



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
(2020-2023) 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*

66TH Sitting

Thursday, 3RD August, 2023

**PARLIAMENT OFFICE
HANSARD DIVISION**

The Assembly convened at 10.21 a.m.

Prayers

[Mr. Speaker in the Chair]

ANNOUNCEMENTS BY THE SPEAKER

Appointment of the Clerk of the National Assembly as the Regional Secretary of the Caribbean, Americas and Atlantic Region of the Commonwealth Parliamentary Association

Mr. Speaker: Hon. Members, last week a delegation from our Parliament participated in the 45th Annual Conference of the Caribbean, Americas and Atlantic (CAA) Region of The Commonwealth Parliamentary Association (CPA). Part of the activity of that conference was the Caribbean, Americas and Atlantic Region's Annual General Meeting. From that meeting, the Regional Secretariat for the grouping has now moved to Guyana. Our Clerk, Mr. Sherlock Isaacs, for the next three years, will be the Regional Secretary Caribbean, Americas and Atlantic Region of the Commonwealth Parliamentary Association. *[Applause]*

Recognition of Work Study Students

To my left, in the upper row, is the second batch of work-study students that we have for this August holiday period. There are two very special students among them. Most of them are just out of high school. The first two to my left are young people who graduated from the Guyana Industrial Training Centre (GITC). What is special about them? These are two persons who had to drop out of school for whatever reason. Being Security Guards, they decided that they were going to uplift themselves. They went back into training at 37 and 27 years old, respectively. The 37-year-old actually has a daughter who is a medical doctor. So, let us give them our admiration. Thank you very much. *[Applause]*

PRESENTATION OF PAPERS AND REPORTS

The following Paper and Report were laid:

(1) Audited Financial Statements of the Central Housing and Planning Authority for the fiscal year ended 2020.

[Minister of Housing and Water]

(2) Financial Paper No. 3/2023 – Supplementary Estimates (Current and Capital) totalling \$61,013,184,705 for the period ending 2023-12-31.

[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]:

Might I also, Sir, as is required of me by the Standing Orders of this honourable House
[Interruption]

[Mr. Speaker hit the gavel.]

Dr. Singh: Might I also, Sir, designate the convened sitting whenever so determined, to be the date for consideration of the aforementioned Financial Paper? Thank you very much, Sir.

Mr. Speaker: Thank you, Hon. Minister.

Ms. Ferguson: Mr. Speaker...

Mr. Speaker: Hon. Member, Ms. Ferguson.

Ms. Ferguson: Thank you very much, Mr. Speaker. I do not stand on a particular Standing Order.

Mr. Speaker: So, you are standing out of order.

Ms. Ferguson: Pardon me?

Mr. Speaker: So, you are standing out of order.

Ms. Ferguson: I would not say that I am standing out of order.

Mr. Speaker: Go ahead; I will listen to you.

Ms. Ferguson: I am standing here, based on a clarification for something that was just said in this National Assembly.

Mr. Speaker: Go ahead. Yes.

Ms. Ferguson: The Hon. Member, over there – Mr. Anand Persaud, I think is his name – just said to me that I need something to stick up in me.

Mr. Speaker: Hon. Members...

Ms. Ferguson: This is totally out of order and disrespectful.

Mr. Speaker: Hon. Members, I do not... Hon. Member, I allowed you to make a point.

Ms. Ferguson: I will not tolerate that, Mr. Speaker.

Mr. Speaker: Hon. Members, many persons would not tolerate many things, but in this House tolerance resides in the Chair. Hon. Members, we started out on very good footing. I heard some heckles imputing about stealing and things like that. Please, let us now retract and come back.

QUESTIONS ON NOTICE

[For Written Replies]

Mr. Speaker: Hon. Members, there are 11 questions on today's Order Paper. All are for written replies. Question numbers one, two, three, four and five are in the name of the Hon. Member, Mr. Richard Sinclair and are for the Hon. Minister of Education. Hon. Members, question number six is in the name of Hon. Member Ms. Ferguson and is for the Hon. Minister of Public Works. Question numbers seven, eight and nine are in the name of the Hon. Member, Ms. Annette Ferguson and these are for the Hon. Minister of Parliamentary Affairs and Governance. However, the Minister asked for some time to provide these answers. Minister, do you want to formally ask that or are you satisfied with my announcement of giving you leave?

Minister of Parliamentary Affairs and Governance and Government Chief Whip [Ms. Teixeira]: Thank you, Mr. Speaker. Under Standing Order 22 (9), I am seeking the House's permission for the deferral of the three questions in my name.

Mr. Speaker: Thank you, Minister. The questions will be deferred. Question number 10 is in the name of the Hon. Member, Ms. Annette Ferguson and is for the Hon. Minister of Agriculture. Question number 11 is in the name of the Hon. Member, Ms. Volda Lawrence and is for the Hon.

Minister of Agriculture. The answers to these questions have been received and have, therefore, in accordance with our Standing Orders, been circulated.

1. Names of Textbooks for each Subject in the Primary Schools in Region No. 8

Mr. Sinclair:

Can the Hon. Minister state the names of the textbooks recommended by the Ministry for each of the subjects offered in primary schools in Region No. 8?

Please see the Minister of Education's response attached in Appendix 1.

2. Number of Hard Copies of Textbooks in the Primary Schools in Region No. 8

Mr. Sinclair:

Can the Hon. Minister state the number of hard copies of the recommended textbooks that are in the possession of the primary schools as of 27th March, 2023, in Region No. 8?

Please see the Minister of Education's response attached in Appendix 2.

3. Teaching Vacancies in the Primary Schools in Region No. 8

Mr. Sinclair:

Can the Hon. Minister provide a list of all the teaching vacancies in each of the primary schools as of 27th March, 2023, in Region No. 8?

Please see the Minister of Education's response attached in Appendix 3.

4. Cost of Delivery of Primary Education in Region No. 8

Mr. Sinclair:

Can the Hon. Minister state what it costs the Ministry of Education per day to deliver primary education to one student in each primary school as of March, 2023, in Region No. 8?

Minister of Education [Ms. Manickchand]: The Ministry of Local Government and Regional Development expends money for education delivery in Region No.8.

We are advised by the budget appropriation that the Ministry of Local Government and Regional Development is expending a total of \$2500 per day to deliver primary education to one child in Region No.8, which has increased by \$1150 from 2019.

5. Cost of Delivery of Secondary Education in Region No. 8

Mr. Sinclair:

Can the Hon. Minister state what it costs the Ministry of Education per day to deliver secondary education to one student in each secondary school as of March, 2023, in Region No. 8?

Ms. Manickchand: The Ministry of Local Government and Regional Development expends money for education delivery in Region No. 8.

The Ministry of Communities in 2019 spent \$1350 per day to educate one student. We are advised by the budget appropriation that the Ministry of Local Government and Regional Development is expending a total of \$2500 per day in 2023, an increase of \$1150 per student.

6. Percentage of the Scope of Work Done on Cemetery Road

Ms. Ferguson: In a report carried in the *Guyana Chronicle*, dated 17th March, 2022, re: “Cemetery Road expansion progressing smoothly.” The project is expected to be completed by July 19, 2023.

Can the Hon. Minister advise the National Assembly on the following, total percentage of work completed as per the scope of work and provide a disaggregation in percentage and costs for each scope of work?

Minister of Public Works [Bishop Edghill]: The total percentage of works completed as per scope of works done to date is 25%

Activities	%age Done	Contract Amount	Spent	%age of Total	Notes
Advance Payment			\$142,521,051		

Dayworks Schedule		\$4,393,600			
General Items	83	\$54,230,000	\$43,506,710	80%	
Princess Street to Sussex Street	20	\$152,006,600	\$45,535,600	30%	Delayed by rain, shortage of concrete/materials and relocation of utilities
Sussex Street to Middle Road	5	\$68,621,900			Delayed by rain
Middle Road to Front Road	5	\$66,599,980			Delayed by rain
Front Road to Mandela Avenue		\$86,127,700			
Road Furniture		\$15,978,000			
Traffic Management and Control	50	\$4,500,000			
Contingencies		\$22,622,889			
Deduction of Retention			\$8,904,231		
Deduction of Advance			\$31,164,809		
Total					
		\$475,080,669	\$191,494,321	40%	

7. Overseas Visits by His Excellency The President, Dr. Mohamed Irfaan Ali

Ms. Ferguson:

Can the Hon. Gail Teixeira, MP, Minister of Parliamentary Affairs and Governance, inform the National Assembly of the countries visited by His Excellency the President, Dr. Mohamed Irfaan Ali from 2nd August, 2020 to 17th May, 2023, and the costs associated with each visit?

Response deferred.

8. Overseas Visits by Vice-President, Hon. Bharrat Jagdeo, MP

Ms. Ferguson:

Can the Hon. Gail Teixeira, Minister of Parliamentary Affairs and Governance, inform the National Assembly of the countries visited by Vice-President, Hon. Bharrat Jagdeo, MP from 2nd August, 2020 to 17th May, 2023, and the costs associated with each visit?

Response deferred.

9. Benefits Derived from Overseas Visits by His Excellency, The President, Dr. Mohamed Irfaan Ali and Vice-President, Hon. Bharrat Jagdeo, MP

Ms. Ferguson:

Can the Hon. Gail Teixeira, Minister of Parliamentary Affairs and Governance, inform the National Assembly how Guyana and Guyanese benefitted from these overseas visits by His Excellency the President, Dr. Mohamed Irfaan Ali and Vice-President, Hon. Bharrat Jagdeo, MP?

Response deferred.

10. Retrenched Guyana Sugar Corporation (GuySuCo) Sugar Workers

Ms. Ferguson:

Could the Hon. Minister provide to the National Assembly a list disaggregating the number of sugar workers severed from the following Sugar Estates/Factories: Wales, Skeldon, Albion and Uitvlugt, during the period May, 2015 to 2nd August, 2020?

Minister of Agriculture [Mr. Mustapha]: The number of sugar workers severed during the period May, 2015 to 2nd August, 2020, for all closed estates:

Estate Location	Number of Sugar Workers Severed
Wales	931
East Demerara	1,589
Rose Hall	912
Skeldon	1,830
Total	5,262

Additionally, 1,785 temporary workers were affected due to the severed workers. A total of 7,047 workers were affected (5,262 + 1,785).

To appreciate the total and diverse impact of these large-scale dismissals and the closure of estates, one must also appreciate the thousands of other persons who depended directly on the estates and upon the income of the sugar workers for their own livelihood. These include hundreds of private cane farmers in communities such as Canal No. 1 and No. 2 Polder, farmers across the West Coast of Demerara, as well as private cane farmers on the Corentyne coast, including their employees. This would take the number into thousands. In fact, dozens of private cane farmers on the Corentyne coast had joint-venture agreements in writing with these estates to supply sugarcane. These operations were financed by commercial banks in joint venture arrangements. All these contracts were frustrated and, currently, the commercial banks have sued these private farmers for hundreds of millions of dollars. The legal proceedings are pending in the High Court.

The income from these sugar workers and the revenue stream from these estates contributed significantly to the village economy of dozens of communities affecting the lives and livelihoods of thousands. For example, grocery shops, restaurants, bars, markets in the villages, and many other undertakings in these communities, depended upon the income generated from these estates.

All these activities suffered a tremendous blow by the dismissal of over 7,000 workers and the closure of these factories, affecting several thousands of lives and livelihoods.

11. Value-Added Products now available to the Guyanese Consumers

Ms. Lawrence: Hon. Minister, you have outlined several initiatives since taking office in 2020 to reduce the 41% dependency on imported food, and further commented that the Government has created a priority list of foods to be produced at home.

(a) Could the Hon. Minister kindly provide the House with the data for 2021 and 2022 showing our achievements in the production of any five (5) foods on your priority list that are presently being produced?

(b) Could the Hon. Minister state what percentage of the local market it will impact?

Mr. Mustapha:

Table 1: Achievements in Production and the Impact on Local Market

		(a)			(b)
Commodities	Unit	Achievement in Domestic Production			% impact on the local market
		2021	2022	Difference in Production	% Change (2022 vs 2021)
Rice	MT	559,789	610,595	+50,806	9% more on the local market
Vegetables (Onions, Broccoli, Carrots, Cauliflower, Red		2,726	5,017	+2,291	84% more on the local market

Cabbage)					
Root Crops	MT	12,207	23,916	+11,709	96% more on the local market
Fruits	MT	180,402	197,873	+17,471	10% more on the local market
Coconut	MT	36,544	49,138	+12,594	34% more on the local market
Meat	MT	53,960	60,112	+6,152	11% more on the local market
Aquaculture	MT	142	1,004	+862	608% more on the local market
TOTAL		845,770	947,655	+101,885	12%

INTRODUCTION OF BILLS AND FIRST READING

The following Bills were introduced and read for the first time:

Digital Identity Card Bill 2023 – Bill No. 15/2023

A Bill intituled:

“An Act to provide for the establishment of a Registry for the collection of identity data of citizens fourteen years and over and non-citizens, including, skilled nationals of a Caribbean Community State and for the issuance of Digital Identity

Cards containing digital identity data that were collected to facilitate electronic governance and to enhance government and other services and for related matters.”

[Prime Minister]

Petroleum Activities Bill 2023 – Bill No. 16/2023

A Bill intituled:

An Act to repeal and replace the Petroleum (Exploration and Production) Act Cap. 65:04 and the Petroleum (Production) Act Cap 65:05; to provide for the exploration, production, storage, and transportation of petroleum in Guyana; and for related matters.

[Minister of Natural Resources]

PUBLIC BUSINESS

GOVERNMENT BUSINESS

Motion

Confirmation of the External Loans (Increasing of Limit) Order 2023 – No. 48 of 2023 and the Public Loan (Increasing of Limit) Order 2023 No. 49 of 2023

“WHEREAS the Government has outlined an ambitious programme of development aimed at transforming Guyana and delivering improved quality of life to all Guyanese, which will require new financing including through additional external and domestic debt;

AND WHEREAS the Government is committed to maintaining its sterling track record of transparent and prudent debt management, to safeguard Guyana’s long-term fiscal and debt sustainability;

BE IT RESOLVED: That this National Assembly, in accordance with Section 3(7) of the External Loans Act, Chapter 74:08, confirms the External Loans (Increase of Limit) Order 2023 (No. 48 of 2023) which was made on 20th July, 2023, under Section 3(1) of the

External Loans Act, Chapter 74:08 and published in the Official Gazette dated 20th July, 2023.

BE IT FURTHER RESOLVED: That this National Assembly, in accordance with Section 2(2) of the Public Loan Act, Chapter 74:13, confirms the Public Loan (Increasing of Limit) Order 2023 (No. 49 of 2023) which was made on 20th July, 2023, under Section 2(1) of the Public Loan Act, Chapter 74:13 and published in the Official Gazette dated 20th July, 2023.”

Dr. Singh: Mr. Speaker, I rise, to propose the motion for the confirmation of two orders, namely, the External Loans (Increasing of Limit) Order 2023, No. 48 of 2023 and the Public Loan (Increasing of Limit) Order 2023, No. 49 of 2023. At the appropriate time in these proceedings, Sir, I will formally move that motion.

Order No. 48 of 2023, the first of the two, is made under section 3 of the Principal Act. It proposes to increase the limit on external loans that may be contracted by Guyana. This will be from the existing limit of \$650 billion to the limit now proposed and stipulated under the said Order – \$900 billion. The second of the two Orders, No. 49 of 2023, proposes an increase of the limit on domestic debt that may be contracted from \$500 billion to \$750 billion. Let me at the very onset, state that we anticipate that the proposed increases in the two aforementioned limits should generate little contention. In fact, we expect that they will receive the unanimous approbation and approval of this honourable House.

10.36 a.m.

I say this because it is a widely known fact that the Guyanese economy has been growing and growing rapidly. Indeed, Sir, over the past two years our economy has grown in real terms at an average of more than 40% per annum. Looking forward, looking ahead over the next three to four years at a minimum, the Guyanese economy is projected to grow in real terms by an average of more than 25% per annum. At the same time, we have ensured that this real growth in the Guyanese economy is resilient, and in particular, I say resilient from the perspective of ensuring it is based on a diversified productive sector. Hon. Members of this House would be well aware of our efforts to ensure a strong, dynamic and growing non-oil economy with significant investments in infrastructure aimed, first and foremost, at ensuring sectors like agriculture grow rapidly and that

we realise our long recognised, long heralded, but as yet unrealised, potential to be the breadbasket of the Caribbean. It is indeed for that reason Guyana, immediately upon the return of the People's Progressive Party/Civic (PPP/C) to government, was restored to our place of leadership in the agriculture and food security portfolio in the Caribbean Community (CARICOM) Quasi-Cabinet.

Hon. Members would also be aware of the efforts that are being made to promote growth in several other sectors. Tourism, for example, is now witnessing an unprecedented level of private investment with no less than eight internationally branded hotels under construction and in the pipeline, with the expectation that within a matter of, perhaps, 24 months or so we would add to our room stock an additional 3,000 internationally branded hotel rooms. That same story is replicated sector after sector after sector. I spoke of agriculture, I spoke of tourism and the same conversation can be had about non-oil extractives, bauxite, gold, manganese and so many other sectors, all of which reflect increased private investment and are poised for rapid growth.

Let me also say that it is not rocket science that as one's asset base and earning capacity increases, one's capacity to contract and carry debt also increases. I would venture to suggest that there is not a single household in the whole of Guyana that does not understand this very fundamental concept. It goes without saying, except perhaps for the 31 Members on the other side of the House, with the Hon. Deputy Speaker excepted of course, that every single household in Guyana, as their asset base increases and as their income increases, their capacity to go to the bank or to go to lenders and contract more borrowing increases. This, Sir, is a reality that all of us know except, perhaps, for those on the other side who have consistently displayed not only a lack of essential understanding of very simple and basic matters such as this but, also, who have in a sustained manner opposed and undermined economic development in this country.

Let us be clear that this is as much a debate about economic development as it is a debate about debt and debt sustainability. We do not need to get... I am going to speak about debt sustainability because the People's Progressive Party/Civic's record in Government, as far as it relates to the achievement, maintenance, preservation and strengthening of debt sustainability, is incomparable in the entire history of this country. History would record that in 1992 the People's Progressive Party/Civic assumed office in an environment where Guyana was completely bankrupt as a country, where we were un-creditworthy, where the international community was unwilling to lend Guyana, where we were an economy putting aside the dictatorial credentials of the People's

National Congress (PNC) and where we were an economic pariah state. Those were the circumstances in which the People's National Congress left government in 1992.

We assumed office in 1992 and faced the task of restoring Guyana not only to the fold of democratic nations, but restoring Guyana to the fold of economically viable states, rebuilding fiscal and debt sustainability, bringing back our country not from the brink of bankruptcy, but bringing back our country from over the precipice of bankruptcy into which we had already fell on in 1992, restoring us to debt sustainability, restoring our fiscal viability as a state, restoring our ability to borrow, being able once again to mobilise financing for development and investing in infrastructure and social services for the benefit of the people of Guyana. Let us be clear that the rumblings we are hearing on the other side reflect their studied opposition to development in this country. They are well aware, every single loan that has been contracted in this Government has been invested in economic and social development and improving the circumstances of the people of Guyana. Let us examine a simple fundamental analogy.

If you are a household or an individual, and you go to the bank to borrow, let us think about this for a minute. We are all members of a household. Let us imagine a household going to the bank to take a loan. You go to the bank, and it may be a loan to buy a home, it may be a loan to purchase a motorcar or a motorcycle or it may be a loan to invest, perhaps, in a small business that we have. Tens of thousands of Guyanese households do this every year. If you go to the bank as a householder and you take a loan, you typically have something to show for that loan. So, you would have money disbursed by the bank that would be in your account or you would have an asset that you purchased with the loan. You would have a home that you used the proceeds of the loan to buy, you would have a motorcar that you used the proceeds of the loan to buy or a motorcycle or a piece of equipment for your business. Every household in Guyana knows this.

In the case of the People's Progressive Party/Civic in Government, for every loan that we have contracted, there is available for all to see the evidence of what that loan was invested in, such as the gas to energy project, hospitals, schools, or roads. What was peculiar about 1992 when we assumed office, Guyana was indebted in excess of US\$2 billion to the rest of the world and there was nothing to show for it. The Treasury was empty, public infrastructure was in a decrepit state, public services were in a state of complete collapse, and our public hospitals and our public schools were in a state of complete collapse. That was what was peculiar about 1992, that is, unsustainable

debt had been accumulated by the PNC in Government and there was nothing to show for that unsustainable debt.

Everyone knows that if you borrow, you must have something to show what you did with the loan.

[Hon. Members: *Inaudible*] It is a well-known fact that under the People's National Congress, Guyana's debt had accumulated to a level in excess of 600% of our Gross Domestic Product (GDP), more than 6 times the size of the economy. It is a well-known fact that under the PNC, prior to 1992, we were spending in excess of 100% of the Government's revenue to service our debt. Today, we have reduced not only our debt stock but our debt service obligations to the point where our debt stock now stands in the vicinity of 25% of the size of our economy, moving from six or seven times the size of the economy to a quarter of the size of the economy, moving from spending more than 100% of our Government's revenue to debt service now amounting to 7¢ in every dollar, or 7% of the Government's revenue. Sir, let us be crystal clear, that if you look at the evolution... I want to share some numbers that the Opposition might find a little painful. Let us look, as a matter of fact, at the history of the external debt ceiling in this country. Let us look at how the external debt ceiling evolved over the economic history of this country. Fifty years ago, in 1973, what do you think was our external debt ceiling? In 1973, the external debt ceiling was \$500 million.

10.51 a.m.

Within four years, from 1973, the debt ceiling was \$500 million with no oil money. We all know what the economy was like in the 1970s and the 1980s. Within four years, the external debt ceiling was doubled. It was doubled from \$500 million to \$1 billion in 1977, relative to 1973. They had no oil money but it was doubled, at a time when the economy was in a state of collapse. Within three years, it was increased by a further 50% to \$1.5 billion. Within six years, no oil money still, the debt ceiling was moved from \$1.5 billion to \$5 billion, a multiplication of over three-fold. By 1987, one year later, the debt ceiling was tripled from \$5 billion to \$15 billion. That was in 1987. I do not think there is anybody in Guyana who lived through the 1980s and cannot remember what the 1980s was like. In the space of one year, the debt ceiling was moved from \$5 billion to \$15 billion. Two years later, in 1989, it was further increased to \$25 billion. By 1990, long before we had oil money, when our economy was in its worst moment and when our economy was on its knees, the debt ceiling was moved from \$25 billion to \$100 billion; a multiplication of four times.

It was a four-fold increase in the good old days of 1989 and 1990. Those were the good old days that the People's National Congress (PNC) Members on that side of the House feel such great nostalgia for, the good old days of 1989 and 1990. *[Interruption]*

Mr. Speaker: Hon. Members, I have a long list on this Motion, so, please, allow the Hon. Minister to make his presentation. I have a very long list and I am prepared to stay very long to the end tonight.

Dr. Singh: I want to state a further fact. Mind you, I said that in 1990 the debt ceiling was increased to \$100 billion. In 1991, to be precise, Order No. 31 of 1991, in the good old days of the PNC too, the debt ceiling was increased, having just been increased one year before from \$25 billion to \$100 billion. The debt ceiling was increased from \$100 billion to \$400 billion. Mind you, there was no oil then. **[Mr. Ramjattan:** There was *(inaudible)*] Do you hear how agitated they are, Sir? The truth hurts. There was no oil then. A country that was bankrupt and was on its knees saw the debt ceiling increasing over the space of two years, from 1989 to 1991, from \$25 billion to \$100 billion to \$400 billion. There was no oil. As a matter of fact, let us capture the evolution of the external debt ceiling under the PNC. In summary, over the 28 years from 1973 to 1991, the external debt ceiling was increased by the People's National Congress Government from half a billion dollars or \$500 million, to \$400 billion. Let me repeat that for emphasis: under the 28 years from 1973 to 1991, under the People's National Congress Government, with no oil revenue and no oil industry, the external debt ceiling was increased from \$500 million or half a billion dollars to \$400 billion. That is with no oil.

What we are proposing in 2023, with an economy that is so many times larger than the economy in 1991, is \$900 billion. If one considers relativity, in 1991 the debt ceiling was \$400 billion. We have increased the debt ceiling twice since we assumed Office in 1992. At a time when our economy is many times larger, when our Government's revenues are significantly larger... The ratios are very clear. I said that in 1991 the debt ceiling was increased to \$400 billion. As a percentage of the Gross Domestic Product (GDP) of our country that \$400 billion represented 1,026%. The debt ceiling was 1000% of our GDP, which is 10 times the size of our economy. The external debt ceiling that we are proposing for external debt today represents, compared to 1000% in 1991, 24.5% of GDP today. In other words, today the proposed external debt ceiling represents a quarter of the size of the economy whereas, in 1991, the debt ceiling that was legislated by the

PNC was 10 times the size of the economy – 10 times the size of the economy. It is a *small wonder* that we were bankrupt and unsustainable – *small wonder*.

Mr. Speaker, let us be crystal clear that the agitation you are hearing on the other side is because the A Partnership for National Unity/ Alliance For Change (APNU/AFC) is fundamentally opposed to economic development in this country, and to responsible and sound economic management in this country. Let us be clear about that. [Ms. Lawrence: You have oil revenue, why are you borrowing?] I am hearing somebody there saying, “You have oil revenue, why are you borrowing?” [Ms. Lawrence: No, you said that your non-oil sector and your oil sector is doing good, so why are you borrowing? (*inaudible*) everything is doing well.] Sir, this comes from a Government who incurred an illegal overdraft and concealed it, refusing to adjust the debt ceiling. This comes from a Government who exceeded the debt ceiling but concealed a significant amount of its domestic debt by incurring an overdraft because it did not want to come to this House to increase the very debt ceiling. This Government refused to increase the debt ceiling in this House and instead incurred a hidden and secret overdraft. It is this Government who had to legitimise and legalise that in unauthorised overdrafts by issuing Government debt instruments and reporting, for the first time, the amount of that overdraft as a part of the Government’s debt. What stretch of the imagination would you exclude an overdraft that you owe from your debt statistics?

Sir, if you consider our external debt ceiling to revenue, in 1991, the debt ceiling represented 36 times annual revenue. This proposed debt ceiling represents less than three times the annual revenue, from 36 times in 1991. [Mr. Persaud: Responsible borrowing.] Responsible borrowing; sustainable debt. The same can be said of domestic debt. The same can be said of the total public debt. In 1994, the total public debt was almost 24 times Government’s revenue. The first point that I wish to make is that the proposed adjustments to the debt ceiling that we have brought to this National Assembly keep Guyana firmly within the boundaries of a highly sustainable debt position and very strong fiscal sustainability. In fact, if one compares Guyana’s debt-to-GDP ratio, today we rank amongst one of the countries with the lowest debt-to-GDP ratios across the entire hemisphere, a reflection of sustained prudent management by the People’s Progressive Party/Civic (PPP/C) in Government. Secondly, this Government has given a

commitment to the people of Guyana that we will be delivering development to them in an accelerated manner.

[**Ms. Lawrence:** They are waiting.] [**Mr. Mahipaul:** They are waiting since 2020.] The other side has the audacity to speak of people who are waiting. I have news for you. The parents of the children whose cash grants were taken away have already gotten back their cash grants.

[**Mr. Ramson:** They are no longer waiting.] They are no longer waiting. I have news for you, Sir. The Members of the disciplined services – the soldiers, the policemen, the firemen, the prison officers – whose yearend bonuses were callously, cruelly and unconscionably taken away by the APNU/AFC are no longer waiting either. They got their year-end bonuses. The people of Guyana who have been waiting for a very long time for a reliable and affordable power supply in the face of the APNU/AFC, including several Members of this House, scuttling the Amaila Falls Hydropower Project, now know that the gas to energy project is coming. Their wait is nearly over.

11.06 a.m.

The Guyanese people who have been waiting for world-class healthcare, world-class hospitals... Today, we are building regional hospitals across the length and breadth of this country. Today, we are building schools across the length and breadth of this country. There is a long list and I could go through sector by sector. The APNU/AFC sat in Government for five years and did nothing about the traffic congestion on the East Bank Demerara. We came into Office and immediately started to construct roads to ease that traffic congestion. They sat and looked at the Demerara Harbour Bridge and did nothing to start replacing that bridge. The People's Progressive Party/Civic is building a new bridge. The people of West Demerara, wait is nearly over. [**An**

Hon. Member (Opposition): We designed the bridge.] Of course, that is all you did – study and design. The only physical legacy of the APNU/AFC term in Office are a couple arches across the road and, apparently, one or two fly overs across the East Bank Demerara, which incidentally were part... [**Mr. Ramson:** Durban Park, do not do that to them.] My apologies; how could I

forget that great monument of APNU/AFC integrity and competence – the Durban Park. [**Ms. Sarabo-Halley:** Skeldon; Skeldon. Do you remember Skeldon? It is the greatest monument.]

The greatest monument. How could I... [*Interruption*]

Mr. Speaker: Hon. Members, I am seeing total disrespect now from the Hon. Member who is putting on her microphone and interrupting. It is not just heckling, but assigning onto herself, the responsibility to take the microphone. Hon. Member, you are now cautioned.

Dr. Singh: The list goes on. I want to say that the APNU/AFC are, in fact, doing their supporters – dwindling though they may be in number, rapidly – a grave disservice. I say that because of the following reason: the creation of this impression that borrowing is bad, the stigmatising of debt. There is not a prosperous country in the world that was built without the incurrence of debt. There is not a successful business that has been built anywhere in the world without the incurrence of debt. There is not a successful and prosperous household anywhere in the world that has been built without the incurrence of debt. There is nowhere in the world, which includes Guyana where households who want to expand and grow their asset base. Those households, once they can afford to would go to the bank, pledge their assets and borrow. The APNU/AFC wants to keep their supporters in a trap by telling them borrowing is bad. They tell them: do not borrow; borrowing is bad; and they should not incur debts. *[Interruption]*

Let me put this very simply: there are 65 Members of this House, let us say perhaps 60 Members of this House are homeowners. Let us assume that out of the 65 there are 60 homeowners. I would venture to suggest that out of that 60, no less than 55 of the 60 who are homeowners acquired their own homes on a basis of a loan they took from the bank. They did not wait to save up the money or to accumulate the money until they can pay for their homes with cash because, if they did, they might have waited until they are 60 or 70. We understand the APNU/AFC, particularly in recent years, has been a Party heavily biased in favour of the geriatrics. They cannot tell the people of Guyana... **[An Hon. Member (Opposition): (Inaudible)]** No, Sir, you should not even consider yourself to be remotely eligible for classification as a geriatric. The reality is that if 60 of us are homeowners and we had waited to accumulate the cash to buy our first home, we would have waited for a very long time. That is the reality; that is the reality. This deliberate attempt by the APNU/AFC to create the impression that debt is bad is doing a grave disservice to their supporters. They should be saying that responsible debt is to be encouraged; debt within your carrying capacity. *[Interruption]*

Mr. Speaker: Hon. Acting Chief Whip, you are not heckling now; you are shouting. If you want to go on a shouting match, there is enough space outside. Hon. Member Mr. Mahipaul, please.

Dr. Singh: I want, now, through the medium of this honourable House, through the medium of the platform afforded me by this honourable House, through you, Sir to speak directly to the supporters of the APNU/AFC. Like I said, heavily dwindled as they are in number. I say to them that their political representatives in this country want to keep them tightly locked in a trap of poverty. That is why they continue to perpetuate this impression that borrowing is bad.

Responsible borrowing which is borrowing within one's capacity to service and to repay, there is nothing wrong with that. Many of them, on that side of the House, have done it, apart from those who have four or five house lots, bangles and bracelets and so on, while they were in Government, which are compliments of the State. Apart from those, many of them, on that side of the House, including some who are heckling have taken their income statements and their Titles; went to the bank and pledged their assets. They filled out a form to say that this is their income and they can afford to borrow. They ask for a loan that they are going to invest in a home, a vehicle or a business. Many of them on that side of the House have done it. To their supporters, they continue to perpetuate this myth that borrowing is bad and that they should not borrow. Let me say this, there is nothing wrong with responsible borrowing within your capacity to afford and to service your debt, whether at the household level, at the business level or the national level.

The issue with 1973 – I heard the Hon. Member, I think it may have been Mr. Ramjattan, I do not know – during that period, borrowing was at an unsustainable and unaffordable level. You of all people, Mr. Ramjattan, should know that. I believe you are on public record speaking about the dismal economic legacy of the People's National Congress during that period. **[Mr. Ramjattan:** All of you over there did that.] We continue to do it because the irresponsible borrowing during the PNC period was reckless and resulted in the bankrupting of this country. We continue to do it but you Sir, seem to have acquired new and strange bed fellows. **[Mr. Ramjattan:** You are celebrating borrowing now.] We are celebrating responsible borrowing, Sir – responsible borrowing. The People's Progressive Party/Civic has restored fiscal and debt sustainability to this country. The Party has brought our country back from bankruptcy and has put us back on the path of sustainability and fiscal viability.

I am anticipating **[Mr. Ramjattan: (Inaudible)** with the Rottneest Agreement.] I am hearing something about the Rottneest Agreement signed. I seem to recall a picture of a band of merry fellows posing on the lawns of ExxonMobil in Houston, led by the erstwhile ... Was he your

Leader or the Chairman of the AFC? I do not know what Mr. Trotman was in the Alliance For Change. **[Mr. Ramjattan:** Whatever he was.] ... senior member of the AFC and then Minister of Natural Resources. I recall a photograph of a merry band of fellows, posing on the lawns of ExxonMobil, celebrating the new Agreement that had been concluded including, of course, a secret signing bonus of US\$18 million that was siphoned off, parked in a secret bank account and denied to exist for many years. That is the legacy of the APNU/AFC when they were in Government. Let us be clear, this Motion and proposed increase in the debt ceiling is not only a debate about complex economic matters, a jargon like debt sustainability and debt to GDP ratios. It is about the People's Progressive Party/Civic wanting to deliver development to the people of Guyana in the shortest possible time without compromising our capacity to service the financing that we contract. It is about delivering on our commitment to improve the lives of every Guyanese person in the shortest possible time. That is what the APNU/AFC wants to obstruct and wants to stand in the way of.

I commend this Motion to the House. I started my contribution to this debate with the expectation that this Motion will receive universal support in this House. Based on the rumblings that I am hearing from the other side, it appears that will not be the case. We, on this side of the House, are proud to bring this Motion because it reflects our commitment to deliver improvement to the lives of every Guyanese person, as I said just a moment ago, in the shortest possible time within the boundaries of sustainable incurrence of financing. I thank you very much, Sir, and I commend this Motion to the House. *[Applause]*

Mr. Speaker: Thank you, Hon. Minister. Hon. Members, the Motion is proposed. I now call on the Hon. Minister of Housing and Water, Mr. Croal, to make his contribution.

Minister of Housing and Water [Mr. Croal]: Thank you, Mr. Speaker. Mr. Speaker, distinguished Members of the House and Colleagues, I stand fortified with a duty not just as the Minister of Housing and Water but as steward of our beloved dreams and aspirations. With unwavering determination, I voice my resolute support for the Motion just presented by the Senior Minister in the Office of the President with Responsibility for Finance. Our ambitious nation-building vision is grounded in the belief that every Guyanese deserves an improved quality of life. These orders; the external loans; increase of the order limit, order 2023; and the public load,

increasing of limit order 2023 are not mere financial instruments. They are our compass charting a course towards our shared goals.

11.21 a.m.

Looking at the sector from which I have responsibility and listening to the other side of the House while the Hon. Member, Dr. Ashni Singh was presenting, I decided to change my course a little because it is important to always ensure that the records reflect the history correctly. It is crucial for this Assembly to understand the profound impact of the collaborations we have embarked on. I will use two examples, particularly, with the Saudi Fund for Development in the housing sector and the Caribbean Development Bank (CDB) for the water sector. I am just using the example of the recent approved loan of \$100 million investment from the Saudi Fund for Development which directly addresses our national housing sector. This transformative project aims, in actuality, at a minimum to see across three regions the construction of over 25 or 2,500 houses in various categories. It ensures that there is a well distributed impact on all levels of society. More than just homes, this initiative envisions robust infrastructure support through the development of roads, essential water sewage and electrical networks through the establishment of social facilities. We are not only building houses, but nurturing communities. The ensuing rippling effect will bolster local industries, stimulate jobs, create jobs, ensure that the sustainable growth of our regional economies that each housing unit, for example, that every road and all the facilities are treads into to the tapestry of a thriving interconnected Guyana.

If one is to look briefly into the impact of the development that is happening under the housing sector and everyone will admit that we want development to happen now. Let us look comparably at what has been done for five years – five full fledging years. Of course, it was some stolen time. There were 7,534 house lots distributed in five years. In three years, on the eve of our third anniversary in Government, 24,116 house lots delivered to date. Mr. Speaker, just to give you an idea of this allocation, much has been spoken about ensuring that all are catered for no matter where one resides. Of this 7,534, under the A Partnership for National Unity/Alliance For Change period, 1,987 were done as a gimmick in the run up to the March 2020 elections.

Comparably, let us do regionally. Region 2: 140 allocations under the APNU/AFC and to date, in three years 719. Region 3: 496, comparably 5,099 to date. Region 4: 4,262 under the APNU/AFC;

to date a whopping 15,010 and counting. Region 5: 883 in five years – 2015-2020; to date, 965 in three years. Region 6: 1,100 in five years; to date, 1,254. Region 9: 223 in five years; to date 598. Region 10: 359 in five years; to date, in under three years, 471 and counting. This does not even include the commitment of regularising more than 450 lots in the Ameila's Ward squatting area.

Mr. Speaker, let us talk about the housing schemes development. In five years, the APNU/AFC Government developed only three housing areas. I will name them for the records: Peters Hall Block 2, Prospect Track E and Providence 115. Mr. Speaker, when we ask for resources... Even today, you would see in the supplementary request, additional resources were requested. Match that with what have been accomplished to date. May I mention or may I say that, in three years, these are the new housing areas to be developed under the People's Progressive Party/Civic's tenure to date.

There are in Region 3: Plantation Edinburg, Plantation Anna Catherina. [Ms. Ferguson: Tell us about *inaudible*] This is 2020. I am giving you by year. This is a lecture for you, Hon. Member Ms. Annette Ferguson. I will go by year and I will go by areas.

In 2020, when we got into Government, there were Anna Catherina; Plantation Cornelia Ida; Plantation Stewartville Phase 1; Block X1; Block X2; and 42 Plantation, Met-en-Meerzorg. Region 4 – same 2020 – Plantation Great Diamond; Plantation Little Diamond; and Cummings Lodge 1767 and 1768, now renamed Cummings Lodge Tracks A and B.

For the year 2021, Region 2: Onderneeming Phase 4; St. Joseph Track B, Charity and St. Joseph Track A, Charity. Region 4: under construction are Block 18, Golden Grove; and Plantation La Reconnaissance. Region 5: Block A Balthyock. Region 6: Fortlands Ordinance Phase 3. Region 9: Track CHPA Lethem. Region 10: Ameila's Ward Phase 4. These are all in three years under this PPP/C tenure. Last year, Region 3: Plantation Stewartville Phase 2 East, Stewartville Phase 2, West and Met-en-Meerzorg Phase 2. Region 4: Block 1 Great Diamond; Block 5, Great Diamond; Blocks 9, 3, 7 Great Diamond; Block 11 and Block 13, Golden Grove; Block NP, Nonpareil; Enterprise; C and D Blocks, Hope; Plantations A and B Lowlands; Block 6, Hope; Plantation Lusignan; Plantation Good Hope; Plantation De Endragt; and Le Ressouvenir. Region 5: Block 3 Blairmount; Shieldstown; and Burma. Region 6: Block 2, Number 75 Village; and Blocks 3 and 4, Number 76 Village. I will stop there, in terms of naming the new areas because we have new

areas that are under construction in 2023. I will spare the moment. The point has been made that in under three years a minimum of 40 new areas have been developed under the PPP/C's tenure.

Housing Construction: This PPP/C Government, in our manifesto, committed to the people of Guyana a total of 50,000 meaning 10,000 annually house lot allocation. Nowhere in that manifesto one sees the words of how many houses we will construct. Recognising the need to fast track home ownership, recognising a demand and recognising a necessity, we have made home construction a priority in the PPP/C Government. To date, in under three years, 2,154 houses under construction of which close to 1,000 are now completed and handed over to new beneficiaries, and to new homeowners who have the opportunity to start new lives in a new environment. That is development for you and that is what it means of investment in the housing sector.

11.36 a.m.

If one is to focus on the water sector, through the CDB, we are addressing this in a fast track way because when one traverses the coastland, there are complaints about the quality of water received by the household. When we took over, the coverage of treated water to householder was a mere 52% from regions 2 to 6 on the entire coastland. Mr. Speaker, recognising that not only to ensure that we have water reaching every household but, at a minimum, better quality means investment in several treatment plans. As a result, by 2025, a minimum of 95% of the population on the coastland, including all the new housing areas under development, will be receiving treated water in their household.

If one is to look... The relevance is to recognise the performance of the A Partnership for National Unity/Alliance For Change (APNU/AFC) Government under its tenure and its inability to manage the economy in a prudent way to ensure that delivery of service and betterment for the livelihood of our people is done in the fastest possible way, that is the relevance of why we are here today because we want to ensure that this is done as quickly as possible. If one was to look at what... In the water sector, Mr. Speaker, we have expended over \$15 billion in three years for the potable water sector in Guyana. We have achieved 97% access to safe water on the coastland and 98% and 75%... **[An. Hon. Member: *[Inaudible]*** Speaking about the former Chief Elections Officer (CEO).

For the Hinterland when we took over, the Hinterland was only receiving 45% access to potable water. We are now in under three years 75% access, and before 2025, we will have 100% access to portable water in the Hinterland delivery. We have provided more than 35,000 residents across the regions with first-time access, [An. Hon. Member: *Inaudible*] and the water is still red.] Mr. Speaker, you see, when you do not listen, that is what happens. I just outlined the reasons why we are investing in treatment plants to ensure that persons on the household level get treated water; it is to address the very issue the Hon. Member is complaining about the colour of the water, the redness of the water, the taste of the water, which includes chlorine, you name it, we will be ensuring that you get better access. Regionally and across the country, we have achieved a 61% customer service connection, and this is by June of this year. The truth hurts, and when you want to talk nonsense, tell me if this is nonsense. When we took over in August 2020, the Guyana Water Incorporated (GWI) faced a near financial collapse with an operating loss of \$1.1 billion. It increased the tariff, but the financial woes persisted. A Bank overdraft of \$270 million was used for financial operations; employment costs rose by 153% from 2015 to 2020 during their five-year tenure. Answer to that and tell me if that is stupidity.

As of August 2020, GWI debt to suppliers was \$783 million, two bank overdrafts were opened under the very CEO name that it was just shouting out, and one was specifically to fund a favourable company. I am not sure if I am permitted to name the company. In three years, through this Government, it allocated \$800 million to clear all of GWI's outstanding debt. It reduced our supplier debt and improved revenue collections, noting the 113% increase in overhead cost. In five years, from 2015 to 2020, if one were to speak about the infrastructure inventory and the development, 5,000 customers were denied service connections due to depleted inventory levels. Over 8,000 water leaks were unaddressed. In three years, by the end of last year, 32 new wells were drilled under the Peoples Progressive Party/Civic (PPP/C) tenure, and 7,684 water leaks were successfully repaired. Write the numbers down and go verify. Repairs to a number of deteriorated existing water treatment plants, including Eccles, and we brought it up to the World Health Organization (WHO) standards.

The APNU/AFC had a strategic plan. It had a plan that it called from 2017 to 2021, but that plan was nothing but, as was normally what it was common for during its five-year tenure, a number of white papers. Water losses increased to 72%. We have since decreased water losses to 48%. The

meter coverage was only achieved at about 52% level in 2020. We are on a robust metering programme to ensure that we can have a target of 100% metering for our customers. Treated water coverage, as I said, was only 52%. We are already on our way and we are close to 60% and counting.

Clear focus on delivering promised projects and improving service delivery. Emphasis on addressing water losses and increasing metering coverage are important tenants of where our resources are going to ensure that we have a better level of service. The 2015 to 2020 period under the APNU/AFC saw challenges for financial management, procurement transparency issues, project implementation issues, and “*unstrategic* execution of projects.” The subsequent years under this PPP/C Government will demonstrate a commitment to rectifying all of these issues, emphasizing infrastructure development, transparency, governance, and enhanced service delivery. I have before me, and I will spare the House today, but if the Hon. Member wants to write a question as the Hon. Member does, I am ready to answer.

Regionally, the comparative analysis, what was done under the APNU/AFC for its five years and what has been done to date in under three years under this PPP/C tenure. Both of these financial collaborations that I have spoken directly that are going to the housing and water sectors will intertwine to present a holistic development narrative. The Saudi Funds forays into housing and renaissance while the Caribbean Development Bank (CDB) approval of the loan ensures our promise of water sustenance. In essence, supporting this motion is a vote for progress. Supporting this motion is a vote for development, and supporting this motion is a vote for a brighter future for Guyana. It is a pledge to transparent financial practices that serve our nation’s people directly. It is a commitment to partnership that enhances our stature on the global stage while fulfilling the dreams of all of our citizens.

In conclusion, I fervently urge every Hon. Member of this House to support this motion, for in doing so, we are not just endorsing fiscal strategies, but we are weaving the fabric of a prosperous Guyana for generations to come. Thank you. [*Applause*]

Mr. Speaker: Thank you, very much, Hon. Member. This is going to be a very interesting debate. Let us take the break the break for lunch now and come back all refreshed to rev up again.

Sitting suspended at 11.49 a.m.

Sitting resumed at 1.25 p.m.

Hon. Members, now that we have had an extended lunch, we will carry through without taking a break and to remind everyone that this is National Breastfeeding week. The Hon. Member, Dr. Vindhya Persaud, would want me to remind our people that you should breastfeed for at least up to six months alone, and then you get all the benefits from the mother. Many times, we try too early... I do not know if you know Dr. Persaud, but long before your time, I carried that programme for almost two years - along with the breast, Cerex is best. Thank you, Hon. Members. We now resume the motion. The next speaker is the Hon. Member Ms. Juretha Fernandes.

1.25 p.m.

Ms. Fernandes: Good afternoon, everyone. Mr. Speaker, before we took our lunch break, I had the privilege of listening to my Colleagues on the opposite side give their opening remarks as to why our debt ceiling should be increased. I want to start by addressing the fact that it was none other than Mr. Croal.... [**Mr. Mahipaul:** It is, Hon. Member.] It is Hon. Member. [**Mr. Mahipaul:** Of course.] ...of course...that took approximately 30 minutes to say absolutely nothing about why the debt ceiling should be increased. I see the Government trying to utilise the time – being its three-year anniversary – in Office to highlight some of the things that it thinks should be highlighted on the floor.

I do want to say that the one loan that has come to the House thus far and falls under the Ministry of Housing and Water – my Colleague, the Hon. Mr. Croal – would be the infrastructural development works for the housing sector project. That was from the Saudi Fund for Development (SFD) – US\$100 million. So, for the persons who were listening to the debate before and got the impression that the entire Ministry of Housing and Water's budget is being financed by a loan, it is not. This is the sole loan that is being referred to when it comes to that Ministry. For the first presenter, the Hon. Dr. Singh, the Senior Minister in the Office of the President with Responsibility for Finance, if wrong and strong was a person, I think that is a good definition of what he presented. Dr. Singh started off very nice and calm but then the Hon. Member went into a full-fledged *buse* out – Dr. Singh's style. I have no intention of coming to the House today to give any presentation that is going to go into any form of a *buse* out.

There are some things I must take into account and respond to, and this is the fact that Dr. Singh made heavy reference to 1992. It was my hope that during Dr. Singh's presentation, we would speak about what is going on in Guyana right now – what we are facing as an oil nation as opposed to what happened in 1992. In 1992, I was five years old. More importantly, in 2015, I was 28 years old. So, from the period of me being five years old to 28 years old, the People's Progressive Party/Civic (PPP/C) was in government for 23 years. I spent the majority of my life under the PPP/C leadership in Guyana. I know firsthand what it is like to live under the stewardship of the PPP/C Administration. I can speak to the many atrocities that I have seen with my very eyes during that period. I can speak not only of personal experiences but those of numerous Guyanese. We can attest, go back and check the records of this country during that period, and we will see the debts that happened under the health sector when the PPP/C was in Office. We can see the failure of them to provide any proper infrastructure to the people of this country during the 23 years of them being in Office. We can look at all the reports of the poverty level during the 23 years of the PPP/C being in Office. From 1992 to 2015, the PPP/C has nothing to boast about the 23 years in Office. This was from 1992 to 2015.

I have to respond to something that was said also by the Hon. Member, Dr. Singh. Time and time again, Dr. Singh comes to this House and speaks about the overdraft. As he was referencing the overdraft, the Hon. Member, Mr. Ramson shouted \$90 billion. What the PPP/C Administration fails to say every time it talks about the overdraft is – when it came and met an overdraft for a five-year period of the A Partnership for National Unity/Alliance For Change (APNU/AFC) Administration, it went on and in less than one year racked up more than double the amount. In order to conceal that fact, it came to this House and before the budgetary period, made very well sure that it erased the overdraft so that you would not be able to see at the level of the National Assembly what they racked up. Do you know how they actually did that? It did that by selling over \$200 billion in debentures. Those are the facts.

The 2023 Budget was read in this House and the headlines on the front pages of every newspaper were, \$781.9 billion, the biggest budget ever. Yet, just over a week ago, the Government came to this House with two Financial Papers that added \$31.3 billion. This is a total of \$813.2 billion for 2023. That was supposed to be my opening statement. However, I must now edit that statement to include what is presented to us today. The PPP/C now, is bringing a third Financial Paper to the

House asking for \$61 billion in additional funds. This will bring it up to \$874.2 billion. This is the reality of the amount of money being expended by the PPP/C Administration thus far. With all that money, public servants are yet to receive a liveable salary. They are left to struggle to find the means to feed themselves and their families in this economy where inflation seems to be following the PPP/C around.

The PPP/C is not coming to this House to increase the debt ceiling because it exhausted spending on people-centred policies. On the contrary, it is coming to increase the debt ceiling while failing to do the most basic things, such as increasing wages and salaries. Mr. Speaker, \$874.2 billion is not enough for the PPP/C. I stand in defence of the people of Guyana. I stand in defence of the people of Guyana as the PPP/C continues to misuse the country's resources and simultaneously add a debt burden on the shoulders of the current and future generations. As always, the severity of such a burden will be felt hardest when it comes to the working class of this country. These are the facts. I noted that the PPP/C sent for its Chief Heckler, the Hon. Mr. McCoy.

It is important that the people of Guyana understand the rationale being used when it comes to increasing the debt ceiling. It is as simple as this.... For Mr. McCoy, the Hon. Member – it is as simple as this – it believes that the more money Guyana has, the more it should borrow. What is even more sad is that the PPP/C is borrowing against projected oil revenues. Presented to this House on 4th July 2023 – we have it right here all over again – the oil revenues garnered for the second quarter of 2023 was a total of US\$438.9 million. This is what was presented to this House by the Hon. Minister, Dr. Singh. Yet, we must take into consideration even with that, during the period between 6th March to 6th June, we had loans being presented to this House that totalled in excess of US\$717 million. When it comes to those loans – I have them – US\$100 million, Inter-American Development Bank (IDB); US\$97 million, Inter-American Development Bank; and US\$160 million, Inter-American Development Bank. These are all in United States (US) dollars, mind you. We will go on – the Islamic Development Bank (IsDB), US\$200 million, and the Inter-American Development Bank, US\$8 million. These are all United States (US) dollars, which I am speaking of. There is the Inter-American Development Bank for US\$8 million, and when it comes to the Islamic Development Bank, there is US\$14.6 million. It then comes to the one we spoke about a little earlier, the Saudi Fund for Development, US\$100 million.

It is very evident there that between 6th March and the 6th of June, the PPP/C came to this House and racked up more than double the second quarter's revenue garnered from oil. That is the fact that we are being presented here with today. The 2023 Budget is being carried by the oil revenues. Adding debt burden to the oil revenue is reckless with the risk factors associated. According to the *Bank of Guyana, First Quarter Report 2023*, public debt increased by 2.3%. The Bank reports:

“The total stock of public and publicly guaranteed debt, which comprises both external and domestic debt, increased by 2.3 percent to US\$3,739.4 million compared to the end-December 2022 position. Domestic debt stock increased to US\$2,159.4 million during the review period, on account of increased issuance of bills for Central Government's budgetary financing.”

1.40 p.m.

Our Budget is already being carried by the oil and gas sector. We cannot add debt to that also:

“Domestic debt service payments increased by 49.8 percent... Total domestic principal and interest payments were G\$274.1 million and G\$578.7 million, respectively.”

