, 226 (1):

“Save as otherwise provided in this Constitution, in the exercise of its functions under this Constitution a Commission shall not be subject to the direction or control of any other person or authority.”

This was very clear. Article 226 (7) defines what is meant by the expression “Commission” and this is said to include the Election Commission, the Judicial Service Commission, the Public Service Commission, the Teaching Service Commission, or the Police Service Commission. So before 2001, when Article 222A came into existence, the Constitution was very clear about what institutions were to be independent. You had the Public Service Appellate Tribunal, Article 215A, speaks to the independence of that body, along with the Auditor General. The Hon. Member spoke about the correcting of the situation with the Auditor General and there were no difficulties in that regard.

Suddenly in 2001, Article 222A came into being and perpetrated to create a Schedule, which is the Third Schedule, to list the independent entities. That is where the whole problem was created, because they omitted, in that Schedule which is very short, what was helter to independent bodies and institutions and we wondered why they did that, because this was 2001. So all they had really was the judiciary and the Office of the Auditor General listed here, but you did not have the tradition Service Commissions and the other Commissions like GECOM and the like. One wondered why you would have to go and create a Schedule for that purpose.

Then two years later we have the Fiscal Management and Accountability Act and then you understood what was happening, because it all had to do with political control of these institutions. **[Mr. Nandall: Mr. Roopnarine sat on the Commission.]** I see the Hon. Attorney General is animated and he is anticipating me. What happened was that in that Act they perpetrated to create another Schedule and Institutions called Budget Agencies, headed by Permanent Secretaries. What this meant was that the Head of these Budget Agencies had control over the revenues of any institution listed in the Schedule to Fiscal Management and Accountability Act; in other words when you look at the Act, all the traditional independent entities are listed there, all without fear, let or hindrance.

So it meant that what was being essayed on the part of the Government was an intention to control everything, every institution in this country via the means of the Budget Agency. As the old well worn aphorism says, “Who pays the piper calls the tune”. What it meant was this ... [interruption] The Parliament is coming alive. Let us take GECOM first, remember Article 226 said that it is independent. When it was made a Budget Agency what happened was that the Head of the Presidential Secretariat became the head of the Budget Agency; in other words the Office of the President was now in control of the finances of GECOM. And, what happened? Well I do not know if Dr. Roger Luncheon was working at the Ministry of Finance; I do not know if Dr. Luncheon at the time...

**Dr. Singh:** Mr. Speaker, as a matter of factual correction...

**Mr. B. Williams:** You have to say what you are standing up on.

**Dr. Singh:** As a matter of factual correction; that is what I am getting up to do.

**Mr. B. Williams:** No, you cannot ... I do not have to sit for that. You have to get up on a proper basis.

**Mr. Speaker:** Hon. Members, I recognise the Minister of Finance.

**Dr. Singh:** Mr. Speaker, just to correct Mr. Williams that the Head of the Presidential Secretariat was at no point in time... [**Mr. Greenidge:** Hold a press conference.] Are you still wounded from that occasion?

As a point of clarification the Head of the Presidential Secretariat was never designated the head of any Budget Agency.

**Mr. Speaker:** Thank you.

**Mr. B. Williams:** I am saying Mr. Speaker, from personal experience, from dealing with the matter that direct permission on Line Items for the expenditure on items for GECOM had to be given by Dr. Roger Luncheon, as the Head of the Agency. I am saying that. [**Interruption**] What did that mean? It meant... [**Interruption**] You know I do not want to talk about grades you know. It meant that in the run up to the 2006 Election, remember this Act was 2003, it meant that in the run-up, the Office of the President, through that Budget Agency arrangement, exercise control

over the business of GECOM certainly by means of whether they were going to release moneys for certain expenditures or not. That is exactly what happened.

I recalled major things like bio, when we wanted to have finger printing and those other safeguards introduced, the bio-metrics, we could not get anything off the ground, because it was Dr. Luncheon who had to give the permission. So it transpired that this mechanism of Budget Agencies was really what, my Honourable Venerable Friend, Mr. Ramjattan described as, “Control Freakism”.

Now let us look at the doctrine of separation of powers – the Executive must be separate from the Judiciary and from Parliament. You made Parliament a Budget Agency; it means that moneys for Parliament, in terms of releases, etc, are determined by the Head of the Budget Agency for Parliament. Would anyone care to tell me who the Head of the Budget Agency for Parliament is? [*Interruption*]

**Mr. Speaker:** Hon. Members, could we have some order? The truth is the things that we are seeking to amend today have been there from time immemorial. It was not as if it was put by one against another, it has been there. We are now seeking to regularise things, but they have been there for a long time. Proceed Mr. Williams.

**Mr. B. Williams:** As the Hon. Member, Mr. Greenidge had said, the distinguishing feature about independent institutions under the Constitution was that they could have directly gained their money, as a charge on the Consolidated Fund. But with a Budget Agency, that removed the direct charge arrangement; it removed that lump sum arrangement. Therefore, it gave control to the executive in terms of the amount of money this institution gets.

So we are saying that the arrangement infringes the doctrine of Separation of Powers. Let us take it to the Judiciary. How could the independence of the Judiciary be guaranteed by a Budget Agency when hitherto expenditures were a direct charge on the Consolidated Fund? It means that the Head of the Budget Agencies for the Supreme Court or if you want to call it the Judiciary, determines what the Judiciary gets and that cannot safeguard or guarantee your independence. We have to revert to those guiding founding principles which had informed our Constitution *ab initio*, that is what we have to return to and that is why we are here. To me, there was really no basis to introduce the Third Schedule in the Constitution.

Fortunately for us, it only needs a simple majority to get rid of it; that is all it needs. Under Article 164, it is a simple majority. The PPP recognises that, because they were always saying that we need to move a Constitutional motion. We started with the statue, the Fiscal Management and Accountability Act and this is even simple, because section 82 says:

“The Minister may, by order, amend the Schedule.”

Well if the Minister could amend the Schedule, what could we do as the National Assembly? It would seem to me *fortiori*; it is even more so that we could also amend that Schedule.

Therefore, this does not need any long dissertation, we are in support of this Bill; one, to amend the Schedule and delete what was traditionally and Constitutionally independent entities under our Constitution; delete them from the Schedule in the Statute so that that would *ipso facto*, restore them to their positions.

Further, we will use our majority and we will repeal the Third Schedule to the Constitution created by Article 222A, because to do that requires a simple and the mighty vote of one. That is what it means. So I thank you, Mr. Speaker, as I support on behalf of the APNU. We support this proposed amendment to the Fiscal Management and Accountability Act, for the time being. Thank you. [*Applause*]

**Dr. Singh:** Thank you very much Mr. Speaker. I rise to speak on the Bill currently before us, the Fiscal Management and Accountability (Amendment) Bill 2012, Bill No. 24 of 2012. In doing so, I feel an overwhelming sense of *deja vu*, having already made a number of arguments on a previous occasion; that occasion being the consideration of the motion to grant leave for this Bill to come before this Hon. House.

I will very briefly revisit just a few of those arguments and then make a few other observations. Let me say first of all, Mr. Speaker, that you made an extremely important intervention yourself from your Chair, in your attempt to introduce some balance and objectivity and perhaps even sanity, in the presentations made by the Opposition, when you reminded this House that the current arrangements as they relate to the financing of some of these entities, have really been in place since time immemorial.

What it means is that the attempt by the Opposition to conjure this imagined conspiracy reveals the real intent behind this Bill. That is to create somehow the image or mirage of some storm or hiccups, some conspiracy, some attempt, some conspiracy theory where in fact one does not exist.

Mr. Williams, the Hon. Member and indeed Mr. Greenidge before him sought to suggest that somehow the inclusion of these entities in the Schedule to the FMAA reflected some adverse intent on the part of this Hon. House acting in 2003. The fact of the matter is that if you examine the deliberations on the Fiscal Management and Accountability Act 2003, no such concerns were expressed on any side of the House. In fact, the Bill attracted extremely positive comments, from amongst others, the lead spokesperson on economy and finance, on that side of the House, the records reflects this. At the time persons speaking on both sides of the House recognised the immeasurable merit of this Fiscal Management and Accountability Act; recognised the vast contribution that that Act would make to modernising the legislative architecture that govern the management of our public finances and recognise in fact, that this Bill at the time, which is now the principle Act, the Fiscal Management and Accountability Act, the House recognised that this, read together with the Constitutional amendments of 2001, read together with the Procurement Act of 2003 and read together with the Audit Bill that was soon to become an Act, just a few months thereafter, would constitute an extremely strong framework for management accountability and transparency of public finances.

These were not one off isolated ventures of the Parliament. There was a systematic, well coordinated, carefully crafted endeavour to modernise the architecture governing the management of public finances. They were in the first instance significant amendments to the Constitution. The 2001 amendments, which among other things enhanced the independence of the Auditor General's Office by removing the obligation of that office to report to this House through the Minister of Finance and empowering that office to report directly to the National Assembly through the Speaker, by expanding the mandate of the Public Accounts Committee, including by giving it responsibility for exercising general oversight over the Audit Office. By establishing the Standing Sectoral Committees, which would discharge important Constitutional obligations as it relates to oversight of Government operations; Economic Services Committees,

Social Services Committees, Natural Resources Committees, Foreign Relations Committees and of course, subsequently security would be added.

