



NATIONAL ASSEMBLY  
OF THE PARLIAMENT OF  
THE CO-OPERATIVE REPUBLIC  
OF GUYANA

# OFFICIAL REPORT

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION  
(2020-2022) OF THE TWELFTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION  
OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE DOME OF THE ARTHUR  
CHUNG CONFERENCE CENTRE, LILIENDAAL, GREATER GEORGETOWN*

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35<sup>TH</sup> Sitting

Monday, 24<sup>TH</sup>, January 2022

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**PARLIAMENT OFFICE  
HANSARD DIVISION**

*The Assembly convened at 2.23 p.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

## **ANNOUNCEMENTS BY THE SPEAKER**

### **Congratulatory Greetings**

**Mr. Speaker:** First, let me offer my congratulations to the Hon. Member, Ms. Geeta Chandan-Edmond on her election as the General Secretary of the People's National Congress (PNC).

### **Welcome**

**Mr. Speaker:** Hon. Members, welcome to this first sitting of the New Year, 2022. Our last year was a very robust one, and I foresee that, in the conduct of the business of the people of our country, we will continue to exchange our views in the most effective way we can, and, in the end, we can move forward this nation of ours.

## **PRESENTATION OF PAPERS AND REPORTS**

The following paper was laid:

The Public Health (Coronavirus) (No.2) Regulations 2021 – No. 14 of 2021

*[Minister of Health]*

## **ORAL QUESTIONS WITHOUT NOTICE.**

**Mr. Speaker:** Hon. Members at 12 o'clock today, we received a notice for a question from the Hon. Member, Mr. Ganesh Mahipaul, under this item. Hon. Members, we do have some conventions and, for questions like these, our convention is that they be received – this was a ruling going way back to the Hon. Speaker Mr. Ralph Ramkarran – that these questions be submitted at least three hours before the sitting. We also have the Standing Orders, and such questions should be urgent. Under that particular Standing Order 18(b), I do not see that I could exercise any discretion in waiving the time limit and allowing for this question. It could properly be resubmitted to the respective Minister.

**Mr. Mahipaul:** Cde. Speaker.

**Mr. Speaker:** Yes, Mr. Mahipaul.

**Mr. Mahipaul:** Thank you, Cde. Speaker. Cde. Speaker, the Standing Order that I have does not specify the time requirement, so I believe there needs to be...

**Mr. Speaker:** Hon. Member Mr. Mahipaul, you were advised, when you submitted the questions, by the Clerk of the National Assembly about the three hours limit. We have a set of rulings by Speakers which has been circulated. Sorry, not to Mr. Mahipaul but to Mr. Jones. I am being informed by the Clerk that the Chief Whip, who submitted this, was informed.

## **QUESTIONS ON NOTICE**

### **[For Written Replies]**

**Mr. Speaker:** Hon. Members, on today's Order Paper there are eight questions, and all of these questions are for Written Replies. Questions one, two and three are in the name of the Hon. Member, Ms. Annette Ferguson. Questions one and two are for the Hon. Minister of Housing and Water. Question three is for the Hon. Minister of Public Works. Questions number four, five, six, seven and eight are in the name of the Hon. Member, Mr. David Patterson, and are for the Hon. Minister of Natural Resources. The answers to these questions have been received and have, therefore, in accordance with our Standing Orders, been circulated.

### **(1) Relocation of Broad and Lombard Streets Residents**

**Ms. Ferguson:** During the Coalition Government's tenure in Office, commitments were made to relocate residents of Lots 17 and 18 Broad and Lombard Streets and to have them resettled into wholesome communities, which began in July, 2017. A total of 140 persons were affected with 51 being households.

The project was identified in two (2) phases:

Phase 1: Relocation of twenty (20) households to Prospect, East Bank Demerara and

Phase 2: Relocation of twenty (20) households to Cummings Lodge, Greater Georgetown.

The Coalition Government commenced and completed Phase 1 prior to leaving Office on 2<sup>nd</sup> August, 2020.

Can the Hon. Minister say whether Phase 2 of the Project has commenced? If yes, can the Minister state the location and how many houses have been constructed?

**Minister of Housing and Water [Mr. Croal]:** Relocation of persons from zero tolerance areas is part of the Ministry's Housing Programme.

**(2) Allocation Policy on Consideration of Household Income**

**Ms. Ferguson:**

(a) Can the Hon. Minister state whether there has been a change in Policy regarding household income for allocation to determine eligibility post 2<sup>nd</sup> August, 2020? If yes, what has occasioned this change and what is the new Policy as per category for eligibility?

(b) Was there a public advisory to guide applicants? If yes, when, and how was this done?

**Mr. Croal:** There has been no change to date post August, 2020 with regard to the policy for household income for allocation to determine eligibility.

**(3) China Harbour Engineering Company (CHEC)**

**Ms. Ferguson:** In an online article carried by *News Room* on 9<sup>th</sup> January, 2021, captioned, the Honourable Minister tells China Harbour Engineering Company (CHEC): 'Stick to outstanding works deadline on Cheddi Jagan International Airport (CJIA)'.

(a) Could the Hon. Minister state if the \$400 million was catered for in *Budget 2021*?

(b) What percentage of works on the project has been completed to date and the total sums paid as at 31<sup>st</sup> August, 2021?

(c) What is the balance on the project as at 31<sup>st</sup> August, 2021?

(d) When is the project likely to see its final completion?

(e) Could Hon. Minister kindly provide a status update on the Contractor's performance?

- (f) What mechanisms are in place to ensure that Guyanese taxpayers do not lose anything by China Harbour Engineering Company, if they are to walk away?

**Minister of Public Works [Mr. Edghill]:**

- (a) No. Provided for by the way of Supplementary Financial Paper No. 4/2021 for the period ending 31<sup>st</sup> December, 2021.
- (b) One hundred per cent regarding works under the Agreement to vary contract for Civil Works: Extension of CJIAC. Fifty four per cent regarding the additional scope of works. CHEC was paid a sum of US\$133,961,367.76.
- (c) The balance on the Project is US\$3,567,206.96.
- (d) All work under the Agreement to vary contract for Civil Works, Extension of CJIAC were completed as of 31<sup>st</sup> December, 2021.
- (e) As of 31<sup>st</sup> December, 2021, all outstanding works were completed and accepted by the employer along with the completion of 54% of the additional work, hence, CHEC's performance is considered fair.
- (f) The Government of Guyana (GoG) has retained over 50% of the retention value (US\$6,900,000), which is US\$3,500,801.92.

**(4) Tender Evaluation for the Audit of ExxonMobil Post 2017 – Expenses**

**Ms. Ferguson:**

- (a) Can the Hon. Minister inform this Parliament if the Tender Evaluation for the Auditors for ExxonMobil post – 2017 expenses, which totalled approximately US\$9 billion, was discontinued?
- (b) Can the Minister inform this Parliament who made the decision to discontinue the evaluation process?

- (c) Can the Minister inform this Parliament if the National Procurement and Tender Administration Board (NPTAB) was informed as to the reasons why the evaluation process was discontinued? If yes, can the Minister provide this Parliament with copies of these correspondence?

**Minister of Natural Resources [Mr. Bharrat]:**

- (a) (i) Mr. Speaker, this Government did not discontinue any tender evaluation process. In fact, the procurement process from advertisement to receipt of bids, establishing a panel of evaluators, to having a review of the evaluation process is currently ongoing.
- (ii) Mr. Speaker, please allow me to say, given that this Government remains committed to local content development, at the national level, there is little doubt that we have the requisite baseline technical accounting skills to participate in the post-2017 cost recovery audit process. However, our local accounting firms are yet to gain experience in conducting a petroleum cost audit exercise, especially of this magnitude. Therefore, this Government sees it apt to allow local firms to participate in the cost audit exercise alongside an international firm. Presently, this review is ongoing.
- (b) Mr. Speaker, once again, this Government did not terminate the evaluation process, as I have explained in the response to the previous question. Mr. Speaker, the question that should probably be asked here is why the previous Administration, with all their infinite knowledge and advisors, failed to make the necessary provisions for capacity building in the Government services and Private Sector to execute such audits. Mr. Speaker, another question that can probably be asked is why the then Government, with their infinite knowledge and advisors, did not take any steps to commence audits of any of the other fields and it is now left for this Administration to clean this up?
- (c) Through the NPTAB, the evaluation process is ongoing. Let me reiterate, this Government did not terminate the evaluation process.

**(5) Audit of ExxonMobil Precontract Costs**

**Mr. Patterson:** Can the Minister confirm that the audit of ExxonMobil precontract costs of US\$460 million was completed? If yes, can the Minister provide the Parliament with a copy of the Audit Report?

**Mr. Bharrat:** Mr. Speaker, the simple answer to the question is no. The cost recovery audit process is still ongoing. The Government of Guyana, when we took Office, was alarmed at the limited work done in this regard by the previous Administration and immediately commenced with international consultants and local agencies to have a number of shortcomings addressed. Currently, the Government is working to answer every questionable detail with the operator and the auditor to ensure that all expenditures are justifiable and accounted for as per the terms of the agreement.

**(6) Budget 2021 Allocations for Costs Conducting Audits of ExxonMobil Post - 2017 Expenses**

**Mr. Patterson:** Can the Minister confirm that *Budget 2021* includes allocations for the costs for conducting audits on ExxonMobil post – 2017 expenses? If yes, kindly state the budgeted sums?

**Mr. Bharrat:** Mr. Speaker, as this Government has said countless times, we are determined to ensure the greatest levels of transparency and accountability in the management of the Oil and Gas Sector. It is in this regard, that the Government has taken the necessary steps, including the budgetary provisions for the auditing of the post-2017 costs. Yes, the Government of Guyana has ensured that the auditing process is catered for in the Budget. The budgeted amount is US\$250,000.

**(7) Submission of Bids for The Audit of ExxonMobil Post – 2017 Expenses**

**Mr. Patterson:** Can the Minister provide the names of all persons, firms and companies who submitted bids to perform the audit and specific reasons why none were successful?

**Mr. Bharrat:** Mr. Speaker, this procurement process is still ongoing, and we will not share sensitive information until the process is completed. However, the Hon. Member would be aware that the minutes of all NPTAB Tender openings can be viewed online if list Bidders is required.

**(8) Extension of Deadline for Auditing ExxonMobil US\$9 Billion**

**Mr. Patterson:** Can the Minister inform this Parliament, if the Ministry of Natural Resources has approached ExxonMobil for an extension of the deadline for auditing their US\$9 billion expenses? If yes, can the Minister provide this Parliament with such documentation including the response by ExxonMobil?

**Mr. Bharrat:** Mr. Speaker, let me make this absolutely clear for the Hon. Members of this House and the general public, the cost recovery auditing process and by extension the verification of profit share is a Government of Guyana undertaking. This is not an ExxonMobil, Esso Exploration and Production Guyana Limited (EEPGL) nor any other company work. This is the duty of the Government to get this done.

We are in the final stages of completing the first cost recovery audit which covers the periods of 1999 to 2017, a process that was left undone and found wanting by the previous Administration. We are now in the process of ensuring the second cost recovery audit process can be commenced.

This second period of audit for the Stabroek Block is from 2018 to 2020. So, Mr. Speaker, we are working to ensure that we have a diligent process and procedures in our responsibility of costs recovery audits, which will include all active offshore blocks of Guyana.

## **PUBLIC BUSINESS**

### **GOVERNMENT BUSINESS**

### **MOTIONS OF PRIVILEGE**

“Referring Some Members of the A Partnership for National Unity Alliance For Change Coalition to the Privileges Committee for contempt, breaches of privileges and gross misconduct in the National Assembly on December 29th, 2021

WHEREAS at the 34<sup>th</sup> Sitting of the National Assembly, held on 29<sup>th</sup> December 2021, at the Arthur Chung Conference Centre, Members of the A Partnership For National Unity/Alliance For Change Coalition conducted themselves in a grossly Disorderly, contumacious, and disrespectful manner, and in particular repeatedly disregarded, disrespected, and ignored the authority of the Assembly and that of the Speaker, thereby committing contempt and breaches of privileges;



AND WHEREAS the following Members, by the conduct complained of above, attempted to prevent the second and third readings of the Natural Resource Fund Bill No. 20 of 2021:

- Hon. Christopher Jones, M.P., Opposition Chief Whip,
- Hon. Ganesh Mahipaul, M.P.,
- Hon. Sherod Duncan, M.P.,
- Hon. Natasha Singh- Lewis, M.P.
- Hon. Annette Ferguson, M.P.,
- Hon. Vinceroy Jordan, M.P.
- Hon. Tabitha Sarabo-Halley, M.P.
- Hon. Maureen Philadelphia, M.P.

AND WHEREAS Hon. Members Annette Ferguson and Vinceroy Jordan further Committed contempt and breaches of privileges by forcefully, unauthorisedly, and in a disorderly fashion, removing the Mace from its rightful position, and attempting to remove it from the Chamber, thereby creating grave disorder, and chaos, which resulted in injuries to a member of staff of the Parliament Office and damage to the Mace;

AND WHEREAS Hon. Member Tabitha Sarabo-Halley committed contempt and breaches of privileges by unauthorisedly entering the communication control room of the Arthur Chung Convention Centre and destroyed several pieces of audio-visual equipment, being public property, with the intention to disrupt the sound and internet connection so as to affect the Assembly from conducting its lawful business;

AND WHEREAS the House is reminded that the Rules of Order, Standing Order 47 (1) to (10) sets out the authority of the Speaker in dealing with gross and grave disorder in the National Assembly and procedures therein;

AND WHEREAS the named Members brought the image of the National Assembly of Guyana into disrepute at a level never witnessed in this House before and set a shameful example by elected representatives to the public, and, particularly the young generation;

BE IT RESOLVED:

That this National Assembly expresses its unwavering abhorrence of such gross Disorderly conduct, contempt and breaches of privileges which took place on December 29, 2021;

BE IT FURTHER RESOLVED:

That this National Assembly commits the following eight-named Members to the Committee of Privilege in accordance with Standing Order 32:-

- Hon. Christopher Jones, M.P., Opposition Chief Whip,
- Hon. Ganesh Mahipaul, M.P.,
- Hon. Sherod Duncan, M.P.,
- Hon. Natasha Singh- Lewis, M.P.
- Hon. Annette Ferguson, M.P.,
- Hon. Vinceroy Jordan, M.P.
- Hon. Tabitha Sarabo-Halley, M.P. and
- Hon. Maureen Philadelphia, M.P.

AND BE IT FURTHER RESOLVED: That this Assembly calls on the Privilege Committee, due to the seriousness of these Violations, to act with alacrity and report to the National Assembly within one month from the date hereof.”

*[Minister of Parliamentary Affairs and Governance and Government Chief Whip]*

**Minister of Parliamentary Affairs and Governance and Government Chief Whip [Ms. Teixeira]:** I rise with your permission, Mr. Speaker, to raise a matter which I have sought your approval to bring before this House, under Standing Order 32 (3) with regard to privilege.

On 29<sup>th</sup> December, 2021, this day will go down in the annals of the Guyana Parliament. The events during the debate on the Natural Resource Fund Bill has been recorded by the media, citizens, reporters and persons who were viewing the livestream on that day. The evidence is overwhelming. This is recorded evidence that cannot be erased or forgotten. In fact, it was seen in Guyana nationally and globally.

Of special note, is that the space between the Government side and the Opposition side is in any Parliament considered the safe zone, the safe space. Any entrance without permission is interpreted as an act of aggression and a threat to the safety of Members of Parliament. This we saw too by the Opposition Members unmasked on the 29<sup>th</sup> December. These events that transpired in this House: the stealing and the damage to the Mace of Guyana, the deliberate wilful damage to the equipment of the Arthur Chung Conference Centre and the control communications room, the assault on a member of staff, the repeated disregard for the Speaker and the authority of the Assembly which require stern measures. As a consequence, I have brought and sought your leave and received your permission to bring a Privilege Motion and I do so now. Thank you. The motion reads as follows Members of Parliament and Mr. Speaker:

“WHEREAS at the 34<sup>th</sup> Sitting of the National Assembly, held on 29<sup>th</sup> December 2021, at the Arthur Chung Conference Centre, Members of the A Partnership For National Unity/Alliance For Change Coalition conducted themselves in a grossly Disorderly, contumacious, and disrespectful manner, and in particular repeatedly disregarded, disrespected, and ignored the authority of the Assembly and that of the Speaker, thereby committing contempt and breaches of privileges;

AND WHEREAS the following Members, by the conduct complained of above, attempted to prevent the second and third readings of the Natural Resource Fund Bill No. 20 of 2021:

- Hon. Christopher Jones, M.P., Opposition Chief Whip,
- Hon. Ganesh Mahipaul, M.P.,
- Hon. Sherod Duncan, M.P.,
- Hon. Natasha Singh- Lewis, M.P.

- Hon. Annette Ferguson, M.P.,
- Hon. Vinceroy Jordan, M.P.
- Hon. Tabitha Sarabo-Halley, M.P.
- Hon. Maureen Philadelphia, M.P.

AND WHEREAS Hon. Members Annette Ferguson and Vinceroy Jordan further Committed contempt and breaches of privileges by forcefully, unauthorisedly, and in a disorderly fashion, removing the Mace from its rightful position, and attempting to remove it from the Chamber, thereby creating grave disorder, and chaos, which resulted in injuries to a member of staff of the Parliament Office and damage to the Mace;

AND WHEREAS Hon. Member Tabitha Sarabo-Halley committed contempt and breaches of privileges by unauthorisedly entering the communication control room of the Arthur Chung Convention Centre – which is a part of the Chamber of the National Assembly as proclaimed by His Excellency the President since September, 2020 – and destroyed several pieces of audio-visual equipment, being public property, with the intention to disrupt the sound and internet connection so as to affect the Assembly from conducting its lawful business;

AND WHEREAS the House is reminded that the Rules of Order, Standing Order 47 (1) to (10) sets out the authority of the Speaker in dealing with gross and grave disorder in the National Assembly and procedures therein;

AND WHEREAS the named Members brought the image of the National Assembly of Guyana into disrepute at a level never witnessed in this House before and set a shameful example by elected representatives to the public, and, particularly the young generation;

BE IT RESOLVED:

That this National Assembly expresses its unwavering abhorrence of such gross Disorderly conduct, contempt and breaches of privileges which took place on December 29, 2021;

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- Hon. Christopher Jones, M.P.,
- Hon. Ganesh Mahipaul, M.P.,
- Hon. Sherod Duncan, M.P.,
- Hon. Natasha Singh- Lewis, M.P.
- Hon. Annette Ferguson, M.P.,
- Hon. Vinceroy Jordan, M.P.
- Hon. Tabitha Sarabo-Halley, M.P. and
- Hon. Maureen Philadelphia, M.P.

AND BE IT FURTHER RESOLVED: That this Assembly calls on the Privilege Committee, due to the seriousness of these Violations, to act with alacrity and report to the National Assembly within one month from the date hereof.”

Thank you.

**Mr. Speaker:** Thank you, Hon. Minister. The matter is now referred to the Privilege Committee.

### **No-Confidence Motion**

**Mr. Speaker:** Hon. Members, today, the Clerk of the National Assembly received two motions from the Hon. Chief Whip of the Opposition. One, a No-Confidence Motion in the Speaker of the National Assembly, that motion will go through the regular procedures.

### **Motion to send Members of the Government to the Privilege Committee**

Secondly, there was a motion moved to send a number of Hon. Members from the Government side to the Privilege Committee. We received that motion this morning. Unfortunately, the motion to send Members to the Privilege Committee was received under the letterhead of the Leader of the Opposition Press Released. The Clerk and I spoke. The Clerk inform the Chief Whip and that

motion was resubmitted just over an hour before this sitting. As such, I did not have an opportunity to review the matters raised. I want to assure the Hon. Member, Mr. Jones, that it is going to be done expeditiously, and we will deal with his motion. Thank you.

2.38 p.m.

## **PUBLIC BUSINESS**

### **GOVERNMENT BUSINESS**

#### **BILLS – Second and Third Readings**

**Mr. Speaker:** Hon. Members, we will proceed with the second reading of the Human Organ and Tissue Transplant Bill 2021 – Bill No. 19/ 2021, published on 2021-12-15.

**Opposition Chief Whip [Mr. Jones]:** Mr. Speaker, am I not being acknowledged?

**Mr. Speaker:** Before I call on the Hon. Minister of Health, I see the Chief Whip for the Opposition on the floor.

**Mr. Jones:** Thank you, Mr. Chairman. In reference to the e-mail you mentioned, I sent two e-mails to the Clerk of the National Assembly last evening. Both e-mails were not on the Leader of the Opposition's letterhead. I have it here.

**Mr. Speaker:** Hon. Member, Mr. Jones, we have the staff of the Parliament Office here, we have the e-mails, and you could clarify that with them. Hon. Minister of Health, you have the floor.

#### **(1) Human Organ and Tissue Transplant Bill 2021 – Bill No. 19/ 2021**

A BILL intituled:

“An Act to make provision for the donation and removal of human organs, tissues, cells and biofluids for transplantation and blood for transfusion, for their use for regenerative medicine including cell therapy, gene therapy and stem cell therapy, and other therapeutic purposes, for medical education and for scientific research purposes including stem cell research, cell explant research and cell line research,

and for connected matters.

*[Minister of Health]*

**Minister of Health [Dr. Anthony]:** Thank you very much, Mr. Speaker. Hon. Members, I rise to present the Human Organ and Tissue Transplant Bill 2021 for its second reading. This Bill seeks to create an enabling legislative framework for cell, tissue, organ, biofluid transplantations and for blood transfusion, the development of regenerative medicine and the expansion of medical education and scientific research.

Organ transplantation is not a new phenomenon. For more than a century, surgeons have replaced diseased organs with healthy ones and, in the process, have been able to perfect surgical techniques, organ preservation, tissue typing and now we are even doing xenotransplantation. Over the years, transplants have helped to extend the life expectancy of many patients and have been accepted as the best therapy for patients with terminal and irreversible organ failure. In 2020, the Global Observatory on Donation and Transplantation (GODT) estimated that there were 129,681 solid organ transplants, which were done in the world – 80,926 kidneys, 32,586 livers, 8,101 hearts, 5,940 lungs, 1,970 pancreas, 158 small bowel transplants.

All the experts agree that transplantation is the best therapy for patients with end-stage organ failure. After a successful transplant, the patient's clinical condition would significantly improve, along with the attendant comorbidities. These clinical changes help improve the patient's quality of life, and, in many instances, these patients could return to everyday life and improved life expectancy. Several studies have shown that for patients with end organ failure, transplant is often the most cost-effective form of treatment.

Philanthropist, the late George Subraj, was a very strong advocate for organ transplant. Mr. Subraj funded several medical missions to Guyana. First, to assess the state of patients with End-Stage Renal Disease (ESRD) and then to work on the development of a dialysis programme, which eventually led to the first kidney transplant by Dr. Rahul Jindal and his team on 12<sup>th</sup> July, 2008. Between 2008 to 2014, there were 30 kidney transplants using living donors done here in Guyana. These early transplant surgeries were done at the Dr. Balwant Singh Hospital. These pioneering surgeries gave hope to a lot of patients, but it also inspired many of our local doctors to take up the field of transplantation. One such doctor, Dr. Kishore Persaud, was sent to Canada to train in

organ transplantation. Upon his return in 2015, the Georgetown Public Hospital Corporation (GPHC) established a transplant unit under his leadership. The GPHC team has successfully transplanted 36 patients who were diagnosed with End-Stage Renal Disease. The survivability of these patients has improved tremendously. This programme has given hope to patients with End-Stage Renal Disease because many of them could now access this programme. Currently, there are close to 200 patients receiving dialysis, requiring at least three sessions per week. Many of these patients are unable to work because of the type of illness that they have, and transplant would certainly be able to change the outcome for these patients.

The successes of our home-grown programme have attracted Caribbean-wide attention. You would recall that in July last year, Dr. Bristol of Grenada came to Guyana and to the GPHC and had a successful kidney transplant done there. At the press conference, she said to receive such a surgery in other jurisdiction would have cost her close to US\$400,000. We did it here in Guyana for free. Since this type of surgery, several other countries are now enquiring whether they could send patients to us here in Guyana. Apart from solid organ transplants, such as kidney, the George Subraj Foundation also funded a corneal transplant programme. A corneal transplant replaces a diseased cornea with a new one. When the cornea becomes cloudy, light cannot penetrate the eye to reach the retina. Therefore, that person would have poor vision, often resulting in blindness. In corneal transplant, the surgeon removes the central portion of that cloudy cornea and replaces it with a clear cornea. This programme, also, was started by Dr. Jindal, but was also done with the help of Dr. Joseph Pasternak and Steven Wallen who, initially in 2014, performed six corneal transplants, again, at the Dr. Balwant Singh Hospital.

The transplanted corneas were acquired from an eye bank in the United States of America (USA) and after these successful surgeries, the programme was transferred to the Georgetown Public Hospital Corporation. Dr. Shailendra Sugrim and a local team of doctors were trained on corneal transplantation techniques. To date, the local team, spearheaded by Dr. Sugrim, have completed 93 corneal transplant surgeries at the Georgetown Public Hospital Corporation. Cornea transplantation has been a gamechanger for many patients who, a generation ago, would have been blinded permanently. They now could have their sight restored with a corneal transplant. Currently, the cost of such a transplant ranges between US\$13,000 and approximately US\$27,000. Unfortunately, the cost of a cornea is very prohibitive for most patients. This legislation would



allow the development of a local eye bank, which would recover and store ocular tissues from donors for transplant to eligible recipients. This measure would assist hundreds of persons in regaining their sight at a very affordable cost.

We all know that blood transfusion is a very indispensable part of the practice of medicine in Guyana, both for medical purposes and for surgical purposes. Before 1990, there were several private and public blood banks which collected and transfused whole blood. This was a very inefficient use of blood and, in many instances, did not allow for a robust standard in preventing transfusion transmitted infections. In the 1990, a National Blood Transfusion Services (NBTS) was developed in the public sector, with the assistance of the World Health Organization (WHO), the European Union (EU) and, later, the U.S. Government, through the President's Emergency Plan for AIDS Relief (PEPFAR) initiative.

In the early 1990, Guyana was able to move away from whole blood and we started doing the separation of blood components, such as red pack cells, platelets and plasma. In the 2000s, with the funding from PEPFAR, we developed a robust programme to prevent transfusion transmitted infections, such as hepatitis B, hepatitis C, Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome (HIV&AIDS), Cytomegalovirus (CMV), syphilis, human T-lymphotropic virus, chagas, malaria, and microfilaria. The blood bank could also now produce specialised blood products, such as leukoreduced packed cells, platelets, pooled platelets, pooled cryoprecipitate apheresis platelets and washed red blood cells. We have also changed the pattern of blood collection, from families of patients donating most of the blood to moving to 98-100% voluntary blood donation. There is no doubt that transfusion medicine has saved countless lives in Guyana. Now, the blood bank is contemplating the next wave of development and that is to do blood fractionation. That is, to look at various fractions of the blood such as to be able to produce factor 8, which is necessary for haemophiliacs. If they do not get the factor 8, they could bleed to death.

While we have been transfusing blood for several decades, have been transplanting kidneys since 2008, and have been transplanting corneas since 2014, there has been no legal framework in place to regulate the donation of blood, organs, cells, or tissues. This legislation is now going to put that framework in place so that this could be done ethically and safely and in keeping with the global best practices.

2.53 p.m.

Transplant medicine and transfusion medicine have undergone extensive transformation. In the early days of transplant medicine, surgeons struggled to prevent organ rejection. Immunology research has given us new knowledge on how to successfully suppress the recipient's immune system using immunosuppressant medicine. Newer techniques are now paving the way to grow organs and to prevent rejection. We are now transitioning from the traditional way of doing transplantation into an era of regenerative medicine (RM). New research is now pointing the way to that future of patient care. In a book based on organ repair and regeneration, Paula Grisales and team describe how the transplant landscape is changing and how it is moving away from traditional to regenerative medicine. I just want to give a little quote. They stated:

“Progress in cell and extracellular matrix (ECM) biology in biomaterial science and developmental biology, in cell and tissue physiology have paved the ground for the development of technologies that, when mature, will enable the “*organ on demand*” whereby organs will be manufactured from patients’ own cells.”

When this is achieved, no immunosuppression would be needed. No waiting list would be necessary. No preservation of organs would be required as these organs, tissues, or cells would be manufactured on demand and implanted immediately. This Bill would allow us, our scientists, our researchers, and our clinicians to start researching and exploiting the benefits of regenerative medicine. One of the applications of regenerative medicine is cell-based therapies. Cell-based therapies treat, repair, or replace diseased organs and tissues with new, healthy, and functional ones. The discovery of stem cells and their capabilities – their capacity for self-renewal and differentiation – has led to cell-based therapies, drug discoveries, and tissue engineering.

Currently, cell-based therapies are used to treat haematological disorders such as Acute Myeloid Leukaemia (AML), Lymphoma, Sickle Cell Anaemia, immune deficiencies, and Beta Thalassemias. It is also being used in wound healing and skin injuries. It is also being used in neurological disorders such as Parkinson's disease and spinal cord disorders. It is also being used in autoimmune disorders such as Multiple Sclerosis (MS), Rheumatoid Arthritis (RA), Crohn's disease, and Type 1 Diabetes. Cardiac diseases, including ischemic heart diseases, have also benefitted from cell-based therapies. Ocular disorders, such as macular degeneration and retinitis

pigmentosa (RP), have also benefitted from this type of therapy. Bone diseases, such as Osteosarcoma, Osteoporosis, and Osteoarthritis (OA), are also targets for cell-based therapies. Cell-based therapies are among the most exciting and revolutionary medical advances in the 21<sup>st</sup> century. It is providing new hope for many patients and this Bill provides the use of this type of therapy in Guyana.

This Bill is in keeping with the revised World Health Organization (WHO) Guiding Principles on Human Cell, Tissue and Organ Transplantation. All 13 of these guidelines are reflected in the various sections of the Bill. The Bill will establish a human organ and tissue transplant agency which will oversee all future transplants of cells, biofluids, tissues, and organs in Guyana. It will also establish a national donor and transplant registry so that we can manage this process very effectively.

The registry would have a list of persons who have consented to donate their organs. It would also have another list of persons who require these donations. It would also prescribe the eligibility criteria for live, adult donors – what are required before they can enroll into the registry – depending on the type of donation that they are doing, whether it is a regenerative or a non-regenerative organ. It would also provide for live minor donors or their parents or guardians to give consent but only for the removal of a regenerative organ. In each case where consent is given, we would also have to get the assessment of an independent assessment committee to determine whether to proceed or not to proceed with such a donation. These safeguards are in keeping with international best practices.

This Bill also allows for the donation of organs after the patient dies. Clause 9 deals with all issues relating to such a donation. Again, in this clause, there is the appropriate balance of the principles of altruism, autonomy, dignity, fruitily, and equity. This Bill also makes it compulsory for anyone who would be donating to give consent. Consent is a fundamental component of this Bill, and the details are clearly outlined in clauses, 5, 6, and 7, as in the case for live donors, and clause 9 for those patients who die. It also provides for if an individual's consent is not known. A next-of-kin would have to indicate the individual's wish to proceed with the donation. These clauses of the Bill cover the activities for which consent is required, the conditions of consent, and how to withdraw that consent. At any time, if any one of the persons listed would like to withdraw, they can do so.

The Bill also formally establishes the National Blood Transfusion Services Department. This department co-coordinates and manages blood transfusion services throughout Guyana. It would be responsible for the establishment of blood banks, the manufacturing of various blood products for blood transfusion, the managing of a voluntary donation system, and having a robust approach to prevent transfusion-transmitted infections. This Bill also creates new offences for persons who attempt to trade and sell tissues, biofluids, blood or organs. In some countries, donated organs may be purchased legally or illegally. This had led to vulnerable persons being tricked or coerced into donating their organs. This clause of the Bill is in keeping with the WHO guidelines and would prevent such practices from ever occurring in Guyana. In designing the Bill, the drafters at the Chambers of the Attorney General ensured that we followed all the international best practices, especially the WHO's guidelines. We have benefitted also from the advice and the expertise of the Pan-American Health Organization (PAHO) and from transplant programmes in the European Union (EU), the United States of America and Canada.

I would just like to single out a few people, Mr. Speaker. I want to thank Dr. Steven Guy and the team from the George Subraj Foundation who offered very useful advice and comments on the draft Bill. I would also like to thank Professor Kishan Narine, a Research Associate Professor of cardiac surgery in the Department of Cardiac Sciences, Libin Cardiovascular Institute of Alberta, University of Calgary (LIBUC) and formerly the Co-Director of the Cardiac Transplantation Program in Belgium. I would also like to thank Dr. Niven Narain, the Co-Founder, President and Chief Executive Officer (CEO) of Berg. He serves as an Advisor on the Board of Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law. He has been able to provide us with very useful advice. There is Dr. Maria Paula Gomez, who is a Donation & Transplantation Institute (DTI) expert and Medical Coordinator of the International Registry on Organ Donation and Transplantation (IRODaT). She also provided very useful advice to us. There is Dr. Serdar Yilmaz, who is an expert with over 24 years of experience in organ transplantation. He is a Multi-Organ Transplant Surgeon at the University of Calgary in Alberta. There is Dr. Narendra Singh, Consultant Paediatrics of Humber River Hospital, and an Associate Clinical Professor at McMaster University. There is Dr. Hassina Mohammed, Resident in Anaesthesiology & Intensive Care and the person responsible for the National Organ Transplant Unit (NOTU) in Trinidad and Tobago. There is Dr. Brittany Dingley, the Surgical Oncologist at the Ottawa Hospital.

We also benefitted from a number of the local experts who provided leadership in pushing for this particular Bill and whose practice this Bill would directly affect. They include Dr. Alexandra Harvey, the Anaesthesiologist and Director of the Institute of Health Sciences Education (IHSE) at the Georgetown Public Hospital Corporation; Dr. Kishore Persaud, the Head of Department, Multi-Organ Transplant and Vascular Access Surgery at the GPHC; Dr. Bolan Persaud, Medical Officer, Multi-Organ Transplant and Vascular Access Surgery at the GPHC; Dr. Onica Higgins-Gill, Anaesthesiologist and Intensivist; Dr. Pedro Lewis, Director of the National Blood Transfusion Services; Dr. Shailendra Sugrim, Head of the Ophthalmology Department at the GPHC; Dr. Marissa Seepersaud, Head of Paediatrics Surgery at the GPHC; and Dr. Navindranauth Rambaran, Chairman of the Medical Council of Guyana and Head of Department of General Surgery at the GPHC.

In addition to the medical experts, we also had local and international legal experts in the field of transplant surgery. These international experts include Joan Navarro, a legal expert on transplants from the Donation and Transplant Institute in Spain. There is Professor Elsy Gagné, a Human Rights Lawyer in Calgary. We have also benefitted from a review of the law by I. Glenn Cohen, the James A. Atwood and Leslie Williams Professor of Law and Deputy Dean of the Harvard Law School. He is currently the Faculty Director, Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law. He did a thorough review of this particular piece of legislation.

*3.08 p.m.*

We also had the local legal team that was spearheaded by our own Attorney General, the Hon. Anil Nandlall and his team at the Chambers of the Attorney General, including Ms. Amanda Dhurjon and others in the Chambers. We have also benefitted from comments by Medical Council Member and Attorney-at-Law, Kamal Ramkaran, and there are many others who have contributed to reviewing and making comments on the Bill. It would be remiss of me if I do not also thank you, Mr. Speaker, for the work that you did in organising several of the *Zoom* meetings that we had with a number of stakeholders, including those stakeholders from the George Subraj Foundation. Mr. Speaker, I would like to express my gratitude to you and the other persons who gave us those very valuable comments.

These wide-ranging consultations have allowed us to develop one of the region's most comprehensive legislation on cell, tissue organ, bio-fluids transplants and one of the most advanced legislations as it regards regenerative medicine. This legislation brings a lot of hope to many patients here in Guyana. I would, therefore, like to commend it to all the other Hon. Members and I hope that we can have a very constructive debate. Thank you very much. [*Applause*]

**Mr. Speaker:** Thank you very much, Hon. Minister of Health. The question is proposed that the Bill be read a second time. The Hon. Member, Dr. Karen Cummings, you have the floor. While Dr. Cummings is getting to the podium, let me thank the Hon. Minister for recognising the very many persons who made contributions towards this Bill. I just want to add a few names: Dr. Leslie Ramsammy; Mahendra Jainarine; the children of the late Mr. George Subraj, Tony and Jasmine, along with the wife; and also, Richard Mahase and Sandy Adams, who are all from that foundation. Hon. Member, Dr. Karen Cummings, you have the floor.

**Dr. Cummings:** Mr. Speaker, as a medical practitioner and public health specialist, I rise to play my part, join in the debate and speak to the Bill No. 19 of 2021, which addresses the donation and removal of organs, tissue, cells, and biofluids for transplantation and blood transfusion, and for their use for regenerative medicine and other therapeutic purposes, medical education, and scientific research purposes. The sources of organs for transplantation, that is, living donor (related and nonrelated), cadaveric donor and brain-dead patients.

In other words, four categories of donation by living persons should be distinguished: Living Related Organ Donation, that is blood or emotional direct donation to a loved one; Altruistic Organ Donation, that is non-directed donation, in which the donor gives an organ to the general pool to be transplanted into the recipient at the top of the waiting list; Living Non-Related Organ Donation, that is directed donation to a stranger, whereby donors choose to give to a specific person with whom they have no prior emotional connection; and Cross Donation where a living donor wants to donate to his blood or emotional relative an organ but blood groups does not match, there is a complete mismatch or cross matching is positive.

Fred Cate once wrote in *Human Organ Transplantation: The Role of Law* and stated that transplantation is sharply curtailed by a shortage of donated organs and tissues. He further stated that the number of people who either die of conditions for which transplantation is indicated or are

maintained on suboptimal therapies in the absence of a transplant far exceeds the number of transplants performed. He noted that, in 1990, 18,592 persons needed a transplanted kidney and only half received one; 40,959 needed a heart and only one in twenty received one; 14,751 needed a liver and only one in five received one; and 4,108 needed a pancreas and only one in eight got one. The increasing incidence of vital organ failure and the inadequate supply of organs, especially from cadavers, has created a wide gap between organ supply and organ demand, and has resulted in very long waiting times to receive an organ as well as an increasing number of deaths while waiting. It was Cantrovich who reported in his article, *The Society, the Barriers to Organ Donation and Alternatives for a Change*, that shortage is a social, psychological, ethical, moral, and political problem, causing unjustifiable damage to public health.

Organ transplantation is considered a medical miracle and an important milestone of the 20<sup>th</sup> century and the 21<sup>st</sup> century. Yet, organ donations will continue to be an extremely sensitive issue for societies around the world, where the emphasis placed on the body of the deceased persons is of great significance. According to the Council of Europe in December, 2020, on addressing human rights and biomedicine, a public debate of this nature should be adapted to a cultural context. Hence, a topical issue like human organ and tissue transplantation in a multi-ethnic and diverse country like Guyana could be a complex issue. The preservation of the integrity of the body of a deceased person by various culture groups must not be minimised by the State. However, Mr. Speaker, we, on this side of the Assembly, are positing that organ transplantation is morally acceptable with the consent of the donor and without excessive risks for him or her, and that this noble act of organ donation must occur after death, where the real death of the donor must be fully ascertained.

