

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2006-2011) OF THE NINTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

150TH Sitting

Thursday, 3RD March, 2011

The Assembly convened at 2.05 p.m.

Prayers

[Mr. Speaker in the Chair]

PRESENTATION OF PAPERS AND REPORTS

The following Report was laid:

- (i) The Treasury Memorandum pursuant to Resolution No. 141 of the National Assembly, dated 18th November, 2010, on the Public Accounts of Guyana for the year 2006.

[The Minister of Finance]

REPORTS FROM COMMITTEES

The following Report was laid:

- (i) The Eleventh Report of the Committee on Appointments in relation to the appointment of Members of the Judicial Service Commission.

[Ms. Gail Teixeira - Chairperson of the Committee on Appointments]

QUESTIONS ON NOTICE

For Written Reply

Mr. Speaker: Hon. Members, there is only one question on the Order Paper for a written reply. That question is in the name of the Hon. Member Mr. Raphael Trotman and the reply has been circulated in accordance with the Standing Orders.

INTRODUCTION OF BILLS

Presentation and First Reading

The following Bill was introduced and read the first time:

**TITLE TO LAND (PRESCRIPTION AND LIMITATION) (AMENDMENT) BILL 2011-
Bill No. 3/2011**

A Bill intituled

“AN ACT to amend the Title to Land (Prescription and Limitation) Act.
[The Attorney General and Minister of Legal Affairs]

PUBLIC BUSINESS

GOVERNMENT’S BUSINESS

Mr. Speaker: Hon. Members, we will now proceed with the second reading of Pensions President, Parliamentary and Special Officers Amendment Bill No. 26 of 2010.

Prime Minister and Minister of Public Works and Communications [Mr. Hinds]: Mr. Speaker, Hon. Members, I rise to move the second reading of the Pensions President, Parliamentary and Special Officers Amendment Bill 2010 standing in the name of my young colleague, the Hon. Minister of Finance, Dr. Ashni Singh. We will agree, no doubt, that service in the Parliament of our country is one of the highest services in our land and ought to be encouraged and facilitated. We will agree further that whilst particular contributions could be made by persons like me who entered Parliament at a ripe old age – nearly 50 years of age – we should look to welcome, in particular, young people who may be attracted to and who would have earned their way into Parliament whilst being young adults.

I have been consulting, and I understand that within our laws, one can win his way into Parliament at just over 18 years of age. When anyone enters Parliament, including such young persons, according to Section 9 of the Act, they become a contributor by virtue of being a legislator and contribute at a rate of 6% of his/her salary. I want to flag that this is a contributory pension scheme and not a non-contributory one like that of Public Servants. Although one may see a number of parallels in the pattern of payments from the scheme, there is this notable difference. This scheme for Parliamentarians is a contributory one and not a non-contributory one like that for Public Servants.

Jobs/careers may change as one proceeds along life's path but more so the career of one who has answered the call to serve in Parliament and when one's career in Parliament has ended, for whatever reason, the question of superannuation, pensions and gratuities is to be addressed. Generally, as the law now stands, such benefits are available only after one would have obtained the age of 40 years although one could be otherwise eligible in given circumstances.

This Bill seeks to remove the "40-year-old" requirement. As can be seen, a person who may have entered Parliament in their twenties could be eligible for some benefits many years before he/she would have reached 40, but would have to wait until they are 40 years old. We believed that such an arrangement could be a disincentive to some young person who may have wanted to commit themselves to lifelong service but may not have been re-elected to Parliament, or some one may have started but might have thought that Parliamentary service is no longer their thing and may want to go other careers.

Let us, therefore, look at the benefits as they now stand. If we look at section 10.1 and 10.1 (a) in the current Act one can see that it says:

"Subject to this Act a pension shall be paid to any person who, having become a contributor under this Act (a) has served as a legislator for two parliamentary terms or for periods equal in the aggregate to not less than four years and has ceased to be a legislator and either attained the age of 40 years or has been deemed infirmed".

What this section establishes is that if one would have been a legislator for a period of four years and ceases to be a legislator, ordinarily, if he/she were above 40 years old, he/she would be eligible for some pension, but if he/she is under 40 years old, he/she would have to wait until

they would have attained 40 years or, in unhappy circumstances, if they were to be deemed infirmed.

As such, our first proposal is to delete 10.1 (c) so that those conditions no longer are required. I would like to note here that those four years that we spoke about in Section 11.1 has a modification to allow persons who would have served for just three years to receive a proportionately reduced pension.

If we go to Section 10 Sub-section 6 we will see that if a person ceases to be a legislator but is not eligible for pension because of Sub-section 1 (c) 1, which we have just removed, then certain things follow, but having removed that sub-section, Section 10 Sub-section 1 (c) 1, then Section 10 Sub-section 6 is no longer applicable.

At the existing Section 10 Sub-section 7:

“For the purposes of this Act a person shall be deemed to have served as a legislator for periods amounting to the aggregate of 12 years if, having become a contributor under this Act and respective of his age, he fulfills the requirements of sub-section 1 (c) 2 and if in the opinion of the Minister there is incapacity to discharge the duties of a legislator is attributable to infirmity...”

Again, in removing the sub-section earlier, Sub-section 7 is no longer relevant.

In Sub-section 8, it basically says that if one would have contributed in aggregate to 12 years then he/she would have become fully paid-up on this pension scheme and there are a number of things that can then happen. He/she could receive a gratuity. Later we see in another section that he/she can also choose not to continue being a contributor. We are proposing here also to remove the requirement if he/she has attained the age of 40 years and after he/she attains that age... We are removing those requirements here and hence forth, once this is carried, if someone would have served a total of 12 years in aggregate as a legislator and became fully paid-up in this pension scheme, he/she could choose to receive a gratuity and he/she could choose not to continue being a contributor. One may think that having the right not to continue being a contributor and contribute 6% of his salary to the scheme might be a good thing, but I think that even though one becomes fully paid-up, the rate of pay that is taken to calculate the pension

would be the highest pay or the last pay that one would have received when he eventually decides to take pension. Even though one becomes fully paid-up, if he/she continues to be a contributor, then under the assumption that his/her salary continues to increase, then it also increases the pension that he/she would receive.

