

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2006-2010) 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

135TH Sitting

Thursday, 18th November, 2010

The Assembly convened at 2.20 p.m.

Prayers

[Mr. Speaker in the Chair]

ANNOUNCEMENTS BY THE SPEAKER

PRAYER FOR MR. WINSTON MURRAY

Mr. Speaker: Hon. Members, at this time I will ask the Hon. Member Rev. Gilbert and Members of the House to join in prayer for the speedy recovery of Hon. Member Mr. Winston Murray.

Rev. Gilbert: Thank you. Our Father, we thank you for the opportunity of being able to come at this time boldly before your throne of grace. It is your word that reminds us that we must come boldly that we may obtain mercy and find the grace to help in times of need and this, Dear God, is one time that we stand in need of your divine intervention. We lift up before you our brother, our friend, our colleague and we understand, Father, his value, not just to his party but to this nation. At this time we ask for your touch upon his body. We ask dear God that every organ and every tissue, every cell, would line up and function according to the divine systems of protocol

for the human system. We ask these things because we know that there is power in prayer and so we speak into his life and ask for recovery, ask that your divine will would be established in his life today. We pray for the strength and for the comfort of the members of his family. We ask all these things in no other name but in the name of your Son, Jesus Christ. Amen.

PRESENTATION OF PAPERS AND REPORTS

Mr. Ramson: Mr. Speaker, I wish to take this opportunity in the light of the obvious technological glitches that took place when we laid over the High Court Rules on the 4th of this month, a fortnight ago. I wish to take this opportunity to withdraw that version and present to this Hon. House the flawless version of the complete High Court Rules that ought to have been before us on the 4th.

PRESENTATION OF PAPERS AND REPORTS-

The Attorney General and Minister of Legal Affairs took the opportunity under this heading to withdraw High Court Rules No. 3 of 2010 dated 3rd November, 2010 which were laid in the National Assembly on 4th November, 2010.

The Attorney General and Minister of Legal Affairs presented High Court Rules 2010-No.4 of 2010.

QUESTIONS ON NOTICE-

Written Replies

1. PAYMENT OF OLD AGE PENSION 2002-2009

Mrs. Holder: Could the Hon. Minister state how many people were in receipt of old age pension in 2002 to 2009?

Minister of Human Services and Social Security [Ms. Manickchand]:

YEAR	OLD AGE PENSIONERS
2002	33,425

2003	34,485
2004	33,107
2005	33,492
2006	33,438
2007	36,813
2008	40,389
2009	43,398
TOTAL	288,547

2. **GEOTECHNICAL REPORT FOR THE ALIGNMENT OF THE HOPE CANAL**

Mrs. Holder: In view of the government's stated willingness to embrace transparency and accountability, will the Hon. Minister make available to the AFC the geotechnical report for the alignment of the Hope Canal? If so, how soon?

Minister of Agriculture [Mr. Persaud]: Due to the length (284 pages) of the answer to the above question, the Speaker directed that the answer be placed in the Parliamentary Library where Members could have access to it.

3. **STRUCTURAL DRAWINGS FOR 4 DOOR SLUICES**

Mrs. Holder: Will the Hon. Minister state whether structural drawings have been done for the four door sluice across the Conservancy Dam and for the four door sluice with spill weir? If so, how soon can the AFC get access to copies of them?

Mr. Persaud: Due to the length (284 pages) of the answer to the above question, the Speaker directed that the answer be placed in the Parliamentary Library where Members could have access to it.

Oral Reply

4. **CHIEF JUSTICE PENSION ORDER NO. 16/2010**

Mr. Speaker: Hon. Members, there are four questions on the Order Paper. Questions numbered 1, 2 and 3 are for written replies. Questions numbered 1, 2 and 3 are in the name of Hon. Member Mrs. Sheila Holder. Question number 1 is for the Minister of Human Services and Social Security. Questions numbered 2 and 3 are for the Minister of Agriculture. The question at number 1 has therefore, in accordance with our Standing Orders, been circulated.

Hon. Members, the answers to questions 2 and 3 totals 234 pages, not excluding 50 pages of graphs and maps; it is a report. The Hon. Member has asked for the Geo-technical Report in connection with the Hope Canal, so this is a report. I am informed by the Clerk that to reproduce the 100 copies of this voluminous document for Members and for the Press would cost approximately \$2,400,000. I am further informed by the Clerk that he does not have funds to reproduce these answers; therefore, the copies received from the Hon. Minister will be placed in the Parliamentary Library where Members could have access to them.

Hon. Members, question 4 is for oral reply. Mrs. Punalall, are you asking that this be deferred?

Mrs. Punalall: Yes, Mr. Speaker.