During the A Partnership for National Unity and Alliance For Change (APNU/AFC) Coalition Government in 2017, there was the drafting of this legislation to outlaw commercial human organ harvesting, transplant tourism, and organ trafficking which, worldwide, has been an incredibly attractive and lucrative business, but an illegal global market. In collaboration with the University of Calgary in Canada, meetings were held with local stakeholders to discuss and finetune the content of the draft legislation. The Canadian consultant, the Ministry of Public Health (MOPH) officials, and the representatives of the Chambers of the Attorney General made suggestions as to the way forward in which Guyana could secure the much-needed help to develop legislation to

regulate brain and cardio/respiratory death law and organ transplantation law. Rules were set, which defined the precise circumstances and mechanisms under which organs of a deceased person could be donated. In addition, efforts were made for donor guarantees and recipients' safety and for the prohibition of unethical practices, such as transplant tourism, as I alluded to earlier, commercial organ harvesting sales, and organ trafficking for the profitable underground economy.

The Bill represents a good start. There is cause to send it to the park. If not seriously protected, this Bill puts public health against private wealth. The Bill has a measure of goodwill yet hold still. Why, Mr. Speaker? Danger links with potential perks. It is not a closed secret that illegal organ harvesting has been linked to the equally notorious trafficking in persons (TIP) global business. The World Health Organization has said that patients in the United States of America can pay as much as US\$70,000 to over US\$160,000 for a transplant package. It has been stated that more than 120,000 patients in the USA need various forms of organ transplants, which include kidneys, bone marrow, liver, lung, intestine and cornea and that five new persons per hour are added to the waiting list in the USA. Here, in Guyana, kidney transplant surgery is done free of cost at the GPHC, but costs as much as US\$40,000 or \$8M at a private hospital. Hence, we saw, under the APNU/AFC's tenure, the establishing of Guyana's public kidney transplant programme and the advancing of the Nephrology and Dialysis Unit at the Georgetown Public Hospital Corporation. The Unit benefits patients diagnosed with end-stage kidney disease (ESKD) requiring permanent dialysis.

Chronic disease places a great burden on the health care system, as it takes up 70% of the healthcare budget because of complications due to illnesses, such as diabetes with end-stage renal disease and cataract, and liver disease, among others. Therefore, transplantation would be superior to dialysis in terms of cost, longer life expectancy and longevity, better quality of life, and higher productivity. In Guyana, transplantation, today, is constrained not by medical issues, but by legal ones, and their resolution is essential to saving lives and reducing human suffering. It has been long established that the long-term management of transplant recipients is focused on reduction in morbidity and mortality and improving quality of life, while, simultaneously, balancing the side-effects of immunosuppressive drugs with risk of graft failure.

As you may be aware, Mr. Speaker, the most radical provision in the Bill is the legalising of the removal of an organ when the brain stops functioning, but the heart and lungs are kept going



through artificial means. Hence, careful attention must be paid by medical practitioners not to abandon the concept of brain death but retain the practices in organ transplantation. In other words, there must be the maintenance of the commitment to the dead donor rule by not removing vital organs from individuals before they are declared dead. Hence, the irreversible loss of circulation should be a major defining characteristic of death. Mr. Speaker, permit me to address some highlights of the Bill before us, Bill No. 19 of 2021, where one can conclude that there are two sorts of cadavers' donations – one, where the donor can specify the recipient in advance, and the other where the donated organ can go to any recipient who may need a human organ, such as a kidney or a cornea.

*3.23 p.m.*

Further analysis of this Bill No. 19 of 2021 does indicate that there is no section that deals with or obligates law enforcement officers, fire fighters, paramedics, or other emergency rescuers and hospital personnel, to make searches for documents such as a gift or other information, identifying that the bearer or donor who has refused to make an anatomical gift. At Part II, clause 6, the Minister may give directives as the Minister considers necessary

“...and the Agency shall give effect to the directives.”

The Minister should specify, at least, broadly, what the statement means. Would it be a policy direction on education, on a mandated choice, on presumed consent, or on incentives? Mr. Speaker, permit me to remind you that there is individual autonomy of the organ donor, and the Minister must know that any mandated policy would require an enormous level of trust by the person. The Minister tends to follow models from Spain and Canada, which, as you would recall, the Minister has just decreased testing of teachers and students and, by extension, public servants for the Coronavirus disease 2019 (COVID-19). Those who became ill had to be on home isolation. Going out, they are not able to be tested. The polymerase chain reaction (PCR) tests are just for hospitalised patients. I am saying that the Minister seems to be following models like Canada, and so forth. In Canada, there is the practice of presumed consent where organs are taken after the person had died – a moderate proposal. We do not know if the Minister would be directing the agency to offer recognition and gratitude incentives such as a plaque or something, or to give

assistance with funeral costs to the family of a donor. We do not know. The Minister should specify if such thoughts are in his mind and would be part of his special policy direction. He needs to say.

At Part III, clause 15, subsection (4), the Minister speaks to the issuance of a donor card to registrants. It is a myth to think that the donor card is enough for consent. It is our opinion, on this side of the Assembly, that such a card was never intended to give consent but a reminder of one's wishes.

Part V, clause 21, subsection (3) speaks to the donor and designated officer only being asked to consider the impact on the health of the donor. The A Partnership for National Unity/ Alliance For Change (APNU/AFC) Coalition is positing that a donor must not be made to give a kidney to someone whose underlying conditions will make it likely that, if their life expectancy would only slightly increase with the new kidney, every effort must be made to consider the World Health Organization's (WHO's) Guiding Principles on Human Cell, Tissue and Organ Transplantation, Principle 10, which states, and I quote:

“The long-term outcomes of cell, tissue and organ donation and transplantation should be assessed for the living donor as well as the recipient in order to document benefit and harm.”

I think there are insufficient safeguards to prohibit the removal or transplantation of human organs and tissues for any purpose other than the therapeutic purposes.

The Minister spoke about cell tissue cultures and so forth. Cell-based tissues are important, but there are certain risks which need to be taken into consideration because there are risk factors associated with intrinsic cellular properties of a particular cell type, class of stem cells, as well as extrinsic factors which can be introduced by procurement issues, handling, culturing, or staging of such cells. There is also the potential risk of tumour formation, the risk of human pathogen transmission, and adventitious agents. As we talk about that, we need to take that into consideration.

At Part VI, it is the belief of this side of the Assembly that there should be a representative of the law agency or justice on the independent assessment committee, and that there should be three

medical practitioners rather than two nominated by the Minister, as seen in Schedule I. Also, according to the World Health Organization:

“...consent is the ethical cornerstone of all medical interventions.”

Guiding Principle 4 states that there is:

“...a general prohibition on the removal of cells, tissues, or organs from legal minors for transplantation.”

Looking at Part VI, clause 26, subsection (6), it speaks about a minor giving consent to the removal of an organ. It is our wish that there should be the inclusion of not only the minor, but of other legally incompetent persons to this section. Therefore, the use of living donors as minors could raise many ethical, moral, and societal issues regarding the supply and the method of organ allocation. Such actions could lead to the practice of organ sale by entrepreneurs for financial gains through exploitation of the poor for the benefit of the wealthy.

In addition, Mr. Speaker, you would know that a minor might just be saying yes, because the mother wants him or her to give the sibling a liver or an organ but, really, the body language may be saying no, in that case. On the part of the child, there is no provision made to consider the child's body language. This means that the true language of the child should override any consent given by the parents. Attention must be paid to the child to ensure that he or she is not being forced or coerced by parents who may have a conflict of interest. For emphasis, the World Health Organization has stated, categorically, that minors and incompetent persons should be protected as in its Guiding Principle 4, which relates to human cell, tissue and organ transplantation.

Part IX, clause 45, subsection (4) speaks to the nearest relative of a person. The words 'nearest relative' should be a little more specific. Are you speaking to a grandmother, a grandfather, a surrogate? We need to know.

Though Bill No.19 of 2021 is timely, the populace does not have a full understanding of the subject, as there are human rights issues. We believe that the consultative process, which was started by the Coalition Government in 2017, should have been continued, and there should have been a broad information campaign explaining all the provisions made in this new legislation. Efforts must be made to counteract any negative attitude to organ donation, especially among

citizens in their middle-ages, 50- to 60-year-old, who would be interested in such development. It is our wish that the interest and the freedom of all participants would be accepted and that the principles of procedural justice be practiced, as the latter could help to counteract inequities and imbalances among those involved.

To conclude, it is problematic to trust the current Regime as to whether the vulnerable will benefit from the distribution of these medical and scientific technologies to save lives. While it has been alleged that there are examples of ethnic cleansing and the practice of political division, the question that is being asked by 218,000 members of the populace is whether this Regime could be trusted. We have seen the bad governance and the mismanagement of COVID-19, including the improper sourcing of a vaccine from a middleman as it relates to the health of the nation.

The citizens would want to know – they asked me to ask you – if, with the passing of this Bill, there would be any act of corruption and the flourishing of commercial human organ harvesting, transplant tourism, and organ trafficking. The citizens of Guyana asked me to ask you because they want to know whether, with the implementation of such a technology with little safeguards, this Bill would be dangerous. Mr. Speaker, the populace asked me to ask them, they want to know, if this good technology being placed in bad hands would not be tantamount to a Bill that kills. While I recognise a plus, it is filled with puss. Therefore, *let us mash the brake and slow the pace*. I cannot support the Bill because of its potential to kill in the hands of a reckless Government whose legitimacy is still on the line. I rest my case and say that it would be challenging at best, and foolhardy at worst, to put the nation's health in political leaders who are irresponsible. It is our wish that this Bill No. 19 of 2021 goes to a select committee to consider the various points that I have made in my submission. Thank you very much. *[Applause]*

**Mr. Speaker:** Thank you very much, Hon. Member Dr. Karen Cummings. I now call on the Hon. Member, Dr. Vishwa Mahadeo, to make his presentation.

**Dr. Mahadeo:** Thank you, Mr. Speaker. It is an honour for me to make a contribution to this landmark piece of legislation. From what the last speaker said, let me guarantee Guyana that this is the right Government that is bringing this Bill to the House. I must congratulate the Government of Guyana and the Ministry of Health for bringing this Bill to this House at this time.

Transplants are not new. In fact, the technique of skin harvesting and transplantation was initially described, approximately, 2,500 to 3,000 years ago in India where skin grafting was used to reconstruct noses that were amputated as a means of judicial punishment. The earliest known blood transfusion occurred in 1665, and the first human blood transfusion was performed in 1795. The first transfusion of human blood for the treatment of haemorrhage was performed by Dr. Blondel in London, 1818. Organ transplants were an important step in medical history. They provided a new way to help people suffering from organ failure or incurable diseases. By donating organs and tissues after death, a donor can save or improve as many as 75 lives. Many families say that knowing their loved ones helped saved or improve other people's lives helped them to cope with their loss. A transplant is an organ, tissue or group of cells removed from one person, who is deemed to be the donor, and transplanted into another person, who is the recipient, or moved from one site to another in the same person. Many different types of organs, tissues, cells and limbs can be transplanted. Nowadays, the question is more about which organ cannot be transplanted than which can be transplanted.

*3.38 p.m.*

However, with organ transplant came the need for regulation and laws to protect both the donor and the recipient. Provisions with regard to organ and tissue donation and transplantation have been developed in countries across the world, with a focus to protect the potential donor and, also in some countries, to prevent the threatening problem of organ trafficking. There are simply, more or less, severe limitations in the living donor procurement and transplantation activities which are consequently regulated by law in these countries. The World Health Organisation, the United Nations (UN) specialised agency for health, adopted in the World Health Assembly in 1991, the development of guiding principles for human organ transplants, Resolution WHA40.13, which has had a great influence on professional codes and legislation. These principles emphasise voluntary donation, non-commercialisation and the preference for deceased donors over living donors, and for genetically related donors over nonrelated donors.

“On 22<sup>nd</sup> May, 2004, the 57<sup>th</sup> World Health Assembly adopted the Resolution WHA57.18, concerning human organ and tissue transplantation, recommending notably the extension of the use of living donors, in addition to deceased donors, and to make measures to protect the poorest and vulnerable groups from transplant tourism in the sale of tissues and organs,

including attention to the wider problem of international trafficking in human tissues and organs.”

These guidelines are totally encapsulated in the Bill that is being presented today by our Hon. Minister of Health. Transplants can be done from a living donor to a recipient, from a deceased donor to a living recipient, and from a donor to a donor himself or herself as in the case of skin transplants and auto-transfusions. Not so long ago, we had a xenotransplantation, which is the newest innovation where bioengineer organs and tissues in an animal, such as a pig, are used for human transplantation. This has already been done. Guyana has now, at last, come to the Parliament with a comprehensive legislation regarding human organ and tissue transplantation. This Bill No. 19 of 2021 marks Guyana’s entry into the list of countries that now have legislation in this area. Transplants are done in several countries around the world. Kidney transplants were done in 102 countries, liver transplants in about 78 countries, heart transplants in 59 countries, lung transplants in 44 countries, pancreas transplants in 45 countries, and small bowel transplants in 15 countries. Complete face transplant has also become possible in 2021 and, so far, 45 have actually been successfully done.

Guyana has long been doing blood transfusions. I am not sure about the date when we really started. When the first transfusion was done, bearing in mind, that blood transfusion is actually fluid transplant... This legislation now regulates even blood transfusion, taking into account the donor as well as the recipient, because we know, in a country like ours, we have some people who may not and who, for different reasons, do not want to have a blood transfusion. Their rights also have to be respected, and it is respected in this legislation.

Like the Hon. Minister said, 2008 was a landmark year for Guyana. Prior to 2008, we could not have even dreamt that, in that year, we would have started organ transplant in Guyana; but, we did. We started doing organ transplants. To date, we have completed a number of kidney and corneal transplants. Thanks, and kudos need to be given to those brilliant sons and daughters of Guyana who are involved in these activities, and who have grabbed the opportunity to study and to elevate themselves to become real doctors in the sense that they could now compete with first world countries in doing transplants. For the transplants that have been done in Guyana so far, the results that we are getting are not less than what the first world people are getting. So, kudos again

to the brilliant, hardworking and dedicated doctors who are bringing first world medicine to Guyana.

Sir, from just blood transfusion, Guyana has joined the ranks of other countries in doing organ transplants, including kidney transplant, skin grafting in the Burns Care Unit, and corneal transplants. Kudos to these talented and gifted doctors. Sir, Guyana is led by a team of persons who make dreams come true, not only in housing but also in medicine. The team that is leading Guyana make dreams become a reality. I say, in terms of tissue and cell transplant, the three main ones are corneal graft, which Guyana has already developed the capacity for and for which Dr. Sugrim and team are moving to make routine in Guyana. The second one is transplantation of hematopoietic stem cells to cure congenital or acquired diseases, including things like leukaemia. This is an area Guyana would want to develop in a Center of Excellence (CoE), hopefully in the not-too-distant future. The third is transplantation of heart valves. This is another area we hope would come on board soon.

In the WHO resolution, countries agreed that the right to health includes the right to transplant medicine. Guyana is amongst only a handful of developing countries on the path to fully realise this right. We are not anywhere near a full transplant programme yet, but this Bill allows us to contemplate the full possibility. It opens the doors to the future of transplant in Guyana. Why can we not begin to think about our first liver, heart and lung transplant? This Bill says to our people that we think we can.

We are preparing the legal groundwork, the legal framework, for these things to happen. Like I said, we dream, and we dream big. The People's Progressive Party/ Civic (PPP/C) Government fulfils dreams. When we established the National Public Health Reference Laboratory in 2008. We were thinking of laboratory that has the capacity to support high-end medicine like transplants. The laboratory did not develop in the way we originally planned over the period of five years, but we are returning to the original plan that we had. The laboratory is now being equipped for sequence testing which will enable us to establish genotypes; thus, we could test for variants soon. We are also looking to develop an internationally certified crossmatching laboratory. This is part of our collaboration with world class partners, McMaster, Mount Sinai, Nortel and Harvard.

The PPP/C Government is not only talking the talk, but we are also walking the walk as could be seen with this Bill. As a medical practitioner, practicing medicine, transplant and transfusion are blessings. They provide to the patient what was previously not available. For the medical fraternity, we look at this with optimism. There is an exciting future that this Bill caters to. Imagine, like the Minister pointed out, being able to replace diseased organs, non-functional organs with organs that are functioning. This is a modern Bill. It encapsulates the experiences of other countries. It encapsulates guidelines of the World Health Organisation. The Minister is heading a team, and the Minister has referred to all those persons who contributed to this Bill. It has been a long time in the making and there should be no further delay. This bill has to pass here, today, so that we can move forward. I listened to the Hon. Member, and I was wondering whether she really read the Bill or whether she glanced through. The Hon. Member mentioned about the real death to be ascertained. The Bill clearly states when death occurs:

“...A person is considered dead when there has occurred –

- (a) irreversible cessation of circulatory and respiratory functions of that person; or
  - (b) irreversible cessation of all functions of the entire brain, including the brain stem of that person.
- (2) Death shall be determined by two medical practitioners on the staff of the designated hospital, except, that –
- (a) a medical practitioner who has a familial or professional relationship with the proposed recipient shall not take any part in the determination of the fact of the death of the donor of the organ, tissue, cell or fluid;
  - (b) a medical practitioner who had taken part in the determination of death under paragraph (a) shall not participate in the transplantation of the organ, tissue, cell or fluid to the recipient; and
  - (c) where the organ, tissue, cell or biofluid is to be removed to be used for therapeutic purposes, medical education or scientific research, a medical practitioner who is due to remove or transplant the organ, tissue, cell or fluid shall not determine the



occurrence of death nor be a part of any team or process by whom or which death is determined.

(3) The Minister shall, by regulations, prescribe the criteria for determining the irreversible cessation of all functions of the entire brain, including the brain stem of a person referred to in subsection (1) ...”

Hon. Member, it is quite clear and it is quite comprehensive. The other one I would like to point out is the issue with minors. The Hon. Member also mentioned the concern about minors. I will just read from the Bill.

**“DONATION OF ORGAN, TISSUE, CELL AND BIOFLUID BY MINORS**

24. (1) For the purposes of approving a donation by a minor under this Part, an Independent Assessment Committee shall be established by the Chief Medical Officer or Director of Medical Services of the designated hospital where the donated organ, tissue, cell or biofluid shall be procured for transplantation.

(2) The Independent Assessment Committee shall have a minimum of three members, one of whom shall be a designated officer and one of whom shall be a psychologist or psychiatrist.

(3) A person who has had any association with the donor or the proposed recipient that might influence the person’s judgement shall not be a member of the Independent Assessment Committee.”

This Bill caters to the rights of the minor. There is a psychologist, psychiatrist to look at, what the Hon. Member said, the body language and to evaluate the minor. As far as I am concerned, this Bill includes all that needs to be done including penalties, deterrents, or transplantation tourism for example, including those who might want to go down the road of selling organs and so on. It has all of that encapsulated here. I have no hesitation in supporting. It states that one could be jailed for five years jail if found guilty. I have no hesitation in supporting this Bill and commending it to the House, and in congratulating the Government and the Hon. Minister of Health. Thank you, [Applause.]

**Mr. Speaker:** Thank you, Hon. Member. Hon Member, Dr. Nicolette Henry, you can make your presentation.

**Dr. Henry:** Thank you, Mr. Speaker. Today I rise to make my contribution to the Human Organ and Tissue Transplant Bill 2021. This Bill, in essence, caters for the establishment of the human organ and tissue transplant agency as the national regulatory body for the donation and transplantation, as well as the national donor and transplant registry, which would handle all matters related to the consent.

*3.53 p.m.*

From the reading of the Bill, it is envisaged that the registry would be responsible for the establishment of register of patients in need of transplants, as well as the establishment of efficient storage facilities for organs, cells and biofluids. Let me begin by saying that we, on this side of the House, share the view that, with the advancement of clinical medicine and practice, such bills would be required from time to time. We are also mindful that it is important that such matters be properly discussed and ventilated at every level of society as public consultation and debate should be an integral part of the implementation of any new practice, behaviour and or policy. We are also advocating those other deficient areas in this Bill be addressed prior to the passing of the Bill.

In examining part 3 (14) of the Bill, I wish to point out that a public education programme, after the tabling of the Bill, is quite different from prior consultations and debates. As many of you would be aware from our experience here in Guyana, there are cultural and behavioural sensitivities that must be considered. It is for that reason that, in the past, we did interventions like the College of American Pathologists (CAP) survey on the behaviours related to voluntary blood donation here in Guyana, as there has been a more family replacement culture than voluntary donation, which are considered more altruistic and safer. Let me also say on this point that there is evidence that, despite improvements in the general population, some minority groups, as a whole, are still reluctant to become organ donors in many countries. For instance, in the United States of America (USA), it is shown that they are least supportive of organ donation. This is according to the United States Department of Health and Human Services. Globally, where these services exist, marginalised groups are less likely to consent to the procurement of a loved one's organ. They are less likely to discuss donation with family, they are less knowledgeable, and they

purport to have higher levels of distrust when compared to the majority. This reluctance adds complexity to the efforts seeking to register organ donors.

Despite this added dimension of complexity, most of the factors contributing to minority apprehension towards organ donation could seemingly be linked to a knowledge deficit or lack of understanding about human organ and tissue transplant process, making prior public consultations and debate primary interventions to eliminate these disparities. I think all of us in this House understand how delicate this issue could be. It is not just added responsibility or a duty on the very long list of duties our clinicians already have. We have to bear in mind the culture of our people and the hospitals which would be key determinants of the roll out of the donation and transplantation. One of the most important lessons learnt over the years is that these debates would only be effective if people have a full understanding of the subject, especially when the subject raises human rights issues, as in the case with this Bill.

At a minimum, a debate such as this should be preceded by a broad information campaign with detailed explanations of all the provisions proposed in the new legislation. Our recommendation is that this Bill has potential and it should be sent to a special select committee where pertinent and technical matters could be discussed. The Government should do its work and try to create a supportive societal environment and gain public trust before the passing of such a delicate Bill. I now wish to turn my attention to the WHO's Guiding Principles on Human Cell Tissue and Organ Transplantation which, over the past two decades, have greatly influenced professional codes and practices, as well as legislation around the world. I would specifically recommend that Guiding Principles two, four, six, seven, eight and nine, be the subject of public discussions prior to the tabling of this Bill. In the case of Guiding Principal 2:

“It is designed to avoid conflict of interest that would arise were the physician or physicians determining the death of a potential donor to be responsible in addition for the care of other patients whose welfare depends on cells, tissues or organs transplanted from that donor.”

Principal 4 states:

“...a general prohibition on the removal of cells, tissues or organs from legal minors for transplantation.”

“While the permission of the parent(s) or the legal guardian for organ removal is usually sufficient, they may have a conflict of interest if they are responsible for the welfare of the intended recipient. In such cases, review and approval by an independent body, such as a court or other competent authority, should be required. In any event, a minor’s objection to making a donation should prevail over the permission provided by any other party. The professional counselling provided a potential living donor in order to assess, and when needed, addressed any pressure in the decision to donate, is especially important for minor donors.”

Principal 5 makes the point that:

“Payment for cells, tissues and organs is likely to take unfair advantage of the poorest and most vulnerable groups, undermines altruistic donation, and leads to profiteering... Such payment conveys the idea that some persons lack dignity, that they are mere objects to be used by others.

National law should ensure that any gifts or rewards are not, in fact, disguised forms of payment for donated cells, tissues or organs. Incentives in the form of “rewards” with monetary value that can be transferred to third parties are not different from monetary payments.

While the worst abuses involve living organ donors, dangers also arise when payments for cells, tissues and organs are made to next of kin of deceased persons, to vendors or brokers, or to institutions (such as mortuaries) having charge of dead bodies. Financial returns to such parties should be forbidden.”

I would now look at Schedule I:

“Constitution of the Agency”

This brings forward the issue of governance of the national regulatory body. From my review and experience, I would have hoped to see the inclusion of an oversight committee as part of the governance structure. I know such an oversight committee was in place for blood safety when Guyana embarked on the rapid strengthening of blood transfusion services here with the support of [inaudible]. The governance structure proposes where the agency is the accountable entity is

unusual and inadequate for transplantation and may not deliver effective and efficient governance to the agency. I would leave that there.

Moving along, I would like to look at Part X of the Bill which, I think, needs relooking and it speaks to prohibition of trading. This part is woefully inadequate and there are glaring omissions and lack of basic safeguard mechanisms for the people of this country. In fact, from my research, I found that this Bill is a knock off of the Human Tissue Transplant Act of Trinidad and Tobago Chapter 28:07, Act 13 of 2000. From that date, you would recognise that the Trinidad and Tobago Act predates WHO's current version of the Guiding Principles on Human Cell, Tissue and Organ Transplantation.

In other legislations, including the countries where the experts who provided the technical assistance for the framing of this document came from, there is usually a part of the legislation which deals, extensively, with offences and penalties far beyond prohibition of trading. That section usually covers areas such as punishment for the removal of human organs without authority. It has nothing to do with prohibition of trading. How do you propose to deal with any person who renders his service to or at any hospital, and who, for purposes of transplantation, conducts, associates with, or helps, in any manner, with the removal of any human organ without authority? There is also punishment for commercial dealings in human organs. There is a whole list of them that you could find in other legislations. For what it is worth, I would suggest that be looked at.

There is punishment for illegal dealings in human tissues. This is looking at the preparation or submission of false documents, including giving false affidavits to establish that the donor is making the donation of the human tissues as a near relative or by person of affection or attachment towards the recipient. In other legislations, there is also punishment for contravention of any other provisions that would be in a bill. Whoever contravenes any provision of this Bill, or any rule made, or any condition of the registration granted thereunder, for which no punishment is separately provided in this Act, should be punishable.

There are also offences by companies which should be punishable by this Bill. Somebody acting on the part of the company, there should be provisions to deal with that person or persons who, at the time of the offence was committed, was in charge of, and was responsible to the company for

the conduct of the business. These are things, I believe, are important and they should have been considered and mentioned. This brings me to another part under same Part X. I want to look, specifically, at clause 51:2 (b).

4.08 p.m.

I think it needs to be revised because there is an issue in terms of it being technically sound. Apparently, the person who copied and pasted from the Trinidad and Tobago legislation did not copy correctly. I would want to share with you what happened there. If one looks at the Trinidad and Tobago's legislation and I would read it. It is under "Prohibition on trading in human tissue", which happens to be the same inadequate heading that we have here in Guyana. I am talking about section 21(2). [ **Mr. Nandlall:** (*Inaudible*) Trinidad?] Yes, it is the Trinidad and Tobago legislation.

It states:

"Subject to this section, any contract or arrangement under which a person agrees, for value consideration, whether given or to be given to himself or to another person, or to the sale or supply of any tissue from his body or from the body of another person or the sale or supply of blood, whether before or after his death or the death of the other person as the case may be, is void."

When one looks at the Guyana legislation under the same heading, the person who was doing the work, what they did, they took that part and divided it into two. So, when one looks at Part X – "Prohibition on Trading in Human Organ, Tissue, Cell and Biofluid", clause 51, there is a (1) and a (2). If one is to read clause 51(2) and one goes to (a) and (b), one would recognise that (b) reads and I am going to read it here:

"to the sale or supply of blood whether before or after the person's death or the death of the other person."

Those clinicians would know that one does not get blood after somebody would have been deceased. It cannot be before or after in that case. They took the one sentence, and, in breaking it up, it connotes a different meaning which, of course, affects the technical soundness. I am bringing this to the fore because these legislation would be a reflection of us and we do not want to be a

laughingstock. I want to say, Mr. Speaker, that given those inadequacies, we need to have this Bill sent so that it could be properly discussed and if, perhaps, we could have the legal experts in the same room to assist in answering the questions.

Before I take my seat, there are a couple of things I just want to touch on. I have to say that the merging of the human organ and tissue transplant with blood transfusion, the Hon. Dr. Frank Anthony would know very well, it is not recommended by the Pan-American Health Organization (PAHO). It is nowhere to be found in Latin America and the Caribbean. We also know that there is a fragmented approach to transfusion medicine here. We know that we should have that under the same management from arm to arm, that is, from donor to recipient. Of course, we know that there are other issues with ethics quality system, record keeping and tracking, which are all very pertinent and should be discussed in a more detailed way, certainly, not on the floor here, in terms of the Parliament, for the debate.

I have to say that we have made too much progress as a country in the area of transfusion medicine for Guyana, in 2022, to go and copy a legislation from Trinidad and Tobago which was done in 2000. We know that Guyana was ahead of the English-speaking Caribbean territories in terms of voluntary blood donation and clinical use of blood. In fact, I will go as far as saying that Guyana was the only country in the Caribbean, at least in 2014-2015 that had a handbook for physicians on the clinical use of blood. I do not know what the back story is here, what is the haste. Why are we going against the recommendation of our major international partner in this regard? Why are we collating blood transfusion with organ tissue transplantation, when we know that this is not in keeping with the more modern and progressive legislation?

In closing, I urge the mover of this Bill not to miss the opportunity of having a model legislation on human organ and tissue transplant. I think the Guyanese people deserve that. Let us not sacrifice this one at the altar of political expediency. There is a lot of potential here and I think it is doable. I thank you, Mr. Speaker. [*Applause*]

**Dr. Smith:** Mr. Speaker, it was indeed heart-wrenching for me as I sat here for the past few minutes and I listened to the Hon. Members of the Opposition using this Bill along ethnic lines. They know fully well that the drafting of the Bill involved high levels of experts from across the world. I am not surprised at all because this is what our Opposition Members of Parliament (MPs)

stand for – the main Opposition MPs that is. As I go into the Human Organ and Tissue Transplant Bill – Bill No. 19 of 2021, it is:

“A Bill Intituled

An Act to make provision for the donation and removal of human organs, tissues, cells and biofluids for transplantation and blood for transfusion, for their use for regenerative medicine including cell therapy, gene therapy and stem cell therapy, and other therapeutic purposes, for medical education and for scientific research purposes including stem cell research, cell explant research and cell line research, and for connected matters.”

Many persons may ask why they should give support to this Bill or how will this be beneficial to them and their family? Health is everybody’s business, and we must all ensure that we play an integral role in the development of healthcare in our country. Before I go into details of this Bill, I wish to familiarise the ordinary Guyanese man, woman and child with some of the basic terms outlined in this Bill.

When we speak of organ, we speak of human organs, whether whole or in sections, for example the heart, the kidney, the lungs, the pancreas, skin, cornea, among others. When we speak of tissue, we speak of human tissue or substance extracted from the human body. It is a group of cells with similar structure and functions as a unit. When we speak of bio-fluid, we speak of human tissue or substance extracted from the human body. This includes cerebral spinal fluid which is a clear fluid that surrounds the brain and the spinal cord which provides nutrients to the brain and works as a cushion also. We also included urine, saliva, sweat and any other substance derived from bio-fluid. When we speak of blood, we are speaking of human blood. It is any substance derived from blood and any part of the body which can be used as a source from which to derived constituents of the blood for therapeutic diagnostic prognostic and analytical use.

When we speak of blood transfusion – what is blood transfusion? This means the transfusion of blood or any of its constituents of blood into a person and it includes the operation of removing all or part of the blood of a person and replacing it with blood taken from another person. What is a cell? We are speaking of human cells taken from an organ, a tissue biofluid or other substances derived from scientific procedures involving cells such as cell explant or cell line? What is a cell explant? This simply means a cell that is taken from a human tissue, organ or biofluid and organic-



typically cultured using explant culture, for example, a neural tissue development and central nervous system regeneration.

Cell line – what are we speaking about? We are speaking about cell culture developed from a single cell and, therefore, consisting of cells with a uniformed genetic make-up that is specific to a given organ or disease state, for example, a research investigation of causes of cervical cancer, pancreatic cancer or other carcinomas for organs within the body. While time will not permit me to dissect this Bill in its entirety, I do wish to place emphasis on a few areas in which coverage is provided for in this Bill and how persons can benefit extensively and meaningfully in the interest of preservation of their health and well-being.

This Bill speaks to the patient who has been waiting for a kidney and has not been able to find a compatible donor. This Bill is for you. To that beautiful boy or girl living next door who has been admitted to the hospital and requires blood transfusion on a routine basis because he or she has leukaemia or any other blood related disorders, we have your back. This Bill is for you. To that beautiful aunt that I met in a supermarket who could only travel on her electric bicycle because she has a chronic heart disease and cannot walk far distances and may soon need a new heart because medications are longer alleviating her symptoms, this Bill has you covered. To the farmer, the fisherman, to the teacher, to the nurse who may need an organ, tissue, cell or biofluid transplantation, living or in any of the 10 Administrative Regions across Guyana, this Bill will help to advocate for your well-being. Whether you narrowly escaped a fire and received severe burns and will need reparative surgery and may be in urgent need of blood or its components, this Bill is for you.

Mr. Speaker, I know many persons may ask, and the burning question on the minds of many may be – how will I be able to access these services and how will I be guided in doing so? This Bill also provides for that. In order to ensure that donors and recipients are guided and educated on their roles and functions in the human organs, tissues, cells and biofluids transplantation process, a human organ and tissue transplant agency will be established and constituted. It will therefore be responsible for, just to name a few:

1. coordinating and managing the donation process for organ, tissue, cell and biofluid;

2. providing education to the general public, health care communities about matters relating to the donation and use of organs, tissues, cells and biofluids;
3. facilitating, coordinating and managing the procurement, storage, preservation, distribution and delivery of organs, tissues, cells and biofluids;
4. implementing quality assurance programmes, including donor quality assurance programmes with regular audits for ongoing and monitoring and evaluation of that programme;
5. ensuring that patients and their relatives have appropriate information and opportunities to consider whether to consent to the donation of organs, tissues, cells or biofluids and to facilitate the provision of that information.

*4.23 p.m.*

Mr. Speaker, the People's Progressive Party/Civic (PPP/C) Government has a track record of transparency and accountability and, hence, will also ensure that the national donor and transplant registry be established. This registry will be mainly responsible for registering: one – consents, and amendments, and revocation of consents of adults respecting the donation of their organs, tissues, cells or biofluids, and cell explants or cell lines. Two – for patients awaiting transplantation of organs, tissues, cells and biofluids, and recipients of organs, tissues, cells and biofluids. The registry shall have facilities for both in-person and online registration of donors. The agency shall also establish and manage a register of patients waiting for the transplantation of organs, tissues, cells and biofluids. They will also ensure medical criteria for allocating organs, tissues, cells and biofluids and substances derived from scientific procedures involving organs, tissues, cells and biofluids and a system to fairly and equitably allocate available tissues, cells, organs and biofluids, and any scientific procedures involving organs, tissues, cells and biofluids.

Clearly, this Bill was drafted with a visionary and comprehensive approach that will allow beneficiaries whether donors, recipients, healthcare providers and the population at large to experience a new era of scientific, medical and analytical approach to the management of human organ and tissue transplantation services in Guyana. This is a Bill that will create easier avenues or access to lifesaving and best practices in the donation of organs, tissues or biofluids for patients

all across Guyana. I, therefore, fully support this Bill. I encourage my Colleagues on the opposite side, please read this Bill and go through each word. Read and understand, and you will see why this Bill needs to be passed. Thank you. [*Applause*]

**Deputy Speaker of the National Assembly [Mr. Shuman]:** Mr. Speaker, I want to first say thank you for this opportunity and a massive, happy 2022 to not only the listening public but to all my Colleagues in this honourable House.

In the year 2016, I lost one of my cousins to diabetes. She was in the hospital struggling and it was really painful. In the year 2018, I lost an aunt to cervical cancer. That too was painful. These are illnesses that continue to plague many Indigenous communities. I think if one is to look at the statistics, Indigenous women are more prone to cervical cancer as compared to others on the coast. At this juncture, I want to commend the Government on bringing this piece of legislation before this House on a Bill in its fantastic technical language. Stuff that lawyers in themselves would have to dissect and decipher, I will try to contextualise it for the layman. Maybe I will start and end because I am very succinct. I think that there are components in this Bill that I look forward to the Government making a reality. Where there is a storage facility, that storage facility is not confined to Georgetown but that it goes across the entire country. With a storage facility should come the kind of infrastructure to support such storage. Whether it be electrification, power generation, transport and, obviously, it has to be accessible to all Guyanese.

In the contextualisation of this piece of legislation and I will start at 30<sup>th</sup> December, 2021, in a short tale. A good doctor was watching the news and he saw that this Bill was going to be tabled, so he decided to jump into the future. He went all the way up to 2050 and he says, you know what, we are tabling a piece of legislation in the Parliament, and I would like to be informed so that we could stop – I would say – a slight person. So, he goes into the future where brain transplants have started at that time and the brains are on sale. For a rocket scientist it was \$1 million, for a university graduate it was half a million dollars and for politicians of a certain ilk – I am not going to divide – the cost was free. The doctor was really baffled. Why is a politician's brain of a certain ilk, free? He went to the counter and asked, Sir, why is this brain free? The guy said, if you look at a rocket scientist his brain is filled. You could take that brain and put it anywhere. A university graduate still has a lot more growing so we kind of medium value that, but some politicians never use their brain, that is why it is free. Mr. Speaker, to contextualise the Bill and I am not casting

aspersions on any of my Colleagues in this House, I am happy to know that this Bill looks to the future. The doctor came back and said, well I will help the Government draft this Bill, let us get it on.

Mr. Speaker, I am happy. Once again, my compliments to the Government for bringing this Bill. It is my sincere hope that all the things that are contained in this Bill are given equal access by all Indigenous communities to address the cervical cancer issues and many other health issues that continue to plague many Indigenous communities. Thank you, Mr. Speaker. [*Applause*]

**Attorney General and Minister of Legal Affairs [Mr. Nandlall]:** Mr. Speaker, we said in our Manifesto and repeatedly during our elections campaign that, in this Government, in these five years, we will begin or rather continue the modernisation of our legislative landscape in almost every area of human endeavour. The public health sector is most important on the Government's agenda for obvious reasons. Therefore, the public health sector will be the target of massive modern reforms in the years to come. This is only a single step in that direction.

This is obviously a very complex, a highly expert and a very sophisticated piece of legislation. As we have heard from the experts in the field – from the mouth of the Hon. Minister himself, Dr. Frank Anthony; from the Hon. Member, Dr. Vishwa Mahadeo; and from the Hon. Member, Dr. Karen Cummings – transplant, blood transfusion and the implantation of bodily organs have been with us for decades. Some statistics suggest, even centuries. According to the Hon. Minister, we have been doing it in Guyana since 2008, in terms of bodily organs, and way before that in relation to blood transfusions. However, we were doing it in a very unregulated way. The medical profession felt that the time has come for us to bring infrastructural regulation to the way this science is being done in our country.

I would like to say that this Bill was completely inspired and worked on by our medical profession. The medical experts of our country. There was no political hand here. While the Hon. Minister was generous and charitable enough to recognise the efforts of the Attorney General's Chambers, we were merely the scribe, as we took the specific and very complex instructions from those who are qualified in the areas to give it.