The Central Bank further reported:

“The stock of external debt increased to US\$1.580 million on account of increase in multilateral debt stock during the review period.”

As we read through these facts, it baffles us as to how the People's Progressive Party/Civic (PPP/C) can come and present to this House as though there is no harm in what they are doing.

“This is due to positive net flows from multilateral creditors. External debt service payments... increased by 27.9 percent...”

Mr. Speaker, we are referring to the First Quarter Report 2023 presented by the Bank of Guyana:

“...account of higher principal repayments to bilateral creditors and higher interest payments to multilateral creditors.”

We are not coming to this House to say there is no place when it comes to borrowing. That will be chaotic. We are saying when the facts are presented to us it will be reckless for the PPP/C to

continue the borrowings which they are doing right now. As we await the second quarterly report from the Central Bank, we can work with the outlook for 2023 as was reported already. The Central Bank is expecting:

“Total public debt is expected to...”

I want persons to listen to this part very carefully:

“...expand to US\$4,4528.2 million, due to increases in both domestic and external debt stock, while debt service payments are expected to rise.”

The Bank is further expecting:

“The growth in domestic debt stock will reflect higher issuance of treasury bills for fiscal support, while on the other hand, increase in external debt will be as a result of greater obligations mainly to bilateral creditors.”

These are the facts that were presented to us. These are not reports that we are making up. This is directly from the Bank of Guyana First Quarter Report 2023. The Central Bank went on to state that the deficit will be larger. This has already been pronounced on. The Central Bank is not saying that we are trying to minimise the deficit. The Central Bank has pronounced that the deficit will be larger. This means that the PPP/C will be back again to increase the debt ceiling, come next year. The Central Bank’s outlook for 2023 when evaluating the economic outlook of the global economy stated:

“Risks to the outlook are heavily skewed to the downside with global growth projected to slow to 2.8 percent in 2023, representing a downward spiral from the previous year. Financial sector stress could amplify and weaken the real economy...”

Mr. Speaker, this is a position we are in today. It went to state:

“Pockets of sovereign debt distress could, in the context of higher borrowing costs and lower growth, spread and become more systemic.”

Of course:

“The Russia/Ukraine conflict could intensify and lead to more food and energy price spikes, pushing inflation up.”

What was odd is that the Report went on to state that for Guyana:

“The end of year inflation rate is expected to slow to a rate of 3.8 percent, as prices decline locally and abroad, coupled with suitable policy decisions by government.”

This is nothing but laughable. This says absolutely nothing to us. We have stood in this House time and time again, and we have heard comments coming from my Colleagues on the other side, heavily blaming inflation on what is going on in the international market, particularly stating what is going on between Russia and Ukraine. For us to even look at the fact that on a global level, we are expecting increases in price inflation, and then to say Guyana will be okay, it is either everything they said back then was false or whatever they are saying now is false. They can choose either.

We are being told not to worry because while the global economy suffers, Guyana will be cushioned with oil revenues. There are several risks associated with borrowing against projected oil revenues in oil-dependent economies like Guyana, a nation that is now heavily reliant on oil export as a primary source of revenue. Our country now faces unique challenges due to the volatile nature of oil prices, which fluctuate unpredictably based on global supply and demand dynamics. One of the most significant dangers our now oil-dependent country faces is its vulnerability to oil price fluctuations. If the oil price plummets, as we have seen in the past, we would be struck by a severe revenue shock. With diminishing oil revenues, governments would be forced to resort to increased borrowings, yet again, to offset any bit of developmental plans they have, consequently creating a dangerous cycle where borrowed funds would be used to finance daily operations, deepening the debt trap. The reliance on borrowed funds to maintain economic stability can lead to a precarious situation. If oil prices are low, our country may find itself in a debt crisis with limited capacity to service our obligations. These are the real threats that we are facing as a nation. These are things that cannot be ignored. No amount of coming here, standing up and beating your chest and professing to be the best at these things, is going to mitigate these challenges and threats we are facing here today.

The second danger associated with raising the debt ceiling in oil-dependent countries like Guyana is the temptation to resort to debt driven economic growth, as it is being touted here today by our Colleagues. That is exactly what they are saying, and they have to say that. I need not a better example than that given by my Colleague, the Hon. Colin Croal. That is the definition of debt-driven economic growth. That is what it is. They are saying that in order for us to do the roads and give you good water and those things, we have to borrow, and we have to incur debt. That is debt-driven economic growth, and it is a real threat to countries like Guyana. When a country's debt ceiling is raised, it might be interpreted as an opportunity for unchecked spending to stimulate economic growth, as again seen here. However, this approach would be highly detrimental in the long run. Using borrowed funds to finance non-productive projects or inefficient public spending can result in debt fuel growth bubble that would ultimately burst. [An. Hon. Member: With corruption too.] We are coming to the corruption. We are coming to that.

The third danger is the deterioration of fiscal sustainability. Persistent budget deficits and mountain debt levels raise concerns about our ability to maintain fiscal sustainability and stability over time. As oil-dependent Guyana borrows heavily, we face increasing debt service obligations. If these obligations are not met, it can lead to a sovereign debt crisis, severely impacting investors' confidence and overall economic stability. Furthermore, our growing debt burden will limit the Government's ability to invest in crucial debt public services, such as healthcare and education. All people-centered policy measures will be hindered in this regard, and the future with any negative fluctuations in oil prices, would be even worse. This, in turn, would hinder the nation's social and economic progress, perpetuating a cycle of economic hardship. To prevent this danger – and this is the part we are getting to because we cannot just speak about the dangers and risks associated with borrowing more – there are things that a country can do to mitigate these risks. Oil-dependent Guyana must implement fiscal reform that promotes transparency, accountability, and responsible debt management. Instead, the PPP/C is a stranger to transparency and accountability.

I can say very confidently, and the people of this country can agree with us that even at the level of the National Assembly – and this is no fault of yours, Sir – we seldom meet, and when we do meet, questions are posed for accountability to the Members of the Government, and it responds in the most chaotic manner. It refuses to give accountability to the people of this country. It refuses

any aspect of transparency. How is it then that it comes to this House and seeks to increase the debt ceiling when it knows that it should be increasing transparency and accountability? It is on its way to pushing Guyana into a debt crisis. The lurking debt dilemma of 2023 – As Guyana experiences economic growth due to its oil industry, the PPP/C is looking to fund what it calls ‘ambitious development projects.’ As such, it chose excessive borrowings to support its government’s initiative despite the 2021 debt ceiling increase and the increase in expenditures and revenue uncertainties from oil prices. The PPP/C is yet again, back here today, in 2023, to ask for the debt ceiling to be increased. To say the least, and at the very minimum, this race is concerned about our country’s ability to manage the debt burden and avoid the debt trap under the PPP/C Administration.

It is important that we balance growth with debt. Again, I did hear a lot about 1992 as I opened my presentation to speak, but what we did not hear about was the fact that from 2015 to 2020, under the A Partnership for National Unity/Alliance For Change Administration, Mr. Winston Jordan as the Minister of Finance, brought down the debt to Gross Domestic Product (GDP) ratio for our country. It would not mention that, but those are the facts. Do not go to 1992. It has to speak about 2015 to 2020 as that is the year we are concerned about because the debt to GDP ratio was brought down by the APNU/AFC Administration. Those are the facts.

The key challenge for Guyana lies in striking a delicate balance between pursuing economic growth and managing its debt efficiently. While infrastructure projects and social investments are crucial for the country’s development, a prudent approach to debt management is essential for sustainability. The risk of overborrowing and a potential debt crisis must be carefully navigated to prevent long term damage to our country’s financial stability. A more prudent approach would be to actually tie your debt to your non-oil GDP. Such a risk mitigation approach would secure our people’s future against any debt crisis. We have numerous examples of what oil dependent economies should not be doing. Yet the PPP/C is doing exactly what it should not be doing. The PPP/C is operating as though there is no tomorrow. I have to say this because it is a real concern, you know. The PPP/C is operating as though it is expecting to be out of office in 2025.

1.55 p.m.

The PPP/C is operating as though it acknowledges the amount of chaos it has created in just these three years, and it is preparing to just spend, spend, spend. The PPP/C has spent all that we have, and it is even spending what we do not have as yet. There is nothing prudent about the way the PPP/C handles debt. The approach is reckless and should be condemned by all.

The United Nations Global Crisis Response Group (GCRG) published a report in July of 2023. Just last month the United Nations Global Crisis Response Group published the report, titled: *A World of Debt: A Growing Burden to Global Prosperity*. [An Hon. Member: They did not read that.]

I do recommend its reading for every Member of the Government's side. The report cautioned developing countries. Do you know what are the developing countries? Countries like Guyana. The report cautioned developing countries about increasing debt, citing major implications such as choices between servicing debt and servicing the people which will come about. The report went on to speak about how the people are left to pay the price. But, of course, the PPP/C wants us all to sit back and relax and allow them to borrow, because they somehow have this illusion that they are in control of oil prices.

The most prudent management of resources was done under the A Partnership for National Unity/Alliance For Change (APNU/AFC) Administration, with little borrowing. Even with a budget of less than \$300 billion, interest rates were almost zero. Most importantly, our economy without oil was flourishing. Gold declarations were at an all-time high under the APNU/AFC Administration. The sugar industry was doing tremendously better than it was in 2015. The rice sector was recording the highest production level under the APNU/AFC Administration. In 2019, there was the highest figure reported for production in the rice sector. Our public servants' salaries and the standard of living of ordinary Guyanese were raised every year under the APNU/AFC Administration, without one cent of oil resources and with minimum borrowing. But today, the Government is raising the debt ceiling when it is failing to meet its own targets every year.

Gold declaration today is at an all-time low. The sugar industry, Hon. Kwame McCoy, is in free fall. Rice is down every single... We are basing this on what was actually reported by the Hon. Dr. Ashni Singh. Mr. Speaker, I am not sure if my 30 minutes or 35 minutes are up. Could I have two minutes to wrap up?

Mr. Speaker: If you will wrap up in two minutes, I will not put the question.

Ms. Fernandes: Thank you, Sir. Public servants are struggling to feed themselves and family due to high inflation and minimum increase in the wages and salaries. The PPP/C does not like when we speak about wages and salaries. Members of the PPP/C came to this House, stood at that podium and said that they could not increase public servants' wages and salaries, because if they put more money in the economy, it will cause inflation. The PPP/C Ministers stood on this floor and said that, yet they come here today to say that \$750 billion and \$900 billion will not be putting more money into the economy. How dare they insult the intelligence of the Guyanese people.

As I wrap up, I have to add that it was the PPP/C Administration that said, in 2016 when we had a budget of \$230 billion, that public servants should get a 50% increase. They waited. As I wrap up, I am just going to give two figures. Actually, I am just going to round it up to one figure. After this increase is approved, the collective debt per household will be \$7.9 million. I am going to quote this last sentence and say that it was in the words of Mr. Peter Ramsaroop:

“The administration has mortgaged the future of generations to come...”

“...with the albatross of debt again around the necks of even the unborn Guyanese boy or girl.”

Shame on you all. [*Applause*]

Minister of Human Services and Social Security [Dr. Persaud]: Every government has its formula that it would like to achieve when it has a tenure in Office. Well, the former Government had a formula: undisclosed borrowing leading to an overdraft, plus burdensome taxation, which included removing benefits from the ordinary people across the length and breadth of Guyana. This Government's formula... Yes, we are borrowing, but you can see a developmental agenda, a visible, tangible developmental agenda. Let us talk about the tax. Taxation was removed in one shot by this Government. We have not, in our developmental agenda, burdened the people of Guyana with taxation. When borrowing does happen, we can see across the length and breadth of Guyana where the development is occurring, in every sector.

In the healthcare sector, there is going to be transformation by bringing the kind of healthcare that our country, within the shortest possible time, could advance to all its people. This includes from basic healthcare to specialist healthcare. This also includes the development of human resources

to ensure that we can service the infrastructural changes that we are putting into healthcare. This is what we are borrowing to achieve.

When we look at the infrastructure that connects Guyanese across the length and breadth of the country, bringing our brothers and sisters from the hinterland into proximity to the urban developed areas, we are talking again about significant, tangible, visible, consistent development. That is development. If we want to look at the PPP/C, what are the hallmarks of our governmental style? Consistency, economic stability and inclusivity. We want to ensure that whatever is done through our governance style, the people of Guyana can enjoy that. We are looking today at where we would like our country to be, and we are also saying, very clearly, that we would like our country, in this region, to be second to none, whether we speak of healthcare, education, social services, or any other sphere of activity. Mention was made about the non-oil gross domestic product (GDP). Let me tell you where it stands. In 2019, it was one trillion. We have seen a 50% growth to \$1.5 trillion in 2023. This Government has been very clear that there is and there will be, and it is ongoing, the investment in the non-oil sector.

Just listen to my Colleague, the Minister of Agriculture, when he shares the growth across agriculture that was devoid during your tenure. Let us be fair, there was no growth in those years. What we saw was people losing their jobs. That is fact. What we saw was industries shutting down, estates grinding to a halt. People do not like to hear about history, but history determines what we do now. Let us look at history in context, as was adumbrated by my Colleague, Dr. Ashni Singh. The Hon. Member was very detailed and comprehensive in his presentation, making an analogy to a simple household budget, and doing it in parallel to the management of the country's finances in a prudent way to ensure that we can, and we have, experienced the growth in our economy, the fastest growing economy. When one hears Guyana being mentioned now, it is always referred to as the country with the fastest growing economy. No one can deny that, in 1992, we were in an abyss of debt. It was under the PPP/Civic that we were extricated from the yawning burden of debt. It is fact; that is history. We must not run all the time from what is true. We must not run from history. We must not run from fact. We must not have this concerted, concentrated mass movement away from fact, economic fact. You ask the average Guyanese, within your tenure of Government how it hurt their pocket. Nobody is denying that inflation exists. Nobody is denying the global crises. Nobody is saying, 'No. How is Government addressing it?' By the measures they are taking

to cushion its impact on people. That is what is important, having the kind of measures that will impact on people so that they can feel less hardship and there can be alleviation of the difficulties they face on a day-to-day basis.

Let us look at the Ministry of Human Services and Social Security and what the loan is doing for us, the Inter-American Development Bank (IDB) loan that is right now happening for the Ministry of Human Services and Social Security. The Ministry of Human Services and Social Security is a Ministry that deals with the most vulnerable within our country, notably the senior citizens, those persons living with disabilities, and those persons who depend on public assistance. Through this process and through this programme that has happened with the IDB, we have seen cash transfers disbursed to people who are dependent on pension, who are dependent on public assistance, and who are dependent on permanent disability.

I would just like to share with you how those numbers have climbed and where we are right now. In 2020, we had 58,100 pensioners. This year alone, we are expecting over 70,000 pensioners to benefit from old age pension. We would have seen, just from 2021 to 2022, a 7000 increase in old age pensioners who are benefitting from pensions. Through the loan that we got, we were able to supplement their pension by giving them one additional month of pension. This might seem like a small thing to you, but the sheer number that we had managed to touch through the cash transfers... I want to say that this figure is one that is a physically verified figure, because every pension exchanged was audited as of 2022. This is an important development.

If we look at the public assistance, we are looking, again, at a significant jump in the number of those persons that are benefitting from public assistance. We are seeing over 29,000 persons to date who are benefitting from public assistance. Go back to 2020, it was just over 13,000 people. That is the sheer volume of people we are managing to assist through this Government's budgetary allocation. Also, through the Government's budgetary allocation, it has been supplemented again by cash transfers. I make this point, because to deal with that sheer volume of persons who are utilising our assistance systems, we must have the digital transformation that can ensure that this process is seamless and is one that is modern. Again, through this loan, we are benefitting to effect that digital transformation to ensure that, from the time a person applies to the time a person benefits from their pension and public assistance, it can happen through the utilisation of ICT.

2.10 p.m.

These are meaningful transformative projects that are happening because we have managed to have loans. People are saying, ‘well, loans’? If you did not have the attractiveness to investors, because you were not stable in your economics, investors would not come. How many investors came during the last ...

[**Mr. Duncan:** Many. Check your contracts.] Everybody sees it how they want to see it and sees it conveniently. Also, when you quote from reports, you must read the whole report, when you are going to utilise those reports. I would like to also make the point that the Government of Guyana has invested, significantly, in a number of areas. My Colleagues spoke to you about housing. Today, I am reminding you that there has been significant investment in women’s empowerment. The Women’s Innovation Investment Network (WIIN) is a tangible investment in the women in Guyana. Tell those 6,000 plus women who have been trained at no cost to them, that they have not been empowered. I bet they will tell you differently.

Sometimes people like to make a lot of noise but there is a lot of emptiness behind it. I want to say that, when I am speaking, the figures that I am quoting and sharing with you are real figures and they are not just statistics and figures, they are people behind those figures. Of those 6,000 plus women, 48% of those women are now entrepreneurs, having small businesses or micro enterprises in their own rights. Of those 6,000 plus, 25% of them are now employed. That is the kind of growth that we want, that significantly touches the lives of people of Guyana. I would also like to say that it is not only the seniors, those who depend on public assistance or those who are benefitting through the WIIN Programme, through significant empowerment, but for the first time ever, the persons who live with the disabilities are significantly benefitting, not only from public assistance. The fact that with a simple request or call... and you have all reached out to me, one time or another, many of you. [**An Hon. Member (Opposition):** Not me.] Because you are caring about the people. If someone needs something, they can now easily access a wheelchair, a walker, a white cane, anyone of these support aids. [**Mr. Mahipaul:** I *ga* get poor.] Come and let us talk and I will get them to the person. That is a simple thing. Previous to that, people did not even know where they were going to get those things from. You ask the people in the 10 regions of Guyana how easy it is to get those support and assistive aids.

In addition, to ensuring that there is improvement in the quality of life among those persons, we are investing in training. There has been a new lab – the learning lab for persons who live with

disabilities to benefit from training at no cost. I make this point and I want to say that it is important to make this point. This is because, when we speak of development, it should not be seen through narrow lens. You must see the big picture. You must understand what is happening across the length and breadth of Guyana. When there is more to be asked for, more is being invested in our country every day. I would not want to be long, but I want to say that we must look at the figures, the story that they are telling and where we have come from and where we are today. You cannot erase 28 years of mismanagement. You cannot. You cannot erase the ensuing five years of nothing much happening. Let us be real. It was like a ghost town. I am being kind and I am always going to be kind but nothing much happened then. Let us face it.

From my end, the Ministry of Human Services and Social Security was a ghost town. The Guyana Women's Leadership Institute (GWLI) programme was shut – nothing was happening there. In two years, we have trained 6,000 women. We have to look at what is happening. We have to look at the numbers of young people who are starting their own businesses. We have to look at the injection of finances into every sector, we have to look at the non-oil sectors that are growing rapidly and we have to look at the opportunities that are abounding out there for people to benefit.

I would like to recommend what was dealt with at the beginning of this debate and I look forward to your support because the support is not about you or us, it is about our country. If it is country first, then I ask for your support. Thank you very much. [*Applause*]

Minister in the Ministry of Public Works [Mr. Indar]: Mr. Speaker, thank you very much for allowing me to give my contribution to this debate. At this time in other parts of the world there are debates on whether debt is good or whether debt is bad for economies. Last night I saw something on *Bloomberg*. It said:

“Fitch Ratings downgraded its US debt rating on Tuesday from the highest AAA rating to AA+, ...

This morning that had a tanking impact on the global markets and the debate will rage on. In the context of Guyana, I heard some of the speakers earlier and I cannot say that I agree with some of the remarks that were said in the House. I am sorry that she left, but the Hon. Member, our Colleague from the other side of the House, Ms. Juretha Fernandes, spoke about a number of things that I cannot leave to be said and left unattended. I believe that it is my obligation to address them.

She did remark, relate and reference to a number of studies. I believe that was a scratch in the surface analysis of how debt is supposed to be managed and how debt is supposed to be used for development. **[An Hon. Member (Opposition):** Let me hear...] I will go to some of them. The first thing is, she said that under the then Hon. Member, Minister Winston Jordan, the debt burden was reduced, without saying by how much. I particularly listened to that. This is because, under his management of the economy, the then Minister of Finance inculcated and captured the collective of the APNU/AFC's philosophy on how to manage an economy. His action, by hiding and concealing \$92 billion in debt, in receivables, in the Bank of Guyana financial statements. That is what he did. Let me explain that for the many people who are listening across the country.

In the bank's financial statements, there are the assets and there are the liabilities. Liabilities are line items and liabilities are what one owes. Debt burden is measured by one's debt figure divided by one's GDP, which measures the domestic debt. That is how one calculates one's debt burden. What the then Minister did was, he left out the amount that he had as an overdraft at the Bank of Guyana, which was \$92 billion. When he left out that figure, obviously, the numerator is smaller. He concealed that amount of overdraft and not put it in the debt figures. The International Monetary Fund (IMF), when they did their consultation, I remembered it. You all do not remember these things. You all do not know, and you do not tend to understand. The IMF, when they came to do their consultations, I was the President of the Georgetown Chamber of Commerce and Industry (GCCI) at that time. At that time, ...

Ms. Lawrence: Mr. Speaker, ...

Mr. Speaker: Go ahead, Hon. Member.

Ms. Lawrence: Thank you, Mr. Speaker. I think once before, I had to write you about Members in this House, especially on the opposite side, who imply or who impute that former Members of this House would have, according to the Hon. Member, Mr. Indar, right now, hidden moneys – concealed. Mr. Speaker, the former Minister of Finance is not here to defend himself. This very matter was said in this House before. It was answered in the *Kaieteur News* newspaper, where Mr. Jordan did indicate that \$92 billion was borrowed by that Government and that this Government borrowed that money in one year.

Mr. Speaker: Thank you for your observation. Thank you. Hon. Minister, I think the issue of hidden, I have a little issue with that too.

Mr. Indar: Mr. Speaker, ...

Mr. Speaker: I am still on the floor. I think you know better than most of us here the proper accounting term to use when people fail to provide all the information. Maybe we could not impute motives but speak to the mechanics.

Mr. Indar: Mr. Speaker, I heard the objection. I also would like to remind this House that the Hon. Member, Ms. Juretha_Fernandes used the very word when she was talking about the PPP/C's Manifesto. She used the word 'conceal'. I wrote it down. So, you did not object to when your folks were doing it but when we do, you respond. I just want to make sure because I wrote it down when she was speaking.

Mr. Speaker: Thank you, Minister. We have now set the record straight. If that comes up again from any speaker, I will intervene. Thank you.

Mr. Indar: Thank you. Mr. speaker, I know that what I am saying is rackling some of the Members of the other side, but this matter is everywhere. It is everywhere. This matter about that debt that was an overdraft Do you know how we had to find the figure? We had to disaggregate the receivables. Imagine, creditors and liabilities hiding in receivables. I have to use the word 'hiding'. There is no other word to use. We are talking about debt. I also heard the issue about unsustainable and debt crisis. Let me remind this House that this country, as at this morning, the debt service is 7%. It means that every dollar that we have, 7 cents is used to service debt or 7%. I do not know where this crisis is. Where are we going with this? What are we trying to amplify here? That is what is happening here. The Hon. Members on the other side of the House are amplifying an issue that is not there. Seven per cent, that is the report. Our debt burden now is 25%, a quarter – actually 24.7%, somewhere around there. It is the lowest in the entire southern block.

2.25 p.m.

I managed to go and draw down this report because I heard people talking. I will start to quote, Hon. Member Duncan – the World Bank Group. This is a report about every single country on earth, about their levels of debt. How much they have, how much they are paying, how much they

are issuing, how they are managing their debt. It is right here, for everybody. You could go. Mr. Speaker, I will lay it over to the House. It says *Debt Report 2021 Edition II*. I will lay it over to the House.

What we are doing in this country, in this House, is behaving in a way that debt, the word D-E-B-T is a dirty word. Every Member of this House would have travelled to countries in the Caribbean, South America, North America, Europe and so, China wherever. A lot of them go on the highways, I have seen their social media. They take pictures of the highways, they take pictures of the big buildings, the infrastructure, and they talk, and they say how nice it is. What they do not understand is that those things were built on debt. They were built on borrowing. The international financial system is designed on two things: debt and equity. They have models developed by mathematicians from universities that won Nobel Prizes, black shows, portfolio theory, weighted average cost of capital (WACC). All those are formulas that were studied and tested and given Noble Prizes to teach one how to manage debt. Debt is not something that is new to Guyana. We are not in a vertex. We do not live and operate in a vertex. We are behaving as if we are doing that.

The question is, what do we do with the money that we borrow? That is the question. When we borrow, we do not borrow to eat. We borrow for capital formation, and social formation. That is how one spends money. One do not spend money on buying snow crabs to eat. We do not spend money on doing that. We spend money on recapitalisation. I will go through some of the things that our Government is using the money for. You know something, in Linden, I heard the Hon. Member Juretha Fernandes raise the issue about Saudi Arabia borrowing of \$150 million. That money, a serious amount, between \$0-\$50 million is earmarked for the Wismar bridge. We borrowed some money in a Tripartite arrangement among the United Kingdom (UK) Export Finance UKEF, Guyana and the Caribbean Development Bank (CDB) to build the Linden to Mabura Road for miners and loggers and people to trade. We borrowed to build the Demerara Harbour Bridge (DHB). Look, the Harbour Bridge was down for three days and there was chaos left, right and centre. We had to manage that.

We are widening the road. When people come into a country, the first thing they see is the road that they drive on and the last thing when they leave is the road they drive on to leave. Everybody is driving on the East Bank road, coming, and going. That is the last image they have of Guyana and the first impression. We borrowed to build that road. We are building a country because it

must be done. It cannot be done by an APNU/AFC Government because they do not build anything. My Colleagues on this side of the House, we have said over and over that, when we buy assets, they are assets that deliver benefits to people. In the health sector, we are building new hospitals. In the education sector we are building schools. In public works, we are building roads, bridges, highways, and sea defences. **[Mr. Ramjattan: Very corruptly.]** There is nobody more corrupt than the APNU/AFC, Mr. Ramjattan. Do not bring that to me.

I want to bring attention to an issue raised by Ms. Fernandes. Ms. Fernandes mentioned about the debt levels that Guyana has and, she mentioned something about US\$4.4 billion. As if the figure by itself means something. The figure by itself does not mean anything. The United States of America (USA) debt level is about \$20 trillion. China is about \$5.8 trillion as of 2021. India has debt. Every country bear debt. Debt is part of how you develop your country. You cannot wait for the accumulation of cash to then build. What happens in this House, all of the Members on the other side, their argument is, ‘do not borrow’, ‘do not build’. When you borrow over on the PPP/C, it is not good borrowing. Only when we borrow under the APNU/AFC that is good borrowing. They say, ‘Oh, do not burrow either and then, later on, they come and accuse you of non-action. It cannot be only when you all borrow it is good.

The problem here is that this debate, for me, there is no right or wrong in the debate. The question, is what do you do with the money? We on this side of the House have a proven track record of putting moneys into agricultural lands, into development, into drainage and irrigation, into development of the education sector, into social services as the Minister just laid out. That is what we borrow and that is what we put the money into. We put the money into the old folks that gave their lives to this country that have to get social benefits. We put the money into people who, as I said, are sick, who cannot do anything for themselves. That is what we put the money into. We put the money into modernising the country. If this country was left to some of the others, we would be living in the stone ages. As far as they are concerned, we must not build anything, we must not develop anything, and we must not borrow to do so. That is not our philosophy. That is the difference between the PPP/Civic and the APNU/AFC. It is the philosophy. It is the philosophy of how one develops a country. Where is the money going to come from?

If one looks at how the tax revenues are generated. If one does a revenue analysis of this country, one will see that tax... revenues do not grow exponentially with the traditional sectors, because

we are not taxing our people. We do not tax. We have not increased a single tax on anyone in this country. We do not tax people. The revenue base of the tax base does not grow. Only when there is economic activity, then is when that tax base grows. The oil and gas is bringing economic activity. We are seeing it grow and that is why we are not taxing anyone. We do not tax people like the APNU/AFC did.

[Mr. Ramjattan: In an oil economy, you do not reduce Value-Added Tax (VAT) by *[inaudible]* %?]

Mr. Ramjattan, through the Speaker, your Government increased tax. Your Government dropped the VAT and increased the catchment area. They taxed a number of other issues, putting their hands in the pockets of every Guyanese. You sit there with a straight face and talk about tax reduction.

When we left Government in 2015, the tax revenue of this country was \$126 billion. When we took back Government in 2020, it raised by \$96 billion. You all carried up the tax income by 65% in five years. So, what are you telling me, that you did not raise tax? It is in the numbers. You must try and read. Every community in this country, when we walk them, we take pictures of them. There is a reason why we do that, because we find all of the infrastructure in a particular state. That is why, when we walk the country, we make sure we take pictures of the state we found a road in, the state that we find a bridge in, and every other infrastructure. Every community centre, every ball field. This is because we make sure that we find them in a state, and we make sure we show that this was the state of them. Over the past three years, we have built about 2,500 community roads.

[Mr. Duncan: Where?]

All over the country. Everywhere. On your street in Good Hope. I walked the place so stop talking Hon. Member. Everywhere in this country, work is being done. If a person does not see work done, it means that they need a cataract surgery, or they are blind. It is simple. That is what we are doing. We are using the money to build the country.

As one of the Minister of Public Works, I join with Minister Edghill, and we go to every little *nook and cranny* in this country. We make sure that we walk the road with the people in the community, dilapidated infrastructure. That is what moneys are used for. If you go in the afternoon on the East Bank, some of us here live on the East Bank, if you go on the East Bank in the afternoon, you are stuck in traffic. This is because there are four lanes there and four lanes on the other side – eight lanes. It is not enough to move the traffic. Are you going to leave it like that until your children get big? No. You have to fix it. You have to introduce new lanes. You have to put new arteries. That is what moneys are used for. To divert and to make sure you have lanes into the city and out

of the city – bypasses. All of the highways that we are doing, and the widening of the highway is to move the amount of people that now have cars faster so that they could get to their work and get back home and spend time with their family, rather than spend it on the road in traffic. That is what we are using the money for. That is the development.

At least 12 lanes will be on the East Bank alone. We are putting in four on the Railway Embankment. It is going to be four lanes. We already have four there. More lanes are going on the East Coast side till up to Mahaica. In Berbice, we are widening that highway too. All of that is happening in that country apart from the community roads. All of the bridges we are building over. We are moving from the wooden bridges to concrete bridges. That is what we are using the money to spend. That is what the Guyanese people are seeing. No matter what is said in this House by the other side, I am saying that the Guyanese people, in their communities, as soon as they step out of their house, they will walk on a road that is recently paved or a new concrete road. That is what we have been doing. Not the couple roads... I will close by saying, when I came into the Ministry of Public Works, the entire Public Sector Investment Programme (PSIP) for community roads did not reach 300 roads for a whole year. In three years, we have built about 2,500 of those. Look at the difference. That is the difference. We take the money, we put it into building the country.

Mr. Speaker, thank you very much. I do commend that the debt ceiling be raised to accommodate the development trajectory of the country and to facilitate the smooth access to finance in doing so. Thank you. [*Applause*]

Ms. Walton-Desir: I am always puzzled when I hear my Colleagues from the other side speak and try to twist themselves into the pretzels that they find themselves in – trying to justify the unjustifiable. I made a note, because I heard the Hon. Indar talking about the social services and the social benefits. I also heard the Hon. Dr. Ashni Singh speak about the years of 1971 and what happened over 40 years ago, and so on and so forth. You know it occurred to me that the PPP/C has an inability to give credit where it is due. Those social benefits that both the Hon. Minister Vindhya Persaud and the Hon. Minister Indar just spoke about were schemes implemented by the then People's National Congress Reform (PNCR) Government – the National Insurance Scheme (NIS), the social benefits. If I recall my history correctly, they opposed it. [**Mr. Ramjattan:** They voted against it.] They voted against it.

The road network that you are building arteries on, was built by the then PNCR Government. The Harbour Bridge that the Bishop of Infrastructure was holding press conferences about because routine maintenance had to happen, as if it was something big, it was built by then PNCR Administration. I mean I think I know my history a little bit; the mathematics not so much, but the history I am sure about.

2.40 p.m.

To think that they have the temerity to come to this House to say that in the 28 years of the PNC nothing happened, when everything, the very foundation that they are proposing to build on, was set by the PNC. You will tell that to people who do not know their history. You have to give *Jack his jacket*. God knows that all morning I have sat down, and I have tried to give the People's Progressive Party/Civic (PPP/C) a jacket but the only thing I came up with was the Skeldon Sugar Factory. I came up with the Amaila Falls Hydropower Project. I came up with the specialty hospital. I came up with the fibre optic cable project. It is failure upon failure upon failure, and you all have the temerity to come to this House to say that you know about building a country. Then, to boot, they operate as if the 23 years that they were in power never existed. So, they go back to talk about the 28 years of the PNC Government, forgetting that they had 23 years after that. And they want to talk about what we did not do in five years. What did you do in the 23 years? I will remind you that when the people of Guyana rose against this PPP/C Government in 2015, it was because you had reduced this country to a narco-state, you had reduced it to being blacklisted for money laundering, you had reduced it to one of the crime havens of the Caribbean, and a pariah state, to quote the Hon. Member on the other side. That is your history.

Hindsight is always 20/20, and whilst everything was not done perfectly, I dare you to come here to pretend to be the paragons of virtue and the ones who could develop this country because you are not. Everything that you are building on was set by the PNC. Now that we have recalled history correctly, I will proceed to address this motion. There are a couple of things, Mr. Speaker...
[Interruption]

Mr. Speaker: Hon. Members, if we continue, I will have to take a suspension.

[Mr. Speaker hit the gavel.]

Ms. Walton-Desir: Mr. Speaker, do I have your leave to continue? These things called facts are some pesky little things. Mr. Speaker, I trust that I will be allowed to reclaim my time. Let us go to the Bank of Guyana's (BoG) Mid-Year Report. Sometime last year, that report recorded a decline in every sector. I remember sitting in this honourable House and I remember my colleague, Mr. Vinceroy Jordan, pointing out some things. At the time, they did not challenge it because they knew it was the truth. If I can remind you of what he said...

Dr. Singh: Mr. Speaker, if I may, sir, I will reiterate... [**Hon. Members:** What is the Standing Order?] On a point of fact, since the People's Progressive Party/Civic assumed Office, in relation to any year that we occupied Office...2021...I am not counting 2020 because we came into office, belatedly, two-thirds into the year. In neither 2021 nor 2022 did we record negative growth in all of the non-oil sectors. I repeat...

Mr. Speaker: Thank you, Minister, but that is not a proper point of order. We have enough speakers still lined up and persons can put whatever interpretation they have on the statistics before us.

Ms. Walton-Desir: Mr. Speaker, while I understand the anxiety of my colleague on the other side, I believe I am on the floor, and I believe the Hon. Member will be given the opportunity to rebut at the end of his motion. I will ask that he do that then instead of interrupting me and breaking my flow. Mr. Speaker, I say and I would...

Mr. Speaker: Yes, I will because the liberties people take are not given to them in the Standing Orders. You are going very well. Please continue along that path.

Ms. Walton-Desir: Thank you for recognising that I am going very well, Mr. Speaker. Mr. Speaker, last year, sugar declined by 55% and this was after a twice-revised target – a downwardly revised target. Rice declined by 22.4% without any adverse weather conditions. Fisheries and aquaculture declined by 19%. Gold was somewhere in the vicinity of 17%, if I remember correctly. Livestock and meat production also declined. So, to hear the Hon. Dr. Vindhya Persaud come here to say that there has been no decline in the non-oil sector is baffling to me. I was sitting there wondering why she would say that. It occurred to me that the Hon. Minister gets her fish... I am supposing that all of their necessary supplies are taken care of by the taxpayers' dollars. So, they have no clue. You are living in a completely different economy. You have no clue about what the

people of Guyana are facing. [An Hon. Member: Do you have a clue?] I do have a clue. I absolutely do.

Mr. Speaker, I just wanted to make those few points in relation to what was said. The Hon. Member, Mr. Indar, spoke about taxes. They love to run around to talk about all of the taxes that the APNU/AFC Government increased. My colleague posed a question and asked, could you list the taxes? Instead of affording the people of Guyana the transparency and accountability they require, they gave an answer that said this was ventilated in the public. It is because they cannot name them. To *add insult to injury*, the value-added tax (VAT), which is the tax that most directly affects the people of Guyana and their standard of living, they have refused to reduce it with all of the oil money in the economy, and you come here to do what? You must recall that it was the APNU/AFC Government that reduced the value-added tax without a cent of oil money. You all like to come here to propagandise. You all are propagandists, but like my friend, Mr. Ramjattan, said, we on this side are policy makers, and we make policies that will benefit the people of Guyana, and not just the friends, families and favourites.

The Hon. Member spoke about healthcare, and I said that this confirmed to me that my colleagues on the other side inhabit an alternate universe. We know that our nurses are fleeing in droves. The Georgetown Public Hospital Corporation (GPHC) needs 500 nurses. It is in the media. I heard the other day he who will not be named said that we are going to import nurses, and this is where you see the incongruity of the Peoples Progressive Party/Civic Government. Take, for example, in Region 10, they closed down the nursing programme. Guess why. It was because too of a certain type of people were being trained. They have no retention plan for the nursing sector. We are opening all of these hospitals; and we are building hospitals here there and everywhere and there is no retention plan to make sure that these hospitals are staffed with competent and qualified medical personnel. None. Do you know what bothers me about this PPP/C Administration? You heard the Hon. Member, this morning, come here and talk about us always planning and studying. I was saying this morning that old people say something: *measure ten times and cut once*. The derision with which you approach studies is exactly why we have major environmental projects going on, projects that will impact the environment negatively, and no Environmental Impact assessment (EIA) study. None whatsoever. But you all want to tell people about development. In

any country with sound development, when there are massive infrastructure programmes, one sees EIAs and you all are busy not doing any.

You gutted the Environmental Protection Agency (EPA) of its expertise, and you want to come and tell us that you know about development. Mr. Indar, Hon. Member, you need to take several seats. In all of your speaking, I did not hear you speak about the sea defence. Again, it is the incongruity of this whole thing, Mr. Ramjattan. You are building hotel rooms, you are building roads, you are building bridges and you are failing to invest properly in sea defences that will keep the ocean out when the science is telling us that, by 2025, cities, such as Georgetown, could potentially be under water. You all building roads and you are building bridges and the sea is coming in to wash us away. You all have no sense of priorities. You talked about infrastructural work and that all of this borrowing will fund infrastructural projects and you forget to say to the people of Guyana that our efficiency gap is 41%, which means that for every dollar we spend, 41 cents are wasted. This is why he who will not be named is arriving at projects to tell people that he will not tolerate delays, he will be back by September and that he must see progress. Forget management schedule, forget liquidated damages and forget how one apportions one's resources. They are talking about what they will not tolerate and who is going to tolerate what. We warned in this House that we did not have the capacity to execute such a massive Public Sector Investment Programme (PSIP). We asked in this House that you adjust it properly to cater for...

Minister of Home Affairs [Mr. Benn]: Mr. Speaker, may I have the floor?

Mr. Speaker: Hon. Minister of Home Affairs, you may have the floor.

Mr. Benn: On a point of facts, the Hon. Member said that the nursing programme...

Mr. Speaker: Hon. Minister, I think you are trying to raise on a point of clarification, but if I am to allow you to speak, I have to ask the Hon. Member on the floor to yield and...

Ms. Walton-Desir: I do not wish to yield my time; they will have their opportunity to speak. Let them speak then.

Mr. Speaker: She does not wish to yield. Continue, Hon. Member, Ms. Walton-Desir.

2.55 p.m.

Ms. Walton-Desir: Thank you, Mr. Speaker. I am making a point about the gap and the lack of our capacity to execute these massive projects. They demonstrate this ostrich-like behaviour, as if they bury their heads in the sand, the problem will go away. As if because a certain person arrives at a job site and threaten people by saying that he will not tolerate this and that, somehow, it will be done. When the truth is that we need to be focusing on increasing our efficiency and capacity to execute these projects. They are not focusing on that. That is the jeopardy of all this borrowing that they are doing. They are bringing this money and they have no capacity... [Ms. Ferguson: There is no plan.] ...and no plan to properly execute works, but do you know what? We know for a fact that all these infrastructure projects are the breeding grounds of the corruption. I withdraw the word, Mr. Speaker. You have my apologies.

Mr. Speaker: If it happens again, I will have to stop you. Full stop.

Ms. Walton-Desir: [An Hon. Member (Government): You used the word, (*inaudible*) just now.] I said you all were corrupt, and the Speaker said that I could not say that. I heard the Hon. Minister, Dr. Singh, at the beginning of his presentation, allude to hotel rooms. He used that as an indicator of the health of the economy. I want to say it is very good that we are stimulating the hotels and the hospitality industry but there is a problem. There is a problem because many rooms do not necessarily equal success in the sector; it does not. When one looks at the number of rooms that they are proposing, more rooms than are actually needed will bring down the cost per room. With that, it will affect the economic viability of the industry. I would say that, at this point, we need to do a national feasibility study on what is actually needed. We have to be able to perform an analysis of exactly what we need, given the fact that if we do too much, it will have a negative impact. [An Hon. Member: What analysis is that?] Do you hear them asking, what analysis? This is the contempt that they have for analyses and studies. They are just accustomed to one man on the East Coast waking up one morning and deciding that he wants to do this project. To hell with analyses, studies, and so on. On the point of hotels, the fact is that if the extra rooms do not have users, it could kill the hotel industry. I am saying that we have to proceed with caution and be guided by studies. That is all we are saying. We have to be temperate and sober about what we do.

It was the Hon. Member, Dr. Persaud, who said that they have a formula for developing this country. The formula is not working. It is not working, Mr. Speaker. They are out of touch with

the ordinary man. If you go and speak to any ordinary Guyanese and ask them if they feel the impact, positively, of all this oil money and the fastest-growing economy that they like to boast about, and it will be a resounding no. They are talking about who had to wait and who did not. The nurses are still waiting for a proper salary increase. The teachers are still waiting for a proper salary increase. They love to present themselves as the champions of the Joint Services, but there are men and women who serve in uniform who have to moonlight at night as taxi drivers and food delivery men to supplement the meagre income. For them to talk about them being the champions of the people of Guyana, it is far from the truth.

I will end by saying this: Yesterday marked three years since this Government has been in power and the people of Guyana have nothing to celebrate. I heard them talking about visible development. I ask them, what about the development of our people? If you walk the road, the average Guyanese is of a broken spirit. As Martin Carter said, everywhere men's faces are strained and anxious. People cannot make it in this economy. You sit over there to talk about roads and bridges. I remember that the bishop of infrastructure – when the A Partnership for National Unity/Alliance For Change (APNU/AFC) was about the business of building roads – turned around and said that one cannot eat roads. The Hon. Member, the same one who is blaming the spirits for the delay, said that one cannot eat roads. Suddenly, the bishop of infrastructure has changed his position. This is the inconsistency of the Government that we talk about and warn about. They have no blueprint to develop this country. What they have a blueprint to do is fleece the national patrimony; enrich their friends, families, and favourites; bankrupt and undermine our institutions; and then put us in further debt to do it.

I read somewhere the glowing remarks of their three-year performance and how proud they are about their records with women and children. This is the same Government that seventy-something days later cannot convene a Commission of Inquiry (CoI) into the fire that claimed the lives of 20 of our children, but they care. Convene the Commission of Inquiry now. Show that you care. Talk is cheap; do it now. Let us know what happened so that never again will we have to face the reality of losing 20 of our children.

You talked about Guyana developing. At 7.00 a.m., one cannot find a space at the Central Immigration and Passport Office. The line is around the corner with people running from this country. Thanks to the PPP/C, they are running from this country. The reality is that our families

are unable to afford three square meals a day. The statistics stand at 51% of Guyanese living below the poverty line. When you come to tell us how you plan to help Guyanese give themselves three meals a day and enjoy a quality of life where they know if they work their bills are going to be paid so they do not have to have three, four or five jobs just to eke out a living, then the people of Guyana are going to take you seriously. Do you know what? You all over there are arrogant. I am telling you that you will pay for your arrogance. Just as the people, in 2015, spoke against you, they will speak against you, again, come 2025. *[Applause]*

Mr. Speaker: Thank you, Hon. Member. It is now time for the Hon. Minister of Agriculture, the Hon. Mr. Mustapha.

Mr. Mustapha: Thank you very much, Mr. Speaker. First of all, I want to say that I rise to support the motion, as presented in the honourable House, to confirm the external loan. Before I go into the main points in my presentation, we heard the Hon. Member just mention... When we come to this House, we must be factual. The last time I spoke, an Hon. Member came here and mislead... *[Mr. Mahipaul: It is misled.]* ...misled this House by saying there was an abattoir that was built or started under the APNU/AFC. Now, we heard again, today, an Hon. Member saying that the nursing school in Linden is closed. I wonder why she made that statement. It is because there is a certain type of people living in Region 10 and she used it as a racial point to just highlight that. I think the Hon. Member must withdraw that statement because the nursing school is functioning and training nurses in Region 10. Then, we heard...

Ms. Walton-Desir: Mr. Speaker...

Mr. Mustapha: I would not yield to her.

Ms. Walton-Desir: Are you not yielding, Hon. Member?

Mr. Mustapha: We heard speaker after speaker, from that side of the House, talk about the various non-oil sectors and the decline in the non-oil sectors. I just want to quote some points that I have. In the non-oil sector, in 2021, paddy was 861,214 metric tonnes. In 2022, it increased to 939,377 metric tonnes. Rice production was 559,789 metric tonnes in 2021. In 2022, it rose to 610,595 metric tonnes. I do not know from where those Hon. Members are getting their facts. When you look at the yield, in 2020, when this Government took Office, the yield was 5.7 tonnes per hectare.

We have increased that, in 2023, to 6.2 tonnes per hectare. That shows how we are increasing production in the non-oil sector. I want to also go along for various sectors.

Vegetables: I can talk about high-value crops such as onion, broccoli, cauliflower, carrots, and red cabbage. We have moved production from 2726 metric tonnes, in 2021, to 5017 metric tonnes in 2022. Those are the facts. Root crops: we have increased production from 12,207 metric tonnes, in 2021, to 23,963 metric tonnes – a 96% increase. Fruits: we have increased production from 180,402 metric tonnes to 197,873 metric tonnes – a 10% increase. Coconuts: we have increased production from 36,544 metric tonnes to 49,138 metric tonnes – a 34% increase. Meat: we have increased production from 53,960 metric tonnes to 60,112 metric tonnes – an 11% increase. For aquaculture, which is a success story in this country, and which is being developed as an industry, we have increased that by 101,885 tonnes in terms of differences – 608% in aquaculture production.

3.10 p.m.

Those are the facts in the non-oil economy. I want those Members over there to speak the facts when they come here. We heard, just now, the Hon. Member speak about failures. She spoke about failure of the transformative project that we wanted to start prior to 2015 when we were in Government. They have the ability to use issues and use events to satisfy their needs. For example, we knew for a fact that, in 2020, following the General Election, which was held on 1st March, they tried to hold on to Government unlawfully for five months. At the end of it, they tried to fool the Guyanese and told them they had won the election. That is the way in which they are trying to use events to satisfy their needs. It is public knowledge that development is a concept that is far from their vocabulary. Let us look at the Amaila Falls Hydropower Project. They stopped it. That was a transformative project. Today, Guyanese would have been enjoying cheap electricity if that project had come on stream. The APNU/AFC stopped that project. They said just now that the project failed. It failed because the APNU/AFC failed the project. They are the failures. They sabotaged the entire project and they come here now to use that to justify their actions.

We heard about the specialty hospital. They thought that project failed. They stopped the project, especially the Hon. Member, Mr. Ramjattan, and his party. They voted against it, with their one-seat majority, from 2011 to 2015, when it was the PPP/C Government. They used their one-seat

majority to derail the progress in our country. Now, they are coming here, *shedding crocodile tears* and telling the Guyanese people they must believe them. I want to inform the Hon. Members over there that not so long ago – a few weeks back or a few months back – the Guyanese people spoke. The PPP/C had a landslide victory in the Local Government Election (LGE). We won 67 Local Authority Areas out of the 80 Local Authority Areas. That is not the only fact. We increased our support in their areas of support, places like Georgetown and New Amsterdam. We won Bartica, we won Mahdia, we increased our support in Linden, and we won Plaisance.

If all of the policies of the PPP/C Government were bad, then their supporters would not have voted for us. They saw the vision of this party, they saw the development agenda of this party, they saw the transformation that is taking place in our country, and they voted solidly for the People's Progressive Party/Civic. We must not come here *like empty barrels and make noise*. We must come here with facts. I am here producing the facts that we have. They talked about only seeing growth in the oil sector. We have a lot of growth. Today, Guyana is the envy of the Caribbean. Guyana is leading the charge for food security in the Caribbean. Guyana is transforming not only Guyana, but the Caribbean. Our President, His Excellency, Dr. Mohammed Irfaan Ali, is leading the agriculture agenda in the Caribbean Community (CARICOM). The 15 States in CARICOM are looking forward to that leadership and that transformation that is taking place right now in the Caribbean.

Not long ago, when I became the Minister of Agriculture, Guyana had ceded its place to St. Vincent and the Grenadines. For the first time in the history of CARICOM, since the formation of CARICOM, Guyana had lost its place in terms of speaking about agriculture. Our place was taken away by St. Vincent and the Grenadines. When we got back into Government in August, 2020, with the transformation that took place and with the kind of leadership that was displayed by His Excellency the President, today, Guyana is leading the charge. CARICOM will be successful with Guyana leading the way to reduce the food import bill by 25% by 2025. That is the way we have been doing things. We heard just now about sugar. We said...and any country in the world...
[**Mr. Mahipaul:** How is the black belly sheep going?] You are a black sheep.

Mr. Speaker, I can tell you that we said in our manifesto...and we are talking about increasing the loan ceiling in our country. We need more money. As a country develops or as a family develops – and my colleague explained it earlier – their ceiling or spending power would increase. As long

as your spending power increases, the ability to earn increases. When you take a loan, you would have more money to service that loan and pay back that loan. You cannot wait on your earnings to develop your house or your country. You have to have the money in advance. That is why we are seeing the total transformation of our country. You are seeing the total transformation of our country. The Hon. Member, Mr. Indar, and my colleague, Dr. Vindya Persaud, stated the developments that are taking place in the public works sector and in the health sector. When we look at the agriculture sector, we are seeing a revolution. I just mentioned some of the traditional produce that we are producing. When you look at the non-traditional areas, we are making those industries now. Yesterday marked three years for the PPP/C in Government. We have transformed a number of areas.

Let us look at the corn and soya project. By the end of this year, we would be cultivating approximately 3,000 acres of corn and soya. We have already built silos at the Tacama Savannah. We are now constructing a wharf and we have transformed the entire network of roads of that area. One can leave Georgetown and in less than two hours, one would be in the Tacama Savannah looking at the corn and soya and looking at the silos and the wharf. That is the transformation that we are talking about.

When you do not have vision and you come to this Parliament and try to heckle without any facts...Five years they were in Government and after five years the people said no more. For a lifetime they can come here, beat their chest, and make noise over their breath but would never again see the seat of government in this country. Mr. Speaker, do you know why? It is because of the people-friendly programmes and the people-centred programmes that we have started. We heard some Members over there talking about us not having people centred programmes. Dr. Singh talked about the cash grant for school children which they took away. Today, school children are enjoying the cash grant and they are enjoying the increase in the uniform voucher. We are seeing cash grants for vulnerable families. When the Coronavirus Disease (COVID- 19) started and we were in Government, we gave cash grants to every single household in this country. We gave cash grants to the sugar workers who were retrenched under the APNU/AFC. We gave cash grants to the fisher folks. Those are the people-centred programmes that we were talking about.

When we have this money, when we take this loan and when we have more money in our country, the benefit for the people will increase. There would be more spending power. There would be

more development taking place. That is why the people of our country are now embracing the policies of this Government. They are looking forward to the future of this country and we would ensure that we transform the length and breadth of this country. Today, for all of the new programmes we see coming on stream, more money is needed to spend on those programmes. When you look at the five years the APNU/AFC was in Government, not a single new programme they implemented. All the programmes they tried to do were PPP/Civic's programmes that we started when we were in Government.

Today, you are seeing new projects. Some of the projects that were mentioned were the new Demerara Harbour Bridge and the four-lane highway. You are seeing new housing schemes, you are seeing the Corentyne River Bridge, you are seeing new areas in production, and you are seeing more lands being taken up and new infrastructure being built. For example, we are now modernising the agriculture sector. We are moving the agriculture sector from a labour-intensive sector to a modern sector. We are doing agriculture in a smarter way, that is, climate smart agriculture. We are seeing more farm-to-market roads. We are now building new laboratories. We are building tissue cultured laboratories where we would produce millions of planting materials for our farmers in the near future. That is the development that we are talking about. When we take these loans and when we have more money, the benefits would go to the people with these programmes.