Following the 2001 amendments, we returned to Parliament, first with modern procurement legislation in 2003, a modern Act for the management of public finances, what is called in the industry an organic budget law, the Fiscal Management and Accountability Act and an Audit Act early in 2004. Throughout all of this, the House acting in unison recognised the merits of these interventions. It is rather unfortunate that purely for the purposes of political titillation that Members on that side of the House; the other side of the House, would now conjure ghost and fairies, where they do not exist. Rather unfortunate Sir; unfaithful to the facts of history and reeking of political opportunism.

I argued at the time that the motion came to this House that this Bill is so fundamentally flawed that at the very least it should be returned for editing, at the very least. It should have benefited from careful editing. As a matter of fact, you could not possibly, seriously bring before this House, a Bill to remove from a Schedule, entities that are not in the Schedule in the first instance. That is what this Bill seeks to do. This Bill lists entities that it purports that it is purporting to remove from the Schedule to the Fiscal Management and Accountability Act, that are not listed in the Schedule to that Act. I made that observation.

*6.34 p.m.*

The Judicial Service Commission is not listed as a budget agency, but this Bill seeks to remove the Judicial Service Commission from the schedule to the Fiscal Management and Accountability Act when it is not there in the first instance and that is a matter of fact. At the very least, the mover of this Bill should have recognised those fundamental flaws and should have ensured that the Bill represented at least a properly edited...

I will go further and I will say that if the intent was to give some substance to Article 222 A of the Constitution, and in particular the third schedule, then once again this Bill will come up very short. This Bill, in fact, once again, is riddled with inadequacies. For example, the Bill rather conveniently ignores a number of entities that are listed in the third schedule to the Constitution. The Bill, for example, makes absolutely no mention of the Ethnic Relations Commission, it makes no mention of the Human Rights Commission, it makes no mention of the Women and

Gender Equality Commission. It completely ignores those entities but what is more it addresses entities that are not currently the subject of the third schedule. It includes entities that are not currently the subject of the third schedule. If the intension was to give substance to the third schedule then in that case, at the very least, this Bill should have been faithful to the list of entities identified in the third schedule but that was not done; that was not done. Instead we now hear of an intension to amend Article 222 A of the Constitution and in fact we now hear an interpretation of the Constitution that seeks to suggest that Article 222 A can be amended by a simple majority. The reference that is being cited is Article 164 of the Constitution... [Mr. Greenidge: I did not cite it.] Not by you; Mr. Williams did. You are not the only speaker. Contrary to what you might believe, Mr. Greenidge, you are not the only speaker and I apologise on your behalf to Mr. Williams for your ignoring of his speech. As was cited by the Hon. Member, Mr. Basil Williams - and I did pay, unlike his colleagues on that side of the House, keen attention to his speech... Mr. Williams made reference to Article 164 of the Constitution. That Article identifies a number of other Articles of the Constitution that require a two-third majority for enactment. What is significant is that while Article 222 is listed, Article 222 A is not but more importantly, if one examines all or at least a large number of the insertions of the 2001 constitutional amendments - "a large number" because in the space of time afforded me here been able to verify all... A number of the insertions - certainly all of them that have a letter appended to them... The 2001 constitutional amendments inserted a number of articles but because of the avoidance of the need to renumber the constitutional articles a number of them had letters appended to the number so, for example, Article 128 A, dealing with appointment of part-time judges, Article 149 A dealing with the right to work, Article 154 A dealing with the protection of human rights, Article 161 A dealing with appointment of staff of the Elections Commission. All of these newly inserted articles that have this new numbering scheme with a letter appended to them to avoid renumbering of subsequent articles... None of them appear in Article 164. Hence, at the very least I would suggest that it be somewhat simplistic simply to look at the printed text of Article 164, ignoring the intensions of the framers of the constitutional amendments. Surely, the intension could never have been that all of these newly inserted constitutional articles can now be amended by way of simple majority, including protection of human rights, including protection of our fundamental rights. Surely we have in this honourable House Members who served on that...



**Mr. Speaker:** Members, could I hear the Minister of Finance, please? It seems like a free-for-all has broken out. We all have our own interpretations about Article 164; I have my own but I will not, at this point in time, state my own opinions on Article 164.

**Dr. Singh:** Thank you very much, Sir. In any case I make the point that surely, in reading Article 164, it would appear perfectly obvious that the intension could never have been to exclude from the requirement of a two-third majority all of the insertions of the 2001 amendments.

**Mr. Speaker:** Hon. Members, are we to allow the Minister to speak or do you want to engage him in conversation, in a dialogue? When Members of the Opposition spoke, there was not that exchange.

**Dr. Singh:** I listened attentively, Sir.

**Mr. Speaker:** I am asking that we listen. Whether you agree or disagree allow him, please, to continue and conclude.

**Dr. Singh:** Mr. Speaker, the Bill and, in particular, the arguments made by my colleagues on that side of the House in favour of the Bill seem to suggest that the removal from the schedule of Fiscal Management and Accountability Act will somehow vest in the entities identified some - I hesitate to use the word "autonomy" and not the word "exclusion" - entitlements to be completely exempt; 'exempt' is the word. ...will somehow vest in these entities a right of an exemption from the budgetary process, an exemption from proper consideration and deliberation of their budgets, an exemption from approval of their budgets in this honourable House. Somehow the assertion is that if these entities are removed from the schedule they would not be subject to budgetary control and budgetary oversight but that, in fact, is a conclusion that could only be arrived at by a selective reference to the very Article 222 A that is being used as the basis for the Opposition's arguments. In fact, if one reads Article 222 A beyond the reference to the annual subvention one would see that the Constitution is very clear. The Constitution says that these entities budgets shall be approved by the National Assembly after a review and approval of the entity's annual budget as part of the process of the determination of the National Budget. This is the Constitution clearly saying that these entities shall be subject to review and approval of the entity's annual budget as part of the process of determination of the National Budget.

The article goes on in Paragraph (b) to say:

"Each entity shall manage its subvention in such manner as it deems fit... subject only [This is important, Sir] to conformity to the financial practices and procedures approved by the National Assembly to ensure accountability [which is the Fiscal Management and Accountability Act]"

The Constitution having clearly recognised the role of the National Assembly in enacting appropriate financial procedures and practices, the National Assembly subsequently acted and brought into laws the Fiscal Management and Accountability Act. In fact that same Article 222 goes on in Paragraph (c) to say that the terms and conditions applicable to grants and donations destined for the entities shall be approved by and disbursements shall be made through such appropriate government agency or department as determined by the National Assembly. once again the National Assembly so acted in bringing into law the Fiscal Management and Accountability Act in response to the call and the mandate and the charge given by the Constitution in Article 222 A.

What we have, once again, is a selective reference to the Constitution in this instance, completely ignoring the second half of Article 222 A Paragraph (a), completely ignoring Paragraph (b) and completely ignoring Paragraph (c). Article 222 A, if we are to be honest with ourselves, says very clearly that third-schedule entities shall be subject to the review and approval process that is attached to the Annual National Budget. That is crystal clear and the National Budget is ultimately determined by this honourable House.

I wish to submit, as I did on that previous occasion, that this Bill is flawed in some extremely basic ways. It is grounded on a misleading premise. Specifically it is grounded and based on a selective reference to Article 222 A. It is, in fact, not even faithful to the same Article 222 A in its selective identification of certain entities to be addressed.

I do not believe that this Bill merits any further comment from me. I wish to urge this honourable House to act responsibly and to reject this Bill unless the Hon. Member wishes to see the light and withdraw it to remedy it and I believe that there may still be time for him to do so but, were he not to do so, I wish to urge this honourable House to do the proper thing and reject this Bill, roundly. Thank you very much, Sir. *[Applause]*

**Mr. Greenidge (replying):** Thank you very much, Mr. Speaker. I wish to thank colleagues for contributing to the deliberations on this particular item and to say that the observations made by the distinguished Minister of Finance as regards the additional items turned out to be the every item that I drew to the attention of the House. It is a little bit of a “Columbus” here. We agree that that element could be removed.

Secondly, as regards the intension of the Bill: The intension of the Bill was the same intension that it informed the Minister when he removed the Auditor General's Office from the schedule; exactly the same. Now he is telling us that it has no merit. They removed it for the same reason except, of course, the arrangement surrounding the Auditor General and the Auditor General's Office are a little less transparent. Let us leave it that way. We will see in time. It was removed as it should have been removed and as the others should have been removed at the same time also. It should not have needed us to bring it here because it was drawn to their attention. **[Mrs. Backer: We would have supported it.]** Yes.

As regards, if you like, the operational dimension of the Fiscal Management and Accountability Agency for these constitutional offices may I say, again, that I did also draw attention now and in the course of the debate on the motion to the fact that the entities are to be held to the same accounting standards and auditing standards as all the others so again that is nothing new. I said it and I think that we have no difficulty with that idea.

Mr. Speaker, may I take the opportunity to say to you that it is true that removing these entities from the list would not, by itself, ensure that they are constitutional offices exempt from what I call the discretion of the Minister of Finance and the Financial Secretary but in order to ensure that the progress in this House was not held up we went ahead with this amendment and we will be brining an additional amendment which will help to clarify some of the very points made by the Minister. They will be laid within a day or two; not arising from anything he said but just to reflect the points that he made. It is good that we share with him the idea that additional factors are needed.

We are not here to determine whether Article 164 applies to Article 222 and not Article 222 A or Article 222 A and not Article 222 B. We will deal with that when we come with the constitutional amendment but for the moment let it be noted that Article 222 A - we agree with

the Minister - is not reflected in Article 164 and that is sufficient for us for the time being; when in fact the amendment there made by way of the introduction of these items under the Fiscal Management and Accountability Act was done by way of a simple majority. Thank you very much, Mr. Speaker. I commend the Bill to colleagues.