I think that I have covered both Sub-sections 8 and 9 in my presentation just now. In Section 17.1 of the Principle Act there is this reference which deals with gratuity where the contributor dies leaving no eligible relative or dependent. Again it refers to, as in the circumstance described in Section 10.1 (c) 2, which we propose to delete and therefore it would no longer be relevant in this Section 17 Sub-section 1.

This is a very simple Bill. What it does basically is to remove, as I have said earlier, the requirement currently in place for a Parliamentarian to attain the age of 40 years before he/she could receive any benefits whether it is the minimum of benefits that would flow from 4 or 3 years of service or whether it is the fully paid-up benefit of 12 years of contribution. It also allows persons less than 40 years, persons who have attained the 12 years of contribution to no longer be a contributor if they were to so choose.

I understand that a number of young persons who have been in Parliament over this time that I have been in Parliament – that is since 1992 – some 3, 4 or 5 persons would have been caught in the provisions of the existing act for which we are not seeking to amend. If these amendments were in place, then they would have been able to benefit immediately on their ceasing to be legislators.

Since this matter affects all Members of this House present from whichever party they may come, we on the Government's side look forward to full support for this Amendment. Mr. Speaker, I move now that this Bill be read a second time. [Applause]

Mrs. Lawrence: Thank you, Mr. Speaker. I would like to draw the attention of this House to some anomalies in this Amendment. First of all is the continuous inclusion of the title "President". During the month of April, 2004, this House passed a Bill entitled Pension President Act 2004 and further added, was the Former President's Benefits and Other Facilities 2009 in which made several provisions for the President, including his pension. That Bill provided extraordinary pension provisions for the President including that the President's pension would

always be calculated on the basis of the salary of any future President. Consequently, the President can be assured that his pension would not be affected by inflation or by any devaluation of the Guyana Dollar. [Ms. Teixeira: “Him or her.”] That is so true.

I have checked and nowhere in the Commonwealth Caribbean does such a provision exist. Nothing would be wrong with this position if the principle was applied across the board to ensure that all pensioners, particularly Civil Servants, enjoy similar provisions, and I dare say that they are the persons who are most affected by poorer pension levels that are calculated on the basis of their last salaries which are far below the present level of salaries enjoyed by the present holders of the posts from which they demitted office.

They are indeed having grave difficulty in surviving on those paltry pensions that bear no reality to the escalating cost of living even though they obtained some increases, from time to time, as a discretionary measure. That President’s Benefits Bill also provided for the President to enjoy certain duty free concessions for the rest of his/her life and, in addition, duty free cars at the expense of tax payers as well as staff paid for by the State and lucrative annual travel expenses. This Bill therefore has nothing to do with the President’s pension. Therefore it would have been expected that any amendment to this Act would have seen the removal of the title “President”. This is yet another clear example of the haphazard way in which Bills are rushed through this House.

Clause 2 of this Bill is clear on the intended changes of Section 10 of the Principle Act. As outlined in the Explanatory Clause, this amendment would provide for Members of Parliament and other special offices to receive a pension irrespective of their age. Thus, changing the present requirement whereby they must attain the age of 40 years to be eligible or produce a medical certificate indicating that he or she is incapable of performing his/her duties.

The Hon. Prime Minister before me indicated that there are about five persons who would benefit from the passing of this Bill. This is quite mind boggling because one would ask the question of why the Government considers this Bill such a priority that they would summon this sitting of the National Assembly today only to consider this matter at this time when there are many far more important Bills on the Order Paper such as the Local Government Amendment

Bill 2009, Fiscal Transfers Bill 2009, Municipal and District Councils Amendment Bill 2009, the Freedom of Information Bill 2006 and not forgetting the Broadcasting Bill 2010, among others.

The Prime Minister has also written to the Leader of the Opposition and I believe you too, Sir, advising that the Government would have brought their Freedom of Information Act to this Parliament in January of this year. This is March and we are yet to see this Bill. The Broadcasting Bill that would have facilitated the establishing of a national broadcasting authority is six years behind the time undertaken by the President in the joint communiqué of 2003, yet the Government feels comfortable bringing such a Bill in priority to those I have earlier mentioned. It leaves one to speculate on the motive for this Bill – Pensions President's Parliamentary and Special Officers Amendment Bill 2010 – coming at this time to this House, which will be dissolved in a few months time to give way for the holding of general elections.

One may speculate that this matter is urgent because the Government does not intend to have the many young Members who are presently here return to the next Parliament after elections. One may even speculate further, Government perceives that their numbers would be reduced on its return to this House, hence the need to provide pensions for their younger Members. As I said, this Bill does lend itself to speculation.

I wonder what will be the average cost of these provisions to the state. Would the Hon. Minister tell this House? Has an actuarial study been undertaken and what would be the additional cost to tax payers on a contributory pension scheme?

For several years, we of the People's National Congress Reform – 1 Guyana (PNC/R-1G) have asked this Government to review the pensions of Public Servants whose salaries, at the time of retirement, would have provided for them a pension today that is totally inadequate and incapable of offering much tangible relief or assistance to them. This has been ignored. Further, we have seen the push by this Government to raise the pensionable age of National Insurance Scheme (N.I.S) pensions from 60 to 65 years. This, we are told is in relation to the Government's ability to meet the high cost of a growing aged population, yet this Government comes to this House to pass a Bill which provides a special treat for Members of Parliament and to do so for a far longer period than that of our Public Servants and other pensioners. It is therefore a travesty and a disgrace to the People's Progressive Party (PPP) Administration to seek to address the

pensions of Parliamentarians without seeking to deal with pensions in the public sector in a holistic way and based on principle and justice.

This is the same Government that accused the PNC/R Government of super salaries. They should be ashamed of themselves. This is just another glaring example of the priorities of this Government and there blatant disregard and contempt for the people of Guyana. Instead of addressing the problems of Guyanese workers, they are seeking to ensure that they enhance the perks of office. As one speaker mentioned during the Budget Debate, “The Jury is Out, Sir. The people of Guyana will soon pass judgment. Oh! What a caring Government they are!” Thank you, Sir. [Applause]

Minister of Labour [Mr. Nadir]: Thank you very much, Mr. Speaker. I was really shocked to hear the last speaker, the Hon. Member Mrs. Lawrence, say that what we are doing to encourage our young people with the Amendments tabled here today, is a treat for young people and implied that what we are doing is a travesty to the nation.