It is important that we look at why we want to increase the ceiling of this loan. It is important that we develop our country now. It is important that we modernise our infrastructure. We cannot be left behind. The world is moving fast. When you look at developed countries – and I was just googling it while sitting – places like Germany, the United Kingdom (UK), France and the United States of America (USA), you would see the debt because they took loans to develop their countries. Today, many persons from third world countries want to go there. Why? It is because of the development that has taken place over time. Not long from now, Guyana would be at that stage. Guyana is moving in that direction to modernise our infrastructure.

As I said, when you come here, you must come with facts. Do not come and rabble rouse and talk about things that misinform this august body. When you look at the expenditure in the agriculture sector alone, we have increased the expenditure on drainage and irrigation (D&I). In three years, we have increased the expenditure from \$14 billion to over \$50 billion in 2023. We are seeing

more pumps being procured, we are seeing more pump stations being built and we are seeing more canals and more sluices. Why are we doing this? We are doing these things because we recognise that climate change is real. We have to ensure we modernise our infrastructure so we can be prepared for the future, and we can be prepared for Guyana so as to ensure we lead in this sector. As we are saying, Guyana is already leading on three main fronts

3.25 p.m.

Guyana is leading in the energy sector, in the climate sector, and we want to be food secure, a nation that will be leading in food security. That is where we want to go. We are not taking the money just because we want to take a loan. We are using the funds to modernise our country, to build the infrastructure to prepare our country for the future. With this short presentation, I want to commend this motion to this honourable House and say that every single person has a duty to support this motion. [*Applause*]

Bishop Edghill: Mr. Speaker, I rise to support the motion that was presented by my colleague, the Minister with responsibility for finance, for us to confirm the External Loans (Increasing of Limit) Order 2023, No. 48 of 2023, and the Public Loan (Increasing of Limit) Order 2023, No. 49 of 2023. This essentially provides the cover in a transparent and accountable manner for the Government of Guyana to engage in borrowing to facilitate national development priorities.

It is not the first time a Minister of Finance has come to this House to expand the debt ceiling. This is like the Guyanese family sitting together at dinner and discussing their present economic circumstances and looking at ways and means of how they can do better. People who live in rural Guyana would recall the big move, when we moved from the outhouses to put water cisterns in our homes. People had sought to get financing to develop their living standards. Not so long ago, there was a special financing through the Inter-American Development Bank (IDB) for residents of Sophia, which is considered a part of Georgetown, to build septic tanks, do roofing, and improve the standard of living. Listeners to this debate could be lost and confused if we do not say: We are not asking the Parliament to approve the borrowing of \$900 billion; all we are saying is that we are asking to approve that, as the circumstances may arise from time to time, the Minister with Responsibility for Finance, the Government of Guyana, through the process of engagement, can borrow up to this limit. There are safeguards that are existing.

Any Minister of Finance that is worth his salt should go to an international institution with fear and trembling if there is no prudent fiscal management of that nation. The IDB, the Caribbean Development Bank (CDB), the Saudi Fund, the World Bank (WB), no one will lend you money if you are not managing the affairs of state properly and what you are earning is unable to sustain the payment of debt on a long-term basis. Whenever you go out on the market to borrow, you are actually opening up yourself to scrutiny by international agencies to pronounce on how you are managing the affairs of your country. I am happy that we have gone out not just to some of the regular agencies that we have engaged but to new agencies, and they have all pronounced and have given us a good bill of health – that our debt to GDP ratio is sufficiently adequate to service the kind of debt that we are seeking to incur.

The other thing that I want to emphasize here this afternoon, why I support this motion, is that the Government of Guyana today is not borrowing to pay salaries. We are not borrowing to pay old age pension. Let me make that very clear. We are not borrowing to pay nurses and teachers like we are talking about here. We have been able to manage the affairs of state in such a way that without the increase of taxes, and no new burden in terms of taxation on the citizens, we have been able, in a sustainable way, to grow the economy, both the oil and non-oil sectors, to ensure that the current side of the budget is adequately addressed and that we are seeing growth. What we are saying now is that our developmental agenda is being accelerated. Our developmental agenda is one that is moving to new heights at a rate and at a speed that, even though we are earning revenues from oil, we still need to take advantage of prevailing circumstances to catapult us and to engineer us into that kind of development that is required, because we have had a development deficit in Guyana.

When we come here to discuss the raising of the debt ceiling, the Minister with Responsibility for Finance is actually saying that we want to be able to facilitate and accommodate the engagement with the Export-Import Bank of China, or the Export-Import Bank of the United States, or the Export-Import Bank of India. We want to be able to engage with the International Monetary Fund (IMF) – we are not borrowing from the IMF right now; we got out of that a long time. Thanks to the PNC, we had to get ourselves out; the Paris Club did help with some of that. We want to be able to engage with the CDB, the IDB, and the Saudi Fund, to take advantage of prevailing exchange rates. The same money that you will use now to build a bridge, like we are doing with

the Demerara Harbour Bridge, if you try to save that money, twenty to thirty years from now, \$250 million will not be able to build that bridge. It will cost about \$2 billion or \$3 billion by that time. So, you are taking advantage of the existing prevailing circumstances and the interest rates that exist. So, this shouting match that I have witnessed this afternoon and most of this morning is one that is uncalled for, and it is one that is sometimes filled with a lot of misinformation and excursions into areas to appeal to some form of public sentiment so as to express a notion that borrowing is bad.

Hon. Member Mr. Deodat Indar adequately addressed the fact that borrowing is not bad. Borrowing is bad if you are not managing that. We are not borrowing here to go to the corner shop to buy groceries. We are eating, we are drinking, and we are wearing in keeping with what is manageable and sustainable. What we are borrowing for now is to expand what Guyana is experiencing. For example, we are going to build twelve new hospitals in Guyana. Do you know what that means? Rather than people visiting a health centre, where they could probably see a Medex—I remember that was a popular term at a particular time in this country; when we had a shortage of doctors, we had Medex—they now get to see a doctor because we have trained more than 1,000 doctors in Cuba. Thanks to the PPP/C and the engagement we had with the Government and people of Cuba, there are doctors all over the country. Now, those doctors need the tools to adequately diagnose and treat, so our hospitals need ultrasound machines, we need electromagnetic (X-ray) machines, we need magnetic resonance imaging (MRI) facilities, we need telemedicine. We are moving from the health centre, where you just go and get a couple tablets, to where you can go and get proper medical attention. Even in the absence of consultants in those centres, through medical technology and telemedicine operations, you can engage with a consultant, get a diagnosis, and be properly treated. The Georgetown Public Hospital Corporation (GPHC), which is our only referral hospital now, will not be there.

We are borrowing to ensure all the women of Guyana, whenever they go to have their babies, must have an environment where they are safe. This is to reduce infant mortality and to ensure that our women are secure. That is why we are building a children and maternal hospital that is worldclass, two minutes away from where we gather here. That is what we are borrowing to do. We are borrowing to ensure that the Guyana of the future, 2030 and beyond, is addressed now.

The Minister of Housing and Water, by mandate of the social contract that we made with the people of Guyana that we will deliver 50,000 houses to them, has to provide that. But if you are going to have 50,000 new households established, people have to commute and people have to get to work, people have to be able to get to supermarkets and recreational facilities. We have to expand our road infrastructure, not just merely building community roads but building the superhighways to cut travel time, to improve travel safety. We have to build industrial estates to allow for the development of the manufacturing sector. We have to address this issue of electricity and the cost of electricity that is interfering with Guyana's rapid development. We have to be able to bring gas to shore to fire and fuel those generators to produce about 300 megawatts (mw) of electricity, which will essentially bring the cost of electricity down by 50%.

We are borrowing to ensure... At one time, getting a primary education in Guyana was a big thing. We achieved universal primary education under the People's Progressive Party/Civic. We are now well on our way to achieving universal secondary education. It pains, and I need to say this with all of the emotion I can find: People are politicising the death of those 20 girls in the Mahdia dormitory. They do not want to admit that it was the Government's effort of providing universal secondary education that we built dormitories around the country, that our boys and our girls who could not have gotten to school otherwise are now able to get secondary education. Of course, something went wrong. The Commission of Inquiry will say that, but we must admit that we were doing something good, we were doing something right when tragedy happened. No one brought girls out of the village to kill them, they brought girls out of the village to educate them so that they could be better Guyanese citizens and to contribute to Guyana. We must stop the pedalling of misinformation and the use of people's pain and hurt for cheap political advantage.

3.40 p.m.

When we borrow, we have to look at how it benefits, how people's lives are improved, how welfare is increased. I need to also say this: every external loan that is engaged by the Government of Guyana, every piece of information by way of the contract and everything, is tabled in this National Assembly and it becomes public knowledge. It is not anything that is hidden, concealed, or something that people do not have knowledge of what are the benefits.

I stand here this afternoon to simply say, the Guyanese family has sat, and we are sitting here this afternoon representing the nation, and we are discussing Guyana. We must discuss Guyana in the context of not just where we are, but where we are going – better education, better healthcare. We must improve how long people live. We must ensure that our young people and our professionals and not shackled up with parents and grandparents, but they have their own homes. We must allow for an environment to nurture the entrepreneurial spirit of our people, we must nurture small businesses, we must develop new industries, we must create employment and, more than anything else, we must modernise and transform our country. President Ali is leading that charge. It is probably by coincidence that we are standing here to debate this motion at a time when the PPP/C's Administration, under President Ali, is celebrating its third anniversary in Government. We all, even those who criticise us, will have to admit what has happened in these three years is unheard of in the history of Guyana. The pace, the magnitude, the scope of what is taking place is being admired even by our worst critics.

Do you know how we were able to do that without increasing taxes? We properly managed what we received by way of revenue and then we looked at how we could save and service debt in a long term and sustainable manner, approach international institutions and negotiate with them that we would like to finance vision Guyana, and this is where we are. We can manage over 20 years, 15 years, ensuring that we service debt and the interest that is accrued with those debts and still come out on top. Those institutions review our performance, they review our finances, and they say, yes, that we can do it and they make the money available. Even after they make the money available, there is the follow through to ensure that we use the money for the purpose for which it was borrowed. We have to assure the Guyanese people that whenever we contract debt, whenever we engage in debt, the moneys are going to be used for its intended purpose; and we are not using it to eat.

Mr. Speaker, I am not a thin-skinned person. I have said over and over that I am like a rhinoceros, you could pour hot oil on me and I would not burn. But when people blatantly stand up in this House and misinform, I cannot help but to address it.

Firstly, the Hon. Member, Ms. Walton-Desir – and she departed, as usual – stood here and said that I criticised the A Partnership for National Unity/Alliance For Change (APNU/AFC) for building roads by saying that you cannot eat roads. The first thing is, I could not criticise

APNU/AFC for doing that because they were not building roads. It was during the parliamentary debate when we were defending allocation for roads when the Opposition said that you cannot eat roads, and I said that you cannot eat roads but roads does make people eat. It is in the records of this National Assembly. Still, someone will come in this House and stand up and say that.

Secondly, the same Member stood up and said that we closed the nursing school in Linden. Last week Thursday I visited several communities in Linden with residents of Linden. One of the areas that I visited was the nursing school in Watooka, because we will do the road to the school in Watooka. **[Mr. Figuera (Opposition): (Inaudible)]** Thank you, Mr. Figuera. When we went there, because I heard this misinformation that was being peddled that we closed the school in Linden, and it was being made with racial overtones that we are investing in nursing in Regions 2 and 6 but we closed the nursing school in Linden, I took time off to visit the nursing school in Linden. There are documents that we could put in the media to show the enrolment. Maybe the Minister of Health needs to visit the nursing school and take pictures or have breakfast or lunch with all of the nurses in the Charles Rosa School of Nursing, and then, they will not even have the decency to comeback and apologise and say they did not know. These malicious things, these misleading things are meant to kerfuffle the minds of the average man out there, appearing to be making a case when really and truly there is no case.

What are we doing here this afternoon? We are admitting – Dr. Singh with the approval of the Cabinet – to the nation that our country is doing better than it was doing before. Just like a family will sit down and say ‘based upon our income we could buy a flat-screen television and we could pay Courts Guyana \$250,000 or \$300,000 or \$3,000 a month’, they are now saying ‘we could do more than buy a flat-screen television because our income is increasing; the possibility of our sustained growth is evident because of the investments we have made; we could now put on a bottom flat and we can rent that out; we could now fence the yard; we could now buy a car and we could pay BM Soat, or Rose Ramdehol or someone, the \$65,000 a month or pay the bank directly; we could still eat, we could still wear, we could still have money for the children to go to the doctor, and we could still go to KFC because we are managing things better’.

I am happy that on the third anniversary of the ‘Irfaan Ali-lead’ administration that we could come to this House and say that we are doing better, we are managing better, let us go for bigger things and let us engage others who have confidence in us. That is what this motion is all about. It is not

about the noise and the jumping up and the *buse*-out and the misinformation and we are having discussion about economics that do not exist and all the rest of it. There is a lot more I can say but we have a lot of business to do this afternoon. I think the point is made: Guyana, the family called Guyana, when we get up from this dinner table tonight, having heard all the arguments, we must be able to say, do not starve ourselves of a bright future. Let us make the right decisions at the right time. In theological language it is called the *kairos* moment, a moment of opportunity that does not present itself again. We are making use of that moment now. That is why we are using the opportunity with the favourable conditions that exist, along with the increase in revenue that is coming in from other sources, not just oil money. Why do you not want to talk about the climate funds that we are getting from the sale of carbon credits? We are making use of the additional streams of revenue, along with what we can be able to access through positive engagement and borrowing, and with prudent financial management, modernise and transform Guyana.

I do not want to take more time, Mr. Speaker. I think the case is made. Let us support this motion and let us make Guyana a better place. Thank you very much. [*Applause*]

Mr. Speaker: Thank you very much, Hon. Minister Edghill. Hon. Members, I have been consulting with the Clerk on the non-factual statements made by the Hon. Member, Ms. Walton-Desir. We have checked the actual words spoken and the non-factual ones will be expunged. I thank you for clarifying. I want to draw attention to the Hon. Member, Bishop Edghill who was almost sanctioned because of some miscalculation. So let us keep our facts correct and let us keep stretching the imagination to outside the halls of this Chamber. Hon. Member, Mr. Mahipaul.

Mr. Mahipaul: Thank you very much, Mr. Speaker. I rise on this side of the honourable House to add to this debate, notwithstanding me believing that my colleagues, Hon. Ms. Juretha Fernandes and the Hon. Member, Ms. Amanza Walton-Desir, clearly articulated the position of the APNU/AFC relative to this motion. Notwithstanding that, I must first of all, before making my substantial contribution, rebut some of the statements that were made by the numerous speakers on the Government's side. I do believe that in the interest of the Guyanese people, some degree of clarity is absolutely needed.

When this debate was opened by the Hon. Member, Dr. Singh, Senior Minister in the Office of the President with Responsibility for Finance, he indicated that the Opposition is saying that

borrowing is bad. I would just like to clear the air and to say that the APNU/AFC has never held to the position that borrowing is bad. What we are simply saying today is – and I refuse to pay attention to the hecklers on the other side – as we have said in 2021, and as we have said on many occasions, borrowing is necessary on the revenue that you have now. We are not saying that you should borrow on the revenue that you are anticipating. We are simply holding to the position that you must borrow on the revenue that we have now. That is what ought to be very, very clear. My friends on the other side have attempted to, on many occasions, draw a comparison with the ordinary Guyanese citizens. In so doing, they made reference to people who may go to the bank and who may seek a loan and all of that.

3.55 p.m.

If someone in this country – and may I say, many people in this country are working for below \$100,000 as their gross salary – goes to the bank and would like to borrow a loan, the bank would not lend them a loan anticipating that they will get a higher earning in years to come. It is done based on what they have available and their ability to repay among a number of other questions that ought to be answered. What we have happening in this honourable House right now is an attempt by the People’s Progressive Party/Civic to basically say to the Guyanese people that we are going to borrow and borrow and borrow because we are expecting a higher revenue income as days or years proceed. That becomes a burden on our children, our grandchildren, and the future generation. What we have to do in this honourable House is to protect our future generation and not to put a burden on them. The young people who are among us here today, must understand that the APNU/AFC has no interest in burdening their future but, rather, to ensure that development happens in a sustainable way so that they could enjoy the fruits as we progress. I would like to ensure that that is very, very clear. My friends on the other side have attempted to twist the argument and cast aspersions, which I do not agree with, and I am sure all my honourable friends on my side also do not agree with. This debate really went to a new low. We are talking about the Government and what they have in their WHEREAS clause here, the first clause:

“WHEREAS the Government has outlined an ambitious programme of development aimed at transforming Guyana and delivering improved quality of life to all Guyanese,...

We heard this in 2021. When we came to this House for the purpose of increasing the debt ceiling, we heard this very argument. We were placed with this very clause in that motion back in 2021. Yet, we are still awaiting to see where the ambitious programme of development is, aimed at transforming Guyana and delivering improved quality of life to all Guyanese. We are still awaiting that. I believe my friends on the other side, that are enjoying the luxury life that they have currently, are so aloof that they do not know directly what is happening on the ground. They seem to not be in communication with the majority of people that are complaining bitterly about the various punishment they are enduring currently in this oil economy. The Government comes to this House, and they talk about an oil economy and how much money we have, but the ordinary people are not feeling it. We are talking about ensuring that we lift the ordinary citizens of this country out of the nightmare that they currently find themselves in. We would like to see measures and moves that are aligned towards making the ordinary citizens of Guyana better in terms of their lives and their livelihoods.

My friend, the Hon. Dr. Vindhya Persaud, spoke about development in every sector and then she went on to say the health sector, infrastructure, but I am still waiting to hear the development in the social services sector. As the Minister of social services, I expected her to focus on her sector but, perhaps, the only improvement in that sector was the letter that was written by her staff members against her. That is the only thing that she has there to speak of. We cannot have people talking about development in the health sector when the reality on the ground in the public health sector is abysmal; it is terrible. At the West Demerara Regional Hospital, where I was a couple of days ago, there is no running water in the taps. It is very shameful. I went to use the lavatory facilities and it is in a deplorably state. There were a number of people sitting on the bench awaiting service, because there was only one doctor at the area and two nurses; and we talk about nurses. This is the Administration, the Regime before us, that closed the nursing school in Linden, and, because of public pressure and because of protesting from the people of Linden, they were forced to reopen it. Do not come here and tell us that you did not close it down. It made headlines in many media houses; you closed it and because of public pressure you had to re-open it. Now, we are talking about importing nurses to Guyana when the argument before, by this very Regime, was that they are not training people in Region 1, 7, 8, 9 and the other regions. Why do you not build nursing schools in the other regions and let us train our own Guyanese people, pay them well, and let them service the people of our country? You provide jobs that way; you do not go and import

nurses. I do not even know who are the nurses that they are going to import and how they will pay them? They are stifling the public servants of this country right now by not even providing to the public servants a liveable wage in the cost-of-living crisis that we have in this country. That is a fact; the public servants are crying out. They are crying for help. They want assistance in the form of a liveable wage. I do not know when the PPP/C, I do not know when this Regime, will just get it right for the people of Guyana, the ordinary citizens, not the 1% that is enjoying the wealth that we have right now – the ordinary people.

Dr. Vindhya Persaud further said that where we have come from and where we are going... Under the APNU/AFC there was a sense of hope for the people of Guyana. The ordinary citizens knew that there was a sense of hope. When it comes to public security, our people felt safer. There is no doubt about that. The police force was doing its job – they were professional, they felt as though they could... without a doubt. You cannot doubt that. Look at what is happening now; look at the crime rate now. The statistics that they will want to give us is not the reality. We have to focus on what is being said in the open space, and how people are complaining, constantly, about not only police harassment, but also the crime and what it is right now. They said, this Government, that they have a crime plan. Every day we are asking Mr. Robeson Benn, the Hon. Minister: where is the crime plan? What action are you going to provide to this House in terms of the crime plan? I do not know if his advisor, the Hon. Harry Gill, is still preparing it. Every day we are still asking, where is the crime plan? I did see Mr. Harry Gill earlier in the House.

The Hon. Indar, my friend from Region 3, said that when people come the first thing they see are roads; when they leave they also see roads and that is why they have to ensure that they build roads. The APNU/AFC is not against the building of roads and the construction of roads. You need that; you need good roads for people to traverse on. But we need proper roads, not roads that you are constructing and six months after it is broken up and you have to go give your friends, families, and favourites contracts again to redo the same roads that were built six months before. When you come to this honourable House and you try to tell people that you are building roads in various areas, you must also tell people the number of roads you are damaging to construct a piece of road somewhere else. Many people are complaining about their streets, their roads being in a deplorable state, because there is no organised approach to how they are utilising the resources to construct

the new pieces of roads. The focus here is to understand that the ordinary people of Guyana are the ones that are suffering at the hands of the People's Progressive Party/Civic.

They talk about development and how well they are doing, yet they cannot explain to us why at the passport office you see such a long line. People want their passports and they want to get out of this country. They want to run from the People's Progressive Party/Civic. Look at what we had the other day. An officer of the Guyana Defence Force was forced to work taxi at night, and he lost his life trying to make a living for his family, because the salary he was receiving was so small that he could not afford to spend the time he had at home. He lost his life trying to make a living. May his soul rest in peace.

When they talk, they say that the APNU/AFC did nothing. They constantly harp at that – the APNU/AFC did nothing. We had a budget that was not funded through oil resource. That is the first point I wish to make. The money/revenue that we are getting now, it is expected to be used to develop the people of Guyana and not the elite, the ordinary citizens of Guyana. We expect the approach to be people centred. Unfortunately, I now hear my friends on the other side using the term people-centred, but I remind them that is a term and a phrase that was coined by the Hon. Leader of the Opposition, Mr. Aubrey Norton, and he has outlined on numerous occasions how he intends to ensure that the people-centred approach is followed through his various press conferences and other areas that he spoke to. He spoke to a people-centred approach on numerous occasions. After that, you hear the Government side coming about a people-centred approach.

Under the APNU, with our focus on the public servant and the ordinary citizens of this country, we built early childhood centres, and the whole background to early childhood centres was so that young children from working parents can have an avenue where they can go and they can learn, they can also be cared for and nurtured so that parents would not have to worry about their children that are three years old, four years old and the likes. [An Hon. Member: *Inaudible*] You cannot say that. You are asking me, where are they?

4.10 p.m.

One of them is located in Region Three at Leonora. I know about that one because my son cut the ribbon to open that school in 2017 or 2018. There is one in Suddie; there is one Dartmouth. The fact that you are asking me, honourable Dr. Vindhya Persaud where are these schools is enough

for you to tender your resignation now from this honourable House because you are in a position where you can travel, off the backs of the taxpayer's money, visit those schools to ensure that they are properly taken care of but you do not know where they are, which is evidence that you are not utilising your office for the benefit of the people of this country. I advise, tender your resignation now.

We have programmes in honey production and other agro-processing where many of the people who benefitted from those programmes are now successful business people in our country. The road that Hon. Mr. Zulfikar spoke about towards Takama, it started under the A Partnership for National Unity/Alliance For Change (APNU/AFC). Do not come here and tell the people that it takes them two hours to get from Georgetown to Takama; it started under us. Many of the programmes, if not all, that were started by the APNU/AFC to benefit the ordinary citizens of this country, the PPP/C continued them. They are not saying that. They are trying to take ownership of them – ownership is what they want of them. I often times say, the Guyanese people of this country are not gullible. The Guyanese people of this country know what they had from 2015 to 2020 and they know that the APNU/AFC were not defeated; we were cheated. They know that they will stand resolute and come 2025, they will re-elect the APNU/AFC to office, so that we can continue from where we left off; continue to give them the 'good life' that was promised to them; and continue to make it even better for them.

I want to turn my attention to the ambitious programme that my Friends spoke to. I want to ask them, what is this ambitious programme that you are talking about? If you intend to increase the death ceilings, both local and external, then you have an intention to borrow for various projects. Our question to you is, what are those projects? That is what we would like to know. I do not know if we are to expect in this country another Skeldon Sugar Factory. They borrowed for the Skeldon Sugar Factory and that is the only sugar in the Caribbean right now that is bitter. I do not know it is a Skeldon... Do Members see how they have gone silent when they hear the Skeldon Sugar Factory? Why are you not heckling me now? Why are you not heckling for the Skeldon Sugar Factory? The Skeldon Sugar Factory is what you built; be proud of the Skeldon Sugar Factory; you built it; but no, you have gone totally silent. Let us talk about the fibre optic cable, which is another mega project that is under your belt. All of you have suddenly gone quiet. Where is the heckling now? The fibre optic cable is under your watch.

Let us talk about the Amaila Hydro Falls project where Fip Motilall flipped over. Do you remember Mr. Fip Motilall? That went public all over the place. Fip Motilall flipped; let us talk about that. Let us talk about the Kato Secondary School that had to be fixed by the APNU/AFC Government. The Kato Secondary School is your mega project also. Let us talk about the Charity Wharf. Do you remember the Charity Wharf that floated away? That is also your legacy. Are those the projects that you are borrowing to rebuild to burden the ordinary people? Let us talk about the dolphin scam. Come on, let us talk about it. Let us talk about the Surendra water pump deal. Those were all moneys that were borrowed. Let us talk about the stone scam; let us talk about the Cheddi Jagan International Airport (CJIA) Project; let us talk the One Laptop Per Family (OLPF); let us talk about the Albion scam; let talk about the milk scam, let us talk about Sue-gates and the Hon. Member, Mr. Bharrat Jagdeo, who makes all the deals and who have all the arrangements in place. Those are where the ordinary taxpaying moneys are going.

Everybody is still wondering where Mr. Sue is. [Hon. Members: Who is Mr. Sue?] Who? Sue? Let us talk about that. Why are you so quiet? You stood at that podium and you talked about nothing we did. Let us talk about what you did and that is your record. That is what you cannot run from. Let us talk about the Guy Oil fuel scam that was in the open. These are the things that you have at the bottom of your record. That is what you have to talk about. That is why we are asking, where is the priority? Where is the priority for the money that you are going to borrow? How will the ordinary people of this country feel with these sorts of moneys that you intend to put as burdens on them? How will they feel it? This regime does not seem to have any interest in addressing the concerns of the ordinary citizens of this country and that is what is scary at this point in time in this country. It is as though they have this 'do not care' attitude and it is as if because they just do not care, they will continue to do what they are doing much to the disadvantage of the ordinary citizens of this country.

I have to also remind the Hon. Attorney General and Minister of Legal Affairs that my Friend Ms. Juretha Fernandes dealt in depth with the Motion and, by way of your side, louring this debate to bring it in what one can consider a fish market, it is only fitting that a response be given before the people of this country who do not understand directly what is it that they are faced with here at this point in time. They are faced with, if nothing else, an increase in the burden that will be put to their children and their grandchildren. That is what the APNU/AFC will not support. I also heard

my Friend the Hon. Member, Mr. Zulfikar Mustapha, talk about the Local Government Elections (LGE) and he said that they have a resounding victory and all of that. They are not telling the people of Guyana the results of the Local Government Elections. I have here the results from 2016, 2018 and 2023. They are not telling the people of Guyana that their own people rejected them at the polls. When the PPP/C look at the number that they had in 2016 and 2018, out of Government at Anna Regina... I am going to give you the stats Cde. Mustapha, calm down. You are going to get the numbers.

When one looks at the figure that the PPP/C had in Opposition, in their very own stronghold, look at Anna Regina for example, that is a strong area for the PPP/C. They are very strong there. In 2016 they were in Opposition and they got 4,310 votes – a stronghold of the PPP/C. In 2018, they declined and they got 3,782. In 2023, with all the taxpayers' money at their disposal, with free transportation travelling at the expense of the people, using the REO in Region 2 to cover expenses for campaigning, plastering this entire country with their red...[*Interjection*]

Mr. Speaker: Honourable Member, you just mentioned the words 'using' but imputing abusing the REO of Region 2 and you have to withdraw that because he is not here.

Mr. Mahipaul: Thank you, Sir. I withdraw and it is a female by the way. They were plastering this country with their red, black and gold colours and they still got a decline in their own stronghold to 3,657. They come here to tell us that people voted for them. The people in your own area have shown you that they are fed up of the way you are handling this country. The people in your own area have signalled that they have no confidence in your *modus operandi* and they have stayed away from voting for you. When you look at Region 3: in villages such as Canals Polder, Greenwich Park/Vergenoegen, Hydronie, Good Hope, Mora Parika, Stewartville, Cornelia Ida are predominant PPP/C areas. These are areas that suffered under the People's Progressive Party/Civic in the past. Now, they have a comparison between the APNU/AFC and the PPP/C and, by virtue of the PPP/C losing a lot of votes in these respective areas, it is enough to say that they have recognised that the APNU/AFC is the Government that they will put back into Office in 2025. You talked about what we have done for areas, I could turn to places like Wakenaam and Leguan Islands who voted predominantly PPP/C. They only know of what asphaltic concrete roads under the APNU/AFC is.

We talk about improving health facilities and all of this. the people of Guyana, the ordinary citizens, they know what it is they had in 2015 to 2020. I have no doubt that they will return the Coalition to Government. The Government's side will be sitting on this side. We will assume our rightful place over there and, Sir, you will not be the Speaker of the National Assembly. I have here the PPP/C's Manifesto. We were searching all over for it. After three years, they are jumping all over saying how they have done X,Y and Z. When you look at Local Government – leave out the fact that Local Government has a special record under the Peoples' Progressive Party/Civic – I must say that I will be zoning in on the only Minister who is there right now – Mr. Anand Persaud in days to come because there are many complaints that are still reaching me. The Manifesto states:

“Among measures to be pursued are:

- Substantially increase the subvention to Neighbourhood Democratic Councils (NDCs) and towns.”

The APNU/AFC increased the subvention of NDCs and towns from \$2 million to \$5 million. After three years of the People's Progressive Party/Civic with all the oil money, what is it that the NDCs and towns got? They said in their Manifesto that they will “substantially increase the subventions to NDCs and towns”. It further states:

- “● Strengthen Local Government Bodies to manage resources and to take on greater maintenance responsibilities for infrastructure in their areas.”

4.25 p.m.

How many times have we not seen the People's Progressive Party/Civic, Central Government go into these Local Authority Areas (LAAs), bypass them, and do what it has to do. How many times was it? As the Hon. Member, Mr. Persaud, departs, I must say that there are many other promises that they made. We saw on social media, the Hon. Member, Mr. Indar, starring in a Local Government Area. It states:

- “● strengthening of local government bodies in budget planning, preparation, financial management and accountability.”

What programme have they done? What programme has the Ministry of Local Government and Regional Development done in the three years to enhance local governance? The APNU/AFC had the National Conference on Local Democratic Organs (NCLDO) and empowered the Neighbourhood Democratic Councils (NDCs) and municipalities. We even provided better resources for them. We increased the salaries of the Overseers, Chairs, Vice Chairs and Councillors. You come here and tell us that you have a robust and ambitious plan, but you do not detail and tell us what it is. That is what we are having difficulty with – understanding on this side of the House. The Manifesto states:

“● Ensure that there is no discrimination on the basis of race...”

They ensured that there is no....

Mr. Speaker: Hon. Member, I think it is time that we tied this back to the Motion before us.

Mr. Mahipaul: Sir, may I remind you that the Motion states that the Government has outlined an ambitious programme. They are boasting that the programme is this Manifesto. From this Manifesto, I am trying to pull out the ambitious programme. I want to know if...

Mr. Speaker: If you were listening, I asked you to tie it back into borrowing.

Mr. Mahipaul: I guess they will have to borrow to ensure that there is no discrimination on the basis of race. I guess that is what they have to borrow. We remember the cash grant distribution. We remember that people in communities perceived to be aligned with the APNU/AFC had to show their houses. They had to show their toilet facilities. They had to show their kitchens. They had to show that indeed they cooked there. I have said in this House, I will say it again – there were areas in this country such as Wakenaam where the officers went, sat under a mango tree, called the people and said, ‘come for your \$25,000’. There are many people from households in Wakenaam whom I interacted with multiple times. They said to me that they got more than the \$25,000 per household because all they had to do was run under a mango tree and collect it. We talked about the agriculture cash grant and help. Again, that was done in a manner that could only be considered one for which the criterion was that one had to be of a particular race. That is why I want to know if this Government intends to borrow funds and use them to ensure that there is no discrimination on the basis of race. They have here in their ambitious plan:

“● Ensure that the procurement laws are rigidly upheld.”

We are talking about the awarding of contracts and how it is done. There are some fly-by-night contractors who suddenly came on the scene. There are people who are established contractors in this country who are complaining....

Mr. Speaker: Hon. Member, I have not stood rigidly to the Standing Orders. You have actually gone five minutes over your time. You will need an extension.

Mr. Ramjattan: Could I ask that he be granted a further five minutes to conclude?

Motion put and agreed to.

Mr. Speaker: Hon. Member, you have five minutes to conclude.

Mr. Mahipaul: Thank you very much, Cde. Speaker. I thought because there was no agreement from the Chief Whips on an extension that I would have gotten some more. I got five plus this five, so I appreciate that.

Mr. Speaker: Please, for your side, there are no special timing arrangements with the Chief Whips.

Mr. Mahipaul: No. Sir, I accept that. I said I got the five plus the five, so I appreciate that.

Mr. Speaker: Yes, but you seem to know the Standing Orders and the rules more than anyone else. Use your time and stick to your speech.

Mr. Mahipaul: Cde. Speaker, as I take my five minutes to wrap up, I want to also say that in 2021, the Hon. Member. Dr. Singh, in his presentation made reference as to why there is a need for borrowing. He specifically spoke about the Guyana Power and Light Incorporated (GPL). The Hon. Member said that the GPL was indebted by \$12 billion and the debt was simply accumulated. The state simply refused to pay GPL Inc. This severely damaged the company's financial position, while at the same time avoiding an accurate reflection of the fiscal deficit and the incurrence of an additional \$12 billion of debt. Right now, Sir.... I should not say the words 'right now' because my figure is reflective of the 2022 debt. The state owes the GPL Inc. \$9 billion back in 2022. I am sure, by now, it is higher than that figure. I am asking if this Regime can present to the people of

Guyana and this House, the ambitious programme of development. Stop using these big words to confuse our citizens and be direct with them so they will know where the money will be spent and understand. The Government cannot do that because it simply does not have a programme. It does not have a plan. It does not have the ordinary citizen's interest at heart.

On that basis, the APNU/AFC, as I said earlier, wants to know this plan. We want to understand this plan. We want you to tell us what this plan is. They have failed to do so. They will continue to fail to do so because there is simply no plan. I have no difference in believing that come the next General and Regional Elections, the people of Guyana will resoundingly vote the People's Progressive Party/Civic out of Office and vote the APNU/AFC into Government. I thank you, Sir.
[Applause]

Mr. Speaker: Thank you very much, Hon. Member. Now, it is time for the Hon. Member, Prime Minister, Brigadier (Ret'd) Phillips.

Prime Minister [Brigadier (Ret'd) Phillips]: Thank you, Mr. Speaker. I rise to support the motion moved by my Colleague, the *Confirmation of the External Loans (Increasing of Limit) Order 2023 – No. 48 of 2023* and the *Public Loan (Increasing of Limit) Order 2023 – No.49 of 2023*. As I seek to develop my points to support my Colleague – as I mentioned before – I must remind the House of a little contemporary history. In 2016, we had Local Government Elections and the PPP/C won. That election was after the APNU/AFC won the General and Regional Elections in 2015. One year after, they won the General and Regional Elections in 2015 and the PPP/C won the Local Government Elections.

In 2018, we had Local Government Elections. Again, the PPP/C won with a higher margin than in 2016. [Mr. McCoy: It was in Opposition.] It was in Opposition. The writing was on the wall. It was just natural that the writing was on the wall and we did the right thing for the people of Guyana. We went to the House with a no-confidence motion. Who won it? It was the PPP/C again won the no-confidence motion. Strike one was in 2016. Strike two was in 2018. Strike three was in 2018, again. That triggered General and Regional Elections that should have been held in this country within 90 days. [An Hon. Member (Opposition): You are not speaking to the Motion.] I am speaking to the Motion. I am speaking to the motion. I am speaking to the motion.

We had a Coalition that did little or nothing for the people in its first three years in Office. It felt that with the passage of that no-confidence motion, it should hold on to power by all means necessary. This is a famous term from a revolutionary from many years ago. They failed to deliver to the people of Guyana and they were holding on to power. They held on and every diplomat in this country met with the leadership of that Coalition and asked... [Ms. Lawrence: You were in that Government.] I was happily retired at the time. I was happily retired. I am coming to you. them to call the General and regional Elections. They held on to power illegally. The Leader went to Vreed-en-Hoop to open his Party's office and he said that he was elected for five years and intended to be in Government for those years. He was oblivious to the fact that he had lost a no-confidence motion. He had lost the trust of the people of Guyana. [Ms. Teixeira: He violated the Constitution.] He violated the *Constitution of the Co-operative Republic of Guyana*.

This is a democracy. Whoever in power tries to twist and turn it away from a democratic rule, it will still remain a democracy. Mr. Speaker, do you know what happened? With all their imaginations and shenanigans, they were forced, kicking and stomping to the polls on 2nd March, 2020. What did the people do? The people voted. The people voted resoundingly for the PPP/C to form the Government of this country. What the people did was tell you that you failed the people of Guyana. By the first year in Office, the people were sending a signal to you that you failed them. How can you come now and tell us that you are going to win the next election?

4.40 p.m.

After victory number one, victory number two, victory number three, victory number four and victory number five in a row. [Mr. Mahipaul: Do you know what you said?] I submit 2525. I am giving you two years, 2025 and 2525. The year 2025 would be *licks like peas* again for you. By 2525, we would hand it over to you, if man is still alive. Remember, the year 2525 because that is when you are going to take Office. We have formed a government and for three years, the people of Guyana have experienced transformation. [Ms. Ferguson: What did you do for Linden?] Accelerated development. I went to Linden to Stewart Path where I lived first and it is asphalted. The Waterlily Road where I lived at another time is asphalted. The First Alley, Second Alley and Third Alley are asphalted for the first time under the PPP/C Government. Do you know what? In our Manifesto – and they keep showing the Manifesto – we promised to the

people that, once we were victorious in 2020, development would come for all the people, regardless of whether they voted for us.

We have unleashed – and I am using harsh military terms here – a programme of development that has taken Guyana by storm. Unfortunately, the entire Opposition cannot keep abreast with what is happening around them. As on may know, those who have eyes to see will see and those who have ears to hear will hear. The people are seeing, the people are hearing and the people have started to ignore you. If you go to the polls now, you will score far less than you have ever scored in any election in Guyana. I submit to you. You called out the results at the last Local Government Elections. We have won 82.5% of the NDCs and in any exam that is an ‘A’. That is an ‘A’. Georgetown that all of you boasted about, how many did we move from five? It is 11 seats. What happened in Mahdia? They changed hands – change hands. There was a regime change in Mahdia. What happened in New Amsterdam from three to six? Even in Linden we made inroads and Bartica again changed hands. Yet, you are trying to hold victory parties. What are you celebrating?

Mr. Speaker, there are two sides to economics – microeconomics and macroeconomics – and if you cannot get the micro side right, it would be difficult for you to conceptualise the macro side of economics. Even in your home, if you are earning X amount of money, you qualify for a loan of Y amount of money. If your earnings increase from X to 3X... It is simple mathematics. I am trying to be very simple here for you to understand because I know you have a problem with mathematics. ... and you are able to only borrow a loan at Y, it means you can now borrow at three times Y, which is 3Y. It simply means that if you earn more money, you can borrow more money. This is contrary to what you did in your first 28 years in Office – you borrowed when you should not have been borrowing. You have heard the figures from my Colleague, the Minister. You borrowed and you took us into a debt trap. The most indebted country in Latin America and the Caribbean. The only country we stood by in terms of all the economic figures was Haiti. That is what you did and *prack* knows that.

In 1992, the people spoke. You know it is said that the voice of the people is the voice of God. The people spoke in 1992 and we had a return to democracy with the PPP/C in Government. From 1992 to 2015, ... [Mr. Mahipaul: What rank were you holding then?] Captain. [Mr. Mahipaul: Captain?] Yes. ...we had a series of financial decisions made by a freely elected Government that returned Guyana to credit worthiness – credit worthiness. Guyana became credit

worthy under the PPP/C. Yes, we lost the election in 2015 and you were there for five years but you messed up and you had money. You had money because you spent \$1.5 trillion from your tax and spend policy. The people of Guyana have little or nothing to show for it. You yourselves stood here and punished to find projects that you completed. God forbid, I want to rush here. In the final year, you tried to do some projects. I remember in Lethem you built the roads and when we campaigned and said that you built roads but you did not put lights, you tried to put lights in the last two weeks before the elections. Those are the types of projects that you were interested in, that is, living off the fat of the people and transferring little or nothing to them. We are the people-centred Government.

God forbid, the Coronavirus disease (COVID-19) pandemic reached Guyana and an infectious disease hospital was built by a former Minister of Health, who happens to be sitting in the House now as an Hon. Member on the other side. A hotel was renovated and converted into an infectious disease hospital. You had a ribbon cutting and you had a sign but nothing was inside. You stopped the media from going in on a conducted tour. Tell me if I am lying. **[Mr. Mahipaul: (Inaudible)]** Hon. Member, you prevented the media from going on a conducted tour because it was a sign and not a hospital. We made it a hospital and we arrested the fatalities from COVID-19 in this country. We did that. There were moneys borrowed for doing that too. **[Ms. Lawrence: Twenty-one deaths and we all (inaudible).]** No, no, no.

The Linden/Soesdyke Highway – The people of Linden asked the then APNU/AFC Government to repair that highway. That highway is now being repaired from the money that we are borrowing. Linden, Region 10, that you claim to be your stronghold, you squatted in Government for five years and you did nothing for the people there. The highway or the main artery of Linden and the lifeline of Linden, you did not address them. We are addressing it with a loan that is mentioned here. **[Ms. Lawrence: (Inaudible)]** You had a dream to build something. It is now being implemented.

The Bridge – Your Minister went to Linden and promised the people that they would do the bridge across the Demerara River in Linden. You did nothing. We are doing the bridge now with a loan. It is the same loans that you do not want us to take – no borrowing – but we are borrowing money to build the bridge, to build the highway and... **[An Hon. Member: (Inaudible)]** I am coming to that. Those are two people-centred projects in Linden for the people of Linden by the PPP/C

Government. [Mr. Mahipaul: Only two?] I am only mentioning two. I do not have to mention more.

The Call Centre – You failed the people at the call centre. You closed it down. We had a call centre before we handed it over to you after you won the election. You failed the people. We got back into Office and reopened the call centre, employing over 150 young people from Linden. Is that not people-centred decision making and project implementation from sensible borrowing?

Gas-to-energy –The biggest project in Guyana. This is a project that would once and for all bring stable electricity and adequate electricity for all the people on the Demerara/Berbice interconnected system, and the transmission and distribution system with the substations to evacuate the power in a safe manner for all the people, households and commercial enterprises to utilise and to grow in the Demerara/Berbice connected system. This is money from borrowing.

In today's newspaper it states that the Inter-American Development Bank (IDB) is loaning us \$100 million to do the East Bank Road and just today in the newspaper too is a comment reportedly from your leader who is not here today that if you win the elections you would invest in *rucatus*.

[Mr. Mahipaul: Your leader is not here.] *Rucatus* is what you want to invest in. We have a department of Culture that is already addressing *rucatus* which is the extent of your decision making and your vision for Guyana– *rucatus*. We will ensure that the department of Commerce takes the place of that. We do not have to borrow for that.

4.55 p.m.

When we assumed office, we had the \$17.1 billion Hinterland, Poor and Remote Communities Project. [An. Hon. Member: *Inaudible*] You should have done it; you should have connected 200 hinterland, poor, and remote communities to the internet, with laptops, with solar panels. You were in office, and that project was there. The money was available for three years, and you did nothing. To date, we have already constructed 100 hubs and are about to connect those hubs. We are working towards 100 more this year. The first set of solar household systems, 30,000, is in the country and is being distributed to the hinterland communities in an effort to bridge the energy divide. This is expenditure from borrowing.

Today, the ferry was scheduled to sail from Georgetown... [Mr. Ramson: Next Thursday.] Next Thursday, from Georgetown to Mabaruma for the first time, US\$12.5 million. These are projects that are people centred. These are projects which the people came to you for and you did nothing. When we talk about raising the money that we want to borrow, and that it is bad economics, remember the people. Everything that we do on this side, every loan, is for improving the lives and livelihood of all the people of Guyana.

Mr. Speaker, you heard about housing today. Where else in the Caribbean, or perhaps the world, can a young professional who just embarked on his first career have a low-income home or a young professional home? Only in Guyana, compliments of the People's Progressive Party/ Civic (PPP/C).

Regarding scholarships, we are training some 1,100 nurses because we recognise that if we are building six hospitals, we have to train some 5,300 nurses in the shortest possible time. We are enrolling 1,100 nurses to train now. These are projects that it should have been doing. We enrolled over 1200 teachers to be trained. Yet, it comes to this House and ask, "Where is the vision? Why are we borrowing?"

This is the first time that we are spending so much money to develop sports to develop our youths in Guyana. It is not a D'Urban Park model. We are building stadiums throughout the length and breadth of Guyana. We are going into communities, and we are repairing grounds that were overgrown and unattended to, especially some of the Neighbourhood Democratic Councils (NDCs) that it claims to be in control of. We have a holistic plan that we are delivering to the people of Guyana. We are a people-centred Government. I ask the Members of the Opposition to endorse the motion. Thank you. [Applause]

Mr. Speaker: Thank you very much, Hon. Prime Minister. Now, to conclude the contributions on this motion, the Hon. Senior Minister in the Office of the President with responsibility for Finance, Dr. Ashni Kumar Singh.

Dr. Singh (replying): Mr. Speaker, I rise to conclude the debate on this motion proposing an increase in the ceiling applicable to external and domestic debt that may be contracted by the state of Guyana. As I did so, I heard Hon. Member Mr. Ramjattan on the opposite side referring to Dr. Jagan's well-known and extensive statements on the question of debt, debt burdens, and debt

sustainability. Mr. Ramjattan, I believe, time and time again, tries to present himself as one of the last *Jaganites*, true and genuine *Jaganites*. It occurred to me that just a few minutes ago, I saw him applauding gleefully as the virtues of the People's National Congress (PNC) management of the economy were being extolled by those on that side of the House. It occurred further to me that... I believe "dishonest" is an unparliamentary term, so it might be inappropriate for me to use the term "intellectual dishonesty." But I am sure there are sufficient synonyms for the said term that would meet the test of parliamentary acceptability. I have the privilege, today, of speaking immediately after the Hon. Prime Minister. In the Prime Minister's presentation, he reminded us of a sequence of events, particularly electoral events. These were the events starting from 2015 when the A Partnership for National Unity/ Alliance For Change (APNU/AFC) assumed office, the 2016 Local Government Elections (LGE), which it lost, the 2018 Local Government Elections that it lost, the 2018 No Confidence Motion, which it lost, the 2020 elections, which it ultimately lost, and now the 2023 Local Government Elections, which, contrary to its accustomed imaginary reality, it lost resoundingly too. Indeed, it received a veritable trashing.

Quite understandably, one might ask oneself, how can a party, having spent 23 years in Opposition, having had the luxury of almost two and a half decades to reflect on where it had gone wrong previously and what it needed to fix, having had the luxury of two and a half decades to formulate a plan and an agenda to come back into government and to restore its credibility as a political entity in Guyana, having, finally in 2015, gotten an opportunity to return to government, could have lost face with the people of Guyana so quickly? Within one year of assuming office, the people of Guyana rejected it. Within three years of assuming office, it was unable to garner even the support of its own 33 Members of Parliament (MP). In this House, it was unable to hold on to its majority. One might ask why? I believe that we were reminded today as to why the people of Guyana so swiftly judged the APNU/AFC to be woefully unfit to be in government. We were reminded today by several things that were said that point, irrefutably, about a few cardinal conclusions about the APNU/AFC.

First of all, the Opposition is a stranger to the truth, to use the term that the Hon. Attorney General and Hon. Ms. Teixeira so generously loaned me just now. It is a stranger to the truth, or it lives in some parallel universe. We had Hon. Member Mr. Mahipaul just now speaking about, for example, the local government elections, which it lost so dreadfully but is still coming here to claim as an

APNU/AFC victory when the results are so clear for all to see. We had repeated references to the closing of the nursing school in Linden when it is a well-known fact that the school is currently open, and there are currently real trainee nurses training in that school as we speak. It will still repeat over and over again that the nursing school is closed, knowing fully well that it is untrue.

It will come, as Hon. Member Juretha Fernandes did today, selectively quoting from the Bank of Guyana Report, quoting some sections... These speeches are really instructive to watch and to watch back. To begin with, the Hon. Member started her speech by, perhaps I will come back to that in a minute, quoting extensively from the Bank of Guyana report. All of the speech was read, but I could not have told which part was the Bank of Guyana Report and which part was her own words because it was pretty much all read. Quoting for the greater part of the speech from the Bank of Guyana Report, in some instances where the report spoke about debt and about deficit, quoting these sections triumphantly as though they were new information and some remarkable revelation. Quoting and holding the points made about deficit and debt *et cetera* as gospel.

5.10 p.m.

Then, when the points made in the Bank of Guyana Report did not suit her convenience, for example, the section on ‘Inflation and External Developments’, she dismissed those sections as laughable. I think the word she used was “laughable”. I made a note of it. The Hon. Juretha Fernandes said “laughable” if I recall correctly. Sir, one cannot selectively “cherry pick” some sections of the Report because conveniently, one believed that it tells one’s story and cited it as the Gospel and held it up as an unshakeable and infallible truth. Then, other sections which did not suit one’s purpose because they did not tell the story were dismissed as laughable. It does not operate like that.

Furthermore, Sir, this general theme – the theme of being removed from reality and from the truth – was reflected in every presentation from that side of the House. The Hon. Member, Mr. Mahipaul, confused Early Childhood Development Centres with Nursery Schools, and the Hon. Member, Ms. Walton-Desir regaled this House with a series of factually inaccurate statements. To begin with, starting from the point that I said in this House that the “entire non-oil sector had contracted.” The only year that I said the “non-oil sector had contracted” was in the *Budget 2021* when I was reporting on the Economic Performance in 2020, for which ‘it’ was fully

responsive because of what it did politically in Guyana for nine months of 2020. That was the only time I reported an overall contraction of the non-oil economy.

Secondly, quoting from negative growth selectively “cherry-picking” a few numbers on the negative growth rate for certain sectors from a Mid-Year Report for 2022, I have the Report here, selectively quoting negative growth numbers for a Mid-Year Report, ignoring the fact that at the end of the year in the budget speech that came for the subsequent year, we reported whole year numbers and those whole year numbers had, in fact, recorded significant reversals where negative growth had occurred in the first, had recorded positive growth in several of those sectors. The Hon. Member, Mr. Mustapha did a usual excellent job at debunking some of those falsehoods that were uttered. I would not work through every single factual inaccuracy. They are far too many for me to be able to ... I made copious notes. It would be impossible for me to go through every falsehood that was uttered by our Colleagues on that side of the House, knowing that the people of Guyana know better. That is the first point I want to make.

The second point that I want to make is, its distortion of several issues. To give you one, this question of reporting of the overdraft. It is an indisputable fact that the A Partnership for National Unity/Alliance For Change (APNU/AFC) incurred an overdraft and did not report that overdraft in its debt statistics. In other words, it hid it. Every year, there is an Appendix 6 at the back of the Budget Speech. That Appendix 6 is titled “Actual and Projected Total Public Debt.” We have now expanded it to be “Total Public and Publicly Guaranteed Debt,” but it is essentially the same thing. It now includes “Publicly Guaranteed Debt.” This Appendix has been a fixture in the printed Budget Speech since time immemorial. It is an unchallengeable fact that the APNU/AFC had an overdraft year after year and were incurring and growing that overdraft.

Appendix 6 to the Budget Speech, which is the Report produced by the Minister with Responsibility of Finance and submitted to this honourable House and the public, accounting for economic stewardship over the preceding year. It is a matter of unchallengeable historical fact that up to 2019 Appendix 6 to the Budget Speech which should include all public debt, did not include the overdraft that was being accumulated at the Central Bank. That is an unchallengeable and indisputable fact. In other words, in order to avoid breaching the debt ceiling, to avoid the transparency one is required to come to the National Assembly to account for its fiscal stewardship. In order to conceal the fullness of the fiscal operations of Government, an illegal overdraft was

being incurred and was being hidden from the people of Guyana because it was not being reported in the debt statistics. That is an unchallengeable fact. I refer this House to Appendix 6 of successive budget speeches until 2019, the last Budget Speech presented by the APNU/AFC. We corrected it subsequent to assuming Office. Not only Sir, but Ms. Fernandes also made much ado about these debentures ...