This Bill, like many others that we will bring, enjoys a very long and consultative process. The Hon. Minister listed a constellation of medical personnel both in and out of Guyana and

organisations that contributed significantly to this effort. Having regard to certain statements made by the Hon. Member, Dr. Cummings, I want to specifically reiterate for the record that the expertise from the Guyana Medical Association and the medical profession itself... In fact, there was a unit established bearing the name Human Organ and Tissue Transplant Bill, that was formed to pilot this process. They worked closely with the drafting team. Particularly, we got expert guidance from the PAHO and the World Health Organisation (WHO) advisory team of experts on transplantation and blood services. In the process, we consulted Trinidad and Tobago, which has had such a legislation since the year 2000. We were doing this for 21 years after that. Obviously, we looked at Trinidad and Tobago and anyone acquainted with how drafting is being done. One borrows what existed before with a view to improving it based upon the developments that would have taken place since that was done in that country. We did that with Trinidad and Tobago. We got expert guidance from Dr. Hassina Mohammed. That person helped and showed us where we needed to improve from the Trinidad and Tobago's model.

*4.38 p.m.*

The Hon. Member, Dr. Karen Cummings' statements that we copied from Trinidad and Tobago and that we mimicked – the Hon. Member, Dr. Nicolette Henry – is completely uninformed. Yes, we borrowed from Trinidad and Tobago as we borrowed from the United States of America (USA), as we borrowed from Canada, as we borrowed from the United Kingdom (UK), as we borrowed from the European Community, as we borrowed from Belgium, as we borrowed from Croatia and as we borrowed from India. Nothing is wrong with that. There is no need to reinvent the wheel when there is a module that one could work with, that one could massage and one can get it to meet the peculiarities and idiosyncrasies of your society. That is how laws are drafted all across the world and there is nothing wrong with that.

This Bill captures the basic international requirements that such a Bill must contain. They are set out in great detail, right across, from the beginning to the end of the Bill. The Bill is numbered up to page 75. It is not a small Bill. The reason why it is so elaborate and the reason why it is so comprehensive is because of the nature of the task at hand and the complexity of the issues. All the issues we have heard about children rights, consent and prohibition, they are all captured in the Bill. For example, I heard the Hon. Member, Dr. Karen Cummings, lamenting the fact that the Bill does not contain an adequate regime of provisions that relates to the prohibition against an illegal

transferral or unauthorised use of bodily organs. That is simply not true. Part 10 of the Bill deals specifically with that. It has a series of offences, and it continues on to the Miscellaneous Section for about four or five pages, simply listing offences:

“A person shall not remove or cause to remove any organ, tissues ... blood ...”

*Blah blah blah.* Any person who does that:

“...commits an offence and is liable on a summary conviction to a fine of five million ... and to imprisonment for five years.”

Any person who puts advertisements in relation to the selling or buying commits an offence. Any person who unauthorisedly removes or performs one of these operations commits an offence. There are a series of offences here. These offences are what would have been in all standard pieces of legislation that exist across the Commonwealth and in the United States of America. I do not understand what the basis is for you making that statement, Hon. Member. The Hon. Member looked at Trinidad and Tobago... I took a photograph of the Trinidad and Tobago legislation that the Hon. Member referred to. The Hon. Member made a comparison with our Bill at clause 51 and said that we borrowed it from Trinidad and Tobago, but that our own contains a mistake, which Trinidad and Tobago does not have. Let me read our Bill and then I will read the Trinidad and Tobago version of it:

“Any contract or arrangement is void under which a person agreed, for valuable consideration, whether given or to be given to the person or to another person –

(a) to the sale or supply of any organ, tissue, cell, or blood or any other biofluid from the person’s body or from the body of another person; or”

This is the objectional part:

“(b) to the sale or supply of blood whether before or after the person’s death or the death of the other person.

The Hon. Member stated that Trinidad and Tobago do not speak to the transferral of blood after death because, according to her, it is medically impossible for that to be done. That is the impression I got. Listen to what the Trinidad and Tobago statute states, the relevant portion:

“Subject to this section, any contract or arrangement under which a person agrees, for valuable consideration, whether given or to be given to himself or to another person, to the sale or supply of any tissue from his body or from the body of another person, or to the sale or supply of blood whether before or after his death or the death of the other person, as the case may be, is void.”

The identical thing is captured in our legislation – transfusion of blood after death. Yet, the Hon. Member stands with a straight face and said that we copied, but we copied wrong from Trinidad and Tobago, where Trinidad and Tobago has the identical thing. Hon. Member, let me explain to you, whether or not it is medically possible to transfuse blood after death is not the issue. Any person who does that commits a criminal offence. It has nothing to do with biology. It has to do with a crime. [**Ms. Ferguson:** Why are you shouting?] I am shouting because I cannot imagine that a doctor would come to this House and pretend to speak about a bill dealing with medicine and be so misleading. That is the type of irresponsibility that we cannot encourage in the House. Mr. Speaker, the Hon. Member also had great objections to the Minister being given powers over the agency and the agency is a very important unit in the infrastructure of this Bill. Let me read what those powers are:

“The Minister may...”

First of all, “may”, so that is permissive, it is not mandatory.

“...give to the agency any general or special policy directives with respect to the carrying out of its functions under the Act as the Minister considers necessary or expedient...”

What is wrong with a minister who has responsibility for the health sector giving policy directions to an agency of this type? What is wrong with that? That is what the people of Guyana elected this Government to do; to govern the country and give policy directions where policy directions are necessary. The Hon. Member, Mr. Khemraj Ramjattan, once had portfolio over the police and that identical statutory formulation is in the Police Act that ‘the Minister of Home Affairs shall give general and specific policy directives to the Guyana Police Force’. Every piece of legislation that has a subject minister will have a linguistic formulation of that type. That is how government exercises governmental policy control over the administration of the State. That is the role of a government and that is why a government is elected by the people of Guyana. I do not understand

how you could find that objectionable. The worse part of it is, the Hon. Member stood on that podium and found in this Bill that there were some elements here, of course, which she did not dilate and detail for us, some elements in this Bill that inspired and encouraged ethnic cleansing. Now, you have to be of a special mind to read a bill that is so scientific, so clinical, so dispassionate, so sophisticated and so deep in clinical medicine and unearthen from that ethnic cleansing. I do not understand. Something is wrong with some people's minds.

The Hon. Member read into this Bill, also, grave platforms for corruption. The only part of this Bill has a ... and accuses this Government. It accuses the Government. The Hon. Member said that she is not sure whether the Government will manage this Bill and not make it corrupt. The Government has nothing to do with the management of this Bill, other than the Hon. Minister having a role to give policy directions of a general and special nature. But that is the type of misleading information and misinformation that is disseminated out there and people believe it. It is the same thing they had done with the Natural Resource Fund (NRF) Bill, although, as I have said, repeatedly, that Bill is about 80% their Bill. Yet, it is a recipe for corruption and for the thieving of resources.

That is what they do. They come here, they do not read the Bill, or either if they read it, they do not understand it. They do not understand what they read, but they give their mouth a lot of liberty and contribute to an avalanche of misinformation. This Bill protects all the persons in our society, who require protection – our minors. There is a whole regime of protection to ensure that minors' interests are safeguarded. Minor is defined in the Bill as:

“A person under eighteen years...”

This Bill has a series of protective mechanisms. These mechanisms were not hatched-up at the Chambers of the Attorney General. They were pulled from existing regimes of protection across the globe. I have cited the jurisdictions from which we have taken in order to present this Bill. The Hon. Member, Dr. Karen Cummings, spoke at length about death, but we spent a long time in prescribing how death is to be determined because different jurisdictions, based upon the available technology and based upon, I supposed, philosophy, they have different definitions of what constitute death. The British definition is different from the American definition. The one in Trinidad and Tobago is also different. We carefully constructed one that we felt is conducive,



proper and appropriate for the level of technological advancement that exist in Guyana so that we could properly diagnose death in the most accurate way. That is captured in clause 48 of the Bill:

“A person is considered dead when there has occurred –

- (a) irreversible cessation of circulatory and respiratory functions of that person; or
- (b) irreversible cessation of all functions of the entire brain, including the brain stem of that person.”

This definition alone took us about three weeks before we arrive at it. This received the expert input of a number of persons. The Hon. Member spoke about Professor Kishan Narine. A very celebrated Professor at Calgary University. I have his views here. When we finished the work and sent the final draft to him, let me share what he said. He said, *Generally, this draft of the document is solid and superb as it addresses all aspects of human tissue transplant.* For your information, this guy, Professor Kishan Narine, Bachelor of Sciences (BSc); Doctor of Medicine (MD); Doctor of Philosophy (PhD); Fellows of European Board of Thoracic and Cardiovascular Surgery; Certification (FETCS); Faculty of Medicine; University of Calgary; Libin Cardiovascular Institute of Alberta, Canada; former Co-Director at Cardiac transplantation University of Ghent, Belgium. That is the man’s qualifications just behind his name. These are the type of expertise that we had available to our disposal.

4.53 p.m.

We did not accept their expert recommendation wholesale. Our local medial team sat down with the drafters and ensured that, in those technical areas, we came up with a formulation of language that would capture what we want peculiarly in our society if we do not want what is generally out there. Hon. Member, this Bill is comprehensive. It is the most modern expression of its type in the English-speaking Caribbean. We are leading the way in this Bill and in this type of medical technology. We also ensured that the Bill contains a power vested in the Hon. Minister to promulgate regulations. A Bill of this type has to remain fluid. While we have captured the foundational pillars, the main concepts and the fundamental precepts of the infrastructure, this Bill will be an ongoing and evolving exercise. The regulatory making power of the Minister will allow, obviously upon consultation with our medical fraternity, for there to be appropriate regulations in

order to lend expediency, efficiency and efficacy to the letter, spirit, concepts and conceptual objectives which are captured in this Bill.

We also had the legal advisor to the Medical Council of Guyana, Mr. Kamal Ramkarran, who is now quite experienced in that post, as he has served there for more than a decade. He also brought a legal perspective to the Bill, and he discussed it, I am sure, with his legal counterparts in the legal profession. This Bill is a commendable effort on the part of the Government. It is revolutionary and it is ground-breaking. Of course, we may come back here with amendments, as we begin to put the Bill into force. We do not pretend that this is the perfect first effort. It is the first effort. We have regulatory making powers that will supplement the Bill when necessary. I believe and I am confident that this is a great first effort and it will advance the medical and public health welfare of our people and our country. I have no hesitation in commending this Bill to the House. I thank you, Mr. Speaker. [*Applause*]

**Dr. Anthony (replying):** First of all, allow me to thank all the persons who made contributions to the debate – my Colleagues on this side of the House that supported the Bill and the Colleagues on the other side of the House who spoke to the Bill.

I would have thought that a ground-breaking piece of legislation like this would have gotten the unreserved support of everyone in the House. It is quite unfortunate that the two Members who represented the Opposition did not support the Bill. Nevertheless, I think, in their presentations, they did acknowledge that this is a very important piece of legislation. Let us think about this in a logical way. Right now, in this country, we are doing transfusion. However, we do not have a specific piece of law that governs transfusion in this country. This Bill seeks to remedy that deficiency. I cannot see what is wrong with us introducing now for the first time, after so many decades of doing transfusion, a piece of legislation to govern how transfusions would be done.

As I said in my opening speech, our first transplant was done on 12<sup>th</sup> July, 2008. That was a kidney transplant. Again, we have done about 66 such kidney transplants in this country without any piece of legislation; no legislation is in place. This Government was the one that thought it was important for us to put the safeguards in place, put the rules in place, put the law in place and to specify that if anybody breaches these laws, this would be the punishment that they would get. We are coming from a place where we had nothing, and we are now putting that structure in place. It is really

unfortunate that the Members do not understand this and continue to argue. At times I was trying to decipher what they were really arguing for. Similarly, with corneal transplant, we have done 99 of those. Again, there is nothing in place. We are putting something in place.

What is even more troubling is that the Hon. Dr. Karen Cummings, in the beginning of her presentation, took time off to inform us that she was speaking as a medical doctor and as a public health specialist. That is commendable. What is not commendable is that during her presentation, at one point – and I wrote it down here – she pointedly said that this Bill has the potential to kill. Nowhere in this Bill does it say that we have any potential to kill. What this Bill seeks to do is really to prolong the life of people. [**Ms. Manickchand:** To give life]. It is to give life because many of the persons who would benefit from kidney transplants are those who would be suffering from end-stage renal disease and the only alternative, other than dialysis, is for them to have a transplant. This is what is going to prolong their lives. Right now, for the 66 patients whom we have transplanted and, more recently, those whom we have done last year, among them was a 14-year child. The mother had given that child her kidney. Because of that donation, that child would have a very long life. I recall the distress of that mother when I spoke to that family. I recall the challenges that child was facing. Because we were able to do this transplant, that child is going to live for quite a long time. This Bill does not kill people. This is to enhance the quality of life for persons. That is what this Bill is all about.

If you take time off to speak with the doctors who have been doing transplants, those that are at the Georgetown Public Hospital Corporation, they will tell you how long they were trying to get such a piece of legislation in place. If we want to be known as a jurisdiction that is doing proper transplant medicine, then we have to put the legal and ethical framework in place. All the experts, whether from Spain, the United States of America, Canada, the United Kingdom or the Caribbean, we have consulted want us to have strong legal and ethical framework in place. That is what this legislation is providing for all of us.

I recall, some years ago, when we were having one of those debates...When the Deputy Speaker spoke about cervical cancer, it reminded me of that incident in this Parliament. Under the then Minister of Health, Dr. Bheri Ramsaran, we had introduced human papillomavirus (HPV) vaccination in this country. The lead speaker for the Opposition at that point and time, Dr. George Norton, stood up and made some very outrageous remarks about HPV vaccination in Guyana.

Among those remarks was that giving HPV vaccines to the children of this country to protect them from cervical cancer was tantamount to the Tuskegee experiment that happened in the United States of America. That was what was said in this House. I remember speaking sometime after him and explaining that was never our intention because we want to protect the children, especially the women of this country, from cervical cancer.

Today, we heard an association, somehow, between what we are trying to do in terms of transplantation, in terms of regenerative medicine and in terms of cell therapy... that was then, somehow, taken out of context and misconstrued that somehow minority is...somehow this is related to ethnic cleansing and, by inference, that maybe we will take organs from some people and use them in such a programme. I want to say from this floor that is not the intention of this Bill, and it is really abhorrent of a medical practitioner to come and try to make that type of connection with this Bill. [**Ms. Teixeira:** Shame]. It is a shame. It is a travesty. We should not allow these things to happen because this Bill is colour blind. The people who will benefit from this Bill, we would not look at their colour. It is a colour-blind Bill. Anybody, regardless of their race and regardless of their ethnicity, would benefit from this Bill. That is what this Bill is about. To try to come here and cast these types of aspersions is really not the place for this kind of debate. Therefore, it was really disappointing. I really do hope that, in their quieter moments, they would reflect on the fact that when we come to a place like the Parliament and with Bills like this, it is not just to oppose for opposing sake. Sometimes, we have to look at what is for the greater good of the people of our country. This Bill, I would say, brings that greater good for the people of this country.

This Bill would enhance the quality of life for patients. Not only are we trying to bring regulations to what we are already doing, but this is a forward-thinking Bill. The work that we want to do in regenerative medicine and the kinds of things that we want to do would be a first in the Caribbean. I think the Attorney General quite competently dismissed those types of aspersions that were cast about us copying, taking a knock off Bill and all kinds of nonsense. When you look at what we have in this Bill, I could safely say that there is no other Bill in this Caribbean region that talks about regenerative medicine, in the way that we have done in this Bill, and that looks at the transplant of cells and tissues in the way that we have done in this Bill.

*5.08 p.m.*

There is a new one and that is looking at biofluids. This is a totally new concept and we have made provisions for that in this Bill. If it were a knockoff from something that was done in the year 2000, these advances in medical science would not have been reflected. I have had the good fortune of consulting with some of the world's premier experts in this area. One of those experts was Mr. Cohen. He is a world-renowned expert. He is the Deputy Dean of Harvard Law School. He reviewed this Bill thoroughly and added comments to it. That is why it is one of the best pieces of legislation in this hemisphere. When it is necessary, we can borrow from other jurisdictions. When it is necessary, we are not afraid of advancing and putting things that are yet to come. This Bill straddles both areas – from putting in the regulations for what we are already doing to looking forward to the future of technologies that would be here. That is what we are trying to do with this Bill. As the Attorney General also said, this is just one of many Bills in the health sector that would be coming. We want to modernise the health sector. We want to make sure that we have all the legal provisions to ensure that we can deliver quality healthcare in this country.

Again, I want to thank my Colleagues who rose and supported me on this Bill. I want to thank the Members of the Opposition who spoke and the Deputy Speaker as well. As I said in my opening remarks, there are many, many persons to thank. I have named some of them, but for all those whom I did not get to touch on, I just want to express my gratitude. This is a revolutionary piece of legislation, and it will take Guyana into the future. This is about 21<sup>st</sup> century medicine. Thank you, Mr. Speaker.

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

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

**Mr. Chairman:** Hon. Members, there are no amendments to the Bill. The Bill has 58 clauses and two Schedules.

**Clauses 1 to 58**

*Clauses 1 to 58 agreed to and ordered to stand part of the Bill.*

## **Schedules I and II**

**Mr. Shuman:** Mr. Chairman, I would like to propose just one minor correction, which I had brought to the Hon. Minister's attention. There is a grammatical error in the first Schedule, I think.

**Mr. Chairman:** Thank you, Hon. Deputy Speaker. The Hon. Minister has alerted us. Grammatical errors are within the purview of the Clerk to correct. Thank you.

*Schedules I and II agreed to and ordered to stand part of the Bill.*

*Assembly resumed.*

*Bill reported without amendments, read the third time and passed as printed.*

**Mr. Speaker:** Hon. Members, this is a good time to take the suspension. Before we take the suspension, a reminder to the Committee of Selection: we meet immediately after the suspension.

*Sitting suspended at 5.14 p.m.*

*Sitting resumed at 6.33 p.m.*

**Mr. Speaker:** Thank you, Hon. Members. Please be seated. Hon. Members, we will now proceed with the second reading of the Powers of Attorney (Amendment) Bill 2021–Bill No.15/2021, published on the 10<sup>th</sup> December, 2021.

### **(2) Powers of Attorney (Amendment) Bill 2021–Bill No.15/2021**

A Bill intituled:

“An Act to amend the Powers of Attorney Act.”

*[Attorney General and Minister of Legal Affairs]*

**Mr. Nandlall:** Thank you very much, Mr. Speaker. I rise to move that the Powers of Attorney (Amendment) Bill 2021–Bill No.15/2021, published on the 10<sup>th</sup> day of December, be now read a second time.

This Bill and the Deeds Registry (Amendment) Bill constitute part of an array of measures, in the form of legislative intervention, intended to address a fundamental problem faced by our citizenry, more particularly those who own immovable property. One would not dispute the fundamental character, importance, and premium placed upon property in any society. A large part of the laws and, indeed, the legal system of every society is dedicated to the protection of property. Article 17 of the Universal Declaration of Human Rights provides:

“2. No one shall be arbitrarily deprived of his property.”

Article 21 of the American Convention on Human Rights provides:

“2. No one shall be deprived of his property except upon payment of just compensation...”

Article 142 of the *Constitution of the Co-operative Republic of Guyana* – our supreme law – states that the State guarantees to every person, as a fundamental right to freedom, the protection of private property from arbitrary deprivation. The State also guarantees that no public property will be confiscated unless compensation is promptly paid in accordance with market value. This constitutional guarantee is accompanied by a myriad of legislation on the statute books of our country, providing a formidable protective network intended to safeguard property. This exists in both the civil and criminal arenas of the law. Notwithstanding, there has been an unusually high incidence of persons losing immovable property by fraud. I am of the considered view that there is a causal link between these fraudulent transactions and the peculiar system of land ownership which exists in Guyana. I speak of ownership by a titular document called the Transport, which we inherited from our colonial past.

In 1803, the Netherlands ceded the colony of Dutch Guiana to Great Britain. For over 100 years, thereafter, there was a gradual sub-plantation of the British legal system and its laws in the colony. The process culminated in the year 1916 with the enactment of the Civil Law of British Guiana Ordinance. By that Ordinance, from 1<sup>st</sup> January 1917, Guyana received the common law of England, including the doctrines of equity as was administered in England at the time, but there was one exception. It was expressly stated that the English common law of real property shall not apply to immovable property in Guyana. The law that existed in the colony at the time was, in effect, saved in certain areas and, to date, continues to be the law of Guyana. The law in relation to the ownership of immovable property is one of those areas.

This transport system of ownership has some peculiarities about it which differentiate the type of land ownership that Guyana has from the rest of the Caribbean and, indeed, Great Britain. By this system of ownership, the concept of absolute title is embraced. What that means is that only when the Transport is in the name of the holder of that Transport that legal title vests. What that means is that if one enters into an agreement of sale for the purchase of an immovable piece of property and pays 99% of the purchase price of that property, that person gets no legal interest in that land and only gets a legal interest when the Transport is actually passed into the name of that person.

Compared with the rest of the Caribbean and the United Kingdom, upon the signing of an agreement of sale, the purchaser, though paying only 10% of the deposit, becomes what is called an equitable owner of the land. The legal owner can only dispose of his interest in the land, subject to the interest of that equitable owner. That is not the case in Guyana. What happens in Guyana is that the conveyancing papers are filed with the Deeds Registry. The law requires an advertisement of that transaction, moving from the vendor to the purchaser, be advertised in the *Official Gazette* for a period. This period is to allow for any person, who may have an interest in that property or who may be owed a debt by the owner who is transferring, to lodge what is called a notice of opposition to that conveyance.

*6.41 p.m.*

That is the way in which the public is informed of the sale and can possibly stop that sale before the Transport is passed. Up until the Transport is passed, the purchaser, though, as I said, he may have paid a substantial amount of that purchase price, is not the owner and owns no legal interest that the law protects. All he has at his disposal is the equitable right to sue that vendor for specific performance of that contract. That peculiar system of land ownership has been abused in our country and there are many, many cases that stand as evidence of that abuse. We have taken measures, in the past, to guard against these abuses and to create this protective network to which I make reference. Obviously, my efforts have so far been inadequate. For example, in 2012, with I as Attorney General, we piloted in this House and enacted an amendment to the Deeds Registry Act that allows for agreements of sale to be recorded and filed as a record as the Deeds Registry. So, when a person wishes to buy a property, he can go at the Deeds Registry to see whether there are any previous purchase agreements signed in relation to that property.



As I said, because the law does not confer upon a purchaser an interest in a land, it allows that dishonest vendor to enter into multiple agreements of purchases for sale of the same property, drawing moneys from several purchasers and then dishonestly passing it to a third or possibly jumping on a plane and leaving these shores, leaving those persons with an agreement of sale for that land but with no interest conferred by that agreement in relation to that land.

We also, in the past, in the year 2012, came to this House and passed another piece of legislation that allowed the *Official Gazette* to be put online. The mischief to address then was the issue of accessibility of the *Official Gazette* not only to people in Guyana, in particular the rural communities, but also persons who are living in the diaspora and who own property in Guyana. There is a large faction of Guyanese who live in the diaspora, but they own properties in Guyana. Because they do not get access to a physical copy of the *Official Gazette*, which was the only medium of publication of that instrument, they were denied the opportunity to peruse that document on a regular basis and, therefore, could not have seen when their transports would have been advertised for passing to a stranger, or pursuant or an unauthorised or fraudulent sale. We attempted to correct that measure by putting the *Official Gazette* online and now the *Official Gazette* can be accessed on the internet. There is a Facebook page. The *Official Gazette* is also accessible on many Government websites, and we hope that it would be read more regularly so that persons can see not only important Government information and public information that is contained in an instrument like the *Official Gazette*, but, more importantly, they can observe whether or not land transactions involving their own property is being fraudulently conveyed. As I said, the law requires such transaction to be published in that *Official Gazette*. That measure still did not yield the desired success and we still have cases where persons are losing their properties with unusual frequency in our country.

To demonstrate the issue, I walked with a case that was recently decided by the Caribbean Court of Justice (CCJ). I will read convenient excerpts from that case to illustrate the point that I want to make about the importance of this piece of legislation, as there is a direct bearing of this case on the Bill that is before us. The case that I wish to refer to is the case of Merlene Todd against Desiree Price and Jennifer Jeboo. This is an appeal determined by the Caribbean Court of Justice in 2021. When I was in private practice, I had the privilege of appearing in the case for Merlene Todd, the appellant, and the trial was done before Chief Justice Chand. We won the trial, and the case went

to the Court of Appeal. The Court of Appeal ruled against me. I filed an appeal to the Caribbean Court of Justice and the Court of Appeal decision was eventually reversed. The important issue of this case... Someone said that, as usual, the Court of Appeal's decision was reversed, but that is a different matter. Let me quote from the case so that you understand the factual matrix to which I am referring:

“Allan Price (now deceased) owned the West Half of Lot 153 Queenstown, Georgetown. In February 2004, Ann Jennifer Jeboo, claiming to act on behalf of Price, used a Power of Attorney to sell the lands to Todd, who obtained a transport. It was subsequently discovered that the Power of Attorney was fake and Jeboo was convicted of fraud. Price sued both Jeboo and Todd in the High Court seeking to set aside the sale and have the transport declared void.

By section 22 (1) of the Deeds Registry Act, every transport vests in the transferee absolute title, but the proviso to the section contains an exception of a transport obtained by fraud in the hands of all parties or privies to a fraud. Price's claim against Jeboo was a straight case of fraud. His claim against Todd was not on fraud. Rather, he claimed that by her negligence, she 'contributed' to Jeboos's fraud and the loss of his property. Price died before the trial and the claim was by his widow, Desiree Price. Following a full trial in the High Court, Chang CJ delivered judgement in which he found that no fraud had been pleaded against Todd and that it was impermissible at the trial to advance the case of fraud against her, and in any event, there was no evidence that she was privy to fraud. Accordingly, he refused to declare the transport of Todd void and to set it aside.”

You have a case here where Mr. Price did no wrong. Resident in the United States of America, a fraudster by the name of Jeboo concocted a power of attorney, pretending that it was authorised and made by Price, authorising her to sell his property and he sold it to Todd. Todd made all his searches at the Deeds Registry, confirmed, as the judgement would later reveal, that the instrument, the power of attorney was duly recorded, and it was duly filed in accordance with the laws. The Registrar of Deeds is the one who executed the power of attorney, and one would have expected that such a responsible office holder would have ensured that the power was properly executed. That was not the case. Pryce lost his property. Todd was able to benefit. She did no wrong either. No fraud was alleged against her. The fraud was alleged against Jeboo who, coincidentally, was

charged with the fraud, went to the Magistrate's Court, pleaded guilty to the fraud and was sentenced. The tragedy of it all is that Price lost a valuable piece of property through no negligence, but because the system failed. That is what happened in the case. In several parts of the case, this is an important passage that I want to share, this is what the judge said:

“In this case, the forged power of attorney was relied on by Todd only because it was duly registered and had been so registered by no eminent and trustworthy person that the Deputy Registrar of Deeds had certified that Allan Price had personally appeared before him and affirmed that he had executed the power of attorney. In considering the matter of the lost that one or perhaps both innocent parties must suffer fearless requires a recognition of that lost and a deficiency in the system...”

There you had the record showing that Mr. Price appeared. The notary public, who is the officer duly authorised to execute an instrument called the power of attorney, is required to affix a seal and that seal signifies that he would have seen the person appear before him personally and append his or her signature. Unfortunately, in reality, that does not happen, and it did not happen in Price's case. The evidence showed that, at the time when that instrument was purportedly executed by Price at the Deeds Registry, Georgetown Guyana, Price was in the United States of America. His passport did not show that he was anywhere close to Guyana at the time. The judges of the Caribbean Court of Justice (CCJ), in several portions of the case, called upon the Government of Guyana to rectify the situation. I want to read a passage where that call was made. This is Justice Jamadar speaking:

“It is my hope that the judgments of the High Court, Court of Appeal, and this Court will all be placed before the Honourable Attorney General of Guyana, for his careful consideration and possible action. I am convinced, and respectfully so, that there is an urgent need for a review and for appropriate reform ...”

To be taken in this area of the law. There are other passages from different judges in the case calling upon the Parliament of Guyana to intervene and strengthen our system of land ownership and other areas of the law in order to protect private property. The Government of Guyana and the Parliament of Guyana is heeding the admonitions of our apex Court, the Caribbean Court of Justice, by these proposed legislative reforms. We did similarly when we removed from our statute

book what is loosely referred to as cross-dressing legislation, after the CCJ declared that the offence that cross-dressing effected was in conflict with our constitutional provisions.

Indeed, the President of the CCJ has since publicly congratulated the Government and the Parliament of Guyana for giving effect to the decision of our apex Court. As was evident in the Merlene Todd's case, a power of attorney was used as the instrument to perpetrate the fraud that caused Mr. Price to lose his valuable property. There are numerous other cases to which I can point where powers of attorney have been used in like fashion to commit fraud and trickery. Many are currently under police investigations. I know for a fact that only this morning, a few persons were arrested and taken to the Criminal Investigation Department (CID) where a power of attorney, again, it is alleged, was fraudulently executed and a person used that power of attorney to mortgage a property to the bank and the bank executed a mortgage, owned a property and disbursed millions of dollars in loans to a person who was apparently acting under a power of attorney that was forged. Several administrative decisions were taken, and policies were implemented at the Deeds Registry to strengthen the system there. However, they are not enough.

6.56 p.m.

Unfortunately, in many cases, those who prepare the legal instruments, such as powers of attorney, are either complicit in the fraud or are negligently executing their statutory functions, and that contributes significantly to the creation of fraudulent and illegal instruments. A power of attorney, by law, must be executed before a notary public or a magistrate. One would think that a person holding such a high office would not be *particeps criminis* or would exercise his functions with due circumspection and care. At a minimum, one would expect that they would take the necessary steps to verify the identity of the persons involved in the transaction, and that they would physically witness the appending of their signatures to the document. Clearly, that does not take place, as exemplified by the Merlene Todd case. This Bill seeks to mandate a regime of measures which the parties to such an instrument, and the person before whom it is executed, must follow for the instrument to be valid. The Deeds Registry is prohibited from registering, filing or recording in the Deeds Registry, any power of attorney who does not comply with this regime of measures.

The Bill, in the first clause, adds a new clause to the Principal Act. In this new clause, it adds the regime of measures to which I am referring. The Bill is crafted in commendably simple language,

so I will read it very briefly so that Members would understand what the drafter intends to achieve. Section 2A is the new section that will go after clause 2 in the Principal Act, and it reads:

“2A. (1) An instrument creating a power of attorney shall be executed with the donor of the power and the donee of the power...”

Meaning the grantor and the grantee.

“...appearing personally together before a Public Notary or Magistrate, as the law may require, and the donor and donee shall each provide the Public Notary or Magistrate with two photograph identification documents that establish their identity and a photocopy of each of the documents.”

The Hon. Member I believe, Mr. Ramjattan, speaking through his mask, was asking me why it has to be two forms of identification. It is two forms of identification, Hon. Member, because that is the type of stringent requirement which we deliberately want to insert into the law. We have found that there is evidence of forged identification cards. One can have a forged identification card, but it is also difficult, at the same time, to get a forged driver's licence or a forged passport, unless one is a master forger. We are simply making it difficult for those who intend to commit fraud. If one does not have two forms of pictorial identification, then one cannot execute a power, neither can one be the recipient of the power. It is as simple as that, and that is the intention of this Bill. We do not intend to dilute the importance of that. Somebody said that brain is free. Clause 2A (2):

“(2) Where the donor is out of Guyana and the Donee is in Guyana...”

This clause speaks, specifically, to the Guyanese reality where a large part of our population lives in the diaspora, but they have people in Guyana who transact their business on their behalf by the use of that instrument called a power of attorney. We are strengthening it for those persons as well, even though they may be executing it in a foreign country. This also is in keeping with the Evidence Act.

“(2) Where the donor is out of Guyana and the donee is in Guyana, the donor and the donee shall each appear personally before a Public Notary or Magistrate, as the law may require, in the country in which he is and execute the power of attorney, providing the Public Notary

or Magistrate with two photograph identification documents that establish his identity and a photocopy of each of the documents.”

If one party is in New York, in Richmond Hill, they must find the notary on Liberty Avenue or somewhere close by in Brooklyn, if they are in Brooklyn, and execute that instrument and provide two pictorial identification sources to which the law refers, or else it will not be a valid power.

“(3) The power of attorney shall specify the name and number of every identification document of the donor and donee.

(4) The power of attorney shall be signed by the donor and donee in the presence of a Public Notary or Magistrate and two witnesses, and subscribed by the witnesses in the presence of each other before being signed, sealed or stamped by the Public Notary or Magistrate:

Provided that where the donor executes the power of attorney out of Guyana, a separate witness statement shall be given by one of the subscribing witnesses.”

If the ‘thing’ is done in New York, in addition to the two witnesses who must sign as subscribing witnesses present when the donor is signing, one of those witnesses must also execute an affidavit of due and proper execution and attach it to the instrument and send it to Guyana. The donee, in Guyana, if he wants to act upon that, must complete the other side of the transaction by appearing before a public notary and complying with the laws as it applies in Guyana.

“(5) The power of attorney shall not...”

And this is where the Deeds Registry comes in now.

“(5) The power of attorney shall not be registered, filed or recorded in the Deeds Registry, unless the power of attorney has attached to it copies of the two photograph identification documents, bio-data page in the case of a passport, of the donor and donee, and a separate witness statement given under subsection (4), which have been certified, signed and sealed or stamped by a Public Notary or Magistrate.

(6) For the purpose of this section identification documents include a national identification card, a valid passport and a valid driver’s licence.”

It is expected that this compendium of measures will go a far way in protecting those instruments, the powers of attorney, so as to prevent miscreants from perpetrating fraud using these instruments as the vehicle. In the Principal Act, there is a section that exempts a category of powers of attorney from complying with certain formalities, including it having to be filed at the Deeds Registry for public record. Those types of powers of attorney are special powers of attorney under the Act, and they allow you to pass transports and to take out a mortgage. We are collapsing that provision into this, and we are saying that even those powers of attorney, in the Principal Act, must comply with these provisions or else they will not be valid. We do not want to leave unchecked any category of instrument that can be used as a power of attorney. We do not want to exempt them from these menus of safeguards; we want to include them. Any one of those powers of attorney that did not have to comply with formalities before will now have to comply with the regime set out in this Bill.

The Bill continues to list a series of offences for anyone who violates what this Bill prohibits. So, the Principal Act is now amended, and a series of offences are inserted. For example, clause 4 states:

“12. (1) A person shall not dishonestly obtain a power of attorney –

(a) To obtain financial advantage for the person or another person; or

(b) To cause loss to the principal or another person.

(2) An attorney under a power of attorney shall not dishonestly use the power of attorney-

(a) to obtain financial advantage for the attorney or another person; or

(b) to cause loss to the donor of the power or another person.

(3) Any attorney who fails to comply with this subsection commits an offence and is liable on a summary conviction to a fine of five million dollars and to imprisonment for five years; and in the case of a body corporate ten million dollars.”

Then there are other offences directed to the public notary.

“13. (1) If any Public Notary who is suspended or removed from practice or whose name is not on the register, whether for reward or not, makes, does, exercises or performs any act, matter or thing pertaining to or belonging to the office, function or practice of Public Notary, the Public Notary commits an offence.”

Then there is one that goes to any person.

“(2) A person who wilfully certifies or propounds any false statement or document, or who fraudulently, with intent to deceive, conceals, withholds or perverts any fact or document pertinent to the subject of a power of attorney commits an offence.

(3) A person who fails to comply with any of the duties imposed on the person under section 2A commits an offence.

(4) A person who commits an offence under this section is liable on summary conviction to a fine of five million dollars and to imprisonment for five years.

14. The Minister may make regulations as may be necessary for the better carrying out of the provisions of this Act.’.”

This Bill may be small in its size, but it has deep and far-reaching ramifications for the protection of property in Guyana. The Caribbean Court of Justice (CCJ), in its judgment, recommended a number of changes. We are going to implement them in stages. We began long before the CCJ called upon us to do so. I spoke of the Deeds Registry (Amendment) Bill in 2012, which allowed for the registration of agreements of sale. I also spoke about the Official Gazette Bill 2012, which allowed for the publication of the *Official Gazette* online to make it readily available. This is another piece of legislation that intends to strengthen that protective apparatus to ensure that our transported properties are protected.

Why I am emphasising on transported property is because, in Guyana, there is another system of land ownership which was introduced in 1961. It is the Australian Torrens system of land registration. That issues a certificate of title. That coexists side by side with the Deeds Registry Act and the Roman-Dutch system of ownership. But, in the incidences of fraud that we have unearthed over the years, there is not a corresponding number of frauds being committed in that system of landownership. That has to do with the swift way that system works. When one goes to



the Registrar of Lands with all the conveyancing documents and one hands it over to them, that is the end of the transaction. The purchaser, who is in that transaction, from that moment that the Registrar of Lands takes custody of those documents, becomes the owner without the registration of the certificate actually being issued to them. It becomes so by operation of law because, after those documents are submitted, nothing can change the registration of that certificate into the name of the new owner. There is no three months period for advertisements in the *Official Gazette, et cetera*. One does not find, in that system of ownership, many instances of fraud.

7.11 p.m.

Of course, in the Merlene Todd's case, where the power of attorney was used, it could have been a certificate of title or it could have been a transport, because what was used as the vehicle there, was the power of attorney. Ms. Jeboo... even if the property was owned, prized by a certificate of title, it would have still, based upon the facts, succeeded using a fraudulent power to transfer the title over to Ms. Todd, as it occurred. The system of ownership did not matter in that case and the lawyers on both sides of the House would know what I am speaking about. When one examines the reported cases and the incidents of fraud against immovable property, it occurs more with transported properties rather than with certificate of registration type properties. This is a very important Bill and I commend this Bill to the House. I thank you very much. [Applause]

**Mr. Speaker:** Thank you, Hon. Attorney General. The motion for the second reading is proposed. Our next contributor is the Hon. Member, Mr. Hemraj Rajkumar. Hon. Member, you may proceed.

**Mr. Rajkumar:** Thank you, Mr. Speaker. Mr. Speaker, I join with the other Members of this side of the House to support the passage of the Power of Attorney (Amendment) Bill, Bill No. 15 of 2021.

A power of attorney, simply put, is a written authorisation where a person, who is referred to as a donor or principal, appoints another person, who is referred to as the donee or attorney, to represent an act on the principal's behalf in certain matters specified in the document. This document is normally executed before a notary public in the presence of two witnesses and recorded in the Deeds Registry to give it legal effect. This important device enables persons living in Guyana, and those residing overseas, to appoint someone to conduct business on their behalf. The amendment proposed by clause 2 of this Bill by inserting section 2(A), subsections (1), (2), (3), (4), (5) and

(6), provide for the procedure to be followed when executing a power of attorney and provides also for a power of attorney to be executed before a notary public or a magistrate.