Mr. Corbin: Your Honour, I was asking whether the Hon. Minister could say if he has an electronic copy of that report. In these modern times, it may not be necessary to spend \$2 million. If indeed there is an electronic copy available, then that could be made accessible to Hon. Members.

Mr. Speaker: The Hon. Minister will reply in a moment.

Mrs. Punalall: I was just asking to defer the...

Mr. Speaker: Yes, the question is deferred.

Mr. Persaud: Mr. Speaker, we can supply the response in an electronic form if you so require.

Mr. Speaker: Yes, if you have it available I am sure it would be helpful to Hon. Members. Hon. Minister, will you be supplying 100 copies? I think that you have more resources than the Parliament.

Mr. Persaud: In fact, in a conversation with the Clerk I had indicated, like the Parliament, we also have severe financial constraints.

Mr. Speaker: The electronic copy is not expensive. Members can acquire them, themselves. We will have the one copy from which we can make copies and Members can come in and pay for them.

Mr. Trotman: Mr. Speaker, if I may for clarification, if I understood the Leader of the Opposition, he was saying that the electronic copy could be supplied to the Clerk's Office and then shared as if it is a hard copy, as it is normally done, to all Members of the Parliament.

Mr. Speaker: The Minister is saying that he does not have the resources to copy...

Mr. Trotman: Electronically, is he without financial resources?

Mr. Speaker: There are several possibilities. If we get the electronic copy we can e-mail it to Members who have computers.

Mr. Persaud: Just for clarification, I will e-mail it to the Clerk and he will, in turn, e-mail to all Members.

INTRODUCTION OF BILLS

PRESENTATION AND FIRST READING

The following Bill was introduced and read the first time:

Local Authorities (Election) (Amendment) Bill 2010 – Bill No. 21/2010

Mr. Lall: Thank you, Mr. Speaker, I wish to lay before the National Assembly - Bill No. 21 of 2001, the Local Authorities (Election) (Amendment) Bill standing in my name and ask that it be read for the first time.

PRIVATE MEMBERS' BUSINESS

MOTION

FREEDOM OF INFORMATION BILL 2006 – Bill No. 26/2006

Mr. Trotman: Mr. Speaker, if it pleases you, I ask that this matter be deferred. I am engaging in consultation with the Government representative and I am seeking, with your leave, a deferral.

Mr. Speaker: Thank you very much, Hon. Member.

Mr. Trotman: I am most grateful.

COMMITTEES' BUSINESS

MOTIONS

THE ADOPTION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE FOR THE PUBLIC ACCOUNTS FOR 2006

Mr. Speaker: Hon. Member, Mrs. Volda Lawrence, you may now proceed with the motion on the adoption of the report of the Public Accounts Committee for the Public Accounts for 2006.

Mrs. Lawrence: Thank you, Mr. Speaker. Even as I rise to speak to the Report of the Public Accounts Committee for the year 2006 on the Auditor General's Comments, I cannot help but note that one of our colleagues and former Chairperson of this Committee has left his chair vacant this afternoon. As the prayers were uttered this afternoon in this Hon. House, I trust that this will not be the only prayer we utter on behalf of this small giant who, just last Thursday, sat with us in this House.

This Report of the Public Accounts Committee comes in the wake of the Committee as it begins to work on the 2009 Auditor General's Report and concludes both the 2007 and 2008 Reports. Hence, many of the issues highlighted in this 2006 Public Accounts Committee Report has been overridden by time and events, thus I shall not be long.

As noted on page 4 of the Report of the Public Accounts Committee there are 16 main problems listed there in, of which, number 1 is non-establishment of the Public Procurement Commission. While this issue of the early establishment of the Public Procurement Commission was advocated in several of our reports, there continues to be no discernable effort to do so.

Six years ago the Procurement Act became operational and the Public Accounts Committee has been unable to meet the requirements set out in this very Act; that is, the submission of the

nominees to the National Assembly. While the two Opposition Parties, namely the People's National Congress- One Guyana (P.N.C.R-1G) and Alliance for Change (A.F.C.), have submitted their list of nominees along with the curriculum vitae, the Government's side has failed to submit their nominees for almost two years now. What is disturbing is that the Government tabled and passed the National Procurement Act in order to meet the conditionalities set out by international financial institutions and other donor agencies. However, the Government has shown no interest whatsoever in bringing the Public Procurement Commission into being. Their failure to submit their five nominees has stymied the work of the work of the Public Accounts Committee.

Permit me to read the mandate of the Public Procurement Commission as outlined in the Constitution, article 2.1.2 A, (a) of 1, and it says:-

“The functions of the Public Procurement Commission are:

Monitor and review the functioning of all public procurement systems to ensure that they are in accordance with law and such policy guidelines as may be determined by the National Assembly.”