We brought the overdraft onto the books, reported the overdraft as debt, and made and corrected the illegality by issuing debt instruments –the debentures. Now, we record those as public debt by bringing it on the books and reporting it transparently to the people of Guyana and to the world at large. No amount of contortion and distortion alters that reality, and that was a reoccurring problem in every issue. You have this dilemma, first of all, with the reality that the people of Guyana, if you are wondering why the people of Guyana rejected the APNU/AFC so swiftly, it is because from the moment it assumed Office in 2015, it was found to be a government whose word cannot be believed, just as everything it said today cannot be believed. Do you remember it had a series of 100-day promises, including doubling of Old Age Pensions? It had promised, I believe, to be done in 100 days. It spent five years and still had not doubled the Old Age Pension. A promise it had made for the first 100 days. If you were to go through every promise it made in 2015 to be implemented in 100 days, almost none of them, if any of them at all, ended up being delivered, not only in the first 100 days but in the five years that it stayed in Office. That is the first issue.

The second issue is the almost unbelievable incompetence and incapacity for logic that was displayed and continues to be displayed. One of the reasons that it was put out of Office very swiftly by the people of Guyana. One of the reasons it had been rejected so frequently by the people of Guyana is because the people of Guyana saw how incompetent it was.

I want to give a few examples, not from 2015 to 2020, there are many of those, from today. Sir, we heard a few pearls of profound wisdom from the APNU/AFC. I will cite one of those pearls. It was said and then repeated, not by only one Member. The Hon. Member, Ms. Fernandes said, “what is even more sad is that the PPP, and she said it like she was delivering a profound pearl of wisdom, is borrowing against future oil revenue”. **[Mr. Ramson:** Echoed by Mr. Mahipaul]. Echoed by Mr. Mahipaul. I made a note when he said it. He articulated with a tone of great profundity. He pronounced with a tone of great profundity. I do not know if I will try calling it a

pearl of wisdom. He pronounced with great profundity in his voice “borrowing must be done on the revenue you have now, not on the revenue you are projecting”.

Right now, they are probably about 5,000 or 10,000 Guyanese families who have pending mortgage applications. Each one of those families have filled out a form, they have gone into a bank and spoken with a Credit Officer. They would have said “this is my pay slip or this is my income statement or this is what I am earning now. This is what I project to earn in the future, not assuming I will get a promotion or a salary increase but I have a job contract for three years or I have a permanent letter of appointment which means that I have for the foreseeable future, I enjoy an employment status or in any event that I am employable, I will earn income in the future, I am projecting that I will receive income in the future, as a result of which Mr./Miss/Mrs. Credit Officer in the bank, I am kindly asking you to grant me a loan to purchase a home”.

There are thousands of young Guyanese and not so young Guyanese who right now, are awaiting approval of their loans, on the basis of income that they are projecting to earn, not on the basis of income that they have now. The Credit Officer will look at them and say “okay, you are 35 or 36 years old, you have another 30 years of working life ahead of you, you have secured employment, you have bright employment prospects, your loan is approved, your loan will be disbursed, you may collect your money and you may build your house”. This is not rocket science. To come here and to say as though this is a grave calumny that is being committed, to say here that you are borrowing on the basis of future revenue, is nothing short of a comical display of woeful financial illiteracy and gross incompetence and helps to explain why it only took the Guyanese people 12 months of the APNU/AFC to decide that these people are unfit to be in government.

Mr. Mahipaul went on to say, that the bank would not lend... [An Hon. Member (Opposition): The Hon. Member.] The Hon. Member, Mr. Mahipaul no less, went on to speak about the bank not lending you, if you do not have the capacity to borrow ... He was saying if you go and you try to borrow on the basis of projected revenue, the bank will reject you. Today, we have multilateral, bilateral and private lenders from around the world who are not naive incompetent people. They are some of the most sophisticated people in the world. We are ourselves, as Guyanese a sophisticated people too.

5.25 p.m.

The multilateral, bilateral and private potential lenders to Guyana are by no stretch of the imagination. I would never dare to suggest that they are naive or incompetent people; or that they are offering to lend Guyana as an act of benevolence. We have the capacity to borrow today, because all of these lending agencies and potential providers of finance have rigorously assessed Guyana's current economic situation and potential in the future and has concluded that Guyana is a credible borrower and has the capacity to repay loans in the future. I understand that is an alien concept for the APNU/AFC because that was not the situation in which it created, the last time it was in office for any significant lengths of time. I understand why this is a concept that it is struggling to grasp. None of these people are prepared to lend Guyana as an act of charity. Having assessed Guyana's economic potential, in a rigorous manner, Guyana is the place to do business, more than it has been at any other time in our country's economic history. Let us be crystal clear about that.

Mr. Mahipaul... [**Mr. Mahipaul:** Hon. Member.] The Hon. Member, Mr. Mahipaul also introduced a few moments of levity and mirth in his presentation. [**Mr. Mahipaul:** *Inaudible.*] Mirth. [**Mr. Mahipaul:** Spell it.] Mr. Speaker, I will not dignify Mr. Mahipaul's heckle with a response. We on this side of the House are not nearly as challenged as those on that side of the House. He said to us that the concept of people-centred development was coined by Mr. Aubrey Norton, the Hon. Leader of the Opposition. Mr. Mahipaul, may I introduce you to www.google.com, if nothing else, in the event that you are unfamiliar with the literature on people-centred development. This is literature that dates back several decades in the event that you are unfamiliar with the decade-old literature on people-centred development. I introduced Mr. Mahipaul to www.google.com, and I would be happy to spell that for you if you need me to. Type in the words people-centred development and see if the words people-centred development or the concept people-centred development were invented... thankfully it did not because it might have jumped—a simple *Google* search.

Mr. Mahipaul did not stop there. He said under the APNU; there was a sense of hope. People do not vote you out of office when they are filled with hope. They do not reject you once, twice, thrice, and more when they are filled with hope. These are only examples. I wish that time would permit me to address every sentence uttered by my Colleagues on that side of the House. I am regaled... I have a bombardment of facts before me.

Reference was made to the Local Government Elections. Mr. Mahipaul, now that he is back, he was not here when I made the point earlier, [Mr. Mahipaul: Hon. Member.] He does crave this honourable label desperately. Does he not? The Hon. Member Mr. Mahipaul, I could understand why outside of this House being regarded as honourable is a challenge for you. You particularly relish being called honourable within the precincts of this House. A privilege that I would not deny you, Sir. The Hon. Member, Mr. Mahipaul, spoke of how well it did at the Local Government Elections, and I addressed that matter earlier on, but now that he is back, I want to share this gem with him. [Mr. Ramson: No. A pearl of wisdom.] No. Mine would be a gem, not a pearl and definitely not a pearl of wisdom.

In Corriverton, the People's Progressive Party/ Civic fielded a slate of candidates, as did the APNU/AFC. Tragically, mere days, if not weeks, I believe it was weeks before the 12th June, one of our Constituency candidates tragically passed away. Might I, Sir, commiserate once again with this family on his tragic passing? He was a long-standing member, supporter, and loyal Comrade of the PPP/C, Cde. Wazir. He passed away. Of course, his name remained on the list. He was well known in Corriverton and throughout Berbice. Every single voter in Corriverton knew that Cde. Wazir had passed away. We went nevertheless to the polls with his name on the ballot paper. [Mr. Nandlall: They had an opposing candidate.] There was an opposing candidate. Who was, as far as we could tell was, still alive and breathing. The PPP/C's then deceased candidate within his Constituency garnered 342 votes. It was a small Constituency.

Let me repeat that for emphasis. The People's Progressive Party/Civic now deceased candidate garnered 342 votes. The APNU/AFC in the whole of Corriverton garnered 508 votes. In other words, a dead man nearly beat the whole of the APNU/AFC in Corriverton. I will tell you that the list goes on. It has the audacity to speak about accountability. In the space of three years. [Mr. Nandlall: *Inaudible* treasurer.] Yes. It was the blank cheque man. Mr. Blank Cheque, who apparently is still very much alive and well, was whipped by a dead man. I had forgotten that. The reality is that the APNU/AFC displayed to Guyana throughout 2015-2020 its alienation from fact and truth and its woeful and pathetic incompetence. Of all the things that contributed to its loss in the elections, bad and atrocious economic policy was a major factor.

Let me give you an example. It likes to talk about the value-added-tax (VAT) and also spoke about it here just now. I want to illustrate the ineptitude of the APNU/AFC. It talks about the VAT and

boasts that it came into office and reduced it from 16% to 14%. It may have reduced the rate from 16 to 14, but it took a long list of items that had been zero-rated and brought them onto the vatable list of items: electricity, water, medical supplies, educational supplies, and the list goes on; data, heavy equipment, heavy equipment for agriculture, heavy equipment for mining and [Mr. **Ramson:** Construction materials.] construction materials. What, in fact, it did was it reduced on some items from 16%-14%, but on a long list of items, they moved it from zero to 14%, they increased it from zero to 14%, and it walks around, and claim that it reduced VAT. Increasing the VAT rate from zero to 14% is not a reduction because zero is not greater than 14%, even though it may think 32 is greater than 33. Zero is not greater than 14%. One cannot increase from zero to 14% and then want to turn around and claim that one reduced VAT. The reality is that it did not reduce VAT. We came into office and had to remove VAT immediately from that entire list of items. I am struggling to believe that anybody with any modicum of common sense could have difficulty understanding this. I wonder whether it is an issue of common sense and competence or just an intent to misrepresent the people of Guyana.

It spoke about the salary increases that it gave to public servants. First of all, the overwhelming majority of public servants received a salary increase that could barely cover inflation if it could. However, what it is not saying is the multiple benefits that it took away from the very public servants. It may have given them a little salary increase, but you take away... It was a little salary increase and I have addressed this matter previously. It took away salary in lieu of leave from them, notwithstanding that the... Was it the Hon. Tabitha Sarabo-Halley that paid herself? It took away salary in lieu of leave from them, notwithstanding that the... was it the Hon. Tabitha Sarabo-Halley that paid herself? [Mr. **Nandlall:** Yes.] She was paying herself salary in lieu of leave when she was taking it away from public servants. It took away salary in lieu of leave from the public servants, it took away the year end bonus from the Disciplined Services, it took away the grant, it took away... [An Hon. (Government): *Inaudible*] I am not going to tell that story. The distinguished Prime Minister, they like to speak... Mr. Mahipaul, whose claimed to fame outside of the PNC is confined to his activities at the University of Guyana Student Society (UGSS) has the audacity to come here and speak of a highly decorated Military General like Mark Phillips and addressing him flippantly as 'Mark'. A non-achiever and non-entity wanting to come and address a highly decorated military general like the Brigadier (Ret'd) Mr. Mark Phillips as 'Mark'.

5.40 p.m.

Mr. Speaker: Hon. Minister, I was about to ask you to withdraw that.

Dr. Singh: Happily, withdrawn, Sir. Is non-achiever less offensive? Mr. Speaker, we were regaled today, Sir, with a timely reminder, as we listened to speaker after speaker on the opposite side of the House regaled this nation with distorted facts, untruths, argumentation that was clearly alien to any logical interpretation and an abundant replication of the incompetence that they displayed while in Office, the unavoidable conclusion, Sir, is that the people of Guyana rejected them from the time they assumed Office for these very reasons. That they cannot be believed, and they have absolutely no competence, they do not understand simple issues, or they are intent on misrepresenting simple issues.

Sir, the Hon. Attorney General and I were sitting together at the lunch break. I must give him credit for this articulation that I am going to share with this honourable House. I could not possibly do it either with his aplomb or his eloquence, but he is not speaking on this item today. He said, Sir, that this is really a simple issue. You were born and you grew up in a small modest house. Walking to school or riding your bicycle to school. You grow up, you complete school, you start to earn an income. You have the capacity to borrow. You can borrow. You can buy a motor car or a motorcycle, you can buy a house or upgrade your house, or you can continue to live in the same dilapidated old house in which you were born. You can say that you do not want to borrow and you will continue to live and languish in the state that you always were in or you could alternatively, Sir, now that you have acquired an education and the capacity to earn and you are able to borrow and you are able to invest, you could go to a bank and say ‘I have an income, I can take a loan to build up my house a little bit, to buy a motor cycle or a motor car and improve the quality of life that I am enjoying’. It is a simple choice between the two paths.

We on this side of the House are very clear that we will use our current fiscal situation to leverage in a sustainable manner, debt that we can afford to contract. We will invest the proceeds of that debt into the things that will earn us even greater income in the future – the infrastructure, the social services, *et cetera*. Borrow to build, if you like. The APNU/AFC on the other hand, Sir, is trying to convince the people of Guyana that, notwithstanding that they have the capacity to borrow, they should continue to live in the same house and ride the same bicycle. [An Hon.

Member: *Inaudible*] I could not possibly even replicate the name of that dish. That essentially, Sir, is what we are dealing with here. I will reiterate that what we see today is a display... The APNU/AFC in objecting to this motion is essentially objecting to the delivery of services to the people of Guyana. That is the bottom line. They are objecting to development in Guyana; they are objecting to any initiative that will improve the lives of the Guyanese people. The PPP/C, by bringing this motion to this honourable House, is saying: 'We are in a hurry to deliver development to the people of Guyana'. We will do so by mobilising financing from available sources, but we will also ensure that we do so in a manner that we can afford to do as a country, preserving and further reinforcing our debts of sustainability going further. Very simple, Sir.

Without detaining this House any further, it is my honour and my privilege and, indeed, Sir, my pleasure to move the motion. Somebody said something about accelerated development and that they heard the same last year. Well, I have news for them. As our capacity to borrow increases, we will come again. This is because, Sir, even in a household... I am hearing some cacophony from the other side, but, Sir, anybody in any home knows that, as their own income increases, they will go back to the bank and borrow more. On the first time around, they may go to borrow to buy a motorcycle, on the second time around they will go to buy a motorcar. Sir, everybody does that in their own home. As your capacity to borrow increases, you borrow more, and you invest more, ensuring that you never borrow beyond what you can afford to repay. Every single right-minded and logical Guyanese citizen knows that, except apparently the incompetent and inept 31 Members of Parliament (MPs) sitting on that side of the House.

Sir, it is my honour and my privilege to move the motion that these two orders be confirmed in this honourable House so that we, the Peoples' Progressive Party/Civic Government, can proceed to deliver improvement to the lives of each and every single citizen of the Republic of Guyana. I thank you very much, Sir.

Mr. Speaker: Thank you very much, Hon. Minister. Hon. Minister, thank you for that presentation. Hon. Members, all of you, thank you.

Question put and agreed to.

Motion carried.

Hon. Members, let us take a short break and we will return in half an hour. Before we take the break, let me just acknowledge the death of Dr. Roger Luncheon, a former Member of Parliament who served this nation so well for many decades. His passing was a few days ago. On behalf of you, your families, my family and I and the staff of Parliament Office, extend our condolences to his relatives and relations. Thank you.

Sitting suspended at 5.48 p.m.

Sitting resumed at 6.34 p.m.

Hon. Members, please be seated. Hon. Members, we will now proceed with the Second Reading of the Electronic Communications and Transactions Bill 2023 – Bill No.9/2023 published on 2023-05-17. Hon. Minister of Tourism, Industry and Commerce, you may have the floor.

BILLS – Second Readings

ELECTRONIC COMMUNICATIONS AND TRANSACTIONS BILL 2023

A Bill intituled:

“AN ACT to provide for the facilitation and regulation of secure electronic communications, transactions and receipt, payment and transfer of money and for their legal recognition, to promote the development of the legal and business infrastructure necessary to implement secure electronic commerce and to enhance efficient delivery of governance by public authorities by means of reliable electronic records and electronic filing of documents and for related matters.”

[Minister of Tourism, Industry and Commerce]

Minister of Tourism, Industry and Commerce [Ms. Walrond]: Thank you, Mr. Speaker. Mr. Speaker, I rise to move that the Electronic Communications and Transactions Bill 2023 – Bill No.9/2023 be read a second time. This Bill seeks to put in place certain key features of the legal framework of a modernised state. It is in many respects an essential requirement for operating in the modern world without the risk of being left behind in the 21st Century economy.

In the field of commerce, this Bill will deliver a framework with well-defined rules for the conduct of commercial transactions by electronic means. This framework will aid in delivering consistency and predictability in the business environment that is indispensable for the sustainability of trade and commerce. Similarly, in the public sphere, the Bill will provide the means by which transactions can be conducted with public authorities *via* electronic means. This will also contribute to the improvement in the business environment, but, equally important, it will lead to a radical improvement in the delivery of Government services to individuals. Global e-commerce revenues are by most estimates said to have exceeded US\$1 trillion for the year 2022. Some estimates put this figure as high as \$1.6 trillion.

Many of the key drivers of this phenomenal economic performance is the fact that technology allows for things to be done exponentially faster, simpler and cheaper than by conventional means. This Electronic Communications and Transactions Bill is one part of a comprehensive whole with respect to preparing Guyana for the digital economy which is already upon us.

Mr. Speaker, as a point of reference, I draw your attention to a project executed in the Caribbean region by the International Telecommunications Union (ITU) some years ago. That project, known as the Harmonise Policy, Legislation and Regulations in the Caribbean (HIPCAR) project, was aimed at enhancing competitiveness in the Caribbean through the harmonisation of ICT policies, legislation and regulatory procedures. Under that project, were produced nine items of model legislation which were seen to be necessary for the modern-digital economy. Those items of legislation included model laws governing access to information, cybercrimes and cybersecurity, intercept of communications, universal services and access, telecommunications licensing and interconnection.

Mr. Speaker, you may recall that various PPP/C Governments have developed and/or implemented legislation covering these areas in recent years. We passed an Interception of Communications Act in 2008 and the Access to Information Act 2011. The Cybercrime Act passed in 2018 by our friends on the other side of the House, when in Government, was substantially created under a PPP/C Administration as was the Telecommunications Act which provides comprehensive frameworks covering licencing, interconnection and universal access and services. I think it is worth noting that on the passage of this Bill and the Data Protection Bill, which is also scheduled to be debated today, we would have implemented legislation that substantially covers all nine of the thematic

areas that were adjudged by the ITU to be necessary to situate states in the modern era. In addition to these initiatives, we also have the Electronic Identification Act – which is on our legislative agenda; the National Payment Systems Act, again substantially developed under a PPP/C Administration; the Planning and Development Single Window System Act which we passed last year as well. We also have the Customs and Trade Single Window System Act, which although not covered by specific legislation is one of our significant projects in implementing our modernisation agenda.

6.39 p.m.

All these initiatives, legislative and otherwise, are part of a comprehensive whole that is designed to facilitate the modernisation of the State and make it responsive to the demands of the 21st Century. I would note in passing that our thrust for modernisation is total and multisectoral. It is not just limited to the information technology sector. We are on a thrust to modernise our country in all respects. Our new infrastructures, such as the new Demerara Harbour Bridge and the Vreed-en-Hoop Shore Base, will be based on modern engineering techniques. Our investment in education through the Guyana Online Academy of Learning (GOAL) and other programmes, feature opportunities for our people to become qualified in cutting edge fields. Our investment in the health sector aims at delivering 21st Century standard facilities and expertise. My Hon. Colleague mentioned earlier on the floor the advancement of new techniques being introduced in agriculture.

Our efforts in bringing these Bills in the ICT sector are part and parcel of a comprehensive modernisation and transformational agenda. This agenda is all encompassing and includes the State, the private sector, non-governmental organisations (NGOs) and individual citizens. The subject matter of this Electronic Communications and Transactions Bill is inherently complex. The techniques by which electronic communications and transactions can meet reasonable standards for legal effectiveness are based on the science of cryptography which itself is based on complex mathematical concepts. Despite this underlying complexity, it might aid our collective understanding of the Bill to think of it as doing three basic or fundamental things. The first fundamental thing that this Bill does is to provide for legal recognition of communications and transactions that are effected by electronic means. This perhaps is the simplest of these three fundamental building blocks. In essence, we declare that electronic records, communications

transactions and signatures are to be legally effective. The relevant provisions that provide for the legality of electronic communications and a range of records and transactions are largely to be found in Part II of the Bill which I will go through presently.

The second fundamental thing that this Bill does is to provide, albeit at a necessarily general and conceptual level, those technological elements and characteristics that the technology must possess in order to meet the standard for legal effectiveness. Those provisions are to be found largely in Parts IV and V of the Bill which deals with electronic signatures and secure electronic signatures, communications and records.

The third fundamental element of this Bill is the provision of an administrative framework within which the various actors interact using the technology of electronic communications and transactions. This administrative framework is to be found in Part VI which provides for the designation of a central certifying authority which would register and regulate electronic security procedures providers after appropriate vetting. The providers in turn provide mechanisms for electronic communications and transactions to members of the public. This in a nutshell is a fundamental architecture of this regulatory framework, legal recognition of electronic transactions, specification of technology requirements and establishment of an administrative framework. Building on this architecture, the Bill then provides for effectiveness of electronic contracts which is the subject of Part III and electronic government which is the subject of Part VII. Additionally, we recognise that virtually all electronic transactions are effected using intermediaries such as telecommunications service providers whose networks transport the communications and online marketplaces which bring buyers and sellers together. Thus, the Bill includes a section which treats with the roles of these different types of intermediaries and their obligations under the proposed legal regime.

Finally, bearing in mind the serious impact of fraud committed by electronic means, the Bill provides a Part VIII for a number of offences relating to the receipt, payment and transfer of money and for the commensurate penalties on summary conviction or conviction on indictment. There are a few miscellaneous provisions. They are miscellaneous not in the sense of being peripheral or unimportant, but only in the sense that they stand alone outside of the major themes which I already outlined. This is a summary of the scope of the Bill, and I will traverse in some details the more salient features.

Part I of the Bill, comprising of clauses 1 through 6, contained at clauses 1 and 2 are the usual provisions pertaining to the Short Title and Interpretation. Clause 3 expressly provides that the Bill binds the State. Attorneys among us would understand the significance of this provision, since in its absence, there would be a presumption to the contrary under common law. At clause 4, recognising the immense impact and virtually irreversible nature of certain transactions, the Bill does not give legal effect to electronic communications and transactions that purport to create interest in irremovable property, negotiable instruments, documents of title, will and other testamentary instruments, trusts or powers of attorney. These exceptions, preserve for the time being the conventional requirements with respect to these especially sensitive transactions until such time that we are confident of our ability to manage the institutional environment to a standard that we deem appropriate to treat with them.

While the exclusion of these matters for this reason may seem counterintuitive, as we shall see shortly, it is in fact no different from the doctrine that runs through the entire Bill which is that parties are free to choose the means of conducting transactions according to their own assessment of the risks, costs and benefits associated with the matters at hand. The benefits of conducting business by electronic means are undeniable. Despite this, however, the fact is that not everyone is connected, not everyone is technologically literate and not everyone is comfortable with the idea of conducting business electronically. Thus, clause 5 provides for the autonomy of persons with respect to deciding whether to use electronic methods for transactions. If parties choose to conduct business by electronic means, they are also at liberty to determine what reasonable requirements will apply to that electronic communication signature or documents during the course of their transactions.

Following on the foundation of autonomy laid in clause 5, clause 6 provides that persons must consent to receiving records in electronic forms and also specifies among other things, information that must be provided to the recipient for such consent to constitute informed consent and therefore lawful. It also provides limitations to such consent that may be invoked by the recipient and the procedures for the withdrawal of consent. This clause also provides that the electronic records so provided must be accessible to the recipient in such a form as to be useable for future reference.

Part II of the Bill implements what I have characterised as one of the three fundamental concepts on which the legal architecture is premised. It firstly provides for legal recognition of electronic

communications, transactions and records. These recognitions are to be found in clauses 7 and 8. Clause 7 provides for recognition of communications and transactions, while clause 8 provides for the recognition of electronic records. Clause 9 through 8 traverse a comprehensive set of situations commonly encountered in transactions generally and provides that each and every one of these is to be given legal recognition in the electronic realm on par with conventional methods. These include, providing access to information under a statute, furnishing of information in prescribed forms, the delivery of information such as the effective service of notices, the requirement to provide information in the original form, the requirement to retain documents and the electronic methods of payment.

Clause 15 brings under the scope of this Bill yet another wide-ranging set of concepts which are to be given effect to in the electronic realm. It provides that expressions such as document, record, file, submit, lodge, deliver, issue, publish, print or words or expressions of similar effect shall be interpreted as to include or permit such form or action in relation to an electronic record. It also provides that requirements for affixing seals and making documents under oath or for notarising, verifying, and acknowledging documents, may be effected by electronic means. With respect to affixing seals, the clause provides that secure electronic signatures, which are a special class of electronic signatures, must be used.

A particularly important provision with respect to legal proceedings exist in clause 18 where it is specified that rules of evidence shall not deny the admissibility of electronic communications, information and records solely on the grounds of them being electronic. Clause 18 further lists the number of factors that must be considered in determining the evidential weight of electronic evidence. These types of lists are typical of provisions that are commonly found where public authorities are vested with discretion.

Part III of the Bill deals with contracts formed as a result of electronic interactions between parties. It deals with standard elements of traditional contract law such as providing for offer and acceptance, but also makes provisions for a number of issues in contract formation that arise solely by the use of technology. For example, clause 22 covers the formation of contracts between persons and automated systems and exclusively between automated systems themselves. Clause 23 makes provisions for treating with errors in electronic contracts or transactions, some of which touch on the common law doctrine of mistake. Clause 24 makes provision for attribution of

electronic communications to a particular sender. The clause also treats with requirements for the acknowledgement for electronic communications and defines the time and place of dispatch and receipt of electronic communications. Attorneys practising contract law will appreciate that these details are sometimes crucial to the determination of disputes.

Part IV of the Bill gives legal recognition of electronic signatures under the conditions under which a signature in electronic form is to be considered valid. It also provides that parties to an electronic transaction may agree to the use of a particular method or form of such signature, unless otherwise provided by law. The significance of this latter provision is that there are varying degrees of technical sophistication of electronic signatures and security procedures. Some methods or forms may consequently be more expensive to implement as they offer better protection. This provision allows parties to agree on the method of electronic signature that makes sense to them, given the nature of the specific interaction. I think we can readily see that if parties are entering into a transaction that is worth less than \$100,000, they may not want to invest in electronic communication capabilities that cost in the millions.

Part V deals with secure electronic signatures which is an enhanced class of electronic signatures. An electronic signature as defined in Part I, clause 2 refers to various technical methods by which an electronic document or record can be signed. These methods will vary in sophistication, security and consequently cost. According to the definition, they can be as simple as electronic image or picture of a physical signature. They can consist of a name typed to the end of an electronic mail (email), a secret code or pin, or a digital signature which itself is further defined in the Bill as an electronic signature that is capable of authenticating the sender of a message or a signer of a document.

A secured electronic signature under this Bill means an electronic signature that is treated as secure by virtue of clause 31. Clause 31 goes on to provide that an electronic signature shall be treated as secure if through the application of an appropriate technical procedure, the electronic security procedure, it is called, the reliability and integrity of the signature can be appropriately assured. As I previously alluded, the electronic security procedures are usually based on complex cryptography and mathematical techniques but despite their underlying technical complexity, the conceptual significance of their use is that they conclusively demonstrate the following characteristics of the electronic signature: one, it is unique to the person using it; two, the signature

is therefore capable of identifying the person using it; three, it is created in a manner or used under the means and the sole control of the person using it; and finally, it is linked to the electronic communication or record to which it is related in such a manner that if the communication or record were changed, the electronic signature would be invalidated.

6.54 p.m.

This is reflected in the definition which provides that an:

““electronic security procedure” means a procedure that is employed for the purpose of verifying the electronic signature, communication or performance is that of a particular person or for detecting changes or errors in the content of electronic communication, and includes a certificate;”

In plain language, the secure electronic signature is a device that allows us with reasonable certainty to be assured that the owner of that signature was the originator of any communication or record which bears that signature, and further, that the particular communication or record was not tampered with. It is this confidence that allows for the provisions of attribution in Part III governing electronic contracts. In fact, the level of assurance in the integrity of electronic communications and records that are signed by secure electronic signatures is such, that this Bill provides that where such secure signatures are used, they give rise to several presumptions which must be rebutted by evidence to the contrary. The first presumption is that the secure electronic signature is the signature of the known owner of that signature. The second presumption is that the known owner of the signature intended to sign or approve the electronic communication record that is issued. The third presumption is that the electronic communication or record in question has not been altered or tampered with. In plain language, if you and I were to enter into a transaction and if I received a communication or come in possession of a record that bears your secure electronic signature, I am entitled to assert that the communication or record was signed by you and no one else. I would also be able to assert that what I have in my possession is precisely what you signed without alteration, no more and no less. In these circumstances, the onus would be on you to prove otherwise.

It is important to note that the Bill expressly provides that where the electronic signature communication or record is not a secure one, no such presumptions will be created. In that case,

to use the same example of our transaction, but not using a secure electronic signature, if there were to be a dispute, the onus would on me to prove that the electronic signature was yours. It is again important to note that the electronic security procedures themselves are not all created equal. Thus, Part VI provides for the concept of a commercially reasonable electronic security procedure which may be mutually agreed by parties to a transaction. The determination as to whether electronic security procedure is commercially reasonable would be informed by considering a range of factors, including the nature of the transaction, the knowledge and experience of the parties, the volume of transactions engaged in by the parties, the cost of alternative procedures and procedures in general used for similar transactions.

Part VII of the Bill provides an administrative framework for performing some of the technical functions necessary for giving effect to the electronic transactions' regime. This framework consists of a hierarchy of entities. At the top of the hierarchy is the Certifying Authority. Next in the hierarchy are the Electronic Security Procedures Providers, and, finally, at the end are the end users of the services provided by the Electronic Security Procedures Providers. To give an illustration of how this might work, if I wish to obtain a secure electronic signature, I will request one from a duly registered and accredited Electronic Security Procedures Provider. Similarly, if you wish to do business with me, you would obtain a secure electronic signature from an Electronic Security Procedures Provider. While we can both use the same provider, this does not necessarily have to be the case. We do not have to use the same providers. All that is necessary is that the technology that we obtained with respect to the secured electronic signatures is interoperable. We both will trust our Electronic Security Procedures Providers because they would have been accredited and registered by the Certifying Authority that sits at the top of the hierarchy.

We can think of an analogy in the banking system where the Central Bank sits at the top of the hierarchy, and the licensed commercial banks would in turn provide financial services to us as customers. We are all perhaps familiar with the sending and receiving of moneys through the banking system. It is in this similar manner that the Certifying Authority sits at the top of the electronic transactions' hierarchy and authorises and regulates the Electronic Security Procedure Providers.

With this illustration in mind, we may perhaps more readily appreciate the functions of the Certifying Authority as provided for in clause 36(1). These functions include: regulation,

registration and accreditation of the Electronic Security Procedure Providers; issuing and regulating certificates and any other electronic security procedures, including public and private key payers; authorising and regulating the issue of certificates and other electronic security procedures by the providers, as well as authorising and regulating related services by these providers, and authenticating certificates and other electronic security procedures issued by local and overseas electronic security procedure providers. The Certifying Authority will be empowered under this part to carry out investigations, to cooperate with overseas certifying authorities in the area of mutual accreditation and to issue practiced statements on any electronic security procedure or related service.

The Bill provides that no person shall issue qualified electronic security procedures and related services, unless they are registered as an accredited Electronic Security Procedures Provider by the Certified Authority. In order to be lawfully registered, the provider must furnish certain information to the Authority and must demonstrate that it has the technical and financial capacity to discharge the functions. Those requirements are listed in clause 40 of the Bill. They include the requirements to employ personnel with the requisite expertise, to institute appropriate administrative and management procedures, to use trustworthy systems that are adequately secured, to maintain sufficient financial resources to conduct operations in accordance with statutory requirements and to bear the risk of liability and damages, and to maintain a prompt and secure system registration and immediate revocation of electronic security procedures.

The Bill provides at clause 42, for the recognition of qualified Electronic Security Procedures Providers who are established in external jurisdictions. It also provides for parties to use external procedures and providers by mutual agreement and for such agreements to be sufficient for the purposes of cross border recognition in respect of the resulting transactions.

Finally, Part VI makes provisions for routine administrative matters, such as, maintenance of a registry by the authority, annual filing of compliance statements and payment of fees by providers, conduct of audits and the obligations to observe confidentiality. In the event that a registered and accredited Electronic Security Procedures Provider should fail to meet its statutory requirement, clause 48 list the sanctions and remedial measures that the Certifying Authority may institute.

Part VII of the Bill deals with electronic communications and transactions involved in public authorities. These essentially amount to provisions that will enable the deployment of e-government programmes and I am certain that the Hon. Brigadier Phillips, the Prime Minister, would elaborate fulsomely on the effect of those provisions.

Part VIII of the Bill makes various provisions in relation to intermediaries and the electronic-commerce service providers. In respect to electronic communications, intermediaries would include telecommunications service providers, network service providers, internet service providers, search engines, online payment sites, online auctions sites, online marketplaces and cyber cafes. With respect to the provision of goods and services, an intermediary means an electronic commerce intermediary service provider which in turn is defined as a service provider that enables placing orders or executing agreements pertaining to provisions of electronic commerce services or goods or anything else of value in the electronic commerce marketplace. To illustrate a well-known service, the global retailer Amazon, in so far as it offers third parties the opportunity to sell products through its platform it would, under our jurisdiction, be an electronic commerce intermediary service provider. But, in so far as Amazon also itself offers good for sale on that platform, it would also be an electronic commerce provider.

Clause 58 exempts intermediaries from civil and criminal liabilities in respect of third-party information contained in electronic communications and specifies the conditions that must be met for this exemption to be effective.

Clause 59 sets out the obligations that evolve in respect of electronic communications should that intermediary obtain actual or constructive knowledge that the information in the said communication gives rise to civil or criminal liability. These obligations, include removing the information from any information processing systems within the immediate control of the intermediary and informing the police or Minister, as appropriate.

Clause 60 empowers the Minister to develop technical standards or codes of conduct for intermediaries which would be binding on them with sanctions for non-compliance after due warning is given.

Part IX of the Bill specifies a number of offences in relation to receipt, payment and transfer of money. These offences attract liabilities for fines or imprisonment on summary conviction or

conviction on indictment and monetary penalties, typically in the range of \$1million to \$5 million and prison terms, typically in the range of one to five years.

PART X makes provision for liability of officers and directors in respect of offences committed by bodies cooperate and for the jurisdiction of the High Court in respect of certain matters. It also provides for general penalty for any offence under the Bill for which a penalty is not otherwise specifically provided for. Finally, Part X confers the power on the Minister to make regulations consistent with the Bill.

This is of necessity. A brief overview of this Bill, as I previously demonstrated, this Bill is an essential requirement in the regulatory framework of a modern state. It will facilitate 21st Century methods of conducting business, in both the public and private spheres, and when passed would constitute a significant advance in our development. With those few words, I move that the Bill be read a second time. Thank you, Mr. Speaker. [*Applause.*]

Ms. Hughes: I am happy to raise my contribution and thoughts on the Electronic Communications and Transactions Bill, Bill No. 9 of 2023. This Bill that we are discussing today is timely. I cannot overemphasise the importance of the subject matter that we are dealing with. Technology has expanded exponentially, and electronic digital transactions are the norm all over the world. The majority of citizens, businesses, multinational corporations, governments and the nation's state all come into contact with some form of electronic transactions everyday nowadays. There is no distinction in who you are, rich or poor from developing country or otherwise.

Incidentally, many would be surprised to know that, in 2018, I was shopping in a craft market in Ethiopia where only credit cards and mobile money are used to transact business. That was Ethiopia in 2018. We understand that we here in Guyana are way behind and we continue to play catch up. We cannot opt out. All we can do is to protect ourselves. That is what I hope this Bill could have done but there are some key issues that we need to consider. It is my hope that we can come to this discussion with a level of maturity so that at the end of our deliberations this evening, we can come up with a Bill that is stronger and meets the needs of all the citizens in Guyana.

7.09 p.m.

This is a Bill, as I said and as we heard, to provide for the facilitation and regulation of secure electronic communication transactions and receipts. We heard about payments and transfers of money for their legal recognition and to promote the development of legal and business infrastructure necessary to implement secure, electronic commerce and to enhance efficiency delivery of governance by public authorities by means of reliable electronic records and electronic filing. The use of credit cards and debit cards and electronic funds transfers are commonplace, even in Guyana. It is even more critical, given the expansion into the oil and gas sector and the massive increases in revenue. Therefore, there is a greater need for speed and efficiency in the services we provide.

This Bill provides that electronic transactions shall not be denied legal effect solely on the grounds that they are available in electronic form. Part I of the Bill adequately addresses that. Part II deals with the legal recognition of electronic communications and transactions and electronic records. Under Part II, and that is the electronic and communications transactions records, clause 7 states:

“An electronic communication or transaction shall not be denied legal effect, validity, admissibility or enforceability solely on the ground that it is –

(a) rendered or made available in electronic form...”

I actually want to go to clause 12. Clause 12 talks about information in the original form. Clause 12 (1) states:

“Where information is required by law to be presented or retained in its original form, that requirement is met by an electronic communication or electronic record, respectively...”

It goes on to state:

“(a) there exists, through the use of electronic security measures or procedures, a reliable assurance as to the integrity of the information from the time it was first generated in its final form as an electronic communication or electronic record...”

The challenge with this clause is that, overall, our concern is raised with regard to the process of authentication of the original form. Take, for example, a transport. The original is kept in the registry. We get a certified copy. This Bill, which we accept is necessary, gives the same

recognition to the electronic form, and as I said, it is acceptable. But the electronic form can be forged, and therefore, a robust system or process to authenticate the original must be in place, with an electronic or digital watermark, maybe. What is lacking in this Bill is the process by which we are going to authenticate the electronic form as being safe and of integrity.

This is more critical in the sale of land. Currently in Guyana, for the sale of land, it must be evidenced in writing and a receipt, in those circumstances, signed by the vendor as proof. If we go on to clause 14(1), it states:

“Where any law provides for the receipt, payment or transfer of money in a particular form or manner, then, notwithstanding anything contained in any other law, that requirement is met if such receipt, payment or transfer is effected by electronic form, including electronic money, or electronic means, including a card.”

At this point in time, as I am using this example of the sale of land, what happens if there is an electronically created receipt – it is not a copy – an accepted electronic version with a digital signature with no means of authentication of the person who created the document? I read the clause. Again, we are making recommendations about issues that should be included in the Bill but are not in the Bill. That is why one of the suggestions, which I will mention here, and then again later, is that ideally, we can get a better document if we are willing to go to a Special Select Committee to discuss some of these issues.

Again, let me give an explanation. Ms. Cathy Hughes has a digital signature, and someone creates an electronic receipt. What is the protection that this Bill will provide to Ms. Cathy Hughes that she is the person who signed and not somebody else who hacked into her account and used her identity? Identity theft is a major crime today. In fact, I had a situation, just about a year ago, where somebody just recreated a post from someone else’s *Facebook* page and actually put some words that were then attributed to me. In fact, the Ethnic Relations Commission (ERC) and, of course, some media operatives jumped onto the bandwagon. The good thing was that when one went to my *Facebook* page, we were able to show that the post had never been made. We know that everyday somebody has their *Facebook* account hacked, and all kinds of things happen. All that we are saying is that we need to see more protection in this Bill. We know that banks worldwide and even here at home are facing the challenge of the illicit and illegal use of this technology. We

know this because they have had to warn their customers about protecting their data. Thankfully, the technology will allow us to detect fraud, but the reality is it leads to chaos, it takes time because sometimes you have to check cameras and all kinds of things, and the process can be extensive and long.

Part V deals with digital signatures. It states that a signature should be treated as a secure, electronic signature. The reality is that if there is no provision in this legislation to authenticate the signature, how is the victim of any fraud going to be protected? This is why, in some countries, there are digital signature certification authorities. I know we mentioned in here a few institutions that might assist with that, but for emphasis, this is a major issue that I think needs to be looked at.

A major concern is Part VI, the certifying authority and the electronic security procedures providers. This certifying authority must, of necessity, be independent and not be subject to the direction and control of any minister. Here, I am not speaking specifically to any administration, but I just wish to say that for the protection of the people, it should not be under the control of any subject minister. Make it independent for the protection of each and every citizen. It should be an independent budgetary agency that reports to Parliament, like the judiciary does. The certifying authority should have a Director General – and I know they talk about a secretariat – and staff with the technical experts. In addition, the certifying authority must be responsible for conducting research, gathering data, providing reports, and most importantly, reporting on the integrity of national electronic systems deployed in the country. It must be empowered – very important – to inform the public, by way of notice, of all or any threats to an electronic system, whether publicly or privately detected. The certifying authority should also be empowered to make recommendations on safety and protective features which enhance the integrity of the State. It should be robust, protective, and there should be requisite laws and regulations which protect and guarantee the integrity and access to the electronic information. We are dealing there with the privacy of information – who is able to use whose information for whatever nefarious purpose. It is funny because if you listen to the discussion and the heckling, just today, there were individuals talking about other individuals' financial accounts, making reference to who may owe what at whichever hire purchase place. That is exactly what we are talking about. The system must be able to protect individuals and citizens from misuse.

Clause 42 talks about the importance of the authority. Again, I want to make a very important recommendation. It cannot be on the whims and fancies of any politician. We know, from experience, that the way the Haitians are treated, as opposed to the Brazilians and Venezuelans today, based on some alleged policy, makes and creates an unfair environment. I do want to say that sometimes we need to create an upper limit. Depending on the size of the fraud or the transaction, \$1 million to \$5 million may not be adequate. With these kinds of electronic transactions, we can talk about billions of dollars. We know this has happened in many parts of the world in a flash. Therefore, we need to make sure that the adequate protections are in place.

I want to deal with clause 14. In the Bill, there is a specific long list of all the various responsibilities that come under the Minister with regard to the public authority.

7.24 p.m.

It states, for example, that the Minister could decide on:

(b) “the form or means of receipt, payment or transfer of money by electronic means”

The Minister can decide on:

(c) “the manner and format in which a signature shall be affixed to the form, application or other document in electronic form;

(d) the type of electronic signature required;”

All of these seem far too subjective. It was interesting to have our Senior Minister in the Office of the President with Responsibility for Finance going all the way back to 1997, not realising that he, clearly, was the geriatric in the room. Why he would go back to the year 1973 in the year 2023 is absolutely unbelievable, but that kind of thinking is reflected in this same legislation. Any legislation coming to a Parliament in August, 2023 should make reference to artificial intelligence (AI). This Bill does not mention artificial intelligence at all and that is the key issue, in terms of today’s technology, that governments and parliaments in other parts of the world are looking at. We are actually starting off with a Bill that has a heavy emphasis on the use of credit cards. There are about five or six clauses that talk about cards. We do not talk about some of the digital money forms. We certainly do not mention artificial intelligence. We do not understand that artificial

intelligence creates not only a false identity, which is a problem itself, but it creates an entirely false system that it replicates almost in the same format as the original. Therefore, the question is, what are the statutory protections provided in this draft Bill? For this reason, again, a healthy discussion with the people of Guyana who would be affected by this Bill...Ordinary citizens, the business community, the banks or whoever it is should be able to sit down so that we could hear from them to ensure that we have a proper and extensive Bill. We are saying that this legislation must be forward thinking. It is imperative that legislation keep with the growth and expansion of digital transactions, providing a safe and secure way of doing business today.

Part IX highlights a poor understanding of today's technology. Again, there are all of the offences listed but there is not sufficient information about identity theft, impersonation and fraud. I want to mention some of the areas that other legislation, new legislation on electronic transactions, include, which make them better and safer pieces. These include, for example, cyber security and data breaching report. The Bill should address cyber security measures and requirements and not only for businesses and individuals engaging in electronic transactions. It should also mandate a process of reporting procedures in the case of data breaches and, of course, how citizens can protect themselves. There is a whole information aspect that is required. Consumer protection is another area that is often included in such a Bill today, and that is, the provisions to protect consumers in electronic transactions. These, such as disclosure requirements, dispute resolution mechanisms and clear terms and conditions, should be included.

Then, of course, there is e-government and e-government services. We know how that works because our administration had made some tremendous strides in pushing our e-government agenda. Therefore, this Bill could include more provisions related to the use of electronic communication and transactions in government operations and in the provision of public services online. The whole area of electronic records management is another area that we do not see reflected in this Bill, and that is, the guidelines for management and retention of electronic records by both private and public entities. In both cases, they should be outlined.

Jurisdiction and dispute resolution: the Bill should clearly clarify the rules regarding the jurisdiction of electronic transactions and establish dispute resolution mechanisms for conflicts arising from such transactions.

Finally, another recommendation that should be included in the Bill is accessibility to the digital divide, and consideration should be given to ensuring accessibility for all citizens. That, of course, includes those with disabilities and addressing any potential digital divide issues.

Mr. Speaker, I started off by saying that we need this Bill. We need an Electronic Communications and Transactions Bill desperately. But we would be failing ourselves, we would be failing the business community, and we would be failing the people of Guyana if this Bill is not far more comprehensive and examines some of the issues and recommendations that I have made. With that, I urge the mover of the Bill to take this to a Special Select Committee so that we can have robust discussions and incorporate not only from us, but from members of the public, the business community, as I said, the banking sector, and the informational technology (IT) professionals. All of those are sectors that will be impacted by this legislation every day, and I do not think we have given them enough time to be part of the solution and the production of a superior Bill.

I close by saying, I urge that this Bill be sent to a Special Select Committee so that, again...because we have done it before and we have done it successfully, where we have worked together and produced a good document. I hope that we can do that again with this Bill. Thank you, Mr. Speaker.
[Applause]

Mr. Speaker: Thank you very much, Hon. Member. Now for the Hon. Member, Minister in the...

Ms. Teixeira: Mr. Speaker, the Minister would not be speaking on this Bill. I am sorry about that.

Mr. Speaker: Now, I call on the Hon. Member, Ms. Flue-Bess, to make her contribution.

Ms. Flue-Bess: Thank you, Mr. Speaker. I rise to make my contribution to this Bill. Like the speaker before me said, this Bill is needed, and it is timely. However, we can do more to make it a more comprehensive Bill to protect our citizens.

Electronic communications cover a wide range of exchange of information, data, and use of several devices. These modes of communication have changed over the years and so there are persons using electronic mails (e-mails), instant messaging (IM), social media platforms and video conferencing, to name a few. However, we can still identify several persons who still would not use these said platforms because they may lack knowledge of them, or they may be very sceptical since they do not feel protected.

Electronic communication has become an integral part of the modern society and business, offering convenience, speed and a global reach. You can reach people near and far. It uses a span of personal connections, be it professional networking for educational purposes, entertainment, marketing and so forth. Even as this Bill is brought to this House, I reflect that right here in our country, we have been using several forms of electronic communication, whether it be at a money transfer place, where one signs one's signature on a pad or whether one goes to the supermarket, where one is able to shop with one's bank cards or credit cards. Even in our security sector, we are dealing with cybercrime. I am going to come to that a little later. We have e-banking and there are challenges there too. There is paying of bills, whether it be on the Mobile Money Guyana (MMG) platform or any of the other platforms. When you go to get your licences or passports, you have to sign and take photographs. All of this is being done electronically. We have online applications and online shopping. Basically, we have some of this in and around us that are being practiced.

When we look at the Bill that was presented, I noted that there are 10 Parts, as the Minister highlighted in her presentation. Part I has the preliminary clauses. Part II covers the legal requirements. Part III provides information and validity for contracts. Parts IV and V speak to signatures. Part VI talks about the certifying authority and electronic security procedures. Part VII deals with records and information. Part VIII deals with duties and limitations. Part IX deals with offences and penalties. Part X speaks to miscellaneous.

I want to focus my attention a little on what was presented by the Minister. She said that there are basically three fundamentals which the Bill addresses which are: the legal recognition, technological requirements and the administrative framework. When it comes to legal recognition, I believe more work can be done. I am using reality for examples. I had an experience using a bank card. You go to the bank, you put in the card, you enter the PIN, swipe to get your finance, a receipt comes out showing the transaction was done but no cash comes out. You have to go into the bank now to address that particular concern.

7.39 p.m.

It took one week – seven days – before that issue was resolved. In the Bill, it speaks to time but there is no guideline given. For example, how long somebody would take to address a particular issue that might pop up. That in itself could be challenging because persons use technology to

make things happen at a faster pace – expedite services. If we are presenting the Bill, I, personally, believe timelines should be in there to give proper guidance as to how long persons could take to address such issues.

MMG: persons would have paid bills and then the service got cut off. When they went in and found out, the transaction did not actually go through. We have to look at all these things that are happening and ensure that the Bill covers some of the said challenges that I mentioned and the other challenges that my colleague highlighted, which are likely to take place with electronic communication.

I want to go into the Bill directly. The Minister spoke about clause 6 that speaks to persons' consent to electronic record. I could tell you, from interacting with people, that many of our seniors find it challenging to even use a bank card. They would tell you they prefer to go into the bank. When you listen to them and you look at what usually takes place, you cannot fault them, or you should not say that they are not willing to learn. There are genuine concerns. When one uses the bank at the Automated Teller Machine (ATM), many times the slip that one gets out of the bank, within a week, one does not see any writing. If one wants to go and query something, the writing has faded on the slip that one has. For the seniors, many persons would prefer to actually go into the bank, write a deposit slip, or write a withdrawal slip, because they know when they get your carbon copy, they will have it secured for a longer time, as against getting a printed-out receipt. Like I said, I am just highlighting some of the challenges, or some of the things that would cause persons to be hesitant when it comes to electronic communication. Therefore, we should ensure that we do more to protect our citizens.

Many persons would go to an institution – we are looking at consent – where they would have to sign up to say, yes, they consent to something. What happens to organisations or institutions that are providing a service and are demanding that a person has to give consent to use their service? Is there any form of protection for citizens? These are things that must be considered. Even as I went through the Bill, another area of concern – my Colleague mentioned it – is clause 12 which speaks about information in its original form and makes reference to electronic security measures or procedures, a reliable assurance as to the integrity of the information. I have some concerns. My colleague before me addressed those with some of the challenges that we could see coming up

using that particular platform. We have to ensure that our citizens feel protected or are protected by the Bill. We need to sit and have some more discussions on the Bill that was presented.

We have the administrative framework. My colleague spoke about the Minister being in total control of making certain critical decisions. It is important that we have an independent body to deal with such things because we know how things could go. That will give people a little more comfort that it is not politicised, or it is not in a place where decisions are made to marginalise people or cause people to be uncomfortable. Consideration should be given to this aspect of the Bill. According to Cris Hughes:

“You can have the best technology in the world, but if you don’t have a community who wants to use it and who are excited about it, then it has no purpose.”

If we have a Bill and persons do not feel they are protected – we have identity theft, we have cybercrime, we have so many things happening – persons will not want to use that platform. Therefore, let us use the opportunity to make our citizens comfortable. If they feel a level or see a level of protection that is provided for them, that will encourage them to continue to make strides and want to be involved in using the platform. I thank you. [*Applause*]

Brigadier (Ret’d) Phillips: I rise to support Bill No. 9/2023, the Electronic and Communications and Transaction Bill 202, published on the 17th May, 2023, which represents a critical step towards embracing the digital future and positioning our nation at the forefront of the global, digital revolution.

As we navigate the ever-evolving digital landscape, this Bill aims to foster trust and confidence in electronic interactions, while safeguarding the integrity of our digital eco-system. It addresses the legal requirements, recognition, and regulation of electronic communication, transactions and records. This Bill sets the stage for the legal recognition of electronic communications and transactions, signalling Government’s commitment to embracing technological advancement. It ensures that electronic records hold the same legal standing as the paper counterpart, thus installing confidence in businesses and individuals to embrace electronic methods of communication and record keeping.

Furthermore, the Bill emphasises the need to provide access to information in paper form when required. This measure ensures that citizens who may not have access to digital technologies are not left behind in this digital transformation and ensures that all citizens could participate in the digital era. The Electronic Communications and Transaction Bill 2023 creates a permissible environment for the formation and validity of electronic contracts. It outlines the effectiveness of contracts between parties in electronic form and addresses various aspects of contract formation, including invitations to make offers and the use of automated message systems for contract formation.

The Bill recognises that errors may occur in electronic contracts or transactions and provides provision to address such situations fairly and efficiently. The principles of attribution and acknowledgment ensure that parties involved in electronic contracts could be identified and acknowledged accurately. This legislation before the House establishes the requirement for signatures in relation to electronic documents or records and ensures that electronic signatures are treated on equal terms with traditional signatures.