It has been the practice in Guyana for power of attorneys to be executed before a notary public with the donor or donee present, along with two witnesses. It has also been the practice that, if the donor of the power of attorney is out of Guyana, he or she appears firstly before a notary public in that country and signs the power of attorney in the presence of two subscribing witnesses. It is then signed and sealed by the public notary. The power of attorney is then sent to Guyana. The donee, along with two witnesses, appearing before the notary public here in Guyana, assigns the power of attorney. It is then signed, sealed, and recorded in the Deeds Registry.

The Powers of Attorney Act, Chapter 5:08, in its current form, does not make any reference as to the procedure to be followed when executing a power of attorney, nor does it require it to be executed before a notary public or magistrate, nor is there a requirement for a photograph identification of the donee or donor. Clause 24 in the Second Schedule of the Deeds Registry Act, Chapter 5:01, provides for the execution of a special power of attorney to be done before a notary public, or attested by two witnesses and by the certificate of a magistrate or justice of the peace, that it was executed by that person. This amendment proposed by clause 2 of this Bill outlines the procedure to be followed when executing a power of attorney, and this will now make what has been the practice of executing a power of attorney, a procedure required now by law.

Clause 2(A) makes it mandatory for the donor or donee to provide two photograph identification documents, to establish their identity and to have photocopies of those documents filed, along with the power of attorney. The photograph identification requirement is necessary for the notary public to ascertain that the person appearing before him or her is the person he or she says they are. However, this requirement of two photograph identification document may be a challenge to some persons, since many persons may have only one photo identification document and, therefore, would not be able to be a donor or donee of a power. I met several persons who have only one photograph identification, and that is the National Identification Card. In order for those persons to be appointed or appoint a power of attorney under this section, they will now have to take steps to have a passport or a driver licence issued to them, which sometimes can be very onerous, especially for those persons living in the remote areas of our country.

Clause 3 of the Bill proposes to have power and likeness, or special power be filed with two photograph identification documents of the donor and donee, and with the witness statements, if the special power of attorney is executed out of Guyana. It is my opinion that photograph identification is necessary when dealing with the execution of power of attorney and special power of attorney, but one photo identification can suffice in these circumstances.

The appointment of a donee and donor is done upon great trust by the donor for the donee. The donor expects that the donee, at all times, would act on his behalf with utmost good faith and the donee would give him the assurance that he will do so. The power of attorney establishes a fiduciary duty on the donee when acting on the donor's behalf. This trust placed on the donee is sometimes betrayed. Dishonesty is still among many of us. Persons sometimes use the power of attorney to act dishonestly to the detriment of their principal. There have been instances when dishonest attorneys appropriate the property of their principal by using the said power of attorney entrusted to them. The amendments proposed by clause 4 of the Bill, by insertion of section 12 and 13, seek to protect the donor or principal from any fraudulent or dishonest act by the attorney or the notary public.

The proposed section 12 creates an offence where a person, by forgery or by fraudulent means, obtains a power of attorney to act dishonestly. It also creates an offence where an attorney, properly appointed, commits any dishonest or fraudulent act against anyone, including his or her principal. The proposed section 12 makes it an offence for attorneys who act dishonestly using a power of attorney entrusted to them. Under the proposed section 13, it will be an offence for a public notary who is suspended, removed from practice or not on the register, to act as the notary public. This also creates an offence where a person with the jurisdiction to execute the power of attorney acts fraudulently and does not follow the procedure specified by section 24 (A) when executing the power of attorney.

These proposed amendments seek to protect the donor of the power of attorney from a dishonest act by attorneys acting by themselves or in collusion with other persons. In these circumstances, we on this side support the passage of this Bill. Thank you very much. *[Applause]*

**Mr. Speaker:** The Hon. Member, Mr. Sanjeev Datadin, you have the floor.

**Mr. Datadin:** Good evening, Mr. Speaker. I rise to offer my humble support to my Learned Friend and Colleague, the Hon. Attorney General, and to support this amendment of the Powers of Attorney Act.

As far back as 1932, on 14<sup>th</sup> May to be exact, Guyana enacted a legislation which provided the statutory underpinning for the operation of power of attorney or deeds of power of attorney in Guyana. It is now, for the first time, getting a much-needed update. A power of attorney is not a person, it is a deed. The person who acts is really called an attorney. What happens is that someone, in effect, trusts and gives to someone, who is called a donor as is set out in the legislation... That person gives the power to someone else to act in their stead. It is akin to having an agent or a proxy, someone to act on your behalf, to do that which you are able to personally do.

The foundation of the power of attorney is really to allow the average citizen to have someone act on their behalf in their stead. Power of attorneys are a very common legal document. It is estimated that more than 10,000 are filed, annually, in our court system. They are filed in the Deeds Registry and that is how they become a deed. They are executed, as it stands now, before a notary public. That notary public would usually be required to ascertain the identity of the person who is before him or her. There is and there was no legal obligation, on the part of the notary, to verify the identity of the person who was being authorised, meaning the person who is now going to exercise the authority of the donor of that power. There was never a requirement under the law for that person to make himself or herself known.

Power of attorneys, the deeds, can be used in many instances and they can take many forms. We should recognise that it can be general, which means it can be for anything that one can do. One could make a general power of attorney to authorise someone to act, to do anything that one could do – to vote at company meetings, to sell a property, to collect rent and to transact business at the bank. It could range through all of that. Or, it could be specific for something like only one act, for example to collect rent. It could be for something very specific that the power of attorney could do on one's behalf. As the Hon. Attorney General mentioned, there are also deeds that are done under statute. Like the Deeds Registry, one could have someone receive transport on one's behalf, by a specific statutory regime that avoided the Powers of Attorney Act, which requires registration in a particular format or form.

Uniquely, power of attorneys, or the deeds that are made, can be irrevocable. If given for consideration and it satisfies certain matters of law, it can be made to be irrevocable. That would mean the person would be able to continue, the person who one has given this power, even perhaps in circumstances where one does not want them to any longer. It poses a problem. Revocation is an issue and has to be set aside as if it were a contract. But, we cannot... Even with the dangers of what a power of attorney can do, it is a necessary aspect of ordinary life for most citizens. Guyana, it is no secret, has many persons who are overseas.

*7.26 p.m.*

They still have property and need to conduct business and do other things in Guyana, and they would usually authorise someone to act on their behalf. The troubles which were identified by the Hon. Attorney General in one single case that reached the Caribbean Court of Justice has, regrettably, replicated itself. Every practitioner knows that there are much more matters in the court where powers of attorney have been used as instruments of fraud. They were forged, they were faked, and they were used against the wishes of the donors of that power, so it is opened to abuse.

How does the abuse happen? The most frequent way is through forgery, or it is faked, and the person who is purporting to act on behalf of the donor is not, in fact, known to the donor and should not act on behalf of the donor. We have a situation which is simply this: A very useful and important legal document, which is a deed, is susceptible. Because of the legislative underpinning that existed, it is susceptible to improper interference. The choice would be that we could discontinue them altogether. That would not make much sense, respectfully, because it is a document that is far too useful. What we could do, and what was suggested by Justice Jamadar in the Caribbean Court of Justice and, in fact, other members of the court, and what the Hon. Attorney General has highlighted, is that we need to make it better. This means we need to take that 1934 statute and drag it into 2022, so that the instrument it creates could be effective in 2022; but, more importantly, it could be secured for those who would wish to employ it.

The legislation the Hon. Attorney General has recommended to the House speaks very simply. What it does could be divided into two or, perhaps, three headings: one, is it provides how it could be made. This means who must be present and what they must do to meet the requirements of the

law. It states that the person giving the power, referred to as the donor, must be present with two forms of identification. It states that the donee, who is the person receiving, must also be present and must also have two forms of identification. What it does, which had not been in the law before, is that it now requires the recipient of the power to be present and to provide identification. That is one aspect.

Secondly, it states that the notary or the magistrate must now be satisfied and take copies of the identification documents provided, for example, as it would be in the data page of your passport, if that is what is being used. They must receive pictorial representation, which means they have to see one's picture along with one's identification so that they could ascertain who one is. What must then happen is the notary must make a record of these things. If it is done where one person is overseas and one person is in Guyana, each notary must discharge those obligations and each person, be it the recipient of the power or the giver of the power, must also satisfy those requirements. Then we get to the other part. Once it is received by the notary, and there are two witnesses who must sign as well, and he stamps it, he must take those documents and make it apart of what it is that he is concluding, which is the deed itself; be it a general power, a specific power, or one of the statutory powers provided for as the Deeds Registry Act does.

What happened before was that the legislation had stated that, if it were general or specific powers, it had to be in compliance with the law as set out in the Act but not any of the other forms of deeds of power of attorney that exist under statute. The Deeds Registry power of attorney for receiving conveyance did not have to meet the requirements of the Power of Attorney Act. That is no longer the position. All statutory powers must now meet the requirements. Then we get to the part where this has to be registered in the Deeds Registry. The Deeds Registry must receive these documents and receive passport size photographs as well, so that it could register all of this. This is done in the registry.

It has been a notorious fact that persons in the Deeds Registry have imposed, if you like, requirements in an effort to preserve the sanctity of deeds of power of attorney by requiring, for example, that one updates it annually; and requiring that, before one uses it in a transaction, one updates it. In the old legislation, there is no such requirement. Because the documents were so important and because they were so fraught with danger, the Deeds Registry has, without statutory authority, been insisting on this in an effort to make the document more secure. The legislation in

the Bill proposed to this House would no longer be necessary. The people in the registry, the staff of the registry and the Registrar no longer have to take it upon themselves and impose conditions which they ought not to, and which is not provided for by law in an effort to preserve a very important document. This law, now, provides them with the framework within which they could comply, within which they could request and within which the document itself would have sanctity. Better security is now added.

There are, as the Hon. Attorney General alluded, persons who would take a power of attorney, be the recipient of the power, would give them the right to sell property and they sell it to themselves, they sell it to a family member, or they sell it to someone at an undervalue for example. This especially happens in the case of fraud or forgery. Now, there is a specific offence created if one does that. When one takes someone's authority to act on one's behalf, there are now specific things that one has to be aware for which one could be liable. One cannot obtain financial advantage to oneself, one cannot use it in that way, and one cannot use it to cause loss to the person who is giving it to one. Basically, that is what it is for. That was one of the highlights of the Todd case to which the Learned Attorney General alluded. That is, in fact, the most common complaint that is received, which is that persons are turning up, they have power of attorneys, they act on behalf of persons, and they use it to secure personal advantage to themselves.

Any person who would be the attorney acting on behalf of the person would be liable to a summary conviction and a fine of \$5 million and imprisonment for five years. Practicing attorneys say that \$5 million fines and five years' imprisonment is on the higher end of the scale to which there are fines and imprisonment. That gives an indication of the seriousness with which this is being treated, with the serious and obvious effort that is being given to protect the document and to protect the citizens in Guyana, the citizens, who need to use it, and also those who own property and want to not have someone fake that document and fraudulently sell their property.

If we are to take it from the position of where we are, it is not an overstatement to say that we have taken the document of a power of attorney and we have overhauled it, taking into consideration most of the common complaints or deficiencies and most of the dangers. And, so far as a statute could do, we have eliminated or managed it to a position whereby the risk that those who wish to use it improperly, the risk that they take, is now substantial and real. It does not only cover those who are purportedly signing these documents to give the power and those who are receiving the

power, but it now corrals the notary themselves, who would be the persons who stamp and authorise these documents... it now puts them on guard that they must heed the warnings of the law. They must make good their obligation and they must discharge their obligations because we have a concept in law where, if one is a bonified purchaser, if one is not knowledgeable of or if one is not tainted by the fraud, it would not affect one. The notary now has an obligation. He or she could choose to either comply with the statute or not but, if he or she does not, even though the property owner may not be able to recover his property because of a legal principal, it does not mean that the notary cannot be sent to jail and cannot be fined.

Although the principles that apply as to fraud cannot be changed by this legislation, it puts on guard everyone who acts in the process. As long as the persons who act as donor of the power, the recipient of the power, the donee or the notary – and it would extend to those in the registry – do not meet those requirements, they are now substantial statutory offences created for which it would cost them not only a fine, but it would cost them their liberty. So, there is imprisonment that goes with it. Mr. Speaker, with my humble contribution, I commend this amendment, and I support the amendment as proposed by the Hon. Attorney General. Thank you. [*Applause*]

**Mr. Speaker:** Thank you Hon. Member, Mr. Datadin. Hon. Member, Mr. Khemraj Ramjattan, please, you can proceed.

*7.41 p.m.*

**Mr. Ramjattan:** The year 1932 to now, approximately nine decades, what were the lacuna of the law then is as a result of what I will regard as an increasing dishonesty on the part of those who effectively were then the notary public and the actual donee. It is necessary, and I think it is very commendable on the part of the Attorney General to see the necessity, especially in the context of the cases that we as practitioners have found so despicable, as occurring with the frequency and sometimes the gravity. This is because some tremendously valuable properties have been conned as a result of the activities of people who are donors, donees really. Also, if I may say some of the notary publics who have not paid attention to the substance of the grant that they are executing.

It is important then that, in that context, this Bill be supported. I must say that I did indicate to the Hon. Attorney General as to why, in view of the fact that you are now corralling the notary public, he is also asking for the presence of both donor and donee being together. Along with the penalties



for dishonestly, executing a power of attorney and then, after that, doing the business activity of fraud, it will appear that knowing what is in Guyana, whereby especially people in rural areas would not have two photographed identity documents. What is the need for the two? Of course, the Attorney General indicated that they are strengthening it to that extent. Well, it does not impress me. In view of all the corralling, the increased penalties that were not in the 1932 Act and so many other things that are provided for here, it would now require, as was mentioned by the Hon. Member, Mr. Rajkumar, that we have to force people that would like to now execute a power of attorney, to get a passport and a driver's licence, which are the other two documents.

The passport, of course, is a difficulty now. I noticed that the lines are getting long at the Passport Office. Even so, people in the rural areas and the remote areas, our Amerindian brethren and sistren, they hardly would have the time, the effort and the expenditures of money to get that passport and so on. I am making the call that, if this could have been reduced to at least one photograph identity document. It is important to make an ease of how one could do the execution.

Of course, there are other strengths in this Bill that will, what you call, ensure that the people who generally do the “crookishness”, who would do the fraud, are now kind of corral. What one will require however, is to make an ease of those persons or make it easier for those persons who would want to execute. That is the point I was trying to get across. I do not think the Attorney General is impressed. In any event, I just want to make that contribution. This is but a very important commendable improvement in the Powers of Attorney Act, especially in the context of today's dishonesty on the part of so many individuals. Thank you very much, Sir. [*Applause*]

**Minister of Education [Ms. Manickchand]:** Mr. Speaker, this afternoon we are here to debate what appears to be a small Act in terms of the number of clauses in that Act. It is one which seeks to address a mischief that has affected many of our citizens, many of the people who look to us for protection. There are two mischiefs that usually arise out of the usage of a power of attorney. Before we get there, I heard all the ‘legalees’. What is a Power of Attorney? It is a document where one person gives to another person, power to perform certain acts stated in that document on behalf of the giver. For example, John gives Mary power to collect money from the school's Cash Grant for her children. John gives Mary power to go to the bank on his behalf and receive salaries that were placed there by a person he works with – a minor *per se*. John gives Mary power to do certain acts with his property in Georgetown”.

Whatever power he is giving is contained in the document. There are two mischiefs that we have seen over the years: One – People forging powers of attorneys and then using them to benefit from them to the detriment of the person who they claim gave it to them and two – people legitimately getting a power of attorney but misusing that power. This small Bill addresses both. The people who are to forge the power, the way this Bill addresses that is, it puts a set of measures in place to make sure that it is not as easy to forge.

This Bill asks that both the giver of the power and the taker of the power must appear before a notary public or a magistrate at the same time. They must appear with two photographed identifications; they must appear in person; and they must execute it all at the same time. They must do that in the presence of two witnesses who are present at the same time and who sign saying that they are witnesses, witnessing the signature and they are present at the same time. Those are several safeguards now added to the execution of powers. Those safeguards are likely to help us remove the likelihood of forgery. If someone is overseas, and a lot of overseas-based persons give persons here the power, they must, in addition to signing before a notary where they are, as well as the person who is receiving the two pictorial identifications, they must also send a witness statement and an affidavit from at least one of the witnesses saying that this person saw the execution of this document.

All of that is done to try to prevent the fraud of forgery. We must face a harsh reality that does not sound diplomatic and nice. The safeguards needed here will have to be enforced. Prior to this amendment that we brought to this House, persons who are executing powers of attorney ought to appear right now, without this amendment, personally before a notary. Notaries are traditionally lawyers with 10 years or more service or 10 years or more experience at the Bar. Notaries have been executing or placing their stamps and official seals on documents where they did not see the donor grant that power. With all these safeguards, we are going to have to make sure that we insist that notaries and magistrates, the persons given authority to make this power, actually do it the way we want it to be done – that the people appear before them; that they sign before them; that they do it at the same time and not send it through another lawyer, the two pictorial IDs and the notary signed already. That is something we are going to have to address head on. We are going to have to call on the people who are made notaries in this country to do the right thing. We are

going to have to be strong enough and brave enough when they do not, to remove from them the privilege of being a notary public and or a magistrate.

The second way powers are misused is – where a power is given, and a lot of people do not limit powers, they just give a general power of attorney which allows the person they are giving the power to, to do anything, but one does that in trust. It is a father giving his son power to deal with all his properties – to go to the bank, pay the rent and pay the rates and taxes. It is a wife giving her husband power because they trust each and they love each other, and that power is misused. We have heard about the sale of property, but it extends further. All of us in this House must know people who have used powers to withdraw from the bank, other people's savings; to sell jewellery; to dispose – you like that jewellery part Ms. Ferguson – to dispose of assets that the donor of the power, the giver of the power, never intended for them to dispose of.

To the people of this country, especially older people, if you are going to give a power to someone, even if it is your children or your spouse or your most loved niece, make sure it is limited in what they could do and be very careful with the grant of that power. I am very pleased, Your Honour, this afternoon to hear the support from the Opposition for this piece of legislation. I could say here that we are the kind of Government... The only criticism that came or the only observation that came here is the hardship that might be placed on persons to produce two photographic identifications. I am saying here, and I believe the Attorney General is going to repeat that, if we find that there is hardship on our citizenry, this Bill is intended to serve with love to the people of this country, conscientiously understanding what their problems are. If we find out that this, in any way, is bringing hardship to anyone, then we would be happy to come back here, laws being living documents, to come back here and change that. In the meanwhile, this is a good piece of legislation that all of us in this House have to ensure we insist is followed.

*7.56 p.m.*

Where it is not followed, where notaries, where magistrates, where colleague lawyers do not follow the provisions we put here, regardless of our friendship or fraternity with those persons, that we be willing, each of us and as a House, to make sure they are reprimanded appropriately. The law states penalties of \$5 million and five-years imprisonment. I am also saying that, once a privilege is granted and it is misused or not used in accordance with the law, it should be removed from the

persons who have the ability to grant powers or to place their official stamp and mark on those powers. This afternoon, I take great pleasure in commending this Bill, the Powers of Attorney (Amendment) Bill 2021- Bill No. 15 of 2021, for passage in this National Assembly. I thank you.  
[Applause]

**Mr. Nandlall (replying):** Permit me to thank my Colleagues on this side of the House, who spoke in support of the Bill. As well as to thank the Hon. Members on that side of the House, who also spoke in support of the Bill.

The only *bone of contention* that has been raised is in relation to the requirement proposed here for the use of two pictorial identifications. That was not inserted into this Bill lightly. Members of this House would know of a case where a power of attorney was used to withdraw dozens of millions of dollars from a private bank a few years ago that caused four managers of that bank to be dismissed. Not only was the power of attorney a forgery but the person presented an ID card to the bank that was also a forgery. That is one case that *comes to mind*. There is a young lawyer who graduated out of law school and had \$7 million in his savings. A person came to him, showed him a transport, an ID card and a power of attorney. The property was in Lamaha Gardens, it was an empty lot. All the money that young man had he paid down on that property. He paid \$5 million out of the \$7 million. That was 15 years ago. The transport turned out to be a fraud. The ID card turned out to be a fraud. The passport turned out to be a fraud. The Registrar of Deeds will confirm how many times reports have been made and they have had to go to the Police Headquarters, Eve Leary to give statements in relation to fraudulent transports. Persons are printing transports in this country. When one sees the printed version on that parchment paper, it looks just like the original. The Coat of Arms, the signature of the Registrar, everything is there. Passports are the same thing. Fraud is being committed using those instruments.

I recognise the concern raised about two forms of identification. It was deliberately drafted this way. The Hon. Member Mr. Rajkumar and I believe, the Hon. Member, my distinguished Colleague, the Hon. Minister of Education, both emphasized that this is a document of trust. We have seen how that trust is being violated. For many years, there were no requirements at all and we have lived to regret that. Now, because of our life experiences, we have to draft laws that meet the mischief that is out there. Unfortunately, I believe every speaker has highlighted the highly unusual nature of fraud being committed on our country with the use of powers of attorney. It is

the responsibility of this Parliament to address that in the most condign way. The point is, powers of attorney have been given too carelessly in this country. The Hon. Minister of Education, in her presentation, cautioned how easily powers of attorney are executed in the most general and generous forms and formulations, creating the basis for the abuse, the misuse and the fraud. We have to be more careful. The persons who are entrusted with that grave responsibility to stand in the shoes of a principal must be a responsible person. Most responsible persons have two forms of identification, as far as I am aware. It is to deliberately exclude certain persons from being entrusted with the power. It is as simple as that, until we address the serious problem of the multiple frauds that are being committed in Guyana.

People are losing their property. I just gave an instance where a commercial bank executed a mortgage on a person's property. The lady is in her 70s. She was in New Jersey in the United States of America (USA). The record showed that she was in Guyana and allegedly executed a power of attorney in favour of a bank and that power was used to mortgage a property. She did not know anything. She never received any proceeds of that loan. That is the cold, harsh reality that we are dealing with. If one had a requirement of two identification cards, I do not think that it would have been that easy. It is a serious situation. So, while it may appear harsh on its face, the requirement of two ID cards may exclude persons, it will do the donor better. The donor's interest will be protected because it is the donor who stands to lose. This is for the protection of the donor. Do not give a person a power of attorney who does not have two IDs that an independent person can verify it is the person.

Our experience is that we have been unable to detect where the fraudulent misrepresentation, the trickery and the wickedness present itself. At the high level of the bank, in Merlene Todd's case and at the Registry itself, in that case it was the Assistant Registrar of Deeds who certified that Allan Price came before him, presented himself and executed that document. The poor man never did that. If there was a requirement for two pictorial ID cards there, I think it would have at least been difficult, if not impossible. Hence the requirement in this Bill. There are many, many other cases. The Hon. Member Sanjeev Datadin may have referred to a few.

Mr. Speaker, we are duty bound in this House to pass laws that frontally confronts the mischief and to make that mischief as difficult as possible to reoccur. Those are the considerations and the principle that inspired the insertion into this Bill of two pieces of ID cards as a mandatory

requirement. In America, I know that will not be a problem because most persons – most donors in the United States – would easily satisfy that requirement. The requirement of two ID cards for their agents in Guyana is important because it is the agents, as all the speakers have said, who violate the trust and perpetrate the fraud.

This Bill is intended to protect society. It is intended to protect private property. It is intended to protect all of us who intend to authorise someone to conduct a transaction that we may not be able to do. The Bill gives the Minister a power to make regulations to better achieve the purposes of the Act. If the case comes up whereby such regulatory power is required, regulations will be used. The ultimate objective is to stamp out fraud so that people's private property and the property of our citizens remain sacrosanct, sacred and the constitutional guarantee that the State gives that those private properties will be protected as a fundamental right in freedom is guaranteed. Mr. Speaker, thank you very much. Once again, I thank all those Members who contributed to this Bill. I move that the Bill be read a third time and passed as printed. Thank you very much.

**Mr. Speaker:** That is all right. You just went ahead a bit. We have to approve the second reading, then resolve into Committee.

**Mr. Nandlall:** My apologies.

**Mr. Speaker:** Hon. Members...

**Mr. Nandlall:** I ask that the Bill be read a second time, Sir.

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

*Bill considered and approved.*

*Assembly resumed.*

*8.11 p.m.*

*Bill reported without amendments, read the third time and passed as printed.*

**(3) DEEDS REGISTRY (AMENDMENT) BILL 2021 – Bill No. 16/2021**

A Bill intituled:

“An Act to amend the Deeds Registry Act.”

*[Attorney General and Minister of Legal Affairs]*

**Mr. Nandlall:** I rise to move that the Deeds Registry (Amendment) Bill 2021 – Bill No. 16 of 2021 published in the *Office Gazette* on the 22<sup>nd</sup> November, 2021, be read a second time.

Mr. Speaker, my task here is very simple, having regard to the antecedent Bill that we dealt with. This Bill is simply consequential to the Powers of Attorney (Amendment) Bill. Mr. Speaker recalled that in that Bill we made certain additions and provisions, which required those documents to be filed at the Deeds Registry. This Bill is simply a corresponding amendment to the Deeds Registry Act to allow for that which we provided for in the Powers of Attorney (Amendment) Bill to be given effect too. So, we have a new section 20 in this Bill. It reads:

“20A. (1) A power of attorney shall not be registered, filed or recorded in the Deeds Registry unless it has attached to it, as specified in section 2A of the Powers of Attorney Act, photocopies of the two photographed identification documents of the donor and the donee and the separate witness statements in the case of a power of attorney executed out of Guyana, which has been certified, signed and sealed or stamped by a Public Notary or Magistrate before whom the power of attorney was executed.”

Then clause 20A. (2) states:

“A person who registers, files or records a document purporting to be a power of attorney in contravention of subsection (1) commits an offence and is liable on summary conviction to a fine of five million dollars and to imprisonment for five years.”

Anyone who tries to file a document that does not comply with the requirements here, commits an offence. As I said, this is simply to facilitate and accommodate the changes that we have made to the law in relation to powers of attorney. This is the accompanying or consequential amendments that would allow those powers of attorney to now be executed in accordance with that law, to be filed as a record at the Deeds Registry, which is already a requirement and the place where it has

to be filed. I do not think this should occupy much of our time. The previous Bill, which was the main Bill, was supported by all Hon. Members from both sides of the House and I anticipate that this consequential amendment will receive similar support. I ask that the Bill read a second time.  
[Applause]

**Ms. Walton-Desir:** Good evening, Mr. Speaker. I rise to make my contribution to the Bill that is before us, the Deeds Registry (Amendment) Bill of 2021. As the Hon. Attorney General did say it is a consequential amendment that flows from the Bill that we previously considered. I, like my Colleagues before me, in large supported the intent of the Bill to correct the mischief of forgeries, *et cetera*, that are well recorded in our courts. I want to ask, because the Bill will be passed irrespective of whatever we say here today, as it relates to subsection two:

“A person who registers, files or records a document purporting to be a power of attorney in contravention of subsection (1) commits an offence and is liable on summary conviction to a fine of five million dollars and to imprisonment for five years.”

I would ask that the staff of the Deeds Registry, who would be required to enforce and facilitate the registration, *et cetera*, of powers of attorney, be given sensitisation sessions, so they are aware of what the law now is, and they would act with full knowledge of that. I do have a difficulty with the requirements for two forms of identity, well, two picture forms of identity. I have to disagree with my Colleague on the other side, the Hon. Member, Ms. Manickchand, that we will wait and see. One of the key characteristics of good governance is the ability to foresee and we could all foresee that this will occasion severe difficulty. One, for our brothers and sisters in the hinterland, in the Indigenous communities. Two, there are a number of examples that we could simply point out.

I may have an aunt that is 70 years old. She wishes to give me a power of attorney. She neither drives nor does she have a passport. You are now asking a 70 year old woman, in this time of Coronavirus disease (COVID-19) and having to social distance, to go to the Passport Office to line up and apply for a passport or a driver’s licence. I cannot accept this excuse that the Government side perpetually uses to excuse their lack of foresight and that is, the law is a living thing; we will wait and see. We have the opportunity now to prevent one Guyanese citizen as much from



experiencing the hardship that this would occasion. As a responsible House, we must take that opportunity.

The other thing that I have a problem with is that my Learned Friend on the other side, the Hon. Attorney General has this habit of approbating and reprobating. It is of concern to me. The Hon. Member said today a number of very interesting things. He took a very strong stand on the reasons for the two IDs. What I am at a loss to explain is that this level of rectitude that was required when we passed Act No. 9 of 2021, the Registration of Births and Deaths (Amendment) Act, this level of rectitude was not displayed. I wish to suggest to the Hon. Attorney General that he should look at the provisions that he put into law, specifically for the Registration of Births and Deaths (Amendment) Act 2021, Section 44(A), where any person who on the presentation of a declaration made under the Statutory Declarations Act, by a person of high standing in the community, a simple declaration could entitle a person to birth certificate.

Now, we all know that the possession of a birth certificate is the first step to being granted any form of ID whether it be a driver's licence, a passport or a National ID. Because it suited their political purposes, what they did was to make the requirement so lax. We stood in this House, and we said to the Attorney General, Cde. AG, my Colleague, we warned you about the dangers of such lax requirements. Basically, what could happen is that somebody could get a sworn declaration saying that they are, for example, Annette Ferguson, proceed to get a birth certificate, proceed to get an ID card or a passport and commit, thereby, the same fraud that you are purporting to want to defend against. The reality is that suited your political motives.

This sanctimonious attitude that you are coming with here today... I have a difficulty with your statement that most responsible people have two forms of ID. It is a most irresponsible statement because our brothers and sisters in the hinterland would have an ID card. The majority of them do not have a driver's licence. They do not need it necessarily. They do not need a drivers' licence. They may not travel, so they may not have a passport. What you have created here is a coast lander Bill that does not cater for our brothers and sisters in the hinterland. You keep preaching about 'one Guyana' and everything single thing you do, you clearly demonstrate that you keep creating a divided Guyana. These interests must be balanced, Sir. We have to balance these stringent requirements with the requirements of the *ease of doing business*. I would invite you to consider the loophole that you have created in this situation because now I would no longer need to forge,

as it were, an ID card. I could legitimately go and say, through a statutory declaration, that I am this person, legally obtain these documents, and still execute the mischief that this is purporting to intent.

Mr. Speaker and my Colleagues across the aisle, I think this is the result of you not taking a holistic look at the law, as it is required. This is what results when we use the law to pursue political expediency. I would want to say, for whatever it is worth, that we need to reconsider the requirements for two ID cards. We need to reconsider how the provision of the Registration of Births and Deaths Act would adversely affect our ability to counter this mischief. I, thank you, Mr. Speaker. [*Applause*]

**Mr. Datadin:** Good evening, again, Mr. Speaker. I rise to support the Deeds Registry (Amendment) Bill 2021 as proposed by the Hon. Attorney General.

*8.26 p.m.*

When we were dealing with the Powers of Attorney (Amendment) Bill a few minutes ago, I had indicated there were certain components which could be three. These related to the people who were actually named in the deed – the power of attorney, which is the donor and the donee – the person getting the power and the person giving the power, and there was, of course, the notary. There were obligations on all three of those persons. The third and last part is the registration of the document in the Deeds Registry. It would be useless, and it would be downright foolish, if I should say so, to all that trouble of the doner of the power having to identify himself, the donee – the recipient of the power – having to provide identification, the notary being obliged to examine it and the witnesses being required to give statements and not take all of that information and file it in the Deeds Registry so there is a permanent record. It would mean that everything that had been done to preserve the sanctity of the document, to make it safer, would have been defeated at the most important step, which is where the permanent record is created. The files in the Deeds Registry are permanent records. There are files in there for more than a century. It would all go to zero if it would not require that the people, the staff of the Deeds Registry, register all these documents.

The amendment, respectfully, requires that a power of attorney shall not be registered in the Deeds Registry, which is more of mandatory language, unless attached to it are photocopies of two

photograph identification documents of the doner and donee, separate witness statements of each witness who would have witnessed the deed itself, and a stamp by the notary. There has to be a seal, which is the stamp, and he has to sign it. If there was not this final part, that would be the gaping loophole to it all. What would happen is the people who are responsible for creating the final record would not have the record. How do you go back and say that the donor of the power provided the information required? How do you go back and say that the recipient of the power provided the information? Importantly, how do you hold the notary's *foot to the fire* that he did not do his job, if you do not have the entire folio of documents that are required and filed as a permanent record in the registry? *As night follows day*, this is required to give effect to the amendment that has been inserted into the Powers of Attorney Act. The amendment which gives protection to the citizens for when that document is used now comes full circle. The registry must participate in keeping powers of attorney relevant, sacrosanct and secure. The Deeds Registry must do that.

The complaint is that two forms of identification is difficult. We are getting to cross purposes. The purpose of the legislation was not to make anything easy. There is no mischief in Guyana with the law needing to be easier. The mischief is it is being abused, fraudulently. You do not want to make it easier; you want to make it respectably difficult. I used the term respectably difficult to convey that if the person who is going to be the recipient of a power does not have two forms of identification, I would respectfully suggest that he is not the person that should be the recipient of such a power. I do not cast aspersions. I do not wish to say that, but Your Honour, everything that requires documentation requires a level of documentation that is deemed secure.

In the old days, I am told you travelled with a document that you wrote up with your name. It is the reason so many of our citizens, who have travelled to Guyana, have names that are quite unusual – anglicized names in the case of those that came as indentured servants. I digress. There was, at that time, a different level of requirement. Years ago, we travelled with passports that were not machine readable. Society has moved on. The wisdom of having machine readable passports was seen. The requirement followed. Do not let us confuse what the Power of Attorney (Amendment) Act and the Deeds Registry Act are designed to address. The mischief is not easy. It is not to make it easy. The Attorney General has said to this House, as is accepted, that laws are breathing, living things. If it were to be discovered that insurmountable hurdles are being presented

in the process, by having the requirement of two forms of identification, then the Attorney General could bring a Bill to this House to correct it. At the get go, what we are trying to do is make it more secure, not make it easy. It is to make it more secure in a realistic way. Most people have an identification card because they would have voted, presumably. They have passports because they would have travelled. They have drivers' licences because they would have driven. My Colleague, the Hon. Minister, Ms. Teixeira, says she does not see the value of driving. Everyone has two forms of identification. If you do not have two forms of identification, maybe this is time that you should. The mischief is the fraud. The remedy is to put a system in place that will deal with the fraud. It is not to put a system in place that will do nothing to alleviate the current difficulties because it is too easy, and it is equally easy so that one could circumvent the mischief being sought to be prevented. That is the simple response to those who say that is too difficult. The simple response is that the Government has to look after its people. This is a problem. The fraud relating to powers of attorneys is a problem.

Respectfully, to the Member on the Opposition side who said that it has a bearing on the registration of births and deaths and the legislation that has passed, it is a *non sequitur*. It relates to different things. If one were to take it to its logical conclusion that it was somehow made easier, despite the requirement of the people and the reputation of those persons who must give that declaration, then the argument would not apply that it is difficult to get two forms of identification. One would be well on one's path if it were made easier. The argument, respectfully, is *non sequitur*. Not only does the argument not make sense, but it has no applicability to what the House is considering now, the mischief that the House is trying to address, and the mischief that this Bill seeks to correct. Respectfully, with those few words, I commend Bill No.16/2021, the Deeds Registry (Amendment) Bill 2021, and I support the amendment that it proposes to our Deeds Registry Act. Thank you very much, Mr. Speaker. [Applause]

**Ms. Manickchand:** Thank you very much, Mr. Speaker. We are here to debate and, hopefully pass, an Act to amend the Deeds Registry Act. We just passed an Act to amend the Powers of Attorney Act. Acts and laws are amended all the time. Good governance requires that policymakers identify and are sensitive to the hardships faced by their citizenry and come and amend those laws. The fraud that the Government and the Opposition accept has been happening, either through forgery or through misuse, did not start in the last 18 months. It was happening for all of the time

the A Partnership for National Unity/Alliance For Change (APNU/AFC) were in office and they did nothing. Mrs. Walton-Desir cannot come to this House and lecture anyone on this side about good governance because they do not know what is required in the practice of good governance. That is why we are amending, nine decades later as, Mr. Ramjattan said, the Powers of Attorney Act to give some kind of protection to our citizens.

Again, we have to be conscious that, with all the identifications, with all the two witnesses and with all the attestations we are asking for, if we have dishonest people in the system, either through notaries, who are usually lawyers, or magistrates, who are also lawyers, or people at the Deeds Registry, who will register and record a power of attorney without the required documents, and we are not strong enough, brave enough, and serious enough to discipline them, then all of this will go by the wayside. You could require the two identifications and the two witnesses and there could be a notary who did not see any of that or who saw fraudulent documents and still gave their stamp to this. There could be a person at the Deeds Registry...I think a case was cited earlier about the Registrar of Deeds herself or himself not doing what was required of them and giving their official stamp and mark to a power that was misused. If we do not have the implementation of these Bills, then they will not enure to the benefit of our citizens and the intent that we are trying to... the mischief we are trying to fix, and the intention of these Bills will be weakened.

*8.41 p.m.*

I say that this amendment is necessary if we are to say...and we all say we need changes to the Powers of Attorney Act to include those safeguards. Then, we must include at the Deeds Registry that anyone who tries to register it – that is the person who walks in and says, here is my power, without the right documents or the person behind the cage who takes it without the right documents, are non-compliant with this piece of legislation...If they register a power without two pictorial identifications, without a witness statement where it was relevant, and without the stamp of the notary or magistrate, then that person is liable to a \$5 million penalty and five years' imprisonment. Of course, I would expect that dismissal will follow, once the person is found guilty. I hope that these penalties are enough to deter persons. I also say, again, that it is up to us to insist on what kind of society we want and to wring that out of the people who will not give it willingly and voluntarily. This piece of legislation coming before this House is an exercise of good governance and I commend it for passage here this evening. [*Applause*]

**Mr. Nandlall (replying):** I want to thank my Colleagues for their support, once again, and for highlighting the need for implementation and policing of these vital pieces of legislation. Mr. Speaker, we pass laws here of great value and it is indeed a problem when it comes to implementation and enforceability. Only recently, in a conversation with our Chief Whip, the distinguished Minister of Parliamentary Affairs and Governance, I remarked to her that the Deceased Persons Estates' Administration (Amendment) Act, which we passed here, was not being implemented by the commercial banks. That Act allows for persons' surviving spouses and persons representing the estates of deceased persons to withdraw from the deceased persons' bank accounts up to \$750,000. There is a branch of a bank in Berbice that was refusing to comply with that legislation only last week. A lawyer had to intervene, take the legislation to the bank, and make out a case for its enforcement.

Perhaps, we have to do much more in publicising these laws in order to get greater public awareness so that we can get greater compliance by extension. We will have to do that if that is what is necessary. Of course, the law becomes the law from the time it is assented to by the President. One would expect that society will obey the law. Of course, as a Government, the State's law enforcement agencies will have to become more active. The Deeds Registry is aware of these pieces of legislation. The Registrar sat with us when we were drafting these pieces of legislation. So, to the Hon. Member Walton-Desir, who spoke about the need to do some type of familiarisation with the Deeds Registry's staff, the Registrar of Deeds, as the head of that organisation, is well acquainted with these provisions. They are very simple to read; they are not complex; they are not sophisticated in any manner whatsoever and I do not anticipate any difficulty in them being complied with at the level of the Deeds and Commercial Registries Authority (DCRA).