**Mr. Speaker:** Hon. Members, I will proceed to put the question for the second reading, but I believe that I am duty-bound to state that, as I have indicated to Mr. Greenidge, I did have reservations about this Bill but, as I have previously stated, I do not have the powers to prevent Bills from coming forward, save and accept if they make a charge on the Consolidated Fund or something of that nature. There are concerns about the constitutionality issues. We have heard that a Bill is going to be coming. There are concerns and I may be seeking legal advice on that because as my colleague in Dominica did, some time ago, was in fact refuse to have a Bill go forward unless it required the two-thirds majority so I will be consulting with her as to how she overcame that issue but, as I have indicated, I do have some concerns about constitutional issues but when the Bill is brought proper, in due course as we have heard, we will look at it on its own merits.

*Question put and carried*

*Bill read a second time*

**Mr. Speaker:** Hon. Members, the Assembly will resolve into Committee to consider the Bill, clause by clause.

*Assembly in Committee*

### **Clause 1**

*Clause 1 passed as printed*

### **Clause 2**

**Mr. Greenidge:** I am seeking to propose an amendment to clause 2 A, namely the deletion of the Judicial Service Commission as I had indicated in my own presentation. Thank you, Mr. Speaker.

**Mr. Chairman:** Very well. Hon. Members I now propose that clause 2 stands as part of this Bill as amended with the deletion of the Judicial Service Commission.

*Question put and carried*

*Clause 2 passed as amended.*

*Assembly resumed*

**Mr. Speaker:** Hon. Members, coming to the third stage, I invite Mr. Greenidge to report.

**Mr. Greenidge:** Mr. Speaker, I beg to report that the Fiscal Management and Accountability Amendment Bill 2012 was considered in Committee clause by clause and was passed with amendment. I now move that the Bill be read a third time and be passed as amended.

**Mr. Speaker:** Thank you. Hon. Members, the question is that the Bill be now read the third time and passed as amended in Committee.

**Mr. Neendkumar:** You cannot move an amendment.

**Mr. Speaker:** It was a deletion, not an inclusion. I will be advised by the Clerk. Hon. Members, again, because we are traversing new ground the Clerk advises that I, for the avoidance of any doubt, revert. Thank you very much, Mr. Neendkumar. I therefore seek a re-committal and before we go through the final and third stages we will resume into Committee of the Assembly.

*Assembly in Committee*

**Mr. Chairman:** Mr. Greenidge, could you rise again, please, to propose the amendment.

**Mr. Greenidge:** Mr. Speaker, I beg to have clause 2 A of the draft Bill have the first four words deleted, namely "The Judicial Service Commission".

**Mr. Speaker:** I now put the amendment.

*Question put and carried*

**Mr. Speaker:** Hon. Members, I therefore propose that clause 2 stands as part of this Bill as amended.

*Question put and carried*

*Clause 2 passed as amended.*

*Assembly resumed*

**Mr. Speaker:** Mr. Greenidge, could you report as you had intended to do a few minutes ago?

**Mr. Greenidge:** Thank you, Mr. Speaker, I beg to report that the Fiscal Management and Accountability Amendment Bill 2012 was considered in Committee clause by clause and was passed with amendment. I now move that the Bill be read a third time and passed as amended.

*Question put and carried*

*Bill read the third time and passed as amended.*

**Mr. Speaker:** Hon. Members, that concludes the consideration of the Bill and, as I said, it is the first time since I have been in the House that a Private Member's Bill of this nature has gone through all three stages and it is something of tremendous note.

Hon. Members, we have several motions ahead of us and it also 6.55 p.m. The Clerk assures that on this occasion and in anticipation of the session snacks have been ordered and have been put in place. Rather than proceeding to commence with the motions I would ask that we take the recess at this time. We may have an abridged recess so that we can leave here a little earlier. Thank you.

*Sitting suspended at 7.00 p.m.*

*7.42 p.m.*

*Sitting resumed at 7.42 p.m.*

## **PRIVATE MEMBERS' BUSINESS**

### **MOTIONS**

#### **FORMER PRESIDENTS (BENEFIT AND OTHER FACILITIES) BILL 2012 – Bill**

**No. 29/2012**

“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) Bill 2012 – Bill No. 29/2012 –

A BILL intituled AN ACT to provide benefits and other facilities for Former Presidents.” *[Mr. Greenidge]*

**Mr. Greenidge:** I beg to move that the 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) Bill 2012 – Bill No. 29/2012. It is intituled an Act to amend the Former Presidents (Benefits and Other Facilities) Act of 2009.

**Mr. Speaker:** Does anyone from the Alliance For Change wish to speak to the motion? If not, I invite Ms. Teixeira to speak.

**Ms. Teixeira:** On behalf of the Government side, I wish to speak on the motion to the table the Bill, the Former Presidents (Benefits and Other Facilities) Bill 2012 - Bill No. 29/2012 for first reading.

We are very disturbed with this trend, in the Parliament, that has emerged in the sense that we have had a motion that was tabled by the Hon. Member Mr. Greenidge, in April, 2012, which was debated on 2<sup>nd</sup> August, 2012, Resolution 22, which agreed to the establishment of a Special Select Committee that would look into the matters to do with former Presidents’ benefits, superannuation benefit packages of not only former Presidents, but other constitutional post holders... The Special Select Committee was set up. The Members were appointed some time in the latter part of October and, I believe, in November the Chairperson was elected in the name of Mr. Greenidge. In the interim, the Hon. Member tabled Bill No. 25 and it was an amendment to the 2009 Former Presidents (Benefits and Other Facilities) Act and that Bill was tabled on 2<sup>nd</sup> October, 2012, withdrawn and replaced on 12<sup>th</sup> December, 2012, with Bill No. 29. Bill No. 29, similar to but different from Bill No. 25, actually repeals the 2009 Former Presidents (Benefits and Other Facilities) Act in total, unlike Bill No. 25 which was amending the 2009 Former Presidents (Benefits and Other Facilities) Act.

We are disturbed, as I said, because having had the debate in this House on the motion of the Hon. Member, and having agreed to go to a Special Select Committee, we feel it has been a breach of faith. It violates good faith by moving to a Bill that actually undermines the work of the Special Select Committee. Therefore I have no doubt in this House that the Opposition or a part of the Opposition will, by majority, move this Bill through.

This Bill violates Resolution 22 which calls for a Special Select Committee. This Bill overrides the Special Select Committee's work, in the main, although it leaves bits and pieces of it that deal with other constitutional post holders. More than that, the actual Bill is extremely vindictive. It is a level of small-mindedness that I think is unacceptable.

I am not going to speak on the Bill itself.

**Deputy Speaker [Mrs. Backer]:** Mr. Speaker, on a Point of Order, I think it is not permissible for any speaker to make derogatory remarks about another speaker.

**Mr. Speaker:** What is the remark?

**Ms. Teixeira:** Mr. Speaker, I believe that the Hon. Member does not hear well. I said that the Bill was a vindictive piece of work.

**Mr. Speaker:** I have not yet heard the Deputy Speaker.

**Mrs. Backer:** Thank you. The Hon. Member, Madam Teixeira, spoke about the small-mindedness of the person tabling the Bill. It cannot be a small-minded Bill. The Bill has to be moved by somebody, so that is what she is implying. I am saying that that is improper.

**Mr. Speaker:** Hon. Members, the truth is that for the evening I have heard words far worse than "small-mindedness". I would ask that we speak to each other and of each other in a level that befits the offices we all hold. We all took the same oath and we all have an equal right to be here. No one is greater or lesser than the other. We are all Members of Parliament; some have ministerial responsibilities, but we are all Members of Parliament. Let us eschew language that suggests that Members are small-minded, bad-minded or anything of that nature. Please proceed.



**Ms. Teixeira:** Mr. Speaker, I appreciate your guidance. However, I never said the name of the person. I said that the Bill was a work of small-mindedness. Whoever is the author that is his or her problem, not mine. He or she was unnamed.

Mr. Speaker, I am not speaking about the Bill, *per se*, because the Bill is going to come up for, I assume, second reading where there will be an array of people on both sides of the House who, I assume, will speak on it. I want to speak on the procedural issue and the issue of good faith.

The issue of procedural issues relate, as I said earlier, to the fact that we made a decision, by majority, in which both the Government and Opposition named Members for a Special Select Committee. The Special Select Committee was set up and the Chairperson was elected. This is not a good faith move because bringing the Bill – not only that, but bringing a Bill that is worse than the original Bill – is, in fact, a breach of good faith. Even though the Resolution was passed by a majority of one, the Government went along to the Committee, named the people, and participated in the election of the Chairperson, who is the Hon. Member, himself, sitting there. We cannot be wasting each other's time. If it is the position of the Opposition that it wishes that whatever Resolution passes, regardless of the Special Select Committee or not, it is going to rush to do these things, we are going to be wasting our time. [Mr. Greenidge: You have seven months.] The appointment of the Special Select Committee, Hon. Member Mr. Greenidge, is not my problem. I do not run the Parliament Office. It is your Bill and it is your Resolution, and it called for a Special Select Committee. I reminded, many times, the need to have meetings to do with the Special Select Committee, because, Sir, it was not only your motion that was sitting there, it was also that...