Recognising the potential for secure electronic signatures to revolutionise digital transactions, this Bill sets rigorous standards for secure electronic signatures, including reliability and integrity, ensuring that they carry the same legal weight as traditional, handwritten signatures. By laying the groundwork for secure electronic communications and records, we bolster the foundation for a digitally resilient nation. These provisions will enhance the trustworthiness and authenticity of electronic interactions, providing citizens and business alike with the confidence to engage in digital transactions. There will be a certifying authority which will play a crucial role in establishing and maintaining electronic security procedures. By ensuring the mandatory registration of electronic security procedures providers, the Government aims to create a robust ecosystem of trusted entities responsible for ensuring the security and reliability of electronic communications and transactions. The Bill also provides a clear framework for functions and responsibilities of the certifying authority and outlines the procedures for registering electronic security procedures providers. In recognition of the importance of auditing and confidentiality in this context, the Bill ensures that the entire process adheres to strict data protection and security features.

This Bill paves the way for public authorities to leverage the potential of electronic records, information, signatures, and systems. By promoting collaboration between public authorities and private entities, we aim, through this Bill, to create a seamless digital ecosystem that fosters efficiency, transparency, and better service delivery. The use of electronic records and signatures will result in a government that is more agile, responsive, and accountable to the needs of its citizens. This transformation will streamline bureaucratic processes and empower citizens to access government services easily and conveniently.

In the digital landscape, intermediaries and electronic commerce service providers play a crucial role in facilitating electronic transactions and communications. The Bill sets out clear guidelines for their liability and outlines procedures for handling unlawful or defamatory information. Moreover, this legislation outlines the codes of conduct and standards for intermediaries and e-commerce service providers, promoting responsible digital practices and ensuring the protection of user rights. In recognition of the importance of combatting financial crimes in the digital space, the Bill proposes strict penalties for fraudulent activities including theft, forgery, and misuse of electronic funds. By creating a comprehensive legislative framework to address these offences, we will send a strong message that we will not tolerate any compromise in the integrity and security of electronic transaction.

7.54 p.m.

Finally, the Bill addresses the liabilities of directors and officers. These provisions ensure that the Bill operates effectively and that there are adequate remedies for non-compliance with the provisions of this legislation. Mr. Speaker, with these submissions, I endorse and support the passage of the Electronic Communications Transactions Bill 2023. Thank you. [*Applause*]

Mr. Speaker: Thank you, Honourable Prime Minister. Honourable Minister of Parliamentary Affairs and Governance, would you like to move the suspension of the Standing Orders so that we could go beyond 8.00 p.m.?

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]

Brigadier (Ret’d) Phillips: I ask that we suspend the Standing Orders to proceed with the debate beyond 20.00 hrs.

Question put and agreed to.

Standing Order suspended.

Mr. Speaker: Honourable Members, we will go beyond 8.00 p.m. Let me call on the Honourable Member Mr. Devin Sears to make his contribution.

Mr. Sears: Mr. Speaker, allow me, first of all, to extend my condolences to the relatives, friends and even comrades of the late Dr. Roger Luncheon.

Mr. Speaker, the possible adaptation of the Electronic Communications and Transactions Bill No. 9/2023 is an important milestone for Guyana, whose economy is growing at an extraordinary rate owing to the successes in the oil and gas industry. Guyana, which traditionally embraces physical legal tenders and in-person transactions, soon will be a thing of the past, joining countries such as Jamaica, Barbados, Ghana, Nigeria, South Africa and other Commonwealth countries in implementing policy regulations through this Bill.

Mr. Speaker, my intent is based on consensus so far. I join my colleagues in commending the tabling of this Bill, but I am reserved in its rash implantation and adoption. The Electronic Communications and Transactions Bill No. 9/2023 will ensure the facilitation and also the regulation of secure electronic communication and transaction and promote the development of legal and business infrastructure necessary to implement secure electronic commerce. However, there are too many concerns and questions that are unavoidable since Guyanese lives will be forced to adjust in terms of their day-to-day transactions and interaction. In analysing the proposed law governing electronic transactions and the legal requirements for creating enforceable electronic transactions of any type, the APN/AFC cautions the Government’s side of this House to adequately address the following which primarily surrounds consumer protection, and one of it has to do with

the authorisation. It is said that an authority will be established but we believe, on this side of the House, that it should not be central-government-based or managed by the central government. We believe that it should be independent.

Any effort to implement an electronic transaction project must begin with the fundamental question, can this transaction be done in an electronic form? Answering that question begins with a clear identification of the nature of the transaction and the various fundamental elements included in that transaction. The nature of the transaction focuses on what is, for example a contract, promissory note, warehouse receipts, issuance of insurance policy, *et cetera*. With regard to the authorisation, I go further. The various fundamental elements that will be a part of the transaction include, for example, requirements for the signature, which we are addressing here in this House – witnesses, notarization, delivery of documents, payments, notices, periodic statements or reports, filing with the Government agencies bookkeeping requirements and the like. Identifying these fundamental elements is critical as, in many cases, they raise special electronic requirements which I am trusting the Honourable Minister will address in her closing remarks.

Speaking about electronic requirements, generally there are two potential sources of electronic requirements for any type of transaction. One is the electronic transaction (E-transaction) law which applies to most transactions regardless of the applicable substantive law and the applicable substantive law governing the transaction which will in some cases contain specific electronic requirements. The fundamental electronic rules applicable to most but not all the electronic transactions are found in the E-transaction laws which I strongly believe will be a work in progress. These laws typically apply regardless of the substantive law governing the transaction, and typically focuses only on the issues raised by the use of the electronic medium. Some of the requirements that impose are designed to ensure functional equivalence with the firm requirements of substantive laws. Other requirements, however, seek to add protection for parties to the transactions that are deemed necessary by the use of electronic mediums – for example, the electronic records – or are deemed necessary to protect certain groups, for example, consumers.

One of the main contentions of the APNU/AFC with regard to this Bill is security, which is the third concern for businesses and consumers seeking to engage in electronic transactions, the question of trust. Do we trust the process of executing an electronic transaction? To say that an electronic transaction complies with legal requirements is one thing, to have a sufficient degree of

trust in an electronic transaction such as one is willing to ship products, transfer funds, or enter a binding contractual commitment in real time is something else. Just simply by clicking on the 'I agree' button, for example, can create a legally valid electronic signature, but if it becomes necessary to enforce the transaction in court, how do you provide or prove who clicked? I will use a typical example. Most recently, a Canadian judge ruled that the thumbs up emoji is a valid signature, arguing in court that the court must adapt to the new reality of how people communicate. Who clicked? The judge ruled that the farmer in that case pay \$82,000 Canadian dollars for an unfulfilled contractual arrangement.

I go further with regard to trust. Trust, of course, plays a role in virtually all commercial transactions regardless of whether the deal is stuck in cyberspace or is more traditionally a paper-based world. Each of the transaction parties must have a level of trust before they will be willing to proceed with the transaction. Trust means many things in many situations, and you lawyers would know that. Trusting one's business partner has always been important. For example: Are they reputable or credit worthy? Will they perform as promised? In today's electronic commerce (E-commerce) environment, however, companies also need to trust transactions itself; ensuring that they can trust the transaction requires addressing some very, very important issues. Trust is central to E-commerce. Information security is the method used to help establish a level of trust in electronic information appropriate to the situation. Most major E-transaction laws such as the electronic signature (E-sign) and the Uniform Electronic Transaction Act (UETA), the electronic signatures directive and the United Nations (UN) electronic contracting (E-contracting) convention requires the use of security for a variety of purposes. In almost all cases, E-transaction laws use some element of information security as the means of which the parties establish functional equivalence to a paper-based form of requirement, and that is by physically signing. There are some growing concerns from our end with regard to this. How will our data be protected? In this technological age, that is questionable at this point in time. Dealing with this particular Bill or adapting it, we must treat it in a very inclusive manner.

The APN/AFC purposes in the support of the adaption of this Bill is that it will recognise the importance of the information economy for economic and social prosperity. We hope that it promotes the understanding and acceptance of and growth in the number of electronic transactions, promote electronic governance (E-governance) services and electronic communication

transactions with public and private bodies. And I must say, the APNU/AFC Government saw the need for establishing a Ministry of Telecommunications – thank you, Honourable Ms. Catherine Hughes – which led many initiatives that saw Guyana being a part, electronically, in the first world countries or adapting to the change in the technological era. Kudos to Hon. Ms. Catherine Hughes.

The APNU/AFC hopes that this Bill ensures that the electronic transaction in this Cooperative Republic confirms to the highest international standards. We hope that it encourages investment and innovation in respect of electronic transactions; most importantly, develop a safe, secure and effective environment for consumers, businesses and the Government to conduct and use electronic transactions; and promote the development of electronic transaction services that are responsive to the needs of users and customers. We hope that it ensures that provisions are made for the special needs of communities, particularly those who are or might be disabled. Also, we trust that this Bill will promote the development of human resource in electronic transactions, ensure efficient use and management of various domains on social media platforms. Finally, the APNU/AFC hopes that it ensures the national interest of the Cooperative Republic of Guyana is not compromised through the use of this electronic communication.

The Electronic Communications and Transactions Bill offers instructions of electronic communication to provide in terms of improving electronic strategies to promote access to electronic communication and transaction. The Bill legalises electronic communications and transactions to build a prerequisite for teaching, learning and research in an electronic era. Digital records, authenticity and reliability is evidence of any transaction. Again, the management of those sensitive data is key in ensuring that we comply with international standards. This Bill here, we believe as APNU/AFC, is ground-breaking, is necessary; but I am convinced that the intent of this Bill, while it is in keeping with international standards, has the potential to embrace the technological age.

Given my position shared earlier, I propose that this Electronic Communications and Transactions Bill No. 9/2023 be sent to a special select committee for a greater analysis and input from stakeholders such as the telecommunication companies, consumer affairs, the Bureau of Standards, the private sector and other stakeholders. Mr. Speaker, we as politicians and Members of Parliament (MPs) do not have all the answers in drafting such a technological Bill, but we believe

that with greater input the people of Guyana will get the benefit which it proposes to offer. Thank you, Mr. Speaker. [*Applause*]

Attorney General and Minister of Legal Affairs [Mr. Nandlall]: Mr. Speaker, I want to begin by offering my gratitude to the Honourable Members of the other side for expressing their support for this Bill. I have noted the reservations that they have raised, and they are reasonable reservations. Hopefully, by the end of my presentation I would have persuaded them that these reservations are not well grounded. Those reservations partially flow – I say this with the deepest of respect – from a failure to appreciate the Bill, its context, and its evolution.

8.09 p.m.

The Hon. Member, young Mr. Sears, spoke about having a greater input, spending a longer time, and having the consultations undergone that we ought to before we arrived at our present destination. Permit me to remind the Hon. Member that this Bill has had a long journey. It began sometime in the year 2009. It began under the authorship of a team of lawyers based in the District of Columbia (Washington, DC). It bore a different title at the time. I believe it was described then as the E-governance Bill. Since then, it has undergone several incarnations and several transformations. In terms of its latest incarnation, it was given the current title, the Electronic Communications and Transactions Bill 2023. In its current form, it received consultative input from the Private Sector Commission (PSC), the Georgetown Chamber of Commerce and Industry (GCCCI), the Law Reform Commission, and the Bar Association of Guyana.

The Hon. Member, Ms. Hughes spoke about her concerns for the business community. She also expressed concerns about the legal implications which may flow from the Bill. I am pleased to report that the largest conglomerate representing business and commercial interests in the country, the Private Sector Commission, was consulted. It stamped its approval on the Bill. The Bar Association of Guyana, the largest organised body representing the legal profession in the country, was consulted. It had the Bill for quite a while, and it made a submission. It is only one page here that tells you the members of the committee that dealt with the Bill; the rest gives important information regarding the Bill. Their input spans four lines and deals with whether the Bill was inconsistent with other legislation. It drew our attention to amendments that would have to be made to the Evidence (Amendment) Act and those concerns were taken into account and duly addressed.

In the end, the Bar Association of Guyana stated that the committee concluded that the Bill is a much needed and welcomed legislative reform.

For the concerns that have been raised here on behalf of specific sectors in the country, those very sectors had their examinations and consultative processes in relation to the Bill, and they have stamped the Bill with their imprimatur. I just want to assure you that your concerns in relation to those entities are not well grounded. I have heard a lot being said in respect of what the Bill should contain. A Bill of this type – if one understands the conceptual objectives of it – should contain much, much more, but there is only so much that one can put in a singular legislation. The Bill already in its current state has 68 pages. By any measure, that is a comparatively large piece of legislation. What the Bill does is seek to transition in a fundamental way all economic or recognised legal communication and economic legal transactions that are currently manually done to be done *via* electronic and digital means. That is what it does. If we are Christians and we are going to count from the modern measurement of time, from the 2,023 years of manual activity, recognised by law in the form of communication and transaction, we are now transitioning that into electronic and digital form. How can that possibly be done in one Bill? It cannot be done. It is a process that will have to go necessarily by its share volume, magnitude, and complexity, in stages. As the subject Minister said, that is why this Bill cannot be viewed in isolation.

The Hon. Ms. Catherine Hughes spoke expansively about criminal conduct. I will deal with that at length. But let me just say this, at this point in time: Every fraudulent event that is being committed now manually will have to be provided for because it will now possibly be committed digitally and electronically. In *heaven's name*, how can you put that in one legislation? How? The point that I am making is that you have to understand the concept here before you can be able to appreciate what we are seeking to do. Guyana is not the first. Every country that has travelled this road had to initiate this in the same manner – step by step as the evolution continues. Let me quickly deal with this point. I will say that when I actually get to my presentation shortly. Most of what this Bill speaks to now, we are doing it unwittingly. We are conducting transactions without fear, without all this artificial intelligence (AI) potential and fear of fraud. We are doing it every day in our lives without knowing it. The Hon. Member, Ms. Chandan-Edmond, I am sure, shops online.

[*Mr. Speaker left the Chair.*]

[Mdm. Deputy Speaker assumed the Chair.]

There is no doubt, and I can see that from her appearance. Congratulations, you are quite a dapper dresser. Do you think that Ms. Geeta Chandan-Edmond knows the people at Coach or Louis Vuitton? Do you think they know her? She sees the handbag, she sees the broach, she sees whatever piece of apparel wins her attraction, and with the use of her credit card she swipes, sends that money, and that product comes to her. All of us in this House have done that without this Bill. In other words, we are transacting business all the time electronically, but we do not have any legal foundation, framework and basis for doing it. A lot of us buy our vehicles from Japan, personally – Iwata Kiito Company Limited and Car Junction. My young friend spoke about the click. We click and send \$4 million to Japan not knowing whom we are sending it to. Do you think that you know the Japanese guy who is receiving the money? You spoke a lot about trust; you do not speak to anybody. When I bought my Range Rover, the entire transaction was between me and a machine. It was expensive. It was 12 years ago, not now. Ms. Hughes, I am talking for your benefit. They speak, they leave us in an environment and atmosphere of utmost ignorance, and then they depart.

We do it and we transmit hundreds of thousands of United States (US) dollars. This is not now but a decade ago all of us have done so. Many of the Guyanese listening to me are doing that every day; the business community is transferring hundreds of thousands of US dollars daily. One phone call from our bank and we have money *via* transfer. Is there anybody asking you for your automatic signature? Ms. Hughes spoke at length about people forging signatures. The point I am making is that there is going to be dishonesty in every area of human endeavour. [**Mr. Ramson:** Including rigging the elections.] Yes. Look at what you all did on the 2nd March. You tried to do that manually with a spreadsheet.

The point I am making is that these things are happening. Let us let not create fanciful fears and raise issues that are not well-founded. The truth of the matter is that for five decades now the computer has been with us and it has transformed the life of every human being across the globe. It has penetrated every area of human affairs and every area and undertaking of human endeavour. That is what the computer has done. Upon this, hundreds of different platforms have been built and have transformed the way human beings act, interact, conduct transactions, conduct themselves, conduct business, and conduct their daily activities. It has transformed it absolutely

and irreversibly. This is so much so that there is an argument out there that if the computer continues in this natural trajectory it is going to render mankind eventually absolute. It has taken away the jobs of millions across the globe; that is the impact that the computer has had. So much so, that the age we are now living in is described as the digital age or the age of information and technology. Guyana has not escaped this technological revolution. The computer, digital platforms, and electronic forms of transactions are with us as they are at every other corner and crevice of this Earth. Our Government has made a pledge that we will modernise the landscape of this country and make Guyana part and parcel of the modern world. This Bill is a fundamental step in that direction.

8.24 p.m.

When I was preparing to speak and dealing with the legal sector, for example... Again, I refer to Hon. Member Ms. Hughes's presentation. She spoke about the law and the implications that this would have for the law. Then my mind went straight back to the advent of the Coronavirus disease (COVID-19) which pushed the country with even greater acceleration into the digital age. All proceedings in the High Court and in the Court of Appeal began then to be filed digitally, and all cases up to now are filed digitally and are heard by digital platforms. Even before that, the Caribbean Court of Justice (CCJ) begun electronic filing (e-filing), electronic hearing (e-hearing) and disposal of cases. I even recalled further that in 2010, when we introduced the Sexual Offences Act in this National Assembly, without recognising it, we provided a digital platform for the victim to testify in the Sexual Offences Court, so as not to face the accused person. I even went back further and recalled that 20 years ago this very House amended our Evidence Act to permit the admission into evidence of computer-generated documents, and to do so without calling the maker to give the evidence or admit the documents.

I say all of these things and I reflect on all of these realities to send the message home, strong and clear, that digital communication, electronic communication and electronic transactions are deeply embedded and entrenched in almost every component of our society and in our commercial arena right here in Guyana. We have been fully participating in them without even recognising it. I say that to allay the fears that have been raised here. Someone spoke about someone supposedly forging their electronic signature. Imagine they can forge your manual signature, in the same way

they can forge your electronic signature. The Bill makes it an offence when such acts are committed. The sky would not fall.

Ms. Hughes gave an example about a transaction in land – I would deal with the transaction in land later – and about going to the Deeds Registry where your transports are kept. You could go there and get a copy for safekeeping, and they would keep the original and give you a certified copy. What she does not know is that a certified copy is digitally stored, printed, certified and handed to her. That is there already. That is the lack of knowledge that I am speaking about, not in a derogatory way but seriously showing that Ms. Hughes does not know that documents are being digitally stored and digitally reproduced over a decade ago at the Deeds and Commercial Registries Authority (DCRA). Her example and the fears that she expressed are completely without basis.

The Bill simply creates the legal basis and framework to facilitate and regulate electronic communications, transactions and to receive payment and transfer of money, all of which we are already doing. I have given you enough examples to which you can relate. All the Bill does is that it creates the legal basis and framework to now facilitate, accommodate and cater for that which you are doing right now in an illegal and unregulated environment. It brings regularity and framework to all the transactions that you have been doing. It establishes the infrastructure necessary to implement secure electronic commerce. It provides the platform to enhance the efficient delivery of Government services electronically, including providing for the reliable storage of electronic record and for the electronic filing of documents. It is this Bill that would allow now for the foundation of central government and the state apparatus to move legally into offering electronic and digital services, and to allow for payments to be made electronically and digitally. This singular component of the Bill will radically transform government services making it secure, reliable and efficient so that government services, for example, can now be paid for by the use of debit cards, wire transfer, credit cards and other electronic means of payment. That is all we are doing.

You can go to the Ministry of Housing and Water after this Bill is passed and they would now have to create a digital platform that would accept the modern form and mediums of payment. You can go and pay for your house lot and you would not have to walk with the cash so that someone would choke and rob you at the corner of the street. You can now go with your card, and you can

now go with other forms of acceptable electronic payment, and they would have the platform to accept it. That would go across all central government and all state agencies. For years we have been speaking about moving or accelerating the move from a cash-based economy, to one of electronic means or plastic, for want of a better word. This Bill would be a major accelerator in that direction. This is what we were waiting for and striving for. That is why I am saying that this Bill is 20 years behind its time.

The Bill allows for the execution of binding contracts digitally, which is another important example. As I said, many of those contracts you are doing already. My friend, that click is you are accepting an offer. An offer would have been made electronically to you, you would have seen that offer expressed in digital form most usually on a computer screen, and by pressing that click, you send yes, you have accepted that offer. That click constitutes the binding contract. The performance would now begin. You would now have to send the balance of the money or the deposit as the case may be, based upon the terms of the contract. You do not have to leave your house and the man in Tokyo does not have to leave his house. You do it both in your bedrooms or office if you wish. You have a legally binding, recognisable contract.

Mr. Ramjattan would tell you that you would have had to go into contract law and into vague common-law principles, beginning when they started telex transfer and cablegram to determine where the contract was made, if the contract was possible in that medium, *et cetera*. This now statutorily confirms that in cyber space these contracts are entered into and are legally acceptable and binding, just as if it was done with the two parties sitting together having negotiated, signed and then exchanged for the other to sign. That is what it does, and significantly it allows for the use of electronic signatures. Now a lot of transactions can be done digitally but, as you said, it is largely based on trust. The final authentication is that signature or an acceptable stamp that is uniquely yours. The electronic signature now fills that vital void. Any document, in any part of the world – and you are doing that as I said; at least I am doing it – and all your letters now are typed in the ministry. I would sign but would not use the snail mail. You scan it and send that by e-mail. What they see is a photograph of your letter with your signature. Now, you would be able to put the signature on and we are doing it already. Many, many businesses are doing that already without the legal basis. Do you know why it is permissible? No one, once they put their signature, would

go back and say that is not my signature. It is still something that was being done without regulation. Now, it is being done by regulation.

Let me give you a very practical example which permeates in the United States of America and has brought great relief to especially sick people. You can now get your medical prescription from your doctor sent to you, on your phone, with his or her electronic signature. You can get to your pharmaceutical care provider by going there and picking up the drugs or whatever the case may be. These are everyday transactions that are taking place. Maybe that particular one is not in Guyana, but now, with the advent of this, obviously, we would move in that direction. I can continue to give you innumerable examples of the benefits that this Bill would bring once it becomes law, but I think that I have done enough.

Ms. Hughes again spoke about the offences that can be committed. As I said, yes, offences are going to be committed and the Bill has over four pages of offences at the back. The last section, PART IX of the Bill, numbers several pages that lists the different types of offences. There are ten pages of offences, and as I said, this Bill cannot be read in isolation. As I said, this Bill simply allows for things that were done manually to be done digitally and electronically. We have a Cybercrime Act. Though we have made a public undertaking that we will repeal it and we are working on a more modern one, that Cybercrime Act allows us to address the issue of crimes and wrongdoings committed in cyber space. Obviously, the entire regime, scheme and objectives of that Act would apply *mutatis mutandis* to this Bill. As I said, this Bill also speaks to the issue of creating ten pages of offences.

Another question was raised about the jurisdiction, but I do not know if Ms. Hughes read this Bill. There is a clause that deals specifically with jurisdiction. Jurisdiction would naturally arise where you have electronic legal transactions being done or digital legal transactions being done because the question of jurisdiction will arise. In which country did the contract conclude? In which country did the breach occur? It is in that country the cause of action will arise. The Bill states:

“80. (1) Subject to subsection (2), this Part shall have effect in relation to any person, whatever his nationality or citizenship, outside as well as within Guyana; and where an offence under this Act is committed by a person in any place outside of Guyana, he may be dealt with as if the offence had been committed within Guyana.”

It states:

“Subject to subsection 2...”

Subsection (2) reads:

“For the purposes of subsection (1), this Act shall apply if, for the offence in question –

8.39 *p.m.*

- (a) the accused was in Guyana at the material time;
- (b) the card, computer or data was in Guyana at the material time;
- (c) the card was issued by a financial institution in Guyana; or
- (d) the damage occurred within Guyana, whether or not paragraph (a), (b) or (c) applies.”

This deals with criminal conduct. The law of contract is pretty clear, and that will be in contract law books. One cannot legislate all of that But, for crime, because crime is largely territorial, if one commits an offence within the territory of Guyana, one can only be charged and convicted of that offence within Guyana. That is why there are things such as extradition, *et cetera*, when one is in another country to take him/her to that country for the trial. The person cannot be tried in Guyana for an offence committed in the United States of America (USA) because, universally, by virtue of international law, criminal jurisdiction is territorial. It is based upon the territory in which the act was committed. As I said before, the Private Sector Commission, the Guyana Association of Bankers Incorporated, the Chamber of Commerce and the Guyana Bar Association were all consulted.

Regarding legislation, Hon. Member, you were asking that we should look around the world. Well, legislation from around the world were examined in drafting this Bill. Countries included the United States of America. Legislation from several states of the USA were examined. Legislation from members of the European Union (EU), that is the whole of Europe, were examined. England, Canada, Malawi, and from the Caribbean: Jamaica, St. Lucia, Barbados, Trinidad and Tobago, and the United Nations Commission on International Trade Law’s (UNCITRAL) model law on the subject were also examined. There is nobody with the competence in Guyana who can sit and craft

a Bill of this type – none. [An Hon. Member: *(Inaudible)*] I am flattered that you think so highly of me but not even me. This Bill had to have been the receipt and receptacle of expert input, drawing from experiences in the areas that I have outlined. As I said, the Bill has been in its embryonic stages since 2009.

There are safeguards in the Bill, for example the certifying authority service providers. That is a whole regime of apparatus that will be established and that will assist in certifying documents and the types of transactions that will take place when this Bill comes into force. The Bill has a mechanism for regulations, as expected. There is no way that a Bill of this substance and magnitude will be without that important facility of being able to add regulations to bring the necessary flexibility, fluidity and other various forms of competence being added to the legislation continuously to help the Bill to become truly and efficiently functional. All those mechanisms are in place. It is not my intent to go through the Bill clause by clause. The distinguished Minister of trade, whose Bill it is, has already done that. I thought that I would speak broadly on the concept and to address, specifically, the concerns that have been raised. I want to assure Members that this is only the first step in that direction; this is the foundation.

We have a Data Protection Bill. Someone spoke about the protection of data and the protection of people's personal data. We have an entire Bill and you have it in front of you. Look at the size, weight and volume of that Bill. That is an entire Bill dedicated exclusively to data protection. We are not doing this thing in a piecemeal, hurried, negligent and careless way. Each of them can withstand any form of competent scrutiny—any one of them. That is why you have to look at this thing in a whole and not look at it, unfortunately, in the way it has been looked at.

I spoke about the Cybercrime Bill. We are working, as I said, with the United Nations (UN). The world is working together to produce one cybercrime convention and a model legislation for the entire world. Regarding that model legislation, there will be one for Latin America and the Caribbean. We are working on that; we should get that shortly. In the meanwhile, there is still a Cybercrime Bill, we have the Data Protection Bill, and we have the Digital Identification Card that the Hon. Prime Minister has read for the first time this morning. We are coming, just after recess, with another data bill, an Open Data Bill. It is a entire framework, a policy directive with a built elaborate infrastructure to deal with data, digital technology, digital transaction and electronic transaction.

I commend this Bill to the House and I support the Hon. Minister. I believe this Bill should be supported by the entire country. It will transform activities, as we know them in Guyana, going forward. Thank you very much, Mr. Speaker. *[Applause]*

Mr. Speaker: Thank you very much, Hon. Attorney General. Now for the Hon. Minister of Tourism, Industry, and Commerce, Ms. Oneidge Walrond.

Ms. Walrond: (replying) First of all, I would like to thank my Colleagues, the Hon. Prime Minister, Brigadier (Ret'd) Mark Phillips, and the Attorney General and Minister of Legal Affairs, Mr. Anil Nandlall, Senior Counsel, for their support on this Bill, and also the public servants who worked extensively to prepare it. I thank you.

It is clear, from the contribution just made by the Hon. Attorney General, that the problem with the Bill is certainly not that there were omissions, as I shall get to in a short while. The issue that we have is clearly that Members who made the contribution have not really read the Bill. This is a matter, learned Attorney General, for education of Members on the other side rather than a select committee, some public education sessions about what the Bill really states. The contributors on the other side, specifically the Hon. Member, Ms. Catherine Hughes, and the Hon. Member, Ms. Flue-Bess, identified what they saw were significant omissions. The Attorney General mentioned those. Those are provisions relating to forgery, identity theft – these were all mentioned by the contributors – the money transfer issues, Mobile Money Guyana (MMG), automated teller machine (ATM), record retention.

I reiterate what the Attorney General said that everything cannot be addressed in one Bill. These issues are all properly the subject matters of other bills and other acts. For example, the forgery and identification theft by electronic means are offences under the Cybercrime Act. Section 10 of the Cybercrime Act specifically criminalises computer related forgery, section 11 criminalises computer related fraud and section 13 criminalises identity theft by electronic means. Ironically, this is a Bill that was passed under Hon. Member Ms. Hughes' tenure as... That is why I am quite familiar with it. It is alarming that these were raised and these were omissions under the current Bill when they were quite aptly provided for under the Cybercrime Bill.

The issue raised by the Hon. Member, Ms. Hughes, as to... The Hon. Member took objection to the role of the subject Minister as regards making specific arrangements how the public authorities,

under their portfolios, would conduct business. The Hon. Member said that the Minister should not be the one to speak to how public authorities under the Minister's portfolio would conduct business electronically as regarding financial matters. These provisions are conceptually no different from the arrangements under the Fiscal Management and Accountability Act (FMAA) as regard statutory bodies and the role of the Accountant General in Central Government. One of the heartfelt criticisms by the Hon. Member, Ms. Hughes, was the impression that there was no provision in the Bill for ensuring authentication of the records and detecting forgeries. If this was so, indeed, it would have been a critical flaw in the Bill. Fortunately, I can emphatically say that this is not the case.

In the definition section – and I will try to be brief – a digital signature is expressly defined as an electronic signature that can be used to authenticate the identity of the sender of a message or the signer of a document. Thinking in converse, if a particular technology is not capable of providing such authentication, then it cannot qualify as a digital signature.

I spoke of the functions of the authority administering the public and private key pairs. I have a brief explanation of what these key pairs are. These key pairs are the central feature of a particular type of electronic signature system called the public key infrastructure. All of this is in the Bill. To treat with it concisely, a member of the public can obtain a key pair through the provider who is the duly authorised and certified authority. The person will publicly disseminate one key and then the other one the person keeps it on his/her own person that is known to only him/her. These keys operate in tandem. One can digitally sign with his/her private key while any member of the public can use the public key to run the procedure against the message, and this procedure will reveal whether this message is genuine. The point is that the technology and the Bill does provide for the concern that the Hon. Member raised about authenticating. It is all written right there in the Bill.

In closing, this Bill goes a far way in facilitating modern commerce and e-government, and it brings significant benefits to citizens and businesses and to the economy. We now have the ability to now, among other things, engage in cross border trade. I, therefore, highly commend this Bill to this august Assembly.

Mr. Speaker: Thank you, Hon. Member.

8.54 p.m.

Question put and carried.

Bill read a second time.

Assembly in Committee.

Clauses 1 to 84 and Schedule

Clauses 1 to 84 and the Schedule agreed to and ordered to stand part of the Bill.

Assembly resumed.

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

Real Estate Agents and Brokers Bill 2023 – Bill No. 11/2023

A Bill intituled:

“A BILL intituled AN ACT to provide for the registration and regulation of Real Estate Agents and Brokers in Guyana; to promote transparency, accountability and integrity in the Real Estate profession; to protect and assist persons engaged in transactions with Real Estate Agents and to assist in the detection and prevention of money laundering, terrorist financing and proliferation financing, and to provide for other related matters.”

[Attorney General and Minister of Legal Affairs]

Mr. Nandlall: I rise to move that the Real Estate Agents and Brokers Bill 2023, Bill No. 11 of 2023, published on 19th July, 2023, be now read a second time.

The real estate business has been part of our commercial sector from time in memorial. Currently, the real estate sector in Guyana is without any regulation whatsoever. It is a sector which generates perhaps over billions of dollars annually in the sale and leasing of real properties. It employs dozens of persons with the exponential growth in the Guyanese economy and the increase in foreign and local investments, in particular the oil and gas sector and in the hospitality and accommodation industry, the sale and rental of properties, increase significantly, enlarging the industry even further. International real estate operators such as Century 21 of the United States

and RE/MAX from Canada have established offices in Guyana. Over the years, citizens across this land can relate to unfortunate experiences and fraud to which they have been subject at the hands of persons holding themselves out as real estate agents. These persons have no prescribed qualifications, are not supervised by an authority, neither are there any regulatory framework within which they are to operate. There is no fixed rate anywhere which dictates how they are to be remunerated. Significantly, no clear rules exist which stipulate how they are to be retained nor a code of conduct to which they are bound. It is simply a free for all.

This has led to arbitrarily and capricious conduct, exploitative practices, unfair and irregular dealings, fraud and illegalities. From a financial and accounting perspective, there is no regulatory framework as indicated above and, therefore, no effective supervision monitoring or accountable regime for the type of transaction conducted and the revenues generated, therefore, state agencies such as the Guyana Revenue Authority (GRA) and the Financial Intelligence Unit (FIU) have no institutional mechanisms in place to audit, monitor, supervise or verify the affairs of this multi-billion dollar sector. In this modern age, this state of affairs is completely unacceptable. Expectedly, this sector has been flagged as a weak link in Guyana's Anti-Money and Countering the Financing of Terrorism (AML/CFT) framework. Guyana has been directed to rectify this gaping deficiency. All the foresaid factors concatenate to the drafting and promulgation of this important piece of legislation. It constitutes yet another step in the journey of modernising our legislative and commercial landscape.

This Bill sets out a comprehensive regulatory framework that will govern the real estate industry in Guyana. Importantly, it is expected to correct the identified weaknesses in our Anti-Money Laundering and Countering the Financing of Terrorism architecture in time for an impending assessment to which our financial systems will be subject in September, 2023, by assessors from the Caribbean Financial Action Task Force (CFATF) in a mutual evaluation exercise. This Bill has been in the pipeline for more than a decade. However, work begun earnestly last year and concluded this year. The drafting of this Bill constituted a collaborative effort between the Government of Guyana, though the Attorney General's Chambers AML/CFT Unit and the operators in the real estate sector in Guyana.

There are two main real estate associations in Guyana, namely, the Realtor Association of Guyana and the Guyana Association of Real Estate Agents. I chaired several engagements with

representatives of both of these organisations. Both organisations produced draft bills and one was generated from the AML/CFT unit of the AG's Chambers. The Bill that is before us is the end product of a consensual merger of these three draft Bills. The draft produced by the two Associations contained provisions extracted from real estate legislations, from both the United States of America (USA) and Canada. The draft with the AG's Chambers generated was crafted after consulting similar legislation in the Caribbean in particular the Republic of Trinidad and Tobago. Needless to say, the provisions were appropriately adjusted to meet the exigencies of the Guyanese reality.

I will go briefly into the Bill – the important clauses. Clause (5) begins with a definition of what is a real estate activity and, as expected, it is a detailed definition spanning some two pages. The Bill governs real estate dealings and one of the first things that the Bill does is to comprehensively define what is a real estate dealing.

Clause six outlines the instances where persons are not involved in real estate business, such as attorneys-at-law facilitating a conveyance, persons operating under a power of attorney, an administrator, executor or trustee or a persons involved in selling or leasing his/her own private property.

After the Bill describes what a real estate activity is, the Bill then goes on to state that there are categories of persons who may be engaged in this activity, but they will not be considered real estate activities for the purposes of the Bill. If a person is selling his/her own property, if an Attorney-At-Law is selling a property on a person's behalf or if the person is an administrator of an estate or executor of a Will and the person has as part of his/her responsibilities to sell properties of the estate and he/she actively goes out there and see buyers or see purchasers or the person has to rent properties as part of his/her fiduciary duties as an administrator or executor, that person will be performing an activity that is captured in the definition and the Bill ought to apply to the person. The Bill requires that if a person is going to conduct these activities, he/she has to be registered, *et cetera* under the Bill but the Bill excepts the categories of persons to whom I made reference to because the Bill allows that narrow category of persons to conduct real estate transactions, unaffected or are going to be unaffected by the Bill. Any person outside this exempted or excepted category who conducts a real estate transaction unless authorised by the Ac, will be committing an unlawful act. That is what clause (6) does. All persons who are now going to operate as real

estate agents, conducting real estate activities, must now come under the supervisory authority of the framework that this Bill will establish when it comes into law. Only those persons who are excepted will not have to come under the administration of the Act.

The Bill goes straight into registration. A person who wishes to engage in real estate business shall apply to be registered with the Guyana Real Estate Authority under clause 26. The Bill makes it unlawful for any to act as a real estate agent or broker unless that person is registered. As a reporting entity under this AML/CFT regime it is of critical importance that provisions enable real estate agencies to carry out their AML/CFT reporting obligations effectively and efficiently. Let me pause here to explain and I did it *en passant* in my introductory remarks, one of the reasons this Bill is here is to answer a query raised by the Caribbean Financial Action Task Force. It has already identified real estate activities in Guyana as an area for potential concern for AML/CFT purposes and it has directed regulatory framework, and that that regulatory framework must adequately cater for proper record keeping, proper documentation, proper licencing, proper supervision, proper monitoring not only to but not only to keep the industry intact but, also because of the potential that this industry has in terms of AMLCFT.

9.09 p.m.

As I said, billions of dollars pass through this industry. One of the fastest way, one of the most effective, and popular way of laundering money is through real estate. It is to create a front, create a property, create companies and through these companies wash dirty money; wash tainted proceeds. That is a universally recognised phenomenon. Our Bill confronts that reality expressly and in a most elaborate way. We do not do it in any disguised way. We say frontally in the Bill that this is one of the functions, duties, obligations and responsibilities of those who are going to operate in this sector. In order to be registered under this Bill, this applicant must fill out an AML/CFT questionnaire. They must also be 18 years of age and hold the prescribed qualifications to be determined by the authority. Real estate agents and brokers will also be required to keep client's account. That is, accounts that are separate from the personal account with regard to management of funds of clients. Here again, you see the hand of accountability and transparency.

In any event, anytime a person is dealing with funds that are not his/hers, in the conduct of his/her business, whatever the endeavour is, you are to treat that separately from funds of his/her own.

There must not be intermingling and comingling unless the law permits it, or there is some ethical acceptance of a guideline that will allow for the intermixture and admixture of funds. This Bill speaks to that in an express way. They must keep proper records of transaction in keeping with the statutory requirement of seven years under the AML/CFT in a manner that the authority could retrieve such transactions where necessary. All transactions, like commercial banks are required to do, must be saved; must be stored; and must be kept; for a statutory period of seven years. That is international requirement across the sectors. The real estate operators are now brought into fold to comply with that requirement. Clause 21 states:

“There is established an authority to be known as the Guyana Real Estate Agents Authority.

The Authority shall be a statutory body cooperate...”

The Authority will provide the license and registration regime for real estate agents and brokers. I want to pause here to ask you to observe that this is a commercial sector driven Bill. If you listen or if you read the Bill itself, you will see that there is hardly a hand of government anywhere. It is a sector that is established to run and manage itself. That is why the Authority is a statutory body corporate but somebody must appoint the authority. That is where a Minister comes in. The Authority cannot be appointed by itself. When you see a Minister, you must not get on... I notice this tendency in this House. Whenever the word ‘minister’ appears, it is suspicion – baseless suspicion arises. Listen, laws are going to be administered by the executive; they are going to be enforced by the enforcement agencies. They have to be administered by ministers who are answerable to the people through this National Assembly. There is nothing wrong. This Government is not going to cede power that it was elected to exercise. I want you to disabuse your minds about that.

It will comprise of a representative from the real estate association, a nominee by the Attorney General, as well as a nominee from the Ministry of Tourism, Industry & Commerce, the Guyana Competition and Consumer Affairs Commission, and the Private Sector Commission. These members shall hold office for a term not exceeding three years and are eligible for reappointment.

Clause 32 of the Bill states: The Authority shall submit to the Minister a report of the performance of its functions annually and the Minister shall within three months of receiving that report, cause the report to be laid in the National Assembly. That is the point that I am making; to bring you

involved, bring the people involved. Never mind it is a commercial entity operating in the private sector. When you see Minister, suddenly you see jumbie. [Mr. Mahipaul: Yes. Because that is how I stay.] You look like that.

Clause 23 of the Bill lists the grounds upon which members of the Authority would be disqualified. It has qualifications for members of the Authority and it has disqualifications.

Importantly, notices of applications for licences under the Act are required by the authority to be published in the official Gazette. In two daily newspapers circulating in Guyana for the purpose of inviting objections to the grant of license. Here you have it, where persons are interested and wish to apply to be granted a license, the authority is obliged to put a notification of that application in the official gazette and in a newspaper enjoying daily circulation, so that members of the public could, if they wish, object to that appointment, object to the grant of that license; if they believe that this person does not possess the moral rectitude to perform the functions or whatever reason you may have to disqualify him. Of course, a mechanism is established in the Bill that allows fairness and due process. Not because Hon. Member Ms. Chandan-Edmond does not like a particular person, the Member could object and that is the end of the matter. The objection has to be processed. There would be a hearing and a determination would be made after hearing both sides. If anyone is aggrieved by a decision of this authority, be it Ms. Chandan-Edmond as the objector, the potential applicant or anyone else, he/she is free to approach the High Court to seek judicial review of that decision that he/she feels should be impugned.

A license issued under the Act shall be valid for three years from the date of its issue unless it is cancelled, suspended or revoked. There is an allowance also for the renewal of these license. The authority has some general functions; they include, quickly:

“(a) the determination of qualifications for real estate agents and brokers;

For the first time, we will have qualifications that will be prescribed by regulations. They are not by the Minister, but by the authority.

(b) maintaining and updating the Register of Real Estate Agents;

(c) the issue, renewal, revocation or cancellation of licences;

- (d) informing any supervisory authority of the issue, renewal, revocation or cancellation of a licence
- (e) issuing guidelines and codes of practice for real estate agents and brokers from time to time and
- (f) any other function as determined by the Authority to be necessary for the real estate sector.”

There will be qualifications which are going to be prescribed; disqualifications that are going to be prescribed; a register of the operators in the sector; details of their licences renewals, *et cetera*. Most importantly, you will have guidelines and codes of conduct that will govern their behaviour and the conduct of their affairs in the sector. You are going to have now a framework of regularity that will exact from operators in the sector, professionalism, efficiency and honesty.

The Bill sets out a variety of conduct which if committed by a real estate agent or broker or sales associate would be guilty of professional misconduct. It is quite an exhaustive list spanning over three pages in the Bill at clause 40. I am not going to exhaust you with it. Look at it. There is a whole long line of wrong doings or conduct that are classified as wrong doings. They form part of the rubric of professional misconduct, if they are committed and the perpetrator is found guilty.

Clause 40 also provides that where an act of unprofessional conduct is established by a broker, the directors, partners or management of that broker is deemed to have committed the offence, provided that they have consented, connived or acquiesce to the said misconduct. When a body corporate goes out and commits a misconduct, the principals, the human beings behind that body corporate; the direct, CEO, the officers of the company once it could be established that they connived, they authorised, they consented or they acquiesce to that misconduct, then they are as guilty as if they performed it personally.

Part VII deals with duties and obligations of persons involved in the real estate business. In addition to a code of conduct that will come; in addition to all the other obligations in the Bill, qualifications, *et cetera*, there is also a provision that lists the important duties and obligations that devolve upon operators in the industry. These include the maintenance of proper record of all transactions conducted, maintenance of client’s account where clients’ moneys are to be deposited

separately and distinct from their accounts. Significantly, the Bill makes it clear that client's moneys are held in trust and if misused a criminal offence is committed, which upon summary conviction attracts a fine of \$5 million and imprisonment for five years. The agent and the brokers are also required to file on an annual basis accounting records of their business with the authority. In this regard, a false information is submitted another criminal offence is committed.

Here again, there are moneys. Every lawyer in this room could relate to a client walking into his/her office or many of you in your daily lives could relate to persons who have complained to you of fraud perpetrated against them in some property transactions. Invariably –I say so with the greatest of respect to the honest operators in the real estate industry – the main architects are intellectual authors of these property frauds have been persons holding themselves as or trading as real estate agents. They do it with the use of power of attorneys, they get false transport and all sorts of manifestations of it. Here, they now are bound. First of all, we will have qualifications. Before the licence are granted a person has the opportunity to object, then there is the code of conduct to which they have to be compliant and now there are duties and obligations of a more penetrative nature in terms of how they conduct their actual affairs within the four corners of their office.

The Bill establishes a disciplinary committee which will hear and determine complains made against a real estate agent or broker and any other matters related to professional misconduct by a real estate agent or broker. The committee will not be under the control or direction of any person and is therefore completely independent. This panel will consist of an experienced Attorney-at-law as its chairperson as well as two other experienced persons in the real estate arena. It states if the committee has been satisfied that an act of professional misconduct has occurred, it has the power to (a) reprimand or censure the real estate or broker, (b) recommend the authority that the certificate of registration of the real estate agent or broker be suspended for a period not exceeding two years and (c) recommend to the authority that the licence of the real estate broker be revoked or agent be revoked.

9.24 p.m.

The disciplinary community may also recommend cancellation of certificate of registration or advocacy of a licence on the ground that the broker was convicted of an offence under this Act

or an offence of the laws listed in the First Schedule. The First Schedule has some offences that are very serious which relates to money laundering, terrorism, financing or proliferation financing.

The formidable regime established by this Bill which addresses conduct, discipline and sanctions in this sector will no doubt exact professionalism and rectitude from operators in the sector.

There is a penalty section and the Bill creates a heavy regime of penalties and various offences are created throughout the Bill but there is a residuary penalty section, if you wish, at the end of the Bill and it states wherever an offence is created and there is no penalty, this penalty listed here shall apply throughout. The General Penalties stated in the Bill:

“(a) on summary conviction, in the case of—

- (i) a body corporate, to a fine of ten million dollars;
- (ii) a director or other officer of a body corporate, to a fine of ten million dollars or imprisonment for one year or both; and
- (iii) any other individual, to a fine of five million dollars or imprisonment for one year or both;

(b) on conviction on indictment, in the case of—

- (i) a body corporate to a fine of twenty million dollars;
- (ii) a director or other officer of a body corporate, to a fine of twenty million dollars or imprisonment for two years or to both; and
- (iv) any other individual, to a fine of ten million dollars or imprisonment for two years or to both.”

It is quite a heavy penal regime for offences committed, and these, as I said, are generic offences. Almost every other section in the Bill or every other part of the Bill, whether it legislates a particular conduct and if it provides for an offence to be committed if there is a breach of that particular conduct that is mandated.

Based on the concerns of real estate groups, we have included in this legislation that all agreements are to be in writing. This will ensure a clear understanding of the relevant terms and conditions between the real estate broker and the client. One of the big disputes, one of the issues of controversies in the real estate sector, is the rate of remuneration. As it exists now, there is none. There is no standard rate. Invariably there is a fight that arises when the payment is to be made, the real estate agent will tell you that their understanding is x per cent of the sales as commission, and the person who is to pay will tell you no, that is not my understanding and that right there is the dispute. We believe that if that transaction is recorded in writing by law, then all those vagaries and ambiguities will disappear, and they will be bound by the written contract. To ensure that the act operates on a level playing field, all applicants who qualified as real estate agents or brokers shall be registered as real estate agents only from...let me pause here. The act will come into operation soon; you have a set of persons in Guyana already operating as real estate agents. One cannot pass a law to outlaw them instantaneously; rather, one has to pass a law to accommodate them. Right now, there are no qualifications, so what we decided, when this law comes into force, they will all be accepted and licensed at one level as real estate agents.

Later on, to be a broker is apparently a higher stage in the industry; it requires higher qualifications. As I said, we have Real Estate Maximum (REMAX) agents here and Century 21 agents here, so they are already brokers. If we are to licence them tomorrow, we will cause serious problems within our local sector because you have real estate operators here who have been in the industry before I was born. They are still operating, and you know them, their names, and some of them are household names in the country. I hate to believe that a young man, because he has a piece of paper somewhere that qualifies him as a broker, should come and enjoy a superior status to a real estate agent who has been operating in Guyana for the past 50 years. I do not believe that unequalness should be tolerated or should be encouraged at all.

What we did? The slate is clean, and all the operators in the sector are going to be accepted, registered, and licensed as one-off, and then the industry kicks off. Brokers will come in 2026 and that is what I was going to read. From 1st January 2026, the authority will then begin to register such qualified persons as brokers. From now to 2026, requirements are going to be put in place now; qualifications are going to be put in place by regulations, and real estate agents that are now in the industry after the Act comes into force after these qualifications are prescribed will now

have to meet those qualifications and those who wish to be elevated in the status of brokers will now have to meet those qualifications but that regime will come into force in January, 2026. This enables a fair playing of the commencement of the Bill. I explained the transitionary: those who are here already and performing the functions will simply continue to perform but now have to get their license and be registered, *et cetera* under the Bill. Now, I received from a Member of the other side a list of proposed amendments, and I am aware of a request to send this matter to a Special Select Committee.

Now, first of all, as I said earlier, this Bill has to be passed in time for the on-site mutual evaluation assessment exercise slated to begin on 6th September 2023. It will go until 16th September, so this Bill has to be in place for that.

Secondly, as I said, this Bill has been in the public domain for quite a while. The Bill has received input from the sector, and as I said, it is a consensual product of the two agencies or the two groupings operating as real estate agents in Guyana.

Thirdly, I have looked at the list of amendments and am unmoved by them. They do not change anything in the Bill, just amendments, because someone wants to propose amendments. They do not add to the quality of the Bill; they do not add anything of substance. As I said, this Bill has received inputs from the United States of America (USA) from Canada, and I have the raw data with me. I have the various emails and clauses of the Bill from the various players in the industry, including excerpts from Toronto Real Estate Law, New York Real Estate Law, and so on.

Unfortunately, we will not be able to accede the request and one is to support the amendments that are to be proposed, nor will we be able to accept or accede to the request for the Bill to go to a Special Select Committee. This is a good Bill; stand up and tell me what the flaws are, and then I will see whether we can amend it on the floor once you can make out a case. I hardly think that one can interfere constructively with the Bill at this stage as it seeks to bring a regulatory framework for the first time to an industry. There is no controversy here. There is no allegation of ministerial interference, and it is a sector driven Bill. As I said, it has the absolute of the sector that it is intended to regulate. With those remarks, Mr. Speaker, I commend that the Bill be read a second time. Thank you. [*Applause*]

Mr. Charlie: Good evening, Mr. Speaker, esteemed Members of Parliament, and distinguished online viewers today. I have the privilege to add my Indigenous voice to the discourse surrounding a Bill of paramount importance, namely the Real Estate Agents and Brokers Bill No.11 of 2023. The meticulous crafting of this Bill portends transformative changes within the real estate industry, signifying the potential to shape the very fabric of our nation's property market while safeguarding the interest of all stakeholders involved.

The overarching objective of this Bill is the collective establishment of a transparent, accountable, and efficient real estate profession within our country. This necessitates formulating a comprehensive regulatory framework that ensures the promotion of ethical practices, safeguarding consumer rights, and fostering unwavering trust in all real estate transactions. As we stride steadfastly towards progress and prosperity under the caring and successive People's Progressive Party/Civic (PPP/C) Administration, we must duly acknowledge the significance of this legislative enactment. The real estate sector occupies a pivotal role in propelling our nation's economic growth, which mandates nurturing an environment wherein real estate agents and brokers conduct their affairs with the utmost integrity, adhering assiduously to the highest echelon of professional standards.

Fundamental to the efficacy of this Bill is the establishment of a systematic registration, as outlined by the Attorney General, a mechanism for real estate agents and brokers. This shall cumulate in the creation of a comprehensive database comprised of duly qualified and authorised professionals whose expertise and ethical cons are confirmed to prescribed standards of excellence. These indispensable safeguards shall not only elevate consumer protection but also substantiate a pronounced elevation of professionalism within the industry. Moreover, the Real Estate Agents and Brokers Bill 2023 ardently champions transparency in all property transactions. It demands from the real estate agents the provision of clear and accurate information to their clientele, thereby empowering buyers and sellers alike to make informed decisions. Such transparent transactions shall ineluctably serve to instil unparalleled confidence within the real estate market while simultaneously dissuading any inclination towards fraudulent practices. The paramount importance of consumer protection remains inexorable throughout this Bill.

The Bill meticulously incorporates provisions specifically tailored to address conflict of interest. It proffers punitive measures for instances of misconduct and implement a robust dispute

resolution mechanism by thus ensconcing consumers within a protective embrace. This Bill strives to embolden their confidence in the real estate sector, thereby, engendering a thriving market that befits the interest of all stakeholders.

9.39 p.m.

The salience of the Real Estate Agents and Brokers Bill No.11 of 2023 is further accentuated by its acknowledgment of the crucial role that real estate professionals occupy in combatting financial crimes. Meticulously entwined within the Bill are provisions encompassing anti-money laundering and counter-terrorism financing measures that align our efforts harmoniously with broader national strategies aimed at neutralising illicit financial activities.