Mr. Speaker, please note that another problem arising out of the non-existence of the Public Procurement Commission is the non-compliance of Ministries and Agencies at various levels with the Public Procurement Act and the breach of Tender Board Procedures, particularly the splitting of contracts.

As stated in paragraph 3.5 of this report, there continues to be various levels of non-compliance with the existing Tender Board regulations relating to the procurement of goods and services and the undertaking of works, both Capital and Current by some agencies as listed. The Committee expressed its disapproval over the disregard for the Public Procurement Act by the Heads of Budget agencies, namely: the Ministry of Public Works, Ministry of Education, Ministry of Home Affairs, the Police Department, Ministry of Health, Georgetown Public Hospital Corporation, Ministry of Legal Affairs, Guyana Defence Force and Regions 3, 7 and 10.

Even as we await the Value for Money Audit Report from the Auditor General on National Procurement and Tender Administration Board, this report has already begun to generate much

talk in several corridors and many are praying that it would go away, but we of the Public Accounts Committee have trust and therefore we put every confidence in the Auditor General in ensuring that his report finds its way early and untainted to this National Assembly.

Perhaps, whoever is responding from the Government's side may want to speak to this because there is a perception with "John Public" and reporters are already calling me, seeking comments on this very report. Apart from the submission of the list of nominees to the Public Procurement Commission, under the Audit Act 2004, the Public Accounts Committee has oversight of the Audit Office of Guyana. One of its functions is to review the Budget to the Auditor General. Thereupon, no later than 90 days before the commencement of the next ensuing fiscal year, the Public Accounts Committee has to forward the reviewed Budget submission for that year together with its comments thereon to the Minister responsible for Finance for consideration and inclusion in the Annual Budget Proposal.

It is clear that this provision is made to guarantee the Auditor General some independence since he is also responsible for the auditing of the Ministry of Finance. This procedure seeks to avoid any conflict of interest by placing the Public Accounts Committee as the interactive body between the Finance Ministry and the Auditor General's Office.

Since the passing of this Act, the Ministry of Finance has continued to bypass the procedure as outlined in this Act by going behind the back of the Public Accounts Committee and invite the Auditor General to meetings on the Budget of the Audit Office. The Committee through its Chairperson has written twice in the last two years to the Minister of Finance, drawing his attention to this breach of the law. To date, the Committee has not received any acknowledgement whatsoever from the Minister of Finance. Once again the Committee calls on the Minister of Finance to adhere to the laws and seek to practice what he preaches. Should any conclusions be drawn from the aforementioned it would be as the cliché says, "Do what I say and not what I do."

It would be remiss of me not to draw this House's attention to one other general problem; that of overpayment to contractors noting that the Public Accounts Committee has highlighted this perpetual problem in all of its previous reports and has done so once again. This practice continues unabated. We are yet to hear of any Ministry or agency receiving a successful

judgement against a single contractor or any officer being surcharged or disciplined for making substantial advances or payment upfront to contractors. The Public Accounts Committee has concluded after interviewing several accounting officers and staff of various Ministries and agencies that there is collusion between staff and contractors to defraud the Guyanese people of large sums of moneys, and thus, at paragraph 3.3 of this report this is what we had to say:-

“The Public Accounts Committee noted that while some Ministries and Regions have made progress in relation to the issue of over payment to contractors others continue to make overpayment on contracts. The following agencies continue to be delinquent in this regard.”

Once again, the Ministry of Public Works and Communication tops the list, with the Ministry of Education, Ministry of Culture Youth and Sports, the Guyana Defence Force and Regions 1-7, 9 and 10 with the only region being out of this sort of thing is Region 8.

The Public Accounts Committee recommends that officers and consultants who affix their signatures to the Certificates of Completion in which overpayments are found should be sanctioned or surcharged where necessary.

At this time, I shall defer all other comments on this report which I have, since I did insinuate at the beginning that very shortly the Public Accounts Committee shall lay in this Honourable House the Report for 2007 and 2008. Therefore, before asking that the House adopt this report I would like to ask the Minister of Finance to reflect and give deep consideration to our recommendations as set out in this report.

Thank you, Mr. Speaker.

Ms. Shadick: Thank you, Mr. Speaker. I rise to make some comments on the Public Accounts Committee’s Report for the year 2006 as we examined the Auditor General’s Report for the Public Accounts Committee for that year. This is nearly the end of 2010, so the things that were discussed in the 2006 reports happened four years ago; those that were current, that is, in the Auditor General’s Report.