**Mr. Speaker:** Speak to the Chair.

**Ms. Teixeira:** ...there were four other motions, including three which were Government's, which were waiting on a Special Select Committee to be appointed. I also want to remind this House that Standing Order 26... The procedural point I want to make is that Standing Order 26 states:

“In order that a motion may be admissible, it shall satisfy the following conditions, namely:

(h) It shall not relate to matters which have been referred to a Committee of the National Assembly for consideration and report;”

This Bill and the motion, which is before the House today to lay the Bill for the first time, are, in fact, in violation of Standing Order 26 (h). We have made a decision to go to a Special Select Committee and if there was the true and sincere intention to be able to sit as a group and find a way to deal with the issue of the former Presidents’ benefits and that of other constitutional post holders, it would have been indicative of that concern that this Committee would have been functioning and working since October when it was appointed. But there has been no movement, despite the long period of appointing the Special Select Committee. Between the point of appointing and electing the Chairperson, no meeting has been called and almost three months have passed. [**An Hon. Member:** Three months?] I said almost three months.

The issue of good faith I am underlying. If it is that the Opposition believes that it has no space for the Special Select Committee, does not wish to have a Special Select Committee, but wishes to have this Bill, another Bill and another Bill on the matters of the Special Select Committee, then the Government has no role to play in the Special Select Committee. We do not have to go to the Special Select Committee and be part of a masquerade. In fact, when we went to the meeting to name our Members on that Special Select Committee and to participate in the election it was with the intention of good faith that here is a majority that passed something and, maybe, in spite the fact that the Government has one seat less, and, in fact, is in minority in that Committee, that we will nevertheless sit together and deal with these issues.

The motion that is before us, which is calling on the Assembly to allow the first reading of the Bill in the Hon. Member’s name, Bill No. 29, we are not in support of this. The reason, which also seems to be a public misinformation, that this Bill... [**Mrs. Backer:** I thought that was your specialty.] Mr. Speaker, you heard yourself. Did you not? Thank you, Sir. We do not have to verbalise. We understand each other. My dear Deputy Speaker is sometimes “an ever ready bunny”.

We reserve the right, if this Bill is put to the first and second readings, to vigorously debate it, but we are going on record that this approach by the Opposition, in particular A Partnership for National Unity (APNU) as the Hon. Member is a Member of APNU, is not in the best interest of

the way to go forward. This attempt to bring a Bill, which will repeal the 2009 Act, is not the way to go on dealing with issues such as this. Therefore, on behalf of the Government side, this motion is one, in violation Standing Order No. 26 (h). Two, it undermines good faith efforts that commenced and, thirdly, this Bill makes a mockery of the Special Select Committee. Therefore that might explain why the Special Select Committee has not been convened since it was established.

On behalf of the Government, I oppose this motion to lay this Bill for the first time. *[Applause]*

**Mr. Greenidge (replying):** Mr. Speaker, may I start by referring you to resolution 22 of 2<sup>nd</sup> August, 2012? The resolution actually makes reference to three things: the Former Presidents (Benefits and Other Facilities) Act 2009, the Pensions and Special Benefits Act, Part III, and that is specifically mentioned to be revised by a Special Select Committee, and the Parliamentary and Holders of Special Offices Act to also be revised urgently. The resolution is quite clear. That is by way of explanation. I can read the resolution to you.

**Mr. Speaker:** Read the part that addresses the Former Presidents (Benefits and Other Facilities) Act 2009, please.

**Mr. Greenidge:** I was making a distinction among the three focuses. As regards the resolution itself, it states:

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

RESOLVED,

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

It makes no reference, in relation to that portion, to any Special Select Committee. I did make reference to the others. **[Ms. Shadick:** It is parallel.] If it is parallel, it cannot be the same, Madam. They are two different things. Parallel is one of the two.

The second element is very clear. It says “ALSO RESOLVED” which means that this is something additional. It is in relation to the “ALSO RESOLVED” that a parliamentary committee be convened. Where is the difficulty with the English? Where is the difficulty? One pertains to the two Acts I have mentioned. There are three Acts involved. One pertains to a repeal, and that is of the Presidents Benefit and Pension Act, and the other two pertain to the... [Ms. Teixeira: Read it.] I read it already. I am not going to read it again. I cite it for your information. *[Interruption]*

**Mr. Speaker:** Please allow Mr. Greenidge to address the Chair. Go ahead.

The question of good faith I find somewhat laughable because although a number of motions have been passed by this House, not a single one has been acted on by the Government in a year – in one year, twelve months, not a single one! Here there is somebody crying over one’s milk about the non implementation of something jointly passed by the National Assembly. Give us a break.

As regards the Special Select Committee, the matter is clear. It has a function to look at two statutes. As regards the repealing of the legislation, it says immediately, and this is as immediate as we could do. [Ms. Teixeira: Read it.] I will invite you to look at it, Madam. Standing Order 26 (h), therefore, has no relevance to this particular Bill which is before you, Mr. Speaker. It would have had relevance if we would have sought to bring the other two elements to this House. We have not. The question of delay, again, in relation to the establishment of the Special Select Committee... I am just drawing your attention, Mr. Speaker, to the fact that I am not aware that it was established three months ago, but, of course, we have colleagues here who are experts in misinformation.

**Ms. Teixeira:** Mr. Speaker, I am not saying that it is a Point of Order. I am saying that you have heard it again.

**Mr. Greenidge:** Well, if it is not a Point of Order, I am not yielding the floor, Mr. Speaker.

I am saying, Mr. Speaker, that we are seeking here to implement a decision taken by the House. One, if you like, of two decisions pertaining to this resolution and we are seeking to ensure that a badly drafted piece of legislation be modified to bring it in line with acceptable standards of

drafting. This legislation cannot be regarded as acceptable if it is open-ended. The beneficiary has open-ended or unlimited access to benefits when the state itself, which is giving the benefits, has a finite limit on the amount of taxes and revenues it can collect. That is the long and the short of it. What we are seeking to do here, Mr. Speaker, having consulted and having tried to take into account even the points you had raised, is to modify the original Bill. You know it was a Bill simply amending the old one, but cognizant of the decision to repeal, we have now brought before the House, in keeping with that decision, a repeal which also takes into account the sentiments of the resolution and the deliberations and discussions that took place around that motion.

In light of that, the modification is intended to ensure that the rights of the former Presidents as well as the obligations of the state and the former Presidents are set out clearly and unambiguously. That is all it does. It is not aimed at an individual and it should be supported by both sides if they read it properly.

Thank you. *[Applause]*

**Mr. Speaker:** Hon. Members, before I put the question, I wish to state, as I believe I am duty-bound to, that, as with the Bill that came previous to this, I did indicate to Mr. Greenidge that I did have some concerns. We met; he addressed them, I believe, satisfactorily, and, therefore, we can proceed. In the beginning, I did believe that the Bill offended Standing Order 26, indeed, but then I was satisfied that the Special Select Committee, which was established, does not touch and concern Former Presidents (Benefits and Other Facilities) (Amendment) Bill. However, I did believe that, for the sake of tidiness, we should complete the work of the Special Select Committee before going into this Bill. I did try to persuade Mr. Greenidge not to proceed but, at the end of the day, it did not, in my opinion, offend. I believe, for the sake of tidiness and to have a comprehensive review of all constitutional office holders, including former Presidents, that we should have one initiative rather than a bifurcated approach. With that said, I now proceed to put the question.

*Question put.*

**Mr. Hinds:** Division.

**Mr. Speaker:** While we await the bell, I will keep this Bill under review and examine its clauses and continue to engage, with all the Members, on it.

*Bell rang.*

*Assembly divided: Ayes 33, Noes 29, as follows:*

*Ayes*

Mr. T. Williams

Ms. Marcello

Dr. Ramayya

Mrs. Garrido-Lowe

Mrs. Hughes

Mr. Nagamootoo

Mr. Ramjattan

Ms. Ferguson

Mr. Morian

Mr. Allen

Mr. Jones

Mr. Adams

Mrs. Baveghems

Mr. Sharma

Mr. Bulkan

Mr. Bond

*Noes*

Mr. Jaffarally

Mr. Damon

Dr. Persaud

Rev. Dr. Gilbert

Dr. Mahadeo

Mr. Seeraj

Mr. Neendkumar

Mr. Lumumba

Mr. Chand

Ms. Shadick

Mr. Nadir

Ms. Teixeira

Bishop Edghill

Mr. Whittaker

Mr. Baksh

Mrs. Sukhai

Ms. Kissoon

Ms. Webster

Mr. Trotman

Mr. G. Persaud

Ms. Selman

Mr. Benn

Mr. Allicock

Dr. Anthony

Ms. Wade

Mr. Ali

Mr. Felix

Dr. Ramsaran

Ms. Hastings

Dr. Westford

Mr. Scott

Mr. R. Persaud

Lt. Col. (Ret'd) Harmon

Dr. Singh

Mr. Greenidge

Mr. Nandlall

Mrs. Backer

Dr. Ramsammy

Dr. Norton

Mr. Rohee

Mrs. Lawrence

Mr. Hinds

Mr. B. Williams

Ms. Ally

Dr. Roopnarine

Brigadier (Ret'd) Granger

*Motion carried.*

*Title of the Bill read.*

**THE APPOINTMENT OF A COMMISSION OF INQUIRY TO INVESTIGATE THE  
INCIDENCE OF CRIMINAL VIOLENCE FROM 2004 TO 2010 IN GUYANA**