I thought that these Amendments being tabled here today would have not had any controversy whatsoever and that perhaps we would have only needed two speakers, but what the Opposition did through the last speaker was, once again, to try to use cheap politics and put at the feet at this good caring Government, all of their own failures. That is what they have done.

2.35 p.m.

Not only that, but there is the misuse of information. For example, the Hon. Member said, “the push by this Government to raise the pensionable age for National Insurance Scheme (N.I.S.) from 60 to 65...” I have been here for ten years and not once has this Government pushed to raise that age of N.I.S. pensioners from 60 to 65. Never! There was a Committee that was established within the N.I.S. and it made some recommendations after wide ranging consultations. Those recommendations for raising that age were never even considered by the Cabinet. Never! I do not know where the statement that there is a push to raise the age of receiving N.I.S. from 60 to 65 came from. There are cameras in the House and there is a supportive press for the Opposition and so what is said has a good sound bite. But in terms of any credibility to that statement, it lacks one ounce of validity.

I was really, really shocked that the Opposition – People’s National Congress Reform 1 Guyana (PNCR – 1G) and its recently elected presidential candidate said that youth is going to be the focus of the administration. [Mr. Benn: They said that?] Yes. They said crime, employment and youth is going to be the focus of the administration. Here is a provision that will support and promote youth involvement at the highest level in the land – the level of the legislature – and they would not support it. They call it a special treat and a perk.

I have had the opportunity to travel widely within this land. This is not a provision that will benefit a few Members on the Government’s side. I am confident that the Government’s side will return with a majority of even more young people. Currently, on the Government’s side, people like the Hon. Member Mr. Nandlall, Mrs. Rodrigues-Birkett, Mrs. Manickchand, Dr. Singh, Mr. Persaud, Mr. Ali, Dr. Ramsarran and there are at least half of a dozen young people on this side of the House as compared with about two persons on the other side of the House. On the other side we have seen the valuable contributions of the Hon. Members Ms. Selman and Ms. Kissoon. This amendment is not about these six or eight persons who are currently Members of Parliament. From the contributions of the people on this side, I am confident that when the next People’s Progressive Party Civic (PPP/C) Administration is returned, you will not only see them back here, but there will be even more qualified younger people.

I really think that the elimination of the age limit of 40 years old, which I found to be a penalty on young people and every other legislator who is here, has to contribute to the pension scheme and when they leave here, they are entitled to get a pension. If a Member is young, the law says that they cannot get it like everybody else does; they have to wait until they are 40 years old. It is a “penalty” on the youths and not a “perk” for the youths. I find that amending the law is going to be advantageous. I really look at it as an encouragement for young people.

When we look around, the first declared nominee from the main Opposition party is way past his youth and I think that is why, as a matter of principle, the Hon. Leader of the Opposition and myself did not put ourselves up as presidential candidates. We are past the prime. I really thought that this was going to be an incentive to get our people, especially our young people, more involved. I have said that I have travelled the length and breadth of the land and do you know what I have found? Young people have said to me, “Minister, we really admire the work that Minister Manickchand is doing for a young professional. We really admire the strides that her

Ministry has made over these past five years.” That gives me reassurance in our young people. I just came back from Mahdia last week and the young people in Mahdia are very pleased that Minister Ali is making 185 houselots available in Mahdia so that they can start establishing tap roots that can penetrate and anchor them in their community. They said they like the aggression of this young Minister. They said what a marvelous stewardship we have had of the economy.

The last contribution by Ms. Selman was a very good one. We may not have liked some of the contents but she did win some admirers from the press that the National Communications Network (NCN) gave her. The PNC/R, and any other party which will be critical of the amendments being provided for here today, need to think about what is the message that they are sending to the young people. Many of the young people, especially those who have to give up their careers at the point when they have the most energy, will be recognised in these provisions. When a young James Bond gets into Parliament, he is not going to be able to provide...

[Interruption] A young James Bond will be at a disadvantage with his cohort who is out there full time in the job. What is wrong with a grateful nation saying to its young legislators that it appreciates them putting themselves up for service at the highest level? Not only have we voted for you but we want to ensure that the pension that you are contributing to and that you are entitled to will be able to draw from it immediately after you cease to be a legislator. It will be equal to what happens for the older people. This is not about haphazard legislation. This is an important piece of legislation for the future of young people who want to get very active in our politics.

In those travels that I have had, many of those young people, especially some of the young professionals, have continued to ask about what small form of additional compensation they can get for what they are foregoing. I am very proud that the PPP/C is tabling and moving these amendments here today, especially at this critical period, because every single one of the parties putting up lists wants to see more young people there. These amendments here today would certainly contribute in a small but very significant way to this.

I hear about all these perks that the Government is giving the presidents and how the provisions are rushed through. At one stage, Guyana had no less than five living presidents in the country. Some include Mr. Desmond Hoyte, Mr. Arthur Chung and Mr. Samuel Hinds. Look at when the amendment was tabled. It is unfortunate that we are now left with two presidents. This is not for

today's president. This is for a nation to look after the people who have served at the highest level in the land forever. It is not a case of looking at the President of Zimbabwe and the kind of house and lifestyle that he has. This is a nation providing so that the presidents who have served this nation can continue on after the presidency with some amount of dignity. That is what it is about. But the Opposition chose to criticise this. I understand that benefits were given but not according to the law. In fact, that is part of the problem we had when Mrs. Hoyte ... (*inaudible*).

We heard all of these criticisms of haphazardness, perks for young people and special arrangements for presidents but they are all red herring. Here is a simple piece of legislation that should have engendered nothing about Local Government Reforms. Local Government Reforms are not a one way street. We sat in the Special Select Committee to look at all of those Bills which were enunciated by the last speaker, the shadow minister for Local Government Reform, Ms. Lawrence. We sat for hours and after we have finished those Bills, we had an intervention from the Opposition and the Minister of Local Government is better placed to talk about this. To come and say that the Government is stopping it, is another red herring. We did our work in the Special Select Committee to look at all five. [Ms. Ally: Why have they not being brought to the National Assembly?] They have not come because of due respect to the concerns that have been raised by the PNCR-IG. If the PNCR-IG is going to say go ahead, unilaterally, let them put that in writing. Now they come and say that the Government is delaying it. That was a criticism leveled on a simple Bill to ensure that we can attract more young people to this National Assembly. If certain Members of the Opposition parties will behave better and be good examples like Minister Manickchand, Minister Ashni Singh and Mr. Nandlall, I am confident that we will attract those young people to replace those of us who are balding and grey.