Of course, they will have to now be careful because this Bill creates an offence for any one of them to receive, to accept, and then to file a document, purporting to be a power of attorney, that does not comply with the provisions that we are legislating here tonight. In relation to the two IDs, again, the Hon. Member Walton-Desir criticised that fact by claiming that we do not have an abundance of persons with two IDs. I do not know whether that is so but, as I said already – and as my Colleague, the Hon. Mr. Datadin said – the amendment is intended to make it a little more difficult.

The argument advanced by the learned Member about making it a little easier for persons to get source documents, so as to get birth certificates in the hinterland area, has no connection to this Bill. As I said, when I piloted that Bill, we have a duty, under our Constitution, and we have a duty under our obligations of the United Nations (UN) Conventions, to ensure that there is the registration of persons in our country. It is a worldwide problem, and we have to play our part. Part of our obligations include making it easy and making it more readily available for persons to be registered. If we have to adjust our laws to qualify a greater category of persons, then so be it. We have done that. The persons whom we have identified are leaders in the communities. The legislation speaks to Toshaos, *et cetera*; it is not any and all persons. We need to do that to ensure that those people get their birth certificates.

I understand the argument of Hon. Member Ms. Walton-Desir to be that those birth registrations or birth certificates will be used as the basis to get forged IDs. Well, that is a quantum leap. That is why the Bill speaks to two forms of IDs. If it is that you are going along that fraudulent route, we have made it a little more difficult for you. You not only have to forge an ID card, but you also have to forge a passport or a driver's licence. That is the idea. It is to make it difficult for one to forge. So, the argument does not make sense. The argument collides with the argument itself. The Hon. Member is not even here. Mr. Speaker, someone sent me a *WhatsApp* message to remind me that before one could open an account at the bank, there is a requirement of two IDs. This two IDs is not unique to this Bill. Apparently, it is a universal application already and, as I said, that is the intent of the Bill. There is not much more that I would like to say. I respectfully ask, Mr. Speaker, that the Bill be read a second time. Thank you very much, Mr. Speaker.

*Question put and carried.*

*Bill read a Second time.*

*Assembly in Committee.*

**Mr. Chairman:** Hon. Members, there are two clauses to this Bill.

**Clauses 1 and 2**

*Clauses 1 and 2 agreed to and ordered to stand part of the Bill.*

*Assembly resumed.*

**Mr. Speaker:** Hon. Members, before I call on the Hon. Attorney General, we should ask the Hon. Prime Minister to move the motion that the House proceed beyond 8.00 p.m. to conclude. We can suspend our Standing Orders. Hon. Prime Minister, you have the floor.

### **Suspension of Standing Order No.11**

BE IT RESOLVED:

“That Standing Order No.11 be suspended to enable this sitting of the National Assembly to continue with its business beyond 8.00 p.m.”

*[Prime Minister]*

**Prime Minister [Brigadier (Ret'd) Phillips]:** Mr. Speaker, I start by apologising because I was warned by the Hon. Member, but I thought that it was 10.00 p.m. [**Ms. Ferguson:** Call my name.] It was the Hon. Member Ms. Ferguson. I thought it was 10.00 p.m. Okay, Mr. Speaker, I will now ask that we suspend the Standing Order so that we could go beyond 8.00 p.m.

*Question put and agreed to.*

*Standing Order suspended.*

**Mr. Speaker:** Thank you, Hon. Prime Minister. Hon. Attorney General and Minister of Legal Affairs, you have the floor.

*Bill reported without amendments, read a third time and passed as printed.*

### **MOTIONS**

#### **Nominee of the National Assembly to serve on the Board of Directors of the Natural Resources Fund**

WHEREAS Section 5(1) of the Natural Resource Fund Act 2021 provides that there shall be a Board of Directors of the Fund which shall comprise of not less than three and not more than five members who shall be appointed by the President, one of whom shall be appointed Chairperson by the President;



AND WHEREAS Section 5(2) of the said Act provides that the Directors shall be selected from among persons who have wide experience and ability in legal, financial, business, or administrative matters, one of whom shall be nominated by the National Assembly and one of whom shall be a representative of the private sector;

AND WHEREAS Section 5(10) of the said Act provides that a person shall not be eligible for appointment as a Director if that person, inter alia, is a Member of the National Assembly;

AND WHEREAS Standing Order 84(3)(b)(iii) provides that it shall be the duty of the Committee on Appointments to make recommendations to the National Assembly on any matter referred to it by the Assembly from time to time,

BE IT RESOLVED:

That this National Assembly refer to the Committee on Appointments the task of making a suitable recommendation to the Assembly on the candidate to be identified as the nominee of the Assembly to be appointed by the President to serve on the Board of Directors of the Natural Resource Fund in accordance with Section 5 of the Natural Resource Fund Act 2021.

*[Senior Minister in the Office of the President with Responsibility for Finance]*

**Senior Minister in the Office of the President with Responsibility for Finance [Dr. Singh]:**

Thank you very much, Mr. Speaker. I rise, this evening, to move a motion requesting that the National Assembly refer to the Committee on Appointments, the task of making a suitable recommendation to the Assembly in relation to candidates to be identified as the nominee of the Assembly to be appointed by His Excellency the President to serve on particular bodies established, pursuant to the recently enacted Natural Resource Fund Act 2021.

It would be recalled that this honourable House considered and approved a new Natural Resource Fund Act last month. It is an Act that incorporated a number of provisions that were originally reflected in its predecessor, the Natural Resource Fund Act 2019. It is an Act that, very importantly, amended or revised certain pertinent provisions in that predecessor Act. In fact, Sir, if I might be allowed an opportunity to retrace our steps in this regard, it would be recalled that the then

APNU/AFC Government brought a Natural Resource Fund Bill to this honourable House in the latter months of 2018.

*8.56 p.m.*

I believe, in fact, it was in November, 2018. The then APNU/AFC Government, as history now records it, then faced a No Confidence Motion on 21<sup>st</sup> December, 2018, which No Confidence Motion was successfully passed, as a result of which a sequence of events should have transpired related to the resignation of the Cabinet, the dissolution of the Parliament and the calling of an election within 90 days. That sequence, of course, did not occur because of the then APNU/AFC Government's refusal to respect the consequences of the No Confidence Motion. Instead, the then Administration proceeded to force through this House the Natural Resource Fund Bill that was then before the House. The People's Progressive Party/Civic, then in Opposition, led by Opposition Leader, Dr. Bharrat Jagdeo, now Vice-President and former President, made very clear, from the earliest days of sight of that the Natural Resources Fund Bill...then Opposition, People's Progressive Party/Civic, registered our grave concerns regarding that Natural Resource Fund Bill. The Bill, approved subsequently in January, 2019, suffered the very fundamental defect of having been considered and approved by this House after a No Confidence Motion had successfully been moved against the then Government, which was a point that we highlighted and expressed concerns about from that very moment.

In addition to that, that Natural Resource Fund Bill included a number of very fundamental defects in the contents of the Bill, which we also highlighted from the very earliest of days. Even after that Bill had been passed by the Administration then in Government, still refusing to respect the results of the No Confidence Motion, the People's Progressive Party/Civic continued to register our concerns about the contents of the Bill.

Our main concerns regarding the contents of the Bill could be highlighted, thus. Sir, firstly, we highlighted our concerns regarding the weak and almost non-existent governance arrangements regarding the fund. Specifically, we highlighted two grave concerns and egregious defects of what was then the Natural Resource Fund Act. Firstly, the extensive and excessive powers of the Minister of Finance and, in particular, it would be recalled that the Minister of Finance had vast powers related to the overall management of the fund, appointment of officers of the fund,

contracting of advisors to the fund, determination of the economically sustainable amount that could be withdrawn from the fund, with determination of the fiscally sustainable amount that could be withdrawn from the fund, determination of certain expenses that could be incurred by the fund, amongst other matters. We said then, very clearly, that we had a grave concern about the excessive powers of the Minister of Finance, as reflected in what was then the Natural Resource Fund Act 2019.

Relatedly, we registered our grave concern that the Act was in violation of the most fundamental of principles of good governance and in direct violation of the international standards that govern the operations of sovereign wealth fund and the standards that are described as the Santiago Principles, particularly as they relate to the requirements that a governing body be in place. The Natural Resource Fund Act 2019 made no provision for a governing body because there was no board of directors or governing council or governing body responsible for the overall management. Instead, Sir, as I have just mentioned, the overall management of the fund rested solely, entirely and autocratically within the hands and sole purview of the Minister of Finance. We registered, at the time, our concerns about those two related fundamental and, indeed, fatal defects of the Natural Resource Fund Act 2019 – the absence of a Board of Directors and of any other comparable governing body or governing structure responsible for the overall management of the fund and the excessive and the pervasive and autocratic overreach of roles, responsibilities and powers placed in the hands of the Minister of Finance.

We also expressed serious concerns about the lack of transparency written into the Natural Resource Fund Act 2019 in a number of respects including, first and foremost, a complex and an elaborate architecture to govern withdrawals from the fund and specifically a formula captured in Schedule One of the Natural Resource Fund Act 2019. It was a formula that was designed to be so obscure that it was completely opaque. Needless to say, beyond its inherent obscurity and opacity, was this ultimate power of the Minister to determine and decide. To give you an example, Sir, although what was then described as a macroeconomic committee was established, ostensibly to advise on the economically sustainable amount, ominously, it was not that committee that was going to determine the macro economically sustainable amount. It was the Minister of Finance who still was going to determine. In the architecture, as it was written, some structures were established to create the veneer of decency. On the surface, if one were to read the Natural

Resource Fund Act 2019, quickly and superficially, one would say that there is a large technical macroeconomic committee analysing all manner of things to determine the economically sustainable amount. When one stopped and read closely, one discovered that the committee was only making recommendations. The decision was still being made by the Minister of Finance. One had to be extremely careful and detailed in one's examination of the NRF Act 2019 to discover the hoodwink that was being attempted by the APNU/AFC on the people of Guyana, creating the veneer of this elaborate architecture of a macroeconomic committee when, in fact, the committee was powerless to make any decision and the decisions were being made entirely by the Minister [An Hon. Member: Smokescreen.] Someone said it was a smokescreen. It was one person, one man, and that is an important point to which I will return shortly.

Mr. Speaker, we registered our grave concerns about the complexity of this architecture designed to be opaque when all of the decision-making authority rested in a single individual. I hear one of my Colleagues reminding us that, in this instance, the individual in whose hands all of the decision-making authority was placed is an individual who said that he believed the signing bonus was a gift.

Sir, we also expressed concerns about provisions written into the law that allowed expenditure to be met from the fund without prior parliamentary approval. There are a number of provisions in the law that speak about expenses being met directly from the fund and there is a lot of elaborate and sophisticated languages used, once again, to create a smokescreen of transparency. Language such as direct charge on the fund is used, trying to borrow and mimic language that we use elsewhere. We speak in other legislation about a direct charge on the Consolidated Fund. They transplanted that language into the NRF Act and spoke about a direct charge on the fund, trying to create the impression that there was some rigour and transparency when, in fact, the effect and consequence of those provisions were really to allow expenditure to be met from the fund without prior parliamentary approval. The list goes on, including, of course, if I might return to the point just made, the blatant abuse by diversion of moneys that predated the establishment of this fund, diversion of moneys that belonged in the Consolidated Fund, in particular, the signing bonus which, at that time, should have been paid into the Consolidated Fund but, instead, it was diverted and used for purposes yet unknown.

The People's Progressive Party/Civic, under the leadership of its General Secretary and then Opposition Leader, now Vice President, Dr. Bharrat Jagdeo, placed on public record all of these concerns and we gave a commitment then that, when elected to government, we would move immediately to correct these offensive and egregious provisions in the Natural Resource Fund Act. We made that promise and commitment to the people of Guyana and we went further and said that, unless those fatal flaws are fixed, not a cent from the Natural Resource Fund will be utilised. Sir, this is the essence of good governance. We said to the electorate, this is our position on the Natural Resource Fund Act 2019, and this is what we are going to do, when we got into Government, to fix those fatal flaws.

*9.11 p.m.*

Upon our return to Office, Sir, we have now delivered on our commitment to fix those fatal flaws. Where the Minister of Finance once had unlimited powers, those powers have been removed from the Minister of Finance. By our... [**An. Hon. Member:** (*Inaudible.*)] Correct. I am prompted to emphasise that, where the Minister of Finance had unlimited power under the APNU/AFC's Natural Resource Fund Act of 2019, those powers have been removed by the People's Progressive Party/ Civic's Natural Resource Fund Act of 2021. Where there was no Board of Directors in the APNU/AFC's configuration of the Natural Resource Fund, there is now a Board of Directors in the People's Progressive Party/Civic's configuration of the Natural Resource Fund. Where there was a complex and incomprehensible formula to determine transfers from the Natural Resource Fund under the APNU/AFC's Natural Resource Fund Act 2019, under the People's Progressive Party/Civic's Natural Resource Fund Act 2021, there is a simple formula that can be understood by each and every Guyanese person.

I understand that the APNU/AFC said that it was going to get a Nobel Prize winner in economics to serve on the macro-economic committee. The Natural Resource Fund belongs to the people of Guyana. The last time I checked, amongst the people of Guyana, we do not have a Nobel Prize winner in economics as yet. The people of Guyana own this Fund, and the people of Guyana must understand the basis upon which the amount to be transferred from the Fund is computed. There has been much hullabaloo about the formula that we have introduced to determine the ceiling applicable to transfers from the Fund. But, in all of this hullabaloo, one feature is striking. The APNU/AFC is speaking about how much money can be transferred under the People's Progressive

Party/ Civic's formula. One feature is striking in all of this hullabaloo. Not a single soul has proffered or ventured a number to represent what would have been transferred under the APNU/AFC's Fund, not a single number. In all of this hullabaloo, not one of them or their surrogates have been able to volunteer a single guess as to what would have been transferred, not even the Noble Prize winners who they were planning to call on. Not a single soul has been able to volunteer what the number would have been under the APNU/AFC's formula. The reason for that is very simple. It is because one man would have decided that number. We have fixed that.

Whereas under the APNU/AFC's configuration, it would have been possible for expenditure to be met from the Fund without prior parliamentary approval, we have written it into the law that every single cent to be spent from the Fund, every single cent to be transferred from the Natural Resource Fund to the Consolidated Fund... Let me emphasise that, because no expenditure is being met directly from the Fund. Withdrawals are being made from the Fund and are being transferred to the Consolidated Fund. We have written into the law that nothing can be transferred out of the Fund unless it benefits from prior approval of the National Assembly. By extension, what that means is that every single cent to be spent out of the transfers of the Fund will be subject to scrutiny through the budgetary process, not once, but, at least, twice and possibly more. There is what we will describe as *ex-ante* scrutiny, which is scrutiny at the time that the budget is being considered for approval, and there is what we will describe as *ex-post* scrutiny, which is scrutiny through the ex-post accountability process that involves the Auditor General; the preparation of financial statements by the Accountant General, the Government, the Natural Resource Fund and other entities; audits by the Auditor General; reporting back to the National Assembly; and consideration by the Public Accounts Committee, which is chaired by a Member of the Opposition; thanks to the Standing Orders that we wrote during our last term of Office. We wrote into the new Standing Orders the stipulation that the Public Accounts Committee (PAC) shall be chaired by a Member of the Opposition. And so, there is not only *ex-ante* scrutiny, but there is *ex-post* scrutiny. Here again, the list goes on.

Having enacted the new Natural Resource Fund Act 2021, we now come to this House to give this House an opportunity that it would not have had otherwise because, had we proceeded to implement the NRF Act 2019, there would not have been a Board of Directors. We are now coming to this House to seek its instruction to the Committee on Appointments (COA) for that Committee

to identify a suitable nominee to the Board of Directors. I wish to say that I have heard a lot of debate. They have made a big fuss about the fact that the board shall be appointed by the President. The President, the last time I checked, also appoints the Minister of Finance, and none of them had any problem with the Minister of Finance exercising all of those powers. None of them had a problem with the Minister of Finance who was appointed by the President and who is clearly a political figure. None of them had a problem with this sole individual, appointed by the President, having responsibility for overall management of the Fund, but they suddenly have a problem with a five-person board to be appointed by the President.

Let me say, first of all, that it is being moved from one to five. That very fact alone that it is being moved away from one individual to five represents a vast improvement. Furthermore, it is being moved to five persons to be appointed by the President, who is President by virtue of having won a mandate from the people of Guyana. I know that the APNU/AFC has a difficulty understanding the will of the people, but this President has a mandate from the people of Guyana to govern. The fact that the board will be appointed by the highest Executive authority in Guyana – the President, that itself is a further improvement. This is not a board appointed by the Minister; it is a board appointed by the President. On top of that, the fact that the board has a nominee of the National Assembly, that is an even added positive feature in the architecture that we have established. Against that background, we now come to this honourable House to launch the process that will lead to this House identifying its nominee to the Board of Directors. It would, of course, be well known that the committee tasked with such matters under the Standing Orders is the Committee on Appointments. Standing Order 84 (3), paragraph (b) (iii), provides that:

“It shall be the duty of the Committee to:-

(b) make recommendations to the National Assembly:-

(iii)...any other matter referred to it by the Assembly from time to time.”

In that regard, we are asking for this Assembly to refer this matter to the Committee. I might add that the motion, as submitted, points out:

“There shall be a Board of Directors of the Fund which shall comprise of not less than three and not more than five members who shall be appointed by the President...”

“...one of whom shall be nominated by the National Assembly...”

That is provided for under Section 5 of the Natural Resource Fund Act. We could, conceivably, have brought a second motion in relation to Section 6 of the Act, because not only does this National Assembly have an opportunity to nominate a member of the Board of Directors, but this National Assembly also has the authority to nominate a member of the Public Accountability and Oversight Committee, which is another layer of oversight. In this instance, it is a layer that is expected, required and mandated to provide non-governmental oversight. That Public Accountability and Oversight Committee is also to be appointed by the President and shall also include a nominee of the National Assembly. It will include, furthermore, representatives of the religious community, the private sector, organised labour and the professions.

Sir, with your permission, and under your guidance, it would be my proposal that instead of us bringing a second motion under Section 6 of the Act to ask that the National Assembly also asks the Committee on Appointments to identify a suitable nominee to serve on the Public Accountability and Oversight Committee... It would be my respectful wish Sir, under your guidance, to propose that the motion, as submitted, be amended appropriately, to ask this National Assembly to not only refer to the Committee on Appointments the task of making a suitable recommendation on the candidate to be identified as the nominee to be appointed by the President to serve on the Board of Directors, pursuant to Section 5 of the Natural Resource Fund Act, but also to ask the Committee on Appointments to identify that other candidate to be proposed as the nominee of the National Assembly to be appointed to serve on the Public Accountability and Oversight Committee, pursuant to Section 6 of the Natural Resource Fund Act. I will be guided by you, Sir, on the appropriate procedure to be followed to propose those amendments, and at the appropriate time, I will do so.

Let me emphasise, also, that these steps that we are taking to operationalise the enhanced governance arrangements, regarding the Natural Resource Fund, represent important steps to operationalise this architecture and, in particular, to operationalise this architecture in the interest of Guyana and the people of Guyana because, as I indicated earlier, the Fund belongs to the people of Guyana. The resources that are contained in the Fund are intended to be used in pursuit of the economic and social development of Guyana, some currently and the rest to meet the objective of



intergenerational saving or intergenerational equity. Some will be used to implement developmental initiatives currently, and some will be saved.

*9.26 p.m.*

The formula that we have written in there addresses that issue. It addresses transfers from the Fund to the Consolidated Fund to meet immediate development needs, and it addresses the issue of saving for the future as the Fund accumulates. I end on that note, specifically, to make this point. Let us be clear that all of the antics that we are observing by the APNU/AFC have but one design. It is to delay the implementation of the Natural Resource Fund Act, not as an end objective, but with the ultimate aim of disrupting and obstructing development in Guyana and in the interest of the people of Guyana. That really is what this is all about. That is what all this noise we saw on 29<sup>th</sup> December was about. It was to frustrate implementation of the Act and, in so doing, to disrupt and derail delivery of development outcomes for the people of Guyana. This is not the first time that we are seeing this. We saw it before with the Amaila Falls Hydropower Project and we saw it on so many occasions. Sir, with those remarks, I wish to conclude simply by moving that the motion contained on Notice Paper No. 165 be considered by this House and be approved, subject to the amendments to which I alluded earlier. As I indicated, I will be guided by you on when and how to move those amendments.

With those remarks, I commend the motion to the House. I say, on behalf of this People's Progressive Party/Civic Government, that we remain unwavering and unshaken in our commitment to ensure that the revenues earned from Guyana's new and emerging oil and gas sector are deployed in the interest of accelerated economic and social development in our country, for which the people of Guyana have long been waiting. Thank you very much, Sir. [*Applause*]

**Mr. Speaker:** Thank you, Hon. Minister. Hon. Members, I think this is a good time to take a suspension for 15 minutes. Please, let us be back here in 15 minutes.

*Sitting suspended at 9.28 p.m.*

*Sitting resumed at 9.57 p.m.*

**Mr. Speaker:** Thank you, Hon. Members. Please be seated. Hon. Senior Minister in the Office of the President with Responsibility for Finance, you have the floor.

**Dr. Singh:** Thank you very much, Mr. Speaker. I would not add much to the remarks that have already been given, except that, once again, to commend this motion to the House with a view to the appropriate parliamentary processes being activated. This ultimately will lead to the Committee on Appointments bringing back recommendations to this House which, hopefully, this honourable House will see it fit to approve so that we can then proceed to implement the relevant sections of the Act. Thank you very much, once again, Sir, and I commend the motion to the House. Some brief amendments have been circulated in the name of the Hon. Minister of Parliamentary Affairs and Governance. I expect that those will be moved at the appropriate time by the Hon. Ministers.

**Mr. Speaker:** Is now the appropriate time to move the motion as amended?

**Dr. Singh:** No.

**Mr. Speaker:** Thank you. Hon. Minister, Ms. Gail Teixeira, you have the floor.

**Ms. Teixeira:** Thank you, Mr. Speaker. We have amendments to the motion. There is a slight oversight and, in accordance with Standing Order 6 to 37, the amendments have been circulated.

Insert after the second “AND WHEREAS” clause the following:

“AND WHEREAS section 6(1) also requires a nominee from the National Assembly to the Public Accountability and Oversight Committee in accordance with section 6(7).”

There are consequential amendments because, instead of one nominee, there are two nominees from two different committees. We will:

Delete the “BE IT RESOLVED” clause and replace with the following:

“BE IT RESOLVED

That this National Assembly refer to the Committee on Appointments the task of making suitable recommendations to the Assembly on the candidates to be identified as the nominees of the Assembly to be appointed by the President to serve on the Board of Directors of the Natural Resource Fund and the Public Accountability and Oversight Committee in accordance with Section 5 and Section 6 of the Natural Resource Fund Act 2021.”

In making this amendment, Sir, it will release us as an Assembly to have to come back and make another nomination for the second nominee under the Natural Resource Fund.

**Mr. Speaker:** Thank you, Hon. Minister. The amendments have been circulated. I now put the question that the motion, as amended, be approved.

*Amendment put.*

*Motion, as amended, put agreed to.*

## **(ii) PRIVATE MEMBERS' BUSINESS**

**Mr. Speaker:** Hon. Members, we will now move to the motion on the Gas to Shore Project, and I invite the Hon. Member, Mr. David Patterson, to move his motion. Hon. Member, you may proceed.

### **MOTION**

#### **Gas to Shore Project**

WHEREAS the current People's Progressive Party/Civic Administration has made a decision to select Wales for the location of the proposed on-shore facility for the Gas-to-shore Project, despite the fact that no data nor study publicly exists to support such a decision;

AND WHEREAS the Wales location will require a 110km pipeline to be laid along the seabed as well as 27km on land, which will pass through residential, commercial, and agricultural zones;

AND WHEREAS it is unclear whether any study has been conducted to understand the environmental and safety risks from pipeline leaks and ruptures that may be caused by defective construction, aging, corrosion, seabed landforms, mudslides, hurricanes, faults, fractures, and seismic activities such as earthquakes and volcanoes; AND WHEREAS no evidence of recent studies has been released publicly which, (i) evaluate the pros and cons of environmentally renewable energy alternatives, such as solar, hydropower and wind, (ii) propose an energy mix for a sustainable future and a phased manner of implementation in

Guyana and (iii) investigates the economic and social implications of all energy alternatives for the citizens of Guyana;

AND WHEREAS such a location would exacerbate the safety and environmental risks effected by the worsening marine traffic congestion;

AND WHEREAS the publicly stated costs for the pipeline will make this the single largest infrastructure project in the country's history,

BE IT RESOLVED:

That the following be conducted to inform the Government's decision making, in the best interest of the prudent spending of our Taxpayers dollars; and in being good stewards of the nation's health, safety and the environment: -

Comprehensive studies to inform the decision, be conducted by Independent international recognised Consultants. Scope of studies should include:-

(a) Investigation to understand the geological, environmental, and safety risks with mitigative actions, from pipeline leaks, ruptures and movements that may be caused by defective construction, aging, corrosion, seabed landforms, mudslides, hurricanes, tsunami, faults, fractures, and seismic activities such as earthquakes and volcanoes;

(b) Analyses of the available technology for real time monitoring of the deep-water pipeline to ensure its integrity and reliable detection of subsurface leaks; and the environmental, safety and health risks with mitigative actions associated with accommodating the gaps in technology;

(c) Investigate the health, safety, and environmental risks with mitigative actions posed by the shallow draft and worsening marine traffic congestion at the mouth of the Demerara River; and

(d) An analysis of the economic, social, and environmental renewable alternatives such as solar, hydropower and wind, including an energy mix with phasing, thereof; consistent with our overall effort to achieve a low carbon economy and compliance with the Paris Agreement on climate change.

BE IT FURTHER RESOLVED:

That when completed these studies be submitted to the Parliamentary Sectoral Committee on Natural Resources of the Parliament, which shall after examination, present a Report to this Assembly; and

BE IT FURTHER RESOLVED:

That the Gas-to-Shore Project's final decision be put on hold until the Parliamentary Sectoral Committee on Natural Resources presents its Report to the Assembly for debate and approval.

*[Mr. Patterson]*

**Mr. Patterson:** Mr. Speaker, I rise to present a motion calling on the PPP/C to pause the development of the proposed gas-to-shore project at Wales until further studies are conducted into the feasibility of this project, particularly the environmental and economic impact. Before I proceed, please accept my profound gratitude for your approval of this motion which was submitted to Parliament almost three months ago and is now being afforded the opportunity of a debate.

**Mr. Speaker:** Hon. Member, let me just correct you. When a motion is submitted to the Table Officer, it is read against the Standing Orders. If the motion or a question does not comply with the Standing Orders, it is referred to the mover. If the mover is willing, the mover will amend. The Speaker has the authority to amend motions, but he refrains from that. He would normally say to the Clerk of the National Assembly to please inform the Members. Whether something reaches the Table Officer 10 months and it takes eight and a half months to be amended and resubmitted, one has to count from when it is properly submitted. If you are going to go down that road again about how long your original motion was submitted, I will also ask you to tell the House some of the reasons it went to and fro.

**Mr. Patterson:** Mr. Speaker, be that as it may, I thank you very much.

**Mr. Speaker:** Thank you, Hon. Member.

**Mr. Patterson:** However, for the record, the motion was submitted to Parliament on 27<sup>th</sup> October, 2021. Sir, the Gas to Shore Project... Sir, Jules Verne...

**Mr. Speaker:** Hon. Member, the motion was submitted to Parliament... A motion submitted to Parliament constitutes the approval of the Speaker. The motion submitted in October did not meet the requirements of a motion. We had to get you, a long-standing Member of Parliament who should know the rules and who must know the rules, noting that you have served in such high offices within this land... should know the rules. Let us continue, and I will ask that we strike those comments about 12<sup>th</sup> October.

**Mr. Patterson:** Mr. Speaker, I will continue Sir, and you of course, being the neutral, great and impartial person that you are...

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

**Mr. Patterson:** ...can strike what you would like. That is your privilege as the Speaker of this House. I will talk about Jules Verne who wrote a novel titled *Around the World in 80 Days*, where the main character, Phileas Fogg, completed his circumnavigation of the world, before...  
[Interruption]

**Mr. Speaker:** Hon. Members, I would like to hear the Hon. Member.

**Mr. Patterson:** ...before a motion presented to this National Assembly could be debated. Such is the pace of our democracy under your stewardship. Maybe that is what moved the Leader of the Opposition to submit a motion yesterday. It is because of the pace in which the Opposition's motions, questions and other business are being attended to, perhaps. Sir, but that is a discussion for another day. From the outset, it should be noted that this motion is not seeking to have the gas-to-shore project terminated since, during this debate, both sides will highlight that the original concept to bring gas to shore for the purpose of power generation was first proposed by the APNU/AFC Administration way back in 2016.

As the country is aware, the studies that the PPP/C used as justification for this project were all executed by the APNU/AFC. However, what they will not readily admit is that we on this side, and what we on this side, will highlight is that these studies were incomplete. With no additional studies and no further detailed analysis, the PPP/C will be plunging the nation headfirst into what

will be the largest infrastructural project in the country's history, disregarding the nation's appeal to examine all the implications of this project in detail. This motion calls for the project to be suspended and be referred to the Standing Committee on Natural Resources. This committee shall conduct additional studies on the cost, location, environmental challenges, as well as alternative energy sources and, upon completion, present a fulsome report to this Parliament for debate and approval. Let us go all the way back to the beginning. Upon our assumption to Office in 2015, we found a broken power company. The Guyana Power and Light (GPL) Incorporated was on its knees, aging with inadequate generating sets, little or no maintenance to its transmission and distribution network, and financially crippled by over 30% technical and commercial losses. The company was on life support.

*10.09 p.m.*

In May of 2015, the Demerara Berbice Interconnected System (DBIS) produced approximately 130 megawatts against a peak demand of 124 megawatts. Included in this gross generation system, was 14 megawatts produced by generating sets which should have already been retired but were kept in operation. Twenty-eight megawatts of the 2015 generating stock was due to be retired in 2018. Plus, GPL was losing 20 megawatts annually, due to commercial and technical losses. In reality, it was projected that, by the end of 2018, GPL would only be generating around 70 megawatts of reliable power and, therefore, would immediately require an additional 50 megawatts to meet the existing peak demand. Those are the 50 megawatts that the Prime Minister and the Hon. Minister Indar have...

We handed them brand new sets one year and a half ago. These sets are modulus sets that one could just sit and turn on. That, Sir, they cannot even get right; brand new sets they cannot even hook up. [**Brigadier (Ret'd) Phillips:** I see your problem.] Problem! There is no problem with the brand-new sets, Sir, from Wartsila, which they sent away and brought back. You will have a chance to speak, Sir. It was against this backdrop that various studies were undertaken to address the shortfall in the fastest, most economical, and environmentally friendly manner. These are the initial studies conducted by the APNU/AFC Administration, which the PPP/C has since adopted wholesale. Sadly, in their haste to get their hands on the oil money for this project, they have not even bothered to read the reports critically.

The initial report supported the usage of approximately 30 MCFD, which is million cubic feet per day, for natural gas to provide approximately 188 megawatts to the DBIS in a phased and systematic manner. All the studies were executed by highly qualified consultants with the support of international agencies such as the Inter-American Development Bank (IDB) and the Government of Japan. These findings were also supported by the operator, ExxonMobil Corporation. Extensive studies were conducted to ascertain a suitable location for the possible landing of a gas pipe to shore. More than 20 locations along the entire coast of Guyana were examined, ranging from charity to Crabwood Creek. Each location was ranked based on the following criteria: land size – we had put a minimum of 200 acres, the immediate use would have been about 30 acres for the power plant, but there would have been space for future expansion, and the selected site must have had a buffer zone to mitigate environmental issues such as noise and dust pollution; site development cost; the topography; the accessibility of the site and those things were considered; accessibility to utilities and infrastructure; the nearness to existing GPL infrastructure; and distance and accessibility to Floating Production Storage and offloading (FPSO) vessel – the proximity and accessibility to FPSO vessel. These are all the criteria and, of course, the socio economic and environmental impact.

All the studies recommended landing a pipeline on location somewhere between the Mahaica and Rosignol corridor. There has been no evidence presented to the Guyanese of an independent study that recommends the Wales location, absolutely no studies. With this motion, the Government now has the opportunity to provide the facts to the Guyanese nation. Now is the time to put up or shut up. Based on the power generation expansion studies conducted in 2016 and updated in 2018, in association with the IDB, a report, which the PPP/C has tabled to justify the gas-to-shore project at Wales... It was determined in that report that the country's energy demand would be 330 megawatts by 2035. In other words, this study indicates that, in 13 years, the estimated additional demand on the DBIS would be in the range of 200 megawatts over the current demand. These are the studies which the PPP/C, none other than the Vice-President and his team, debated and provided to the Guyanese people as the justification of the Wales gas-to -shore project. This is what is contained in the studies. This is the important part. To arrive at these estimates, the consultants interviewed all the major sectors to ascertain their projected energy needs. Consultations were held in 2016 and 2018 with the Bauxite industry. The industry was asked if there were any plans to construct a smelter in the country, high demand [*inaudible*] Their response



was a resounding no on the basis that, because of the known deposits of bauxite, it would not be a profitable venture. Additionally, worldwide smelting operations were being consolidated to ensure better economies of scales in the industry.

We went to the Guyana Gold Board (GDB) and the Guyana Gold and Diamond Miners Association (GGDMA), those industries were consulted about the feasibility of establishing a gold refinery in Guyana. They also indicated that, based on the experiences of our neighbour Suriname, this, as well, would not be feasible. Therefore, we are talking about the large energy... The logging industry was consulted. Consultations were also held with this group on the processing of timber. This industry indicated that there were no plans for large scale kilns. In any event, the industry indicated that, when doing processing, it intended to use solar kilns. For the Guyana Sugar Cooperation (GuySuCo), the consultants considered possible large-scale users. The GuySuCo indicated that it was moving towards code generation and that it would be looking to supply the DBIS, rather than receive from the DBIS. We consulted the manufacturers association and it indicated that, while cheaper electricity would make its products more competitive, any new manufacturing process was a long way off. We even went to the private sector, the large manufacturer – Banks DIH Ltd. and Demerara Distillers Ltd. (DDL). Banks DIH Ltd. indicated that it was already self-generating and even if power was available cheaper, it had concerns about the reliability of the supply of electricity. One could check all of these things. It is in the report that they tabled; they never read it, but it is in the report that they provided. The Demerara Distillers Ltd indicated that it was moving towards renewable energy to power its operations.

I want you all to listen to this. This is in chapter three of the Low Carbon Development Strategy (LCDS). The PPP/C projected power demand for the DBIS at 415 megawatts by 2025, that is correct, and an additional 290 megawatts in the next three years. However, they failed to inform the country which industries would be requiring this power. In other words, they are committing the people of Guyana to building a powerplant and committing more than US\$1.5 billion, but they have no end users. As a country, we would be paying for electricity which we cannot currently utilise, since this supplies nearly three times the current demand. Once again, during this debate, the PPP/C needs to inform the nation who would be using the extra 290 megawatts over the next three years, bearing in mind, there is nothing going on now. GuySuCo dropped its target. It turned around until it got high turn and it dropped its target for 2022.

There is no industry, currently, that could take the demand according to the PPP/C. The purpose of this motion is to show that they are just a pie in the sky. They have no plans, but they just want to spend the money. When we talked about the project cost, based on the studies referred to earlier, both independent consultants and ExxonMobil Corporation estimated that the final projected cost of a gas-to-shore project in a location along the East Coast, inclusive of a natural gas plant, would be under US\$400 million. We have that in black and white. The total project cost was listed to be approximately US\$700 million, which would be inclusive of the power plants, site infrastructure and the transmission and distribution network.

The latest estimate provided by the PPP/C is a cost of over US\$900 million for the pipeline and gas plant alone. The cost for the powerplant and associated works are anticipated to cost an additional US\$600 million, giving us an overall projected budget cost of US\$1.5 billion. I see that the Minister is on his phone trying to get some information; he has to speak next. There is nothing disputable or contestable about my presentation. The nation is still awaiting answers to several questions relating to these inflated costs over what was stated up to 2020. The first question the nation would like the PPP/C to answer, maybe through this floor, is: What accounted for the big difference of over US\$800 million, which is more than double the cost, for the Wales location compared to the APNU/AFC location on the East Coast? For nation, let me explain and highlight where we left it.

By August 2020, all of the surveys were done. The exact survey ship that has been surveying for ExxonMobil Corporation, for which it has that remarkable fine rate of 90% four D, from the FPSO Liza 1 all the way up to the mudflaps, were surveyed in depth. There is no question of any new technical details. In 2018 and 2019, a lidar plane came from Colombia. It spent three months, or more, surveying the entire coast by lidar. That information is there. When we were given a cost of US\$700 million in total, all the information was there. There was no ambiguity, there was no unknowns or whatever. But, as soon as the PPP/C came to Office, the contract sum jumped by US\$800 million. They have an opportunity; I see several speakers are here.

*10.24 p.m.*

They have an opportunity to be specific and tell this nation where the extra money is. They have not even informed us, Sir ,of the storage cost...

**An Hon. Member:** Mr. Speaker, are you presiding over a market house or the august House of the National Assembly? It seems as though ...

**Mr. Speaker:** Hon. Member, please continue.

**Mr. Patterson:** I noted that you say nothing with the heckling but, of course, you being as neutral as you are...

**Mr. Speaker:** Hon. Member, I am hearing you.

**Mr. Patterson:** I recommend that you may have to check up on some things. To preside over a Parliament as active as this Sir, you probably need to expand your [*Inaudible*] range.

**Mr. Speaker:** Robust.

**An Hon. Member:** Tell them what the British people said.

**Mr. Patterson:** Yes, the British people ... [*inaudible*]the people of this country deserve to know what is going on in this country. I do hope, Sir, that you would preside in a manner in which I could make my presentation without interruption but, obviously, Sir, you are not hearing it. It is okay. Mr. Speaker, are storage costs included in the estimated Wales \$900 million? If so, what is this amount for? What is the cost of the Wales Project, including transmission and distribution? Will there be further transportation of the gas from the receiving port? Nothing. Has this transportation been costed? How much is the insurance coverage for this pipeline? It is a dangerous substance we are bringing here. Insurance it is.

Who will be paying this? Will it be the people of Guyana; will it be ExxonMobil or will it be some other third party? These are things that have been silent, absolutely silent about. Of course, the nation would like to know how the Wales Project is being financed? When is it expected to be completely paid off? We have been made aware that ExxonMobil has given a proposal to the Government, and they have given a proposal to the Government that we will give up our lifts. Therefore, we will give up a certain number of lifts per years to finance this Project. That is maybe why they are trying to raid the Natural Resource Fund because there will be no money coming in. The Hon. Senior Minister in the Office of the President with responsibility for Finance at ...