WHEREAS, Article 138 (1) of the Constitution of the Republic of Guyana prescribes that no person shall be deprived of his life intentionally save in the execution of the sentence of a court in respect of an offence under the Laws of Guyana of which he has been convicted;

AND WHEREAS in accordance with the Commission of Inquiry Act, Chapter 19:03, “The President may issue a commission appointing one or more commissioners and authorizing such commissioner or commissioners to inquire into any matter in which an inquiry would, in the opinion of the President, be for the public welfare”;

AND WHEREAS this country has witnessed a pattern of unlawful killing of undetermined numbers of persons – including assassinations; executions; murders; extra-judicial killings by members of the Guyana Police Force Target Special Squad and other forms of criminal violence in Guyana during a period of ‘troubles’ on the East Coast and East Bank of Demerara and elsewhere – which were harmful to the public welfare;

AND WHEREAS several of these killings have been of a deliberate and systematic nature – particularly those which occurred at Agricola; Bartica; Buxton; Eccles; Lindo Creek; Lusignan and Bel Air, Bourda and Kitty in Georgetown – which can be classified as massacres and have engendered alarm and despondency among the population;

AND WHEREAS some killings involved members of the Guyana Police Force, the Guyana Defence Force and unidentified criminal gangs in which gangsters were equipped with a variety of electronic ‘eavesdropping’ equipment, weapons and vehicles that were provided with assistance and support by members of the Guyana Police Force;

AND WHEREAS commissions of inquiry and coroners’ inquests have not been conducted into some unnatural deaths and criminal investigation reports by the Guyana Police Force, with regard to the most egregious of these crimes, have often been inconclusive;

AND WHEREAS the National Assembly is the supreme legislative forum of our Republic wherein the people’s elected representatives discuss and determine matters of national interest and which is obliged to consider the grave threats to the public welfare and public security which prevailed during the aforesaid period of the ‘troubles’ and which remain substantially uninvestigated,



“BE IT RESOLVED:

That the National Assembly condemns the killing of citizens of Guyana which occurred during the period of the ‘troubles’ and expresses its concern that commissions of inquiry have not been convened to investigate the unlawful killings, including the assassination of a Minister of the Government in April, 2006, on the East Coast of Demerara;

BE IT FURTHER RESOLVED:

That the National Assembly calls upon the President of Guyana, in accordance with the Commission of Inquiry Act, Chapter 19:03, to appoint a Commission of Inquiry to inquire into the unlawful killing of citizens during the years 2004 to 2010.” [*Brigadier (Ret’d) Granger*]

**Mr. Speaker:** Hon. Members, we now come to a much anticipated time in the evening and period on the Order Paper and that is to debate a motion in the name of the Hon. Leader of the Opposition Brigadier (Ret’d) David Granger, a motion addressing issues of extra-judicial killings and so on. Before I invite the Brigadier (Ret’d) to speak, I wish to state that upon assuming my seat as Speaker, this afternoon, I saw a document, which was, I believe, entitled, “Amendments to Motion”, which had been placed here at the desk in the name of the Hon. Attorney General Mr. Nandlall. It covers almost four pages.

I wish to state that, as motions, amendments ought to be submitted and to be seen by the Speaker before they are presented for debate. In the same manner in which a motion can be reviewed or amended, so too shall an amendment. It necessarily follows that the same should be so. No Member – I say this with the greatest of respect – should have the right to simply ask that amendments be shared out because that presupposes that amendments have been accepted as is.

A motion has to be submitted to the Clerk and it is reviewed. This motion, in its original format, was submitted to the Clerk and after extensive review by yours truly, I caused an amendment to be put to it because, in my view, there had been two commissions of inquiry on this subject, previously, covering the period 2000 to 2003 and, therefore, I directed that the Clerk advise the mover of the motion that there should be an amendment. In the same vein, I am saying that amendments ought to be submitted for review and not to be *ipso facto* laid as if they are

accepted. If the motion itself cannot enjoy that privilege, how could an amendment enjoy the same privilege?

*8.12 p.m.*

I have read the amendments. There are some aspects of it that caused me great disquiet. I find some aspects to be offensive for a number of reasons, but particularly offensive to the very Standing Order 26, which was quoted earlier, with references to the names of persons. I do wish personally some opportunity to review them and discuss them with the mover.

Standing Order 26 particularly says that it shall not refer to the conduct or character of persons in their public capacity. As I said, if we are to carry this amendment, it would be not an amendment in a vacuum, but an amendment to a motion. I do have, as I said, some issues with some of the amendments.

I also wish to state, again, that when a motion is submitted it goes through the Clerk's Office, it is reviewed and it goes through a distilling process. In this instance, the amendments have been shared out to the press and so I am concerned that members of the press are going to start reporting. I am now stating that I am cautioning members of the press not to begin using, in any shape or form, these amendments because they have not been approved for inclusion and debate.

If a motion has to be approved, I am saying, amendments to the motion... [**Mr. Nadir:** Who says so?] I say so. I am Speaker and I am saying that if - there is a ruling - a motion has to be approved, it necessarily follows that amendments to such a motion also have to qualify and have to meet certain criteria. I am saying that some aspects of this – not the entire thing – do cause me some concern - grave concern. I would like a chance to speak to the mover of these amendments about them. That is where we are and at the appropriate time I will...

I do not wish to have a debate on this. I am saying, with respect to both the Deputy Speaker and the Chief Whips, it is my ruling that if I can make objections to aspect of motions, I can also make objections to aspect of amendments to those motions. That is my ruling. I am not going in to any content because we have not reached them as yet. I am just saying that I have some concerns which I would like to discuss with the mover of the amendments because some of them, as I said, I would not have allowed in an original motion, so too, by extension, I have some

concerns about them being included as amendments. [Mr. B. Williams: He has to withdraw them.] They are not properly before us. That is the point that I want to make.

**Ms. Teixeira:** Mr. Speaker, I would not like to talk about your ruling, but I would like to raise, on behalf of the Government, two issues that you raised. One was that the matter was not given to the Clerk and it was circulated without your approval. It was submitted to the Clerk's Office. We have no idea how it was circulated. We came and found it on our desk. That is number one. Mr. Speaker, I am stating a fact. If the Opposition finds it funny...

**Mr. Speaker:** I accept that.

**Ms. Teixeira:** The second issue is that...and this was around twelve o'clock today when it was sent by the Attorney General. We did not dare, we have never dared, on the Government side, to put things willy-nilly on the Order Paper. We had an experience in 2002 at the Ocean View International Hotel when out of exuberance we distributed handBills on youth and it became a big issue, much less, Sir, something as important as an amendment to a motion. We have followed the rules.

The second issue, Sir, just because it was publicly stated, is your concern about the press. I appreciate the point that you are making. However, the Government and the Opposition have a right to inform the press of what they wish to bring to the House. That does not mean that the House has approved it or that you have approved it. There have been several cases of reading in the press matters that the Opposition intended to bring to the House which had not reached the House as yet.

Sir, whilst we cannot say that the amendments have been approved, the Government still reserves the right to say publicly what it wishes to amend to the motion.

**Mr. Speaker:** I am trying to avoid a debate. I accept that.

**Mr. B. Williams:** It is not a debate, Sir. I am not debating. I just wish some clarification.

**Mr. Speaker:** Is it clarification from me?

**Mr. B. Williams:** I am seeking to make a point of clarification.

Mr. Speaker, if you are saying that that purported amendment did not receive the blessings of the Speaker, which is the procedural requirement, then it does not have the coverage and protection of a document which passes your approval. It means, therefore, that if the contents of the document are disseminated, then it does not have the qualified privileged protection as a parliamentary document and it is open to the laws of libel of this land.

**Attorney General and Minister of Legal Affairs [Mr. Nandlall]:** Just to clarify, as the person in whose name the amendment is in. The Clerk can confirm to the Assembly that I spoke with him on the phone, that I told him that I was sending an officer of the Attorney General Chambers with this document, that an electronic copy was also sent to the Office of the Clerk and that the document bore the stamp of the Office of the Clerk of the National Assembly. That is the extent of my responsibility, as I understand it. Thereafter, how the document is circulated, Sir, and whether it reaches your office or passes through your office is beyond my control and my responsibility.

**Mr. Speaker:** That I accept.

**Mr. Nandlall:** I submitted it as I understood the requirement is to submit.

**Mr. Speaker:** I accept that. Standing Order 27 is quite clear on motions and amendments; they come; they are reviewed by the Speaker.

“If the Speaker is of the opinion that any notice of motion which has been received by the Clerk of the Assembly infringes the provisions of any Standing Order or is in any other way out of order, he or she may direct:-

(a) that the Member concerned be informed that the notice of motion is out of order.”

As I said, the title is “Amendments and Motions.”

“(b) that the notice of motion be entered in to the Order Book with such alterations that he or she may direct.”

I am saying that I, as Speaker, should not have come here and had placed in front of me a list of four pages of amendments without seeing them in advance because they are not approved and

that is the point that I am making. They were not approved by me. I did not direct that they be sent. It is not the fault of the Hon. Attorney General. I accept that.

As I said, I will not go in to content, but I do wish to speak to the mover of the motion to see how we can ensure that these amendments... Things are called and that they go forward.

**Mrs. Backer:** The only clarification we are seeking is that in the interim, Sir, whilst you engage with the proposed amendments, we would respectfully submit that it would be better that these proposed amendments be withdrawn.