I am pretty new to the Public Accounts Committee. There are those who have been there for many years before me. This is my first sitting on the Public Accounts Committee in this session,

but what I have noted is that every year when the Auditor General's Report comes, there is about 15 prior year matters and 2 current year matters. So when we sit here until 9:00 p.m. at nights and are discussing, we are usually trying to resolve things that happened about sometimes 10 years ago and sometimes 20 years ago and when these reports come and this report that comes to us that makes mention of what we discuss are not really current issues to say the least. As such, when we have the press reporting on what this report of the P.A.C. says it is sort of history, that which had happened a long time ago, but the public of Guyana is thinking that this happened yesterday. It did not happen yesterday.

With reference to this report of the Public Accounts Committee there is a strange thing I have seen. I sit on many Committees and the report of Committee is usually compiled by the Committee's staff. Strangely enough – this is probably what is historical – this report is compiled by the Auditor General's Office and it comes to us and then we review and so on. This particular report went through months of review, but before it became a report people saw the Minutes of these sittings that we had. We had eleven meetings to discuss 2006 Auditor General's findings, but those meetings spanned almost two years. Our first meeting was on the 23rd March, 2009, we had a meeting on the 22nd June, 2009 and then we had a six-month break when we did not have any discussion – no meetings of the Public Accounts Committee – and then we met again on the 4th January, 2010. Hence, this report took a long time to get here, the discussion took a long time and, as the Chairperson said, many of these issues have been overridden by time. I was talking about the procedure of reports. We were discussing whether the report is proper here and I said that we have wasted a lot of time already. I thought that the Committee, as a whole, should adopt this report. That did not really happen and usually it does not because it keeps going and coming so when we make some corrections it goes and then it comes back to us. We have seen drafts about four times, but this final one has a lot of grammatical mistakes that I, as a teacher, would not have allowed to pass in a final report, but it did not come at the end for adoption by the Committee. That is missing and I think that is something we, as a Committee, have to correct. I am part of the Committee and I am saying that. The final thing to come here, instead of saying, "a treasury memorandum" we would have corrected it if it had come as the final report for adoption. The P.A.C. – and I am standing here to say this – as a Committee did not really adopt this as a final report. The main issues were discussed but these grammatical things inside... I am

sure people reading this would find fault with our English, basically, in this report. I thought I should say that.

I am hearing all kind of murmurings. I am not absolving myself from blame, but I am saying that we have to report to this Parliament and we have to report to the people of this country and I think the procedures we will have to make sure are followed in the future.

I listen to our Chairperson, Hon. Member Mrs. Lawrence, talk about the establishment of the Public Procurement Commission and I am very disturbed that that has not happened. As a Member of the Committee that is part of our job, we have to do. However, I have found out that years ago, probably in 2004, Government had submitted names for this Commission which did not find favour with the P.A.C. because apparently the people who were named were thought not to be fit and proper. So since then there has been discussions, I understand, between the Government and the Opposition at some high level and the names from the Government's side have not yet been forthcoming because, I am told, the names that the Government wants to put are names that they have confidence in, but are not finding favour with the Opposition.

I heard something about this Public Procurement Commission that I am bothered about. I thought that this Public Procurement Commission is essentially an Appeals Commission. If the National Procurement and Tender Board Administration makes an award and somebody has problems with it, they can appeal to this Public Procurement Commission; if rules have not been followed or the process was not legal. This Commission has a supervisory role over the N.P.T.A.B. and procurement processes. So to say that when contracts are awarded or not awarded... I heard some other thing that did not really fall within the Commission's... the N.P.T.A.B. is a perfectly legal body, it is there and the Public Procurement Commission is not going to take the place of that body. The Public Procurement Commission is a constitutional commission that has to listen to reports and to adjudicate and appeals and all of that.

2.42 p.m.

There is something that permeates the Auditor General's Reports all the time and there is one thing that always bothered me. The Auditor General makes comments for specific agencies and then those agencies send to the Public Accounts Committee their comments; they give an excuse or they say why something went wrong. It always bothered me as to why those things were not

done when the Auditor General first does his report and sends it to the agency so that they can resolve the matter and not when it comes to the Public Accounts Committee you have an officer saying, "Well they did not measure the road right and they have to go back to measure." This is about four years after the fact and I have always been bothered about this. We have always had issues on this and when I first came to the Public Accounts Committee, the Committee as a whole, and rightly so, placed reliance on the findings of the Auditor General and what he has in the report. I have found that in too many cases that reliance was misplaced, there were mistakes, there were incorrect findings with the Auditor General, himself, admitting that when they went back it was something different. That should not be. We must rely on the Auditor General's Reports and, again, the Public Accounts Committee is supposed to supervise the Auditor General's Office, but then when in the Auditor General's Office, in this same year, 2006, they had a problem about one member of their engineering department having gone outside of the instruction of the office to go and measure some work that was done somewhere on the East Coast. I do not know if they have yet disciplined that person, but it came to us as a finding and then they are saying that that is not the finding of the Auditor General. I find that if there are two cases that are misrepresented by the Auditor General those are two cases too many. We need to be able to rely on the Auditor General's Report and that is not always the case.