I stand, unreservedly, to give support to these amendments that will certainly not only enhance the quality of the legislature, but also ensure that we will have young people who can come here and see that they can serve for some period of time and that the nation will appreciate that service. Thank you very much. [Applause]

Ms. Teixeira: Mr. Speaker the amendment is a very simple one that removes discriminatory clauses on the basis of age. That is all it is. This Pensions Scheme that we have here is a contributory scheme. The point being made is when Members can access it. This is about persons in this House, now and in the future, who, by this amendment, will not have to wait until

they are 40 years to access a pension for which they are contributing. Having listened to the presidential hopefuls on the other side and reading their websites and press statements about youths, youths and more youth, I would have thought that the PNCR-1G, in particular, would have supported, wholeheartedly, this amendment. I am quite surprised at this rather retrogressive position on the part of the PNCR-1G. I should not be surprised with the PNCR-1G's positions because they have turned coat from time to time. I should not be deluded into believing their public statements.

Let me just explain a couple of things. Statistically, 58% of the population in Guyana right now is under the age of 35. The mathematical probability that the youth represented in this Parliament will incrementally climb is extremely high as we go on as a country. 58% of our population is below the age of 35. Guyana has a young population. We are a young Parliament unlike other parliaments one may see, sometimes, where people are in their 80s and 90s and still holding office in Congress and so forth. This is a young Parliament and we should be proud of the fact that 13 Members of this House... [Mrs. Backer: You are talking about young parliament. You should look to your left.] Young is below the age of 60 and 70. This Parliament has not octogenarians or septuagenarians in it.

In terms of the profile of parliaments around the world, this is a young parliament and we should embrace it. Why do we have to quibble over this? Thirteen members of the present Ninth Parliament are under 40 years old. I do not have to itemise them. Just look at the young faces around us. In fact, the youngest Member of Parliament entered this here in 2006 at the age of 27 years old. Therefore, by the end of 2011 when the elections are held, they would only be 32 years old. If they come back into Parliament or do not come back, they have to wait eight more years to be able to access a pension which is being automatically deducted from their salaries. [Mr. Corbin: It has been that way since 1967.] Do we live in the 1960s, Mr. Corbin? Please, Mr. Corbin! I thought that you were more modern than this. You are showing your age.

This Parliament has 1/3 of its Members as female and 22% of our Members of Parliament (MPs) are under the age of 40. Of the female parliamentarians, five are under the age 40 – way below the age of 40. This is not about taking care of a select few. This is about dealing with the reality that there are young MPs who will be denied access to their pension and will have to wait. As the Bill presently states, they cannot obtain it until they reach the age of 40.

The young population that is between the ages of 18 and 35 in this country is 171,000 young people – male and female. That is why I said that the mathematical possibility and projections for the Tenth Parliament, the percentage of those entering this House between the ages of 18 and 35 will mathematically arithmetically increase from what is now 20% of the Members of Parliament. This is a very progressive move. I want to remind this House that this tradition of having relatively young MPs, in comparison to a number of other countries, is something that started a long time ago. When Dr. Cheddi Jagan entered the legislature in 1947 he was only 29 years old. In the first PPP Government in 1953, LFS Burnham, the Jagans – both male and female (Cheddi and Janet) and a number of the other MPs and Cabinet Members were under the age of 40. In fact, Dr. Jagan became the Premier... [Mr. Corbin: Why is there a move to change it all of a sudden?] It is because it is 2011. That is why. It is the 21st century. We are not in the 20th century anymore. Wake up and smell the roses, Mr. Corbin. You are behind the times. You are showing your grey hairs my dear friend. Dr. Jagan became the Premier at the age of 35. The amendment is a progressive one.

I wish to respond to some of the points made by the Hon. Member, Mrs. Lawrence, some of which were also covered by the Hon. Member Mr. Nadir. Although in keeping with the Standing Order No. 56 (1), the Bill being debated deals with the general merits and principles and not on what should have been included in a completely different section. Mrs. Lawrence has a right to speak on the floor. I would just like to correct a number of things. Mrs. Lawrence referred to the Local Government Reform Bills that are sitting in the Special Select Committee. I wish to advise the Hon. Member that having been privy to sit in the meeting between the Leader of the Opposition and His Excellency, the President, I am very cognisant of why the Committee is not meeting and why the Bills have not come forward. Therefore, without embarrassing your leader, I would say, that you are not in the loop. Fortunately or unfortunately, I am in the loop because I have been privy and privileged to sit in the meeting between the two gentlemen. [Mrs. Backer: Tell us the reason why.] It is for you to ask your leader and not for me to tell you.

Mr. Speaker: Hon. Members let us have some order, please.

Ms. Teixeira: I would say Mrs. Lawrence, you are not in the loop. Get with it.

In relation to the point that other Bills that have to come to this House, there are 20-odd Bills in various stages of drafting that have to come before this House. There are some major Bills including the Access to Information and the Broadcasting Bills as well as the Telecommunications and E-Commerce Bills. These are critical Bills. The drafting of these Bills is not easy and our drafters are limited in number. I will say this for the House's record; if we were to have done as the Alliance for Change (AFC's) Hon. Member, Mr. Raphael Trotman did, and just take the Trinidad and Tobago Act, copy it, and submit it to this House as if were a Bill...

Mr. Speaker: Mrs. Backer would you please stop shouting across the aisle.

Ms. Teixeira: Thank you, Mr. Speaker. My throat is really being strained although I am sure that I can outshout Mrs. Backer.