**Hon. Members (Government):** No.

**Mrs. Backer:** They are not properly before the House.

**Mr. Speaker:** If they are not properly before the House, therefore, they are not to be recognised. I will not demand that they be withdrawn because they are not... The Hon. Attorney General, as he said, delivered his amendments in proper form and that is important. We have to deal with that in-house, but the Hon. Attorney General did not make any mistakes in the manner in which he made his presentation.

With all that said... Ms. Teixeira, do you wish to address the House?

**Ms. Teixeira:** Mr. Speaker, could I ask that when you do have your considerations that you look at Standing Order 37 – Amendments to Motions?

Mr. Speaker, if amendments can be made on the floor of the House... There is an issue. I understand where you are coming from. I am not going to debate that. Anyone of us can get up and amend on the floor any item which is before us.

**Mr. Speaker:** But I can disallow it if I find it offending a Standing Order, then and there.

**Ms. Teixeira:** It would have been said already. Therefore what I am saying that what has been sent to the House is the Government's proposed amendments. Sir, you and the Attorney General... We are willing and look forward to trying to find a resolution. However, we feel that the amendments are proper in terms of submission to the House. It does not have the approval of the Speaker. That is a different issue.

**Mr. Speaker:** Hon. Members, I am also asking the Clerk to ensure that a ruling on amendments, which was given by my predecessor, Mr. Ramkarran, Senior Counsel, on 14<sup>th</sup> December, 2006, be circulated as to the manner in which they are to be presented. We are dealing with serious issues here and I would not wish to have us make spur of the moment *viva voce* amendments such as these. These are coming in written form and I am saying that I have some concerns with some aspects of what is before me - serious concerns. I was about to invite the Leader of the Opposition to speak and at the stage of the amendments I may even take a brief recess so that I can confer with the mover of the amendments.

**Leader of the Opposition [Brigadier (Ret'd) Granger]:** Mr. Speaker, it seems almost as an anti-climax, but I rise to address the motion that is before this House in my name and I seek your leave to have consideration of the motion deferred.

**Mr. Speaker:** That is an anti-climax. It meets the dictionary definition. Thank you for advising accordingly, which, in fact, gives us time to meet with the mover of any other amendments which may be coming in. All those who had been primed to speak to the motion...I believe that there were fifteen Members at the last count. Of course, given the nature of these debates the number will grow.

*Motion deferred.*

## **COMMITTEE BUSINESS**

### **MOTION**

#### **ADOPTION OF THE SECOND REPORT OF THE STANDING ORDERS COMMITTEE**

“BE IT RESOLVED:

That the second Report of the Standing Orders Committee be adopted.” *[Ms. Ally]*

**Ms. Ally:** I rise to move the adoption of second Report of the Standing Orders Committee and in so doing, Sir, I wish to allude to a few points.

You will recall, Mr. Speaker, that in this honourable House, on 19<sup>th</sup> March, 2012, Dr. Rupert Roopnarine moved a motion on the composition of the Parliamentary Management Committee

(PMC). In it was that the composition should be nine Members and should be determined in accordance with the seat allocation to the political parties in the National Assembly. In the Standing Orders Committee, after much deliberation, unanimity prevailed. We agreed to proceed on consensus building. We agreed to the notion of parity. Hence, we signalled our intention to agree with a proposal of having equal number of members on the Parliamentary Management Committee. We, therefore, did not proceed with amending Standing Order 85 (2). The Parliamentary Management Committee will therefore remain with a five-five composition in keeping with the spirit of consensus building and parity.

Secondly, again on 19<sup>th</sup> March, 2012, Member of Parliament Mr. Joseph Harmon moved a motion to amend Standing Order 86 (2) and this was done in keeping with (a) the spirit of the reality of the Tenth Parliament and (b) bearing in mind one of the functions of the Parliamentary Sectoral Committee which is to scrutinise Government's policy and administration in keeping with the Constitution of the Co-operative Republic of Guyana.

We on this side of the House recognise when it is time for consensus building and parity and when we have to be on high alert. To scrutinise Government's business, we have to be on high alert and up the antennas. In dealing with the Government's business we have had tremendous experiences such as the National Communications Network (NCN) fiasco, the procurement of drug in the Ministry of Health, the award of contracts, issues in the Auditor General's Report and misdemeanours of the National Insurance Scheme (NIS), among others.

Sir, make no mistake, this Opposition will not let up with scrutinising this People's Progressive Party/ Civic (PPP/C) Government. We in the combined Opposition must satisfy the electorate because whilst on this occasion they were not able to put us in a position of forming the Government, it is a "take note".

Mr. Speaker, I wish to conclude by saying that as a result of our deliberations in the Standing Orders Committee, Standing Order 86 (2) has been amended to reflect a seven-member Committee with one alternate on each side, the Opposition having four Members and the Government having three Members.

With the adoption of this report, Sir, the Parliamentary Sectoral Committees will now be fully and properly constituted and can proceed with their work.

I thank you. [*Applause*]

**Ms. Teixeira:** There were three motions which were taken by the Opposition to the Standing Orders Committee. The first one, which was tabled by the Hon. Member Mr. Basil Williams, in the Standing Orders Committee, was supported by the Government, in terms of removing the vote from a non-elected Member in Committee with an adjustment, which I hope that the Standing Orders will reflect the amendment that was made and reported in this House on 2<sup>nd</sup> August, 2012.

This is the second report. On the issue of the Parliamentary Management Committee, we have to say that Mr. Nagamootoo is the one who proposed, in the Committee, that the *status quo* remains on 85 (2) and for it not to be amended.

On the issue of the Parliamentary Sectoral Committees, I was reading *A Manual of Parliamentary Procedure* by John Q. Tilson and Joseph W. Martin Jr. ... [**Lt. Col. (Ret'd)**

**Harmon:** Is that one name or two names?] It is two writers. You might find this amusing because it was written in 1948 and it was a lecture on parliamentary law at the Yale Law School...and former Speaker of the Connecticut House of Representatives. [**Mr. Nandlall:** That sounds familiar.] It is familiar, Attorney General.

It made me smile whilst we were sitting in the meeting, tonight, and I thought that I would raise it in my argument on Parliamentary Sectoral Committees. Again, this was written in 1948 about the United States of America House of Representatives. It is section 4.

“Having brought the procedural rules to such state of general satisfaction that even the most virile critics of Congress, during the last fifty years, have not even suggested a change. It would seem that with propriety and complete safety, these rules were practiced by the House of Representatives might be adopted and generally recognized as correct American parliamentary practice. This might well be done in any Assembly with the limiting provision that the rules of the House of Representatives shall govern so far as applicable and not to conflict with any established and special rules of the Assembly.”



The point I want to raise here, Sir, is that, in many Parliaments, amendments to Standing Orders do not tend to take place willy-nilly. They tend to stay for a while and be amended as they go along.

This House has had two Special Select Committees work on the Standing Orders. It was changed previously in 1992, then in 1997 and then in 2005 when there was a Special Select Committee, then in 2009/10 with another Special Select Committee. Following the November 2011 elections, we now have Standing Orders being changed quite rapidly. The problem with that ... This is not to say that the people do not have the right to make changes... however, one has to be careful not to be fickle.

The reason why certain things came into this House...and particularly for the younger Members of Parliament, and I do not mean just younger in age but younger in experience. A lot of parliamentary reforms, including these parliamentary committees, came out of bipartisan meetings outside of this House. [Mr. Greenidge: I do not know about that.] You were not here, Sir.

Mr. Speaker, a number of speakers have spoken about constitutional reforms in 2001, but one of the most exciting periods in this House, when I think you were a Member on that side, was in that whole period of parliamentary reform and the whole issue of Standing Orders. When I look back...I keep saying this and maybe Members find that I am repeating issues. It is really because I really feel strongly, Sir, that the hours that were spent meeting across the table... I can call the names of the people... [Mr. Nandlall: Call them.] Mr. Murray, Mr. Carberry, Mr. Corbin, for example, Dr. Luncheon, myself, Mr. Reepu Daman Persaud, Prime Minister, just to name a few, Sir, because I might not be able to get all. The point is that between 2003 and 2006 to put meat and substance in to constitutional reforms and the direction that we were going with parliamentary reforms required us to work together. I say this, Sir, based particularly on what happened with the last item on the agenda.

I remember that when the PPP came with the motion on the anniversary of Dr. Cheddi Jagan's tenure as a parliamentarian, Mr. Carberry and I, and other Members on both sides, sat and went through it, we had to compromise. On both sides, people may not have been totally happy, but at

the end of it, Sir, we sat outside of this building and were able to craft a motion that we could live with and we passed it unanimously.

When the motion came on the former President Forbes Burnham, the same thing went on...

[**Mrs. Backer:** So what?] I am using these two simple examples. They may not be the best examples...of the attitude then and the attitude now. [Mr. Greenidge: You were in the

majority.] Mr. Speaker, there is this noise in the background, but the problem with the noise is...I do not mind noise that make sense, but the noise that I am hearing is of someone who does not appreciate that when Members on both sides of the House spent nights working and crafting a sentence ...., and without coffee, without better conditions, we worked on it. It is regrettable. It has nothing to do with majority. [*Interruption*]

**Mr. Speaker:** Hon Members, what is going on? We are coming to the end of the evening. I believe that it was because you omitted cigarettes from your list of necessities.

**Ms. Teixeira:** I think so. Would you like me to include it?

**Mr. Speaker:** No.

**Ms. Teixeira:** Mr. Speaker, I seem to be like a red flag to a bull to this corner over here, but it is all right; I am used to it. [**Mrs. Backer:** You are red. It has nothing to do with a flag.] Thank you. It is my party colour too.