I earnestly call upon the Members of the Opposition within this esteemed House to recognise the profound significance of the Real Estate Agents and Brokers Bill No. 11 of 2023 and furnish it with their unyielding support during the passage thereof. Together, let us seize this auspicious moment to fashion a real estate industry that is unequivocally characterised by professionalism, integrity, and unparalleled consumer confidence. Together, let us shape the future of the real estate landscape within our cherished nation, thereby paving the way towards ensuring prosperity and unprecedented progress under the dynamic leadership of the People's Progressive Party/Civic (PPP/C) Administration. With this, Mr. Speaker, I thank you. [*Applause*]

Mr. Seeraj: Thank you, Cde. Speaker. Colleagues, I am pleased to be associated with the debate in relation to the Real Estate Agent and Brokers Bill 2023 – Bill No. 11 of 2023. From looking at this Bill and also hearing the comments made by the Hon. Attorney General, my thoughts went back to my school days when I heard a story. I do not know how true it was. I grew up in the rural community of Cane Grove and came to Georgetown only when I was just about 14 years old. I heard a lot about these stories. I was told that a dapper gentleman decked out in a suit and tie attempted to sell City Hall. [**Mr. Ramjattan:** It was Parliament Building.] Was it the Parliament Building? Were you the person, though, *Prak*? If I got the story right now, someone was attempting to sell the Parliament Building to an overseas visitor. The transaction had progressed significantly. Good sense prevailed and the buyer looked for the title. The seller unfortunately – there was a name for the guy but I cannot remember what it was – could not come up with the relevant document to show proof of ownership. We had many stories like that affecting

folks especially, within rural communities and with players in the cities as it relates to the sale of property.

As the Hon. Attorney General mentioned, this Bill has been long in coming. I think it is driven locally here by the need for us to be organised. Of course, as the Attorney General mentioned, also, we have some international obligations to fulfil in terms of updating this particular piece of legislation. I suspect this is to make us compliant with laws relating to Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT), which is very important for us to be there among the developing countries. The four parts and the 77 clauses, as the Attorney General highlighted, cover all the aspects of this particular area of business.

In the 1990s, I know of a dealer in agricultural machinery who sold many tractors and other heavy-duty equipment to many farmers. After several months, the farmers did not make payments. He approached the then General Secretary of the Guyana Rice Producers Association (GRPA), Mr. Faizal Ally for some help to recoup money due to him in the tens of millions of dollars. Unfortunately, he did not have any written contract. This now was a case where the buyers themselves defrauded the seller. So, there is a need for protection for both sides – the persons selling legitimately to enter that contract that was spoken about earlier. Also, in the more numerous cases, there should be protection for the buyer who might be purchasing a property, car, or machinery from a person who is not necessarily the owner. There are many types of scams or fraud around in this area of business.

A person can start a business, and someone can entice him/her to make a payment by wire transfer, for example and that is a wire fraud. In the real estate business, one could also purchase a property and end up with difficulty in making payments. Someone could see that and come to with a nice idea to get one out of trouble. That would require you to make a small payment. When one makes that payment, one would realise that one has been conned. This is what is called foreclosure relief fraud. This is popular among dealers of automobiles and so on. They put up a car or a particular vehicle for sale at a nice price to bait you. This fraud is called bait and switch. You approach them to purchase this particular.... It may be a Mercedes-Benz or a Range Rover such as the Attorney General's. When you turn up, you are offered, for example, a Nissan. [Mr. Nandlall: That is a terrible fraud.] That is a terrible fraud.

There are other frauds in real estate whereby you have inspectors now. You trust someone to go and inspect a building for you to see if it is structurally sound and see if all the materials, in this instance – Guyana – are Greenheart or some sort of softwood. The inspector can defraud you. This is called home inspection fraud. There is rental fraud. Especially, in this era now when we are going more digital, someone can put a property online for rental. You could enter into an arrangement; make a downpayment; and three months down the line you would realise that you were conned. What is more prevalent here in Guyana – at least to the best of my knowledge – is title or deed fraud. This is where someone purports to own a business, property, or car when in reality, they do not. I think there was a recent story somewhere in Queenstown where a man in the mining business turned up and found that his property was occupied by someone else who bought it with a Transport. Somebody provided a Transport.

These clauses in this particular Bill No. 11 of 2023, are intended to address all these concerns; ensure that people are vetted in the registration process people; and hopefully, weed out those who are intent on defrauding persons for financial gain. The Bill as described here states:

“AN ACT to provide for the registration and regulation of Real Estate Agents and Brokers in Guyana: to promote transparency, accountability, and integrity in the Real Estate Profession...”

It went on to state more. I had a look right here at the neighbouring Republic of Trinidad and Tobago, Act No. 12 of 2020. It is quite similar to the one here in Guyana. As a matter of fact, if I read the short title, it states:

“AN ACT to provide for the registration and regulation of real estate agents in order to promote transparency, accountability and integrity in the real estate profession, to protect and assist persons engaged in transactions with real estate agents and to assist in the detection and prevention of money laundering and terrorist financing, and other related matters.”

Our Bill, I am certain – as the Attorney General mentioned – was not only informed by North America but also here, closer to home in the Caribbean. I was pleasantly surprised too in terms of Kenya from across the ocean. In the laws of Kenya, there is Chapter 533 which is cited as the Estate Agents Act. This Act was assented to on the 13th of December 1984. They are way ahead

of us. The date of commencement was on the 9th of April 1985. It was revised in 2021. Here the title of it states:

“An Act of Parliament to provide for the registration of persons who, by way of business, negotiate for or otherwise act in relation to the selling, purchasing or letting of land and buildings erected thereon; for the regulation and control of the professional conduct of such persons and for connected purposes.”

I am happy to be associated with the fact that with the passage of this piece of legislation, we will be joining the regional and international community in bringing this particular section of business operation in line with what is internationally recognised. I have no hesitation, Mr. Speaker, in giving full support to the Real Estate Agents and Brokers Bill 2023 –Bill No. 11 of 2023. Thank you, Mr. Speaker. [*Applause*]

Mr. Speaker: Thank you very much, Hon. Member, Mr. Seeraj. It is now time for the Hon. Member, Ms. Ferguson.

Ms. Ferguson: Thank you very much, Mr. Speaker. I am elated to be given the opportunity to contribute to the debate on the Real Estate Agents and Brokers Bill – Bill No. 11 of 2023. The Bill before us provides for regulation, registration, and other related matters. This Bill has several objectives which states:

“... to promote transparency, accountability and integrity in the Real Estate profession; to protect and assist persons engaged in transactions with Real Estate Agents; and to assist in the detection and prevention of money laundering, terrorist financing and proliferation financing, and to provide for other related matters.”

On this side of the House, we are fully cognisant that legislation of this nature is needed for the following reasons: standardisation, that is legislation can help standardise the practices and procedures of Real Estate Agents and Brokers, ensuring that they follow ethical and professional standards.

9.54 p.m.

Secondly, there is consumer protection. By regulating the industry, legislation can better protect consumers from fraudulent practices and ensure they receive value for their money.

Thirdly, accountability. The legislation can hold real estate agents and brokers accountable for their actions, making it easier for consumers to seek recourse in case of any wrongdoing.

Fourthly, professionalism. The legislation in this regard can help promote professionalism within the industry by requiring agents and brokers to undergo proper training and licensing.

Therefore, myself and my Colleagues on this side of the Assembly welcome this piece of legislation which we support in principle. However, at the outset, we recommend that this Bill be sent to a Special Select Committee for further scrutiny, for which I will advance arguments to support the Opposition's call. I will inform my Colleagues on the opposite side that we also have several amendments which we look forward to them supporting on both fronts.

Earlier in his presentation, the Hon. Attorney General stated that deadlines were to be met and that the Caribbean Financial Action Task Force (CFATF) team would be here in September 2023. In less than one month, this Assembly is being asked to approve this piece of legislation. The Hon. Member also reported on the rounds of consultations held, which, in my findings, ended early in May of 2023. After the budget in February 2023, we met on 24th April, 2023. Then on 10th May, 2023, there was no sitting in the month of June 2023 until July 2023, some 71 days between 10th May, 2023 to 19th July, 2023, with a total of 10 sittings between January to May, 2023. Now, at this ninth hour, we on this side of the House were never given the opportunity to be at least consulted on this piece of legislation so that we could make our inputs here. Therefore, the regime was never serious of ensuring its strong Real Estate Agents and Brokers Bill. However, the big question many are asking is, why now? The Attorney General earlier acknowledged that this piece of legislation should have come into existence some 10 years ago. Who was in government then? At least not the Coalition Government. Many have stated that in the People's Progressive Party/Civic's (PPP/C) 23 years in Government, it never introduced a legislation of this nature.

The Opposition met with several well-established businesses and individuals who have been operating in the real estate industry for many years, some with over four decades, three decades, two decades and counting. They also shared that for some months, they would not even make a dollar. It was heart-wrenching to hear the pleas from ordinary Guyanese men and women who

have taken real estate and brokerage as a profession share with us the challenges they will face if this Bill is passed without changes to a few clauses. During the consultations, I recall hearing, and I quote, “In the past, this particular profession of real estate and brokerage were looked down on as nothing.” What has changed? The perception. They asked and indicated to us that prior to the change in government and the coming stream of the oil and gas sector, business for them was reasonable. However, the dynamics have changed since the foreign companies came into the market post 2nd August, 2020. The business has dipped for them.

I wish not to be misconstrued here. May I be pellucid and state for the records that the Opposition welcomes investors but believes that Guyanese should not be tossed aside. Additionally, what was revealed to us is that many who currently serve in high offices and their names were called – which I will not – they themselves are engaged in real estate or insider trading. Immediately, what came to mind was the proclamation made by the Prime Minister of Barbados, the Hon. Mia Mottley, during her presentation at the International Energy Conference and Expo on oil and gas in February of 2022. I quote for the records, and this is what the Hon. Prime Minister shared:

“We will have difficult conversations, as well as in CARICOM and we must, but those conversations recognise that in every country, there are even regional and local conflicts and disagreements and it is our duty to be able to smooth that over, but to ensure that at no stage as newly independent countries of the world do we leave our citizens as tenants in their own land but make them owners...”

This Bill, in its current construct, is suggesting to me that Guyanese realtors, brokers, and salespersons will now become tenants to the bigger foreign companies operating in the real estate market. Hence, many are afraid, and like us on this side of the Assembly, they would like for the Bill to be sent to a Special Select Committee where they would be given the opportunity to come before us, the politicians, and present their case and make recommendations. This will aid in strengthening the Bill, and this would eventually be favourable, fair, and transparent to all operating in the industry.

I recall the Hon. Attorney General, in his presentation earlier, informing Members of the Assembly that consultations were held with persons from the real estate industry. I did my research, and the data gathered was that many of the key players, Guyanese by birth, not by way of naturalization

or citizenship, were not invited to the consultation. I have a question for the Hon. Member. Could you inform the National Assembly whether realtors, brokers, or salespersons at Corentyne, Black Bush Polder, Bath Settlement, Enmore, Essequibo, Linden, Bartica and other areas were consulted? We on this side of the House would like to state emphatically that we are not against the Bill and even the people we consulted with. They would like to see the industry regulated, but the legislation in its current construct is unfriendly. It would deter many young people from entering the industry as a career, and many persons who are already in the business would likely suffer gravely.

I now turn my attention to the Bill under consideration, the Real Estate Agents and Brokers Bill 2023 being debated here this evening. There are a few observations I must make. The Bill, in my view, is not a comprehensive one because of my research. Jamaica has a real estate act, which is the Real Estate (Dealers and Developers) Act. The Bahamas has the Real Estate (Brokers and Salesman) Act, and Trinidad and Tobago has the Real Estate Act, Act No. 12 of 2020. I also looked at Barbados and Antigua and Barbuda to see what their legislation looked like. However, from the survey conducted, it was discovered that Jamaica, Barbados, and the Bahamas passed their Act some years ago, while Trinidad and Tobago, as I said before, did theirs in May of 2020.

Mr. Speaker, this is where the comparisons get interesting. You and the Members of the Assembly would be surprised, which you ought not to. Since at the last sitting of the National Assembly, my Colleague, the Hon. Senior Counsel (SC), Mr. Roysdale Forde, Member of Parliament (MP), during his presentation on the Foreign Judgements (Reciprocal Enforcement) Bill, Bill No. 4 of 2023, highlighted to the House that the Bill was a plagiarised one. However, while the Attorney General sought to refute what was said, I wonder whether he will do so now since my findings have revealed that the compilation of the Real Estate Agents and Brokers Bill, Bill No. 11 of 2023, of Guyana, in my estimation, is 85% – and I may be a bit conservative here with my percentage – from Trinidad and Tobago’s Act, Act 12 of 2020 I heard my Colleague, the speaker before me, alluding to the fact that he recognised the Bill was taken from Trinidad and Tobago – word for word. While I am no lawyer by any means from a layman’s perspective, I did not understand that there were several elements that must be contained. However, operations would vary from time to time. What I am saying here is that nations would have different dynamics. Sometimes, we would utilise perhaps laws from other nations, but it does not give us the right to copy word for word. I

can consider these actions as plagiarism. I recall as a university student – and many of us sitting in this Assembly are familiar with the word ‘plagiarism’ – and lecturers would say once you are caught, the consequences would be severe. What should we say to the Attorney General in whose name this Bill was tabled?

When one examines the Bill, the first impression one gets is that this is against the well-touted concept of ‘*One Guyana*,’ which continues to be propagated to drown Guyanese in believing this is the new motto. It is our responsibility as legislators to ensure that prior to the enactment of laws, there must be widespread consultations to get the input from all stakeholders in the industry. We should not be in the business of passing legislations that would eventually be injurious to our people. It is our responsibility to be patriotic, be obligated to our people, be just, be fair, and above all, put Guyanese first.

The Hon. Attorney General, earlier in his presentation, reported to the House that consultations were held with realtors. I have seen an image of the Hon. Member and less than 20 persons in a room who I assumed were realtors. How can this arrangement be classified as widespread consultation when hundreds have reported that they were not part of that process? Perhaps the Hon. Member would be willing – and I think I heard him mention that – to share the minutes, meeting dates, venues, and the number of persons who were present. If a survey was to be conducted, one would be surprised to know the number of persons in the real estate industry in Guyana. While we have those with established businesses, we have those on the medium and others on the small scale operating from their homes, *et cetera*. This Bill has 11 parts with 77 clauses.

10.09 p.m.

In contrast, the model act of Trinidad and Tobago has 12 parts and 83 clauses. It appears to me that the Trinidad and Tobago Act has provisions for every stakeholder in the real estate industry. On the other hand, it is sad that same cannot be said for my beloved country, Guyana. When I examined Part IV of the Bill, the Guyana Real Estate Agents Authority, this authority, a new authority, will be established just to address real estate operations here in Guyana. When one looks at the Act of Trinidad and Tobago, they have not established any authority. They are using the Association of Real Estate Agents to form the board, but this PPP/C is all about control and

ensuring their friends, families and favourites benefit from the Treasury. The big question we need answers for, why the creation of an authority? We already have operators who have been operating in this industry for over four decades. Why can we not allow the technical people to form the association, do the necessary things that are required of them, with probably a Minister or some other body overseeing them or having oversight of them, but not an authority that taxpayers' money will have to fund?

[Mr. Speaker left the Chair.]

[Deputy Speaker assumed the Chair.]

What I also recognised in this Bill is that the authority will be established by whichever Minister. What I want to share is the same Part IV of the Act of Trinidad and Tobago, the Real Estate Agent's Association, and the Guyana Real Estate Agents Authority. I am quoting from the Act of Trinidad and Tobago, section 21.

“(1) There is hereby established a body corporate to be known as the ‘Association of Real Estate Agents of Trinidad and Tobago’.”

“(1) The Association shall be managed by a Board consisting of a minimum of five members and a maximum of ten members, inclusive of a President, Vice President, Treasurer and Secretary.

(2) The members of the Board shall comprise—

(a) members of the Association, with at least—

One member who is a broker and has at least five (5) year's experience in real estate business;

(i) one member who has at least five years' experience in real estate business; and

(ii) one member who has at least five years' experience in finance;”

This is what, if I am to do the comparison, Part IV of the Bill of Guyana, same clause 21, states:

“(1) There is established an authority to be known as the Guyana Real Estate Agents Authority.

(2) The Authority shall be a body corporate having perpetual succession and a common seal and, subject to the provisions of this Act, shall have power to acquire, hold and dispose of movable and immovable property of whatever kind and to enter into contracts and do all things necessary for the attainment of its objectives.

(3) The Authority may sue and be sued in its corporate name and shall for all purposes be described by that name.”

I now move to clause 22 of the very Part IV of the Bill, “the Composition of the Authority”. I am making the comparison here now:

“The Authority shall be appointed by the Minister and comprise of five members as follows-”

This is where it gets further interesting.

“(a) one person practicing as a real estate agent nominated by the recognised associations...”

Hon. Member, you have to explain to us what the recognised association is here in Guyana. This is because I heard you refer to two.

“(b) one person nominated by the Ministry with responsibility for Commerce.

(c) one person nominated by the Consumer and Competition Affairs Commission as established under the Consumer and Competition Affairs Commission Act 2011;

(d) one person nominated by the Attorney General...”

The Hon. Member had to put his foot through the door.

“...and Minister of Legal Affairs; and

(e) one person nominated by the Private Sector Commission.”

Now Mdm. Speaker, the Act of Trinidad and Tobago is quite clear. It has not made mention of any nominee coming from a minister of legal affairs or commerce. What I recognise here is that it is a full control of politicians who want to control the board and the authority.

I would like to move to the proposed amendments standing in my name. I am really taken by surprise by what the Hon. Attorney General made mention of earlier when the Hon. Member said to this House that his team will not accede the request. Also, the Hon. Member is unmoved, trying to insult my intelligence. If you look at the Act of Trinidad and Tobago, it caters for developers. The Guyana Act that we are debating here this evening has no provision for developers. During the consultation, as I said before, we were told that we have real estate agents in this very House sitting as Ministers of Government. What is happening currently – and I can cite, because an example was cited to us – regarding the building at the corner of Thomas and Middle Streets. Apparently, rather than an advertisement going out to invite prospective tenants, because of the insider arrangements, persons were able to make their internal biddings to get the appropriate...

Ms. Teixeira: Mdm. Deputy Speaker, on a Point of Order, I think the Hon. Member... [Mr. Mahipaul: A Standing Order, Ms. Teixeira.] I am coming to that, if you would let me speak. You are not the Speaker, as far as I know. Mdm. Deputy Speaker, I stand on a Point of Order, Standing Order 40, and also under Standing Order 41 – imputing. The Hon. Member is going very far in her deductions and allegations about an Hon. Member being involved in the sector itself. Further, the Hon. Member named the location and was also talking about the Member of Parliament (MP) advocating for people to have tenants. The Point of Order is that the Member is out of order. The Hon. Member is imputing. The Hon. Member can either name who they are talking about as a Member of this Parliament and let us talk about it... Bring the proof. You cannot constantly point fingers at people in this Parliament and you get away with it. A Point of Order, Mdm. Deputy Speaker. Please speak to the Hon. Member.

Mdm. Deputy Speaker [Dr. Kissoon]: Hon. Member Ms. Ferguson, I please ask that you retract your statements, unless evidence is given and somebody is named.

Ms. Ferguson: Mdm. Speaker, with all due respect, I did not call a person's name.

Mdm. Deputy Speaker: Please, Hon. Member, this is your second warning.

Mr. Nandlall: Mdm. Deputy Speaker, I own the building at Middle and Thomas Streets.

Mdm. Deputy Speaker: I am aware, Attorney General. Please, Hon. Member.

Ms. Ferguson: I did not even know you owned the building, Sir.

[Mdm. Deputy Speaker hit the gavel.]

Thank you very much, Mdm. Deputy Speaker. I believe that the proposed amendments in my name
[Mr. Nandlall: (Inaudible)] Bring the evidence. Go out there. I am quite certain that if we are really interested in a robust legislation, where all developers are involved in real estate, we would be able to have a robust legislation.

As I was saying, I believe these amendments are fair amendments that we can work on. We will be going into recess come 9th August, and I believe these are fair amendments where we can sit through the remaining of the days to see which ones we can adopt and have incorporated into the Act. As I said before, the Act of Trinidad and Tobago, Act 12 of 2020, has provisions for developers. This Act here that we are debating do not have provisions for developers. If one goes across this nation, there are investors coming in who acquire large acreage of lands, and they develop those lands. They would construct housing, whether apartments or otherwise, and then one will find these very developers disposing of these very buildings that they had constructed. The Hon. Attorney General can, perhaps, explain to the National Assembly why, since you had modelled this Guyana Act from the Trinidad and Tobago Act, you had exempted the developer component which should form part of the Act of Guyana? I trust that we would be able to work together and ensure that we have this particular clause incorporated.

The Hon. Attorney General made reference to money laundering and moneys passing through properties and all manner of things. We should welcome the developer component as part of our clauses or all the clauses that we are proposing. As I said before, we can work tomorrow, we can work over the weekend, we can work until the next Sitting of the National Assembly. We in the National Assembly are willing to see that our proposals are included in this particular legislation. The other proposal that we are proposing has to do with the Institute of Chartered Accountants of Guyana. You would know, Mdm. Deputy Speaker, that once you have a business, every year... I heard the Hon. Attorney General make reference to annual reports to be tabled in the National

Assembly. The Act of Trinidad and Tobago caters for the chartered accountants of Trinidad and Tobago, because we know that audits will have to be done. Why exempt an established organization like the Institute of Chartered Accountants of Guyana? We are proposing that this too be part of the Bill.

10.24 p.m.

We are also proposing, Mdm. Speaker, to have inserted a clause or a component for property management. This is because real estate agents and brokers services are not only finding tenants or selling houses, but you have those who would normally maintain or manage persons' properties while they are abroad. We believe from this side of the House that this should be included in this legislation.

Mdm. Deputy Speaker, just before I wrap up, I also want to turn our attention to the professional misconduct that is at Part VI of the Bill. Part VI of the Bill has several parts or sub clauses. Again, Mdm. Speaker, when I compared the Guyana Bill with the Trinidad Bill, it is everything. Do you know what is expunged from our Act, it is this particular clause which I find very interesting. I want to know why is it that the Attorney General and his team would have had it expunged from this Bill. This is what the Act of Trinidad and Tobago, Section 47 (1) (c) states... uses another real estate agent's or broker identity by way of description, photograph or other information relating to real property to procure the appraisal, auction, sale, exchange, purchase, lease or license of real property.

[Mr. Speaker assumed the Chair.]

Mr. Speaker, perhaps, this too can be considered for inclusion in the Bill. As I prepare to wrap up, I made reference to the 'One Guyana' concept and young people wanting to be involved in real estate. Mr. Speaker, the cost of living is very high in this country. Public Servants' minimum wage is \$81,000. What you find is that many young people are involved in real estate businesses and might be operating from their homes. Am I to understand, Mr. Attorney General, that they too will have to have a licence? **[Mr. Indar:** Yes. What is wrong with you. You are not reading?]

Mr. Speaker: Go ahead, Hon. Member. You are a couple of minutes over your time. Go ahead and wrap up.

Ms. Ferguson: Mr. Speaker, I want to conclude, and I want to reiterate the Opposition's support for the Bill. I heard the Hon. Attorney General made mention that the Bill will come into effect by 1st January, 2026, which will give ... The broker, sorry, will have to be licenced by 1st January, 2026. I am happy. At least brokers and real estate agents will be given that opportunity to put themselves in order.

As I conclude, I want to say, it is our responsibility as political leaders to find political maturity. Yes, we will agree to disagree, but the final analysis must be that we must find consensus. I want to call on the Government's side for consideration to be given to these proposals where we can meet, discuss and have some aspects of these proposed amendments factored into the law. As I said earlier, many of the persons we have consulted with have serious concerns with this Bill. They would like the opportunity to come before a special select committee where they can give their input where this Bill is concerned. I believe, Mr. Speaker, we can do it. I thank you, Mr. Speaker and may God richly bless us all. *[Applause]*

Mr. Croal: It is an honour to rise in support of the Real Estate Agents and Brokers Bill 2023, Bill No. 11 of 2023. The real estate industry, by and large, plays a very important or pivotal role in the socio-economic fabric of any nation. If one takes into context Guyana's recent economic boom, particularly with the discovery and production of petroleum, one would have seen even an increased or a marked interest in the real estate market. It is imperative to introduce a structured and regulated framework for real estate agents and brokers. Our ambition is simple, yet audacious, to bring Guyana's real estate sector to global standards, using data-driven insights and lessons from nations that have long thrived in this domain.

For example, in 2021, the United States of America (USA), a recognised global leader in the real estate sector, had over two million active real estate licences. This underscores the criticality of the regulations and standardisation of any real estate market. Recent data from the World Bank elucidates how countries with robust real estate regulations like Australia, Canada and Singapore consistently rank higher in the *Ease of Doing Business*. Their stringent, yet clear regulations attract investments, ensure transparency and protect, ultimately, the consumers. It is imperative for Guyana to emulate and adopt these best practices to suit our unique landscape. Moreover, a study from the International Real Estate Federation in 2020, emphasises the direct correlation between strict licensing requirements and reduced cases of real estate fraud. Countries like the United

Kingdom and Germany have seen a decline in fraudulent activities by almost 30% over the past decade ever since they revamped the real estate regulations. Such statistics are not merely numbers, Mr. Speaker. They are humdingers of the transformative potential this Bill holds for Guyana.

Real estate is often the largest purchase an individual makes in their lifetime. As such, the process must be transparent, safe and structured. Regulations through a dedicated Act can ensure these standards. Guyana's housing sector is undergoing unprecedented growth due to the increased demand for affordable housing by citizens. The discovery of oil in 2015, and an aggressive public sector housing drive driven by this Government, this rapid development has brought not only demand for new types of houses, such as town houses, and condominiums, it has also brought to the fore, the risk within that have compromised and, in some cases, severely affected peoples' ability to own or rent a house. Those risks are not only faced by private homeowners or buyers and sellers, but also even at the Ministry's level. In fact, at the Ministry of Housing, we have been expending resources to bring an end to fraudsters and imposters who claim to possess the links to help desperate citizens acquire a lot. Very often, those promises end in sorrow for the unsuspecting victims.

I can even *bring to bear*, two examples within the last month. Outcomes from sting operations conducted. In one case, one person was arrested, and criminal proceedings were initiated. However, additional investigation is ongoing. In another case, the individual was arrested and later released after the usual response where no further action could have been taken because the person affected did not want to provide a further statement.

We have gone above and beyond to explain to applicants, that there is zero need to pay anyone to obtain a lot, once they have an application. Granted it may take some time, yet even, but you will get a house lot. Sadly, the links often lead to bogus persons even at the Ministry's level and other State agencies. This is because the prevailing situation in Guyana is that anyone can wake up tomorrow and call themselves a real estate agent. There is no demand for any certification or licence to support these claims and, as a result, people with ill-intentions to others can get away with their wrong doings. There are numerous stories of persons who defrauded others of their properties, using a power of attorney, as well as some actors within the legal fraternity who even exploit their clients. In this regard, Mr. Speaker, I am happy that in this Bill, in clause 5, it properly defines a real estate agent and specifies who is not a real estate agent.

Clauses 6 and 7 define persons not regarded as engaging in real estate business as someone who –

Clause 6 (a) states:

“act for and on behalf of a principal under a power of attorney for the purpose of negotiating or executing a contract, transfer or conveyance in respect of real property, provided always that they do not engage in these transactions in breach of their fiduciary duties or for personal profit;

10.39 p.m.

(b) furnish legal advice services ancillary thereto in their capacity as an authority-at-law;

(c) acts as –

(i) an administrator, executor, receiver or trustee acting under or by virtue of an appointment by will or written instrument by order of a court; or

(ii) an assignee, custodian, liquidator, receiver or trustee acting under any written law;...”

These are only parts of the Act that properly sets forth in clear and unambiguous language how real estate agents are to be lawfully identified. It gives specific scenarios and examples of those who will not be regarded as lawful agents. This will provide much comfort to persons who must access the real estate market whether as a buyer, seller or an investor. Additionally, clause 4 of this Bill states specifically that:

“This Act does not apply to a person employed by the State, a government-controlled enterprise or a public body who conducts real estate business, in the course of their employment.”

This I believe will help to curb the practice of some State employees who may over sell their job descriptions (JD) to the unsuspecting public. The Real Estate Agents and Brokers Act 2023 will better protect real estate transactions. It seeks to promote transparency, accountability, and integrity in the real estate profession, and to protect and assist persons engaged in transactions with real estate agents, among other benefits. It also indicates that the individuals who will carry the

title of real estate agents should be holders of qualifications relevant to real estates, as well as be accredited by a competent authority also set out in this Bill. The Bill is comprehensive, and it covers, as far as I could tell, all eventualities. While it may take some time before it could be fully implemented, it will take us closer to the goal of mitigating some of the immediate risks present in the sector.

The Government is fully committed to doing whatever is possible to protect its citizens and investors from being doped. We must avoid selling dreams to clients that do not exist. We see this every day. Very often, just go to social media, go to *Facebook*, you will see persons advertising themselves as real estate agents, advertising lands for sale that does not exist. All it states there, ‘real estate agent, contact number’, and you just try to follow through on that contact number and you will see where it leads you. What you have is false advertising taking place. With the enactment of this Bill, it will be unlawful for someone to practice or pretend to be a real estate agent or broker, if they are not registered on the register of real estate agents. They will also have to fulfil a laundry list of requirements. All of which, when you take that together, will make it difficult for it to just be business as usual for fraudsters. For those persons already in the business of real estate, this Bill empowers them and will give more legitimacy particularly as they interact with their clients both local and international. This Bill will bring a new breed of real estate agents and brokers, but like with every other profession, and like other Bills that you have seen us bring here, there must be a time, there must be a grace period, so to speak, to allow persons to get their houses in order. That too is catered for in this Bill.

In conclusion, I am optimistic of what will come as we navigate these new waters. I wish to commend my Colleague the Attorney General, Hon. Anil Nandlall, and his team for the excellent work they have done and they have been doing. It is against this backdrop that I wish to state with no hesitation, that I fully support the Real Estate Agents and Brokers Bill 2023 Bill/No. 11/2023. Thank you. [*Applause*]

Ms. Walrond: I rise in support of my Colleague Attorney General, Mr. Anil Nandlall, who has moved that this Real Estate Agents and Brokers Bill 2023 be read a second time.

While this Bill will cover commercial real estate dealings, I believe that the major impact of this Bill will be to benefit ordinary people who do not have the resources available to commercial

entities such as would enable them to ensure their interests are protected in real estate deals. For the vast majority of people, the purchase of a home is indeed the most significant and largest purchase they will make. Therefore, the parties participating in this endeavour must be held to the highest standards of professionalism, transparency, and accountability.

Having practiced myself in the field of conveyancing, I am painfully aware of the pervasive occurrence of unsavoury practices in the conduct of real estate business. We have all heard several stories of matters where what was to be the single most important event in someone's life, a reason to celebrate, turn into a virtual nightmare. On too many occasions homes are purportedly sold several times to several different people. Real estate agents are engaging buyers to purchase their property, although you have not engaged their services. All too often when it is time to pass the transport, and the seller to receive his or her payment and the buyer to become a proud owner of a new home, suddenly an injunction is filed by a real estate agent claiming to be a part of the transaction, stopping the sale or transfer of the property. Attorneys who have had a statutory role in the conveyancing process are regulated by a professional association, and by virtue of our status of attorneys of officers of the court.

However, there is no such regulation for real estate agent. Unfortunately, this state of affairs allows for persons with questionable ethics to operate in the sector and, consequently, for questionable practices to exist. Some of these practices include representing both the buyer and the seller without disclosing this fact to both or either of the parties. The situation creates conflict of interest and interferes with the agent's ethical obligation to act in the best interest of his or her principal. After all the buyers' and sellers' interests are in a sense opposed. The buyer desires the lowest price possible, while the seller desires the exact opposite. Where an agent represents both parties, one could see that the interest of one or the other must also out of necessity suffer. Agents ought to be fixed with fiduciary responsibilities to act in the best interest of their principals. However, it is not uncommon for an agent, given their experience, to recognise that a seller is offering a property for sale at a significant under value. Recognising this under value, the agent then acquires an interest in the property unbeknown to the seller and proceeds to profit from the sale over and above the arrangements that had been made for remuneration.

As Government, we have had recently to impose through legislation to reform the regime governing the granting of powers of attorney, substantially motivated by the ill that is being perpetuated in the real estate sector.

With these things in mind, the shared scale of irregularity that is known to exist in the industry, we seek to introduce this Bill to regularise the profession and to provide some faster redress for all parties involved in real estate transactions. The Bill does a very good job of putting together a regulatory framework that will go a long way to bringing standards and ethics to the sector. The common ills associated with the industry will be cogently addressed by the arrangements that are provide for in this Bill. The Bill establishes a regulatory authority which will be responsible for vetting, registering, and licencing real estate agents and brokers. The agents and brokers thus registered and licenced would have certain statutory duties and obligations; including the obligation to keep proper records and books and the obligation to keep separate client accounts. The Bill also provides for an annual statutory declaration to be made by agents and brokers that they have complied with their obligation. It will be a statutory offence to submit false or misleading information. There is an extensive provision that details behaviour that will constitute professional misconduct, including breaches of a code of ethics which the authority is to promulgate.

The Bill establishes a disciplinary committee whose function is to hear and determine complains against real estate agents and to sanction or recommend sanctions depending on the severity of the case. Apart from cases of professional misconduct that are to be handled between the disciplinary committee and the authority, the Bill creates for a number of statutory offences for which penalties in the forms of a fines or imprisonment are provided in the normal fashion.

I wish to briefly touch on some of the central provisions and demonstrate how they contribute to rising standards in the sector. The requirements for the real estate agent to be registered as such is provided for in Part III of the Bill. This registration procedure has disqualifying provisions which would operate to exclude obviously unsuitable actors from engaging in real estate business as agents. The disqualifying criteria include criminal convictions for fraud and dishonest practices and involvement in the financing of terrorism and/or money laundering. The disqualifying criteria also include persons being the subject of an order in a foreign jurisdiction barring them from engaging in what amounts to a real estate business or being appointed as an attorney under a power of attorney. They also include being the subject of extradition proceedings or bankruptcy order.

10.54 p.m.

Mr. Speaker, you could see that these provisions should exclude from the practice of real estate business, persons who are manifestly unfit to do so. At clause 11, the Bill provides that, on receipt of an application for registration by someone engaging in real estate business, the authority must publish the particulars of persons who have applied to be registered in the *Official Gazette* and in two newspapers of wide circulation in Guyana. This publication gives opportunities to any member of the public to make representations as to why a particular person ought not to be registered by the authority and for the authority to make a determination on the matter. This provision provides a further opportunity to identify persons who are unsuitable to be engaged in real estate business. The net effect of this registration process is that at the end of this process, the resulting list of registrants should exclude those who are manifestly unfit to be involved in this sensitive and impactful business.

Under clause 13, the register of real estate agents' brokers and brokerage is to be a public document. This will enable members of the public to know whether a person who attempts to conduct real estate business is authorised to do so. If, as intended, the registration procedure assures some minimum quality of real estate agents who make it through the registration process, you can see, Mr. Speaker, how the register itself will assist the public. Persons will know whether those who approach them as agents are registered just bound under the threat of penalty to operate within the confines of the law and professional ethics. Following the registration process, there is a requirement for real estate agents and brokers to be licensed.

The Bill specifies some 14 actions which constitute professional misconduct, and which will render real estate agents and brokers liable for sanctions. These sanctions range from censure, which can be done by the disciplinary committee, to suspension, to revocation of licence and cancellation of registration, which can be done by the authority.

According to clause 62, where a misconduct appears to rise to the level of committing a criminal offence, the disciplinary committee is under an obligation to refer the particular matter to the police and the Director of Public Prosecutions (DPP). The Bill further provides for a number of offences which attract penalties on summary conviction or conviction on indictment.

The final clause to which I wish to draw special attention is the clause which provides that the agreement between the real estate agent and broker must be in writing. Of course, under the Electronic Communications and Transactions Bill, which was passed, this agreement can be effected in electronic form.

Clause 70 specifies certain terms and conditions that the agreement must include. Apart from public law obligations that would be imposed on an agent or broker in this Bill, this clause would also place, on a contractual footing, some of the more consequential obligations, including an undertaking to act in the best interest of the client. This gives the client a private law remedy in some of the most egregious cases of self-dealing that are not unknown to the profession currently. The client may sue in contract, as opposed to making a complaint to the authority and the depending on the authority to act.

These, as I conclude, are some of the provisions that I wish to highlight to demonstrate how the Bill, once enacted, will promote transparency, accountability and integrity in the real estate profession, which proposed is articulated in the title of the Bill. I therefore support my colleague, the Hon. Attorney General, who has moved that this Bill be read a second time and I commend it to this House for passage. [*Applause*]

Mr. Speaker: Thank you, Hon. Minister Walrond. Hon. Member, Mr. Khemraj Ramjattan, you have the floor.

Mr. Ramjattan: Thank you very much, Mr. Speaker. I stand here to largely support this Bill but to be critical of that which was excluded and also that which has certain characteristics about it that just vindicates, once again, my description of the PPP/C as control freaks and their exercise in *control freakism* all of the time. This piece of legislation, we are told, was somewhere, long before it was brought here on 19th July, 2023. The Opposition constitute about 49% or 40% of the people of this country and the representation in this Parliament. The trouble is that there was not the civility of bringing this in time for us to understand and even do the comparisons that we have seen.

I have here the *Hansard* of the Trinidadian Ministers debating it and I will come to that when you say we cannot (*inaudible*). The trouble is that it seems, in this very polarised politics of Guyana, that we do not want to accommodate even legislation being in the hands of the Opposition for

some time before. On 19th July, 2023 it was first laid here and that was when I first saw it. We were totally unaware that Members of two associations were being spoken to by members of the Executive. [Mr. Nandlall: *(inaudible)*] At least, I was, Mr. Speaker. I am aware, being a lawyer, that indeed there are about 200 to 300 people around the place who are real estate agents and also that they have to get their certificate or some licence from the Guyana Revenue Authority (GRA). It is in GRA that they will go and sign up, just as how attorneys would normally go and get out professional certificates by paying the relevant fees for them.

When we come here and see what is happening in relation to this thing that, yes, indeed, we spoke to two associations... Things should not be done in secrecy. Then, when they come, they want to say that we got it since 19th July and today, early August, yes, this is what transpired, and we consulted with so many people. I am glad that my colleague, the Hon. Member, Ms. Annette Ferguson, exacted some action in going to talk to some of them who told her that they were not in support of this. [Mr. Nandlall: She *mek* up that story.] You *mek* up yours. That is the point I am making. Hon. Member, Mr. Anil Nandlall, I have great regard for you, as you know, but this thing to come very solidly... [An. Hon. Member: *(Inaudible)* picture.] What picture? Yes, what is that? You have so many other people here to talk about, but you just do not want to say that this should have been... This is transformational. [Mr. Nandlall: *(Inaudible)*] Of course, it is. You used the word that this is an important, landmark piece of legislation. [Mr. Nandlall: *(Inaudible)*] What about the rest? I am very surprised that he has not been open, as he said and transparent and inclusive. I want to read the article in the Constitution which talks about when we are making legislation in and around for people. There is an article 13 that states you must ensure that when decision making directly affects their wellbeing, you talk to them. I am glad, for the very first time, he is riled up against me like this. It is because he knows he did some mischief here.

Mr. Speaker: Hon. Member, you cannot impute. You have been around too long.

Mr. Ramjattan: I take it back. The consultations with the Realtors Association and the Guyana Association of Realtors do not include a lot of ordinary people. This is but a set of 'big people' with plenty of money and that is who they love to talk to. That is why they also drafted the legislation to the extent that they are going to incorporate them into this authority. I will come to the authority just now. The Hon. Attorney General indicated that he went to the Caribbean, Canada

and the United States of America (USA) and he amended what he saw in those countries to meet the exigencies of the Guyanese reality. The Guyanese reality would include all the people or at least most of them being consulted. The Guyanese reality will also, as a very important point made by the Hon. Member, Ms. Annette Ferguson...why was developer excluded here? [Mr. Nandlall: I can explain that.] Well, you are going to explain it. If a majority of the Trinidadian Act...and I am going through the *Hansard* of the Trinidadian Parliament and, indeed, it is probably 90%. But you just switched around 2 or 3 % and you came up with an authority and you came up without developers. The whole purpose, as mentioned by the Hon. Attorney General, is that money laundering is done by real estate agents and we have an obligation to ensure...These money launderers inside of the real estate agents' people, class or group, we will catch them now. *They nah gon ketch nobody hay*, and do not let them fool this Parliament.

They feel that a lot of the frauds committed are committed by real estate agents. I am a practising lawyer. The majority of those real estate agents are honest, decent people. I agree that you have to make a law to ensure that professional misconduct can be penalised and all of that. That is why I support this to the extent of the exception that I am bringing out. We must not give the impression that we have come with a classic piece of thing, and we all have to support it. No. That is why it is necessary that it be taken to a Special Select Committee for that little 5 % or 10% to be corrected. The biggest set of people who can be possibly money launderers are the developers. *Dem lil* boys making a little dollar with the real estate, trying to buy and sell, do not indulge in that. If they had been doing money laundering, they would have already been caught because we have a certain regime existing, which is improved by this Bill, that could catch them. It is the Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) Act. What you have now is to setup an act and exclude possibly the biggest set of realtors. They have a big set of land that they are selling and doing all kinds of things and you want to exclude them. Why is it that in the other Caribbean countries, they have developers included? There is a certain mischief behind the exclusion that I would like to record and also to ask, please, Mr. Attorney General, let us make that amendment to include them.

11.09 p.m.

I want to speak on clause 6, which was just mentioned by the Hon. Minister, Mr. Croal. It states:

“Notwithstanding section 5...”

which defines who is a person engaged in real estate business...

“... a person shall not be regarded as engaging in real estate business by reason only of the fact that they...”

act for and deal with the real property of which the person is an owner or part owner. This is an important piece that could be interpreted in one way to the extent that if one owns the real estate or real property, one cannot be a real estate agent. It could exclude a lot of people who are dealing with real property, but due to them being the owners, they will not be regarded. There is a certain genius about excluding certain people.

Mr. Speaker, the construction industry is probably second only to the oil industry in this country. When you are going run after those little boys who are trying to make a dollar and not go after those who will get huge acreages of land and all that, we are talking about you not directing your gaze on those who can launder. I am not saying that they have, but they are those who can launder. They can then arrange for the people overseas to pay them in United States (US) dollars. We are saying that this Bill ought to have been brought to our attention a long time ago so we could have gone to our constituents, as representatives, and asked questions about what they think of this Bill and so on. We could not do it. At least, I did not get the time. From 19th July to today’s date is not good... [An Hon. Member: It was the 20th.] It was laid on 20th. That is two weeks ago. This Bill deals with money laundering and the regulation of a sector. That is why you gave the two weeks. This is not good enough. This is not good enough, especially, when the Constitution, as I just mentioned, indicates that when you are passing legislation to affect certain areas, spheres of activities, or sectors, those people in the sector – the stakeholders – ought to know a thing or two about what will be affecting them. It is the consultation clause.

There is a very important other point that I wish to make. It is not without probably another oblique motive that actuated why they did not leave the control of the authority in the hands of the Realtor Association of Guyana. This is what they did. They created an authority. Clause 22 states:

The Authority shall be appointed by the Minister and comprise of five members as follows...”

Of course, it was read out and it is here. It is one person must be practising and nominated by the recognised association. I have a fair idea, now that I have gotten some additional information, as to what that association will be. One person must be nominated by the Ministry of Tourism, Industry and Commerce, one person from the Consumer and Competition Affairs Commission, one person from the Chambers of the Attorney General, and one person from the Private Sector Commission (PSC). This also is terrible. We, lawyers, have our organisation. In our profession, it is largely controlled by its members. We have a code of ethics, we have certain regulations that govern us, we have the Legal Practitioners' Committee (LPC), and all that. It comes from the Bar Association of Guyana.

Again, there is a disciplinary committee that is going to be selected – I think – by three members. This is apart from the authority. This authority is literally going to be done by the Ministers. We heard the Minister, the Attorney General, speak and he said that we get jumpy every time we see the word Minister mentioned. We have a right to be jumpy. It is important to understand that this thing, which is largely supported – 95%...We want those two aspects of the matter changed. Do not tell me that because you are the Executive branch, you will make the appointments. If you want to control a profession or sector, that sector must be allowed the opportunity to have a bigger say. That is democracy. That is inclusivity. That is good governance. Our rule of law should be accommodating of that kind of governance that we are talking about. I heckled the Attorney General when I said that this has a lot to do with jobs for the boys. We know who would be selected. [Mr. Nandlall: *(Inaudible)*] Of course, because you have salaries to pay the five of them and the disciplinary committee. Moreover, there are staff that they could employ. That is what they are saying here. [Mr. Nandlall: *(Inaudible)*] Of course. It is important to understand.

We are coming to another one, the Guyana Compliance Commission Bill, that I have a lot to say about. That is far more draconian than this. [Mr. Nandlall: It is very draconian.] Yes. The Hon. Member now is going to say that we left out developers and created something that will be totally under the control of the Executive branch. How much money will this cost us as salaries from next year? [Mr. Nandlall: It will be \$10 million.] It will be \$10 million, but you...

[Technical difficulties were experienced.]

[**Mr. Nandlall:** (*Inaudible*)] No. You are not going to give up on Mr. Ramjattan. [**Mr. Nandlall:** Why give up? (*inaudible*)] You would like to give up or you would like them to give up on me. They will not give up on me. They will never give up on me. I know that you all gave up on me.

In view of the fact that the powers here are already being exercised by GRA and the GRA is an institution that has the capacities and knows a thing or two about tax evasion, money laundering, and all that, where are you going to get five brand-new people from? Why do you want that? Why are you taking away something that the GRA was dealing with properly? Now, this is to siphon it off to ministerial powers of appointment of five. Do you know what will happen? If for some reason those people behave professionally and the Government does not like it, they will have a three-year term. They cannot get rid of Mr. Statia like that. They cannot get rid of a GRA Commissioner like that. It must be understood that what I am speaking about here is the institution has been doing a job far more professional than anything that they could conceptualise under these five members, they want to take it away from him. I understand that Mr. Statia, the other day, very conveniently said a lot of his workers are going away. You have to pay these people to keep the standard of workers so that they could do a good job. You can bet, Mr. Speaker, that in this commission and authority that they are talking about, they are going to pay some very high-scale salaries to the five commissioners and to the disciplinary committee. [**Mr. Duncan:** They are undermining the institutions.] Yes. It all goes towards undermining the public sector infrastructure that we have created for this. They are undermining institutions.

They come here and want to say they are doing a fantastic job. Let me say this: it appears now that they will go and appoint.... Ministers could also *dis-appoint* in that context as legislated for here. If the Minister does not like the people and how they are doing their work, they will have to go.

[**Mr. Duncan:** (*Inaudible*)] Yes. I noticed all that here. That is why I said it is specifically to get people there. When you politicise an institution such as this which we are statusing here, it would mean that these people who probably will have political views that are not consistent or compatible with the Government's side, will not get any licences. All of that inheres here. We must delete and try to excise them to the extent of the amendments that we are talking about.

[**Mr. Nandlall:** (*inaudible*)] I know that because we have gotten you angry. When you are angry, Attorney General, there is nothing that we could do to create any rationalism in your mind.

I know it is a done deal, but I would like to go on the record to say that this thing is not that which is best for Guyana. They are going to also deal with all the upper crust – the very millionaires and billionaires who will come from the United States of America. They are going to get all the businesses. I think that is probably why they did not want to put local content for this category of people. It will be to their detriment because the wrath of ordinary real estate agents is going to be unleashed on them. These are unfair and very discriminatory set of clauses that we have here. If you see my copy of the Bill, I starred off a whole set. I support them – professional misconduct, duties, and obligations of persons involved in the real estate business. I starred that. I starred also the disciplinary committee, except the fact that the Minister will deal largely with that indirectly.

There are offences and penalties. I have a little thing about that. There is a galloping increase in fines. I do not understand why there is \$10 million. What is that? That is to drive fear. That is not reasonable, as every law in relation to fines and so on should be. This is to the extent of them wanting to control. It comes back to my theory and the truth – *control freakism*. They want to control this sector to the extent of putting friends, families, favourites, and flatterers. The flatterers came here last year at the meeting that he had. There could have been an element of insider information – we are coming up with the law and you all better form yourselves into an organisation called whatever realtors organisation.

11.24 p.m.

It was all of a sudden. That is not how you conduct business at this very high level – the highest of level – and we have to now make a law. This is a disaster, this is draconian, and this is despicable. Please, I urge that we get the amendments that we talked about, notwithstanding that we have an angry Attorney General. Thank you very much, Mr. Speaker. [*Applause.*]

Mr. Speaker: Thank you very much, Hon. Member. Hon. Members, we need to unfreeze some of the microphones, so just give us a minute to restart the system and then we will have the Attorney General. Hon. Member, Mr. Holder, could you check the microphone, please?

Mr. Holder: Check.

Mr. Speaker: Hon. Members, we have an issue with the box that is in the front row. We are going to have to ask the Members in the front row to use the podium. Hon. Attorney General and Minister of Legal Affairs, Mr. Mohabir Anil Nandlall, you have the floor.

Mr. Nandlall (replying): Thank you, Mr. Speaker. I want to begin by thanking the Hon. Minister of Tourism, Industry and Commerce and the Hon. Minister of Housing and Water from our side who spoke. There is some ambiguity on the other side in relation to whether the Bill is supported or not. I must concede that I am quite shocked at the reaction that this Bill has received. [**An.**

Hon Member: (*Inaudible*) Mr. Charlie.] I am sorry. The Hon. Member, Mr. Charlie, added his indigenous voice to the debate. I want to recognise him as well.

I began by saying that this Bill must be passed. One of the imperatives driving the timeframe within which the Bill has to be considered is the Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) framework and our obligations under that international framework.

The other side is here asking for the Bill to go to a Special Select Committee, and that they have amendments they have proposed, *et cetera*. The nation is watching, and it is still fresh in people's mind what this nation endured when they had a one-seat majority and we were in government virtually begging at every sitting of the National Assembly to get your support on Bills that were crucial to the protection and preservation of our financial sector, and Bills that were relevant and important to insulate us from certain international sanctions. What did you do? You callously withheld your support. You mocked us and you mocked the people of Guyana. The private sector pleaded with you, the diplomatic community pleaded with you, the *Caribbean Financial Action Task Force* (CFATF) came here and pleaded with you, Caribbean governments pleaded with you and the people of Guyana pleaded with you. You used your one-seat majority, and you rejected all those Bills and caused a series of sanctions to be imposed on the backs of the people of this country. Today, you have come here to ask for that to happen again. Do you want it now to go to a Special Select Committee because you determined that you did not get the time to read it? When do you think we finished the Bill?

I heard all sorts of remarks being made about this Bill being drafted for friends and family. Mr. Rommel St. Hill, please stand. Look at this gentleman. He is the head of the AML/CFT Department in the AG's Office. He is the author of this Bill. Stand and take a bow for a very well-done Bill.

Mr. Speaker: Be careful with the liberties that you are taking, Hon. Attorney General.

Mr. Nandlall: Sorry, Mr. Speaker?

Mr. Speaker: Be careful with the liberties that you are taking. There are two things. While you are still angry still refer to the...

Mr. Nandlall: No, Sir. I am recognising the effort of the principal drafter of this Bill, and I am entitled to do that.

[Mr. Speaker hit the gavel.]

Mr. Nandlall: I do that in almost every...

Mr. Speaker: Hon. AG, you recognise him through me. You just do not tell anybody to stand and take a bow.

Mr. Nandlall: I am sorry for not recognising him through you. I am sorry. I want, through you, Sir, to recognise that...

Mr. Speaker: You already did. Continue.

Mr. Nandlall: That is the gentleman. That expert drafted the Bill. All of your allegations and contentions about this Bill being drafted for friends and families are completely and utterly baseless. Do you think the Attorney General would give that gentleman instructions to draft a bill for friends and families? Is that what you think of that gentleman? Is that what you think of the professionalism of that lawyer?

Mr. Speaker: AG, I urge that you speak to the Speaker, because all the "yous" are directed to me. You will refer to the Members opposite as comrade or honourable. I know it is late and you are angry and probably hungry.

Mr. Nandlall: When the Hon. Member was making the contentions and wild and reckless allegations, he was implicating the integrity of the drafters of the Attorney General's Chambers. I want them to see who drafted the Bill. That is the first thing. Do you hear how they are excited? Do you hear, Sir? I am talking through you. Do you hear how they are excited? There is a reason they are excited. We know why they are excited, and they know it too. There is a reason. Mr. Ramjattan knows why.