If we had done as the AFC and tabled the Trinidad Bill in total with every full stop and semi-colon, we could have brought the Freedom of Information Bill here. What we have done through consultations and looking at more modern Bills on access to information that have come out, is heavily amend the Bill with the experiences of more countries. We did commit for January 2011 and we explained to Mr. Trotman that the heavy amendments have caused the delay. However, this Bill will be here. We want it as much as you do. The Broadcasting Bill has also gone under much consultation and heavy amendment and it will come here. When one looks over at the media desk, the persons all look to be under 40 years old. Some of them look to be under 30 years old and some look as though they just recently finished school.

For institutional memory, in 2003 there was a Draft Broadcasting Bill and it was published in the newspapers and the Opposition, i.e. the PNCR – 1G had major problems with it so it went no further. Hon. Member Mrs. Lawrence when you cast blame, you should also recognise that none of these things have taken place in isolation. It has history, negotiations and sometimes upmanship between political parties. This is not as simple as you like. The Hon. Member asked about additional cost. There would be no additional cost. The mathematical formula in the Bill governs the percentage of how much a person would get, them having served a number of years. If someone was to have served one term and is no longer here, whether they are under the age of 40 or not, they can only get a percentage based on the mathematical formula.

3.05 p.m.

The Hon. Member, also, raised the issue of public servants. That is a red herring that she is raising. I think Minister Manzoor has correctly responded on the issue of National Insurance Scheme (N.I.S), in that the Reform Committee that was looking at N.I.S and the actuarial studies, considered the matter of increasing the N.I.S age for retirement to sixty five, and made a recommendation for consideration. The Government did not consider that recommendation nor has there been any public statement on that.

The issue of public servants; the public servants pension schemes based on the government's pension schemes are different from that of the members of the National Assembly. And I reminded Ms. Lawrence that it was not the P.P.P/C, it was the Secretary General, Pollidor, who said, when the E.R.P was introduced into this country, that 58 % of the working people of this country were reduced to abject poverty. It was Pollidor, the Secretary General of the Trade Union Congress.

The issue of fighting poverty and increasing the rates have been an on-going battle. I remember, as the Minister of Health, that the salary of a nurse was G\$2,500 and G\$ 4,000 in 1992, the salary of a doctor, a general practitioner, was G\$ 12,000, and a Minister received G\$25,000. Times have changed. The economic stability of the country and the revenue generation of the country have changed. The fact is for the first time in the history of this country we have reserves of seven hundred odd million US dollars in our coffers. For the first time! Therefore our economic stability has taken a long time to be reached. No thanks to the P.N.C.R-1G! No thanks to the A.F.C! No thanks to the criminal waves by the gangs of 2002 and 2008! And no thanks to the post election violence of 1997 and 2001!

This country is now on a takeoff path, and, therefore, the trajectory is very clear: Guyana is on the up and up. Therefore, on this side of this House we are prepared to make space for the younger generation and we are prepared...if this simple amendment that has been brought here to remove what is a discriminatory clause against young Members of the National Assembly... then so be it. And we bring this with pride. Thank you very much.

One more thing, International Women's Day will be on the March 8. Could I, as one of the women MPs, congratulate all the women of this House, and ask all of the women across the House to celebrate women, and all our rights and achievement, and the longer struggles we still have to go through. Thank you. [Applause]

Mr. Corbin: Mr. Speaker, I feel very proud and stand tall today, to know and note that the presentation of our new shadow Minister of Finance was sufficient to evoke all that has followed her: three persons jumped to respond.

I feel very disappointed that Members on that side of the House did not feel that their Prime Minister was competent enough to respond to the shadow Minister that they have had to respond. I, however, am only forced to respond because of, what I consider, a clear attempt of deception about the intent of this Bill, and what I see as an insult to young people in this country. If the

argument being proposed in this House is that the only incentive for young people to serve at the national level is that you have to give them a pension at forty. It is an insult to young people of this country! I would think that we would be appealing to the high ideals of our young people, their patriotism, and their commitment to give service to this country. And that is why they would want to enter these hollow chambers. To suggest, as I have heard, that this amendment to the Pension Act to give them pension at the age of forty is going to be the catalyst for bringing young people here is certainly an insult to them, in this House.

I want to say further, that the Hon. Member, in making her presentation, made it very clear that to bring us here, today, especially, to consider this issue when there are so many other issues of priority has to be mind boggling. Paying expenses just to come and consider this Bill, today. **[Ms. Teixeira: You are not concerned about that]** Yes, because the Bills that have been presented to this House have a level of priority which this Government ought to have been addressing.

If indeed this Government was speaking of consultation- as I heard the last speaker mention consultation on the Broadcasting Bill- and if they had the modicum of respect for Members of this House and were attempting to address conditions of service and superannuation benefits the least one would have expected is that they would have sent it to a Committee of this House so there could have been discussions on how this matter could have been addressed.

In the same way that they have treated all legislative matters, they unilaterally came to this House and made a presentation, "we are doing this, or we are doing that". We would have made the point that if, indeed, there is need for consideration of superannuation benefits, as the Member said, it should be done in a holistic way and not in any partial way. That is the point the Member is making. If you are looking at pensions in Guyana... to just come to the parliament and make a minute amendment so that young people who are not deprived, as the Government Member tried to say... They were not deprived- that is misinformation! All it meant is that if they left before the age of forty they would not become eligible to draw down on their pension until they attained the age of forty. That is not discrimination because; the pensionable age in this country is between fifty five and sixty years old.

I joined this National Assembly, as a young man, in 1973. I met your father entertaining us. **[A Member: How old were you then?]** Very young long below forty; I was just in my twenties; as young as the people, Ms. Teixeira spoke about; I entered this National Assembly in my twenties. There were other young people, since 1973, which were in this National Assembly over the years. Calculate from 1973 to now. **[Ms. Teixeira: inaudible]** I am saying that I would hate to think that those young people who entered and have been entering this National Assembly since 1968 came here because of motivation of pension and money. We came here because we wanted to serve the people of this country and make a difference. That is why we came to the National Assembly; not for any perks of Office, and for you to suggest that by

lowering the pension age to forty will act as an incentive, I say it is of disgrace and an affront to young people of this country.