There is the issue that always takes up a lot of time for us and that is overpayment of contractors. When the Auditor General goes three years later then he finds that instead of 100 zinc sheets there are only 90, so now the Accounting Officer is going to write that contractor whom they have already paid, whom they have issued a Certificate of Completion to say, "Well, you were overpaid and you got to pay back this money." I am saying that legally they do not have a right to do that. If somebody has signed off then there has to be some way of recovering that money from the person who made the mistake because the contractor is not under any legal obligation to repay any money that he has gotten on a properly signed Certificate of Completion and we have said that all the time. Hence, on page 5 of this report, where it talks about "Outstanding Police Matters"... and that is why I am saying if this had come we would have changed this language where it says at 3.7 (ii), "Seek the assistance of the Attorney General with a view of bringing closure to matters..." that brings the impression that the Attorney General can go to court and say, "Finish it". That is not what we said. It should have read that we have to seek the legal

advice as to what matters they can take to court and what matters they cannot take to court where you have a chance of recovering or not.

Sir, this thing about overpayments to contractors is noted in the Auditor General's Reports very often, much too often. We have just completed 2007 and 2008 Reports. We found a few instances where there were not really overpayments. The Auditor General's people went back and said, "No, it is not true; this is something else." There are differences that are happening, but there are very clear cases where contractors have been overpaid. There are also very clear cases where things have been lent to contractors and not given back to agencies and all of that, which are in breach of rules and laws and these things come up all the time.

I know we were involved and I think the manual tells us, and I pointed it out on the last occasion and I am reminded that my colleague, Mr. Murray, and I were talking to each other about his and I know for however long he is ill, we will miss him on the Public Accounts Committee. The Public Accounts Committee will be much poorer for him not being there because Mr. Murray is one of the better Members of that Committee who reads and pays attention to all that is in the report and asks questions. There was this thing about the Budget. The rule says that the Public Accounts Committee sits with the Auditor General and we go through their Budget and we finalise, and the Public Accounts Committee submits the Budget to the Minister of Finance. We have done that. We did that for two years now, but the next thing in the rules says that the Public Accounts Committee must get a quarterly report about how the Budget is being spent. What is missing from those rules is what happens between the time when we submit to the Minister and the time when we have to look at how the quarterly thing is. There is nothing written down that the Ministry of Finance has to call the Public Accounts Committee in to discuss. It might be understood, but it is not written there and so, in the absence of that and I was once a Minister, I was the Head of an agency, the people who were called to discuss the Budget were the technical people – the Permanent Secretary and so on. The Minister did not go to discuss finally – at least not me – what was given. I do not know whether that is part of what is happening, but the feeling in the Public Accounts Committee is that probably when the Auditor General is going one or two Members of the Committee should be part of the team that goes to discuss and so we have asked the Auditor General to inform us when he is invited. He has never informed us when he has been invited. He has always come to us and told us that he went to the meeting. In the absence of a

written rule, I cannot say that anybody is in breach of a law, but there is that issue of obeying a law in spirit and obeying a law that is there in writing. I cannot say that there is anything in writing.

I mentioned that this report is written by the Auditor General because of the language. There are times when on my side I seem to be involved in trying to change language. Where the Auditor General expresses concern about certain things and what the Committee does is note the concern of the Auditor General but in the report it comes out as “the Committee is concerned”. We note the concerns that the Auditor General has. There is one issue that has been overtaken by time, one on page 9, 5.3, under “Ministry of Finance”, this thing about the lotto funds and where they are deposited. We know every year that has been said in the Auditor General’s Report that it is not deposited in the consolidated fund, it is against the law. In the mean time, there has been an illegal opinion issued by the Attorney General of this country that seems to think that that is not really against the law so if the Attorney General who is the legal advisor to the Government of this country gives that opinion and there are people who do not agree with his opinion then those people who do not agree will have to do something else because the Public Accounts Committee, myself and those on the Government side of the Public Accounts Committee recognise the opinion of the Attorney General and we will abide by his opinion – there are so many Auditor General’s that we meet. There is an Auditor General, Accountant General, Attorney General and they are all these Auditor General’s, the Attorney General’s legal advice.

As I said I have marked off a lot of things like, “damages to permanent and consumable items”. “Damages” is money; it should be “damage”. These things we would have corrected if I had seen this for the final time.