**Mr. Speaker:** Hon. Member, you said "they are trying to raid" imputing something on behalf of...

**Mr. Patterson:** May I clarify. The People's Progressive Party/Civic (PPP/C) are trying to, what should I say, gouge at the truffle of the National Resource Fund. They would like to do so quickly. They have the opportunity to respond. They realise that, maybe financing the lifts, will not get the amount of lift to replenish the Fund. So, what are they going to do? They will take everything out now. Gas Sales Agreement – ExxonMobil has confirmed that before construction commences the company will be entering into Gas Sales Agreement with the Government of Guyana. That means we will be paying ExxonMobil for our gas, in addition to the cost of the pipelines. The Government is yet to provide the nation with several questions regarding this Gas Sale Agreement. Has the Gas Sale Agreement been signed? If so, when was it signed? Why are we paying for the associated gas? We as a nation, and I speak here as a Guyanese representing Guyana, I want to put on record that the Coalition Government insisted in our initial conversation...*[interruption]*

**Mr. Speaker:** Hon. Members, please allow the Hon. Member to make his presentation.

**Mr. Patterson:** I want to put on record that the Coalition Government insisted, and ExxonMobil accepted our position that we, as Guyanese, would not be paying for the gas. Our only cost would be associated with the pipelines - the transportation of the gas through the pipeline. The PPP/C has reverted from this position. That is what they have done. They have put us in a position where we will be paying for our gas, something that the Coalition would have never ever done. They have not even told us if Guyana will be paying market rates for gas. History suggests that the price of gas varies considerably. It has more than doubled in the last few years. Will we be paying market prices during the wintertime like now where the prices are high? We...

**Mr. Speaker:** Hon. Member, Mr. McCoy.

**Mr. Patterson:** Thank you, Mr. Speaker.

**Mr. Speaker:** You are welcome, Sir.

**Mr. Patterson:** For finally acknowledging the noise over there, over yonder. The PPP/C will be committing us to pay market rates for our own gas. In a warm country like Guyana, when the gas prices go up in temperate countries, we will have to be paying, facing the brunt of it. Were any studies done during to determine the upper limit at which gas is viable as a new source of energy? They will get up and quote numbers. I am sure they had done that *ad nauseum* – the price of gas

versus heavy fuel oil (HFO). *Blah, blah, blah*. Which studies do you have to justify that? What will ExxonMobil be paid for this gas? How will they be paid? Who will the contract be with? Is it with the Government or the New Wales Development Authority that they announced two budgets ago that we are hearing nothing of or any? Finally, the public would like to know will this gas sale agreement be made public. Transparency has always been their bid. There are still great uncertainties to the ExxonMobil... I am talking about gas availability. The exact amount of associated gas that will be available. ExxonMobil has reported that approximately 10 trillion cubic feet (TCF) have been discovered to date. There has been no independent verification disclaimer. The PPP/C is embarking on a multi-billion dollars project without even checking to ensure that ExxonMobil projections are correct.

There are a few digital issues that the people of Guyana should know. Most of this 10 trillion cubic feet are in the North-East area of Guyana. That is correct. Eighty percent of the associated gas discovered so far, is in the opposite direction to the proposed location of the gas to shore. Once again, the question needs to be asked – why Wales and not a location in Region 5 or even in Region 6 where they claimed are their political bases? Eighty percent of the gas – 8 trillion cubic feet are in the South-East of this country. Here is the kick as well, ExxonMobil has projected to seek development approval for the South-East field in the mid to late 2030s, some 10 years from now. So, in the foreseeable future the Wales Gas-to-Shore Project can only be supplied by a very limited supply of natural gas.

The PPP/C has been claiming that the Gas-to-Shore Project will have added industries outside of gas for the power and natural gas energy. However, they failed to inform the nation where this additional gas will be coming from. For the records, a methanol plant - urea requires 85 million cubic feet per day, a fertiliser plant, a minimum of 77 million cubic feet a day and will only bring in 50 million cubic feet a day. I do not know where the extra gas is coming from – will be port to shore and for which 30 million cubic feet has been already allocated to the power generator section. They have an opportunity with this motion to inform us. There are still more outstanding questions on the gas supply, such as: will there be need for additional transportation of the gas on receiving port? If so, who will be responsible and at what cost? What about storage of gas? Who is responsible and at what cost?

ExxonMobil has repeatedly stated that they are only responsible for bringing the gas-to-shore. It appears that they want to limit their liabilities by bringing a dangerous volatile substance to shore and then seeking to claim that they will not be liable for what happens thereafter. On behalf of the Guyanese people, I would like to put ExxonMobil on notice that we the people will hold the company equally liable for any damages that may occur if the product they transport to our shores causes any damages to our environment. They cannot bring gas-to-shore and hand it over to this clueless Government and then seek to absorb themselves from any liability.

On the matter of environment – there still remains several unaddressed issues. To date, only an application for the pipeline has been made to the Environmental Protection Agency (EPA). However, this Project has several other components. When will the Environmental Permits for the additional sub-projects applications be made? Will the challenges facing our local fishing industry be addressed? It would be foolhardy to proceed without providing a holistic plan for this industry. As has been mentioned several times before, the Demerara River is our busiest sea lane. Will this pipeline adversely affect our maritime industry?

On the Guyana Power and Light, Inc (GPL, Inc), any power produced by this project will have to be connected to the GPL grid. Who will be responsible for this connection between Wales and GPL? How will this connection be made? The last attempt by the PPP/C to lay a submarine cable between Houston and Kingston was an abysmal failure. Are we going to do that again? Sir, we cannot depend on them. They are clueless. They cannot execute a simple project – no project whatsoever. Will the GPL be forced to sign a power purchase agreement with the suppliers of the power generation? Is GPL in a financially sound position to enter into such a Power Purchase Agreement (PPA)? What are the conditions of this Power Purchase Agreement? Will it be as previously proposed for the ill-fated Amaila Falls Project? In that proposal a foreign company would have been empowered to garnish our reserves. As mentioned before, GPL's transmission and distribution system are antiquated and is on life support. What are the plans to upgrade this system to receive double the power it is now managing? In closing,

**Mr. Speaker:** *(Inaudible)*

**Mr. Patterson:** Do I have time?

**Mr. Speaker:** *(Inaudible)*

**Mr. Patterson:** Thank you, Sir. Mr. Speaker, thank you for the extra time. I have to go to Local Content. We have passed a law. Will this Project with the law that we just passed, fall under our Local Content legislation or will the Minister of Natural Resources exempt, with a stroke of pen, ExxonMobil from the Local Content requirement - \$900 million. Of course, the Guyanese people are gleefully waiting. They have already calculated based on all the money that could come.

*10.39 p.m.*

He is speaking next, so he can get up and give a commitment that we will have a share. Not just drugs, but that we will have a share based on our existing Local Content legislation on this project.

In closing, as stated earlier, there is a great uncertainty surrounding this presentation. In my short presentation I have raised at least 24 questions that need to be addressed. I am sure my Colleagues will raise others. In an effort to ensure that our country receives value for money and that we are not saddled with another hare-brained project like the Skeldon Sugar Factory, it is proposed that the work be suspended on the Wales Gas-To-Shore Project, allow the Natural Resources Committee to conduct further studies, hold public inquiries and, upon completion, present a report to this Parliament for debate and approval. I thank you, Sir. *[Applause]*

**An Hon. Member:** *[Inaudible]*

**Minister within the Ministry of Local Government and Regional Development [Mr. Persaud]:** You have no authority to speak on oil and gas. *[Inaudible]*

**Mr. Speaker:** Hon. Members, kindly desist.

**Mr. Persaud:** *Y'all ain't shame?*

**Mr. Speaker:** I do not think that shame is parliamentary language. Hon. Minister Persaud...

**Mr. Persaud:** My apologies, Sir.

**Minister within the Ministry of Public Works [Mr. Indar]:** Thank you very much, Mr. Speaker. In my delivery tonight on the motion raised by the Hon. Member Patterson, I would ask the Hon. Member, since it is his motion, that he stay for the entire response from our side. He usually has a

trait of speaking and then *doing a Houdini* on us. He usually absconds because he does not want to hear the response. Here is the response.

The first thing that I would say is that the Hon. Member was the Minister of Public Infrastructure. In his five years, he left the very company that he spoke of – the Guyana Power and Light Incorporated – *on its knees* - \$13.1 billion. Every single Government agency owed GPL. They were bankrupt. That is why we had to put billions of dollars into GPL since we came back into Government to deal with the hole that the Hon. Member, Mr. Patterson, left at GPL. That is the first point.

The second point is that he spoke of generating capacity at GPL. [**Hon. Members:** *(Inaudible)*.] Mr. Speaker, I am at your mercy. They were quarrelling just now when my Colleague was speaking when their boy was on the floor. [*interruption*] Listen. It hurts, Mr. Speaker. He spoke about capacity. For five long years, the A Partnership for National Unity/Alliance For Change (APNU/AFC) Government did not invest in anything to build that capacity. It was zero. Until the end of their life in Government, they went and spent US\$50 million to buy the five Wärtsilä engines. Let me tell you what is happening with the five Wärtsilä engines that Mr. Patterson spoke of just now. The five new engines that he gave to us. [*Interruption*] That he gave to us new.

**Mr. Speaker:** The Hon. Member, Mr. Patterson.

**Mr. Indar:** The Hon. Member Patterson. Right now, those five engines are down. Nobody troubled them. It was the same person that they awarded the contract that had an Engineering, Procurement and Construction (EPC) contract to construct, build-out and commission. Every turn of that project that the Hon. Member, Mr. Patterson, left had issues, including the engines that were supplied. Every day we have to labour behind that project to get it up. We are now faced with it. It has been down for five or six days, but we are going to get it up, Hon. Member. We will get it working as it should. That project that the Hon. Member said built capacity is still yet to deliver to the Guyanese people. The Hon. Member, Mr. Patterson, spoke of a number of things around power and power generation. I doubt that when he was Minister of Public Infrastructure, he had the care and concern for the people of Guyana when he was leaving the GPL in a place where it was *on bended knees* – *on bended knees*. When we came into Government, GPL was *on bended knees*. Does anyone of you on the Opposition side know what it is to have one-third of your annual



income in receivables? Do you know, for anyone over there, what it is to have one-third of your salary owed to you? That was the situation that the Hon. Member left GPL in. [*interruption*]

Mr. Speaker, they were just complaining about their delivery and being interrupted but, again, hear that. I would like to speak to Mr. Patterson's comments on the Gas-to-Shore Project. Mr. Patterson spoke of studies. They raised the issue of the Gas-to-Energy Project in the Budget and made a whole *hullabaloo* about the project in the Budget that they presented. He did not do anything to move the process forward. Not a single thing has he done to move the process forward. He said that they were the first ones to commission a study. The Japanese Company, Chiyoda Corporation, did something call an Oil and Gas Master Plan in 2018. Mr. Speaker, I am saying to you that Mr. Patterson did nothing. The Hon. Member did nothing about that project. To come here and to say he is speaking on behalf of the Guyanese people and ask about the Gas-to-Energy Project that our Government is doing something about to deliver to the people, is nothing less than hypocrisy – if I could use such a word in this House.

Mr. Speaker, I will say to you that Mr. Patterson said he is putting the ExxonMobil Corporation on notice. Those were his exact words. He said that he is putting ExxonMobil on notice. That they are bringing a dangerous substance to shore. I think Mr. Patterson is the Shadow Minister of Natural Resources... [**Mr. Mahipaul:** The Hon. Member.] The Hon. Member. If one understands gas and how gas is converted into energy and if one looks throughout the globe, it is being done. What dangerous gas did the Member speak about? It is a manageable gas. Many countries across this globe have natural gas powering massive amounts of industrialisation. I do not understand the 'put on notice' that he is putting the oil operator on, about bringing a dangerous gas onshore. Mr. Patterson talked about... [**Mr. Mahipaul:** The Hon. Member.] The Hon. Member talked about transmission and the amount of demands in the country to take off the amount of capacity we are putting in. The thing is, GPL, in its modelling and forecasting for demand in the next five years, puts us at around 415 to 465 megawatts (MW) of power. How does one do that? When we came into Government there was 106 megawatts of power when the country was demanding 117 megawatts. That is what we were getting. Blackouts all the time. As soon as something happened – blackout. Blackouts all the time. One hundred and six megawatts of generating sets were operating. The rest were parked. They were old. They *tripped out* every time. That is what we

found. We cannot hide that. That is on record. That is what we found. The Hon. Member knows that.

Concerning the question that he asked about how we are going to use the supply that we are putting in with the Amaila Falls and the Gas-to-Energy – I do not think that the Opposition understands where Guyana is going. They do not understand where Guyana is going. Last year we grew. The year before we grew by double digits. In 2022, we will literally double the economic growth. That is where we are going. One has to cater for that. One does not wait until the problem is upon them to then hustle to prepare. One has to prepare now. One has to plan now. That is what our Government is doing. That is how the Hon. Member used to manage... **[Mr. McCoy: A cake shop.]** As my Friend said, it was like a cake shop operation. When the problem is upon you, then you hustle and scramble to put things together. That is not how we do work. We have done this project in a systematic way. We have discussed it. We have agreed on a location. I will tell you how we have agreed on the location. **[Ms. Walton-Desir: Who is ‘we’?]** I will come to that. **[Mr. Mahipaul: (Inaudible).]** I will come to that shortly. What I am saying here are all registered as facts.

Let me say how we have selected the site – the criteria. The length of the pipe drives cost. What they did, they took the location and scribed an arc to see the lowest point at which it reached the shore. That is all. That is all they did. There is a whole host of other criteria we have to consider with a project of this nature. Let me go through them. The length of the pipe drives cost. The thoroughfare crossing is a criterion. The road access to the site is a criterion. The landcover suitability is a criterion. The bridge and stream crossing is another criterion. Site topography is another one. Soil and land condition is another one. Site accessibility *via* water is another one. This is because the structures will be so heavy that they cannot go through the roads. They have to go through waterways. They do not understand that. River to navigate with large vessels was another criterion. Dredging requirement was another criterion. How do you get large ships into shallow waters? One has to dredge it. Habitat type and quality was another criterion. This is not guess work. This is systematic evaluation. Mangrove crossing requirements were other criteria. Distance to support services – something that you all have no idea about – was another criterion.

When one has a place where one is building two massive plants – a liquified natural gas (LNG) plant and a power plant – do you know what one needs to build that? Thousands of tonnes of sand

and gravel. One needs machinery. One needs a whole host of things to get that done. The distance to services is key in the delivery of that. My Brother, the Hon. Member over there, has no clue about that. To come to this National Assembly and talk about site – he does not know about site evaluation and selection. He does not know what he is speaking about. I am sorry, but he does not.

The other criterion is the potential for physical resettlement. Would you like to put it at Ogle where there is dense population? Is that what you wish to do? One has to look at flood risks.

Lastly, the proximity to transmission which he mentioned, and I am going to address it here. Concurrently, in building the power plant, one has to build the transmission network because one has 230,000 volts emanating from it to go into the transmission system. That will be built concurrently. For him to ask questions, when he spoke about a plan and a study, he should have considered those things. You should have been able to tell the country. Through the Hon. Speaker, he should have been able to tell the country. [**Ms. Walton-Desir:** He, who?] He, the Hon. Member, should have been able to tell the country. One does not come here and ask and put that question to the People's Progressive Party/Civic (PPP/C). We know what we are doing over here. We do not guess. Those are my introductory remarks, Mr. Speaker.

*10.54 p.m.*

Mr. Speaker, Mr. Patterson, talked about environmental issues as if that was something close to the heart of the APNU/AFC Government. Let me tell every one of you, through the Speaker, the People's Progressive Party/Civic is the authority on the environment, period. Let me tell you this, I had the privilege of representing Guyana at the World Petroleum Congress to speak about energy transition into a net zero position. Thirteen years ago, Guyana embarked on a Low Carbon Development Strategy (LCDS) because we have the ability to sequester and store with the forest that we have. There are 19.5 billion tonnes of carbon and an annual sequestration of 154 million tonnes of carbon. That is our forest cover, grasslands, and everything. That is what we have. We have maintained it. We have managed it. We have kept it pristine. That is what our record is. We are not the Government that cuts down forest and have forestation without accountability. I am saying to you that it is our record. Through the LCDS, we have launched and expanded it to include the blue and ocean economy. That is our record.

The Hon. Member spoke about something that struck me. It struck me when he spoke about when they were consulting people like Banks – the D’Aguiar Industries and Holdings (DIH) Limited, Demerara Distillers Limited (DDL), and the forestry sector, where they told them that they were not investing and that it does not make sense. I do not know who you all were talking to. Sorry, Mr. Speaker. I do not know who the Hon. Member was talking to when they were talking to Banks DIH Limited, DDL, the Guyana Manufacturing and Services Association (GMSA) and the logging sector. Every single private sector and organisation has endorsed the Gas-to-Energy Project because it delivered cheaper power and cut the cost by half.

Right now, GPL produces power at about US\$0.30 cents per kilowatt. That is the highest in this hemisphere. With this Gas-to-Energy Project, it is thirty-five and a half cents per kilowatt – five and a half cents. With the Amaila’s Falls Hydropower Project, the current estimate is 7.7 cents. It is *chalk and cheese* to say to the Guyanese people, industries and individuals, that you are not going to cut their bills in any way, shape or form, you have no plan, and that we should park this in some committee for it to stay there and died an actual death, is just wrong by all standards. The suggestion by the Hon. Member to put this in a committee is telling the Guyanese people that we do not care about their struggles when their electricity bills come at the end of the month; we do not care about their struggles if their manufacturing cost is *eating out their bottom line*; and we do not care about their struggles if they are cutting chicken and the blade that they use with the motor is eating into their profit. We do not care about those things. That is what the effects of the suggestion are by the Hon. Member. I will say this to you, the People’s Progressive Party/Civic care about those things and that is why we are going to do this Project.

This Project will deliver industrialisation in Guyana. Industrialisation might be a new term for my Colleagues across the House, but it is something that we must do. If we do not do to it, we will end up being a rich country on paper, but not in substance. That is not the thinking of the People’s Progressive Party/Civic Government. What we will do is deliver industrialisation in the way we know to do it, in a phased manner. The first thing you do is provide cheaper energy. This is what this Project is. For the Hon. Member to say, take it to a select committee, is not just wrong, it is unpatriotic. [Mr. McCoy: It is anti-national.] It is anti-nationalistic because the competitiveness of this country, the people and their business rest with the cost of energy.

Mr. speaker, let me tell you, I came from the private sector. I actually came from the private sector. I had a job as an executive. I managed companies' finances for 16 and half years. One of the biggest drags on profits is energy cost. Those same generators that the Hon. Member talked about, the low speed and the high speed by DDL and Banks DIH and all the rest of them, if one checks it to the total cost of manufacturing, it is between 17% to 25%. It eats out the bottom line. For any company to say that they do not want cheaper energy, well, I do not know who they were talking to. I really do not know who they were talking to. The Hon. Member talked about transparency [Ms. Teixeira: That is Nancy Story.] Did you say Nancy Story, Cde. Teixeira? [Ms. Teixeira: Yes, Hon. Member.] The Hon. Member spoke about that and told us on this side about transparency. The first thing we did when we came into Government when the Payara permit was approved, the Hon. Minister, Mr. Vickram Bharrat, published it on the Ministry website. That was the first thing we did. That is what we promised in our manifesto. That is what we did. Everything we do, we disclose it to the people. The Vice President, Dr. Jagdeo, holds his press conferences and disclose it to the people. For you to talk about transparency and say that the people of this country... They do not want to hear it from you. You talk about transparency... [Brigadier (Ret'd) Phillips: (Inaudible)]. Thank you, Hon. Prime Minister.

In the grand scheme of oil revenues, a little \$18 million signing bonus was given. They hid it and spent it out. Then, they misled the people, I do not know if I could use the word 'lie' in the House, but they misled the people. The Hon. Mr. Singh said the former Minister of Finance thought it was a gift. If you are given little and you cannot be trusted with little, why should you be trusted with more? Hon. Member, Mr. Shuman, that was on your *Facebook* page, 'if you were given little, and you cannot be trusted with little, how could you be trusted with more?'. Hon. Member Mr. Patterson, we account and we account by law. The Natural Resources Fund Act has the revenue and deposit criteria on it. Every single cent that comes from the oil and gas sector, whether it is revenue, rents, signing bonus or discovery bonus, every single revenue has to come into the Fund. That is by Law. It is not guessed work anymore. It is not anybody asking a minister if the money was received or not. To speak about transparency to us, I actually think it is the *pot is somehow telling the kettle the bottom black*.

I want to raise the issue about the Gas-to-Energy Plant and the location at Wales. The location at Wales... If anyone on the Opposition side ever venture to Wales, they closed the sugar estate, but

I do not know if they actually venture to Wales. They need to venture to Wales, and they will understand why the location was chosen. It is because there is need for expansion. There is a pipe that would bring in 120 million cubic feet of gas, not just 50 million as the Hon. Member spoke of. That is the first phase. It could accommodate 120 million cubic feet of gas. That means it could cater for further expansion. The Hon. Member does not know about subsea tieback and the ability for subsea tieback offshore, where you have one field tied into another and you could round the gas back in. The Hon. Member does not speak about that, but that is a possibility that could be done to generate more gas onshore and expand further.

The Wales location, where it is and where it is going to – one, it will make sure that there is area for expansion. There is no dense population around where it is going, in case of any unfortunate event that lives would be in close proximity. All those things were considered. You asked why not Regions 5 or 6. We do not have anything against Regions 5 or 6. We are the Government for all of Guyana. The location was specifically chosen because of its suitability for the Project and the ability to expand and make it larger. I want to say that the Hon. Member, Mr. Patterson, came here and asked a lot of questions and referred to studies. The very studies that he referred to, we have checked those studies. Do not believe that we did not read those studies that were there. We read them, but they did not address the issue that we were confronted with. You are talking about a project with around 900 million cap for US. Imagine the benefits that will be delivered to businesses and people when we start getting cheaper electricity. Hon. Member, it will go into the grid. We do not sit on our idle hands.

The Guyana Power and Light is already looking at smart grid solutions. Very shortly, you will see Request For Proposal (RFP) for that. That will accommodate the electricity when it is coming into the grid. So, you might not know, but we do not go around tooting our horns like some on the other side, but we will work. We work diligently and systematically to deal with these issues. The motion that the Hon. Member, brought to this honourable House today to suspend this Project and to put it in a select committee, I reject that idea with the fullest thought. Thank you, very much.  
[Applause]

**Mr. Speaker:** Thank you, Hon. Minister. I now call on the Hon. Member, Ms. Annette Ferguson, to make her presentation.

**Ms. Ferguson:** Thank you, Mr. Speaker, for acknowledging me. Permit me a few minutes to extend best wishes to you, Sir, the Clerk of the National Assembly, staff members of the National Assembly, Members of the Parliament Office and the Hon. Members of the National Assembly a successfully and bless 2022. I wish that we will have good health, prosperity and better collaborations amongst us for the representation of our Guyanese, who we are serving. I pray that Almighty God will grant us wisdom and understanding during this season.

**Mr. Speaker:** Amen.

**Mr. Ferguson:** So let it be. Cde. Speaker, before I get into my presentation proper, I want to address some misinformation that we were just fed with. You see, he has disappeared. I believe as Hon. Members, when we come to the National Assembly, we ought to be truthful. The speaker just before me had the audacity to say that the Coalition Government, more so the Ministry of Public Infrastructure, left GPL on its knees. That the Hon. Member, Mr. David Patterson, did absolutely nothing. Let me say this, when we took Government, the residents in Region 2, their stronghold region, from Anna Regina to Charity, were in constant blackouts and low shedding every single day. It took the Coalition Government to purchase a 5.4 Megawatts (MW) generator set at the cost of \$1.81 billion. The people are not complaining now. Bartica had electricity woes under the PPP/C Government. It took the Coalition Government less than three years to purchase a 1.7 megawatts generator at the cost of \$700 million.

*11.09 p.m.*

At Canefield, 5.5 megawatts; this is in Berbice – their stronghold, again. Do you know what it cost the Coalition in less than three years? It was \$8.5 million Guyana dollars. Am I not correct, Mr. Patterson? When you come to the National Assembly, do not come to score cheap political points. Come with the facts because we are going to hit you back with the facts. The Hon. Member just before me...my Colleague, the mover of this motion, put in excess of 24 questions, and he has failed to answer at least one question. Is he a Minister of the Government? That is why the Ministry and the Guyana Power and Light (GPL) is in the state it is today. There is constant blackout because of his incompetence.

I now turn my attention to the motion before us on the Gas-to-shore project, moved in the name of Hon. David Patterson, Member of Parliament (MP), and seconded by Hon. Shurwayne Holder,

MP. My Colleagues and I on this side of the House are in full support of this motion. Though the numbers are against us for its successful passage, it is my desire that Members on the opposite side of the House see the motion on its merit and give their unwavering support and not be blinded because of cheap politics. Also, I would like to commend my Colleague, Hon. David Patterson, MP, for piloting such an important motion, which hinges on the future of Guyana's development.

The motion has several And Whereas clauses, seeking to bring attention to infrastructure, environment, health issues and the lack of consultations regarding the proposed project site at Wales, West Bank Demerara. I believe that the requests contained in the first Be It Resolved clause are reasonable and justifiable. That is not excluding the last two Be It Resolved clauses that are recommending that the current *status quo* of the project be placed on hold until after consultation and that reports be submitted to the National Assembly for further deliberations and final decisions. In the time assigned to me, I will focus my presentation on part (c) of the first Be It Resolved clause. It states:

“Investigate the health, safety, and environmental risks with mitigative actions posed by the shallow draft and worsening marine traffic congestion at the mouth of the Demerara River;”

Like any good book worth reading, whether it is the *Holy Bible*, the *Quran*, *Bhagavad Gita*, a novel, journal or a magazine, the reader's appetite or interest is drawn from its prelude, introduction or the interface. My Colleague, Hon. David Patterson, MP, earlier in his presentation, outlined facts and substance, as against fiction and guessing that we heard not so long ago. The initial works put in by the Coalition Government was detailed studies that were done at key proposed sites to ensure the viability and what is best for the nation and our people. It was not done in the interest of politics or a particular political party, but for the good of our nation and, by extension, Guyanese. Since Wales on the West Bank of Demerara has been named the better site by the PPP/C Regime, Guyanese and members of civil society have called on the Regime to rethink its decision since this area may not be best suited for such a mega project.

Knowing the People's Progressive Party/Civic reactions, it is our way or no way or you have your say, and we will have our way. Sir, you, as Speaker, could relate to these famous quotes etched in



the minds of not only the MPs here in the National Assembly, but even Guyanese. They are familiar with your famous quotes.

**Mr. Speaker:** Hon. Member, I do not think I made that famous. It may have been Mr. Winston Churchill.

**Ms. Ferguson:** Last July, 2021, ExxonMobil Corporation held public meetings, virtually, on the gas-to-shore project. I will take the time to share what right-thinking Guyanese had to say about this project – Guyanese *who big but got sense*. This was carried in *Stabreok News* on 12<sup>th</sup> July, 2021. This is what the editor of *Stabreok News* said:

“This project encompasses: an onshore natural gas liquids and natural gas processing plant to be located on the West Bank of Demerara (WBD), an offshore 12-inch pipeline approximately 220 km long, an onshore 12-inch pipeline approximately 27 km long and a temporary materials offloading facility on the WBD.

The question of the burden of associated cost on the already perilous climate crisis and the fundamental contradiction with Guyana’s aspiration to become a Green State should have been comprehensively addressed before...”

I want *ya’ll* listen.

“... a decision was taken by the PPP/C Government to embark on a gas-to-energy project. This question along with an independent financial feasibility of the proposed project should have formed the basis of the Government’s consideration of whether it should have gone ahead or whether Exxon should be made to re-inject the gas to ensure it wasn’t flared, vented or otherwise released into the atmosphere. A major role should have been played by the Natural Resources Committee of the Parliament...”

This is what right-thinking Guyanese are saying, and not us, the politicians, here.

“...in canvassing various experts on the wisdom of this project. Instead, in its irresponsible headlong rushed to monetise Guyana’s offshore petroleum resources, the PPP/C government has ignored completely the increasingly germane problematic of where to draw the line in fuelling the dangerous warming of the Earth and all that entails. Guyana’s

right to sustainably extract petroleum for sale on the international market cannot reasonably challenged in the milieu of limited economic development opportunities. However, the piping of associated gas is a complicated confabulation studded with numerous risks and upping Guyana's green gas emission cannot be easily ignored. Yet, it was decided apparently on the no-brainer say-so of..."

Do you know who? Someone who is not in this House at the moment, the Hon. Member, Dr. Bharrat Jagdeo.

"...It is unclear what President Ali's standard was for a decision on this project."

**Mr. Speaker:** Hon. Member, I think I have to get you to withdraw reference to His Excellency the President. There are Standing Orders in this regard. A lot of Members are online, and I have not been able to check to see if the Vice-President is present virtually.

**Ms. Ferguson:** I am guided by you, Sir. Could I proceed, Sir?

**Mr. Speaker:** Yes, Hon. Member.

**Ms. Ferguson:** It is public knowledge that His Excellency is not in the driving seat.

**Mr. Speaker:** Again, reference to His Excellency is not... You have to withdraw that. Do not be guided. Withdraw it.

**Ms. Ferguson:** I will substitute to say that it is public knowledge who is really in the driving seat and who is the passenger. Mr. Speaker, I wish to draw to your attention, again, another comment by renowned Guyanese, Mr. Palmer. This is what Mr. Palmer had to say in *Kaieteur News* 09<sup>th</sup> December, 2021:

"...that based on the plans he has seen, the pipelines to transport the gas will not be laid with any foundations, ..."

Where are we going? No study. Where are we going?

"...which can cause potential harm to marine species."

We have heard the fisher folks complaining of what is happening in the rivers here in Guyana. They have to go further out in order to make their catch.

“It’s just going to be laid flat...it’s not going to be set inside a concrete culvert...”

We know how this Regime operates with major projects.

“I find this very odd, especially as we also know from the Environmental Impact Assessment (EIA) that the currents running through the Liza One field was so strong that when they were trying to do baseline surveys of the fish, they couldn’t set the fish traps because the current was just sweeping them away, ...”

Mr. Palmer further explained:

“...the pipelines must cross the Amazonian mud banks, which will certainly contribute to the bending of the pipeline, if it is not anchored. ... Indeed some of the commentators have noticed that this pipe, which is proposed and will be carrying highly flammable gas under pressure and I would have thought this is a real hazard... what happens if you lay a pipe, when you don’t anchor it, you bend it and indeed it then splits and all the gas comes fizzing out.

He was keen to note that such instances are not alien to the Region, but has been occurring in Trinidad due to the rusting and bending of pipelines.”

*11.24 p.m.*

This is what Mr. Palmer is saying to this Government. He warned that Guyana must pay keen attention to the management of the pipelines. Mr. Speaker, there is another letter that I wish to share by one Mr. Solomon, but it is very lengthy and so in the interest of time, I will skip that and proceed with my presentation. Additionally, during a press conference on 27<sup>th</sup> April, 2021, according to *Stabroek News*... this is what the Editor-in-Chief stated:

“I have never heard of a government anywhere, embarking on a project that might cost US\$900M based on pre-existing studies. This is not purpose built to what the PPP/C might have envisaged in its manifesto or even before it came to office. When you rely on those (studies), it would seem to be opportunistic and solely intended to provide a certain result

without you having designed a purpose built study that would (address) the PPP/C's issues".

All Guyanese are aware of the failed mega projects under the People's Progressive Party/Civic. I have a dossier; I always like to keep my records. This dossier reads, 'PPP/C's Problematic Projects'. In this document... [Mr. McCoy: You brought another magazine.] Whether or not it is a magazine, it is readable. It is information that you will learn from. This dossier details every failed project by the People's Progressive Party/Civic. Whether it is the Guyana Sugar Corporation (GuySuCo), the Skeldon Sugar Factory expansion, the Amaila Falls Hydropower Project or the fibre optic project, they are well detailed in here.

Mr. Speaker, during the press conference, this is what the installed Hon. Vice-President had to say:

"...exhaustive work was done as a pre-requisite for the project but that his government understands that detailed studies are imperative to a final decision on the project and that is why it would soon begin."

They will soon begin but up to now we are still waiting. I hope that one of the installed Ministers could say to us whether the study of this project has commenced. I have difficulty understanding this statement and will boldly say that it seems to me and every right-thinking Guyanese – whether you are honourable and sitting in this House and those we represent – that the Regime is *putting the cart before the horse*. May I remind the Members on that side of the House that in project conceptualisation, there are four prime steps that one must take. What are these steps? They are resources, time, money and scope. Further:

"He promised that as those studies are ongoing, the public would be updated on findings and that government would be transparent in the execution of the project."

I call on the Regime to explain to the Guyanese why the rush. That is why we are asking for them to put a halt on it. Let us have proper consultation and have the report submitted to the parliamentary committee so that it could be debated in this National Assembly. With a detailed study and public consultation along with experts on the environment, maritime and medical practitioners, we will get a sense of what impacts such projects will have on the health of our people, the safety of the environment and the traffic in our waters since we are fully knowledgeable

that frequent dredging is not done at the mouth of the Demerara River. These are all critical towards development and, at the same time, to protect the lives of our already small population. Coronavirus disease 2019 (COVID-19) has been a classical example which has caused several deaths in our population due to its mismanagement, incompetence and a ‘don’t care’ installed Administration. It is all about money making at the expense of our population.

The Maritime Administration Department (MARAD) is critical in this process since it has responsibilities to manage and monitor the operations of local or foreign vessels in our rivers. Recently, this nation was given a shock after hearing from authorities in Senegal about a vessel bearing Guyana’s flag which was found at its port with containers laden with ammunition worth \$5.2 million Guyana dollars. The nation is yet to hear from the policymakers – my goodly friends across there – the Hon. Mr. Hugh Todd; the Minister of Public Works, my goodly Bishop Edghill across there; and the Hon. Minister of Home Affairs, Mr. Robeson Benn. We did not hear from the policymakers but there was a statement released by the Maritime Administration Department which was laced with misleading information. Right-thinking Guyanese are watching. *We big and we got sense.*

History will remind us of the challenges faced at the very area in the Demerara River when the Guyana Power and Light entered into a contract in 2012 with a Chinese company, China National Machinery Import & Export Corporation (CMC), for US\$5 million. That Regime, pre-May, 2015, was advised that the site was not the right one. You know the Members of the PPP/C. *Is either we way or no way.* So, they went ahead and invested into the project. I could tell you that when the Coalition came into Government, we had to expend over \$100 million to correct that submarine cable in the Demerara River. Comrades and Mr. Speaker, since I have two minutes remaining, I will now move quickly to my conclusion. I think I was robbed of my time, Mr. Speaker.

**Mr. Speaker:** Hon. Member, are you accusing the Speaker of robbing you of time? I am asking you now to withdraw that comment.

**Ms. Ferguson:** Mr. Speaker, I am watching my time and I have 10 minutes remaining, according to my time.

**Mr. Speaker:** Hon. Member, are you challenging the ruling of the Speaker?

**Ms. Ferguson:** Mr. Speaker, I am proceeding.

**Mr. Speaker:** No, I want you to withdraw your accusation that I am robbing you of time. You started at 11.04 p.m., and it is now...

**Ms. Ferguson:** I would not fight with you.

**Mr. Speaker:** Hon. Member, I am speaking; pay some respect. It is now 11.33 p.m.; I will give you back 30 seconds.

**Ms. Ferguson:** Mr. Speaker, if you felt that I was disrespectful to you in any way, my humblest apologies.

**Mr. Speaker:** Thank you.

**Ms. Ferguson:** In conclusion, I believe that we, on this side of the House, have provided justifiable and reasonable arguments on this Gas-to-Shore project motion. As stated earlier, I implore my Colleagues on the opposite side of the House to let us express and demonstrate political maturity to Guyanese and the world. Let us lay aside petty politics and link arms in unison, we can successfully see the passage of this motion. With that being said, Mr. Speaker, I thank you very much for your time and patience. [*Applause*]

**Mr. Speaker:** Thank you, Hon. Member. Hon. Member, I just want to tell you that you have quoted from a document, which you said is the dossier on failed mega projects. For information, I will ask you to lay that over, please. Thank you.

**Ms. Ferguson:** What would you like me to do?

**Mr. Speaker:** I would like you to lay it over. When you quote from documents, you lay them over.

**Ms. Ferguson:** This is *Kaieteur News* and all publications will be there.

**Mr. Speaker:** Hon. Member and Minister of Public Works, Bishop Juan Edghill, you have the floor.

**Minister of Public Works [Bishop Edghill]:** Mr. Speaker, I rise tonight, at this late hour, to add my views to that of my Colleagues on this side of the House in frontally rejecting this motion that is designed to delay Guyana's development.

Every time there is something big and transformational that could turn Guyana around, it is of great wonder why Members of the other side of the House continually attack and seek to stymie and jeopardise its success. Despite our politics, in Guyana, all of us share the space and we have a common vision and that is prosperity for all the people of Guyana. This motion, when I read it – especially in its final Be It Resolved Clause – is designed to stop progress, and to that the PPP/C Administration tonight says a resounding no. We are not going to stop the progress.

*11.39 p.m.*

Mr. Patterson said that he asked 24 questions and that simply tells us that he has a comprehension problem. It is no fault of the PPP/C. The purpose of the National Assembly is not to teach comprehension. The purpose of the National Assembly is to ensure we put legislation and policy framework in place for the development of Guyana. Things that you do not understand, do your research or engage in a one-on-one with people who have the information to help you.

Mr. Patterson said that we are going to be generating electricity for which there are no end users. What a sad statement to make. When we went to the people of Guyana, as we campaigned for the 2020 elections, this is what we told the people of Guyana: we *gon* afford, by way of infrastructural development, 50,000 families getting access to house lots so that they could own their own homes. Sir, that simply means 50,000 families will need electricity at independent units so that they could live. We promised Guyanese 50,000 jobs and we highlighted to them how we are going to create these jobs in agro-processing, in like manufacturing, in information communications technology (ICT), in tourism, whether it be medical tourism, sport tourism or eco-tourism. We told Guyanese that our children who are graduating from university would have an opportunity to get real jobs, paying enough for them to stay in Guyana so that we will not continue to have the brain drain that existed under the People's National Congress (PNC), A Partnership for National Unity and Alliance For Change (APNU/AFC) Administration. The Gas-to-Shore project is just one item in a *menu* of measures for the transformation of Guyana, but it is a very important item. The main cry

of the people of Guyana is to see Guyana transform and develop, and the main hindrance to that over the years has been the cost of electricity.

Mr. Speaker, you would recall that right here in the National Assembly, I think it was in the Tenth Parliament, the APNU/AFC, at that time, used its one seat majority to kill a transformational project called the Amila Falls Hydropower Project, which we had told the entire nation would have brought electricity down by 50%. That project was killed by people who were afraid. That project, at that time, was not costing taxpayers one cent or one dollar, but the end result would have meant a cut in the cost of electricity by a minimum of 50%. It is the same group that is sponsoring this motion tonight that killed that then. Now that we are back in Government, and we are answering the energy needs of Guyana... [**Mr. McCoy:** They are attempting it again.] They are attempting, again, to kill another project. Even though we are approaching the midnight hour, the people of Guyana are awake, and they are alert and, through their representatives here tonight, we are saying, no, no, no. It would appear that this newfound language of consultation and studies is a language that is being used in such a manner as to create suspicions about things that are going to bring benefit to Guyana. The language is often that we need more consultations, and we need more studies.