Let me go, specifically, Sir, to what the conditions of pensions are related to. I do not deny that this is a contributory pension scheme. A contributory pension scheme means that it is a scheme in which the worker makes a contribution and based on his contribution the State also makes part of that contribution. There are certain actuarial studies that are done to work out, basically, what people are entitled to and how much could be paid at a certain time. I suspect more schemes that are contributory are worked out like that. Now even if the Government is thinking of changing this, it has nothing to do with the young people. It has to do with a system that you have in place for pensions and if you are touching it then you need to look at the system. Ms. Lawrence asked a very relevant question, since it was not discussed at any sub-committee of this National Assembly. What are the financial implications? There must be some.

The first point I am making, is that if in such an actuarial study, the scheme was calculated that persons will become eligible based on their last salaries for payments after forty years and you made a change that they become eligible earlier than that, it would mean that they would be subjected to receive certain pensions for a longer period than would have existed before. I am not saying that there is anything wrong with it. But it is, certainly, going to have some impact on the contributors to the scheme. All I am asking, is have you done some kind of a study to see what the impact would be? What will it be in terms of a cost to the tax payer? Is it that you just come here hap-hazard looking at a political objective, and have not studied this?

If you wanted to review the pension scheme there are people who have been here long; thirty years. We have not complained. But, after twelve years, you have no additional benefits to get, except there are increases in salaries. The point I am making is that the scheme, itself, if you are looking at it, there are several other aspects of the scheme because people have been here thirty years and they are still not going to get any more benefits *pro rata* than persons who have been here for twelve years. What I am saying is that you failed to look at the system in a holistic way. The second point being made is that if you are looking at the issue of pensions, knowing the state of Guyana today and the concerns of the workers, how could we as legislators appear to be looking after ourselves and not addressing the concerns of the workers? It is embarrassing to all of us in this House. When every day I receive letters of pensioners who say that they are struggling to survive with the pensions. Permanent Secretaries, Heads of Departments, Principle of Agriculture and schools... I could name many others. He had to go to court to try to get improve benefits because the week after he demitted office the new incumbent got a tremendous increase in salary and he is forced to get pension at the level of salary that he demitted office with. Strictly right according to the system, so he has applied for an appeal. He eventually thought he had a legal case. I am told it went to the court I do not know all the details, but, based on the information I received in communication with him, they were seeking to get a political intervention. The point I am making is that we could not be unaware of the fact that there are serious issues affecting pensioners in this country which need to be addressed. One of which is

the fact that their pensions are limited and restricted to the last salary they obtained prior to demitting office.

From time to time we have approved increases in pensions by 5% or 6 %, or what may be the case, as a discretionary measure. It has not adequately addressed the inflationary effects which have occurred over the years; it has not addressed the escalating cost of living. So, there is a large group of disadvantaged public servants, who served this country faithfully from their youth, to their old age, and who now live almost in dire poverty. Their problems need to be addressed. We are saying if you are, at the point where we are looking at pensioners. Why do we not look at them holistically? All you are doing is putting the National Assembly and the leaders, in the National Assembly in a position where it appears that you are only concerned about us, in this House. This is the point we are making.

Under the issue of supporting youth involvement, at age forty. The other insult to our young people, is the inference that if someone else enters this National Assembly say at age eighteen, and there are many who entered this National Assembly since in the 1960s and s1970s at age eighteen: Oscar Clarke was one of them, and Jeffrey Thomas who was on our side. All of them entered in their teens, and as soon as they reached the ages of twenty-one or twenty-two, many others entered after 1973. That was the first election that was held under the new age limit of eighteen years in 1973, so, in 1973 we saw young people age eighteen being able to enter this National Assembly. Now, the point that I am making, is assuming those young people entered at eighteen and they spent one term, in the Parliament they would have left at age twenty three; even if they spent two terms, they would have left at age twenty eight. The argument being developed is that it is discriminatory that at age twenty eight they cannot draw down on the pensions. The suggestion is that, these young people would not be able to make a living on their own or survive at age twenty eight. I am saying that young people in this country would not be deprived of making a living like any other Guyanese. In fact, the way our National Assembly operates, some of them can be in the National Assembly and engage in other gainful employment, as some do at the moment. [Mr. Needkumar: What is Corika doing right now?] Oh, little minds and petty minds. You have to sympathize with them. The point I am making ...and you said that we had super salaries then. We were working for four thousand dollars a month. Do not let us go back. We were accused of having super salaries.

What I am saying is that at the age of twenty-eight or thirty years old, these are young people who will be exposed to the job market and who will be free to work. They are not suffering any deprivation and therefore to bring such an argument, to me, is an insult to the youths again; saying that they are punishing. Our young people are being exposed to greater educational opportunities over the years. [Government Members: What!] Yes. Who would ever deny that the generation we have today is benefitting from a wider scale of education? One could go on the internet and become a scholar these days. There are more opportunities available to young people and, therefore, to suggest that there is some disadvantage to young people under

the age of forty, and so they have to be given a pension as an incentive is a total fabrication and an attempt to mislead and deceive the Members of this House today.

I would invite the Government, if you are serious about considering pensions, to let us not deal with it in this partial manner. Let us set up a sub-committee of this National Assembly to look at the issue of pension, generally, in this country. I believe the people will have greater respect for us, in this House.

I am forced to respond to two points made by my comrade when she spoke about Local Government Bill. She seemed to infer that the delay in the Local Government Bills- and there are several of them: three of them, I think- which relates to the implementation of the system of the local Government reform. It is true that the PNCR-1G has objected to the Bills in this House in their present form. Not because we want to make mischief but because the Bills, as proposed, are not reflecting the recommendations of the Task Force which met for eight years. After it appeared that the Bills were being '*bulldozed*' in this House... naturally, those reforms and the Task Force were all matters that were subject to the agreement between the President and the Leader of the Opposition. We appointed the task force, and if there is any flaw in the implementation of their recommendations it is appropriate that the President be alerted. The President was alerted, and that is why these Bills are supposed to go back to the Select Committee so that the Task Force's recommendations can be followed faithfully. There is nothing secret about it, Hon. Member. [Ms. Teixeira: She does not know.] She knows. What she is saying is that we should address them as priority. That is what she is saying! [Ms. Teixeira: Why do you not do what you agreed to with the President?] What is that?