I would like to say that the Public Accounts Committee, when we sit as a Committee, adjudicated and do what we have to do in a spirit of total consensus, a spirit of total cooperation. We look at agencies that are not doing what they are supposed to do and we give advice or we do whatever we have to.

There is one thing about the Guyana Defence Force that I think the Auditor General again has to clean up in its house. Apparently there are some vouchers and the Hon. Chairperson of the P.A.C. mentioned this and that is why I am saying it. The Guyana Defence Force, apparently,

submitted some vouchers without documents. The Auditor General's Report says that they did not submit the vouchers and then they said that the vouchers were empty or did not have the documents but then when the Defence Force was called there was some staff of the Auditor General's Office that sent them away and said, "Yes, the documents were submitted." So apparently the Auditor General's Office needs to put its house in order with regard to the matters concerning the Guyana Defence Force to which our Chairperson was adverting because apparently the press is very interested in that story. **[Interruption by Mrs. Lawrence: It was the Police Force.]** Was it the Police Force? I am sorry. The Guyana Police Force, but that is not something that is current for this year. That is something that has come from years before.

All of these are things that I think we need to report. We need to report. We need to say that the report, this little document here, cannot really cover the things that we do, but generally, what I need to say, over the years we have been seeing improvements in the way the Accounting Officers deal with the moneys that are given to them and account for the moneys that they are given. There are more adherences to laws and so on. There are one or two people who do not... We had a not very nice experience with the Guyana Elections Commission (GECOM) person the other day, but on the whole, in the spirit of accountability and transparency I have to say that there are many agencies – this report does not really give them justice – that have improved.

I remember that there was one Region that did not have one current year issue for us to look at in 2008 and that says a lot. **[Interruption by Mrs. Lawrence: But we are not in 2008.]** I hear my Chairperson saying that we are not in 2008 and that is why I am saying that this is historical. Things have happened in between all of this and for us to confine ourselves to talk only about 2006, I think, will be wasting our time. Thank you very much, Sir.

Mr. Patterson: Thank you, Mr. Speaker. I rise to make some very brief comments and offer my support on the Public Accounts Committee Report on 2006. Before that let me say that the prayers of the Alliance For Change are with the Hon. Member, Mr. Winston Murray, and his family during these trying times. Mr. Murray has been like a mentor to me in the Public Accounts Committee and as the Hon. Member said his absence will be sorely missed.

I just want to respond to a few of the comments made by my colleague from the P.A.C. that preceded me. Firstly, I agree with her that there are grammatical mistakes that reflect on the

entire body of the P.A.C. However, I disagree with her about not seeing this before. It was circulated many times in hard copy and in electronic form. She had a million times to make the corrections she wanted or that are required so I think it is inappropriate to come here now to make is sound as though the Chairperson brought this to the P.A.C. without the consent of the entire P.A.C. It is totally inappropriate. All Members saw it on numerous occasions. She alluded to us not meeting. Once again I think it is inappropriate. The Chairperson was ill and we all acknowledged that. I think it was absolutely inappropriate.

The Hon. Member also made mention of occasions where some of the issues that were reported on by the Audit Office were overtaken by time, but I like to remind her and this entire House that the entire higher management staff of the Auditor General's Office are all actors, they are all acting. No one is confirmed. The staffing level at the Audit Office is 55 percent. Every year, as the Chairperson says, we submit a budget but the Ministry of Finance neglects to involve the P.A.C. in the deliberation. What the Hon. Member should be joining with the P.A.C. on is to help strengthen the staffing of the Audit Office to alleviate the two mistakes that may or may not have occurred within the report.

Concerning the statement about several prior-year matters in the current report, they are there are because they have never been rectified. They have never stopped breaching the breaches that were identified since 2006 and irrespective of the opinion of the Chairperson; there are several things which readily come to mind, such as the procurement policy of the Ministry of Health which the Auditor General continues to highlight and the Lotto Fund, irrespective of the legal opinion of the Attorney General. I think his advice will shortly be challenged and the truth shall prevail in a Court of Law.

Making mention that there are several prior-year matters in the current report, only seeks to highlight that there are only few other ways by which our agencies can digress. They have committed all of the sins previously and they are no new sins to be committed.

On the question of overpayment and when the Audit Office goes back to check: When the Audit Office goes to check it gives each agency a report and at that time when the report is given in most cases there would be an overpayment. What happens, when these overpayments are identified is that they either rush to rectify them or they come up with an excuse that they did

some other work with it, but they have not exceeded the contract sum, which are all in breach. Overpayments have occurred and they continue to occur. That is highlighted in this report.