Mr. Patterson, the Hon. Member and the mover of this motion, said tonight that the Gas-to-Shore project is around since 2016. Well, this is 2022. We took Office in August, 2020. What did he do from 2016 to 2020? While he was busy shopping at Kings Jewellery World, we were busy planning for Guyana's development. When we came to Government, *we hit the road running*. The question was asked: how are we going to get the electricity from Wales to the Demerara Berbice Interconnected System (DBIS)? If the Hon. Member was listening, as part of Guyana's transformation and development, we are building a four-lane, high-span bridge across the Demerara River and that bridge will have a utility corridor attached to it. Your question is answered, Mr. Patterson. Of course, we are not hearing anything about studies and feasibility of the new Demerara Harbour Bridge because we know that has a history and that will raise all kinds of red lights in this House tonight. We know that studies and bridges and studies and feasibilities ended up at the Public Procurement Commission (PPC) and the report is in the National Assembly. [**Mr. McCoy:** It was Patterson. Real shame.]

**Mr. Speaker:** Hon. Member, Minister McCoy...Go ahead, Minister.



**Bishop Edghill:** Guyanese, traditionally, have lived along a narrow stretch of the coast and it has served us well. However, we have come to Government with an understanding that not only are we going to develop the hinterland, but that we are going to expand our development even in the coastland. What are we doing? We are going to be building a new four-lane highway from Schoonord to Parika, which is going to go through the backlands. That will open lands for housing, manufacturing, agriculture and agro-processing. All the people in that area will need electricity.

We are advancing our tourism product. We have publicly said that we want Guyana to be a convention destination and we must have a stock of at least 2000 rooms. These hotels and businesses that we are talking about, do you know what is the major humbug to their development? They have to invest in redundant power. Significant sums of money have to be invested in redundant power. Every major business in Guyana...significant sums have to be invested in redundant power. What we are talking about here is ensuring that we have reliable, cheap electricity to ensure that we support Guyana's transformation, modernisation and bring about prosperity for all the people of Guyana. We will not allow this pessimistic, grandstanding, nit-picking, fault-finding...finding a few opinion makers... [**Ms. Teixeira:** Myopic] ...who are myopic and unable to see. They are trapped with tunnel vision, and they are unable to see straight. We are not going to allow that to hinder our development.

The first thing I want to highlight is that the Gas-to-Shore project is not a standalone project. It is situated in the wider developmental objectives of this PPP/C Administration, and it is part of getting Guyana to where she should have been a long time ago. Had it not been for actions that botched efforts that were made before, we would have been way ahead of our game at this time, and we know where the blame for that should be laid.

The second thing I want to highlight is that the Hon. Member, Mr. Patterson, is making Wales to be a place where nobody should go or where no investment should take place. I have noticed carefully that he said for the gas pipeline, the best corridor should be between Mahaica and Rosignol. I wonder if this motion tonight is to get a particular objective met. A number of players had started their landgrab in that very same corridor. I am wondering aloud if the intent, having gotten the land and now having the pipeline, is to bring a windfall to people who are prospecting and insider trading because they had special interests in what was happening there. I am just wondering aloud. Maybe, Mr. Patterson would be able to advise.

Tonight, I would like the Hon. Member, the mover of this motion, to definitively tell the people of Guyana if the APNU/AFC had any interest at all in using gas to create energy to ensure we have reliable electricity in Guyana. Were they planning to do it? If they were planning to do it, tell us where they were bringing the pipeline. The suggestion that is being made here is that we should stay in the mode of studies, feasibilities, consultations and discussions. We have been there since 2016. This is 2022. Do you know something, Mr. Speaker? I heard the Hon. Member, Ms. Annette Ferguson, speaking about failed projects. The only person who never made a mistake is the person who did nothing. The only person who never fell is the person who never rode a bicycle. The only woman who never got burned in a kitchen is the one who ever cooked. Let us talk about the APNU/AFC's record. We left them with a project, under Hon Members, Mr. Patterson and Ms. Ferguson, to complete the Sheriff Street/Mandala Avenue road. We came back into office in August, 2020 and the project was not moving. They had it from 2015. We came back in 2020 and it was not moving. It was a failure. We left them the Cheddi Jagan International Airport. They amended the contract and reduced the footprint. We got less and paid the same amount of money. That is their record. Do you know what?

*11.54 p.m.*

The one project... and I pray that nobody destroys it because the generations must be able to see. The history and legacy of the APNU/AFC is the famous D'Urban Park. That is the only thing the APNU/AFC did in five years. We left the Linden to Mabura Hill Road Upgrade Project, and we came back and had to take it and move it to implementation. A contract is about to be awarded, awaiting the no-objection from the Caribbean Development Bank (CDB). That project was sitting in studies, designs, consultations and meetings with people for five years. That is the *modus operandi*: Dr. Do Nothing, Dolittle, Dolittle, Dolittle. They want us to adopt that same mode: do nothing, shop at King's Jewellery World, look for good bed sheets, admire good bangles, and arrange gift certificates when it is our birthday in order to get a gift.

That is not the way we do government. How do we do government? We sit and we look at future, we look at Guyana's future needs and we look at Guyana's developmental needs. That is why we are opening up a new road, linking the Corentyne Highway with the Canje Creek. All of that land will be opened up. Development will be coming. People will need electricity. We are opening up the Del Conte Road; the alignment has already started to be cut. We are moving from Parika all

the way into Goshen. There is the road linking Region 4 and Region 7, and Sand Hills all the way to Bartica. We are opening up new opportunities for people. Wherever people go, they need roads, they need electricity, and they need internet connectivity. These are things that we are working on. The Demerara-Berbice Interconnected System is incapable, at this present time, of providing what is required. When we talk about the gas-to-energy project, we are talking about developing baseload. Baseload capacity must be developed and, while we develop baseload capacity, we have to strengthen transmission and we have to reduce both technical and commercial losses. That means that we have to get people to start paying their electricity bills. We need the support of the Opposition to ensure that, when we start bringing sanctions to people in specific communities that are notoriously known for stealing electricity... we get the support from them in this National Assembly.

The issue of environmental safeguards – All over the world in the industrialised nations and in developing nations, whenever a major project is going to be undertaken, environmental safeguards always have to be taken into consideration, especially in light of what is happening in our world and the agreements and the pacts that we are a part of as it relates to climate change. We cannot allow people to keep poking – do nothing because you will affect the environment, do nothing because this is not environmentally sound. But, you know what? The very same people who do that benefit by going to places that have utilised the resources that are available to them and that have prospered their countries. They go there, they benefit, they study, and they enjoy everything there, and then they come back and say to do nothing, do nothing, do nothing. We are not reckless.

We have a responsible Environmental Protection Agency (EPA) in Guyana. The task force that is dealing with the gas-to-shore or the gas-to-energy project has done all the necessary things to ensure that what is required for the protection of our environment is safeguarded. We do not need to be harping on this particular issue. What is most laughable – I heard Hon. Member Mr. Patterson say it and I could not believe it when I heard it – is that Mr. Patterson is asking the Parliamentary Sectoral Committee on Natural Resources to do studies. He is rewriting the scope and work of the committee. This is very serious. It is one way of saying put it there, and then the committee will say that is not its job, and then that will be the end of it. It is clear that this was not properly thought out. The Hon. Member, Mr. Patterson, could have all of his questions answered by having the Parliamentary Sectoral Committee on Natural Resources summon the Minister of Natural

Resources and ask all of the questions that he wants to know so that he could get answers, and not try to put a mechanism in place to stall something for Guyana's development. I wish to expose that this approach, which is being adopted, is not carefully thought out, and it is not with Guyana's interest in mind.

The issue of GPL came up. I do not believe that, in a debate, content must be based upon sarcasm and insults. The GPL Inc., like my Hon. Colleague, Minister Deodat Indar, said, was on its knees. Do you know why it was on its knees? Let the Hon. Member, who brought this motion, tell you why there was no governing board at the GPL Inc. for years. There was no governing board, and, in the absence of the board, the Minister makes the decisions. Why is it that there was no board to oversee the procurement for major funded programmes for the GPL Inc., which were funded by the IDB and the European Union (EU)? In the absence of the board, who was approving those procurements? [**An Hon. Member (Government):** The Minister.] The Minister. What is worse is that every one of those procurement issues, amounting to billions of dollars, came out from public outcry from bidders. People who bade brought it to public notice about what was taking place. These are not matters that we are speaking about tonight for the first time. Then you will come here and say that we had no interest in GPL Inc. and that we did not do anything for GPL Inc.

When one examines the 46.5 megawatt (MW) investment, which is taking place at Garden of Eden, one will discover that engines were bought and the civil works for the installation of the engines were not done. Engines had to be sitting and waiting on civil works to be done. It was all a façade when you told people that you were buying 46.5 megawatts generators to get more power into the grid. There was no facility to put the engines down to operate and there was nothing in place to ensure that the engines could provide transmission to the network from which to benefit. This is the point I want to emphasise. The 46.5 megawatts of electricity is not additional power, because the transmission capability that Mr. Patterson left did not allow for an additional 46.5 megawatts. It meant that when one puts in the 46.5 megawatts, one has to take out to keep the transmission at a level where we could still stay at just over 100 megawatts. We need more than 300 megawatts of electricity to provide reliable, renewable and cheap electricity. The gas-to-shore project provides one such opportunity, the Amaila Falls Hydropower Project (AFHP) provides another opportunity, investment in solar energy provides another opportunity, and investments in wind

energy provide another opportunity. We have to continue to work, country-wide, to ensure that this dream of cheaper electricity is realised.

I close by saying that our big vision is not just to bring gas to Wales, but we are developing a whole authority. A whole development will take place around Wales. We will have liquefied gas, we could have fertilisers, we will have gas-to-power generators to give electricity, and downstream petrochemical development. This is what the Hon. Member, the mover of this motion, does not understand. If he had understood that he would have withdrawn this motion and asked for a conversation so that he could be able to get better. Do not use this opportunity to hinder Guyana. We say yes to progress and no to anything that is seeking to stop Guyana's development. Mr. Speaker, I thank you for the opportunity. [*Applause*]

**Mr. Speaker:** Thank you, Hon. Minister. The Hon. Member, Mr. Shurwayne Holder.

**Mr. Holder:** Thank you, Mr. Speaker. In my hands here is a dossier of all the failed projects of this PPP/C Government. There is the GuySuCo's Skeldon Sugar Factory, the Amaila Falls Hydropower Project, the fibre-optic cable, the Speciality Hospital project, the Cheddi Jagan International Airport (CJIA) Expansion Project, the Guyana Marriott Hotel, the One Laptop Per Family (OLPF), and we could go on and on. Here is my problem. Every time we highlight, or we try to caution this Government on any project where there is a lack of transparency and accountability, we are called knockers of progress and all sorts of names. We warned you about all of these projects, all of them, every single one. Today, again, we are warning you that you are embarking on what could be considered the biggest project in the history of this country [**Ms. Walton-Desir:** The biggest white elephant] And we do not want it to become the biggest white elephant – bigger than the Skeldon Sugar Factory and bigger than the Berbice River Bridge. We do not want you to bring those burdens again on the taxpayers.

I am very disappointed that the Hon. Member, Bishop Juan Edghill, said 1,000 words, or maybe 2,000, but he said absolutely nothing to defend this gas project, nothing whatsoever. Instead, he comes here, and he monologues about progress blocking. We are seeking to scrutinise these projects. The PPP/C has a history of failed projects and very poor, extremely poor, handling of these large projects.

*12.09 a.m.*

As a parliamentary Opposition, our task, our function, is to ensure that there is transparency and accountability, and that we *keep the fire under your feet*. That is what I intend to do here today. Mr. Indar spoke about the blackouts. I am from Region 2 and one of the major problems we had there, prior to 2015, was blackouts. We fixed that problem. Cde. Ferguson explained at length what we did and what the APNU/AFC Administration did to solve the problems that you left. It is shameful that you come here, and you pretend not to...

**Mr. Speaker:** Hon. Member, I used reference to that particular word. Please strike it. I could actually...

**Mr. Holder:** I withdraw it, Cde. Speaker.

**Mr. Speaker:** Good.

**Mr. Holder:** It is embarrassing that the PPP/C Ministers can come to this House and pretend not to know about all these failures they left. We clearly had less blackouts when you took Office in 2020, but the conversation is not about blackouts. We came here to advise you that you should put a hold on the gas-to-shore project and do the right thing – conduct your studies and do the analysis. That is all we are asking in the interest of the Guyanese people. I was taken back when the Hon. Member, Mr. Indar, in making reference to Cde. Patterson, gave the House the impression that gas is not dangerous and... what is the Hon. Member, Mr. Patterson talking about. I would like to inform the Hon. Member, Mr. Indar, that, two weeks ago, according to the Cable News Network (CNN), 16 people were killed in a gas explosion in Southwest China. Last October, four persons were killed and over 30 persons injured. In June of last year, 12 persons were killed. I can go on and on.

When you come to the House, you need to come with some informed facts and do not mislead the House. This is a serious issue, and it needs to be given some serious thought. I hope the Hon. Member, Mr. Vickram Bharrat, is doing exactly that. This is not a game; it is taxpayer's money. Real money is involved here, almost US\$1 billion. It is serious money. The Hon. Member, Mr. Indar, also spoke on the US\$18 million bonus. Listen, the Guyanese people are sick and tired of this kind of rhetoric. We are tired of it. The Government just, illegally, passed a Bill here in this House that caused a...

**Mr. Speaker:** I have two cautions. I did not interrupt you when you accused an Hon. Member of misleading the House. You cannot do that. Secondly, I do not know which Bill you are talking about that the Government passed illegally in this House. So, please withdraw that.

**Mr. Holder:** The national...

**Mr. Speaker:** Hon. Member, all the Bills passed in this House, have been passed legally, lawfully. Please...

**Mr. Holder:** Mr. Speaker, may I?

**Mr. Speaker:** Go ahead, Hon. Member.

**Mr. Holder:** It was the beginning of my sentence. All I said is that the Natural Resource Fund Bill allows for the PPP/C to plunder the treasury – US\$600 million. The PPP/C comes to the House, and it speaks about US\$18 million and that the APNU/AFC spent it out or whatever. The NRF Bill allows for the Government side of the House to plunder the treasury. When one looks at the Bill, it allows for the entire sum to be withdrawn this year. How dare the PPP/C come to this House and talk about US\$18 million when they are seeking to remove US\$600 million. My only hope is that we would have had a sensible debate in sticking to the topic of the gas-to-shore project.

As I rise in support of this motion, the future of this country comes to mind. What kind of country do we want for ourselves, our children and their children? What are the key areas of development we would like to see advance?

Mr. Speaker, if you ask, most Guyanese will tell you that they want a country in which they can afford to live and maintain their families comfortably. The Opposition has long acknowledged that our country requires cheap and reliable energy if we are to propel rapid national development and to provide the ‘good life’ for all Guyanese. It was with that in mind that the APNU/AFC Government began to map out an energy framework across the length and breadth of this country, so that all our citizens would benefit from the development. While our main focus remains in the area of utilising renewable energy, such as wind, solar, and hydropower, many projects were initiated in new towns, but, with the emerging of the oil industry, natural gas was also actively being considered.

Notwithstanding the APNU/AFC's consideration of the gas-to-shore pipeline and the fact that a number of locations for the power plant were being looked at, no study done during that time would have even suggested that Wales is the most feasible site for the proposed onshore power facility. That is the first part. Despite that fact, despite public pressure for the Government to disclose which studies informed its decisions, the PPP/C Government continues to embark on this project. This Government is all about total domination and control. Throughout the last year that has been the most visible characteristic of the PPP/C Government, much like it did with the failed Amaila Falls Hydropower Project. I need not remind the Guyanese people of the striking similarities, such as the absence of any feasibility study, the unwillingness of the Government to listen to the descending voices of the professionals, and the corruption which follows.

The Amaila Falls Hydropower Project is not the only failed project of this nature. I have here the *dossier* to prove it. The Skeldon Sugar Factory and the Berbice River Bridge, amongst many others, are in this very *dossier*. Frankly speaking, I put it to this House that the PPP/C is incapable of handling projects of that magnitude all by themselves, yet it pursues it. In my view, the bigger the project, the bigger the kickback. If completed, this project will be the largest publicly financed venture. Now, there is a slew of unanswered questions as it relates to this project. Some of those basic questions are: Who will own the gas? Who will own the pipeline? Why spend close to US\$1 billion on a project that has negative implications for our environment and climate change when, in fact, we can spend less on renewable energy projects to achieve the same energy output? Those are just a few of the questions that require answers. To transport the gas to the Wales location will require over 130 kilometres of pipeline, which will be required to pass through residential, commercial and agricultural zones. This can certainly have a negative impact on farmers, residents and businesses.

The Guyanese people saw the PPP/C Government, a few weeks back, *via* the one seat majority, pass the Petroleum (Exploration and Production) (Amendment) Bill. This will give the Minister the power to take away farmlands or any other land they may occupy under the pretext of landing the gas pipeline, or any other facility related to the oil and gas, without any compensation. We debated that. This is a very alarming development and persons living in the vicinity of the proposed site at Wales, and those with their businesses, homes and farmlands along the proposed part of the pipeline, must be very worried.



Another concern raised was the environmental impact of this project and how it would affect the lives of the people, and the safety risks associated with this project, like leaks and ruptures. I mentioned to you just a few weeks back the devastation that a gas leak caused. The health and safety of our people are paramount, and it is worrying that there are no studies that were done to analyse these risks. **[Ms. Ferguson:** They are quick to spend the money.] They are quick to spend the money, exactly. There are a host of other questions for which this Government has not answered, many of which my Colleagues before me alluded to and to which this motion speaks. Should this project be completed, it will be the largest infrastructural project in the country's history. We have a Government at the helm which fails to listen to the Guyanese people, and which fails to serve in their best interest, but prefers to serve a small group of the elite.

Let me warn the PPP/C Government that the people of this country are fed up with its domination and control style politics. They are fed up with its poor and partisan governance style. My advice to you is to stop and take stock and change your approach for the sake of the Guyanese people and the future of our country. I want to urge this Government to conduct investigations to understand the geological, environmental, and safety risks; conduct analysis of the available technology for real time monitoring of the deep-water pipeline to ensure its integrity and reliability; investigate the health, safety and environmental risks with mitigative actions; and conduct an analysis of the economic, social and environmental renewable alternatives, such as solar hydropower, wind, *et cetera*. There are a host of other recommendations in this motion.

Finally, I would like to advise the Government to put on hold this project until the Parliamentary Sectoral Committee on Natural Resources would have presented its report to the Assembly for debate and approval. I thank you. *[Applause]*

*12.24 a.m.*

**Mr. Speaker:** Thank you, Hon. Member. I now call on the Hon. Minister of Home Affairs, Mr. Robeson Benn, to make his presentation. Hon. Minister, you may proceed.

**Minister of Home Affairs [Mr. Benn]:** Thank you, Mr. Speaker, for the opportunity to speak on the motion by the Hon. Member, Mr. David Patterson, with respect to the gas-to-shore project. I want to advise right away that I cannot support the motion which he proposed to the House.

Most of the presentations here are cringed worthy. Most of the presentations here have not taken into proper consideration the context with respect to Guyana's energy problem, and the question of power for national development which we have had for quite a long time. We ought to know by now, in this House, that one of the principal issues in relation to national development is the high cost of power, the high cost of energy, and that one of the significant missing terms in our development equation is the absence of cheap power. Over all of these years, if one looks back at the history, the responses, and the resorts to these problems, particularly, just before our independence and thereafter, the People's Progressive Party (PPP) in Government, and now the People's Progressive Party Civic (PPP/C), too, in Government, has always taken a visionary approach to this problem.

I want to simply look to the situation we had in respect of our bauxite industry, particularly the power problem. I want to remind Hon. Members that if they were to go in front of the aluminium plant in Linden, there is a little triangular pyramid. It speaks to the opening of the aluminium plant by the Hon. Dr Cheddi B. Jagan. This represented, after a great struggle of him as the Minister of Development and Industry, him getting the Demerara Bauxite Company (DEMBA) to invest in an aluminium plant in Guyana. The next issue in relation to that question, which had to be advanced, was the question of moving on to an aluminium smelter. The question of cheap power... because one tonne of aluminium would take about 17 megawatts of power. At that time, a project was undertaken to develop, on the Demerara River, the Great Falls and the Malali Hydropower Projects. It was visionary, at that time, in respect of a Guyanese Government in power for the first time, and to work at trying to resolve the problems of energy in relation to propelling the nation's development. Times changed, there was a collapse of our democracy, the People's National Congress (PNC) came to power by means which are well known on the other side, particularly. Even in the Burnham time, there was a thought, some vision in respect of the question of hydropower, cheap power to develop our country. The power projects on the upper Mazaruni River for Tortruba and Kumarau Falls were considered. A lot of money was spent. There was the argument that our ideas were too big, and that we would not get finances for it at all. As such, the upper Mazaruni Hydropower Project failed with the absence of financing, with the question of going too big, maybe with 1700 megawatts of power being proposed then, if I remember the correct number.

Thereafter, the only next best effort, in terms of renewable power to solve the power problem beyond our efforts in exploring for oil over these years, was under the PPP/C with the Amaila Falls Hydropower Project. I am hearing here tonight that the Amaila Falls Hydropower Project failed. Well, who failed it?

We took Harmon and Roopnaraine on helicopter flights, and we took all the feasibility studies in relation to the project. We made several landings along the road and overflow the dam site; Ramjattan and all of them.

**Mr. Speaker:** Hon. Minister, I hear Harmon and Ramjattan, are you referring to the Hon. Members in the House?

**An Hon. Member:** [Inaudible]

**Mr. Speaker:** All right, thank you.

**Mr. Benn:** Hon. Member Ramjattan, of course, by convention of the House. The so-called failure of the Amalia Falls Hydropower Project was an invention, it was as a result of the act by the APNU/AFC in Government. The APNU/AFC believes that national development is a zero-sum game, whether they are in power or out of power. When they were out of power, they opposed the project; when they were in power, they stopped and destroyed the project. Here it is this evening... and we might remember that there were talks about sanctimonious gangsters in relation to issues relating to how Guyana moves forward.

The APNU/AFC believes that development, division in its new appearance in Guyana, is a completely zero-sum game. Here it is, the Hon. Member, Mr. David Patterson, is making a proposal that we should stop again, we should wait, we should give them opportunities like they did before when they had opportunities and they voted against the budget in the Ramotar Government time in 2011 and, thereafter, that we must wait, we must not consider the issues, and we should not push forward in relation to the development of our country. I want to say to you that we have lost more than enough time over the five or more years that you had when you were in power, including the period when the recount was on, when a patent public attempt was made to steal the democracy of Guyana [**Ms. Ferguson:** Do not go there, Mr. Benn]. That is where I have to be. [**Ms. Ferguson:** Do not go there, Mr. Benn] That is where I have to be, Hon. Member. I

hear Hon. Members in this House tonight speaking about an installed Government. I want to remind you and say that the people of Guyana, with the support of the national and international community, saw that we came to our rightful place in this honourable House. We are in our rightful place, and we would be here for quite a long time with the examples that you put here.

I speak about the zero-sum game, both when they are in power and when they are out of power. The zero-sum game is that which made them close the Wales Sugar Estate. It is the zero-sum game which made them close the Skeldon Sugar Factory, and it is the... [Ms. Ferguson: Close the what?] Close the operations in Berbice, shut down the sugar industries. That is what you did. It is the zero-sum game which made them attack the forestry industry. It is the zero-sum game which made them encourage and participate in blocking the river at Berbice, at Hururu to prevent the bauxite barbers coming down to transshipment, resulting in over 1200 workers losing their jobs. That is a zero-sum game, both when they are in power and when they are out of power. They come here, sanctimonious-like, to tell us about the development of Guyana.

They know we have an Environmental Protection Agency (EPA), they know that they had their person working in the EPA up to recently, and they would suggest that the pipeline would not be secured, that there would be leaks all around and that the fishes would die; everything in relation to having a continuous negative environment in the public with respect to this development – a zero-sum game. They have no interest in the development of this country, no interest. There is the suggestion that the area of the Wales development was not studied. I think, at some point, the *Stabroek News*, in one of the editorials, stated that there was once a vibrant plantation with a sugar factory at that Wales development site. I would not have to say again who closed it. From all of the studies which were done, Wales was decided, designed and accepted as the most viable and useful site for the development of an integrated gas -to-shore project with petrochemical plants, fertilizer plants and other plants in relation to propelling the development with respect to the gas-to-shore project. It is Wales. The honourable lady is talking about designs, but Mr. Patterson knows about a Japanese study which identifies and ranks over 20 locations, if I am not mistaken, with respect to identifying which of those sites are the most viable and useful in respect of the development.

*12.39 a.m.*

The suggestion is now, as you step out to the North-East it is more gas-prone. Therefore, the best place now is to go eastwards, perhaps, to establish more Plants. This development may be almost certainly just one of the first or a number of these types, which have stepped out all over, eastwards to the Suriname border. As more and more gas become available, as we stop flaring gas and as more money comes around, it will be put into more development for our country. I believe Mr. Holder was saying just now that the Berbice Bridge Project was a failed project. He said just now that the pipeline will go along and there will be no compensation if it runs through somebody land, for whatever reason. How could anyone say these things in this place? How could any Parliamentarian say these things in this place? He talks about some US\$18 million which he pegs as rhetoric. He talks about political maturity in relation to the work and the talk that we are doing here. I can only say, listening to all of this and putting it on the record, it is shocking, demeaning, and irresponsible - the presentations that we have had in respect of this matter.

I am sure, somehow, that the Hon. Member, Mr. Patterson, would have expected better support in respect of the presentations being made on his behalf in support of his motion. It is unfortunate too I think that the Hon. Member, Mr. Patterson, in his presentation, by my perception, perhaps, would appear to be gloating over supposed projects which have failed and gloating over the predicament that we have. Persons would be speaking about hustling to put in a little 1.7-megawatt power plant somewhere and another 5 megawatts power plant somewhere, when they had the opportunity to put in, to continue the Amaila Falls Hydropower Project which was a renewable Project, while we had signed up to protocols in respect to dealing with climate change. We could talk about Kyoto, we could talk about Paris, we could talk about all those things which we go to and listen to and we talk about glibly.

The Hon. Member, Ms. Ferguson, gleefully talked about a few megawatts here and a few megawatts there, when we would have been talking about 165 megawatts from the Amaila Falls Hydropower Project, renewable power. [**Mr. Persaud:** She never said megawatts. She said MW.] Well MW.

*[Mr. Speaker left the Chair.]*

*[The Deputy Speaker assumed the Chair.]*

They suggested that they have a compendium or whatever of so-called PPP/C failed projects. We need to understand why and under what circumstances we have had challenges in respect of the so-called failure of these projects. Who stopped them? Who paid no further attention in terms of development? Mr. Speaker, I would suggest that if one does things, one will have difficulties, challenges and sometimes failures and setbacks, but if one does nothing, as was done on your side, one has absolutely nothing - zero, reverse, negativism. You come here in this honourable House and suggest to us that you really have an interest in our country's development. The question of power development in Guyana is still fragile. We have the opportunity here again now to have a wider mix of energy projects, both renewable and from fossil fuels from our oil and gas projects, to move our country forward. We can only do so when we have reasoned debates, not only in the House but, also, in the public, when they make utterances in respect of these matters. The Hon. Members on the other side, some of whom have some experience and some of whom, perhaps unfortunately, were Ministers in the last Government, pretend not to know and cast everything aside in respect of the responsibilities they had too, to move the country and its development forward.

We had five or more wasted years. I can always complain about the sojourn the Hon. Member, Mr. Patterson, and the Hon. Member, Ms. Ferguson, had at what was once the Ministry of Public Works under my stewardship. I could speak to the inability to finish some particular road projects for which we had moneys. The Ogle Bypass Project; the East Bank Demerara Road which was finished with difficulties; the East Coast Demerara Road; the boat for the North-West District for which we had money available; the road to Mabura for which we had money from the Department for International Development (DFID); the road from Linden to Mabura for which we had money promised from DFID which was never done, was never pursued and... When they were given these projects and left with them in their hands, five years after that, we are struggling, or we are now finishing these projects – like the Sheriff/Mandela Road Project which started under her watch.

We cannot continue with a partner seemingly in the National Assembly whose interest is only to throttle national development. Their only interest is to throttle national development; their only interest is to delay the progress moving forward the activity. Mr. Patterson, the Hon. Member of course, spoke about going around to the Private sector – the Demerara Distillers Limited (DDL) and other persons, who he claims said to him they had no interest in further power energy

development and that they were self-sufficient and so on. [**Mr. Persaud:** Do you believe him?] I believe him, that they told him so because, under the APNU/AFC, there was no interest in any person moving forward in investment in the country, in respect of their businesses. Everything was being regressed, retrograded and kept back. When he went around and did his sampling, no one was interested really in saying they wanted to sit with him and talk about doing hydro power. Nobody asked them what happened to the Amaila Hydropower Project, what happened to this road project or whatever. According to his testimony here tonight in this House, the Private Sector, the investors, the people who would drive the economy forward, said they did not have an interest, when our power costs, admitted to in this House tonight, was the highest in the region – US\$0.30 per kilowatt hour.

We said that the Amaila Falls would have reduced power costs to people by 40% or more. We suggested that the Wales Development Project would recoup power costs by more than half; we said, and we are saying that the synergies resulting from the investment at Wales would give us the opportunity to produce things in Guyana which we never produced before, like the petrochemical mixes, the fertiliser for sugar, rice and agriculture and all other things that would synergise our country's development and moved the country forward. I have said before, if young people in Guyana listen to these debates; if they listen to what is being put in the newspapers; if they look at people standing on the road, positioned by some to say 50% royalty, when they consider these issues, they are exasperated with us. We do not want them to be exasperated with us. We want our young people to believe in what we speak of on this side of the House, in the PPP/C, where we speak of unity of country, peace, prosperity, progress in our country and that we extrude racism, extrude the hatred that we have heard even tonight on the floor of this House, where the simple matter of organ transplant was couched and was responded to in a racial way... [**Ms. Ferguson:** Motion, the gas-to-shore.] The only gas the Hon. Member on that side is perhaps aware of is the laughing gas. The only gas the Hon. Member is aware of... [**Mr. Persaud:** (*Inaudible*)] I would not go to that other gas, or we will all be asphyxiated here.

Mr. Speaker, again, I could only say that I cannot support the motion by the Hon. Member, Mr. Patterson. I think that he ought to know and have a perception, somewhere somehow, which maybe he is suppressing, of what should be and the way things should be done, and that he is doing a very poor job of suggesting that Guyanese people, engineers and scientists and others, who are involved

in these projects, are so stupid, ignorant or whatever negative term you could drag up in respect of it, not to be aware of the issues they raised – the environmental issues, the social issues, the studies which ought to be done at the engineering levels, *et cetera*, in respect of making an internationally certifiable gas-to-shore project.

*12.54 a.m.*

It is not the first that will be built anywhere in the region, in Trinidad and Tobago, on the Gulf Coast of Mexico and the United States of America (USA). It would not be much different. There will be challenges but they are challenges which we have to give our young people, our experts, our children and the next generation, those challenges to work with us, to develop and to build our country. That is what we want for our people. We do not like delays, diversions, misdirection which are what this motion from the Hon. Member, David Patterson, represents, to engender negative debate, to engender negative perceptions in respect of critical issues in relation to our country's development. That is what the Hon. Member Patterson's motion represents. We cannot allow ourselves to be kept back any further. We have been kept back for five or more years in the time when they were in Government.

We have to go ahead with confidence in ourselves, in our leaders, in our programme, in our vision and in the spirit of developing our country, which is embodied in the People's Progressive Party/Civic. Thank you very much, Mr. Speaker. [*Applause*]

**Mr. Bharrat:** I rise to make my contribution on this motion tabled by the Hon. Member, Mr. David Patterson. If we should look at commonalities; if we should look back at the behaviour of the APNU/AFC on the night of 29<sup>th</sup> December, 2021; and if we look at the motion that is on the floor right now, the commonality is that the APNU/AFC's agenda is to slow down progress in this country. It is as simple as that. All the noise, all the commotion, all the whistle blowing, all the Mace grabbing, all the walkouts on their own Member, is simply trying to stymie the progress in our country. This is because there is a general fear in the APNU/AFC's camp that Guyana is moving at a fast pace and, if we continue to do so, they will remain in the Opposition for a very long time. That is the fear that is driving within the APNU/AFC. That is the fear that is creating the disunity among them. That is the fear that is creating all the problems that we are seeing in the fractured Coalition today.



I pity the Hon. Member because, as I look around, in the Opposition benches they are almost empty. Their own Member, their very own Member, is presenting a motion and is seeking just their support because only two other Members spoke on the motion. All he is asking for is their support and they could not do that. It shows grave disunity. It shows that they lack leadership. It shows that they lack direction. That is the *modus operandi* of the APNU/AFC.

I am happy that the Hon. Member, Dr. Cummings, is still here. It was mentioned by the Hon. Member when she was on the floor earlier on a previous Bill, when she said that we need to *dash the brakes and slow down the pace*. That is a secret that was let out today by the APNU/AFC. They cannot handle the pace at which we are moving. They cannot take the pace at which we are moving even though we are facing a global pandemic. Even though we had a massive flood last year. The pace at which we are developing and the rate at which people's lives are being improved is unprecedented. The problem is that the APNU/AFC is getting worried by the day. They are worried that once we start using oil proceeds more developments will take place, people's lives will change, and development will go to every single community and every single region throughout our country. Their very own supporters might turn against them. My Hon. Member mentioned that is already starting to happen. It is already starting to happen. That is the operation by the Opposition. To slow down the pace.

This motion that is on the floor right now is designed to do exactly that. If we listen to the presentation by the Hon. Member, David Patterson, it does not really sound like a motion. It sounds like a lot of questions that could have been asked differently. It sounds like a lot of wild assertions that are designed to mislead the population. It sounds as though there was a plan to misrepresent the truth. He was then followed up by the Hon. Member, Ms. Ferguson, reading the editorials on what Mr. Palmer, Mr. Sampson, Mr. Abrams and Mr. Solomon had to say. To date, we do not know who a Mr. Solomon is or who a Mr. Sparman is or how qualified they are. How qualified and how technically sound they are to comment on a project like this. Their plan is to slow down the Gas-to-Energy Project. Their plan is to slow down the Corentyne River Bridge. Their plan is to slow down the new Demerara Harbour Bridge. Their plan is to slow down the new highways that we are going to build. Their plan is to slow down our energy mix development – the hydroelectric powers, the solar powers. Their plan is to slow us down in delivering modern, international standard healthcare and education. Their plan is to stop the People's Progressive

Party/Civic Administration from the distribution of house lots to our people who need them and to develop those housing schemes so that people could actually build homes and not to deliver land in burial grounds and in pastures.

This has always been the way in which the APNU/AFC operated. Unfortunately, they could not speak of their achievements in the three and a half years of being a legal Government nor the one and a half year of being illegal, squatting in Office. There was no... [**An Hon. Member:** *(Inaudible)*] There was nothing much. There was nothing to report. The closure of estates, studies, \$200 million spent on feasibility studies for the Demerara Harbour Bridge, \$40 million on another study for the Mabura Road and more and more studies. This was what was done during the last five years of being legal and illegal. I could remember clearly, an article in the newspaper about the biggest achievement of the APNU/AFC in Office. It was so big for them that, none other than the man who held the second highest office in this land during their Government, wrote an article, a Sunday newspaper article 'round and a-around-about we go'. That was their biggest achievement, a roundabout.

Today, they come to the National Assembly, and they speak about 'white elephants'. The Hon. Minister of Agriculture just mentioned D'Urban Park. That is the biggest 'white elephant' in the heart of the city. We do not have to go into the amount of corrupt activities surrounding that park. We spoke about the Skeldon Sugar Estate, but it was that very Government that closed that estate. It was that Government that put those private farmers out of business and out of a livelihood in the Skeldon/Crabwood Creek/Moleson Creek area. Yet they come.

The Hon. Mr. Holder spoke about the Berbice Bridge. He is not a Berbician, but let me tell you Mr. Holder, the Berbice River Bridge is probably the best thing that has ever happened to Berbice. Then the Hon. Ms. Ferguson is saying that they reduced the rate by \$300. Mr. Speaker, let me tell you exactly what happened. Most of the people that cross that bridge go to the Cheddi Jagan International Airport to collect their families or to send them off. They subsidised the bridge by \$300, then increased the parking at the Cheddi Jagan International Airport by \$300. That was their way of hoodwinking the people of this country. That was their way of hoodwinking the people of this country. Hon. Member Mr. Holder, check the records. The parking at the airport increased by \$300. The same \$300 that was taken off the bridge toll. What did you take off for the Berbicians?

Our biggest problem in Guyana and our biggest hindrance to further development and to develop our country at a faster rate, other than the APNU/AFC, is the cost of power generation and also the reliability of it too. Yes, we have heard a lot of comments about blackouts. We have grown. For decades now we have been experiencing blackouts, but this project will bring an end to that. Do we not want that? Do we want our children to continue to come to the Parliament and to live in blackouts or power outages? Do we want another set of Parliamentarians to come in here and still speak about blackouts? Or do we want to end it? Do we want to move forward, or do we want to stay in the same place? Stagnated. Apparently, that is what the APNU/AFC wants.

If you started your studies in 2016, in 2016 you squatted in Government for over five years. Did you not do anything else? Something is definitely wrong. The Hon. Member Patterson said that they started the studies in 2016. Apparently, they were still studying in August, 2020 – studying how to rig the election. Studying how to stay in power illegally. Apparently, we are still studying. Our biggest challenge to our development is the cost of power generation and the reliability of power generation to our people and to our business community. The Gas-to-Energy Project is designed to solve that problem once and for all. We are saying to the Guyanese people that the Gas-to-Energy Project will reduce the cost of electricity by over 50%. It is not only the reduction in electricity, it is the reliable power and added to that, cleaner power.

*1.09 a.m.*

This is because the conversation on the environment and cutting emissions has grown of recent, and because of that we recognise that the Gas-to-Energy Project is a move in the right direction. It is transition energy. It is part of our energy mix to ensure that we supply power for the development to take place. When the Hon. Member spoke about the environment so glowingly and their newfound love for the environment - and we have to protect our environment – we need to ask them what did they do in their five years to protect the environment? Maybe running down the forestry. Maybe that was their idea of protecting the environment – bankrupting the forestry sector. Painting buildings in green was their idea of a green environment. The Gas-to-Energy Project will cut our emissions, significantly.