Mr. Speaker: Hon. Members do not carry on a private conversation

Mr. Corbin: We are committed to sending the Bill back to the Select Committee so that the recommendations of the task force could be faithfully implemented. But forget about the Government Bill, Sir, and the Local Government Reform Bills. The Prime Minister Sir, I did not ask him for a letter, he wrote to me, the Leader of the Opposition. I saw that it was also written to you, Sir. I did not ask him about it nor did I make any representation, of course we were making public statements. The Prime Minister wrote me; the Hon. Member did not fabricate that. I received a letter signed by the Prime Minister, informing me that the Government is bringing the Freedom of the Information Bill in January of 2011. We have not had an explanation from the Prime Minister as to why the Bill has not come here but he introduced another on behalf of his colleague, the Minister of Finance, and yet he feels offended when my colleague answers it. We have the adviser to the President on Governance seeking to provide some justification as to why the Prime Minister could not live up to his commitment of January 2011. Is it that the Prime Minister is incapable of explaining to us why he cannot live up to his commitment?

I am saying is that the Hon. Member is right when she says that the priority Bill is the Broadcast Bill. In 2003, we agreed that the Broadcast legislation would be brought to this House within six

months of the signing of the communiqué on the 6th May. It is true that the next year a Bill was brought. But, Sir, just like the Local government Bill, the draft Bill had absolutely no reflection of the joint Task Force set up by President and the Leader of the opposition that was signed by the Hon. Adviser to the President, Hon. Member Gail Teixeira along with the Hon. Member, then, Mr. Dereck Bernard. In that report... I am sorry that I did not bring it here to quote because I did not expect... [Mr. Teixeira: You can quote.] No I cannot quote because I do not have the document here but words to the effect, '*that this recommendation of the Committee on Broadcasting, has reached unanimous agreement and together we recommend its implementation*'. But yet the very signature to this recommendation, oversaw the presentation and preparation of a Draft Broadcast Bill that deviated substantially from the very recommendations she was a part of. That is the kind of double standards and disgrace we are faced with in this House. And that is why, faced with the reality of the Report of the Broadcast Committee and the draft Bill the Government had to withdraw it, in the hope of coming up with a draft Broadcast Bill that will faithfully reflect the recommendations of that Committee.

I find it strange, that after six years, the reconciliation cannot be done and the explanation of "we are working on this Bill, 28 Bills..." All that is required is to put in the draft the recommendations of the Task Force which that very what the Hon. Member was a part of. Six years has passed and the Government cannot do that. We are here in 2011, and we cannot have a draft Broadcast Bill but we have a Bill for pensions in this House.

Therefore let us not try to deceive the people of this country, by using young people as bait-young people can think for themselves. To say that suddenly the Government is so loving of young people that it is passing this Bill to give special concessions and special incentives. They do not need that. [Ms. Teixeira: What special incentives? It is a right] It is a right, Sir, I agree. A right that was never taken away from them; a right that they always had and they can get it at the right age.

Now if all we are saying, in conclusion, is that if the Government is serious about changing our pension laws- benefits of pension, let us have a holistic look at pensions affecting all workers of this country and we in the Peoples National Congress Reform-1Guyana will go along with that. Thank you very much. [Applause]

Mr. Hinds (replying): Mr. Speaker and Hon. Members, I did not expect that this simple Bill could have attracted such a long and vigorous debate, and could have amenable to such a wide range of interpretation and misinterpretation and direction and misdirection. I would like to bring us back to the Bill which is in front of us. I need to refer to some of the more potent points made by the Members of the Opposition, and, in particular, the point in which Hon. Member Corbin ended, calling for some holistic study of pensions. He seemed to be basing that on the fact that, somehow or the other, the basis for calculation of pensions for MP's is being changed and is being changed in a favourable way for MPs and is different from what it is for public servants. That is not exactly not so.

3.35 p.m.

When I made my presentation, Mr. Speaker, I pointed out that M.P's, legislators when they would have accumulated twelve years they could choose then to say that we are paid up and not contribute anymore. I did point out, and the Hon. Member also acknowledged that the reason people would continue to contribute is because their pension is based in their rate of pay when they were last a contributor. So if with the aggregate of twelve years I cease to be a contributor and then stayed in Parliament for another twenty years the calculation of my pension is based on what it was when I accumulated twelve years. If I continued as a contributor, then the calculation would be based on what I was having just before I ceased being a Member of Parliament some twenty years later. If you compare the situation it is just the same as for public servants. It is based on your highest pay or your pay at the time when you retired. There is no difference at that level. The difference is where Members of Parliament before could start drawing their pension at forty years of age. We are now saying to only let the twelve year aggregation apply. That is what we are saying; whenever they reach the twelve year aggregation they can exercise an option, but when they exercise that option it would be based on their pay up to that time, but if they continue as a Member of Parliament for another twenty years it does not matter, their pension would have been set at that time.

I do not see the point here for all this grand standing of public servant pay. That Hon. Member should recognise the great increase in the pay of public servants that has taken place since this Government came into Office, is what he should recognise. The people he is talking about who are receiving these low incomes, I would like him to bring the names before us and let us see when they are public servants. It is the public servants that were public servants before 1992, before we came along, are the people who are in great dire need, and we have been adjusting their pays.

It was for the similar sort of reason that the President's Bill and past President's Bill came about, because President Chung at the time had been retired as a past President for some many years ago and there had been this great inflation in Guyana and because of those circumstances and appeals there was motivation to make those Acts which spoke to the pensions that past Presidents would receive. I do not know that there is any basis at all for all the grandstanding, and it is nothing but grandstanding that we have been presented with this afternoon by the Members of the Opposition.

The issue about the other legislation that has been pending is not before us at this time, but much has been said about it. I would only want to make a very short statement, that all of these Bills that are pending because we judge that there is not enough accord or that there is such great resistance by the Members of the Opposition that we have not brought it forward. They like to accuse us quite often of bringing things into the National Assembly and ramming it through. We really do not want to go forward. If we take the Hon. Member Mr. Corbin at his word – I have no reason not to take his word – and say that there was some unanimous agreement about the

directions to draft the Broadcast Bill, if at the end of day they confer the Bill... He says that it is totally different from the agreed directions. Our position is that it is fully in accord with our understanding of the directions to the draft-smith that is the position. You know Mr. Speaker and Hon. Members, that quite often things are written. When you hear there is agreement on something, the wordings are such that everybody can interpret it in the way he wants to interpret. We have interpreted it. We have been consistent and we have presented drafts of these Bills which are consistent with our understanding with whatever agreements were reached between the Government and the Opposition side. Those things are not really germane to the issue before us. The main issue before us or maybe the only issue before us today is that where we have been insisting that legislators have to wait until they are aged forty before they can receive benefits, we are saying that they should receive those benefits whenever they are due to them, otherwise if the restriction of age is removed.