We echo the sentiments of the Chairperson, on this side, on the non-establishment of the Public Procurement Commission. Since I have been a Member, I note that it comes up almost monthly, at every meeting and all we hear is the spokes person for the Government's side who liaisons our Hon. Member Mr. Komal Chand and I can quote his response. He is in discussion with the leaders of his Party and he has been imploring them to submit their names. I know the Chairperson may have an opportunity to speak again, but I do not know of any discussions that are going on between the Government and the main Opposition because the Alliance For Change is a duly **[Interruption by Mr. Robert Corbin: None.]** The Leader of the Opposition says that there is no discussion. I know that the Alliance For Change is not part of such discussion so I do not think that the Member should come here and hoodwink this House that their side is committed to establishment of the Public Procurement Commission **[Interruption by Ms. Bibi Shadick: Of course we are.]** Well submit your names if you are. Submit your names and let the discussion start. Even if the names are submitted and we cannot reach an agreement that would be a step forward but they have done nothing.

I would not go over the content of the report. I only want to have one particular matter which I find particularly irritating with the Public Procurement Commission and that is the attitude of Accounting Officers – non-submission of information and that which readily comes to mind is the Ministry of Works, during this report, whose representative and construction tsar, Mr. Walter Willis, came to P.A.C. and when questions about the extension of the four-lane highway and the award of an additional contract to the contractor without going to tender he said, and I can quote, that this was under the advice of his consultants. He was requested so additional \$2.5 million U.S. was awarded to a contractor with no tendering or any procedure done. He was requested three years ago to provide the supporting information and to-date nothing has been submitted. Unfortunately it is not within the power of the P.A.C. to actually sanction the officers for not providing this information and telling untruth, but the verbatim records will bear me out on what that officer said to the P.A.C.

Finally, I would like to express my thanks to the staff of Committees. They work extremely hard. Once again, I think it unfortunate that the Hon. Member who spoke before me and the Audit

Office sought to diminish the work that we do by claiming to not have the opportunity to peruse these reports before coming here, which I know is not true.

In closing, I support the laying of this report before this Committee.

Mrs. Lawrence (replying): I would just like to set the record straight on a few things. I think that my colleague, Ms. Bibi Shadick, got mixed up with 2006, 2007 and 2008 and I think that is because the intention of the Committee is to have all three reports laid together in the House. Unfortunately that did not happen but with regards to the adoption of this report, and as she rightly said the work of the Committee is done in a nonpartisan way and we have, as long as I have been a Member of the Committee we never had the opportunity to put our report up for voting. On the 9th July, 2010 it held its 70th Meeting, despite me not being there, at paragraphs 8.1.8 and 8.1.1 this is what the Committee's Minutes read:-

“Consideration of the Draft Report of the Public Accounts Committee of the National Assembly on the Public Accounts of Guyana for the year 2006

The Committee continued consideration of the above report and made amendments to pages 3, 4, 5, 6, 7, 9, 11, 12, 13-20 and 21. Thereafter, the Committee agreed that the Auditor General should incorporate the amendments and prepare the report for submission to the National Assembly.”

This was given to the Clerk to have it sent to the Clerk to the National Assembly for the publishing on the Order Paper for adoption. That is the first thing.

Secondly, I want to speak to the Procurement Commission because when I first came to the Public Accounts Committee several years ago this was a very hot item on the agenda and just let me inform the Hon. Member that there was no dispute as to which name or which person's curriculum vitae was submitted by the Government. The Government sent and recalled their submissions after several discussions and to-date they have not resubmitted their nominees' names and it is as simple as that. It is sad because at our Committee, for several months, we kept it on the agenda and after we felt ashamed for Mr. Chand as every week he had to report, “No, I do not have anything.” We took it off the agenda because he is not in control of that and we did not see it being repeated every week in our Minutes, “No, I do not have anything. I spoke to

them”, so we took it off. Please let us keep a straight line with this thing. We are working harmoniously and let us continue to do so.

The Public Procurement Commission is an important aspect in terms of our securing and procuring items and so it must come into being whether it oversees “x” or it oversees “y” the fact is that the Constitution of this country says that we must have a Public Procurement Commission and outlines in detail how we must go about it and the type of people we should look for to fill this commission, so let us not push it as some little “hairy fairy” something.

At no time in the recent months were we told at the Committee level that there are discussions between the Government and the Opposition because – let me set the record straight – there are no discussion going on between the Government and the Leader of the Opposition on the Public Procurement Nominees.

Thank you.