Mr. Ramjattan, the Hon. Member, as part of his unmeritorious and unwarranted attack on the Bill, also said that the Bill would be a machinery for corruption and that jobs would be created for the boys. This Bill does not mention anywhere that it would be funded from a single cent of public moneys; not a single cent from public funds. How would public corruption take place? I do not understand. These are the things they stand and they manufacture on their feet. They speak so emphatically that they can perhaps convince people listening that it is true. The Hon. Members on that side want the Bill to go to a Special Select Committee. They want us to take into account amendments. Since 20th July, they have had copies of the Bill. Last night, I received a set of put together hurried amendments that they wanted me to stay awake whole night to study so that we would determine whether we would accept their last minute and scrambled together piece of paper calling itself amendments. It is some hurriedly scrambled together thing that somebody told them about because the author of it could not have written it. Somebody wrote it for them and sent it late. They want us...

Ms. Ferguson: Mr. Speaker, if I may?

Bishop Edghill: Mr. Speaker, I would like to bring to your attention that the Hon. Member was filming in the Assembly just now.

Mr. Speaker: Hon. Members, let us not have to take a break and come back. Please allow the Hon. Attorney General to complete his wrap up.

Ms. Ferguson: Mr. Speaker, if I may?

Mr. Speaker: Hon. Member, Ms. Ferguson, you may proceed.

Ms. Ferguson: Thank you very much, Mr. Speaker.

Mr. Speaker: What is the Standing Order?

Ms. Ferguson: I am trying to get my Standing Order.

Mr. Speaker: What is the Point of Order?

Ms. Ferguson: It is Standing Order 40(1), Mr. Speaker.

Mr. Speaker: Hon. Attorney General, continue, please.

Mr. Nandlall: Sir, the Bill was laid in this Assembly since 20th July. That was sufficient time. This Bill can be read in one hour and the proposed amendments can be crafted in another hour. They sat and did nothing as usual. The incompetence is overwhelming. They did nothing until last night. They knew they were coming here this morning and so last night they picked up the Bill for the first time and, as incompetent people would do, decided that they wanted us to consider the amendments. The timeframe alone – forget the content – within which those amendments were hurriedly scrambled together, disqualifies them from any meritorious consideration. That is the first thing. It came too late even to be considered. When one looks at the amendments... I have the amendments here.

11.39 p.m.

Ms. Ferguson: Mr. Speaker, I stand on Standing Order 41(6).

Mr. Speaker: And what does it state?

Ms. Ferguson: It states here:

“(6) No Member shall impute improper motive to any Member of the Assembly.”

Mr. Speaker: Could you tell me what the imputation by the Hon. Attorney General was?

Ms. Ferguson: Earlier, the Attorney General claimed that some information was put together on some piece of paper, and the author...

Mr. Speaker: All kinds of claims were made here. Hon. Attorney General, please proceed.

Ms. Ferguson: I could deal with *y'all* in the public.

Mr. Nandlall: Sir, the amendments that are being proposed...

Mr. Speaker: Hon. Attorney General, I just heard a threat from the Hon. Member. The Hon. Member had her microphone on, and I heard it distinctly. Next time, I will know what I do.

Mr. Nandlall: Sir, the amendments, as they are proposed, are set out in a column. On one side there are clauses for amendments and, on the other side, the proposed amendments. Under preliminary, the amendment to that is to insert 'Institute of Chartered Accountants of Guyana'. That is the amendment, to insert 'Institute of Chartered Accountants of Guyana'. The thing does not make sense. Why am I inserting Institute of Chartered Accountants of Guyana? [An Hon.

Member: (*Inaudible*)] I do not know. The amendment does not state.

Let me explain what a definition section is. A definition section, which is normally called the preliminary, defines clauses, phrases or words that are used in the bill. This one asks to insert the Institute of Chartered Accountants of Guyana in the definition section, in Part I. I do not know where and why. The Institute of Chartered Accountants of Guyana is not mentioned anywhere in the Bill, but I am being asked to define it in the definition section. Is that the kind of mediocrity you want to keep people at this hour in the night to consider? Is that what you want us to consider?

Let us take a next one. I am just glancing through quickly. Dr. Singh, and Sir, listen to this earth-shattering proposal. The constitution of the authority has five members. The clause in the Bill states that the quorum for a meeting of the authority is three. The groundbreaking, revolutionary proposal is to change the three to four. Tell me, did you want me to leave my baby last night and look after this? Is that what you wanted me to do? Let us go again. [An Hon. Member (*Inaudible*)] Mr. Ramjattan, that is what you are fighting for, Hon. Member. That is the quality of amendments. We heard a lot about developer, so let us talk about developer. The developer is specifically excepted from this Bill, because this Bill defines what is real estate activity. Real estate activity is defined by clause five of the Bill. It has several elements – auctions or negotiations, sale, purchase, lease of real property, not developing – auctions or negotiations, sale or lease of real property.

“(b) advertises or holds themselves out as being in the business of auctioning or negotiating the sale, exchange, purchase, lease or licensing of real property;

(d) directs or assists in the procuring of prospects, or the negotiation or closing of transactions which result in the sale, exchange, lease or licensing of real property.”

And it goes on. This Bill does not accommodate developers. That was an intentional exclusion. When you develop your property and you are ready to sell it, then you will be engaging in a real estate transaction, and then you will come under the bill. What is so mysterious about that? Hon. Member Khemraj Ramjattan has read international money laundering into the absence of that provision in the definition. We have a Real Estate Agents and Brokers Bill, not a developer’s bill. We felt that it would be cumbersome... [Mr. Ramjattan: *(Inaudible)*] Yes, and I am looking at you with both eyes. We want to separate the real estate from the developer, and that is why we have a Condominium Bill. The Condominium Bill deals with developers, *et cetera*. This Bill deals with the buying, selling, leasing, and licensing of real estate, not developing. That is why the name and the definition of the Bill captures that activity. It does not deal with cardiovascular surgery, so that is not here. Do you want me to include that in the Real Estate Agents and Brokers Bill? The level of mediocrity that the people of Guyana have to endure from those who purport to represent them. Incompetence that is beyond... [Mr. Duncan: *(Inaudible)*] you brought it into disrepute, Mr. Nandlall.] Look at this one. The case put you in the Opposition. We won the case and you will stay there for a very long time. Mr. Speaker, when they filed the two petitions, they held a press conference at the bridge of the High Court and they told the nation that in six months the two petitions will put the PPP/C out of government. In six months, both of the petitions were dismissed, and the PPP/C is here, stronger and better than ever. *Put that in your pipe and smoke it.*

The drafter was accused—poor fellow, doing an excellent job—of plagiarism. In the Caribbean, we have a common Caribbean Community (CARICOM), and we have a common Caribbean court. The CARICOM Secretariat has a legal department, and they churn out communal regional statutes on a regular basis to be used as models in the Caribbean. They are encouraging all member states of CARICOM, as far as possible, to have common laws. The Caribbean Financial Action Task Force (CFATF) is a regional body. I said over a dozen times that this Bill is influenced by the CFATF’s directions. I said that the Bill will be subject to an assessment by the Caribbean Financial Action Task Force. What the drafter did was do what every logical mind would have done, look at the established legislation from the Caribbean and borrow from it. Everyone in the Caribbean

region is doing so. In Guyana, when you do so, by the superior intellects in this House, it is plagiarism. And the Hon. Members who are casting that judgment are highly qualified in areas to determine who plagiarises, *et cetera*. But on the one hand, I was accused of plagiarising the Trinidadian legislation, and then sections of the Trinidadian legislation. I said in my opening remarks, in my presentation, that we borrowed heavily from Trinidad and Tobago and we made adjustments, where necessary, to suit the Guyana situation, the Guyana reality. When the Hon. Members are accusing me of plagiarism and they see one part of it is removed, they put it down and say, ‘oh, he removed this part. He therefore had an ulterior motive.’ So, if you do you are damned; if you do not, you are still damned. You are getting accused of plagiarism, and when you do not plagiarise, you are getting accused for not plagiarising. That is the mentality we are dealing with.

Mr. Ramjattan has invoked his old, hackneyed expression of *control-freakism*, and it relates to the authority. As I said, this Bill received not a single cent from public funds. The only connection this Bill has to the Government of Guyana is that the appointments are made by the minister from nominees, and I will deal with the nominees. A report has to be prepared by the authority, submitted to the minister, which the Minister has to bring to this House. But I do not know why we are bringing anything to this House. Why are we bringing anything to this House? It is a waste of time; but we are putting it in the law. We are hoping that a new crop of leaders will be elected, that the people of Guyana will get somebody of greater vision and mental attitude.

The authority is to be appointed. The Minister is only the appointing mechanism. One nominee comes from the Ministry of Tourism, Industry and Commerce; one nominee comes from the the Competition and Consumer Affairs Commission of Guyana (CCAC) – a statutory body, a state organisation, a quasi-legal judicial body that hears and determines consumer disputes under an act of this National Assembly. [An Hon. Member: (*Inaudible*)] I know it is located at Sophia, but that does not make it political. A nominee comes from that body, a nominee comes from the Private Sector Commission (PSC), and a nominee comes from the real estate agents themselves. So, there are three objective nominees. My ministry has one politician, as far as I am aware, and it is me. I am not going to sit there, but a nominee of mine will. My nominee will be a lawyer, and he/she will go there only to ensure that the laws are obeyed. That is why the nominee of the Attorney General is there. Where is the political contamination?

11.54 p.m.

Even if I am to put a political nominee and Minister Walrond is to put a political nominee, you have three persons who are untouched by politics – a nominee of the Private Sector Commission, a nominee of the competition committee and nominee of the real estate association – yet you see politicisation. [An Hon. Member (Opposition): Correct. I see it.] You see it? You have different vision; everybody knows that.

Mr. Speaker, they accused me of not consulting. Apparently, I do not know where the Hon. Members live. I try to keep abreast with the news. I try to follow news both on the social media and in the traditional media. I had engagements with persons representing the real estate operators in Guyana. Anyone who is serious about consultation and who has ever done consultation in their lives, will know that it is impossible to consult with constituent members of every single organisation; you consult with the representative bodies. That is how civilised, democratic societies operate. So it is true that I did not speak to every single real estate agent. I spoke with the two bodies that were nominated by the real estate operators as their representatives, and I met with both of them. One ridiculous name mentioned was when I consulted with the realtor in Black Bush Polder. [An Hon. Member (Opposition): Did you?] So ridiculous was the presentation... If I consulted the real estate agent in Enmore... Randomly they were calling names. Fortunately, I kept record of my consultations, and they were published in the press. I have a beautiful picture here.

[The Hon. Member displayed a photograph.]

The gentleman with the thick, black hair is me. The handsome guy there is me. You have a whole room of real estate leaders. [An Hon. Member (Opposition): Lay it over.] This was published in *News Room*. It was published in *Stabroek News*. It was published in *News Room*. [An Hon. Member (Opposition): *News Room* is no news.] Yes, because it does not publish what you want to read. It was published in *Kaieteur News*. Look, *Kaieteur News*; this is another picture. They asked me for a close-up; look. I have another one; hold on. Look.

Mr. Ramjattan, the Hon. Member stood there and told me that I told an inaccuracy in this National Assembly when I said that I consulted. That is the level of debate, Mr. Speaker, but I have the pictures to show. These are two organisations, and it is two sets of pictures. I had several meetings

with them. These photographs only record two meetings. I have their contributions in writing. Look, Mr. Speaker... [An Hon. Member (Opposition): Lay it over.] I am not laying over anything for you. I have their submissions in writing to show. [An Hon. Member (Opposition): (Inaudible)] I will circulate it if you wish. [An Hon. Member (Government): He will gladly share the pictures with you.] I will gladly share the pictures. But none of you cannot go... You *mussy wan* do *obeah* with my picture. No, I am not giving you my picture. I will layover the document, whichever they want. That is no problem.

The point is, this Bill is a good Bill. It is long overdue. I heard the Hon. Member, Mr. Ramjattan spoke. He has a problem with a particular exclusion, that it excludes owners. Mr. Ramjattan, you have to exclude owners. Do you want when you are selling your house, and hopefully you do not have to sell it, that you have to go and get a real estate licence? Do you want us to pass that law – that anyone selling their personal property...? Obviously, we have to exempt that. Mr. Ramjattan sees that as a loophole for one of our, according to him, corrupt cronies to keep selling his own property all the time... [An Hon. Member: To go and register.] Yes. That person can exempt themselves from the whole operation of the act. Have you listened to yourself as a lawyer? Play back that tape tonight and see if you would not feel a little bad about yourself. That is the kind of argument that we have to endure at midnight. I believe that no argument of any substance whatsoever has been put forward, either to make out a case for the amendments that have been proposed... Let me pause quickly. The Hon Member wants us to define. One of the things she wants us to do is define “public body”. Now, I am told it is a typographical error. What is it that you want? Do you want us to define private body? Now, we are told that the proposed amendments need an amendment. Do you see why we had to ignore it, Mr. Speaker. From various grounds they lack merit; they were late, they were cumbersome, they were not intelligible, most of them do not make sense, they were trivial, frivolous, vexatious and I can continue.

The arguments raised about the Bill itself are completely without merit. I wish I could have stood up here and try to explain something of substance that was raised. There was nothing of substance. The developer thing was a complete misconception. They wanted to include in the Bill something that the Bill does not contemplate. In the same way the Bill does not deal with gold mining – I did not define gold mining – the Bill deals with real estate and brokerage. That is what is defined, and it caters for that. [An Hon. Member (Government): That is why they (inaudible)] Yes.

As my honourable colleague behind said, we remain unmoved despite all the vociferous presentations that came from the other side.

It is with great pleasure that I bring this debate to an end, and I ask that the Bill be read now for the third time.

Mr. Speaker: Thank you, Hon. Attorney General. Hon. Members, I now put the question that the Real Estate Agents and Brokers Bill 2023, Bill No. 11/2023, published on 19th July, 2023, be read a second time.

Question put and carried.

Bill read a second time.

Assembly in Committee.

Mr. Chairman: Hon. Members, we have a number of amendments before us, moved by the Hon. Member, Ms. Ferguson.

Clause 1

Clause 1, as printed, agreed to and ordered to stand part of the Bill.

Clause 2

Ms. Ferguson: Time to sleep Cde. Chair. Mr. Chairman, for Part I under Preliminary, I am requesting that the word ‘developer’ be included after...

Mr. Nandlall: After what?

Ms. Ferguson: Probably it could go... Sir, I would say...

Mr. Chairman: Alphabetically, it would go after “Deputy Chairperson”.

Ms. Ferguson: “Deputy Chairperson”; yes.

Ms. Teixeira: Mr. Chairman, this is highly improper. The Standing Orders are very clear that an amendment must have a clause and a subsection. We cannot now be spending time in this House, at midnight, deciding where the Hon. Member’s ‘developer’ is going, if after “Chairperson”,

“complaint” or before something else. That was work that had to be done and submitted to this House. If the House allows it, we will be here until 6.00 a.m. trying to figure out where her amendment should be going.

Mr. Chairman: Hon. Minister, I thought you were standing on a point of order. Hon. Member, Ms. Ferguson.

Ms. Ferguson: Thank you very much, Mr. Chairman. Just before I...

Mr. Chairman: You have before me and the House several insertions in the Interpretation section. You have the words ‘developer’, ‘Institute of Chartered Accountant’, ‘property management’ and ‘public body’. Speak to those four amendments to clause two.

An Hon. Member: [*Inaudible*] save you the embarrassment. I told you that.

An Hon. Member: She does not know where to put them.

An Hon. Member: [*Inaudible*]

Ms. Ferguson: You would not support it? Mr. Chairman, I withdraw the amendments.

Mr. Chairman: Hon. Members, the Hon. Member, Ms. Ferguson, has withdrawn her amendments.

Clause 2, as printed, agreed to and ordered to stand part of the Bill.

12.09 a.m.

Clauses 3 to 77

Clauses 3 to 77, as printed, agreed to and ordered to stand part of the Bill.

First and Second Schedules

First and Second Schedules, as printed, 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, we will now proceed with the second reading with the Guyana Compliance Commission Bill 2023, Bill No. 12/2023 published on the 20th July, 2023.

Guyana Compliance Commission Bill 2023 – Bill No. 12/2023

A Bill intituled:

AN ACT to provide adequate supervision to reporting entities (Designated Non-Financial Business or Professions and Non-Bank Financial Institutions) for compliance with obligations under the Anti-Money Laundering and Countering the Financing of Terrorism Act; to enhance the compliance, guidance and training regime on money laundering, terrorism financing and proliferation financing in Guyana; to provide domestic and international cooperation; and to provide for other related matters.

[Minister of Legal Affairs]

Mr. Nandlall: Bill No. 12/2023, Guyana Compliance Commission Bill 2023, is one of three Bills that we are debating tonight that are central to the assessment that we will undergo in September.

Guyana has conducted two national risk assessments which have concluded in 2017 and 2021 respectively. In each of these risk assessments, it was noted that Guyana does not have adequate anti-money laundering/countering the financing of terrorism (AML/CFT), combating the financing of proliferation of weapons of mass destruction supervision for a number of reporting entities known as Designated Non-Financial Business and Professions, abbreviated as DNFBPs. That was a hole in our AML/CFT architecture, that we do not have a sufficient number of supervisory authorities to regulate various areas of activities in our financial sector. Under the financial action task force recommendations, it is imperative that these DNFBP's have a supervisory authority for AML/CFT purpose.

In small economies like in the Caribbean region, it is both onerous and impractical to create a supervisory authority for every area of commercial activity that falls under the AML/CFT radar. The cost and bureaucracy that will arise in respect of the establishment of these supervisory authorities would be astronomical and not feasible having regard to the size of the particular financial activity. For example, pawn brokerries. Still yet, there are many areas of economic

activities for which there is no administrative structure within the public or private sector apparatus that could effectively act as and perform the functions of a supervisory authority for AML/CFT purpose. For example, the auto dealer industry. Even further, some entities have been assessed as higher risk vehicles for money laundering under the National Risk Assessment (NRA), for example attorneys-at-law, accountants, and auditors.

As I pointed out earlier, this dilemma is not unique to Guyana and pervades the entire Caribbean. In my capacity as Chairman of Guyana's AML/CFT National Coordination Committee (NCC), I instructed the members to provide a review of how other jurisdictions in the region have tackled this problem. What we found is that although some countries provide that associations for the legal and accounting professions can provide AML/CFT oversight as self-regulatory bodies, AML/CFT assessment of DNFBPs in many of those countries has indicated that the oversight provided by those professional associations is weak, thus resulting in weaker ratings for those countries. In Guyana's case, the Guyana Bar Association is simply not designed, lawfully empowered, and legally constituted, to perform these functions in respect of lawyers, and clearly does not have the capacity to do so. For example, membership of the Guyana Bar Association is not even mandatory. So, the Guyana Bar Association cannot be considered a viable option, at least not in its current constitution and composition. I will speak more about this a little later.

Those countries that have used the financial and intelligence unit or specifically constituted supervisory body have had better compliance with regard to these professions and sectors without their supervisory authorities which are generally looked upon with concern by the Financial Action Task Force (FATF) and other bodies who fight against money laundering and terrorism financing. This has been recognised and flagged by the Financial Action Task Force, the Caribbean Financial Action Task Force and other regulatory international agencies supervising the fight against money laundering and terrorism globally and in this hemisphere. Additionally, we have noticed that some Virtual Asset Service Providers (VASPs) have been looking at the Caribbean Region to set up shop as regulation is weak. One only has to look at the situation in the Bahamas with Samuel Bankman-Fried and Futures Exchange (FTX) Trading Ltd. to show how this could have devastating financial consequences for persons investing in such a volatile mechanism. Based on these observations, the NCC has decided that it would be in Guyana's best interest to follow the precedents established in certain jurisdictions and to have a commission specifically tasked with

the AML/CFT supervision for unregulated reporting entities as well as to restrict the operations of VASPs and eventually provide strict supervision and regulation of the use of virtual assets and operations of virtual asset service providers.

This is a robust piece of legislation. It is recognised internationally that these reporting entities are subject to AML/CFT regulations, despite various challenges by lawyers all over the world to AML/CFT legislation, particularly as it relates to professional lawyer client privilege. However, professional client privilege, it has been held, does not protect the commission of criminal conduct or furthering criminal enterprises. As a result, this lawyer client privilege cannot be used as a guide for concealing information that may be qualified for monitoring under the AML/CFT framework.

In a judgement delivered by the Privy Council, in the case of the Attorney General of Jamaica, and the General Legal Counsel against the Jamaica Bar Association, 2023 UK Privy Council, page 6... Let me explain, Mr. Speaker. The Attorney General of Jamaica and the General Legal Counsel were sued by the Jamaican Bar Association. The General Legal Council is a body that is equivalent to the compliance commission that we are establishing. The Bar Association took the Attorney General and the compliance commission in Jamaica to court because of the very thing that we are doing right now. That is what I am explaining now. It was held that both the inspection powers of the General Legal Counsel, that is the compliance commission, a body similar to the one this Bill establishes, and the obligation to report suspicious transactions may involve some disclosure by attorneys-at-law of their client's confidential information. The Privy Council ruled that this would be demonstrably justified and justifiable under the rule of law. Let me read that again. It was held that both the inspection powers of the General Legal Counsel, a body similar to the one that this Bill establishes, and the obligations to report suspicious transactions may involve some disclosure by attorneys-at-law of their client's confidential information. The Privy Council took the bull by the horn and recognised that. The Privy Council ruled that this would be demonstrably justified and justifiable under the rubric of the rule of law.

The Privy Council further held that there can be no doubt that combating money laundering is of first importance to Jamaica, and that the extension of the regime to attorneys-at-law is rationally connected to that objective and is not arbitrary.

Finally, the Privy Council confirmed that the obligation imposed upon Attorneys-at-law to report suspicious transactions does not interfere with legal professional privilege. There are, therefore, sufficient safeguards against mistaken disclosures as attorneys can seek advice from specialist attorneys if they are unsure whether to make a report.

The issue of lawyer-client privilege has been interrogated extensively beginning at the High Court of Jamaica, the Court of Appeal of Jamaica, and concluded at the Privy Council. This case started several years ago. The entire Caribbean put their AML/CFT compliance agenda on hold to await the determination of this issue, because lawyers throughout the Caribbean had raised objections. Now that the Privy Council has pronounced conclusively and finally on the issue, moves are now afoot, across the Caribbean, to correct the deficiencies, as we are doing now. I may get the criticism, again, that this Bill was not widely circulated. Apparently, the dilemma here is that if Members on the other side do not read the Bill or are not aware of the Bill and that due to their own default, the Bill is not circulated. That is the inference I am drawing. Once they do not know about it, then it does not exist. They only know about it when it is fixed for hearing. When it is fixed for debate, then they become alive, then they wake up from whatever slumber they were in. A draft of this Bill was publicly circulated at the beginning of May, 2023.

12.24 a.m.

It was posted on the website of the Ministry of Legal Affairs and a public notification was issued to that effect inviting inputs. News stories of this Bill, based upon that publication, were widely carried in the press in Guyana. Additionally, copies of the Bill were sent directly to the Guyana Bar Association, the Barbice Bar Association, the Institute of Chartered Accountants of Guyana (ICAG), the Private Sector Commission (PSC) and the Georgetown Chamber of Commerce and Industry.

The Bill impacts significantly on two professions in the country and, from the get-go, they were directly sent a copy of the Bill and their input was invited. Late yesterday, I received a letter from the President of the Guyana Bar Association, belatedly expressing concerns and raising certain objections to the Bill. Although receiving the letter only yesterday afternoon, out of difference, the concerns expressed were examined until one o'clock this morning. Having regard to the ruling

handed down by the Privy Council, I am of the considered view that the concerns raised are without merit.

When the Privy Council handed down this decision... I have it here. You can see, Sir, it is quite an extensive judgement. The Privy Council does not normally give such voluminous judgement but, on this occasion, I perhaps felt compelled to do so. I examined the concerns of the Guyana Bar Association. I was aware of them long before; the concerns are what kept the Guyana Bar Association outside of the legal regulatory framework. As the Minister in the Office of the President with Responsibility for Finance is reminding me, it is not a new nor novel issue and it is not an issue peculiar or unique to Guyana. I must observe that many jurisdictions in the region left the legal profession without a supervisory authority while they awaited the outcome of this legal challenge which lasted several years. This year, the case has been decided and it has conclusively and comprehensively settled the issue. Guyana is simply following the rest of the Caribbean in bringing the legal profession within the Anti-Money Laundering/Countering the Financing of Terrorism (AML/CFT) regulatory framework. In fact, the only countries in this region under CFATF regulations that are without supervisory authority for the legal profession so far are Guyana, Haiti and Venezuela. All the rest of the Caribbean are gone already. This Privy Council judgement was handed down since November, 2022. All of them got complied and the legal profession in the entire region is now in the framework of the AML/CFT. Did you hear the countries? The countries are Guyana, Haiti and Venezuela. Venezuela is an international pariah in the AML/CFT world. I do not know where Haiti stands. Guyana is not in illustrious company here.

This Bill will now extricate Guyana from this list. In light of Guyana's impending mutual assessment schedule to take place in September, 2023, our Government is now prepared to expose Guyana's entire fiscal framework, because the legal profession objects to being regulated by a framework that regulates every other area of economic activity in the country. In any length, clause 64 of the Bill provides for the commission to issue guidelines or codes of practice for reporting entity under its supervision. The legal profession and every other reporting entity are free to consult with the commission in fashioning guidelines that would be mutually acceptable. The door is not completely shut here to both the Guyana Bar Association and the Accounting Association.

The accountants called me last night or a representative of theirs. They asked, why their body cannot be used? The arguments that I have set out here, I explained. I also said to them that you

will do your regulatory framework, you will do your own monitoring and supervisory, we are not taking away your role. This is the formal body connected with the AML/CFT legal architecture in Guyana that will have to eventually be the receptacle of the records and you will have to maybe comply with additional guideline. Were the Guyana Bar Association in a similar construct and equally endowed and that association is but the same could have applied.

You know, Mr. Ramjattan, because you said it earlier tonight that it is self-regulatory; it is almost *ad hoc*; it does not have mandatory membership. I do not think you are a member – financial that it. You only pay when elections come around. As I pause here, Mr. Ramjattan, you said something that I should address and let me address it now. The real estate authority has nothing and does not in any form or fashion detract from the Guyana Revenue Authority (GRA) performing its taxation or tax collection functions. How can you, as a lawyer, believe that the establishment of that authority could undermined the GRA? I do not understand because it is incapable of understanding. Authorities are created across the laws of this country. Every Bill that we bring here have an authority in it. Do they detract from GRA? What sort of reasoning is that? The GRA is created by the GRA Act. It has stipulated functions. It is the exclusive tax collection agency of the state. How any other statutory agency can compete with that?

Part II of the Bill provides for the establishment and functions and powers of the commission and I have said a lot about the commission. The Bill establishes the Commission while clause four outlines its functions which also involve the conduct of on-site and off-site inspections as well as having the requisite powers of a supervisory authority as enshrined in the Anti-Money laundering Countering the Financing of Terrorism Act. In essence or in a nutshell, what we are doing here is, the AMF/CFT has a structure, there is the reporting entities, which deals directly with the transactions. When a suspicious transaction arises, it has to report. It needs to have an agency to which it can report and that agency is called a supervisory authority. That supervisory authority then relates directly to the Financial Intelligence Unit (FIU) or the structure can go higher depending upon the particular area of the economy that it is dealing with. The banks, for example, have a far more complicated structure all the way to the Central Bank and that is the supervisory authority. They relate directly to the FIU.

There are many agencies, because our economies are small in the Caribbean, that you cannot create supervisory authorities for. It is not possible. The activities sometimes are too small for each

activity to have a supervisory authority to monitor it. The bureaucracy is onerous; it is cumbersome; and it is costly. What has been done in the region? A body has been set up, it is called the compliance commission and it goes under different names in the region. In Jamaica, as you saw it just now, it is called the General Legal Council of Jamaica and that body comprises of trained professionals in the area of anti-money laundering and it supervises a variety of reporting entities that do not have a supervisory authority. As I said in another forum, it is the parents for all the orphan children in the AML/CFT structure, so that is what it does and it has to perform those functions.

Clause five of the Bill gives the commission the power to delegate certain functions but specific powers are not possible to delegate such as licencing or sanctioning powers in relation to licence suspensions or avocations. Licence powers are never delegable.

Part III of the Bill deals with the requisite administrative aspects of the board of the commission.

Clause six of the Bill provides for the composition of the commission, which consists of five persons appointed by the Minister of Finance who appear to him to be qualified and experienced in matters relating to commerce, economics, real estate, insurance, pensions, securities, credit unions, law, accounting or such other areas in his opinion are required for the management of the Commission. Dr. Singh, you may come under fire here because once they see a Minister appointing, we are entering into the devil's territory. Unfortunately, like I alerted them, they did not read that. Part six deal with registration and sets out the powers of the commission, these include that the commission can cancel, suspend or revoke a registration and recommend the revocation of a licence or membership of a professional body. It will therefore be an offence not to become registered and to perform functions listed I the first schedule if unregistered.

Clause 53 mandates reporting entities to provide their beneficial ownership information to the commission and ensure that they are is current to legally updated. It also allows the commission to effect its functions under the AML/CFT Act with regard to the fit and proper criteria of directors or reporting entities if those reporting entities are companies. There is also a power to disqualify directors and officers of companies who do not meet the fit and proper criteria in the third schedule.

The commission has powers of entry, inspection, *et cetera*. These are all powers that supervisory authorities have under the substantive law – the principal AML/CFT legislation. All we are doing

is creating this unique, generic, supervisory authority. We have to bring over all the powers that the supervisory authorities already have. Hon. Member Mr. Ramjattan, they are not new powers; do not get excited. They were there since 2010. We are putting them into this commission now because it will now have to perform the same functions that those bodies are performing. I saw you got all excited because you hear 'powers'. The commission has... [**Mr. Ramjattan:** (*Inaudible*)] You look exciting. ...the power to require the production of records, the power to demand records and all the powers of the AML/CFT has under the principal Act. I do not think it is necessary for me to go through them. This National Assembly is very experienced in relation to AML/CFT legislation. What the Bill does, as I said, it is to import from the principal AML/CFT Act all of the powers that a supervisory authority would have and empower this commission with them. This commission, as I said, will be the umbrella compliance body for all those agencies who do not have a proper supervisory authority such as pawn brokery, which is what I mentioned; auto dealerships, which is another big industry. How does one supervise auto dealers? We have been using for example the GRA but there is no functional relationship between the GRA and the auto dealer other than one of tax.

12.39 a.m.

Other than a tax relationship, there is none. The GRA has also been supervising a number of agencies over which it really does not have the control and relationship with to exercise the type of powers that a supervisory authority should. The GRA cannot ask the auto-dealers for books that are not tax-related. The AML/CFT deals with transactions that go beyond taxation. [**Mr. Ramjattan:** (*Inaudible*)] The GRA performs a completely different function. I do not know how to cleanse your mind from this unfounded and unhealthy suspicion. This thing is a state agency. This is not a government body. [**Mr. Ramjattan:** What is the (*inaudible*)?] That is a state agency too but that has to collect tax. That has nothing to do with money laundering. Money laundering is a different structure. There is only so much I could do. The English language is limited and so am I. I cannot explain clearer than I have done. I ask that the Bill be read a second time. Thank you. [*Applause*]

Mr. Speaker: Thank you, Hon. Member. It is now time for the Hon. Member, Ms. Walton-Desir.

Ms. Walton-Desir: Mr. Speaker, good morning.

Mr. Speaker: Good morning.

Ms. Walton-Desir: The Hon. Attorney General (AG) behaves as if he could fool people all the time. The Hon. Attorney General knows full well that when one is crafting regulatory and legal frameworks, the concern is that the structure is in place. It is not that it must be in a separate body, but the authority must reside somewhere. The suggestion about empowering an existing body that is not inherently political is sound. You believe that you can kerfuffle people but not on this side of the House. I want to point out something else. Clearly, somebody does not understand what somebody is doing. When my Colleague on this side of the House spoke about the GRA, the Hon. Attorney General, sought to confine it to taxes. If one pulls up the GRA's website, it states:

“The Guyana Revenue Authority (GRA) in accordance with the provisions of the AMLCFT Act 2009 was appointed Supervisory Authority for the following sectors:”

He said, dealers in real estate. Instead of admitting this, you sought to make my Colleague appear that he does not know what he is talking about – the GRA is only to collect tax. Honourable AG, you need to stop. You need to stop. You need to stop. I want to say this – you stood there and painted this picture of this complex web. You made the case as to why this needs to go to a Special Select Committee. You made that case yourself. Look, let me say this. In this previous debate, I heard the Hon. Attorney General indicate to my Colleagues and myself on this side of the House, that the issue of developers was addressed in the Condominium Act. Did you not hear him say that? I took the liberty of pulling up the Condominium Act. The long title of this Act states:

“AN ACT to make provision for the horizontal and vertical subdivision of land and buildings into units for individual ownership and to make provisions for the use and management of condominiums and matters connected thereto.”

I scoured this Act to see whether the term ‘developer’ appeared and if it was defined – it does not. The Hon. Attorney General should be made to apologise for misleading this House on such material, in particular.

Mr. Speaker: Hon. Member, you need to withdraw the imputation that the Attorney General was misleading.

Ms. Walton-Desir: Mr. Speaker, the Attorney General...

Mr. Speaker: You made a point that you scoured the Act and did not see it. You could find other words.

Ms. Walton-Desir: Sir, tell me what to say. I am not using unparliamentary language. Therefore, I must be allowed to speak.

Mr. Speaker: Once again, if you continue with this tirade, we are going to have to end your presentation. This is the second time that you are doing it. As I am speaking, you are cutting me off and speaking above me. I told you that you are imputing that the AG was misleading. Withdraw it.

Mr. Duncan: He said was not in the Act; it was not in the Act.

Mr. Speaker: I said that she is crafty enough to say that it is not there, rather than imputing other sinister motives.

Ms. Walton-Desir: Thank you, Mr. Speaker. As you pointed out, I indicated that it is not there. Whilst the AG was speaking, I took the opportunity to do some research on this issue of real estate developers. When the AG comes to say this is all we are doing, one has to watch them. When he comes to this House to say, this is all it is; and there is no sinister motive; that is how you know. That is how you know. I am going to read some of the research. It states:

“A real estate developer is responsible for managing the tasks in the process of developing real estate and selling it to clients. In this role, a person may purchase land, assist with the financing of a real estate transaction, work with a builder to design and construct a building on a piece of property and determine how to market the structure or land to clients.

Real estate developers take on some of the most risks in the process because they are the people who decide to invest in property and develop it into something else, such as a commercial building or residential development.

Some real estate developers specialize in certain portions of the development process. For example, a developer might focus on looking at and investing in land or coordinating with contractors to construct buildings on properties.

Others choose to focus on the entire process from start to finish....”

Real estate developers work with a battery of professionals, including engineers, architects, contractors, planners, inspectors, surveyors and lawyers. In most states, in the United States of America (USA), for example, real estate developers must be licensed Real Estate Brokers...

“....so that they can serve as the sales agent or broker in the buying and selling process. Many developers start out in the real estate industry, working with individual clients to help them buy or ...”

build their homes. The fact is that, in most jurisdictions, developers are licensed Real Estate Brokers and agents. That is the case in the USA and in most Caribbean jurisdictions. It, therefore, reeks of suspicion that they have carved developers out of the framework when other jurisdictions have included it. Not only did they carve it out but sought to tell this House that it is dealt with under an Act that it has not been dealt with. How much more do we need to understand and view those actions with suspicion? I hope that we have set the record straight. You know the Hon. Attorney General has this tendency to try to conflate and use big words such as concatenate, specious and vacuous, to kerfuffle. He spoke about what we did and did not do. We do not have the ignominy of having an Attorney General who brought the entire system or the administration of justice into disrepute.

Mr. Speaker, you heard tonight, an Attorney General who clearly has maybe a God complex – I do not know. You hear him consulting with himself, in himself – I received these submissions; I looked at them; and I determined ... [An Hon. Member (Opposition): At 1.00 a.m.] At 1.00 a.m. too. [Mr. Duncan: With a head full of black hair.] With his head full of jet-black hair, he looked at them and he of himself made a determination... [Mr. Duncan: It was in his own deliberate judgment.] In his own deliberate judgment. ...that it was not important to include those amendments. The thing is, he stood and pointed out to a professional who drafted this Bill. Still, he, at 1.00 a.m. made the determination that they should not be included. Then, he goes on to talk that anybody who knows anything about consultations would clearly know that one cannot consult with everybody. I think the Hon. Member was *throwing stones*. I remember somebody – he who would not be named – said that he was not talking to any representative of the teachers and he will deal with the teachers themselves. Is he saying that he who would not be named, does not know about consultations? [Ms. Sarabo-Halley: There is a disconnect.] There is a disconnect. There clearly is a disconnect on that side of the House.

I want to move my attention to this Guyana Compliance Commission Bill. I want to be very, very clear. I do feel as though I have to be shouting, Mr. Speaker. My microphone seems to be exceedingly low. I want to be very clear that we on this side of the House support Guyana's compliance with the AML/CFT. We have to make that pellucid because the other side of the House has a tendency when you make constructive criticism, to accuse you of not supporting. They cannot take constructive criticism. They go to the extreme of saying that you are not supporting them. I want to be clear that we support it. We recall that it was under the A Partnership for National Unity/Alliance For Change (APNU/AFC) Administration that we emerged from the ignominy of being blacklisted. I think we have demonstrated, on this side of the House, our commitment to Guyana being compliant. I want to make it clear because as we proceed to examine this Bill, we will hear when he comes back to wrap up the AG saying, you all do not support compliance. That is how extreme they are with their points of view – very, very extreme.

We, on this side of the House, understand that traditionally national AML/CFT policies, standards, and supervisory bodies have hitherto been very heavily focused on the financial institutions rather than these Designated Non-Financial Businesses and Professions (DNFBPs). We acknowledge that the latter are very important players in the financial and economic sectors and that they do have a very clear exposure to money laundering and the other risks which arise from tax evasion, corruption, bribery and fraud schemes among other ills. This Bill establishes a compliance commission and it aims at providing adequate supervision for a number of designated non-financial businesses or professions. The first Schedule enumerates this. The Hon. Attorney General has gone through it. There are accountants, attorneys-at-law, auditors, commissioner of oaths and affidavits, and notaries. When they engage in activities relating to:

- (a) the buying and selling of real estate;
- (b) managing of client money, securities or other assets;
- (c) management of bank, savings or security accounts;
- (d) organisation or contributions for the creation, operation or management of companies;
- (e) or creation, operation or management of legal persons or arrangements, and the buying and selling of business entities.”

12.54 a.m.

It also applies to a number of non-financial trust companies, service providers, *et cetera* and some other non-bank financial institutions. We have a few observations that we wish to make. I sense, given the Attorney General's disposition to the earlier Bills, that they might be a *fait accompli*. For the purposes of the *Hansard*, we will record our concerns because I have noticed a trend. Everything that we have been warning about on this side of the House have been coming to past. For the reason of posterity, we will go ahead and we will record our concerns.

We have observed that some key definitions seem to be absent. For example, with regard to accountants or auditors, there is no definition except that the Bill places as a condition of fit and proper in relation to the auditors. In respect of accountants, there is the Institute of Chartered Accountants of Guyana Act which regulates the profession of chartered accountants, while the Tax Act makes provision for tax Practice Certificates for a class of persons referred to as accountants. What about persons who do private accounting work but do not hold a Practice Certificate? How are they going to be regulated? These are questions that have to be addressed. Again, I have to emphasise that we are not against the Regulation. It has to be made clear from the outset before this regime comes into effect as to how these things are going to be managed. The Bill purports to create a commission to operate as the supervisory authority for the entities that we spoke of. Pursuant to that, it has a number of functions in the Bill, and which in the interest of time, I will not delve into in great detail. It states that the number of commissioners shall not be less than three nor more than five persons all appointed by the Minister. The Minister has sole authority with regard to the appointment of the members of the commission.

Mr. Speaker, one of the concerns that we, on this side of the House, have with the last two Bills or the last bill is, we are seeing the creation of heavy bureaucracy and different organisations... [**An. Opposition Member:** Parallel.] ...parallel organisations with similar anti-money laundering functions which could easily be consolidated under one particular agency with a number of subdivisions. When you look at what this Bill proposes to do is you see them creating a commission, not only with wide and sweeping powers which I will come to, but a commission that is empowered to have divisional heads, *et cetera*. It is obvious to me that this is an opportunity to create jobs for the boys because we are establishing unnecessary bureaucracies. There is a Chief Executive Officer (CEO) who could appoint a Deputy Chief Executive Officer (DCEO). Then,

there is the divisional heads in one organisation. It is completely unnecessary to have several organisations of the same format being replicated across the legal framework. Tidy up the arrangements; create one agency where it is possible – and it is possible in this case with some work which is what they do not want to do. It is possible to do it.

The other concern is that the minister has the sole authority to appoint this commission. Now, this commission can suspend peoples' licences and can recommend suspension from the profession. It has a whole host of powers that can affect a professional's ability to earn an honest dollar and its appointment is left completely up to the political creature called the 'minister' with the People's Progressive Party/Civic (PPP/C) Government. Are all of you serious? All of you are known for victimising people who disagree with you and for victimising professionals who want to be professionals and will not dance to your tune. This that you are creating here is the perfect avenue for you to do that mischief. We are standing here and we are warning you, just as we warned you with the Planning Development and Single Window System Bill. Do you remember when they came to this House and said that all we are doing is this? Then, we found couched in the legislation the mischief that they were trying to do. This is character of this PPP/C Administration. They take the perfectly lawful requirements and they find some way to inject their *control freakism* into them. That is what you are seeing here.

There are a number of other issues that we have with this Bill. Is this going to be made a budget agency? What are the administrative arrangements and financial arrangements? I see they can raise funds and they have surpluses and all of these things. How are they generating this type of revenue? How is it going to be accounted for? These things are unclear. Let me say as I am at this point, this tendency the Hon. Attorney General has of saying, 'people do not submit comments', is seeking to circumvent the scrutiny of this House. The scrutiny that this House must put legislations through, is intended to circumvent the Select Committee process, which is fully recorded, fully *Record of the Proceedings* and reasons are given for the provisions.

To compound the matter, the Explanatory Memorandum is so bare that it does not tell one the rationale behind the particular provision. This is why we are saying that these things need to go to a Special Select Committee and not because we want to waste time, but because we must take our duties as legislators seriously. Also, not to come like the Attorney General to bully legislations through and to say that at 1.00 a.m. he could be playing with his baby. I mean we are happy for

the Attorney General that he has a baby now. We are happy about that fact, but you cannot sit at 1.00 a.m. and decide, in your own deliberate judgement, that this is not worthy of the scrutiny of the House. We asked for the submissions to be laid over that were made and he refused initially. It was not until we insisted that we, as legislators in this House, must see the submissions from stakeholders that he relented. That is absolutely abysmal – absolutely abysmal. It must not be tolerated. With regard to these penalties of \$10 million or more or five-year's imprisonment, what is the rationale for these types of penalties? We are not saying that it is bad or it is good but we are unclear as to how you arrived at this number. How you reach *deh*? This is something that the Hon. Member, Mr. Nandlall, came up with at 1.00 a.m. too. How much of our legislation has the Hon. Attorney General not come up with at 1.00 a.m.? We do not know. This is serious, serious business.

The last point that I want to make on this commission is, this is commission that has wide and sweeping powers. Mr. Ramjattan, it has the power to enter, inspect and search. It has the power to conduct onsite examinations or inspections or offsite surveillance of the business of a reporting entity. What does offsite surveillance mean? What does it mean? Does it mean one could follow people around? Is that it? What does that mean? In the absence of you saying what it means, we do not know what it means. Do you know what? They want to say that these are the powers you expect to be vested in any agency dealing as the supervisory authority for money laundering. They may be correct, except that we are dealing with the PPP/C. This is a group of people known to undermine institutions and to use institutions to go after people who may not see things the way they see things. It is the nature and character of my Colleagues over there to be vindictive.

We have to be concerned that there is a commission that can conduct surveillance and that can go in and search your property and premises, *et cetera*. They are not circumscribed by safeguards. They are not present in the legislation. These are the reasons this Bill must go to a Special Select Committee. This is not because we wish to delay this, but because certainly, the justice of the case requires that if we are going to pass a legislation that would trigger significant reporting and other administrative responsibilities for professional. It must be properly ventilated and not bullied through the National Assembly at 1.05 a.m. by the Attorney General. This is the only country I know of that treats its citizens with such contempt, where it gives them 10 days to consider such an important piece of legislation. The standard in any proper country is a minimum of 30 days and

here you have 10 days to consider this. There is something wrong with this approach to crafting of a legislative framework. There is something wrong.

In other jurisdictions, when bills are passed – and the Hon. Attorney General knows this – like this which would impose significant administrative requirements and burdens on entities, some time has to be given for compliance. You, generally, should put a provision in here that states that this Bill will come into effect, for example, on such date as the Minister may by order prescribe. This is so the entities would know that this is the time they have to become compliant. **[Ms. Teixeira: (Inaudible)]** Hon. Member you must know that you cannot tell me about drafting legislations. You must ask the Hon. Attorney General what I know about drafting legislations. The point that I am making stands. You must give people adequate time to comply with the framework. Now, if you look at it here, you will see that there is an issue of the coming into effect within three months of this Act that one has to comply. The Bill would have already been in effect. Time would have already passed for the penalty provisions to be triggered against an attorney-at-law, an accountant, *et cetera* without them being afforded the proper time to comply with this.

1.09 a.m.

It is standard operating procedure in any democracy that time is given for compliance. And so, we want to strongly recommend that this be done. We want to strongly recommend that this Bill goes to a select committee. It could be expedited; we could work every day until we go through all of the clauses. I am willing to sit and work with whomever the Attorney General (AG) may designate so that we can go through the Bill, understand what these provisions mean, understand how they will affect our constituents, and give our constituents proper representation. That is not too much to ask; it certainly is not too much to ask. This tendency that the People's Progressive Party/ Civic (PPP/C) Administration has of trying to circumvent scrutiny of provisions in this House... **[Ms. Teixeira: (Inaudible.)]** Ms. Teixeira, you know for a fact that the consultations outside of this House are not recorded in the same manner as the consultations and deliberations in the select committee. You have been here long enough to know this. It is an embarrassment that you will attempt to mislead people like that. **[Ms. Teixeira: (Inaudible.)]** It appears as though as I caused the Hon. Member to go into some type of conniption. I hope the ambulance is outside because I see the Hon. Member getting red in the face and agitated. I hope they are there.

I will close by saying that the purpose of the Bill... I want to be clear. I want to be pellucid because it will come here to try to impute other motives to us. It is not unwelcome, and it is quite understandable and necessary. There is a way that you implement laws. The Bill has to take into account the concerns that I have raised here today. Because of the serious implications that this Bill have for these reporting entities, we want to strongly suggest that it be referred to a Special Select Committee. We must be able to pass laws in this House, not as bullies but through a transparent process. That is accomplished when we send matters like these to the select committee.

While I doubt that what I have said here tonight made any difference to the Hon. Attorney General, because the Hon. Member has already said that he will do what he feels to do, I think I have put some of the concerns of our constituents on the record. I will remind the Hon. Attorney General that while he is minded to do what he wants to do, you can do what you like, but never for as long as you would like. *[Applause]*

Mr. Speaker: Thank you, Hon. Member. Now, for the Minister of Foreign Affairs and International Cooperation, Mr. Hugh Todd.

Minister of Foreign Affairs and International Cooperation [Mr. Todd]: Good morning, Mr. Speaker. I am very pleased to be associated with this Bill. The Guyana Compliance Bill, Bill No. 12/2023, seeks to buttress the Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) Act and bring our legislation into compliance with the Caribbean Financial Action Task Force (CFATF) guidelines.

The Bill proposes the establishment of the Guyana Compliance Commission, which will be responsible for its implementation. The primary objective of this Bill is to strengthen the regulation of non-financial businesses or professionals, which could include casinos, lotteries, real estate agents, dealers in precious and semimetals, precious stone, and attorneys at law, depending on the nature of their undertakings in some instances and the value of the transaction in other cases, non-profit organizations such as charities and similar fund-raising ventures, and non-bank financial institutions. This could include accountants and auditors, depending on the transactions they are involved in. These examples are not exhaustive but indicate the categories of professionals and entities the Bill seeks to cover.

Just for historical context, Guyana is advancing rapidly in its economic development. It, therefore, means that we have to modernise our legal architecture, broaden our regulatory framework, and ensure that we have security within the business environment. If you go back, historically, you will recognise that the 1988 United Nations (UN) convention, along with the Organization of America States (OAS) model regulations, had allowed for the establishment of the CFATF. This was a result of two meetings: one in 1990 in Aruba and the other in 1992 in Jamaica, where governments made commitments so that they could counter money laundering.

At the turn of the century, we recognised also that we had to treat countering the financing of terrorism. This is very important for Guyana because we are dealing with our national security. We know the fallback, if we have gaps in the environment, that could allow for sophisticated, transnational organised criminal networks who are seeking to infiltrate the poorest jurisdictions to further their activities. This piece of legislation that we are seeking to pass is to ensure that we can tighten those loopholes to ensure that our national security is put first and foremost. This would also ensure a safe business environment, which is very important because it could affect our population. We have seen blacklisting, restrictions, and penalties that governments had to face if they were exposed. For us, we need to be able to have a legislation that provides for the types of threats that we face in a very globalised and interdependent environment. For us as a nation state, it is important as a government, to ensure that we can provide security and safety. This is all part and parcel of what we talked about: the democratization of our country and our institutions. We do not only treat with elections. Once we are in power, we also focus on ensuring that we have the democratization of our institutions. This is important.

For Colleagues on the other side of the floor who are complaining about a select committee, we are moving at a very rapid pace. They have seen how the President, Cabinet and Government have been working, and they also have to keep up with us. We cannot wait for them and attend to all of their wishes. If they keep up with us, they will recognise that we are on a good trajectory or a fantastic trajectory and that they have to be able to keep up with the pace of development. I must highlight that establishing the commission will allow for our resources to be specifically dedicated to ensuring that these entities comply with the AML/CFT Act. While the commission's powers include revocation of licences and the conduct of inspections, it is also expected to support the entities to implement and update their anti-money laundering and countering the financing of

terrorism policies and to see that the said policies are compliant with our existing legislation and industry best practices. What we are achieving here this evening is to ensure that Guyana is compliant and that we also fit within the best practices of not only the region itself but, by extension, extra-regionally.

Further, reporting entities are required to be registered with the Financial Intelligence Unit (FIU). Following registration, the Bill seeks to mandate the FIU to provide ongoing training sessions and introduce suspicious transactions, terrorist financing, and the proliferation of financing reporting obligations to reporting entities. This will better position reporting entities to meet their obligations. Let's consider the entities targeted by this Bill, non-financial businesses or professions, non-profit organisations, and non-bank financial institutions. It is clear that, in most cases, these will be individuals or small and medium-sized businesses with limited resources.

This approach to regulation is certainly commendable and demonstrates the commitment of the government to support the private sector while preserving the integrity of its financial markets and honouring our country's international obligations. With Guyana's economy projected to continue growing exponentially in the foreseeable future, our legislative framework must be tightened to ensure reduced loopholes, which can be manipulated by money launderers and terrorism financiers. The negative effects of money laundering on economies cannot be overstated, as we have all witnessed the adverse effects of terrorist activities around the world. As Guyana attracts investments in a multiplicity of sectors, it is the People's Progressive Party/ Civic (PPP/C) Administration's duty to ensure that our regulatory framework is robust. The drafters have *given teeth* to this Bill by including detailed provisions on offences and penalties. This is also important because we have to send a strong signal to those persons who may want to attempt... Or even if they get involved, they must understand that there are harsh penalties if found guilty. We do support the fines ranging from \$3 million to \$50 million and other penalties, including the possibility of imprisonment and the revocation of certificate of registration or licence. The government's position on non-compliance is clear as it is a serious matter and will not be tolerated.

In conclusion, I must commend the Hon. Attorney General and Minister of Legal Affairs and his team for their dedication in enhancing and modernising our legislative landscape. Thank you.
[Applause]

1.24 a.m.

Mr. Speaker: Thank you very much, Hon. Minister. Now, for the Hon. Member, Mr. Ramjattan.

Mr. Ramjattan: Mr. Speaker, there are similar arguments that I would like to make in connection with this Bill, as I did in relation to the previous one. I will try not to be, as the Hon. Attorney General said, I came with my manner of not being meritorious in the argumentation and all of that.