The reason why I am digressing in this way is that when we came to the Parliamentary Sectoral Committees and the expanded committee system, we had a majority but that is not how those resolutions came to this House and how those Parliamentary Sectoral Committees were comprised and how the different Standing Committees were comprised. It is not how it happened. When we decided and worked on the Parliamentary Sectoral Committees and the Resolution came to this House, the resolution that set up the terms of reference for the Parliamentary Sectoral Committees, by the time it reached the House, we had reached agreement.

Now, I talked about small-mindedness before. I did not talk about smallness; I talked about small-mindedness. I now wish to talk about fickleness and I am not talking about anybody whether that person is small or tall. I am talking about fickleness.

We cannot have worked so hard, only a matter of years ago, to have brought these Committees...The Committees started working in 2003 and from 2003 to 2011 and we rotated the chairmanship between the Opposition and the Government. There was never a vote taken in any of the Committees and, in addition to that, we had problems in all four of the Committees with attendance by both the Government and Opposition. At no point in those Committees, when there was a situation, that anybody bullied another.

Mr. Speaker, I was a Member on the Parliamentary Sectoral Committee on Economic Services and I was the Chairman of it and so were Mr. Vieira, the late Mr. Murray and Mr. Mervyn Williams. *[Interruption from the Opposition Members.]*

**Mr. Speaker:** Members, allow the Government's Chief Whip to speak please. Allow her to speak. If you do not like what she is saying, maybe, you can take a break, but we must conclude our agenda for this evening. **[An Hon. Member (Opposition):** We heard that rambling.] That is a matter of opinion on style. We all are prone to ramblings as politicians from time to time. All of us, none of us is exempt.

**Ms. Teixeira:** Mr. Speaker, we have all been subjected to listening to each other for hours and hours. We all have our preferences and we all have our battering rams. **[Mrs. Backer:** You are special.] Thank you very much.

8.42 p.m.

I am saying, and I said it at the Standing Orders Committee, so the Members on the Opposition side will know, that, on behalf of the Government, we would be opposing the issue of the Parliamentary Sectoral Committees. The reason being to sum up was that the model that was created in 2003 worked. Why throw out the baby with the bath water?

Secondly, it is a precipitous move because the time is so short.

Thirdly, I hear people talking about elections and all sorts of things. The reason why the rules tend to take a while to change, and I talk about fickleness, is because we do not want, in any Parliament, to be changing today and then realise that we made a mistake and then we change tomorrow.

There is nothing wrong with the Parliamentary Sectoral Committees having the numbers four and three. The question, which must be asked, is not about the numbers. The question is: Were the reports and work those Committees found to be deficient because of the Government having four members and the Opposition having three? In fact, Sir, I could show you in the records of the Committees, how many of the Parliamentary Sectoral Committees meetings, in the last Parliament, that the Government was in minority because the Members were not attending, and yet it worked. In other Committees, such as the Committee that I chaired, the Government's Members were in majority because the Opposition's Members were not attending. The issue is not the numbers, but the issue is the quality of work and the way in which we worked together that was important.

If we look at the Parliamentary Sectoral Committee's reports, which were brought to this House, there was nothing to show that at any time we were not able to work together. It is only in this Tenth Parliament that there is the word about minority reports because in the last Parliament... I am talking about Parliamentary Sectoral Committees. There was not one minority report in any of the Parliamentary Sectoral Committees. In fact, the reports could not come to this House unless they were approved by Members of this Committee. I want to see which Parliamentary Sectoral Committee, in the past, report came here that was not supported by the Committee. The Opposition should show me which one because it did not happen, Sir.

As I said, when I began, that in the first motion that was brought by Mr. Williams, the Government agreed to the amendment as proposed by him. [**Mrs. Backer:** That is so nice of you.] It is a fact; you can come to your own conclusion.

Secondly, the motion brought by Dr. Rupert Roopnarine that this motion was removed, in the sense that the *status quo* remained. That was because of the Opposition reneging, lead by AFC, to withdraw this issue.

The third issue of the Parliamentary Sectoral Committees is that we are saying that this is a precipitous move. We have said it in the Committee; we made our views heard in the Committee; we were voted against, because this report came and the decision came by vote of a majority, and we are assured by the Speaker, who was also the Chair, that we would have the right to also speak in the House on what were objections to the change in the Parliamentary

Sectoral Committees from four Members for Government and three Members for Opposition and reversing it. The issues, if we look at everything from the prism of numbers, the Opposition Members are missing the boat.

In the last Parliament we had the numbers. We did not have to go the way we went on many issues but because... We could have been the same in the last Parliament. We could have gone and changed the Standing Orders by majority in the Standing Orders Committee to reverse the Parliamentary Management Committee and ask for the majority. We never did.

I am appealing to the Opposition Members that they are getting lost in the forest. They are losing the big picture and the big picture is that when we want to change something it is for the better not for the whims and fancies or the fickleness of what is today.

It is regrettable that the Standing Orders Committee Report comes with both issues in it because obviously Opposition on the Parliamentary Management Committee has been... not only because in the Standing Orders Committee, but that Parliamentary Management Committee was born out of labour of the two sides of this House. I am glad that people saw the wisdom of not throwing out what was the wisdom of those days, but on the Parliamentary Sectoral Committee it is an issue of no rationale being presented as to why it should reduce from four Members to three Members except that the Opposition has the majority, so let us do it.

If we had that position... *[Interruption from the Opposition Members.]*

**Mr. Speaker:** Okay.

**Ms. Teixeira:** Mr. Speaker, I am being called dishonest now. Mr. Speaker, I am very serious now because I am now being called dishonest and I am not accepting that.

**Mr. Speaker:** I did not hear that. Who said that?

**Ms. Teixeira:** It was very loud... I put my name on the list of speakers. If the Opposition Members wanted to speak on this motion they could have spoken; it is not a problem. If the Opposition Members do not like what I am saying they can speak, but I have the freedom to speak in this House. It is my freedom to speak in this House. Mr. Speaker, whether I ramble,

whether I make sense, whether I am mad as a *hatter*, whether I am short, whether I am fat, it is nobody's business. I am here as an elected representative in this Parliament.

I have made it clear that what it appears to be, as I said, and I will repeat it, is a fickleness of numbers and, therefore, it is regrettable, but we appeal to the Opposition Members to change their views, to retain the *status quo* and if they were not satisfied, after a period of time, then they can come and let it go. They can come back, but this is not the way we want to go. Sir, we will be having a serious problem where we cannot support and we will not support the amendments to the composition of the Parliamentary Sectoral Committees.

**Mr. Nagamootoo:** Mr. Speaker, having heard the last speaker presenting what seems to be a minority report...

**Mr. Speaker:** Members, before Mr. Nagamootoo... I invited the Government side to present a minority report. If one came, it came with my invitation from the meeting.

**Mr. Nagamootoo:** Mr. Speaker, except at the meeting, as a Member of the Standing Orders Committee, the Hon. Member did indicate that she would be presenting a minority report.

**Ms. Teixeira:** I did.

**Mr. Nagamootoo:** I take that as notice of admission that the status of that side has changed, in terms of its numbers, so I am really at lost to fathom when the speaker referred to "throwing out the baby with the bath water." I think the electorate on November 28, 2011 threw the baby out. They are worried about the bath water now, whether it is putrid or not, and we, in the Opposition, are here to remind the Government... [**Mr. Ramjattan:** It is to sanitise.] Yes. It is that we can sanitise the way business in this House has been done.

In regard to the Standing Orders,... I may say this, Mr. Speaker, I stand corrected, that I have been a Member of the Standing Orders Committee dating back from 1992. I do not find these Standing Orders to be immutable. I do not think that our Constitution is immutable. We are a young nation with new institutions and we are all experimenting with forms of governance, and we are experimenting with laws under which we should be governed. The laws spawn rules, regulations, orders, principles and these are the things, and sometimes rituals, in the way we do things. We have to change those rituals. After the elections - the people have spoken - we

realised that the numbers had to correspond with the decisions of the people and that is a very pragmatic way at looking at how we can grapple with some of our problems. Rational thinking requires adjustment.

You cannot adjust without rationality. You cannot make the decision to do so, and that is why when people are prone to talk about rationality the premise of rationality lies or goes back to our people who made a rational decision to choose who is a minority and who is a majority in this House. And if you reject that rationality, you are saying to the people you can go where you wish.

I want to say this, that in the decision, regarding Standing Order 85, there was, part of our history, a protracted struggle, by which we recognise that this Parliament should not be a rancorous forum, that all the parties need to work together in a Parliamentary Management Committee - how to run this Parliament as a deliberative and participatory forum. Having parity between the Opposition and the Government on a committee to manage the affairs of this Parliament is the least of political duties and obligation that we owe the Guyanese people that we could behave and run the institution as wisely and with cooperation as we could in all circumstances.

However, there were specific agreements that had been arrived at when our country had been caught in the flows of civil war and, perhaps, irretrievable destruction after the elections of 1997, when we had as a collective experience of the Guyanese people subjected to consultation and dialogue that resulted first, in the Herdmanston Accord and, later, the St. Lucia Statement in which, not only the then President had to cede a part of her term in government, but also to commit to a programme of consensus building and cooperation, in keeping with article 13 of our Constitution that required us to work together - all political parties and social organisations - for the well-being of our people on the basis of these very consultations and consensus building.