Listening to the Opposition, one could believe that Guyana is in at serious pace right now. Maybe the Hon. Members are not aware that Guyana is net zero, maybe in the negatives. Our emission is

low. Because 86% of Guyana is covered in forest, we are in very good standing, especially with a deforestation rate of 0.05%. The Gas-to-Energy Project will cut the emission even further because, presently, we are generating using Heavy Fuel Oils and we know the emission from that is very high. The gas-to-energy will cut that emission, significantly, even further. We have not stopped there because we have always spoken about our energy mix. The Gas-to-Energy Project is just one project. It is a transition project. We are already working towards the Amaila's Falls Hydropower Project, which will deliver 165 megawatts added to the 250 megawatts net from the Gas-to-Energy Project. Added to that, the solar farms, the mini-hydros in the interior regions, and the stand-alone solar panels for our hinterland regions, all of these will add to our energy mix and will significantly cut our emissions, making us one of the small countries, but with big contributions toward climate change and emission.

Listening to the speakers in the Opposition, I want to believe the biggest issue is Wales. But why not? What is wrong with Wales? It seems as though the APNU/AFC has a problem with Wales. They have a serious problem with the people of Wales because they closed the estate. When the report showed that Wales was one of the better producing estates in the country and then there were private farmers in Number 1 and 2 Canals who were supporting the sugar estate, the APNU/AFC decided to close the estate. That is vindictiveness. This is because, like us, they have their voting records too. It shows that is a predominantly PPP/C area. So, out of spite and vindictiveness, they decided that they were going to close the Wales Sugar Estate. Seventeen hundred people who were directly employed at the estate, multiple that Mr. Speaker, they have families. The private sugarcane farmers in Number 1 and 2 Canals and Patentia area, Vive la Force, Vries Land suffered too. The vendors suffered. The shop owners suffered. It is a depressed community today because of the APNU/AFC. The West Bank corridor is a depressed area because of the closure of the Wales Sugar Estate by the APNU/AFC. I ask again, what problem does the APNU/AFC has with Wales, the people of Wales and the people of West Bank Demerara? Why is it that you do not want us to take development to that area?

Development in this country has always taken place under the PPP/C Administration. The track records will show that, in 1964, Guyana was rated as one of the better economies in the Caribbean. During 1964 to 1992, Guyana became one of the poorest countries in the Caribbean. In the years 1992 to 2015, we were rated as one of the better developing countries, once again. In the years

2015 to 2020, we went down again, so low that people were starting to move away from our country as they did in the 70s and 80s. Today, because the PPP/C is back in power, people are coming back to the shores of Guyana. People are coming back to invest in Guyana. People have hopes and dreams, once again. It shows, traditionally, that progress takes place in Guyana when the PPP/C is in power.

We like to think big. Maybe the APNU/AFC plans or their studies that they did, was just to build a power plant. We are not only building a power plant alone, we have what we called the Wales Development Area. In the Wales Development Area, the power plant is one component in that area. That area will be earmarked to be one of the largest manufacturing industrial parks in the Caribbean, if I may say so. This is because we will have cheap, reliable and clean power available right there. We have access to the Demerara River right there. Most importantly, we have the availability of land right there. We have a labour force, the very people who the APUN/AFC put out of jobs are there and want to work. We, the PPP/C Government, see Wales as the best location or area to site the Gas-to-Energy Project and the Wales Development Area, the manufacturing industrial park that will be built out of that.

*[Mr. Speaker assumed the Chair.]*

I heard the Hon. Member, Mr. Patterson, speaking about reports from companies like Demerara Distillers Limited, Banks – D’Aguiar Industrial and Holdings Limited and the bauxite companies. I am not sure who did those surveys, or who he spoke with. Maybe the people did not want to invest because the APNU/AFC was the Government then. But I could tell you now that they are willing to invest. Mr. Patterson should know that DDL is currently using gas that they are importing into the country. It is simple to understand that once we have the gas right here in Guyana, obviously, it would be cheaper. The Hon. Member said that we do not have the capacity to utilise the excess power from our energy mix. Now, forgive me to say this, but it is backward thinking because we are only thinking about today. We are only thinking about our consumption for today. We know that today, we are utilising about 130 megawatts of power. We know that we have private generators, which the Hon. Member alluded to, nearly about 50 or 60 megawatts, again.

With the development that is taking place in the oil and gas industry, the new housing schemes that are being developed by our Government, the new hotels that are coming to the country and the Wales Development Area, with the manufacturing industrial sites/parks, means that they will require energy. We are thinking further ahead and to prepare for the developments that are coming. We cannot say that we want 10 new hotels, but we do not have power for them. We cannot say that we want value added products, but we cannot provide cheap electricity for them. That is one of the big problems that will be addressed by this Project, our value-added industry. For too long, Guyana has been exporting raw materials. That is why we do not see the true benefits of our natural resources. That is why our people do not benefit as much as they should from our resources. This is because we have been exporting raw materials for decades. This Project will address that issue, where we could now encourage people or people will be willing to invest in value-added products.

I could tell you, in the forestry sector, we have been encouraging people not to export logs but to export lumber or wood products. The biggest issue or hindrance is power generation. The Hon. Minister of Agriculture will tell you the amount of our produces that are being spoiled and has to be thrown away because we cannot process it. The Minister will tell you that we export cherries and oranges and then we import orange juice and cherries juice. That is because of the cost of power generation and the reliability of the power generation. This Project will solve that problem for us. It is very unpatriotic for any Guyanese to think that this Project will not bring benefits to all Guyana.

The Gas-to-Energy Project will probably be the most transformational Project in the history of our country. This is because the Gas-to-Energy Project is the single Project that will bring benefits to every single Guyanese. Imagine, you as an average Guyanese, the most fearful period of the month for any Guyanese in this country, including myself, is when you have collected your electricity bill. That is the most fearful period in anybody's life during the month in Guyana. We are saying that this Project will cut the electricity bill by 50%. Thereby, reducing the cost of living and improving our standard of living. Why is it that we do not want a Project like this? Why is it that we want to stall a project that would lower the cost of living of our people? Then, you go out in the media and talk about high cost of living without mentioning the high shipping cost; without mentioning the increase of prices for oil and gas; without mentioning that because of COVID so

many industries around the world were closed down and that demand has gone up significantly, while supply reduced. The Opposition does not say that, but they preach about high cost of living.

We are presenting a project to you that will help to reduce that. It is not only to reduce the cost of living. This Project and the Wales Development Area will create employment for our people. It will create employment for our young generation. Every year we have 2,000 to 3,000 youths graduating from the University of Guyana (UG). It will create jobs for them. It will ensure that we have cheaper goods and services right here in our country. It will cut our importation bill so that we could save on our foreign currency. These are all benefits that will come to Guyana by this single Project. These are the benefits. The Hon. Member, Mr. Patterson, made mention of local content.

*1.24 a.m.*

He said that the people of Guyana are waiting to hear how they would benefit or how they will get opportunities from the gas-to-energy project. I want to say to the Hon. Member that the people of Guyana have been waiting on them for a long time for a proper local content policy or even a Bill. Did they deliver that? No, we did so. We delivered a local content legislation that would bring benefits to Guyanese and Guyanese businesses. We did that. The Hon. Member should know that achieving local content depends on capacity. If there are Guyanese businesses that could manufacture these pipelines that could build the power plant, we will support that. That is why we brought that Bill, and it was passed in the National Assembly. We want every single Guyanese to benefit from the oil and gas sector. We brought that Bill to the National Assembly, we debated it, we passed it in the National Assembly, and it is legislation now. Local content will ensure that Guyanese businesses benefit from the oil and gas sector, and it will ensure that our people are employed directly in the oil and gas sector.

There has been a lot said about the project, studies and consultation. I know my time is limited, but I want to say that we, as a country, need to move forward with our development and our developmental agenda. We want to say to the APNU/AFC that if you are serious about development and you want to get on board the development train, our arms are opened and our doors are opened. If you are going to criticise and oppose for the sake of criticising and opposing, then we will move ahead with our agenda. We were elected by the people to serve the people and

that is what we intend to do. We will not allow the APNU/AFC to hold back our developmental agenda. This project, the gas-to-energy project, a I mentioned, is probably the most critical and the most transformational project that we will witness in the history of our country. It is a project that will ensure that every single Guyanese benefit. It will ensure that the cost of living is reduced. It will provide jobs and opportunities for our people. It will improve the standard of living in our people. We cannot, on the Government side, stall such an important, critical project. Thank you.  
[Applause]

**Mr. Patterson (replying):** I would like to thank all the speakers, on both sides, who contributed to this motion, particularly the ones on my side. I want to say that listening to the presentations by the presenters on the Government's side defend their position on this Wales gas-to-shore project further confirms to me that the project needs more examination and more details to be made forward. Not one of the speakers presented any credible information on the project. Of course, the people of Guyana will be the judge of this. Not one presented any information. On this so-called most transformative project in the history of Guyana, one would have thought that the Government side would have used this opportunity to dispel any myths and any misconceptions about the project. Yet, they used their time to engage in personal attacks, insults, misinformation, and gross untruth. It is sad that is the state of representation that the country has in 2022.

When I speak about misrepresentation, out of respect for the Minister of Natural Resources, I will start with him. One of the issues he talked about is that between 1992 and 2015...and he spoke very glowingly about the country under their stewardship between 1992 and 2015. What he did not mention is that between 1992 and 2015 the Corruption Perceptions Index (CPI) and Transparency International (TI) had Guyana rated as one of the most corrupt countries in the world. What he did not mention is that between 2015 and 2020, the same agency, Transparency International, singled out Guyana as one of the top five most improved nations in combating corruption in the world. He did not mention that. When the indices come out again, we will be what you call back to the future. The corrupt ones are back again. The boys and girls are back again.

The Hon. Member, the previous speaker, the `Minister of Natural Resources, mentioned the Berbice bridge. I could speak a lot about that. He said it was one of the best projects. If it is such a good project, why do you not remove the order restricting them from raising the tolls? You are



scared of your own friends. You cannot even allow them... such a good project. We put on a restriction on them to prevent them from imposing draconian tolls on Region 6 and Region 5. It is such a good project. Ask the Minister. He or his mini-me is up there. Either the senior or the junior mini-me, ask them to remove the order on the Berbice bridge. Mdm. Teixeira, do not look around; it is still there. The second you do so, the country will see how a good a project it is.

Then, of course, he spoke about Skeldon Estate and about us closing Skeldon Estate. You cannot close a project that never worked and which failed from the get-go. How could we close something that was never even opened and never functioned? Then, they came and said it was the APNU/AFC. That project was stillborn. Bad ideas brought the entire sugar industry to its knees and you sit and talk about who closed what. If it were not for the Skeldon project, sugar would have survived longer, and that is on you. That is on the PPP/C. When the first Speaker, Hon. Indar, spoke I, obviously, thought that we were in a twilight zone. He spoke about GPL. Listen to me. Under your very short stewardship – and it will be a short stewardship – we are experiencing the most blackouts ever. Every day, the excuses move from the ridiculous to the sublime. Every single day you hear that there was a disruption in the transmission line and that GPL is looking at it. It is not a disruption. It is that incompetent people are in charge.

The Hon. Minister had the temerity to say that we, the APNU/AFC Government, did nothing for GPL. I do not know if it is a crime to misrepresent...we cannot use certain words here. I would say to the Hon. Minister that you would not know the truth even if it bit you in that particular part of your anatomy. Let me tell you, for the record, that under the APNU/AFC, nine generating sets... I challenge all of you, the entire PPP/C and all its surrogates, to say if within any five-year period, any Government in this country has ever put more generating sets in place in this country other than the APNU/AFC. We did Anna Regina, Bartica, Bel View, Garden of Eden. That is how we gave you 46... you and the Prime Minister. He is sleeping through the entire briefing. You messed it all up. How dare you come to this National Assembly and misrepresent the truth?

Then, I heard some even more ridiculous comment from the Minister that we would like to park...The Hon. Minister Indar mentioned, glibly, natural gas coming to shore and that it is not a dangerous – I do hope that the people of Guyana were listening and they were recording – substance to be bringing to shore and that pipelines have been around the world for ages. Several other Ministers said it too. For the record, in the USA, a first world country, between 1970 and

2015... [Mr. McCoy: *Inaudible*]. Sir, I just heard somebody talk about travelling to the United States of America. I would not even answer. The great Member... Did you get back your visa? In the USA, there were 745 serious incidents in the natural gas pipeline. In Canada, in the last five years, there were 10 such incidents. The Hon. Minister is making comments that it is not a dangerous thing. In Russia, in the last five years, there were nine. We should be concerned. I am quoting from countries which are far more developed than Guyana. We are concerned. Minister Indar mentioned all sorts of projects and initiatives put in place by the APNU/AFC Government and sought to claim them as his own. Smart Bridge Solutions was there long before. It is under the APNU/AFC that the grid stability study was done for GPL.

1.39 a.m.

Of course, the facts are there. They started a long time ago. I heard him mention...and this is the Hon. Member, Mr. Indar, when he spoke about the maritime industry. I would like the world to know that the Maritime Administration Department's registration of the armed boat has nothing to do with the APNU or the AFC. All of that is the PPP/C and those two Hon. Ministers. The contract was signed in March, 2021. What they have not gotten up to tell the nation is where they found that company. They issued a press release and said that the company is being run by a scamp and a scoundrel, *et cetera*, and that they will do everything possible to correct the wrongs that they did. What the Hon. Ministers have not said to this country is how the man found them, how they found him and why they signed a contract with him. They did no due diligence. Now, when the boat has been found with \$5.4 million worth of arms, they are trying to distance themselves from it by saying that whatever contract they had expired beforehand. Why did you even sign the contract in the first place? The country would like to know.

The Hon. Member, Bishop Edghill, said the most laughable thing – that the motion is designed to stop or stymie progress. No, Sir. The motion is designed to stop pillage, money-grabbing, corruption and lack of transparency. Those are the reasons for the motion. The motion is designed to ensure that the PPP/C does not foist another failed project on this country. From the resounding responses that I got from them, I think you also agree. [Mr. Ramson: *Inaudible*] *Battalion*, of course, thank you very much. I hear you. It is the Hon. Member Bishop Edghill... [Mr. McCoy: *Sticky fingers.*] Thank you. At least one thing I know is that they have woken up. The Hon.

Member Bishop Edghill made a quote which I thought was very intuitive. If we do not know, speaking about the...

**Mr. Speaker:** Hon. Member, I heard someone use the word bribery. Please, decorum. Go ahead, Hon. Member.

**Mr. Patterson:** I am sorry, Mr. Speaker. I would not use the word bribery.

**Mr. Speaker:** I did not accuse you, Sir.

**Mr. Patterson:** Pardon me?

**Mr. Speaker:** I did not accuse you; I was protecting you.

**Mr. Patterson:** Sir, I heard the Hon. Member Bishop Edghill state that if we do not know, it is not the fault of the PPP/C. I want to tell the Hon. Bishop Edghill that stupidity has no cure. Therefore, I would strongly suggest you and your Colleagues not make reference to who knows and who does not know.

Several of the speakers, almost all of them, mentioned the Amaila Falls Hydropower Project. Let me enlighten the country. I challenged them, when I spoke the last time, that if it was such a good project, why do they not bring a motion for us to debate? Of course, they have never taken us up on that. The invitation, Hon. Bishop Edghill, is still open. Sir, let me tell you about the Amaila Falls Hydropower Project and the claim of the Hon. Mr. Robeson Benn that all the information was handed over to us when we were on Opposition in 2011 to 2015. It is hogwash. What we found was tantamount to a crime. The PPP/C told the nation that the Inter-American Bank (IDB) had approved the project. From 16<sup>th</sup> May, 2015...I had never seen an international agency that was so eager to come and set the record straight. The IDB sent a delegation. The first thing they said was that the IDB never approved the Amaila Falls Hydropower Project. Of course, you can carry me to the Committee of Privileges, Mdm. Teixeira, if anything that I say here is untrue. The IDB said to the PPP/C, at that time, that if they carried this project to their board, they would have rejected it. It was unsound and unworthy. All the IDB said that it could do for us was help us with the environmental studies, which it did. The environmental study was completed. You can carry me to the Committee of Privileges anytime you are ready, if I say anything that is wrong. I challenge you. [**Ms. Teixeira:** (*Inaudible*)] You said so.

Mr. Speaker, they said the project was approved by the IDB and that they had gotten a mandate letter from the IDB. The IDB came and I will call the gentleman's name. It is Mr. Johnson. He said that the IDB had told them that the project cannot fly. They said to Mr. Johnson that they could try. It is just as they are saying right now about the Wales Gas-to-Shore Project being a transformational project. The IDB said it cannot work, but here is what we will do. We can try and give you some help. They went to China twice. They went to the Chinese twice, begging. They never got to the China Development Bank Capital Corporation and the other bank from China, the Export-Import Bank (EXIM). They had *their hands in the hats* begging them to reduce the interest rates at which they were lending us the money. The Chinese – imagine that – said no. The bank in China said absolutely not.

On top of that, they engaged the Chinese firm. Twice, there were more negotiations with Mr. Johnson. **[Ms. Teixeira:** It is the Committee of Privileges again.] Yes, you can. Anytime you are ready, Ma'am. The Chinese came to us – the APNU/AFC – and I was in the meeting. They said that they could not reduce their interest rates. The Government of Norway said to them that if they were going to engage this particular Chinese firm, they would not be contributing their \$80 million. This is the great transformational project which they said that the APNU/AFC killed. There was absolutely nothing. Sir, you are quite willing, and you have gone silent. It is what I call smoke and mirrors. It is all smoke and mirrors. They keep speaking about the Amaila Falls Hydropower Project but, at the time when we took over, there was absolutely no substance.

The Chinese contracting firm, which I mentioned in my opening speech, proposed to them a financing arrangement where they would garnish our foreign reserves. In other words, the GPL could not afford to pay the Power Purchasing Agreement (PPA). The only reason the idea of garnishing our foreign reserves was not carried any further was because of the loan agreements we had signed with international funding agencies. **[Ms. Ferguson:** Speak, Mr. Patterson]. I am talking to them, and I am talking to you, Sir. You brought it up. I made no mention of the Amaila Falls Hydropower Project. On top of that, they awarded a road contract... **[An Hon. Member:** *(Inaudible)*] You have an opportunity to clarify. They awarded a road contract for US\$15.4 million. The honourable gentleman, Mr. Robeson Benn, who spoke about leaving projects for us, about no development and about us closing down projects, awarded a road project for US\$15.4

million to a company – when investigations were done – which was a real estate agency or some sort of business of a similar nature.

Let me tell you what the road cost in 2015. It was US\$45 million. You are wondering why we are very concerned on this side. We are very concerned, on this side, about this Wales development project. [**An. Hon. Member:** (*inaudible*)]. Sir, you had an opportunity. They had an opportunity to speak but the facts speak for themselves. If you can award a road contract for US\$15.4 million and it is still incomplete at US\$45 million – that is just a road – imagine what will happen when you put US\$900 million into this Wales project. Imagine what will happen.

Then, the Hon. Member, Bishop Juan Edghill, mentioned the Sheriff Street/Mandela Avenue road project. He said that he left that project for us, and we did not complete it. Sir, of course, they only gave you half of the story. As a famous television personality said, every story has three sides. I am going to give you the other two sides because they only gave you that. The Sheriff Street/Mandela Avenue road project was one developed under the PPP/C. That is correct. It was tendered twice under the PPP/C. [**Ms. Ferguson:** It was the IDB project.] No, it was under the PPP/C Administration. It was an IDB project and it went to be tendered twice under the PPP/C. Guess why it was not awarded? Make a guess, Mr. Speaker. It was because there was corruption. The Ministry, under the stewardship of the PPP/C, made a recommendation to award a contract to a contractor. It went through. Of course, fortunately for the country, not only does the PPP/C have a no-objection at its Cabinet, the IDB has a no-objection. A lowly clerk at the IDB decided to look at the tender report that the PPP/C submitted. The clerk decided that it was a joint venture and to call the company that was supposed to be in the joint venture. It never existed. The PPP/C was going to award a contract to a contractor and a ghost company out of Brazil. You do not have to take my word for this. You can carry me to the Committee of Privileges if you like on this, Sir.

*1.54 a.m.*

You can go, right now, on your computer to the IDB's website and see that they debarred a local company, which is now getting work, for 30 years until 2030. That is not the only thing. [**Ms. Ferguson:** He is now getting contract.] Of course, that is a matter we will take up now. Sir, it bites; it hurts; ouch. *It bunning, it bunning, nah?* Do not worry with that. They went again, just before elections. Of course, I, being a novice... [**An. Hon. Member:** (*Inaudible*).] Sir, I am responding to

the Hon. Member, Bishop Edghill, who spoke about leaving us the Sheriff Street/Mandela Avenue road project. Sir, if you sit and listen, you will learn. They went to tender again and the then President... [**An. Hon. Member:** You are making up stories.] Sir, I have the lovely device, as I always tell you, called an iPad. The then President of the Co-operative Republic, David Arthur Granger, received a letter marked... [*Interruption*]

**Mr. Speaker:** Hon. Members, please. Order. Go ahead, Hon. Member.

**Mr. Patterson:** The President, David... [*Interruption*]

**Mr. Speaker:** Hon. Members, please allow the Hon. Member to make his presentation.

**Mr. Patterson:** The President received a sealed envelope marked, 'for your eyes only.' The IDB agency which deals with corruption wrote to the Guyana Government threatening our entire portfolio, once again. I have a copy of the letter because the President called me. [**Ms. Ferguson:** Publish it.] Of course. I am not going to be goaded. You have the record too. Once again, corrupt practices. That is the project which the Hon. Member got up and said they left for us. We went to tender. There was no issue whatsoever of corruption. It was awarded, we handed it to them and they are making a mess of it. I heard two Members.... [**An. Hon. Member:** You are lonely] I am lonely, yes, of course. I am crazy about my country, not so much about you all. They mentioned the Linden...it hurts. The truth hurts. Linden, Mabura. That is all they can reduce themselves to – personal insults – but the facts will speak for themselves. I heard people laying claim to the Linden/Mabura project. Let me tell you, the records are there, and I challenge both Members Edghill and Robeson Benn to...The United Kingdom Caribbean Infrastructure Partnership Fund (UKCIF).

I will give a little background just for them. In 2015-2016, worried about the spread of the Chinese Belt and Road Initiative (BRI) and the infrastructure in the former colonies, the then Prime Minister, David Cameron, decided that it would be a good idea if they did things to remind people who the mother country was. He made a £300 million grant available to the Caribbean Community (CARICOM) and Guyana. Of course, you can all go and look it up if you want, but we have it here so, therefore, whenever you are ready, you show me yours and I will show you mine. Guyana qualified for £55 million from it. We, as a Government, were asked to put up proposals. As Ms. Ferguson will tell you, we put up more than six or seven projects. It was not only the Ministry of

Public Infrastructure at the time. The Ministry of Communities put up at the time as well. Former Minister Hughes did as well. They were all put up. Out of those, the Linden/Mabura project was selected but that was not all. They are claiming it, but that is not all. As is the custom with these international agencies, they visited in 2017...

**Ms. Teixeira:** Mr. Speaker, I stand on a Point of Order. Under Standing Order 40 (a), the Hon. Member is spewing a lot of information that has never become public anywhere and that he has never ever raised in this Parliament. Therefore, I am asking that some of these documents, which the Hon. Member is referring to, be brought to this House so that we can all validate the accuracy of what he is saying. Therefore, I am asking that, as a Point of Order, unless the Member can produce the evidence and the letters that he is referring to in the documents, he should withdraw those comments.

**Mr. Speaker:** Thank you, Hon. Minister. Hon. Member, the rule is that if you are going to quote documents, you table them.

**Mr. Patterson:** Sir, I am...

**Mr. Speaker:** I am still speaking.

**Mr. Patterson:** Okay.

**Mr. Speaker:** I had to remind one of the Hon. Members from your side about tabling a document earlier, please.

**Mr. Patterson:** Thank you very much. Zero problems of these things... Of course, this is recorded so you could play back verbatim. At that stage, we submitted seven projects. After evaluation, the British and us, the Government at the time, decided on the Linden/Mabura project. As is customary, they had a briefing with the Opposition in 2018 and they reported that the Opposition had said when they came to power, they would have stopped the Linden/Mabura project. This is what they are talking about. Our good friends from Department for International Development (DFID) in the United Kingdom said that if they stopped the project, they would withdraw their money. Ladies and gentlemen, that is why we have the Linden/Mabura road project going ahead. The one that they are saying they have now got the tender. If it was up to them, we would have never ever been here. [**Hon. Members from the Government:** (*Inaudible*)] If it hurts, itch it. I

will bring as many more because I do love the ability to do my rebuttals and I would hope that I get your protection. You do not seem to be giving me as much protection that I need. Sir, the Sand Hills to Bartica Road the Hon. Member mentioned...untruthful. Sir, the Hon. Member Ferguson, every time she gets up and speak, she raises the quinquennial report that was there from us. All they did, and they do not want to give us credit, is look through what we had and said it was a brilliant idea and was their own.

**Mr. Speaker:** Hon. Member, Ms. Ferguson, again, you continue to flout the Standing Orders. I spoke, on more than one occasions during this session, about the use of the particular word that you just uttered. Hon. Member Mr. Patterson, please continue.

**Mr. Patterson:** Thank you very much, Sir. The Hon. Member Edghill made a snide comment about certain communities stealing electricity. I do not know which communities he was referring to, but I can tell you, I am not calling anyone a thief, that the largest electricity theft from GPL is commercial. Residential theft only represents 3% of GPL...unless it has worsened under your watch. The worst, the 11 %, is commercial theft. I do not know which communities he was referring to. Then, he made one of the greatest... that GPL was not governed by a board.

**Mr. Speaker:** Hon. Member, you know the rules. You speak to the Speaker. You do not speak to your colleague. If you want that, you can end your debate and go outside and speak with them, please.

**Mr. Patterson:** I had a mental lapse, Sir.

**Mr. Speaker:** Okay, thanks for the confession.

**Mr. Patterson:** Thank you, Sir. from 2016- 2018, the Board of GPL was headed by none other than Mr. Robert Badal. From 2018, until you disbanded the Board in 2020, was Mr. Rawle Lucas. Of course, if you want me to bring the facts, I can bring the facts. The report that the Hon. Member gave was untruthful.

Here is the kicker. He mentioned contracts and people objecting. We, on this side, normally do not like to do it, but Mdm. Teixeira, you had asked for some facts. In 2015, when we got in there, in front of the National Procurement and Tender Administration Board (NPTAB) was a tender for prepaid metres. At my very first introductory meeting to the executive directors, they raised



concerns about the procurement process for prepaid metres in the past. This tender has not been awarded. Obviously, the executive directors had a problem with it. Sir, you could check the record. I simply said, if you had issues with the tender, let us annul the process and just retender. The records will show. I have the records. The National Procurement and Tender Administration Board has the records. Sir, we retendered. What we did not know, and what we found out subsequently, was that the metres were already in the country before the tendering. This was pre 15<sup>th</sup> May, 2015. A company ended up with three containers of metres. The only entity the metres could be sold to was GPL, but GPL had upgraded. They wanted Advanced Metering Infrastructure (AMI) smart metres but what they brought was Itron metres or something like that, which were not smart metres. Someone took it on themselves to bring in three containers, even before the tenders were awarded because they were winning these contracts all the time. Sir, they objected to the Public Procurement Commission and it was thrown out. They objected to the courts, and it was thrown out.

*2.09 a.m.*

They objected to the Bid Appeal Committee under the Ministry, and it was thrown out. They objected to the Inter-American Development Bank (IDB), and it was thrown out. Those are the contracts that the Hon. Minister of Public Works is championing. That is why we brought this motion. It is because corruption is very comfortable over there – very, very comfortable over there. This motion is simply to ensure that we do not have another failure, that we do not have another Skeldon Sugar Factory and that we do not have another fibre optic cable. The fibre-optic cable...my Friend, Mr. Vincent Henry, just reminded me...[**An. Hon. Member:** (*Inaudible*)] Pardon me? No. My good Friend, Hon. Member Mr. Vincent Henry, from Region 9, when I met him the first time, I asked about the fibre optic cable and he said to that I should come. He calls me 'Patto'. He called me 'Patto' in those days. The people were using the fibre optic cables as clothes lines and the children used them as skipping ropes - \$5 billion. That, Sir, is what we are trying to not make happen again. That is why we brought this motion. It is not to stymie development; it is to protect our people from what we know will happen. We know what will happen, so we brought the motion.

Since when the Committee on Natural Resources became a committee to... on which the Government has the majority. How are we going to bury this project in the Committee on Natural

Resources where the Government has the majority? They seem as though they are scared of themselves. In rebutting, I plead once again... I am glad that Hon. Members on the opposite side are now awake, because I know that, after the presentations by some of their Members, they were fighting. The facts can be bitter.

Sir, in closing, I ask, once again, on behalf of the people of Guyana, that we just pause. Just like how they are going to the Committee of Privileges for a month, we can go to the Committee on Natural Resources for two months or three months. As fast as you want, Sir. *The ball is in your court.* Let us have a fulsome discussion on this; let us get input. If the end result is a gas-to-shore project, let it be one of which the country can be proud. With those few words, I would like to thank my Hon. Friends and Colleagues over there and over here, for bearing with me. I want to thank you for staying awake. I see the Prime Minister... The last time I spoke, the Hon. Prime Minister said he fell to sleep. I see him there calculating.

Sir, we ask, once again... the ramblers over on this side, the anti-corruption crew over on this side, the Government that has the laws which carried this country to the highest ever ranking on the Corruption Perceptions Index (CPI)... On behalf of us the ramblers over here, we ask that you consider supporting this motion. Send it to the Committee on Natural Resources, which will provide a report, and we could come back here and debate it. If the report is favourable, we on this side of the House will support it. I thank you.

**Mr. Speaker:** Thank you very much, Hon. Member. Hon. Members, please. Hon. Prime Minister...

**Brigadier (Ret'd) Phillips:** Mr. Speaker... [*Interruption*]

**Mr. Speaker:** Hon. Members, I am trying to hear the Prime Minister.

**Brigadier Phillips:** Mr. Speaker, I would like to bring your attention to Standing Order 39 which speaks to the 'Right to Reply'.

**Mr. Speaker:** Hon. Prime Minister, go ahead.

**Brigadier Phillips:** Mr. Speaker, I rise to address the House under Standing Order 39 (2), and I ask Members on both sides to just bear with me for a couple of minutes. It is highly unusual that

we would want to do this, but we have to do it because we need to set a number of records straight here.

Amaila Falls, as a project, was scuttled by an uncaring Coalition, known as the APNU/AFC, while it was in Opposition. Had it supported that project, the people of Guyana would have been benefitting from energy at a far reduced cost than we are paying today, since 2017. That is what we expect the Hon. Member to come and remind this House about, not to get involved in revisionism. I sat here for the past four hours, and I am still to hear an argument, a clear and concise argument, against the gas-to-energy project at Wales. The Hon. Member has not produced any report. He talks about reports, but he has not produced any report that states clearly to this House that the gas- to-shore project at Wales is not feasible. The Wales gas-to-shore project will be a reality in this term of the PPP/C.

There is a manifesto where we told the people that we will deliver on an energy mix that will comprise gas, solar, hydro, and wind. We have singled out the gas-to-shore project before December, 2025. We have singled out the Amaila Falls Hydropower Falls Project to start construction long before 2025. It is significant that I am using December, 2025, because, by December, 2025, the Members on that side of the House will realise that they will have to spend five more years in Opposition. The Member, Hon. Mr. Patterson, rambled for the last 30 minutes... [Mr. Patterson: That is why you got up to speak.] No, there is no way I could have fallen asleep with you rambling. I had to listen to all your anecdotes and your half-truths that you presented to this House. While the Coalition was in Government, they killed the Linden to Mabura Hill Road Upgrade Project. The Linden to Mabura Hill Road Upgrade Project died under them.

**Mr. Patterson:** Mr. Speaker...

**Mr. Speaker:** Hon. Prime Minister, I see the Hon. Member Mr. Patterson rising. I do not know what he is rising on but let us hear him.

**Mr. Patterson:** Mr. Speaker, I rise under Standing Order 40 (a) to ask, and the similar Standing Order as the...

**Mr. Speaker:** Speak to me, Sir. Yes.

**Mr. Patterson:** ...that the Hon. Prime Minister provide every iota of evidence.

**Mr. Speaker:** Hon. Prime Minister, continue. Hon. Member, I do not hear a Point of Order. Go ahead, Sir.

**Brigadier (Ret'd) Phillips:** Mr. Speaker, if the Hon. Member does not like the term 'died' or 'killed', I would say that project did not progress as expected under his leadership. The return to Government of the PPP/C party has given rebirth to revival of that project. We will complete that project before December, 2025, like we have to do with many projects that the Hon. Member presided over.

One can only recall the Cheddi Jagan International Airport Expansion Project that the Hon. Member, Minister Edghill, *no pun intended*, had to resurrect and is now in the process of completing to the satisfaction of the people of Guyana. Now that we are talking about the people of Guyana, just go out to the community... and I ask the Hon. Members on the other side of the House, who are obviously disconnected from the people of Guyana, to just go out into the communities and speak to the people. The people need development. They needed the development when they voted for you. You failed the people, you delayed the development process, and now the people are telling us that we, the PPP/C Government, is the Government that they are looking up to for development.

I take this opportunity to speak to the people of Guyana, to tell them, clearly, that they did the right thing in March, 2020. We took a long time to get them out of Office. They rigged the election, but they failed, and they held on to power for five months, which delayed the implementation of our development policy, our manifesto. However, that is behind us now. [**An Hon. Member (Government):** Like they are behind us.] Like you are behind us. The development trajectory is in motion. It is in motion, and it is difficult to stop something in motion. You did physics at school. To the people of Guyana, you have elected a people-centred Government, a Government that will deliver development to Guyana.

Mr. Speaker, we can talk about all the projects that Mr. Patterson talked about just now. The bottom line is that we had five years of visionless governance in Guyana. This is the time of good governance; this is the time for governance with a vision. It is a vision not only for our supporters, but it is a vision for all Guyanese. That is why we have the 'One Guyana' policy.

2.24 p.m.

We are taking development to all the people of Guyana, including the people who supported you and who will not be supporting you in 2025, because they will benefit from our development policies, and they will make a change. Do not be afraid, in 2025, you will continue to be in Opposition. We will continue to look after you, as Hon. Members of the Opposition. I do not want to stay longer, but I want to assure this House and all the people of Guyana that, in a transparent manner, all the mega-projects will be managed to completion by this Government. That is our promise to the people of Guyana and that is why, in December, 2025, the people of Guyana will continue to ensure that we remain in Office. Thank you, Mr. Speaker. [*Applause*]

**Mr. Speaker:** Thank you, Hon. Prime Minister. Hon. Members, I now put the question, the motion as proposed by the Hon. Member, Mr. David Patterson.

*Motion put.*

**Mr. Jones:** Division.

**Mr. Speaker:** Hon. Members, a division has been called. As is customary, we will ring the bell and give a few minutes for persons to get into their seats.

*Division bell rang.*

**Ms. Chandan-Edmond:** I am here, Mr. Speaker.

**Mr. Speaker:** Thank you, Hon. Member. Hon. Members, we have a number of Hon. Members on virtually. Please let us allow the Clerk of the National Assembly to call the names and for persons to be able to hear their names being called. Mr. Isaacs, you may proceed with the division.

*Assembly divided as follows: Abstain 1, Ayes 28, Noes 32*

**Abstained:**

Mr. Shuman

**Ayes:**

Mr. Sears

Mr. Figueira

Mr. Sinclair

Mr. Jaiprashad

Mr. Jordan

Mr. Ramsaroop

Ms. Flue-Bess

**Mr. Mahipaul:** Yes.

*[The Clerk in aside with the Speaker]*

**Mr. Speaker:** *[Inaudible]* to put the Hon. Member's picture online because we can see who is online or not. Control panel, please... You can call Mr. Mahipaul's name again, Mr. Isaacs.

**Mr. Isaacs:** Mr. Mahipaul...

**Mr. Mahipaul:** Yes.

**Mr. Speaker:** I am not seeing Mr. Mahipaul online. I do not know if... I am not seeing him online and I have everyone here in the gallery. I do not want to accuse anyone of being dishonest. Go ahead, Mr. Isaacs.

*[The Clerk in aside with the Speaker]*

**Mr. Speaker:** I will give Mr. Mahipaul one more chance to answer.

**Mr. Jones:** Mr. Speaker, Mr. Mahipaul is on phone; he said he is answering... *[Interruption]*

**Mr. Speaker:** Hon. Members, could we hear the Opposition Chief Whip? Go ahead, Mr. Jones.

**Mr. Jones:** Mr. Ganesh Mahipaul is here on the phone. He said that he is answering yes...

**Mr. Speaker:** I need to see him virtually.

**Mr. Jones:** Unless if I could put him on speaker phone here.

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

**Mr. Speaker:** Hon. Members, I will give Mr. Mahipaul one final chance to come online. The virtual platform we have here is what counts, along with the in-person presence in the plenary. Mr. Isaacs, you have the floor.

**Mr. Isaacs:** Mr. Mahipaul...

**Mr. Mahipaul:** Yes. I am saying yes.

**Mr. Speaker:** Good. Thank you, Hon. Member.

**Mr. Mahipaul:** Did you hear me, Mr. Speaker?

**Mr. Speaker:** Go ahead, Mr. Isaacs.

Mr. Mahipaul

Mr. Holder

Mr. Cox

Mr. Henry

Ms. Fernandes

Ms. Singh-Lewis

Ms. Walton-Desir

Mr. Rajkumar

Ms. Hughes

Ms. McDonald

Mr. Patterson

Ms. Ferguson

Mr. Jones

Ms. Chandan-Edmond

Ms. Sarabo-Halley

Dr. Cummings

Dr. Henry

Ms. Hastings-Williams

Mr. Trotman

Mr. Forde

Mr. Ramjattan

**Noes:**

Ms. Veerasammy

Mr. Williams

Dr. Smith

Mr. Jaffarally

Dr. Westford

Dr. Ramsaran

Ms. Pearson-Fredericks

Mr. Narine

Mr. Datadin

Dr. Mahadeo

Mr. Charlie

Mr. Seeraj

Mr. McCoy



Mr. Persaud

Mr. Indar

Ms. Rodrigues

Ms. Parag

Mr. Ramson

Dr. Persaud

Mr. Croal

Mr. Dharamlall

Mr. Bharrat

Mr. Hamilton

Ms. Sukhai

Mr. Mustapha

Ms. Manickchand

Dr. Anthony

Bishop Edghill

Mr. Todd

Ms. Teixeira

Mr. Nandlall

Brigadier (Ret'd) Phillips

**Mr. Speaker:** Hon. Members, the division having been called, it is confirmed that the motion has been defeated by a vote of 32 against, 28 for, with one abstention.

*Motion negatived.*

## **ADJOURNMENT**

BE IT RESOLVED:

“That the Assembly do now adjourn to Wednesday, 26<sup>th</sup> January, 2022 at 2.00 p.m.”

*[Prime Minister]*

**Brigadier (Ret'd) Phillips:** Mr. Speaker, I move the adjournment of the Assembly to 2.00 p.m. on Wednesday, 26<sup>th</sup> January, 2022.

*Motion put and agreed to.*

**Mr. Speaker:** Hon. Members, the Assembly now stands adjourn to 2.00 p.m. on 26<sup>th</sup> January, 2022.

*Adjourned accordingly at 2.42 a.m.*