I want to say that, as was done by my previous Colleague, she indicated and I believe that it is absolutely the way to go, is for a Special Select Committee. It is not politically expedient, Attorney General. This again is a fundamental piece of legislation that you gave to us and again, 19th July, 2023, you gave us a whole set of Bills. [Mr. Nandlall: (Government): I work hard ...] Oh, you *gotta* work hard. You do not want scrutiny. That is your problem. *Control freakism* is what you want. [Mr. Nandlall: (Government): Read the Bill.] I read the Bill. You always carry on and impute as if we do not... That is imputing things too, Mr. Speaker. “*Me nah read da Bill*”. Then he said only he reads the Bill.

This Bill has tremendously draconian measures about it. It is in the context of those very draconian measures that I see the need... I rather suspect, and he did not give us what it is that the Guyana Bar Association President gave him. He did not make that available to us. He said that sometime last night, he got some complaints or whatever it was, recommendations. It is important that the Opposition also in legislation making get the comments of those stakeholders so that it will know basically what are their concerns so that we, as legislators and lawmakers here, are acquainted with it to the extent that we can make the necessary changes or we can make the necessary arguments as to why that one should be deleted or should be amended. This is the nature of the People’s Progressive Party/Civic (PPP/C) Government. It feels that in major legislation like this, which now will control these professions literally to the extent of going into their place, examining any documents that they want, dealing in very harsh terms in relation to if you do not do certain things or you omit to act. Do you want to tell me that from 20th July to now, we have given the best scrutiny of this Bill?

That is something that I find outrageous coming from those who said earlier that this Bill is going to be with inclusivity and all the other attributes that they love to pronounce. We would hear from the Guyana Bar Association at the Special Select Committee as to what its concerns are. We would

hear from the accountants what its concerns are. You just do not shove this thing down their throats and our throats, and we do not even know what the stakeholders are saying. Then, it talked about the consultative process under the Constitution, as I mentioned in the earlier Bill. This point of creating parallel authority or commissions... It is now indicating now that it is going to do an embracing commission to deal with compliance. Could that not be done with the Real Estate Agents and Brokers Bill that it just passed? Why did it not indicate that in addition to these professionals, Accountants, Attorneys, Auditors, and all of that, the Real Estate agents as so described in Part V of that Bill, or it have put it down in this Bill, a reporting agency? They want to create some jobs for the boys again here.

Why is it expanding the bureaucracy, as it were? There are five commissioners there. You will have three to five commissioners here. One will get what is called a Chief Executive Office and a Deputy Chief Executive Officer. Yes, and all the money must come from the National Assembly. Not only that, but they will also have a sort of secretariat that will include the Chief Executive Officer, and he may, at such remuneration and general terms and conditions as set by the commission, appoint and employ other suitably qualified persons as officers and employees of the commission. The operations of the commission may be separating it to divisional divisions. I mean they could have put other words than “divisional divisions”. The commission may appoint officers to manage each division, head and other staff. It went on to state that any stage with the Minister’s approval, it could then employ experts. It would now have five persons there that will have to now be paid that is the Chief Executive Officer, the Deputy Chief Executive Officer, a set of experts and then you will get divisional commanders. What will they do? They will police over all these professions. I agree that indeed under the Anti-Money Laundering and Countering the Financing of Terrorism Act you have be somewhat stringent with your application of the laws as regards to them.

Let us hear what the people of these professions have to say. Why is it in our Standing Orders that we have a Standing Order dealing with Special Select Committees? Why is it? It is but to expand scrutiny of especially those stakeholders, that any law that we make here will be affected by, to let them come and have a sort of a say in relation to it. Again, this very short space of time to deal with a major piece of legislation like this and then he said that he gave it to the Guyana Bar Association, the Berbice Bar Association, this bar and all bars. He is not telling us what some of

the comments are. This issue has a lot of suspicions in my mind as to why they want to create another big parallel commission. Will the employees that they will have here going to suffer what is called insulation by a Public Service Commission (PSC) before they are appointed? Who is going to appoint them? From everything I see here, it is political because it is, again, the Minister. When you want to behave badly against a lawyer that you do not like because he is probably politically involved, like a “Ramjattan,” you could take away his licence. He is now a reporting entity. Do you know what they are getting at here? They do not want us to indicate now to these professionals – the Financial Action Task Force (FATF) and the Caribbean Financial Action Task Force (CFATF) and all of them are saying that certain things have to be done.

We want, as best as possible, to be within that regime without the strictures and stringencies you have. That is the balance that we are talking about. It brought them on the 20th and put them on top of the table, come back here now and say, “I don’t want nothing to go there. I have heard the Guyana Bar Association– a very important institution of the land,... Apparently, it does not have to hear certain Notary Publics and so on, or the other Commissioner of Oaths to Affidavits and so on. They just pass the stringencies. Now, this ministerially appointed commission, who can then set up other employees, can go into a Notary Public’s office at any time they feel like because they have suspicions that they are not doing their work properly.

In the context of that sort of power of entry to get books, documents, and literally everything, as I said draconian, you do not want us to send this Bill for further examination. No. I want to say like I just said in relation to that one, this enforcement action, regulatory fines, and all they have here could be used politically. It is dangerous. We are venturing into a door of what is called repression. When you want to get at somebody, you could use this Act, just like at a previous time, a National Security Act was used. In a very manipulative way, they have now gone to some very important professionals. Do you know what they are going to do? We just feel that certain things are happening. It is not only the professionals but also the non-financial trust and service providers. I do not know if the Opposition does not have an opportunity to talk to these professionals, too. The Special Select Committee is what we created as a part of the National Assembly so that we could speak to the people and give them our interpretation of what this is about. That is what democracy is. “No”, says the Attorney General. Democracy is not only elections, but it is good governance. That is a primary pillar of it. It is consultation and in accordance with Article 13 of our

Constitution, but it does not want that in a fundamental Bill like this. Do you know what? It comes to *hussle* us and say, “We got only September month, and those fellows from CFATF are coming. Why could it not have brought it earlier, then?”

Why can they not ask the CFATF? We have a draft Bill, but our Parliamentarians in this most sovereign institution called the Parliament want some more time to go through it. No. I am absolutely certain that if a remark or the request is made, the people could even say it is alright. No, there is no respect for the Opposition here, no respect for the National Assembly here, or for anybody or the stakeholders. “We have to abide by those fellows coming, and we going to produce this to them, win, lose or draw with the Opposition. That is shameless. It is treating us with disdain and the stakeholders with disdain, and they are talking about democracy and good governance. Again, we feel that it does not want to admit that it will be in control of these employees, commissioners, and all of that.

1.39 a.m.

It is important to that the point that was made by my Colleague just now, when you indicated that, indeed, there is a supervisory authority already: the Guyana Revenue Authority (GRA). All you have to do is, in a sense, expand that into a unit that could deal with these things. Why are you creating another commission? This thing is a done deal. I am glad that I am here making these remarks about what it is that now constitutes the methodology and the modus operandi of the Peoples Progressive Party/Civic (PPP/C). This is what it is doing. [An Hon. Member: *[inaudible]* Yes. It has its beauty pageants, distributes drinks and money, goes to concerts, and then tells the people *yall go home now*. That is what they are going to do with us at 2 o'clock in the morning. We talk to *alyuh* we bring *um ah* Parliament, and so, *y'all go home now*. This thing here is going to live with them to the extent that a lot of people will get vexed with its governing. [Dr. Cummings: They vex already.] They are already vexed. A lot of the professions. They are now trying as best as possible to, as I said, drive fear in the members of these professions and non-financial institutions. I am asking if it could be the CFATF people or FATAF coming here for an extended time for its National Assembly to deal with it. The people respect our National Assembly. I have been a Minister and dealt with a couple of them. Not as closely as our previous Attorney General, but I have seen them, and they ask the question, are you doing the matters that could take us there? We are doing the matters here. Why can we not go to the Select

Committee? It wants to fool us and fool the public. It wants to create its institutions and parallel organisations rather than that which is the existing supervisory authority and all of that. Then, it says it do not want jobs for the boys. One will see how much money will be paid out for 2024, in relation to this. Thank you very much, Mr. Speaker. *[Applause]*

Mr. Nandlall (replying): Mr. Ramjattan performed for the gallery. The proceedings are being streamed live, and I hope, I pray to God, that the Guyanese populace look at him not tonight, not this morning, but we will keep it at the website, and they will look at him. They will hear him speak about how important the stakeholders are and how important consultations are. They will hear him speak and be reminded because he is speaking on an AML/CFT Bill. They will remember him CFATAF; he used to call it in 2012 and 2013 when he voted down four sets of AML/CFT Bills. The Private Sector met with him, the Caribbean Community (CARICOM) met with him, the Georgetown Chamber of Commerce met with him, and the sugar workers came out in front of the National Assembly and picketed. The CFATAF people came. Do you remember? You told them the very thing: this is a sovereign Parliament, and the sovereign Parliament will vote it down. The sovereign Parliament will pass it tonight because the sovereign Parliament, this time, will be acting in the best interest of Guyana and the very stakeholders that you are pretending to represent. You think that this country's businessmen and ordinary people will forget what they had to go through with the sanctions. **[Mr. Ramjattan: What sanctions?]** What sanctions? You are so

oblivious. When we lost corresponding banking relations. You do not know. You do not live in this world. You do not know the penalties to which the money transfer agencies were subject. You do not know how our international ability to do two transborder transactions was affected. You do not know. It is because you live a different life and do not interact with people. When you condemn this country to a status of blacklisting, that is what you did. At 2:45 a.m., you are coming now to be a champion of AML/CFT. You are the last person who should speak here. **[Dr.**

Singh: Newfound concern.] Newfound concern. He does it with a plum, an alarm. He is disgusted with us. I am going to play the speech of the Private Sector to hear how you are now its new guardian. You condemn it; it lost millions and millions of dollars annually, and we have not recovered. You do not know that we have not recovered yet from those sanctions. We have not recovered yet from those sanctions. These are part of the measures that will put us back there. So long it has taken us simply because of what you have done in the select committees. We met on Sundays, and we met on Saturdays. Do you think I will ever forget the scars that we went through

with your one-seat majority and what you put this nation through? Today, you are coming here like a transformed born-again revolutionary, a moralist, and lecturing to us about democracy. You, democracy; for five months, you went on the television, and you said that you saw the fraud being perpetrated, and you went, and you defended it. You packed up your things at your office; you bid farewell; you said we lost; you have one and two friends in the PPP/C who will look after you. I know you were referring to me, but I do not consider that a friendship anymore after I heard your presentation. That is the speech you give. You went on the man radio show in Trinidad and Tobago, and the man asked you pointedly, and you had to make up a story. You still have some shame in you. You made up a story; oh, I was packing up to go to the Prime Minister's house. That was your explanation: he was packing up because he was going to be the next Prime Minister. Do you listen to yourself? You stood on the podium, and you used the word shameless.

First of all, let us begin by recognising that the AML/CFT set of laws is what could be described as *Sui generis*. They are a different, peculiar, and unique framework of statutory regulation because they are directed to regulate a unique, peculiar type of activity of criminal conduct. Money laundering, international financing of terrorism, organised crime, arms smuggling, cocaine. We in Guyana are simply part of an international regime. These laws did not originate in Guyana or the Caribbean. This is the international best practice acceptable standards that the world is governed by if you want to be part of the civilised league of nations. This regime of laws and the type of offenses here have been in our laws since the substantive Act was passed. It has been in our laws for nearly 15 years now. That is the first point I want to make. The problem with Hon. Members in this House is that they do not read anything, so you do not know. When you pick up the Bill tonight and you read it— it would alarm me if I read it for the first time and I have no understanding of the Guyana law and the AML/CFT infrastructure and framework— then it would alarm you. It is alarming, but that is the nature of the law. It has been with us since 2009. You do not know, so you read it there just now half hour or an hour ago, and you see these provisions, and you see these fines, and you see the power to enter and search premises, and to take documents, and oh my God democracy coming to an end. That is the level of ignorance. This has been in the law since 2009. All we are doing is that we are extending it now to another commission, and I will explain to the Members why.

All the supervisory authorities in the country, and do you know how many they are? You do not even know that they perform these functions, and Guyana has not collapsed. They have been doing it since 2009. You were in Government, and they were doing it, and you do not know. With a ministerial portfolio for security and enforcement of the law, you do not know or did not know. [Mr. Benn: Are you sure about that?] I am telling you that. That is the level of their ignorance. There is no new power that is created in this Bill. No new power. It is a transferal of powers that already reside in supervisory authorities right across the framework. The commercial banks have this power. The central bank has this power over the commercial banks, and the insurance regulator has this power over insurance companies.

Do you agree? [Mr. Ramjattan: Why do you want another one?] Because, and that brings me to the point. Let me drill into your head the reason why. As I said to you, and the House, it is not possible to create one of this body over every single area of activity. You are talking about work for the boys in one commission; we will have to replicate this commission 20 times. It is 20 more times jobs for the boys. You do not even understand that. What we are doing is consolidating the functions into one single commission that will regulate a whole set of agencies and sectors that require regulation. Can you not understand that? [Mr. Ramjattan: Why are you bringing authority from the real estate agent?] The real estate authority will regulate the real estate. Oh, my. That will not come under this commission. This commission is to deal with those agencies that do not have regulatory bodies. Each real estate would be a reporting entity, and the authority would be the supervisory authority. I do not that to...The problem is that you do not read. None of you read, and you come here, and you make out a case for the Bill to go to the select committee. Do you know what happens in a select committee? I have presided on a select committee and participated; it is the Government side reading for you clause by clause of the Bill, explaining for you to understand. When you understand, we have to move on. This is not nursery school. We do not have to teach you. The whole argument about the Select Committee is disguised because they do not want to read or, perhaps, cannot. Read the Bill, internalise it, and come here and formulate a proper debate. They want the Hon. Member Amanda Walton-Desir; she is a lawyer and does not read any of the Bills that she speaks on – none. What she comes here and does is to create a case to go to the select committee.

1.54 a.m.

That is all she does. A lot of fan and fear, a lot of pageantry, hair flicking on this side, a lot of antics, nothing of substance. They do not read. They come here and deliver a speech about democracy, about failing to take a Bill to a Special Select Committee as an excuse and a disguise and an alibi. That is what you do. The people of Guyana must know that because you are being paid to do the people's work. You read the Bill Hon. Member Ramjattan this afternoon. The Bar Association of Guyana did not even consider you important to send their correspondence to you and you are blaming me for that. That is the respect they have for you. That is not my fault if the Bar Association of Guyana decides not to deal with you. I have consulted with them. I am saying, Hon. Member Ferguson, read the Bill by yourself. Hire somebody to help you read it if you cannot. Hire somebody to explain to you, if you cannot understand it yourself but do not come and fabricate and concoct a case that you did not have enough time and that the Bill must go to a Select Committee. When it goes to a Select Committee, all you do is to sit down and wait, while the Minister read clause by clause and explains to you what the clause states and then you will determine whether you support the clause or not. What is this? Do you think this is play school? What is the name of place? What do you call it? **[An Hon. Member (Government):** Early Childhood and Education Centre.] Do you think this is the Early Childhood and Education Centre?

You have to come here and read. When you read, come forward with sensible criticisms and I will answer them. **[Mr. Ramjattan:** I did that and the public heard me.] Yes, I am happy that the public heard you. That is why I am explaining. I know and the public will know that not a new power is created in this Commission – not a new power. The public knows that. What you do not understand is that the public living with all these powers being exercised by different supervisory authorities, all we are doing is bringing another sector of our economy and players in the economic sector under regulation. That is all we are doing. We are expanding the regulatory framework. It is not a new framework; it is a new Commission getting old powers and exercising its supervisory role over the rest of the people that they now have to regulate. **[Mr. Ramjattan: (Inaudible)]** What?

Mr. Speaker: Hon. Attorney General, you could talk to me.

Mr. Nandlall: Yes, Sir. I am being distracted. I am trying to help the Hon. Member. I am trying to help him.

Mr. Speaker: This is not a Select Committee you are describing. This is a full House.

Mr. Nandlall: Yes, I know. This is not also an Early Childhood Education Centre but still, I am trying. It may be an early geriatric centre apparently and I am not including you. I borrowed the formulation of exemption that my friends articulately coined earlier tonight. All the loud objections that we are hearing, it is *storm in a teacup*. You know, I went through the Privy Council's judgement. I took the effort of doing that. If you pick up this Bill, Mr. Speaker, a Member said, we want to create this because we want to use it for political purpose. I said that this Commission is replicated throughout the Caribbean. We are still big. Imagine small territories like Dominica and St. Lucia that have to comply with similar agreement, similar requirements and similar recommendations, they have to implement them. Do you think they have the resources to create the number of supervisory authorities that we have created? No, they do not. They also have used the Guyana Compliance Commission Bill 2023. That is why I said to you that it is called in Jamaica the General Legal Council of Jamaica. That is what the national commission is called in Jamaica. I am inviting you to pick up con-common legislation in the region and you will see that we are not doing anything other than what the rest of the Caribbean is doing. That is why I said to the Bar Association of Guyana that the rest of the legal profession in the region has moved in this direction and our Government, with the greatest of respect to the profession, will not expose Guyana's financial sector once again to the perils of blacklisting and sanctions, as you did when you had a one seat majority. We are not going to do that, not with the legal profession or for any particular segment of our population. We are driven by what is in the best interest of the public good, that is the interest that we are driven by.

Mr. Ramjattan, all this noise that you were making there – they are simply noise. You have a special mind. You sit down and you excite yourself. You go there very calmly, and you get ideas. As you are talking, you get fresher ideas and you become more energised, and you start to see more and more phantoms. You now see this Commission as another job for the boys. Yes, you see them. You see this as a political weapon... **[Mr. Ramjattan:** I think the Bar Association of Guyana (*Inaudible*)] No, you have not read... They did not consider you important to send you a copy and you are a member of the Bar and a MP. The truth is that these supervisory agencies, they exist already. They exist in all the sectors. **[Mr. Ramjattan:** (*Inaudible*)] Yes. How is it that they are not coming into your House? How is it that they are not being converted into

political weapons? They are in existence since 2009, but suddenly you see that this one will be converted into a political weapon. I am telling you that you are irrational and delusional. That is the point I am making.

Mr. Speaker, with those concluding remarks, I ask 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.

Clauses 1 to 74 and Schedules 1 to 3 agreed to and ordered to stand part of the Bill.

Bill considered and approved.

Assembly resumed.

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

**Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill 2023
– Bil No.13/2023**

A Bill intituled:

“AN ACT to amend the Anti-Money Laundering and Countering the Financing of Terrorism Act.”

[Attorney General and Minister of Legal Affairs]

Mr. Nandlall: Mr. Speaker, we have now come to the final item on our agenda, and it is the third of the three Bills in relation to our Anti-Money Laundering/Countering the Financing of Terrorism (AML/CFT) obligations. Those of us who are familiar with this sector would know that over a period of time, every territory in the world would be required to update their legislation by amendments, that is the principal legislation.

These amendments are required because at the international level, at the level of the regulatory bodies, directions and recommendations are promulgated to be implemented by regional regulators and these directions and recommendations are conceived and crafted based upon experts and examination of international trends in the area of AML/CFT and terrorist financing. As the landscape of these offences change, as they become more complex, as they become more sophisticated, as they become more prevalent and as they change their character, so will the recommendations that will come to meet the changes and exigencies of what is obviously an evolving phenomenon. At periodic intervals, we are required to update our AML/CFT principal law to capture the latest compendium of directions and recommendations from these regulatory bodies. That is the first aspect that the Bill deals with. The second component of the Bill addresses certain weaknesses, many that arose out of amendments that were made while we were in the Opposition and while the Coalition was in Government.

2.09 a.m.

Those who are following this AML/CFT law would know that when we were in Government, as a minority, many of the important and crucial Bills requisite for this sector were voted down by the then joint Opposition using their one-seat majority. That attracted certain sanctions and caused devastating consequences in our financial sector, which in turn affected the livelihoods and lives of every single Guyanese. When there was a majority Government after the 2015 General and Regional Elections, there was great haste to pass all those Bills that were voted down and to implement an already backlog of accumulated regulations and directions that came from the international agencies. A suite of Bills was brought by my predecessor, Mr. Basil Williams. When they were being promulgated, I repeatedly made the criticism that what I was seeing in the Bills were raw importations of the recommendations without filters and adjustments to make them conducive, plain, and relevant to a Guyana context. These recommendations are coming from first-world countries. You have to examine them; you have to filter them; and you have to adjust them. You have to bring them in conformity with your Constitution if you have one that is supreme. You have to adjust them to meet your societal needs. Though they are international regulations, and you are not permitted to alter their cores, you can alter them to bring them in conformity with your law. That is what sovereignty entails. [Mr. Ramjattan: That is right.] Yes. I am glad you appreciate one concept tonight.

What was being done during that time was a host of wholesale implementations of raw recommendations. You have a whole host of provisions in our laws that are over-onerous for Guyana. What countries in the Caribbean have been forced to do, third-world countries in particular, where they do not have real terrorism threats. Let us not kid ourselves; we do not have real terrorism here nor real terrorism financing going on in Saint Lucia and Antigua and Barbuda. The people can barely keep the economy afloat. You have to work on these recommendations when they come or else, this one sector, getting compliance can bankrupt your country. That filter was not done. So, we have a whole set of perverse provisions in our law. Some of them, I believe, were strangely altered by my predecessor to give the Attorney General certain extraordinary powers – one of which I will highlight later. Another component of the Bill is to correct some of those deficiencies. That is a work in progress because there was so much done.

The third component deals with addressing identified deficiencies in our existing laws. Some of them were deficiencies that dated back years, and some are part of the new recommendations that have come. When you apply them to our legislative landscape, you realise that because of those new recommendations, our legislative landscape now becomes inadequate in order to implement those new recommendations. The third component that this Bill encompasses is the bringing together of a compendium of amendments that are designed to correct the deficiencies in our legislation. In particular, it is to strengthen our forfeiture capabilities. It is recognised globally that one of the most important components of the fight against money laundering, financing of terrorism, terrorism, and organised crime generally, is to hit the criminal in the pocket. Hit him where the property is. Go after the proceeds of the crime and forfeit them. By that, you can dismantle the criminal empire or enterprise, as the case may be. The third aspect of this amendment is directed in that arena – to strengthen our forfeiture laws.

I have spoken at length about the impending assessment that we are going to be subjected to in September. This is a Bill that is intended to ready Guyana for that assessment. The instructions that have informed the drafting of this Bill also came from a national risk assessment done on Guyana's financial system. In that risk assessment, our financial sector was forensically examined from the perspective of the AML/CFT compliance regime. A number of deficiencies and/or recommendations came out of that. We had to put that in a report as part of an action plan to state that these are the administrative and legislative actions that Guyana will implement to address the

risks and deficiencies highlighted in the national risk assessment. So, we prepared a national action plan. In that national action plan, we outlined what Guyana's plan is, in terms of AML/CFT, from 2022, I think, to 2025. We are also, by this Bill, implementing that national action plan. When the assessment begins now, apart from them doing on-site visits to the various reporting entities, supervising authorities, *et cetera*, and looking at administrative functioning, record keeping, personnel and capacities, they will also be examining our framework, our administrative framework on paper, as well as our legislative framework. If we said in that action plan that, by that date, we will be ready with legislation, we have to be ready with it. Hon. Member, Mr. Ramjattan, I just gave you another explanation which impinges on the timeous requirement for the enactment of these Bills before that impending exercise.

In terms of updating, as we pass a Bill here, another step in the action plan is to amend our law to allow Guyana to join the Egmont Group. I am pleased to announce that we have been sponsored and will be formally admitted into Egmont Group membership early in 2024. That will allow us now to be a part of a world where we can share information, and we can do all types of collaborative arrangements in relation to AML/CFT. We were one of the last countries in the Caribbean to do this. The reason part of our obligations was held back was because of the three years you voted down the AML/CFT Bills. Do you see why we needed to accelerate now? You were hollering and screaming just now about time. It is because you had put us at a great disadvantage for a period of three years when the rest of the Caribbean was galloping forward in discharging their obligations. We were the pariah and the black sheep of the Caribbean, thanks to you and your Coalition partners. We have also received help in crafting these arrangements from the World Bank. They came and did some assessments of our financial sector and they have also offered guidance to us. Outside of the AML/CFT framework, we are required to sign what is called an inter-agency arrangement that will establish a collaborative framework for the AML/CFT sector in Guyana to collaborate with other players that are not yet in the sector. The Guyana Wildlife Conservation and Management Commission, the Deeds, and Commercial Registry Authority (DCRA), the Guyana Defence Force (GDF), and the Coast Guard are not AML/CFT type institutions, but the requirement is that we must have a framework of cooperation with them so that information can be exchanged between these agencies.

The design of this Bill and these regulations came as a collaborative effort of our AML/CFT National Coordination Committee (NCC), which includes competent authorities such as the Financial Intelligence Unit (FIU), the Chambers of the Attorney General, Guyana Securities Council, the Guyana Geology and Mines Commission (GGMC), the Guyana Gold Board, the Gaming Authority of Guyana, the Bank of Guyana (BoG), as well as the Special Organised Crime Unit (SOCU) and the Office of the Director of Public Prosecutions (DPP). I pause here, Mr. Ramjattan, to tell you that all these agencies that I have just mentioned are supervisory authorities. They have all the powers that we have given that Commission. They have had those powers since 2009 and Guyana did not come to an end. All the screaming, fussing, kicking, and biting that you were exhibiting were totally in vain but perhaps they were for the camera.

We also had timely reviews by international partners such as the International Monetary Fund (IMF), the World Bank – as I said, just now – the National Center for State Courts (NCSC) of the United States of America and the United Nations Office on Drugs and Crimes (UNODC). They have also provided critical input and guidance towards ensuring these legislative provisions meet the most up-to-date standards of the Financial Action Task Force (FATF) recommendations as they stand presently. That is the kind of work that went into these Bills for the benefit of Guyana. You do not have the time to even read it, but you came here to cuss it down. In the Interpretation section, definitions have been upgraded in a number of areas such as politically exposed persons (PEP). Listen to this. Do you see how you are excited? You have not read it again. This is for politically exposed persons. As required by FATF's recommendations, PEP will now include, Chief Executive Officers (CEOs), Directors and senior officers of international organisations.

2.24 a.m.

So, international organisations operating in Guyana now are to be considered by FATF's recommendations, and not us. You can go on the platform and say that the People's Progressive Party/Civic (PPP/C) is about control *freakism* and now we want to control the Chief Executive Officer of the international organisations. It is not us. That is why I wrote it that way. The Financial Action Task Force's international recommendation for all countries in this hemisphere is to include in their politically exposed persons line up, these CEOs for the international organisations.

Further, our legislation had a number of deficiencies in relation to what was required for the designation of persons domestically or by the United Nations Security Council Resolutions (UNSCR). You ought to know that categorisation. You were the former Minister of Home Affairs. These updates to the legislation have now clearly determined a method that has a clear identifying mechanism. As a result, where the Director of the FIU, on reasonable grounds, suspects a person or entity to be involved in terrorism or proliferation of weapons of mass destruction activities, including terrorism and proliferation financing or the person is part of a UNSCR list or if a country makes a request to designate that person, the Director will make that recommendation to the Minister of Finance who will make a prompt determination. Again, you might want to feel that the Minister of Finance wants this power to make a determination and to designate a person a terrorist. Again, we are implementing and codifying an international direction. If we do not do it, we can be sanctioned.

Notices – all actions are required to be done without delay and without notice to the person or entity involved. Do you hear that? When you are designating the man, you do not have to tell him. Mr. Anil Nandlall did not write this, and the PPP/C did not write this. The FATF people, the great democrats of this world, as you would affectionately refer to them as, said that you must not give them notice. All actions are without delay and without notice to the person or entity involved. In order to ensure that the freezing mechanism is immediate – and listen to this – the Director of Public Prosecution is required to apply to the court for a Freezing Order against any assets of such persons or entity or accomplice or a person acting on their behalf which shall be granted by the court. I do not know how the court will deal with that. That is the direction. The DPP shall make the application immediately *ex parte*. [Mr. Mahipaul: Alright, done nah man.] No. I have to go through it piece by piece. You need to understand it. Notices and updates are to be provided to reporting entities – do you see the mechanism now – who upon discovering that they may be dealing with assets of a listed or designated person or entity are required to immediately freeze the assets and make a report to the Director of the FIU and, if determined to be so, will request of the DPP to apply for a Freezing Order.

When the accountant realises that he or she is doing work for a man listed by the United Nation (UN) as a criminal, he or she is now required to make a report. If he or she has in their hands or in their custody, documents relating to assets that are implicated in that wrongdoing, that international

crime, he or she is to report it. What is wrong with that? Do accountants want to be part of a criminal enterprise? Do lawyers want to be part of a criminal enterprise? That is what the Bill does. That is what the Guyana Compliance Commission Bill does, that is, to bring them in that framework. It is either you want to live in a lawless society, or you want to live in a regulated lawful society. I forgot this part. Guyana has experience in this area, having preformed a designation based on a request by Trinidad and Tobago in 2017. Who was in Government in 2017? The APNU/AFC. The person whom I am referring to is Mr. Abdul Kadir. Does that name ring a bell? He is also known as (aka.) Mr. Aubrey Michael Seaforth, a former Member of this Parliament. There is also Mr. Abdel Nur also called Mr. Compton Eversley. The Orders to designate Mr. Kadir and Mr. Nur were signed by the then Junior Minister, Mr. Jaipaul Sharma, and published in the *Official Gazette* on Wednesday, 30th August, 2017. Hon. Member, Dr. Singh, if you would recall that just a couple of months after, they held a special sitting of the National Assembly and moved a motion to honour a man, Mr. Kadir, they designated a terrorist. You designated the gentleman a terrorist, your Minister of Finance, under the legislation. [Mr. Mahipaul: It was for all MPs. We will have to do it for Luncheon too.] Dr. Luncheon was a great man deserving of all the accolades that we can give him. Are you comparing Dr. Luncheon with Mr. Kadir? Oh, my, I will ignore you for the rest of the night.

Mechanisms for unfreezing have also been included to ensure equity and fairness in relation to if such a person dies or no longer meets the criteria. We have also ensured that where the legislation allows for a listed or designated person or entity to request funds, such as, for living expenses and court cost, that person would apply to the court for such an order. This is what I am speaking about. This power was originally and inexplicably given to the Attorney General by my predecessor. [Mr. Croal: Control *freakism*.] You are talking about control *freakism*. I am now putting him back to his rightful place. When you designate a person and you lock him up, you now have to allow him access to his funds to get lawyers. The current law is you have to make an application to the Attorney General to get that money. I am, by this amendment, putting it to the court, the rightful place. I have no business in presiding over other people's money. You are accusing us, on this side of the House, of control *freakism*. You are accusing your predecessor, AG, of being ultimately familiar. He did madness. No part of the Caribbean has that perversion and perversity. Do you remember, Cde. Teixeira? [Ms. Teixeira: Yes. We argued that in Parliament.] We argued and we objected to it, vehemently. On what basis would a Member of the Executive wield

that power on people's personal property? If we were control freaks my Friend or whatever it is you are calling us, we would have kept this power. You gave it to us. We could have been wielding that power. Do you see how nonsensical your allegations are? We did not see it fit or proper for the Executive to have the power to make that determination. The court is the authority to grant such orders and, as a result, that power should remain with the court. This is the position with all the jurisdictions in the Caribbean and we are putting it in its rightful place now.

In cases where *bona fide* third parties are affected, the Bill allows for specific provisions to be made to protect the interest of third parties. So, if third parties are implicated innocently with properties that are tainted, they have protection under the Bill. You can innocently or anyone can innocently pay down on a house not knowing where the owner got it from or what proceeds the owner may have used to acquire it in the first place. But you got into an agreement of sale, pay down a substantial money and now the State authorities have come and determined that it is a property tainted or purchased with the proceeds of crime, this Bill protects third party interests, in so far as you are a *bona fide* person of value without notice of the wrongdoing. There is an amendment to clause 15 which now provides that a reporting entity will not perform consumer due diligence (CDD) if it is likely to tip off a person and the reporting entity will submit a suspicious transaction report (STR) *in lieu* of conducting that type of engagement. Here it is that you do not want to alert the person. Ordinarily, you are to report certain things, or you conduct what is called a customer due diligence test. If you suspect right away that you are going into the suspicious transaction route, you do not tell the man anything and you activate a whole process that would begin an investigation.

Reporting entities under the AML/CFT does not only encompass financial institutions, such as commercial banks but reporting entities also include designated non-financial business professionals such as dealers in precious metals and precious stones, real estate agents, auto dealers, casino operators, and as I said earlier, lawyers and accountants are now part of that repertoire. Further – and I just said that – it also encompasses attorneys-at-law, notaries, accountants, trust and company service providers in specific instances, such as transactions involving the sale of land, managing of client's moneys, *et cetera*. Let me make this point. I now realise that Mr. Ramjattan was speaking, as his Colleague was, on a Bill they did not read. Mr. Ramjattan, it is not all aspects of a lawyer's or accountant's conduct that is under review or would

be part of this monitoring. There is a schedule in the Bill that tells you what type of transactions. The lawyer doing a divorce or the lawyer doing...It is only when you are dealing with a property, conveyancing trust, and a company business that you have that relationship. You did not read the Bill. That is the point I am making all the time. You do not even know that the Schedule exists, the list of duties and list of activities that are subject to scrutiny and, therefore, what are not.

In light of the new international trust, with regard to beneficial ownership, the amendments require reporting entities to understand the nature of the customer's business, its ownership and control structure, particularly if the customer is a body corporate, legal person or what the directions describe, as a legal arrangement. As required for better supervision governance, supervisory authorities such as the Bank of Guyana, can impose administrative pecuniary penalty regimes for supervisors for those breaches which may not merit the situation of going before a criminal law-based tribunal, but to be dealt with by the supervisor, in addition to their powers of sanctions. As a result, the supervisory authority may suspend, cancel, or revoke any permit, registration, licencing or any other authorisation it issues or to take any other administrative penalty. Do you hear that? It is the same thing in the Guyana Compliance Commission Bill. This one here now is an update of those. This one which we just did is the modern expression of it. We are now updating those to bring them in line with the new set of recommendations and responsibilities.

Guyana is aware that it needs more modern updates to its confiscation and asset recovery regime. I spoke about forfeiture earlier and this is how the Bill treats with it. We have had visits to the country by the National Center for State Courts and the Regional Security System's (RSS) Asset Recovery Unit (ARU) that have also not only illustrated where we can improve in terms of a country report, but also provided a model law which we have extracted and used to bolster this regime. Hon. Member Annette Ferguson, for your information, we have used a model law prepared by the Regional Security System's Asset Recovery Unit. When you read it and if you read their law, you might again jump to the conclusion that there is plagiarism. It is borrowing. They have gifted this to us, and we have used it, harmonising. You have lucid intervals sometimes, Mr. Ramjattan.

2.39 a.m.

As a result, this Bill will now ensure that applications for law enforcement orders under this Act can be made to a magistrate or a judge. Search warrants may also now be granted by a Justice of the Peace (JP) in order to facilitate hot pursuit, tip situations to enable swift actions and prevent a person from quickly dissipating their assets that are proceeds of crime or are instrumentalities of crime. Do not get all excited. You know that JPs have been exercising this power in ordinary criminal law, issuing warrants, 100 years now. We are now extending the Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) powers to issue warrants in those legislation to the JP. They have it under the Criminal Law (Offences) Act. Next thing, you wake up tomorrow and discover this and you jump on top of the world and start to scream down. With regard to restraint orders, new additions to the Bill, by an amendment to clause 39, ensure that not only can the court make whatever order it deems necessary in order to make restraint orders effective, but also enables law enforcement officers to seize the property for the purpose of preventing any property from being removed from Guyana or concealed or destroyed. Obviously, if the criminal is about to transfer or dissipate his assets, one has the power to go to a judge and get an order to restrain that. Those are powers that judges exercise all of the time.

An amendment to clause 44 of the Bill also allows persons with an interest to apply for revocation or dismissal of a restraint order, including persons who are *bona fide* or innocent third parties. The court can also provide variations of such orders. Obviously, most of these orders are going to be made *ex parte* because of hot pursuit types of arrangements or situations. Even if they are made *inter partes*, orders of court are always subject to variation and due process is going to be extended. These are judges of the High Court; they are bound to extend these facilities. Third parties can go and establish that they are innocent and that their properties are innocently impugned, and they can get their properties extricated and exonerated from criminal stigma and process.

This Bill inserts a new clause 45(a), which is taken from the Regional Security System (RSS) Asset Recovery Unit (ARU) model Proceeds of Crime Act, which does not exclude hearsay in matters relating to restraint orders. It indicates that it may be used as evidence and does not fetter judicial authority to consider it. So, hearsay is now accepted in applications made for these orders, because a lot of times you have to rely on hearsay information. You do not have direct evidence. The Bill also inserts new clauses 57(a), 57(b), 60(a), 60(b), 60(c), and 60(d). These additions are from the

Regional Security System Asset Recovery Unit model Proceeds of Crime Act and provide for the following:

Clause 57(a) provides for the court to determine any question arising under clause 54 or 57 which deals with confiscation pecuniary and penalty orders on a balance of probabilities, thus indicating a more reasonable threshold than required on a reasonable doubt basis as applied to criminal proceedings. Here, the whole onus, burden of proof, is now changed. For these applications, these forfeiture proceedings, it is on a balance of probability, a lower burden, and not on a reasonable suspicion level of proof. That obviously makes it appreciably easier for an application to be successful. The court can order a defendant to provide information and if they refuse, the court may draw inference from such. I pause. When one is requested to supply information, one has to comply. If you fail, the court can now draw an inference. So, your right to silence is no longer intact as it used to be. The court, as in England, can draw adverse inferences if you remain silent. This is in order to facilitate such matters without affecting the issue of a fair trial, if any, as subsection (8) indicates that no information given under this section, which amounts to an admission by the defendant that he or she has benefited from criminal conduct, is admissible in evidence in proceedings for an offence. This is a very important safeguard. Here, in these applications, even if one incriminates oneself for the purpose of forfeiture or restraining your assets, that incrimination will not be used in one's trial for the conviction. I believe that is a remarkable little innovation by the policymakers to ensure that they go... It is better he walks. That is what they are telling you here. It is better that he walks free, but we get all the assets and the proceeds of the crime. The bias is being exemplified right here.

Clause 60(a), (b), (c), (d) sets out an elaborate regime in respect of how payment is to be made under a confiscation order. One of the big problems with our law is that there is a power to make a confiscation order, but there is no subsequent power to ensure that the order is complied with. That is now being corrected. Clause 60(a) mandates full payment on the date that the order is made. However, if the court is satisfied that the defendant is unable to pay the full amount on that day, it may order a payment scheme for the payment, which must not exceed three months. For the criminals, once their assets are implicated, once their moneys are implicated, and once there is a finding that reparation has to be done, then payment is swift. It is *not going to fall through the crack*, as the current system allows. Within three months there must be full payment. There is a

power to extend that three months to six months, but a case has to be made for same to be done. The Director of Public Prosecutions (DPP) or the relevant competent authority must be allowed to make representation if such an extension is sought. There is still another three months, but after that, it is finished. The maximum is six months. To get that other three months is quite an onerous task. The DPP or the relevant authority, whether it is the Special Organised Crime Unit (SOCU), the police force, the Guyana Geology and Mines Commission (GGMC), or the Guyana Gold Board (GGB), *et cetera*, has to be informed. They are all empowered with these powers.

Clause 60(b) charges interest on all moneys to be paid. If one wants an extension of time, there is an interest provision, and one's staggered payment will now attract interest. Clause 60(c) converts these sum orders to be paid to have the effect of a fine imposed on the defendant by the court. The court is empowered, if there is a default in payment, to impose a term of imprisonment of no less than 10 years. If these orders are made and they are not paid, then they will be converted into fines. When the fines are not paid, that is not the end of matter; there is no less than 10 years' jail. Many times, you read in the newspapers that a person is found guilty of X amount of cocaine. He is fined millions of dollars and is sentenced to three years in prison. The person goes to prison and never pays that fine. Now, you can go after his property for that money. If he does not have that money, he goes to jail for not paying that fine. In addition to the three years, if he does not pay that huge monetary fine, he would have to serve another term of imprisonment of no less than 10 years. Clause 60(d) applies these forfeiture powers to moneys held by a third party or held in account with a financial institution. Naturally, these powers will extend to moneys in banks or moneys held for the implicated person by a third party.

Clause 66 of the Bill has been substituted, as it previously precluded assets gained, before the passage of the Act, from confiscation. The new provision substitutes that provision with one that now provides the opportunity for the relevant, competent authorities to go after any assets suspected to be tainted property or having been assessed as proceeds of crime. The current legislation prevented one from going back to look at properties acquired before the criminal conduct that is under investigation. This Bill removes that fetter, and whatever date any property was acquired, once it can be linked to criminal conduct or the proceeds of crime, it is now the subject of forfeiture. The new clause 66(b) to (e) deals with the creation of a national forfeiture fund, where the value of the items forfeited shall be placed in this fund and used for the benefit of

fighting AML/CFT and its predicate offences. It is the criminal moneys, the criminal properties, and the criminal proceeds that will now be confiscated, put into a fund and be used to declare war on the criminals. Their own assets will be used to deal with them in investigation, *et cetera*.

Clause 68 has been amended to provide more clarity. Therefore, it not only refers to funds but also other properties and assets which provide the widest range possible. Further, it ensures that terrorist acts are recognised and can attract sanctions, regardless of whether the person alleged to have committed the offence is from the same country or a different country from the one in which the terrorist or terrorist organisation is located or that terrorist act occurred or may occur.

The Bill also speaks, in greater details, to some new powers of seizure and detention that are conferred. As I said, these are all powers which we are extrapolating from the Regional Security System model legislation.

Mr. Speaker: Hon. Attorney General, you are two minutes over the 45 minutes. You will need an extension.

Ms. Teixeira: Mr. Speaker, I would like to ask that the Hon. Member be given a few minutes to conclude.

Question put and agreed to.

Mr. Speaker: Hon. Attorney General, you may continue.

2.54 a.m.

Mr. Nandlall: There are some new offences that were created in relation to the proliferation of financing, *et cetera*. I do not need to go through that. I think I have done a reasonably good job in outlining the important provisions of the Bill. I have begun by also giving a general overview. That is what the Bill is really about, Mr. Speaker. Again, I emphasise, as I close, that it is simply an update to our Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) principal Act and it is a significant part of our obligations under our international arrangements. We are required to implement this Bill with all its provisions before September when the assessment is scheduled to take place. With those words, Mr. Speaker, I commend that the Bill be read a second time. *[Applause]*

Mr. Speaker: Thank you very much, Attorney General. Now, for the Hon. Member, Mr. Ramjattan.

Mr. Ramjattan: You do not feel that I, on occasions, could surprise you. Mr. Speaker, I would like to surprise the Hon. Attorney General and say that we fully support the Bill. Thank you very much.

Mr. Speaker: Thank you very much, Hon. Member, Mr. Ramjattan. Now, for the Hon. Minister of Home Affairs, Mr. Benn.

Minister of Home Affairs [Mr. Benn]: Thank you, Mr. Speaker and Hon. Members. I do not think that we need to remind ourselves of how we got to this point, 10 years after these Bills were voted down by the then one-seat majority Opposition in the National Assembly, and how that action – I note that Mr. Ramjattan is probably attempting to leave now – put the country in great difficulty, great vicissitude and created tremendous financial and public distress. It allowed us to be regarded as a pariah state in the Caribbean, given our fairly modest circumstances at that time. We have to remind ourselves that these measures started out in response to terroristic attacks, in response to a deteriorating situation where money laundering had become an escalating great difficulty globally and particularly the Caribbean, related to drugs, firearms, people trafficking and all those other issues which still make the fighting of transnational, organised crimes extremely difficult and which still put us greatly at risk.

With all of that and given the virtuoso presentation by the Hon. Attorney General and Minister of Legal Affairs, Mr. Nandlall, and given the fact that he has gone through it clause by clause... In fact, this should be named the ‘Anil Nandlall Act’ when it comes into force, given the extraordinary and emphatic presentations which he has made in respect to this matter, which is a singular attempt at legislation, and which brings together all the issues in one legislative action to counter the issues of money laundering and financial crimes and terrorism. We must remind ourselves that it was birthed in the region and globally in response to the attacks at the World Trade Center (WTC) and as a result of a United Nations (UN) Resolution on the issue of terrorism and what results therefrom. It is indeed a tragedy that it took such a long time for us to be here this morning to deal conclusively with this issue in relation to this particularly important and singular piece of legislation.

The Bill itself is breathtaking in its scope and in its detail, which the Attorney General went through in a very detailed and deliberate manner. It imposes what is indeed still a necessary burden on state institutions and on commercial banking and other institutions. It brings us to a position where, in response to the question of anti-money laundering and countering the financing of terrorism, we have legislation that is more agile, adept, quicker in response, and much better suited for dealing with the challenges which money laundering and terrorism still impose on our societies these days. Perhaps, we may not think that terrorism is something that affects us but the attacks at the World Trade Center and the resulting actions which followed, created a great difficulty globally in financial systems, in life and in relations between countries as a result of the terroristic attack. Still, we need to remind ourselves that even our own circumstances, when we did have politically inspired...We still saw on this side terroristic attacks in our communities, which created great shocks and great reversals in our economy, in relation to how we saw each as a Guyanese people and in relation to the total, holistic development of our country and its political and economic stability. The question of terrorism at a national level, at a local level and in the villages and in our communities is a critically important one as we go forward in developing our communities, our country and our governance purposes and ethics.

One issue which we have to pay attention to and which redounds to the proposals in the overall Bill is the question of porous border, in a physical sense, and the fact that, in relation to money laundering and countering the financing of terrorism, we are in a new world and a new situation. Perhaps for us, 15 or 20 years later, where money transactions are more virtually moved by bit coins, cyber coins and all of those transaction methodologies, which makes it extremely difficult and harder to track and to keep pace with and which, therefore, require the type of architecture, the kind of coming together of various institutions...The Hon. Attorney General did say that you have to bring together, you have to cross link and you have to make more efficacious the relationships between various branches of law enforcement and the legal system to bring a better response to the overall question of tackling money laundering and the countering of financing of terrorism in our region and to be in consort with what is the best practice, regionally and globally, and falling on the UN Resolutions which exist. I, at this late hour, would never attempt to upstage the performance of the Hon. Attorney General. I will not attempt to do that at all. He has had singular exploits recently. I will not attempt to overstride him in any other way.

The comprehensive legislation would result in a more robust and efficacious response, as I said. The fact that it requires, as was already pointed out, us being able to respond, just now, to a review by the Caribbean Action Task Force (CFATF), the fact that we have to have the cross border cooperations, by way of multilateral legal assistance measures in the legislation, the fact that we have to put clearly in the legislation responsibilities with regard to trafficking in persons and, particularly, too, with respect to the question of the role of the Special Organised Crime Unit and the fact that we have to pay attention to the need for the setting up of a particular unit of the Special Branch, to deal with the question of terrorism in the legislation are significant interventions and clarifications, which are all brought together in this legislation. For this, I want to congratulate, again, the Attorney General, his staff and his drafters in relation to bringing forward the legislation, even here and now, in such a clear manner. Despite the aversion, perhaps, of the other side to reading, as was said, it is clearly stated in the draft and in the documentations. Let me just say and pay particular attention to the legislation at section 109A (1). Section 109A (1) states:

“The Special Organised Crime Unit shall be a semi-autonomous unit within the Guyana Police Force, with the specialist functions of, inter alia –

(a) investigating money laundering, terrorism, terrorism financing proliferation financing offences and related serious offences;

(b) prosecuting money laundering, terrorism, terrorism financing proliferation financing offences and related serious offences;”

I can go on and on.

“(c) the restraining, confiscating, seizure, detention and forfeiting of tainted property and proceeds of crime; ”

[An Hon. Member: *Inaudible*] Thank you, gentlemen. There is also, as I inferred, a Special Branch Anti-Terrorism Unit which shall be responsible for investigations and intelligence gathering on matters related to terrorism in conjunction with officers of the Guyana Police Force (GPF), the SOCU and any other relevant competent authority as determined by the Minister. It goes on to talk about the collection, collation and analysis of terrorism related intelligence, dissemination and investigatory authorities and so on. The important thing overall on the question

of terrorism is that there is to be established a committee known as an anti-terrorism task force, which shall comprise of the following members:

3.09 p.m.

The Minister or his or her designate, the Attorney General or his or her designate, the head of the Special Branch Unit or his or her designate, the head of the Special Organised Crime Unit or his or her designate, the Director of National Intelligence and Security Agency (NISA) or his or her designate, the Director of Public Prosecutions or his or her designate, and the Director of the Financial Intelligence Unit (FIU) or his or her designate. I wanted to just flag those things. The Hon. Attorney General made reference to powers of search, the use of warrants thereby and other necessary interventions which are required to bring this altogether to a point where it is efficacious, useful, and will bring things to a proper conclusion, as we continue the fight against money laundering and countering the financing of terrorism and all the other things which are related thereto to the issue of transnational organised crime. We have to, by way of these resorts in this proposed legislation, be prepared, be ready and be confident. It requires new expertise, new training, new awareness and new relationships across borders and across legislation.

Therefore, in closing, I want to stand fully behind and in support of this legislation and to thank the Hon. Attorney General and his staff, again, for the work they have done and the energy which the Hon. Anil Nandlall has brought out here again tonight in this particular matter after all these many years to bring us to this point, and to make the reversals of the nefarious and maligned interventions which the A Partnership for National Unity/Alliance For Change (APNU/AFC) did when they had the one-seat majority. It was used to bring our country and our relations down in relation to these matters. Thank you very much, Mr. Speaker and Hon. Members. [*Applause*]

Mr. Nandlall (replying): I want to thank the Hon. Khemraj Ramjattan and, of course, my colleagues, in particular the Hon. Robson Benn, for his most gracious remarks. Mr. Benn's presentation reminded me that 10 years ago we were required by law to put an investigative mechanism on a statutory footing, as well as to create a national anti-money laundering taskforce. We were prevented from so doing because the Bills that we put forward were voted down. When they brought back versions of the Bill, they omitted to fill those gaps. That is why we had to create SOCU as an arm of the police force, without any separate statutory foundation. That is why SOCU

is not mentioned in any statutes. It had to be grounded in the Guyana Police Force for it to get police powers. Dr. Luncheon, in recognition, established the national task force as an administrative body and he acted as chairman of that anti-money laundering task force. We used to meet in his office monthly. Now, 10 years after, we are able to give statutory closing to these bodies that were established and were functioned in that *ad hoc* way.

There is one amendment, a very small amendment, which I will ask your permission to move at the appropriate time, but I would briefly spend two minutes to explain it. Members would recall that there was an amendment that was passed which evoked a lot of controversy. That is an amendment to this law that allowed for anyone who was found in possession of \$10 million of cash – and cash had the widest of definitions – to be held and their money seized on the basis of reasonable suspicion that the money was somehow connected to money laundering. We argued then that Guyana is a cash-based economy and that any given time people are walking around with \$10 million cash. The recommendations that have come recently, both from CFATF and from the national state courts, flagged that threshold as an unusually high one. They have recommended that we reduce it to US\$5000, which is one million dollars. If we do that, we are committing the same wrong tenfold, I believe, in relation to what we were complaining against. The US\$5000 is just one million dollars. One million dollar is what most of us wear as jewellery on our persons now. With the expansion of our economy and the increase of commerce, \$10 million, now, is justifiable. Unfortunately, when the Bill was being drafted, the drafter accepted that recommendation and inserted a clause 17 into the Bill, which amends section 37A, by reducing \$10 million to \$1 million. I would like to amendment by deleting that amendment now. We will go back to the \$10,000,000. I believe that, though we objected to it then, 10 years after, our country has transformed ten-fold. Now, we could justify having \$ 10 million. That was what I was speaking about in not accepting recommendations wholesale, but to filter them, massage them and adjust them to bring them in conformity with the reality of your country and your territory. At the appropriate time, I will ask your kind permission to move this amendment.

With those closing remarks, I respectfully ask that the Bill be read a second time. Thank you.

Question put and carried.

Bill read a second time.

Assembly in Committee.

Clauses 1 to 16

Clauses 1 to 16 agreed to and ordered to stand part of the Bill.

Clause 17

Mr. Chairman: I now propose the amendment that clause 17 be deleted.

Clause 17 was deleted.

Clauses 18 to 48 and Fifth Schedule

Clauses 18 to 48 and Fifth Schedule agreed to and ordered to stand part of the Bill.

Assembly resumed.

Bill reported with an amendment, read the third time, and passed as amended.

Brigadier (Ret'd) Phillips: Hon. Speaker, I move the adjournment of the Assembly to 10.00 a.m. on Wednesday, 9th August, 2023.

ADJOURNMENT

BE IT RESOLVED:

“That the Assembly do now adjourn to 10.00 a.m. on 9th August, 2023.”

[*Prime Minister*]

Mr. Speaker: Hon. Members, the Assembly now stands adjourned to 9th August, 2023.

Adjourned accordingly at 3.22 a.m.