To say that we have just arrived by some form of compromise on the *status quo* continuing is not accurate. It was an imperative that grew out of struggles and the experience of our people that we have to be able to put a committee to run the affairs of this Parliament with parity on both sides. There is to be no unilateralism in the way Parliament should be managed and this should be the

first example of when we will send a signal to the Guyanese people that the political actors can work together for the welfare of the people.

As regards to Standing Order 86, and I speak to the minority report, I do not say that the Alliance For Change claims credit for doing this. I ought not to have been singled out even if I had spoken, passionately, on the need for cooperation among the parties in the management of the Parliament. It was a joint desire of all the parties that we find common ground on a particular issue, so that there should be no equivocation and no reason for division on this issue. In Standing Order 86, we recall that the person who has just walked out of the House in anticipation of what I am about to say had claimed some filial relationship to something called “proportionality” and is taking this National Assembly to court in relation to how Committees should be composed on the basis that there was something called “proportionality” which had given the governing side an automatic majority and a right to have a majority in the Committees of the Parliament. Well, the court made short shrift on that flawed argument on proportionality. The court wisely did not interfere with the sovereign exercise of the right of this Parliament to decide how its committees are to be comprised in accordance with its own rules. These rules, however, are the rules, which I have said, are not to be immutable because basically...

Sir, I recall, you said that we have things that we can go to after we would have been dismissed from here. I keep that in mind but I need to answer what I consider to be a mischief, a misrepresentation of what the majority on the Standing Orders Committee had decided, because it was a rational decision. In the old days we learned, Sir, in Politics 100, that the role of the Opposition is to “expose, oppose and depose” and in this Parliament I can see no other way in keeping with our democracy that one can oppose or one can expose if one does not become the watchdog of the rights of the people.

The Opposition theoretically is the alternative Government, but practically this Opposition is a Government in the Opposition benches because we have the majority of the people supporting us. That is the logic that dictates why this side must have more Members on the Committee than that side - the logic and dichotomy between a majority and a minority. That logic cannot be changed by tricky of arguments. Also, Sir, by specific rules, the Parliamentary Sectoral Committee dealing with natural resources, economic services, foreign relations and social services, what are they supposed to do, in keeping with the same Standing Orders that have been



reformed? We had not changed the content, the direction or determined area of Government's activity for scrutiny or specific examination. The Government cannot, as the old people will say, put a cat to watch milk. That is why there has to be a robust and vibrant Opposition to be able to put the Government under scrutiny on its policies. That is the rationality. To request the assigned Ministers responsibilities for the sector to submit written or oral information, including Government documents and records about any specific area of Government policies and administration against... Do you want to put the majority over there to request of themselves to produce documents and policies when we have a situation in this country, Sir, where people ought to elect people to do things that are right, yet, we are setting up committees, inquiries and commissions almost every year to enquire what is wrong that this Government ought to do right? That is why there are all of those Commissions of Inquiry. Therefore in a country where the unemployment statistics is a state secret, the Government cannot be asked to scrutinise its own employment practices; where there is no Procurement Commission, this Government cannot be asked to scrutinise its own contracts and its own allocation. Therefore who should do it? It is the watchdogs or the people, the Opposition, which has a majority. These rules state that this Committee is to –

- “review existing legislation on government policy and administration for any of the sector;
- scrutinize government document, papers and records;
- visit any government activity or project in Guyana as agreed and arranged by the Sectoral Committee;
- in the discharge of their mandate to utilize the services of experts, specialists and other sources advice as the committee may determine;
- establish the timetable for the conduct of their work;
- submit periodic reports to the National Assembly on their work; and
- make recommendation to the Assembly on legislation or any other action that should be taken on matters falling within their purview.”

These are in relations to Ministers. These Parliamentary Sectoral Committees are specific and the composition of these committees in a rational way, we felt, ought not fall victims to the Government; a minority Government.

In seeking to amend the Standing Order regarding the composition of the Parliamentary Sectoral Committees we felt that it was the right thing to do because it was in keeping with the nature of the revolutionary and progressive democracy we want to build that there should be full scrutiny of Government activities and that these Committees should have a majority of Opposition Members. Therefore the format has to change. When the Government had a majority, at one time, their Members dominated; they took the votes and placed themselves in the majority on the Committees. Now we believe that we are holding their feet to the fire and we are demanding accountability and we are questioning corruption, which persons such as Mr. Ramkarran and Dr. Joey Jagan, have described as “pervasive”. There is every reason, Sir, why we should have a reversal of what existed - a *status quo* situation was not, in fact, in relation to these committees, a *status quo* situation.

In keeping with the same position, taking on proportionality, the proportion had moved; the arithmetic had moved in favour of the Opposition benches and therefore you cannot cede your numbers to a minority and so that is the imperative under which we acted. I fully support the decision taken in the committee. I support and endorse the report and I reject the minority report as being what it is - a minority report. [Applause]

**Ms. Ally (replying):** Very briefly, I want to say that the question of the function of the Parliamentary Sectoral Committee must be very clear in our minds that the issue in the Parliamentary Sectoral Committee is that of scrutiny and the Government Members cannot want to have the majority to scrutinise themselves. Why then did the Government not appoint a Government Minister to be the chairman of the PAC, the Public Accounts Committee? [Ms. Shadick: The Constitution said that it has to be your person.] I am glad that you are following the Constitution.

The question of fickleness, as the Chief Whip referred to, I would like to make two points on that. One, it is not a question of being fickle, but might I refer that it is the reflection, as Mr. Nagamootoo said, of the will of the majority.

Two, the history of their governance allows for us to take such a position.

We may have ambitions, but let us examine that not at all times we achieve those. With these few words, Sir, I will ask that this report be committed for adoption.

*Question put and carried.*

*Report adopted.*

## **ADJOURNMENT**

**Mr. Speaker:** Thank you very much Ms. Ally and all those who spoke.

Hon. Members, at this stage, I think, this concludes our business for today and so I invite the Hon. Prime Minister and Minister of Parliamentary Affairs to move the necessary motion.

**Mr. Hinds:** Mr. Speaker and Hon. Members, I propose that the House be adjourned until the 31<sup>st</sup> January. The 24<sup>th</sup> January happens to be Youman Nabi and it is a holiday.

**Ms. Ally:** Mr. Speaker, I think the Whips had an agreement that the next day for the sitting of the National Assembly will be Friday, January 25<sup>th</sup>. I find it very strange that the Leader of the House will now move for the next day for the sitting of the National Assembly to be on the 31<sup>st</sup> January. I, therefore, Sir, wish to move that the next date will be on the 25<sup>th</sup> January.

**Ms. Teixeira:** Mr. Speaker, the issue I was trying to get your and her attention is that it is human to err and I did forget about January 25<sup>th</sup> because we did it at the end of a meeting during this week.

*9.12 p.m.*

I forgot, and I advise my Prime Minister. Before we start setting another precedent in this place, could we just, sometimes, talk to each other?

**Mr. Speaker:** Thank you very much. I appreciate the fact that the matter has been clarified and I am confident and was comfortable that there was no ill will or anything being...

**Mrs. Backer:** When is the date?

**Mr. Speaker:** It is the 25<sup>th</sup> which, I believe, is what Ms. Teixeira is confirming, which has been agreed, and I think the Hon. Prime Minister just needs to be...

**Mr. Hinds:** I move an amendment, Sir.

**Mr. Speaker:** Most grateful to you, Sir.

**Mr. Hinds:** I proposed the 25<sup>th</sup>.

**Mr. Speaker:** Thank you very much for that, Sir.

**Brigadier (Ret'd) Granger:** Mr. Speaker, on behalf of the Opposition, I would like to take this opportunity, as you know, the day after tomorrow is the 160<sup>th</sup> Anniversary of the arrival of the first immigrants from China and the first President of this Republic was a descendant of those immigrants. They came on the *S.S. Glenntanner* on the 12<sup>th</sup> of January and the majority were taken to what is now called Windsor Forest and there is a monument there. The Chinese erected a monument to commemorate their arrival at Windsor Forest. I would like to take this opportunity to extend greetings to the descendants of the indentured Chinese immigrants who came to this country one hundred and sixty years ago and to ask that our greetings be transmitted to that community on Saturday the 12<sup>th</sup> of January, two days from now.

**Mr. Hinds:** Mr. Speaker, Hon. Members, we, on the Government side, endorse the proposal of the Leader of the Opposition.

**Mr. Speaker:** On behalf of the Chinese communities we accept. My great grandfather was in fact one such Chinese immigrant, but I am grateful that the House takes a moment to recognise that we are many people with one nation and so we join in recognising that auspicious day. Also I wish to, on behalf of the staff of the Parliament Office, and I am sure that some of you may wish to speak, wish to extend Youman Nabi greetings, because we will not be meeting until the day after, to our Muslim brothers and sisters as well.

**Mr. Hinds:** Mr. Speaker, we would like to join with you, having recognised that the 24<sup>th</sup> of January will be Youman Nabi, to take the opportunity to extend that greeting to all our Muslim brothers and sisters.

**Brigadier (Ret'd) Granger:** I would like to take this opportunity to speak after the Prime Minister on this occasion to extend greetings on behalf of the Opposition to our Muslim brothers on the glorious festival of the birth of the holy Prophet.

**Mr. Speaker:** Thank you very much all and until we meet again. Good night. The sitting is adjourned until the 25<sup>th</sup> of January at 2.00 p.m.

*Adjourned accordingly at 9.16 p.m.*