With regards to the prior-year matters I would ask my colleague to have a little chat with the Finance Minister about finances and how one does reporting and so on. If it has not been solved it is still on the books, Sir. The books cannot be closed, and if we look at the Auditor General’s Report, from pages 1-14 we would see the Auditor General mentioning for several years not that there are several public accounts that cannot be closed because of all of these delinquent acts in the various Ministries and agencies and they will continue to be on the accounts; like one agency which paid a contractor for work done and then turned around and gave him another cheque and three years after cannot collect this cheque back from the contractor but the contractor is going work for the agency. That is just a little thing, but there are several things that have to do with the Public Accounts and the Minister of Finance and the Accountant General cannot conclude their work unless these Ministries bring their acts in order, so do not let us talk about prior-year, they are there. There are many persons in those Ministries and agencies who are part of that problem and some of them feel, because Public Accounts Committee cannot sanction or have anything done to any of these officers, as they come before us for two hours or three hours that is it. “We go and we take our little blows and so from them and that is it.” They show us by their very behaviour, some of them by their body language in the Committee, that they do not care about the Public Accounts Committee. They only come because they have to come, but nothing can

happen to them. They write one thing in the report which they submit to the Committee then they come to the Committee and they tell us something different. Some of them wait until the very afternoon when they come and then they will tell us “No, we have a new set of comments for you. So do not worry with the one that you wasted all weekend going through. This is the one that you have to look at now.” Hence we must read the Auditor General’s Report once again and at the same time look at their comments.

When it comes to the Audit Office and the overpayment of contracts and so on, yes we have found times when the Auditor General went back and there are things that they might have missed and sometimes we hear how the person who took the Auditor General’s Staff around...

3.20 p.m.

When it comes to the Audit Office and the overpayment of contracts and so; yes, we have found times when the Auditor General went back that there are things which they might have missed. Sometimes we hear about how the person who took the Auditor General’s staff around was not the person; he was the gardener, he was the watchman, he was the caretaker and all sorts of things. There are sinister movement in terms of contracts, because the Auditor General’s staff went to a particular institution and could not find a wall, could not find windows, could not find grill work, but then after he went back subsequently, after they came before Public Accounts Committee the wall appeared, the windows appeared, the grillwork appeared. Let us be honest, because these people are robbing our country. That is what they are doing. One set of people are getting rich, and other people cannot enjoy what should be given to them. So let us be very careful with what we say in the Committee and what we come here and say to John Public. Let us be very careful.

I ask that the Government will give consideration to their nominees for the Public Procurement Commission so that we, the Public Accounts Committee members, can get on with our job.

I hear another story now about the Minister of Finance responding to Public Accounts Committee having submitted the budget for the Audit Office of Guyana. If the Minister of Finance in his mandate does not have to call the Public Accounts Committee then all he has to do is to write us and tell us so, simple. But, when we write the Minister of Finance he does not even

acknowledge our letter. So, we cannot come here and say one thing when we say something else at the Committee.

Whether we read the Act or we have not read the Act, I would like to inform this House that the Finance Secretary, the Accountant General, and the Auditor General sit at all of our meetings as advisors. I would like to, on behalf of the Public Accounts Committee, thank them for their advice which they have given to us, and more so, I would like to express sincere thanks on behalf of the Committee to the Clerk and the hardworking staff of the Committee's Division. As you would have been told, we go very late many nights; not because we want to, but many times because of the misinformation that is given to us. Nonetheless, we want to thank them for sitting with us, and for all the work that they have done in helping the Committee to conclude its work on the 2006 report, and even as we continue as a committee.

It would be remiss of me not to thank the media. I have noted in the last year or so that the media have taken an interest in Public Accounts Committee, and we want to thank them too. Also, I would like to thank all the members of this Committee who work very hard on the Committee and bring their contributions so that we can be able to meet our mandate in *purview-ing* comments of the Auditor General's Report. I now put this report for adoption by the House. Thank you.

Mr. Speaker: Thank you Hon. Member. Hon. Members I now put the motion.

Motion put and agreed to

Motion carried

Hon. Members this brings us to the end of our business for today.

Mr. Hinds: Mr. Speaker and Hon. Members, before I move the adjournment, I would like to take the opportunity to express, as leader of the House, on behalf of the PPP/C and on my own behalf, or concern about the health of our colleague Hon. member Winston Murray. I do so sir as I recall one of his last interactions in this House with myself, when he both commended me and at the same time took me to task for certain things where he thought I was lacking, I think in a manner which is quite acceptable and exemplary. In our roles of proposing and apposing we

need not be acrimonious, we need not take it personal, but we need to realize that at all times we are doing this, proposing and apposing, for the benefit of our country and all our people.

Mr. Speaker, even as we may have read the reports on his condition in the newspapers, we join very much with the prayers of Reverend Gilbert for a full and speedy recovery. We would like that to be. I now propose that the House be adjourned until the 2nd of December, two weeks away.

Mr. Speaker: Hon. Members thank you very much. The House is now adjourned until the 2nd of December.

Adjourned accordingly at 3.28 p.m.