I think that not only the legislators here, but all our citizens will welcome this amendment, and I now move that the Bill be read a second time.

Question put, and agreed to.

Bill read a second time

Mr. Speaker: We can now resolve ourselves into Committees to consider the Bill stage by stage.

Assembly in Committee

Mr. Chairman: We are now in Committee Hon. Members.

Clauses 1, 2 and 3

Mr. Hinds: Mr. Chairman, it has been pointed out to me by the legal drafts people that there is an adjustment that needs to be done, which they say is in the nature of typographical adjustment and may not need to be amended; that is at the end of section 10.

Mr. Chairman: There are only three sections in the Bill.

Mr. Hinds: I am speaking of section 2, Sir.

Mr. Chairman: Could you read the amendment Hon. Prime Minister.

Mr. Hinds: Okay Sir. The amendment is that...

Mr. Chairman: From what I understand the amendment to be saying you have to amend by adding a subsection to this Bill at some point.

Mr. Hinds: Sir, if I may explain it, we are looking to delete 10(1)c, at 10(1)b right now there is at the end of (b) a semicolon and then...

Mr. Chairman: Hon. Prime Minister I do not have before me the legislation that you are talking about. I have before me a draft Bill on the President, Parliamentary and Special Offices Amendment Bill. This is an amendment Bill to the legislation of Chapter 27:03. They are two separate and independent pieces of legislation, this one and that one. If you want to amend this one you have to put a section in this. This does not have a Section 10. I cannot amend a section 10 here.

Mr. Hinds: Okay, I wanted to amend the Bill before us Sir.

Mr. Chairman: I understand what you want to do, but you cannot amend section 10 of a Bill that is not before the House. You can only amend section 10 by adding a subsection to what we have here.

Mr. Hinds: I have to amend Clause 2 of the Bill before us...

Mr. Chairman: By adding subsection (d)

Mr. Hinds: By inserting immediately after Clause 2(a) the substitution of a full stop for the words “; and” at the end of the subsection 1(b) and by the repeal of subsections 1(c), 6 and 7.

Mr. Chairman: Thank you Prime Minister.

Mr. Corbin: May I be properly guided by you Sir, since your perception seems to be a bit superior in this matter.

Mr. Chairman: I will let the Clerk read out the amendment.

The Clerk: By the substitution of a full stop for the words...

Mr. Chairman: Where are you reading from Clerk?

The Clerk: The amendment that is before the House Mr. Speaker.

Mr. Chairman: What section is being amended?

The Clerk: Section 2(a).

Mr. Chairman: After the semicolon there?

The Clerk: Yes Sir. Section 10(a) of the Principal Act is amended as follows: before (a), that is, just before...

Mr. Chairman: That is just after the (a).

The Clerk: Just after the (a) sorry, by the substitution of a full stop for the words “and” at the end of subsection 1(b).

Mr. Chairman: And, what happens with what is there now, does that remain or is it deleted?

Ms. Teixeira: Mr. Speaker could I suggest the following to try and assist the House, that is that under Clause 2 you have section 10 of the Principal Act is amended as follows – (a), (b), (c) is listed here on the amendment – that we add a new subsection which would be (d) or (e) or whatever you want to call it, the drafters can deal with that, and that what we are doing is adding a new subsection that amends section 10(1)a by the removal of the semicolon, replacing it with a full stop and removing “and”. And, in section 10(1)b removing the “; and” and replacing it with a full stop. So it is a new subsection that has to be added to Clause 2 in relation to amendments in section 10. It should have probably come in the order in which it is. Mr. Dhurjon did not raise this issue with us, and normally these semicolon issues are done by the Clerk and the CPC after the Bill is passed because they fundamentally do not change the content of the Bill.

Mr. Chairman: The semicolon issue cannot be changed by the Clerk, because you are amending an existing piece of legislation. A semicolon issue can only be dealt with on an existing Bill before the House. Could I recommend that a subsection (b) be added in which the current subsection would become another subsection later on, but subsection (b) be inserted which will read, “by the substitution of a full stop for the words ‘; and’”. So at subsection (a) we will have the substitution of a full stop for the words “; and at the end of subsection 1(b)”. Hon. Members this thing is very confusing to me; I do not understand it. I will suspend the House for five minutes so that Members can work out the amendment and then I will resume.

Sitting suspended at 3.53 p.m.

Sitting resumed at 3.58 p.m.

Mr. Chairman: Hon. Members the amendment proposed by the Hon. Prime Minister is as follows. The Prime Minister moves that section 2 of the Bill be amended by the insertion immediately after subsection (a), once again, by the insertion immediately after subsection (a), by the following words: “by the substitution of a full stop for the words “; and” at the end of subsection 1(d) “and” those are the words to be inserted and it will continue as what is stated in the subsection itself and by the repeal of subsections. It is a tidying up arrangement only; it is not a material alteration.

Mr. Corbin: So, subsection (b) will remain as is.

Mr. Chairman: Yes. Hon. Members I therefore put the amendment as proposed and read by me.

Amendment put and agreed to.

Section 3 as amended agreed to and ordered to stand part of the Bill.

Assembly resumed

Mr. Hinds: Mr. Speaker I would like to report that Bill No. 26 of 2010 was considered clause by clause in Committee and passed with an amendment. I now propose that the Bill be read a third time and passed as amended.

Question put, and agreed to.

Bill read a third time

Mr. Speaker: Hon. Members that brings us to the end of our business for today.

Mr. Hinds: Mr. Speaker I move that the House be adjourned until next Thursday, March 10th. I take the opportunity as a male in this Hon. House to extend greetings to all our women within this House and all our female citizens on International Women's Day. Thank you.

Mr. Speaker: Thank you Hon. Members, the House will stand adjourned until next week the 10th of March.

Adjourned accordingly at 4.03 p.m.